

COND REPORT

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(With an Appendix.)

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EAST INDIA—(CONSTITUTIONAL REFORMS)

A D D R E S S E S

PRESENTED IN INDIA TO

HIS EXCELLENCY THE VICEROY

AND

**THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR INDIA.**

Presented to Parliament by Command of His

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INDIAN CONSTITUTIONAL REFORMS.

ADDRESSES PRESENTED IN INDIA TO HIS EXCELLENCY THE VICEROY AND THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

INDIA OFFICE NOTE.

The 112 addresses summarised below were presented to the Viceroy and the Secretary of State between the 15th November 1917 and the 1st January 1918 by deputations representing the various associations and political, communal, and commercial bodies.

Twenty-six deputations were received at De'Li between the 15th and 29th November, 35 at Calcutta between the 3rd and 11th December, 24 at Madras between the 17th and 20th December, and 27 at Bombay between the 24th December and 1st January.

A very large number of associations representing various interests desired to submit their views on constitutional reforms. The selection of deputations was arranged by the Government of India, in consultation with the Local Governments, with a view to receiving from their accredited spokesmen a considered statement of the opinions on constitutional reform of as many sections, classes and interests in India as possible. But it was not possible to arrange for the reception of all the bodies that desired to make representations. In Appendix I. of this volume a brief summary is attempted of the addresses submitted by associations to which it had been impossible to accord a formal reception.

The Addresses included in Appendix I. present no special features distinguishing them from those which were formally presented. So far as they are capable of classification—and the same difficulties in this respect present themselves as those noticed below—it may be stated that 21 come from backward or depressed classes, 10 from Muhammadans, four from Christian bodies, two from Jains, two from Buddhists, three from traders or trading associations, and 17 from district or “people’s” associations. In some cases, which have been noticed, these Addresses were identical with one or other of the Addresses formally presented, or referred with approbation to a presented Address. No attempt has been made in the Appendix to describe the character of the several associations or bodies which forwarded the various Addresses enumerated there, but this will in most cases be apparent from their titles.

The order adopted in this summary is that of date. The deputations received at Delhi came mainly from the Punjab (10), the United Provinces of Agra and Oudh (10), and the Delhi Province (1); those at Calcutta, from Bengal (12), Assam (4), Bihar and Orissa (4), and Burma (5); those at Madras, from the Madras Presidency (21), Coorg (1), and Madrasis resident in Burma (1); those at Bombay, from the Bombay Presidency proper (18), Sind (2), and the Central Provinces and Berar (5). Associations of an “all-India” character, *i.e.*, not confined to membership to any province, were received at Delhi (5), Calcutta (10), Madras (1), and Bombay (2). In each case a private and confidential interview was accorded to representatives of the association after the formal presentation of the address. Each address in the series thus provided a basis for informal and confidential discussion.

In the summary below the character of each association is briefly described in order to make it clear for what interest each body claimed to speak, while a *précis*

is given of the main points contained in each address, salient passages being textually quoted. In some instances there was sharp difference of opinion between associations which claimed to represent similar interests: a feature due to the fact that the majority of the associations were not political bodies in the Western sense, but were representative of religious communities, or social classes, in which political opinion was not unanimous. Some of the associations are of old standing, and many of these (such as Chambers of Commerce) are not political bodies, but felt that the interests which they exist to represent must be affected by constitutional changes. Other associations are of very recent origin, and in some instances the announcement made on the 20th August 1917 by His Majesty's Government on Indian policy led to the organisation of bodies to represent particular interests. It is impossible to give any rigid classification of the deputations. Some are political associations in the ordinary sense, others denominational bodies, others are Chambers of Commerce, or associations of landholders, others again representative of particular castes or groups of castes. One individual might, and often did, appear as a member of several deputations, which represented, for instance, his religious community, his social class or professional interest, and his individual political views. Nor is it possible (except in a few instances such as the Anglo-Indian community or the Burmese) to classify the deputations by any racial criterion.

With due allowance for these difficulties of classification, it may be useful to state that 19 deputations represented landowners' interests and 11 commercial or business associations; 23 deputations were exclusively Muhammedan, one Sikh, one Parsi, one Jain, one Buddhist, five Christian, five composed of higher caste Hindus, while eight claimed to speak for lower or depressed castes. So far as race does not coincide with religion (as it does, for instance, in such cases as that of the Parsis), 12 addresses came from racially homogeneous bodies, eight deputations being European or Anglo-Indian, two Burmese, and one Karen (from Burma), while particular races (as distinct from castes) in India proper were represented by deputations from the Utkal or Uriya people (Orissa and the neighbouring territories), Andhra or Telinga (Madras Presidency), and the hillmen—Bhutias and Lepchas—of the Darjeeling district (Bengal Presidency). Any attempt at closer classification would be misleading.

It is equally difficult to classify the addresses on any basis of political opinion. For example, several deputations expressed general support of the scheme adopted by the National Congress and All-India Moslem League, but at the same time criticised some particular feature of it as unacceptable to the communities or interests which they themselves represented. But it may be useful to give some indication of the general trend of the addresses with regard to the main political or constitutional questions that attracted public interest in India. On the question of the extension of local self-government there was no substantial difference of opinion, all the addresses which mention the subject agreeing in principle that the local bodies should be popularised and that official control should be relaxed.

On constitutional questions generally the majority of the addresses refer to one or more of the three definite schemes which had been published and discussed—the Memorandum presented to the last Viceroy by 19 Members of the Imperial Legislative Council, the scheme adopted jointly by the Indian National Congress and the All-India Moslem League, and the Memorandum of the late Mr. Gokhale, published after his death. For convenience of reference these three documents are reprinted in full in Appendix II. to this volume. Some of the addresses commented on the fact that Government had not as yet promulgated any detailed scheme of constitutional reform. The Congress-League scheme is substantially the basis of 40 of the addresses (including in this figure Provincial Committees of the National Congress).

With regard to the constitution of the executive government in the Provinces, the majority of the addresses propose that each Province should be under a Governor in Council. Opinions differ as to the exclusion (whether by law or by practice) of members of the Indian Civil Service from the highest executive posts. There is a general consensus of opinion in the Indian addresses that half the executive council should be Indian, but sharp difference as to the method of their appointment, the alternatives being nomination (as at present) and election by the elected (or, alternatively, the non-official) Members of the Provincial Legislative Council.

The composition, and method of election of the Provincial Legislative Councils bulks more largely in the addresses than any other subject. Enlargement of these Councils is generally advocated, as is a substantial majority of elected members. A Second Chamber is suggested by four bodies representing landowners. As regards the electorate, there is a very general demand for a broader franchise than the present one, and while opinion is divided as to direct or indirect election, the great majority of these addresses which mention the matter prefer direct election. The principle of an universal system of purely territorial constituencies is recommended by a few Hindu associations, but the communal representation of Muhammedans had been accepted by the Indian National Congress, and is strongly pressed in the Muhammedan addresses. The extension of communal representation to classes other than the Muhammedans, strongly opposed by the Congress school of thought, is advocated in several of the landowners' addresses, and is earnestly sought by the Sikhs, the Anglo-Indians, the Indian Christians, and the backward or depressed classes of Hindus. Several plans for the safeguarding of minorities by special representation, or for the better representation of commercial or industrial interests will be found in the addresses which do not follow the Congress-League scheme.

There is a general demand for "provincial autonomy," though comparatively few of the addresses discuss in detail the apportionment of powers between the Provinces and the Government of India. There is also a general opinion that the powers of the Legislative Councils should be increased so as to subject the Executive Governments of the Provinces to a large degree of control by the Legislative Councils in legislation, administration, and finance. The proposal of the Congress-League to make resolutions on administrative matters binding on the Executive Government (subject to a limited veto of the Governor), to require all items of expenditure to be embodied in money bills, and to reserve to the Governor-General alone the power to veto bills passed by the Legislative Council, is accepted in general terms by very many associations, though others hesitate to go so far, or have their own suggestions.

With regard to the Government of India, there is general agreement that (as in the Provinces) half the members of Executive Council should be Indians, while opinions again differ sharply between nomination and election. The present statutory obligation that a certain proportion of members of Executive Councils should be (not members of the Indian Civil Service, as is often stated, but) persons who have rendered a certain number of years in the service of the Crown in India meets with much criticism.

The composition of the Imperial Legislative Council (on which there is at present an official majority, while Provincial Legislative Councils have unofficial, though not necessarily elected, majorities) was less discussed than that of the Provincial Legislative Councils, but opinions fell into much the same divisions. A substantial non-official majority was widely advocated. A Second Chamber was strongly urged by several landholders' associations. While there was a general feeling that direct electorates should be widened, the retention of indirect election in the shape of election to the Imperial Legislative Council by members of the Provincial Legislative Councils was approved by many bodies (including the National Congress and All-India Moslem League) that desired direct election to the Provincial Councils. Many pleas were offered for the better representation of special interests or minorities. Opinions differed again as to the powers of the Imperial Legislative Council over the Executive.

A considerable body of opinion was in favour of great relaxation of the control exercised on behalf of His Majesty's Government by the Secretary of State over the Government of India in all matters except foreign and military affairs.

The Congress-League proposal for the abolition of the Secretary of State's Council met with marked support, though as alternatives the election of a portion of the Council or the appointment of a definite number of Indian members is discussed in some quarters. There is a decided preponderance of opinion in favour of placing the Secretary of State's salary on the British estimates. Several proposals were made for the allocation to Indians of at least one of the India Office Under Secretaryships of State.

Proposals for territorial re-arrangements in India appear in several of the addresses.

The addresses presented on behalf of depressed classes enter very little into constitutional detail, but express strong apprehension of the effect on their communities of any grant of "Home Rule" in the shape of a transfer of power to the higher classes of Indians.

The reason for the presentation to Parliament of a mere summary of the addresses is the great bulk of the full texts. Many of the addresses were accompanied by lengthy memoranda, and a reprint of the full texts would occupy not much less than 1,000 printed pages. The amount of space allotted to each summary has been decided not by any theory as to the importance or representative character of the particular body presenting the address, but by the necessity of presenting the various points of view intelligibly so as to attempt to make clear the line of argument adopted in each case. A complete set of the addresses presented by the deputations, in four volumes, has been placed in the Library of each House.

INDIA OFFICE,
October 1918.

ADDRESSES PRESENTED IN INDIA.

A.—At Delhi.

1.—THE INDIAN ASSOCIATION, DELHI.

The Indian Association, Delhi Province, which had a membership of under 100, supported the Congress-League scheme of political reform. After a protest against the Press Act, the Arms Act, and the Defence of India Act, the Address continued :—

“ We have enjoyed a long spell of peace and prosperity under the guardianship of Great Britain, and our guardians have so far fulfilled the trust Providence reposed in them to the best of their ability. From the anxious care they have lavishly bestowed on us have flowed mutual benefits. If we failed to acknowledge this debt of gratitude we would be found wanting in our distinguishing Oriental trait. But, Sir, no tutelage, which does not terminate with the nonage of the ward can long remain immune from uncharitable suspicions, and, therefore, we duly appreciate the unequivocal declaration by you of the goal for which it is the British administration's aim to prepare this country. We may, however, never be any nearer our appointed destination than we are to-day unless the Government of the country is made adequately representative and directly responsible to the people themselves. And in this respect the scheme of reforms adopted by the Indian National Congress at its 31st session last year, and subsequently approved and adopted by the All-India Moslem League (these two being the responsible representative deliberative assemblies of the Indian people), embodies the irreducible minimum of the share of responsibility which may be conceded to this country as the earnest of the assurances and promises vouchsafed to us in Royal proclamations and responsible announcements.

“ But apart from the reforms advocated in the scheme just alluded to there are some laws of the country which render all our attempts at self-realisation nugatory. For instance, the humiliating disabilities imposed upon us by the Arms Act are as much the violation of the sacred Rights of Man as they are calculated to wound our self-respect. Again, the executive authorities of this country are accountable to none, representing the interests and the will of the people, and to this can be traced all the official arbitrariness which is tolerated in the all-comprehending name of *prestige*.”

The Association asked for a territorial enlargement of the Delhi Province under a Governor in Council, the establishment of a local University and Final Court of Appeal, and the reconstitution on a more popular basis of the Delhi Municipal Committee. Pending the reconstruction of the Province, it was urged that it should be represented both in the Punjab and the Imperial Legislative Councils.

2.—THE PUNJAB PROVINCIAL MUSLIM LEAGUE.

This body was formed when the Punjab Muslim League refused to follow the All-India Muslim League in adopting a joint political programme with the Indian National Congress. The Provincial Muslim League presented a Reform Scheme which generally followed the Congress-League scheme, but contained the following variations :—

- (1) In all Executive Councils half the members should be Indians, to be elected by the elected members of the Legislative Councils, and half the Indian members Muhammadans.
- (2) In the Imperial Legislative Councils one-third of the elected Indian members should be Muhammadans, elected by separate Muhammadan electorates in proportions corresponding to the number of Muhammadan representatives on Provincial Legislative Councils.
- (3) India should be represented in the Imperial Parliament (or any Imperial Council) “ in like manner with the Dominions and with equal rights.”

The Address, after words of welcome, opened with an expression of the identification of India with the struggle against "the forces of darkness and evil which the brutal Hun has let loose upon the world."

"Suffused as India thus is with the true democratic feeling, it would have been a matter for surprise and wonder if she had let things within her own borders drift as before, and had not asked for a radical transformation of her own polity on the lines of, and in accordance with, the great principles for which Great Britain is so richly pouring forth her blood and treasure. As it is, the administration of this country rests in the hands of a close-knit and highly centralised bureaucracy which, whatever its responsibility to the Government at home, is certainly not responsible to the people of the country. Popular control is absolutely lacking, and the sons of the soil are powerless to make their influence felt in the various Councils that exist. The Morley-Minto Reforms, in respect of which it was claimed by Mr. Asquith in the House of Commons that they were not going to be automatons, the wires of which would be pulled by the official hierarchy, have belied the expectations of their authors and proved largely illusory. As regards the Viceroy's Executive Council, the Indian element introduced is too weak to materially influence the deliberations of the Council, and as regards the Legislative Councils, their powers are in the first place of too limited a character to affect the course of administration, and in the second, the large powers of nomination reserved to local Governments have made short work of that non-official majority which, according to Lord Morley, was such an attractive feature of the scheme. It is therefore submitted that the constitution of the Executive and Legislative Councils should be so materially altered as to give to the accredited spokesmen of the people a real and effective representation. The principle of popular control and responsibility to elected legislatures which underlies all civilised polities should without further delay be introduced into the Government of this country. This alone can soften that notion of subjection which constantly haunts and presses upon the Indian mind and makes him feel that he is not a citizen with equal rights and privileges of the great British Commonwealth.

"Having thus indicated the lines on which general reform must proceed, it is our further duty to press upon your attention the special and peculiar claims of the Muslim community. The followers of Islam in India constitute a compact and solid minority which, by virtue of its numbers and its admitted historical importance, cannot be rightly passed over in any readjustment of the constitutional machinery of this country. Always the first in defence of the Empire, their services and sacrifices in the present war have more than vindicated their claim to special treatment. Their Hindu countrymen have after years of struggle at last acknowledged their right to separate electorates, and it is therefore prayed that in the election to the Provincial and Imperial Legislative Councils, the Muslims should invariably have separate electorates. The principle should also be given wider scope and introduced in the elections to the Municipal and District Boards."

3.—THE PUNJAB MUSLIM LEAGUE.

This body seceded from the All-India Muslim League, and is not a party to the "joint scheme." The scheme that it submitted adopts that as a basis, but departs from it in several important particulars.

"Sir, the memorable announcement of policy, made by yourself in the House of Commons on 26th August last, that self-government within the Empire was the ultimate ideal of His Majesty's Government for this country, has sent a thrill of satisfaction throughout the length and breadth of India. For that epoch-making announcement all sincere well-wishers and advocates of India's progress are indeed deeply grateful. The Muslim community, in common with the rest of their countrymen, sincerely welcome that declaration. In view of the complicated political conditions obtaining in this country and at the present stage of our country's development, however, it is impossible for the Muslim community to commit themselves to any particular form of self-government—Home Rule or Colonial—as the ultimate constitutional goal for India. It is our sincere conviction that no cut-and-dried scheme of self-government, found successful in other parts of the Empire under political conditions vastly different from those obtaining in this country, can be safely grafted into our system of government. Speaking generally, however, we are

inclined to agree with what you said in the House of Commons on the 12th July last 'that the creation of "self-governing provinces organised and co-ordinated, not as 'one great Home Rule country but as a series of self-governing provinces and 'principalities federated by one central government' should be the ultimate goal in India.

" Sir, we firmly believe that the realisation of this goal of self-government in India must be the result of a process of evolution suitable to local conditions in which all the important communities must play their respective parts. The system of purely territorial electorates which has been found successful in homogeneous populations in some parts of the Empire is, in our judgment, entirely unsuited to the existing complicated political conditions in this country. We find ourselves in complete accord with Lord Islington that here franchise must, in the main, be based on communal lines. Mixed electorates on territorial or other basis not only result in entirely disproportionate representation of the various important interests, but also furnish periodically recurring causes of friction between the various communities in the highest degree detrimental to inter-communal amity and co-operation as well as to the smooth-working of the administrative machinery.

" Sir, in view of the important position occupied by the 70,000,000 of His Majesty's Mussalman subjects in India, of the part they have played in her past history, of their traditional loyalty to the British Crown and of the valuable services they have rendered, under circumstances unparalleled in history, in upholding the honour and glory of England in this international upheaval, no scheme of reforms would be satisfactory which did not secure to them adequate representation in whatever constitutional and administrative changes may be introduced in this country. Replying to the address, presented to him on behalf of the Indian Mussalmans by an All-India Muhammadan deputation headed by His Highness the Aga Khan at Simla on 1st October 1906, His Excellency the Earl of Minto was pleased to observe :—

" 'The pith of your address, as I understand it, is a claim that in any system of representation, whether it affects a municipality, a district board, or a legislative council, in which it is proposed to introduce or increase an electoral organisation, the Mohammadan community should be represented as a community . . . and you justly claim that your position should be estimated, not merely on your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you.'

" This clear and unequivocal acknowledgment of our community's claim, in part carried out in the Minto-Morley Reforms of 1909, was again repeated by His Excellency Lord Hardinge in the reply to the address presented to him on behalf of the Punjab Muslim League at Lahore on 2nd April 1911 in the following words :—

" 'I have listened with much pleasure to your appreciation of the scheme of reforms so recently introduced and note your quickness to appreciate the confirmation by my Government in the Legislative Council of the pledges that have been given to you. You may rest assured that pledges once given by Government will not be broken.'

" The Indian Mussalmans, inspired with an ardent faith in the pledges given repeatedly in such unambiguous language by the august representatives of our King-Emperor, now ask that, in the scheme of reforms to be introduced in India, His Majesty's Government will be pleased to carry out these solemn promises by the recognition, to their fullest extent, of the claims of the Muslim community to their legitimate share as a community in the contemplated constitutional and administrative developments, commensurate not only with their numerical strength but also with their political importance and the services they have rendered to the Empire. In this connection we beg, in particular, to invite your attention to the fact that the Punjab is the only province in which our community has not yet been granted separate representation on the Provincial Legislative Council."

The scheme annexed contains the following points :—

Provincial Legislative Councils to be two-thirds (not 80 per cent.) elected and one-third nominated, the elected members being returned by direct election on "a broader franchise than is the case at present." "The Muslim community should receive, through their own separate electorates, adequate representation" alike in the Imperial and Provincial Legislative Councils, "commensurate not only with their

numerical strength but also with their political importance." "Provincial Governments should be granted full autonomy in so far as internal administration of provincial affairs is concerned." The provincial Governors should be "ordinarily appointed from among public men in England." The Imperial Legislative Council should be expanded to 150, but no proportion of elected members is specified. The Governor-General's Executive Council should consist of nine members appointed by the Crown, of whom four should be Indians (two being Muhammadans), and two at least public men in England, no seats being reserved by law for officials. The Secretary of State's Council should be abolished, its place being taken by three Under Secretaries of State, of whom two should be Indians and one always a Muhammadan.

Separate communal representation for Muhammadans through their own electorates should be established in all municipal, district, and other local boards.

"In the preparation of this scheme we have borne three cardinal principles in mind:—

- "(1) Firstly, to avoid any change which may be calculated even in the slightest degree to impair the permanence and stability of the British rule in India.
- (2) Secondly, to put forward a scheme of reforms which constitutes the next natural development to the Morley-Minto reforms and is consistent with the stage of progress calculated to satisfy legitimate aspirations of the Indian peoples; and (3) thirdly, to safeguard the separate communal interests of 70 millions of His Majesty's loyal Mussulman subjects in this country."

4.—PUNJAB MUSLIM ASSOCIATION.

This body, founded in 1916, represents Muhammadan zemindars in the Punjab; it emphasised the claims of the agricultural classes as regards taxation and of Punjab Muhammadans as regards political privileges.

"In taxation, too, the members of the articulate classes with incomes equal to the humbler agriculturists have contributed much less to the State Exchequer than the agricultural classes, and this inequality taxation has been felt by the agriculturists. In any scheme or readjustment a revision of taxation so as to reduce it to the paying capacity of the poor agriculturists, and to make up the deficit by a proportionate taxation of a certain portion of other communities hitherto left out of account, would be desirable. The agriculturists keenly feel the rise in rates and taxes, and any remissions in their favour will be a source of great satisfaction to them, and will make them all the more grateful to the Government. They realise that their interests are absolutely bound up with the British Raj, and they fervently pray for its permanence and for the victory of the British arms in the present world-wide war."

Attention should be paid "to the interests of the Muslim zamindars, who form the great bulk of the population in this province, and who have a real stake in the country. They served Government with devotion in the year 1848-49, about the time of the annexation of the Punjab, and then again during the Mutiny of 1857. Ever since they have been providing soldiers to the Army and fighting the battles of the Empire all over the world. In the present war they have not only contributed large numbers of men, but in contributions of money they have not lagged behind their wealthier neighbours of the money-lending classes. They have fought from time to time on the frontier and elsewhere against their own co-religionists, a task which no other community has had to perform. They are, however, not so articulate as some other communities, and their interests deserve to be jealously watched and protected by their benevolent Government. In offices of trust and responsibility, and in the magistracy and the judiciary of the province their share hitherto has been very small, and this has caused them some irreparable losses in the past. With the advance of education among them they are now able to satisfy at least the minimum educational qualifications for such positions."

“The question of constitutional changes to be introduced into the administration of this country can no more be treated as one belonging to the region of controversy. The Right Honourable Mr. Edwin Samuel Montagu, His Majesty's Secretary of State for India, and His Excellency Lord Chelmsford, our most popular Viceroy, have both announced in unmistakable terms that self-government is the goal of British policy in India. We accept this decision, but as the changes to be introduced must vitally affect the well-being and contentment of the agricultural classes which form 90 per cent. of the population of the Punjab, it closely concerns us that they should not be of such a startling character as to lead to an utter break with the past. The changes must be gradual, but of course substantial, giving to the representatives of the rural classes real power of making their influence and voice felt in the councils of the country.

“It will be recognised that the Muhammadans of the Punjab have, on all occasions, been foremost in the service of the King-Emperor. In the present colossal struggle they have unreservedly placed all their resources at the disposal of the Government, and have with their life-blood on the battlefields of three continents proved their unshakable devotion to the Crown. Their contribution to the fighting strength of the Empire has been unprecedented and out of all proportion to their numbers. They are easily the first, whether in recruitment or the amount of money which they have spontaneously subscribed to the various funds started in connection with the war. It is therefore our first request that, in any readjustment which Parliament may sanction, their claims to special recognition may never be lost sight of or forgotten.”

“We do not consider it desirable that all the reforms specified below be granted immediately, but a beginning should be made.”

The Association followed the Congress-League scheme in asking for a Provincial Legislative Council of 125 in the larger provinces, but recommended three-fourths (not four-fifths) as the elected proportion. A definite franchise was proposed, the payment of Rs. 50 a year as land revenue or income-tax. The Punjab should be given a Governor (either from England or from the Indian Civil Service) and an Executive Council of four, two of whom should be Indians and one always a Muhammadan. The Indian members should be elected by the elected members of the Legislative Council. In the Imperial Legislative Council, the scheme for which is based generally on that of the Congress-League, the representation of the Punjab should be equal to, if not greater than, that of other provinces; a percentage of the Punjab seats should be reserved for Muhammadans in proportion to their numbers in the province, and it would be desirable that two-thirds or three-fourths of these Punjab Muhammadan seats should be set apart for Muhammadan agriculturists. In the Secretary of State's Council half the members should be Indians, some of these being elected by the non-official members of Legislative Councils in India. The Indian members should be *ex-officio* members of the House of Commons. “In any scheme of Imperial reconstruction, India should be assigned a position equal to that of the “self-governing Dominions.”

5.—THE AHMADIYA COMMUNITY.

The Ahmadiyas are a not very numerous sect of Muhammadans, whose centre is Qadian in the Punjab. (The Lahore branch of this sect submitted a separate Address, No. 16.) The Address claims that the leader of the community, Hazrat Mirza Bashiruddin Mahmud Ahmad, has exceptional opportunities for obtaining direct information concerning the lives of all classes throughout India, as he “is responsible for the moral, social, political and spiritual welfare and guidance of the whole “community.”

“The people of India generally are not satisfied with their present lot, and the feeling of content is apparent merely on the surface. We, however, refuse to believe, as a section of the educated people do, that the cause of this discontent and unrest is the demand for self-government; for the majority of the people do not know what self-government means.”

The Address, which covers nine pages of print, ascribes popular discontent to four causes: (1) want of sympathy on the part of English officials (though "almost all the high officials of Government are free from this vice"); (2) the distinctive treatment accorded to Europeans, especially under the Arms Act; (3) the change in economic and social conditions, decreased productivity of the soil and high prices; (4) the absence of education adapted to the needs of the agricultural classes.

The Address lays stress on the religious differences existing in India:—

"The people of India are not yet able to shoulder the responsibilities and burdens of such far-reaching reforms, nor can it be laid down in how many years they will have acquired the requisites of a self-governing nation. There are certain defects and shortcomings the existence of which is a hindrance to the attainment of self-government, and the moment they are removed India will be fit to govern itself. It might take only 10 years, or it might take a century; no time limit can be fixed within which India is bound to attain the standard of a self-governing nation. These shortcomings are religious prejudices and the lack of justice and toleration in inter-communal dealings. A nation labouring under disadvantages in the face of acute religious and racial differences would be cursed and not blessed by self-government. A vast majority of Indian people are so devoid of the sense of toleration and impartiality that it would be hard to find a parallel to it among other nations of the globe. India is at the present moment the *arena* of religions. . . . Even at the present time, when there is no self-government in India, and in spite of the check exercised by British officials, religious persecution sometimes becomes quite unbearable. Our community has been in existence for 27 years. Our principles are very peaceful, since we believe in the truth of all the prophets who have appeared in different parts of the world. Our numbers are comparatively so small that we cannot conceivably be a source of trouble to other communities. Yet, throughout the whole of these 27 years, we have been persecuted by the followers of the different religions which flourish in this country. The different sects of Islam itself display an amount of hostility and bitterness towards us which cannot be expected even from the most implacable enemy of our sect."

Complaint is made of the effects of religious prejudice in departmental appointments, competitive examinations, elections, and commercial life. "The recent disturbances in Bihar bear testimony to the fact that religious prejudices are just as strong, perhaps stronger, to-day as they ever were." Therefore in the introduction of political reforms two principles should be observed:—

"(1) No changes detrimental to the interests of minorities should be introduced, and any change which proposes to take the final decision from the British element and to transfer it to Indian hands would be detrimental to the interests of minorities. (2) No change should be introduced by which the majority of the posts in the higher departments of the administration will be entrusted to Indians, for this change would have a result similar to that of the first."

The powers of veto proposed in the Congress-League scheme for the Governor-General and Governors are inadequate for good government, and the provision that no legislation should be passed affecting a community to which three-fourths of its representatives are opposed would fail to achieve its purpose. Small minorities should be represented by more members greater than their numbers would entitle them to on a proportionate basis. Election rules "should be so modified as to gradually introduce the people to a true knowledge of politics and the political situation, to enable them to express their grievances clearly, and to ensure the election of men who should represent the people in a true sense."

A scheme of reforms is appended (to be reconsidered decennially), the chief features of which are:—In Provincial Legislative Councils half the number of members to be elected, special arrangements being made for the representation of small minorities. In each major Province a Governor with an Executive Council of five (two Indians, one always a Muslim). The Governor-General's Executive Council to consist of four British and three Indian members, one Muslim, one Hindu, and one from each of the minor communities (*e.g.*, Sikh, Jain, Parsi, Christian) in turn. The Imperial Legislative Council to consist of 55 nominated and 15 elected members, besides members of the Executive Council. The Secretary of State's Council to consist of four British (two being retired Indian civilians), one Muslim, one Hindu,

and one from each of the minor Indian communities in turn. On an Imperial Federative Council India should be represented by the Secretary of State and an Indian member from the Indian public services.

6.—AGRA ZAMINDARS' ASSOCIATION, AND ZAMINDARS OF AGRA NOT BELONGING TO THE ASSOCIATION.

The Agra Zamindars' Association is composed of large landholders, payment of land revenue of Rs. 5,000 a year being a qualification for membership. The zamindars not belonging to the Association claim to speak for the lesser landholders, and are not opposed to the Association. (For the Address from the landholders of Oudh, the other portion of the United Provinces, see No. 7.)

The Association welcomes the announcement of the 20th August:—

“All classes and communities have bestirred themselves to submit and pray for their claims with a view to helping the Government in a spirit of reasonable and mutual co-operation in reaching the goal with a measured but sustained pace in the onward march of progress towards it. We therefore beg to lay before you, Sir, some proposals which we venture to submit we have a right to claim at the benevolent hands of the Imperial Government, loyal as we have been in all circumstances, and ever ready with our lives and wealth to support the Government in anxious times. These submissions are the minimum irreducible in the interests of our community. Some of the matters prayed for are of the form of privileges which are pressingly necessary for a community like ours, while others are essential as their absence is proving a serious drawback for our development and prosperity as landowners.”

The Association asked for adequate representation of the landed aristocracy of India on all elective bodies, from local boards to “the Imperial or Federal Parliament of the future,” and, by nomination, in the Indian Civil and other higher services; for an extension of the permanent land settlement throughout India, and for various privileges for its order, such as the possession of arms, enrolment in the Volunteers, and the exemption of persons with the rank of Raja or Nawab from appearance in Courts. No constitutional scheme was proposed by either section of Agra zamindars.

The zamindars not belonging to the Association submitted a similar Address, and asked for various concessions as regards the land and local government systems for their own class:—

“We the zamindars of Agra beg to make a declaration of our political creed that while welcoming all administrative reforms on liberal and broader lines, we deem it absolutely essential both in the interests of efficiency and protection of the minor factors of the population that the British element should never be so reduced in strength or impaired in power as to become an ineffective element in the political affairs of India.”

7.—THE BRITISH INDIAN ASSOCIATION, OUDH.

This is the organisation of the talukdars or landed aristocracy of Oudh, who hold their estates by *sanad* from the Crown. The Address was on lines similar to those of the Agra zamindars (No. 6). They presented no scheme of political reform, but laid stress on second chambers. They asked for the establishment in Oudh of a college for military cadets, and the institution of an Indian citizen army, and adverted to certain matters of provincial administration.

“As desired by our community, we beg to urge our claims in the impending scheme of reform and their consideration at the hands of our beloved Sovereign's representatives. We have always stood for law and order, and we feel with satisfaction that under the unity and influence of talukdars the province of Oudh has been immune from waves of excitement and discontent. Proud as we are of our great and glorious traditions, and jealous to safeguard our special position, we have always championed the cause of popular advancement and reform. In the event of liberal

reconstruction of administrative and legislative machineries of Government, the question of second chambers will come up inevitably. We, the talukdars, beg to submit that such a chamber, if composed of the mature and steady opinion of all influential classes and interests in British India exclusively, will meet our approval."

8.—THE UNITED PROVINCES MUSLIM LEAGUE.

This League, representing the more advanced Muhammadan politicians in the Provinces, is affiliated to the All-India Muslim League, and supported the Congress-League scheme. But they proposed that in all local bodies as well as the Legislative Councils no resolution or Bill affecting a community should pass without the concurrence of two-thirds of the representatives of that community. They further claimed for Muhammadans 40 per cent. of seats on all district boards and local bodies, asked for adequate representation of Muhammadans in the University and the public services, and for at least one Muhammadan member on the Executive Council to be established in the United Provinces.

"We feel bound to give expression to our sense of satisfaction and gratitude for the declaration of policy made in August last in the House of Commons that responsible government is the goal of the British policy in India, and we have no doubt that if this policy is steadily pursued it will lead to the happiness and prosperity of the people and link India to England with love and affection. We sincerely trust that your joint efforts for the development and progress of this country will bear fruit, and result in the realisation of the aspirations of the people of this country. It is not necessary for us to outline the scheme of reform here, as such a scheme has already been formulated by the two most important and representative institutions in the country, namely, the Indian National Congress, and the All-India Muslim League, which we have no doubt will be fully considered by you and by His Majesty's Government and meet with your approval."

9.—THE MAJLIS MUID UL-ISLAM, LUCKNOW.

This deputation of the "Supporters of Islam" claimed to represent the Ulama (Muhammadan Theologians) of all India. (See No. 11 for another representation from Ulama in the same province.) These Ulama explained that they thought it desirable, on the occasion of the Secretary of State's visit, "to confer together and discuss proposals affecting the welfare of the Muslims of India, and the protection, progress and perpetuation of the Muslim faith." They made no suggestions for constitutional changes, but submitted six resolutions adopted at a conference at Lucknow. ("Most of the points submitted herein for your consideration have, at one time or other, been materialised into rights and formed the basis of our allegiance to the Government.") (1) Complete religious freedom for Muslims; (2) that laws framed should not be repugnant to the precepts and traditions of Islam; (3) all disputes relating to the religious rites of Indian Mussalmans to be decided in accordance with the laws of Islam by Muslim judicial officers; (4) other communities not to be allowed to depart from the customary performance of religious rites as affecting Mussalmans; (5) wine-drinking and fornication to be declared crimes for Mussalmans; (6) the sanctity of the Holy Places to be respected in war.

10.—THE ANJUMAN-I-ISLAMIA, SAHARANPUR, UNITED PROVINCES.

This deputation represented the Mahommedans of the Saharanpur District. They recognised the need for changes, and for extending the political rights of the Indian people, and, while not proposing any complete scheme of reform, suggested certain principles as a basis. While adopting certain points from the Congress-League scheme, "we honestly believe, and we are confident that this belief is shared by millions of Mahommedan subjects of His Majesty, that the Joint Scheme of Reforms proposed by the National Congress and the Muslim League is positively ruinous to the cause of Mussalmans, because of its hopelessly inadequate provision for safeguarding Muslim interests."

"We most humbly suggest the following principles upon which the reforms may be carried out as soon as convenient after the close of the war:—

- "(a) Expansion of the Legislative Councils, provincial and Imperial, on the lines of separate electorates, maintaining a perfect equilibrium of affairs between Hindus and Mahommedans with a steady hand, and increasing the proportion of non-official representation.
- "(b) Giving more seats to Indians (Hindus and Mahommedans in equal shares) in the Executive Councils, both provincial and Imperial. The proportion of Indian and non-Indian members being equal.
- "(c) Throwing open to qualified Indians all high posts in the Government inferior to that of Lieutenant-Governor, and admitting Hindus and Mahommedans to them in equal numbers.
- "(d) Safeguarding the interests of this important minority of ours by disregarding the criterion of numerical strength at the time of granting political concessions; and thus keeping the Hindu and Mahommedan in equal proportion in all Councils and higher grades of service in order to save them from total annihilation. With regard to all the reforms, which India urgently needs to-day, we beg to lay particular stress on the last of the above-mentioned principles, the least departure from which would mean taking us out of the protection of our benign Government, and placing us at the mercy of our political rivals. Without in any way meaning to discredit our Hindu brethren by expressing our distrust of them to such an extent, our instinct of self-preservation impels us to always keep at a safe distance from them in politics, while exchanging courtesies and social amenities in daily life. We are fully convinced that without *equal* strength we are not for one minute safe with them in the political arena, because their interests would be so diametrically opposed to ours, and their angle of vision so irreconcilably different. For this they are not to be blamed. A powerful nation has never in history spared its weak rival. It is more or less the law of nature. Therefore our safety lies in possessing equal strength with the Hindus, and having the British Government as our parent referee in case the two children ever show a militant spirit."

11.—THE MAULVIS OF DEOBAND, UNITED PROVINCES.

These Maulvis are *alumni* of the Dar-ul-ulum ("House of Knowledge"), a Muslim seminary at Deoband, and claimed to be representatives of the spiritual heads of the Muslim community in India. Like the Ulema of the Muid-ul-Islam (*see* No. 9) they claim that Mahommedan rights and privileges should be maintained amid any changes. They presented a scheme which contained no suggestions as to constitutional machinery except that "at least one Mahommedan doctor, well versed in Mussalman Theology," should be nominated by Government to each Legislative Council. The remainder of the scheme dealt mainly with State encouragement for religious education.

"The Mahommedan scholars have thought it best to remain peacefully engaged in teaching precepts of Islam, and so they have hitherto kept aloof from politics. But now it is possible that some changes may be made in the administration of the

country as is generally believed to be the result of your Lordship's visit to India, and it is possible that some administrative changes might dangerously affect the rights and interests of Mahomedans."

12.—UNITED PROVINCES MUSLIM DEFENCE ASSOCIATION.

This is a recently formed organisation of the more conservative Muhammadans of the United Provinces.

"Your epoch-making announcement has created a feeling of confidence and assurance in the hearts of all thinking and enlightened people in this country. The Muslim community, like the rest of the educated and enlightened Indians, realising the full significance of this declaration of policy, immediately took its bearings with reference to the many cross-currents of political thought and conflicting interests which unfortunately exist in this country, and has arrived at the conclusion that any large measure of self-government which might curtail the moderating and adjusting influence of the British Government would be nothing short of a cataclysm."

"That the constitutional machinery requires overhauling no one can gainsay, and that Indians should be given a much greater share in the administration of their country, no true friend of India can deny. But in a country like India with its heterogeneous population, full self-government should, we submit, be the result of a process of evolution in which all the communities should participate. A system of purely territorial electorates which may have been found workable in homogeneous populations in some parts of the Empire is not, in our humble judgment, suited to this country for the present."

The Association urged that three cardinal principles should form the basis of reforms: (1) the maintenance of British influence; (2) a natural and logical development of the Morley-Minto scheme; (3) the safeguarding of the separate communal interests of Indian Muhammadans.

A scheme of 48 clauses was submitted, nearly identical with that of the Punjab Muslim League (No. 3), but differing from it in suggesting in all Legislative Councils an equal number of Hindu, Muhammadan and European (with Anglo-Indian and Indian Christian) members, in leaving the maintenance of law and order to the Executive, and in making special provision for Muhammadans in the Universities, public services, and Army and Navy.

13.—UNITED PROVINCES CHAMBER OF COMMERCE, CAWNPORE.

This is a purely Indian body (the Upper India Chamber of Commerce, Cawnpore, including both European and Indian firms). While presenting no formal scheme, the Association laid stress on the intimate connection of political reforms with economic problems.

"In order that the policy of the State may be in harmony with the requirements of the people, Government should as far as possible be representative of and responsible to the people themselves. The existing constitution of the Government satisfies neither of these conditions. And it is essential for the economic well-being of the nation that it should be reformed both on its executive and legislative side, so as to give the accredited representatives of the people an effective voice in its counsels."

The Association asked for a Governorship in Council (half to be Indians) in the United Provinces; a substantial elected majority ("elected by the people on as broad a franchise as may be found possible") in the Legislature, which should have "a reasonable measure of control over the act of the executive." The Provincial Government should have "financial autonomy" and "a free hand in pursuing an active

policy of State-aided industrial development and commercial expansion." The Government of India should be responsible not to the Secretary of State but to its own Legislative Council, in which a majority should be elected, "care being taken that the Indian industrial and commercial interests receive adequate representation. Half the Members of the Viceroy's Executive Council should be Indians.

"Above all, it is important that the Government of India should have the right of determining the fiscal policy of the country as the Dominions possess. Without this, the enormous possibilities of the development of India's economic resources cannot be realised."

14.—JOINT DEPUTATION OF THE ALL-INDIAN KSHATTRIYA MAHASABHA AND THE AHIR KSHATTRIYA MAHASABHA, UNITED PROVINCES.

The Ahirs are a Hindu agricultural caste, numbering nearly 10,000,000 in India, who lay claim to Kshatriya (Rajput) descent, "but," the United Provinces Mahasabha observed, "it is a matter of the deepest regret and ridicule that they have no voice at all in the governing of India, and go entirely unrepresented on the higher and lower Government posts of all sorts. Their abnormally backward education is to some extent responsible for their degradation, but when-deserving youths can be had from this community they ought to be given preference over their more vocal substitutes from other communities who are assiduously at work in keeping them deprived of their well-deserved meed. All fairness demands that the dose of invalidity be at once administered to it to give it a normal pulse." Separate addresses were submitted by each Mahasabha, but these were of practically identical terms, laying stress on the military services of Ahirs, and on the importance of agriculturists in the nation, as contrasted with their present backwardness. "The whole congested Ahir population," said the All-Indian Mahasabha, "cannot boast of more than two dozen graduates in all. The cost of education prevents parents of ordinary means from dedicating their progeny to the worship of Minerva. The recurring settlement gives him no breath, and the repeated enhancements every time make his condition worse. The cost at which justice is sold in India is beyond his means."

The All-Indian Mahasabha put forward seventeen points, the majority of which hardly come under the head of constitutional reform. Thus they asked for free and compulsory education, better pay for soldiers, a prohibition of cow-killing, and exclusion from district board franchise of urban residents who own village land. In the purely constitutional sphere they sought Governorships in Council in all provinces, the Indian representation in Legislative Councils to have a real and effective voice, complete provincial autonomy "if possible," separate representation of agriculturists (as distinct from zamindars), and five Ahir seats in the United Provinces Legislative Council, four in Bihar-Orissa, two each in the Punjab Central Provinces, and two in the Imperial Legislative Council.

15.—THE PUNJAB PROVINCIAL CONFERENCE.

This deputation, consisting mainly of lawyers, represented the more advanced politicians of the Punjab. The Conference strongly supported the Congress-League scheme.

"The demand for self-government is not only universal but is now the demand of a united India. The charge of wide and irreconcilable communal and class differences, at all times largely exaggerated and misconceived, has lost all force. The two great peoples of this country, Hindus and Mahommedans, stand together, and they have vowed to respect all other important interests that should find representation in the Government and the Council chamber."

The Address emphasised the services of India in the war, and stated the claim of the Punjab to rank as a "major province" in any scheme of reform. There was

"no such lack of ability, integrity, initiative and practical common-sense" in the people of India as to stand in the way of self-government.

"We urge that the demand for self-government of a united India pulsating with rapidly growing national sense and sharing the general Eastern awakening, with the proved fitness of her sons in every office in which they have been tried, can no longer be deferred by the just and generous and liberty-loving British people who have taught India the meaning and virtue of freedom and the power and joy of self-rule."

The constitutional reforms of 1909 had failed "to secure to the people even responsible co-ordination in the work of Government, not to speak of a control over it."

"The scheme of reform proposed by the Congress and the Muslim League is a most modest one, and according to prevailing opinion in India states only an irreducible minimum and an overdue instalment of reform."

"The franchise should be arranged within the limits of the adequate representation of minorities on the broadest basis possible." The deputation also urged relaxation of official control over local self-government bodies.

16.—AHMADIYA ANJUMAN ISHAAT-I-ISLAM.

This body of about 50 persons, established at Lahore about 1914, represents an educated section of the Ahmadiya sect (*see* No. 5) which has engaged in political activity. The deputation urged the immediate adoption of the Congress-League scheme, which would establish British rule on a firmer basis "dealing at the same time a death-blow to all kinds of anarchical ideas." But the safeguards in the Scheme for important minorities require some extension. "No scheme of reforms would be successful which ignores this basic principle that the two streams of Hindu and Muslim advancement must run parallel." Muhammadans should be "fully represented" in all Executive Councils and the Secretary of State's Council, and on Legislative Councils should have a majority of elected members in provinces in which they form the majority, and rather more than their proportional ratio in others.

Education must be extended and the Arms Act repealed.

17.—PUNJAB ZAMINDAR CENTRAL ASSOCIATION.

This Association was originally known as the Jat-Sikh Association, and claims to speak on behalf of the Hindu and Sikh agriculturists of the Punjab. About one-third of the 25 gentlemen forming the deputation were lawyers, and one-third retired soldiers.

"We beg leave to submit that Jats constitute by far the most important community in the Punjab, and the reforms they would most respectfully suggest are not based on religion, but on the community of interest in being of the same occupation, viz., agriculture. Amongst the Sikhs 75 per cent. and among the Hindus 50 per cent. are agriculturists."

"They believe that if the present system of administration of justice and finance could be decentralised and the Civil Service made more economic, it would do them an immense good. They feel extremely gratified at the recent announcement made by His Majesty's Secretary of State for India giving out hopes of increased association of the Indians in the government of the country in all its branches."

The deputation submitted a Memorandum on Reforms including 61 points, largely based on the Congress-League scheme. But while going beyond that scheme in elaborating the details of an extensive system of local self-government with no official control, they asked that at least two-fifths of the Viceroy's Executive Council should have over 10 years' administrative experience, the rest being nominated from among eminent British and Indian public men. Half the members of a Governor's Executive Council should be Indians, not less than half of these being elected and the rest being nominated "so as to secure the presence of at least one zamindar." In the

Imperial and Provincial Legislative Councils four-fifths should be non-officials, one-fourth of these being nominated and three-fourths elected. In the Provincial Legislative Councils the rural population should have a preponderating share of elected seats, ordinarily one member for each district.

“The interests of important minorities and backward classes should be safeguarded without, so far as possible, having recourse to communal representation.”

18.—CHIEF KHALSA DIWAN (PUNJAB).

This body was founded in 1909 to reform and improve the condition of the Sikh community and to represent their needs to Government. On behalf of that community it submitted a memorandum containing 44 clauses.

“Whatever reforms are granted to the country they will not satisfy the Sikhs unless and until separate and adequate representation of their community is therein distinctly provided for. The Sikhs can no longer afford to remain in a subordinate and helpless position in comparison with their sister communities, especially if the councils, both executive and legislative, are to be expanded and are to wield extended powers.”

The address dwelt on the services and the importance of the Sikhs, who claim to supply 20 per cent. of the Indian Army and one-third of the Punjab contingent (though forming only 12 per cent. of the Punjab population). Their “bitter experience” under the Reform Scheme of 1909, “when we had not pressed for our just rights and dues, leaving them to be decided by the Government,” impelled them now to formulate a statement of their views. The Reform Scheme appended recommended Executive Councils of six in the Provinces, of whom three should be Indians (in the Punjab one always a Sikh); Provincial Legislative Councils in major provinces of from 75 to 100, two-thirds elected: one-third of the non-official members in the Punjab to be Sikhs, and “adequate provision” made for Sikh representation in other Provincial Councils. The Viceroy’s Executive Council of eight should have four Indian members, one always a Sikh, one a Muhammadan, one a Hindu. The Imperial Legislative Council of 150 members should be two-thirds non-official, one-fifth of the non-official seats being held by Sikhs. On the Secretary of State’s Council half the seats should be held by Indians, and one-third of these by Sikhs. Colleges for the military and naval training of Indian youths should be established in India, and in the granting of King’s Commissions due regard should be paid to communal representation according to the numerical strength of the rank and file.

19.—PUNJAB CHIEFS’ ASSOCIATION.

This Association represents the landed aristocracy of the Province, Sikh, Muhammadan and Hindu.

“Our attitude has been determined by our unshakeable conviction that the future development and progress of the Indian people is made dependent by a wise and benevolent province on a continued connection of this country with the British Empire. We have entire confidence that our claim to share in the expanding life of the different communities of this country will not be ignored. We respectfully but emphatically affirm that our stake in the country is enormous, and we hope and trust that nothing will be done to jeopardise these vital interests.”

The Memorandum appended covers a number of points connected with administration as well as constitutional change. They asked for a Governor in Council for the Punjab (civilians eligible for the Governorship), with half the members of the Executive Council Indians chosen “with regard to Indian public opinion.” A similar suggestion was made for the Imperial Executive Council. The Imperial Legislative Council should be given wider power over the whole budget and a definite and complete control over part of it. The Secretary of State’s Council should be remodelled on the lines of the Viceroy’s Executive Council, half of the six seats—with portfolios—being given to Indians. India should be given “its proper

place" in any scheme of Imperial Federation, and "the rights and privileges of "Indian emigrants to British possessions overseas be assimilated to other British "subjects." Indian industries should be "saved as far as possible from the harmful effects of extraneous competition." Special provision should be made for the Punjab aristocracy in local bodies, Legislative Councils, the services, and any future Federal Parliament.

20.—THE PUNJAB HINDU SABHA.

This Association was established at Lahore in 1907 to promote the welfare of the Hindu community, and claims the support of the leading Hindus in the Punjab. Its address dwelt on the part taken by India in the war, and urged that India should no longer occupy a position of subordination.

"The reforms that may be undertaken should give the people a truly effective control in the government of the country, and also remove those disabilities which place them in a position of inferiority and helplessness." The Morley-Minto scheme, "by providing for the separate and free representation of but one particular community, based purely on denominational considerations and introducing a factor of political importance, gave rise to invidious distinctions and thereby largely militated against the good results that the people of India expected from that noble scheme." The principle of special and communal representation puts educational qualifications and individual merit at a discount, and in addition to accentuating communal feeling, often stands in the way of the best representatives of the people being returned to the Councils." Care ought to be taken to abolish the "unwholesome principle" of communal representation, but, if it were retained, the Punjab Hindus, being "the most important minority," ought to have half the seats in the Punjab Executive and Legislative Councils, and one-half the Punjab representation in the Imperial Legislative Council. "With the above important reservation, we accept the scheme of reforms prepared by the Indian National Congress in concert with the All-India Moslem League, and we hereby give it our most cordial and whole-hearted support, as nothing short of it will satisfy the legitimate aspirations of the educated Indians."

A Reform Scheme of 47 clauses was appended, closely following the Congress-League scheme with the omission of all safeguards for minorities.

21.—ALL-INDIA COMMITTEE OF THE INDIAN NATIONAL CONGRESS AND OF THE COUNCIL OF THE ALL-INDIA MOSLEM LEAGUE.

The deputation included members from almost every Province of India, and presented the Joint Scheme printed in Appendix B., with a Memorandum of 32 pages in support of the proposals. The introductory address (four pages) opened with an acknowledgment of "the great and good work that Great Britain has accomplished in India."

"The protection of the land from invasion from without and the establishment of peace and order are in themselves no mean achievements, but it is a prouder title to glory that she has produced a new intellectual awakening, a national consciousness and an eager longing for freedom among the heirs of ancient civilisations who had unfortunately fallen from their high estate. It was a great truth which Lord Ripon of blessed memory felicitously uttered when he described educated Indians as the children of British Rule, and we can assure you, Sirs, that Sir Bartle Frere's observation is as correct to-day as when he made it, that no section of the people of India appreciate the advantages of that rule more highly than those whose minds have been broadened by the liberal English education which will for all time stand as Britain's most imperishable monument in India. Their very political aspirations are a tribute to the success of her mission in the East. 'The proudest day in the annals of England' which Lord Macaulay foresaw has come, and Indians to-day demand that Self-Government which Englishmen have always fervently believed to be the indispensable condition of self-respecting national life. The Indian National

Congress, which a renowned Indian statesman described as 'the greatest triumph of British administration and a crown of glory to the great British nation,' is the highest expression of this sacred national aspiration, and the ideal of the Congress is also the ideal of the most important organisation of Indian Musalmans, the All-India Moslem League. The authoritative announcement which was made simultaneously in England and India on the 20th of August last, that His Majesty's Government, with the complete accord of the Government of India, accept responsible government for India as an integral part of the Empire as the goal of British policy, was therefore received by the country with no ordinary feeling of satisfaction. For that epoch-marking declaration, Sirs, we, Indians of all creeds, classes and communities, are deeply beholden to His Majesty's Government as well as to the Government of India.

"We submit that, to ensure the early realisation of this ideal, the reforms that are to be introduced as a first instalment should confer a substantial measure of power on the people acting through their chosen representatives in Councils, and, further, that the determination of the future steps of progress towards the goal should not, as has been proposed, be left entirely to the Governments in India and England. It ought to be recognised that the people of India themselves, as the party principally affected, have a right to a voice in the decision of a question which is of such supreme moment to them. We beg to suggest that a joint committee of the two Houses of Parliament will, perhaps, be about as suitable a tribunal as can be thought of to adjudicate on the issue, after hearing the representatives of both the Government of India and the people. We hope that this point will be taken into consideration by His Majesty's Government.

"We are not less grateful for the decision to introduce a substantial first instalment of reforms at as early a date as may be practicable. We beg leave to observe, Sirs, that the proceedings of the annual sessions of both the Indian National Congress and the All-India Moslem League are a living proof of the imperative need of liberal reforms in all directions—constitutional, financial and administrative. Amelioration of the material condition of the masses, as well as the satisfaction of the political aspirations of the classes, has throughout been the anxious concern of these organisations. They have persistently advocated reforms in land revenue policy and administration, measures for the relief of agricultural indebtedness, agricultural education and agricultural improvement, rapid progress in the construction of irrigation works; an active policy of industrial development and technical education; the wider diffusion of education in all its branches; retrenchment of public expenditure, and reduction of taxation pressing heavily on those least able to bear it; reform of the police, and of the system of administration of justice; temperance reform, and lenient forest rules; the improvement of public health, and adequate provision of medical relief; the re-institution of village panchayats;—all which are designed and calculated to make life more worth living for the tens of millions of our poorer countrymen, with whose condition, as it is, no one can affect to be satisfied."

The position of India in the Empire is then discussed.

"Before taking leave of you, Sirs, we would invite attention to the very important subject of India's status in the Empire. Our claim in one word is that she should be lifted from the position of a dependency to that of equality with the dominions. The relation of the two should be mutual in the complete sense of the term. We submit that if the dominions are to exercise any rights in relation to India, the latter should have the power to exercise the same rights in relation to them. In any Council or Parliament of the Empire which may be constituted at a future date, India should be represented in like manner and in an equal measure with the dominions. Unless this is done, the participation of the dominions in the governance of our country without a corresponding right in us to participate in the governance of them will mean a lowering of even our present unsatisfactory status which will arouse the strongest opposition in this country. We hope and trust that His Majesty's Government will never entertain any such proposal. In the meantime, we request that India may be allowed to be represented in the Imperial Conference (and in the Imperial Cabinet if any such should be constituted) through persons elected by the elected members of our Legislative Councils. We are beholden to His Majesty's Government and the Government of India for the privilege accorded to India in the beginning of this year, of sending three gentlemen to represent her in the Imperial War Conference and the Imperial War Cabinet. Nor are we less sensible of the value of the unanimous resolution recorded by the former body in favour of the regular representation of India at future ordinary sittings of the

Imperial Conference. The constitutional position of the Government of India being what it is in relation to His Majesty's Government on the one side and to the people of India on the other, its nominees cannot have the character of representatives or spokesmen of the people, as have the Ministers of the dominions which are endowed with responsible government. In this view of the matter we are constrained to submit that during the period of transition from the existing system to responsible government, the representatives of this country in the Imperial Conference and the Imperial Cabinet should be allowed to be elected by the elected members of the Legislative Councils in India."

The 32-page Memorandum that follows gives an account of the development of the National Congress, criticises the Morley-Minto reforms, and explains that the Joint Scheme arose out of a resolution of the National Congress of 1915, authorising discussion with a committee of the All-India Moslem League, which resulted in the agreement of both organisations in 1916. Fifty-six "unsatisfied demands" of the Congress are enumerated, ranging from the abolition of the Secretary of State's Council (demanded as long ago as 1885) to amnesty of political prisoners (1910). The existing system of government is described as detrimental to economy and defective in efficiency. The attitude of Europeans in India is criticised, and it is argued that the safety of British capital invested abroad is not dependent upon British political control, and would not in fact be endangered by Indian self-government. The view is maintained that until full responsible government is granted, the Indian members of the Executive should be elected by the elected members of the Legislature, in order to ensure that they shall feel their responsibility to the people. The present franchise anomalies are set out. Representation should, "with such reservations as may be necessary," be as far as possible territorial and not based on class distinctions. The omission from the Joint Scheme of all mention of local self-government does not imply that the Congress or the League undervalue its importance, and the Memorandum offers suggestions for its extension.

Educated Indians, in ardently claiming "the practical recognition of the rights which are legitimately theirs in their own country," had been actuated as much by the desire to exercise them "in the interest of their less-favoured brethren" as "by the promptings of their own national self-respect."

"The experience of years has convinced us that under the existing system social and economic reform has much less chance than the well-being and advancement of the people demands, and that Indian public opinion is more powerless than effectual. Service and sectional interests are not always subordinated to the common weal, and that the system should be altered so as to make the will of the people prevail as far as may be in all matters of internal administration."

The Scheme of the Nineteen Members (printed in Appendix B) was described as in accord with the Joint Congress-League Scheme. As regards the latter, it was urged that "the basal principles on which it is founded are, firstly, that the British connection with India should be safeguarded; and secondly, that subject to this fundamental reservation the character and constitution of the Government of India and the provincial Governments should be transformed so as to make them representative of and responsible to the people acting through their elected representatives in Councils."

It was claimed that the powers proposed for Legislative Councils were not extravagant:

"Adequate safeguards have been provided to prevent the adoption of hasty or unsuitable measures, legislative, financial, or administrative, as well as to protect the interests of minorities."

22.—THE UNITED PROVINCES PROVINCIAL CONGRESS COMMITTEE.

This branch of the National Congress submitted a 13-page Memorandum in support of the Joint Scheme. The opening address expressed gratitude for the announcement of the 20th August.

"We rejoice that the British Government has definitely pledged itself to responsible self-government for India as the goal towards which progress shall be made in future, and that Indians will be associated in increasing measure with the

administration of their country. It would be idle for us to claim perfection for our scheme (the Congress-League Scheme), but then we shall venture to submit that it does represent the considered opinions of those who are deeply interested in the future of their country, and who, in spite of what their detractors may say to the contrary, maintain that the fruition of their aims depends on the continuance of the British connection with India, and that no other scheme has yet been placed before the country by any other organisation which thinks that the basis of reforms should be different to ours."

As regards the United Provinces, the appointment of a Governor "is long overdue," and the Legislative Council is far too small.

The Memorandum described it as "unprofitable to trace the origin of the present unrest or to examine the causes which have changed the face of Indian politics during the last three eventful years"; but protested against "the short-sighted and unnecessary opposition to the conciliatory policy of the British and Indian Governments engineered by vested interests in England and in India." Of the 100 seats proposed for the United Provinces Legislative Council four should be given to Europeans, four to landlords, three to Universities, 27 to Muhammadans, and the remaining 62 to general electorates (16 to towns, 46 to territorial constituencies outside the large towns). The franchise should be considerably extended, but "it is not unlikely that the total number of voters may fall short of 1 per cent. of the population," as was the case in the Japanese Lower House under the Constitution of 1889.

23.—THE HOME RULE LEAGUE FOR INDIA.

The Home Rule League at the end of 1917 claimed to have over 27,000 members. Its Honorary President was Sir Subramania Iyer and its President Mrs. Annie Besant. In the address presented at Delhi the Home Rule League accepted the Congress-League scheme as a transitional stage to the goal of self-government.

"We look to His Imperial Majesty's Government to carry out the pledge of the Premier, that—

"The leading principle is that the wishes of the inhabitants must be the supreme consideration in the re-settlement. In other words, the formula adopted by the Allies with regard to the disputed territories in Europe is to be applied equally in the tropical countries."

"While these words were not spoken of internal government, the principle is of universal application, and we feel sure that Great Britain will not deny to the Indian people the right which, with her Allies, she enforces everywhere else, and that she will not maintain in India a bureaucratic and irresponsible Government, which, with the help of Indian soldiers and Indian money, she and her Allies are fighting to destroy everywhere else in the world. We believe that the British Government will meet our claims with sympathy, and that the Government of India, as they have already shown, are in full accord with British feeling. We therefore ask for self-government, for a Government responsible to the elected representatives of the Indian nation, both in the Provincial Councils and in the Supreme Council—the National Parliament. But as a first step, we are willing to accept a transitional stage to this goal, and this is embodied in the Congress-League scheme, described in the memorandum we present with this address. This scheme provides for an irremovable Executive Council, consisting of equal numbers of nominated and elected members, the latter being Indians; for a Legislative Council of four-fifths elected members and one-fifth nominated; control over the purse is given to the Legislative Council, so that where opposition arises between the Legislature and the Executive, both sides may learn in the struggle to give and take, while the final argument, refusal of supplies, lies with the elected majority, except with regard to military charges for the defence of the country. The clauses in the scheme conferring the power of veto on the executive provide an adequate check on hasty action by the legislature. When the reconstruction of the Empire is considered the Congress-League demands that India shall be raised to equality with the self-governing dominions, and have Governments responsible to the Legislative Councils.

"We do not propose to substitute an Indian oligarchy for the English bureaucracy now existing. We aim at responsible Government and an ever-widening electorate;

we separate the administrative from the legislative side of Government, and exclude the Civil Service from the Executive Councils, save in exceptional cases. We object to the system more than to its agents."

"We submit, with this address, a memorandum, containing our endorsement of the Congress-League scheme, together with facts and figures which show the necessity for its acceptance. To this we add proposals for local government bodies—Village Boards (Panchayats), Taluq and District Boards—with figures from the Madras Presidency as a sample, working on a system similar to that obtaining in England under the Local Government Board Act of 1871, and the subsequent cognate enactments. We consider this scheme as vital to Home Rule, as it brings the immediate concerns of the people under popular control; it adds Village Boards to the present existing bodies, and makes them the unit of local government instead of the Firka, or Revenue Circle; it also substitutes election for nomination in all cases, and renders the members responsible to their electors. We believe that these changes will render the system really useful and educative.

"To these proposals we append certain illustrative and well-considered documents; a proposed 'Commonwealth of India Act,' working out the Congress-League scheme in detail with a 'Supplementary Judicature Act'; a 'Panchayats Act,' establishing village panchayats; a 'Compulsory Elementary Education Act'; 'Self-Government for India,' and 'District Work'; these last two are by the President of the Home Rule League, and comprise a description of the whole series of elected bodies, intended as suggestive only, and not endorsed in every detail, the education test being probably impracticable though desirable. We add also the scheme of the Madras Congress Committee, the final scheme adopted by the Congress and Muslim League, and the Memorandum of the Nineteen."

In an appended memorandum of 40 pages the League discussed "what is implied by self-government such as we demand." While "we assert that our interests and those of the Empire alike demand the continuance of a close and organic union between India and the rest of the Imperial fabric," it is represented that the British administration "has not set its hands to some of the duties of a national government." Illustrative documents on finance, local self-government, and compulsory elementary education were handed in with the address. The memorandum dissents strongly from any proposals for handing over to the Legislative Councils certain subjects only, or for remodelling those Councils "so that in certain fields of provincial administration they should sit in their present capacity as merely advisory Councils and that in certain other fields they should sit as responsible legislators as in the self-governing colonies." It expresses the desire that, "as in all other civilised countries, the permanent officials of the land must not have the dominant voice in the policy of the Government," and, "though we desire the progressive Indianisation of the Government in all its departments, it is not the object of the Congress-League scheme merely to exchange European for Indian Agency, as it is universally felt that vested interests and the spirits of departmentalism and centralisation will work as great a mischief in Indian as in European hands."

The League challenged the contentions that democracy was foreign to India, that religious differences should be allowed to stand in the way of political change, and that English interests would be endangered by Home Rule.

"The variety of religions in India does not constitute a political difficulty which should be allowed to stand in the way of the reforms we demand. If this objection were to be allowed to prevail, the path of reform may remain blocked for ever. The quarrels between Hindus and Musalmans are less frequent than they were, and do not touch the political amity now existing between the two great communities. There has been of late years increasing evidence of joint action by Hindus and Musalmans in the promotion of common causes, and it is a very pertinent fact that the reforms we urge are put forward equally by the National Congress and the All-India Muslim League after joint deliberation.

"The fear that English vested interests will be endangered by Home Rule is chimerical. Britain has larger investments in countries other than India, but does not therefore claim political dominance. The unfair advantages over Indians now possessed by English traders, doctors, and educationists will, of course, disappear, but the deprivation of unfair privileges should not be an obstacle to the establishment of justice.

"We consider that these various pleas are not reasons for withholding Home Rule, but are merely colourable excuses for withholding justice.

“ We place our demand for Home Rule, however, more on the ground of principle than on that of expediency. We resent what Mr. Gokhale called ‘the atmosphere of inferiority’ in which the Indian lives ; what Mr. Bhupendranath Basu described as ‘a bureaucratic administration . . . atrophying the nerves of action and, what is most serious, necessarily dwarfing in us all feeling of self-respect.’ We feel what Mr. Asquith lately called ‘the intolerable degradation of a foreign yoke,’ and we believe that Great Britain will co-operate with us in the building up of our freedom. Her past struggles for liberty are the guarantee of her present sympathy.”

24.—MUZAFFARNAGAR ZEMINDARS' ASSOCIATION (UNITED PROVINCES).

This Association was founded in 1896 with the object of promoting agricultural interests, and has 300 members.

“During the present war the landed aristocracy all over the country have cheerfully and loyally laid at the disposal of their Sovereign all the resources at their command, and are still continuing to contribute to the best of their might towards the sinews of war, and the supply of men and material. Their status as natural leaders of the masses constituting the vast agricultural backbone of the country, has been to them extensively valuable in their efforts on behalf of recruiting and overcoming the hesitation of fighting men to cross the seas into a foreign land.”

The Address dwelt chiefly on agricultural and land revenue matters, and ended with a series of political suggestions generally following the Congress-League scheme, but asking for more adequate representation of the landholders on Legislative Councils. Official members of these should not be allowed to vote, but should have “a right to explain their views, if any, regarding the subject” of debate.

25.—ALL-INDIA HINDU SABHA.

This Association, organised in the United Provinces, but having members from other parts of India, claims to defend orthodox Hinduism against the Arya Samaj and other modern sects. The Address vindicated the patriotism and enlightenment of the Hindu community, and based its suggestion for reforms mainly on the Memorandum of the Nineteen Members. It proposed, however, that if the Secretary of State's Council be not abolished it should be a body of eight, consisting as to one-half of Indians elected by the elected members of Legislative Councils, one-fourth British public or business men, and one-fourth retired officials from India. The statutory obligation as to official service should be abolished in the Viceroy's Executive Council, but it was not proposed that officials should be excluded. The Provinces “should have financial independence to the greatest extent compatible with the requirements of the Government of India.”

“The All-India Hindu Sabha strongly supports the demand of the country for the early grant of substantial measures of self-government within the Empire, an unflinching endeavour being made in the years to come to make a rapid advance towards the realisation of full responsible government. The Hindu community has never asked, and does not ask now, for special favours, and has never grudged, and does not grudge now, a just recognition of the position of the non-Hindu communities in the land. All that the Sabha is concerned about is that no injustice should be done to the Hindus themselves in any arrangements that may be made, as it is essential that the most important and the most numerous community should not, under the pressure of the demands of any other community or communities, be allowed to be converted into a minority, and that it should certainly have its full and adequate share, commensurate with its numerical strength, capacity and attainments, in all the representative bodies of the country, namely, the

Indian and Provincial Legislative and Executive Councils and District and Municipal Boards as well as in public services. It is respectfully urged that true statesmanship requires that racial and religious considerations should, as far as possible, be set aside in the future reforms in the government of the country, in the best interests of its harmonious progress, and no cause should be given to the Hindu, nor to any other community whatsoever, to feel that its legitimate rights and just privileges have been encroached upon or sacrificed for the satisfaction of any other in the country."

26.—THE DOMICILED EUROPEAN AND ANGLO-INDIAN FEDERATION.

This body is the Federal Council of the various Anglo-Indian Conventions throughout India and Burma and the Anglo-Indian Empire League. The memorial claimed that the members of the Federation, "occupying a position intermediate between the Indian on the one side and the European temporarily resident in the country on the other, and understanding, as we do, the language of the people, their thoughts and their ways," can gauge the real feelings of Indians.

"We admit that there is a desire on the part of an advanced section of educated Indians to place the actual Government of the country largely in Indian hands, but we say that this desire is not shared by all the educated sections, nor does it extend to the vast majority of the Indian peoples, who would prefer things to remain as they are. Further, we are of opinion that the radical administrative changes which are being so strenuously advocated will not conduce either to the happiness of the people or to the future peace and tranquillity of the country.

"A full measure of popular Government has been claimed partly because the attractive ideal of equal partnership in the British Commonwealth has captured the imagination of educated Indians and partly for the reason that Government by the people is considered by them as a condition precedent to such equal partnership. We desire to point out that we are one of the communities of India, and as much interested in the welfare of the country as any of the other communities, and just as anxious that India should worthily fill the proud position of a co-partner in any scheme of Imperial reconstruction, but we consider that the true interests of India will be best advanced and safeguarded by extending gradually the system of Provincial Self-Government, care being taken that the essentially British character of the administration is retained. We are among those who believe that the political problems of India will be best solved in the course of the natural development of the country and not by any drastic changes."

"A second proposal is that the strength of the Legislative Councils should be substantially increased. We agree that there should be an increase, but consider it should be limited in extent. Provision for the regular representation of the Domiciled European and Anglo-Indian Community and of the other educated minorities and important interests that are at present unrepresented should be made in any revision of the constitution of the Legislative Councils. We strongly urge that such representation should be based on the elective principle.

"Another proposal is that half the number of appointments on the Executive Councils should be reserved for Indians and that such appointments should be made by election. Apart from the serious objection that election not infrequently results in the exclusion of the best men, we desire to point out that it is an accepted principle of good government that no executive functionary should be appointed by popular election. We deprecate any departure from this principle."

"We were anxious to avoid bringing forward any matter relating exclusively to our own community, but, as we have reason to believe that the question of reserving a larger share for Indians of the administrative positions in Government service is likely to bulk largely in the appeals to be submitted by the various Indian communities, we feel it right to invite attention to the very limited extent to which qualified Anglo-Indians are now admitted to the more responsible administrative posts under the Indian Government, and in the Indian Railways which are so largely the property of Government.

"We have no hesitation in affirming that neither the British character of the administration nor the standard of efficiency in the departments concerned will suffer

by a larger proportion of promotions being made from the subordinate to the superior grades, and from the superior to the higher administrative posts."

B.—At Calcutta.

27.—THE BENGAL CHAMBER OF COMMERCE.

This Chamber was established in 1834. The deputation was headed by Sir Hugh Bray (President) and Sir Archy Birkmire (Vice-President).

"The Bengal Chamber of Commerce is a body of merchants, manufacturers, bankers and shipowners, engaged in commerce and industry in this Presidency, and in the Provinces of Assam, and Bihar and Orissa; many of us have branches also in the chief cities of India. For upwards of 80 years our constant endeavour has been to safeguard the interests of this community, and to promote and to extend their trade. There is no need to dwell here upon the magnitude of these interests. It will suffice to say that the great bulk of the manufacturing industries, and of the import and export trade of the three provinces named, is subject to the control of the members of the Chamber to an extent which is possibly hardly appreciated outside the three provinces. It is upon this ground that the Chamber base their claim to be heard in any discussion affecting the fabric of the administration.

"Such a body as we represent does not take only a narrow and prejudiced view of public questions; nor is it only concerned with the safeguarding of its own particular interests; on the contrary, it is deeply concerned with the welfare of the country as a whole. The interests of the European merchant in India are, and must be, identical with the interests of the people. It is to his advantage that they should be prosperous, and it is to their advantage that his trading operations should flourish. If this be admitted, it follows that the relationship between the administration and the industrial and commercial interests of the country is of primary importance in considering the question of constitutional reform.

"It is not the intention of the Chamber to attempt to suggest measures in the way of constitutional or other reform which would sweep away all difficulties, and replace the existing by a more satisfactory system. They are conscious of the great complexity of the task of administering a vast country such as India; and they fully realise that under any system of administration there must be, and inevitably will be, dangers and difficulties. But what they fear is that amid the clamour of political parties for a large share in the administration, the claims of the commercial community may be overlooked."

In an appended Memorandum it is observed that Government had not given any indication of its own views, and therefore must be assumed to be ready to consider with an open mind the claims of every class of the community. But the only proposals at present put forward were those advanced by certain Indian politicians. Under these proposals the European commercial community would apparently exercise even less influence than at present.

"But the members of the Chamber would not have it thought that they are opposed to the aspirations of their Indian fellow-subjects, nor that they are entirely opposed to changes on the ground that the results might be unfavourable to commercial interests. They are, however, opposed to immediate experiments on a large scale that might mean large disaster, and to making too rapidly further experiments before the effect of those already made can be judged. If there must be immediate further changes now, then, they say, confine them to the field of local self-government; any increase in the powers of the Legislative Councils would be premature until their representative character has been extended and made real, and this advance is only possible when in villages, towns, and districts the people have been associated in an efficient and effective manner with the management of the local affairs.

"The great flaw in those institutions of local self-government which now exist is that they are not financially independent. The local boards derive their scanty resources from the district boards and the district boards from the local Government, which is in its turn dependent on an arbitrary arrangement with the Government of

India. A real training in self-government cannot begin until each local body from the village union upwards raises the money which it spends.

"The Chamber are not prepared to say that these institutions are fit for financial independence, but if the experiment must be made they say, make it first on the existing local bodies or even create new units for the purpose. They are of opinion that until a complete readjustment of Indian finance has been effected, no genuine progress can be made towards self-government."

But they felt bound to express their strong feeling as to the unfitness of the present time for introducing changes. They deprecated the grant of further instalments of change "as a guarantee of good faith" before it could be judged how each innovation turned out, and regarded the Morley-Minto reforms, the changes recommended by the Decentralisation Commission, and the recommendations of the Public Services Commission as furnishing "ample subjects for the attention of Government and adequate scope for political energy." At any rate, the war should be finished before far-reaching internal changes were considered. But if it were still insisted that, in spite of lack of evidence that any but a small body of men desired innovations or that there was any need for them, a further instalment should be made, that ought to be "a real one, one that will bring home to those concerned the nature of the responsibilities they are supposed to be anxious to assume—a realisation that self-government means a suppression of selfish interest for the good of the Commonwealth wherever the two are not identical."

23.—BRITISH INDIAN ASSOCIATION, CALCUTTA.

This is an Association of Bengal Zemindars, established in 1851 to promote the interests of the landholding community and establish satisfactory relationship between landlords and tenants. The deputation was headed by the President, the Maharajadhiraja Bahadur of Burdwan. They were in favour of some advances towards self-government, but advocated extreme caution, as they doubted whether the existing form of Government in any self-governing colony was suitable to Indian needs. They suggested certain lines along which advance might be made. Thus there might be a second Indian Member of the Governor-General's Executive Council, but, in their opinion, no necessity had yet arisen for increasing the size of Provincial Executive Councils, and they would not at present alter the method of appointing Members of these Councils, Imperial or Provincial. The Imperial Legislative Council should be slightly extended to make it more representative and should include two landholders from Bengal, and a similar increase in the Provincial Council was suggested as suitable, with a special representation of landholders by two members per division. They favoured a slightly restricted power of veto in regard to resolutions and Bills passed by Provincial Councils with a final veto by the Governor-General. They asked for provincial financial autonomy, and considered that control over administrative departments should gradually be given to Legislative Councils. They were opposed to the abolition of the Secretary of State's Council, but would reduce both the number and the term of office of its Members. They were opposed to placing the Secretary of State's salary on the British estimates. In the sphere of Local Government, they suggested a wider extension of the elective principle, and a separate Zemindar's electorate for district and local boards. Other recommendations dealt with the proportion of Indians in the administrative services and other matters not strictly constitutional.

The Association welcomed the announcement of the 29th August:—

"The ideal, which is now held up to the people of India, is one that strongly appeals to the patriotism of every Indian and does credit to the generosity of the great, freedom-loving British nation. The goal is, however, a distant one, and though at first sight it may appear to be difficult of attainment, the devastating world-war and the part which India, as an integral portion of the great British Empire, has played, have helped to clear a mass of misunderstanding and incontestably established India's unswerving attachment and allegiance to the British sceptre and smoothed

the way for the introduction of a larger leaven of popular influence in the administration of this country. The latter-day achievements of Indian administrators, aided by the popular assemblies of some of the advanced Protected States of India, by the introduction of universal primary education, free and compulsory, by the separation of judicial and executive functions in the public services of those States, and by effecting social reforms by legislation, furnish object-lessons testifying to the efficacy of introducing in a substantially larger measure the popular element in the administration of the country. It may be safely hoped that autonomous provincial Governments, in which the popular element will figure largely, can achieve the same advancement in the different provinces where the aforesaid reforms have not as yet advanced beyond the stage of academic discussions. A foreign Government can with ease bring about social reforms by legislation, if it is backed by the support of a preponderating Indian element in the administrative machinery of the country. The Council reforms introduced in 1909 have yielded satisfactory results, as has been admitted by the governing authorities both in England and in India. And the time and circumstances at present are peculiarly favourable for devising schemes for another stride in advance towards the ultimate goal of self-government within the Empire. It cannot, however, be denied that the condition of India is so peculiar that it is gravely to be doubted whether any of the various forms of government prevailing in self-governing countries could be introduced here without material modifications. Here, as has been the case in all other countries, freedom must 'slowly broaden down from precedent to precedent,' and it would be neither possible nor perhaps profitable to attempt anything like a forecast of the form of government that may have to be ultimately set up in order to ensure the realisation of the ideal of a responsible Government."

29.—THE CALCUTTA TRADES' ASSOCIATION.

This Association was established in 1830 to secure the mutual benefit and protection of the interests of European shopkeepers and tradesmen in Calcutta. All respectable European tradesmen or shopkeepers or senior assistants are qualified for membership. In a Memorandum of seven pages the Association expressed much the same views as the Chamber of Commerce (No. 27), but criticised in stronger terms the Memorandum of the Nineteen Members (as "unsuitable for India for very many decades to come") and the Congress-League Scheme. These suggestions (like those made in Mr. Gokhale's Memorandum) "would, if adopted, have the effect of subtly sapping the supremacy of British rule in India."

"It is submitted that the proposals put forward by certain Indian politicians are illusory, fallacious, and utterly impracticable. They assert that they do not contemplate the removal of British protection from India, but only the power to control, in an age of keen and armed international competition, the entire Government and Administration of this vast Dependency, and they ask that this should be effected on the lines which obtain in Canada, Australia and South Africa. The Association confidently submits that there is absolutely no resemblance nor analogy between the peoples of India and the peoples of the Commonwealth of Australia, the Dominion of Canada and the Union of South Africa. In India the moral, social and domestic customs of the people, their religions, caste systems, languages, types of worship, religious symbolisms and marriage customs, all represent conditions and planes of civilisation totally different from those of the three constitutions whose pattern of Government it is claimed should be taken as furnishing that on which the Government of India should be reconstituted."

The Association maintained that "to introduce self-government into India would be to subject the masses to the rule of an oligarchy, and under existing circumstances such an oligarchy as would sacrifice the interest of the people to its own. "Self-government to be successful must develop from within." But it expressed general agreement with the declarations of Government as to the goal of British policy in India. Provincial Legislative Councils should be (not enlarged, but) reconstituted so as to make them representative of wider interests: thus some official

members should be replaced by non-official Europeans and Anglo-Indians. It was possible that further power might under a carefully considered scheme be entrusted to Legislative Councils; but this should depend on the development of local self-government, which must be made the first sphere of advance.

30.—THE ANGLO-INDIAN ASSOCIATION.

This Association was established in 1876 to advance the interests of the Anglo-Indian community, domiciled persons of pure European descent, and persons of mixed European and Indian descent. The community is understood to number about 300,000.

The address expressed much the same views as that of the affiliated "Domiciled Community and Anglo-Indian Federation" (No. 26), but made the suggestion, not previously offered, of "some direct representation" (in Legislative Councils) "of the vast agricultural classes by the nomination of district officers whose work has been among the people, and who are in sympathetic touch with them as no others are." A plea was advanced for the special consideration of Anglo-Indians in connection with the policy of the extended association of Indians with the administration.

"We feel strongly that the advance towards self-government, based upon representative institutions, must not outrun the political capacity of the peoples of India, and that it will not do to let the pace be set by a small minority whose education has given them political ideals which to the people at large are and must long remain simply inconceivable. There is a widespread feeling that the immediate grant of a large measure of 'Home Rule' would mean handing over the Government of India to a class representing only a small minority of the peoples of India, and that the effect would be to exchange government by a bureaucracy, which is at any rate disinterested and efficient, for government by a bureaucracy that would be neither disinterested nor efficient. It would be a disaster of the first magnitude to make in politics a mistake analogous to that which has been made in the matter of University education, the mistake of beginning at the top, with the result that University education is now paralysed owing to the inability of the secondary schools to provide it with proper material. What is wanted is the energetic continuance and improvement of the political education of the people of all classes by means of existing institutions: panchayats, district boards, co-operative societies, municipalities, and legislative councils; and it is only through the active participation of the different classes of society in the working of these institutions that the ideals of representation and self-government can be safely made the goal of political endeavour. The attempt to advance towards these political ideals means a great change from the existing order of things, and we agree with Mr. Ramsay Macdonald that it cannot be made in its fulness in a day or a year."

31.—THE CENTRAL NATIONAL MUHAMMADAN ASSOCIATION.

This Association was established in Calcutta in 1877 for the political and general advancement of Muhammadans, particularly in matters of education.

"We, and a large body of the Muhammadans of India, would have preferred to wait for constitutional reforms until the end of the war, as we have implicit confidence that Great Britain would, in due course, grant to the Indians such measure of political and administrative advancement as the circumstances of the country and the varied conditions of her divers nationalities and creeds and interests might admit of. And aware as we are of the uniformly progressive policy of Great Britain, no assurance was needed for us from His Majesty's Government that the goal of British policy in India is the gradual attainment, by safe and steady steps, of responsible Government in India as an integral part of the British Empire. All the same, as loyal subjects, we welcome the announcement of this policy by the Right Honourable the Secretary of State for India on the 20th August last, and its detailed enunciation by His Excellency

the Viceroy on the 5th September last. But we earnestly and confidently hope and trust that whatever substantial steps are taken, now or hereafter, towards the gradual attainment of the above goal, Moslem rights and interests will be effectively and amply safeguarded, and never lost sight of. We would respectfully insist that the following cardinal principles may be kept in view in any scheme of political reconstruction, namely:—(1) the maintenance intact of the stability of the British control over India, and (2) the allotment to Indian Mussalmans of due share in the aforesaid substantial steps, whatever they might be, not only according to their numerical strength, but also according to their political importance and to their contribution to the defence of the Empire.”

In an eight-page Memorandum appended, suggestions were offered for constitutional changes, and for fuller recognition of Muhamnadan claims in the administrative and the public services.

They approved of an increase in the strength of provincial legislatures and of a proportion of three-fourths elected to one-fourth nominated members. Their claims in the matter of Moslem representation compare with the Congress-Moslem League Scheme as follows:—

	Association.	Congress.
Bihar - - - - -	25	25
Punjab - - - - -	55	50
Bengal - - - - -	52	40
United Provinces - - - - -	35	30
Madras - - - - -	15	15
Bombay - - - - -	33	33

while they also fixed proportions for areas not included in the Congress Scheme, viz., Assam, Burma, Sind and Central Provinces. They would reserve the same Budget heads as the Congress for the Imperial Government and hand over all other heads to Provincial Governments. They would, however, retain the head of the Province as the President of the Provincial Council.

In regard to Executive Councils they were opposed to the election of members of Executive Councils, and demanded that half the Indian members should be Moslems.

The Imperial Legislative Council should be increased, and the proportion of elected members should be as in Provincial Councils, but the nominated members should all be Europeans, official and non-official. Among elected members there should be five Hindus to four Moslems.

Like the United Provinces Moslem Defence Association (No. 12), this organisation claimed a fixed proportion of Moslem representation on all local bodies and universities, but further demanded the same proportion of posts in the administrative services as of seats in the Legislative Councils.

“Fully recognising that the development of India must proceed upon the mutual goodwill and tolerant co-operation of the two great component elements in the Indian population, your memorialists feel it absolutely necessary that these two component elements should be equally strengthened, educationally, politically, and materially, and freed from religious prejudices and social and racial animosities, in order to constitute a healthy and progressive composite whole. Your memorialists are not prepared to say that such a millennial point in the destiny of India has yet arrived; and, therefore, your memorialists hope and trust that you will not treat the suggestions that they have offered in the foregoing paragraphs as the outcome of a spirit of ungenerous racial or religious rivalry, but as prompted by an honest and sincere desire to ensure the protection of the interests of the loyal Indian Musalmans as well as to assure the uninterrupted future advancement of India as a whole, by sure and steady steps, towards the goal of self-government within the British Empire. Ever since the disappearance of the Timuride dynasty, the Indian Moslems have transferred their whole-hearted allegiance to the British Crown, and England to-day, in their eyes, stands in the place of the “Great Moghuls,” as the protector of their rights and the upholder of their privileges. For England now to place the Indian Moslems, without proper, definite, and ample safeguards, under the heels of a hostile non-Moslem majority, would, your humble memorialists venture respectfully to submit, be a cruel act of breach of faith and violation of trust.”

32.—BENGAL NATIONAL CHAMBER OF COMMERCE.

This Chamber was established in 1887 to protect the industrial, commercial and political interests of Indian traders. The Address gave general support to the Congress-League Scheme; but laid special stress on the development of local self-government, and urged the advisability of granting increased representation in Legislative Councils to important interests such as those of land and commerce and the necessity of giving due representation to the Indian commercial community in all Councils, Imperial and Provincial, Executive and Legislative, which should be partially effected by the creation of new Ministries of Commerce and Industry, and of Agriculture and Fishery assisted by Boards.

“While fully realising all the benefits accruing from the progress made in the import and export trade, we regard with deep concern our dependence on foreign countries for various necessities of life, and strongly feel that the economic condition of the country cannot be materially improved, and its natural resources, mineral and agricultural, properly developed, unless the people are helped to take a more active part in the development of the commerce and industries of the country.”

“We respectfully suggest that the noble edifice of self-government should be broad-based on a solid foundation, and in that view the time-honoured village unions should be revived and remodelled according to the requirements of the modern conditions of life and established all over the country and made self-governing institutions, vested with powers to administer local affairs and to impose taxes under the guidance and supervision of District Boards, which should be constituted mainly with elected representatives of the unions of the district. The District Board should have administrative powers in all matters relating to sanitation, provision of medical relief, supply of pure drinking water, irrigation, proper supply and improvement of cattle, primary, and secondary education, general as well as technical, including agricultural, commercial and industrial education, and construction and maintenance of communications in the district. The whole amount of Road and Public Works cesses and a portion of the provincial revenue derived from other sources should be placed at their disposal, and they should have power to impose taxes with the sanction of the local Government.”

33.—THE INDIAN ASSOCIATION, CALCUTTA.

This Association, established in 1876 for the attainment of political advancement, consists mainly of Bengal professional men.

“You, Sir, have communicated a message of hope and sympathy to the people of India whose healing effects are visible on all sides and which when realised will render indissoluble the ties that bind India to the Empire. For self-government is and will always be the cement of Imperial rule. You, Sir, have proclaimed to the people of India from your place in Parliament that responsible government is the end and aim of British rule in India, that it is to be attained by progressive stages, and that a substantial advance in that direction is to be made as soon as possible. The message has been received with gratitude and enthusiasm by our countrymen throughout India, and we are here to-day to offer our humble suggestions as to how this beneficent message may be carried out with advantage to the interests in India and of the Empire. We desire to suggest that whatever parliamentary legislation may be deemed necessary to give effect to the constitutional changes that will be introduced, it should be specifically stated therein that responsible government is the end and aim of British rule in India, so that those entrusted with official responsibility in India may be fully aware of the goal to which their activities must lead and the policy which they should follow to quicken the pace towards that goal. Uniformity in administrative methods and procedure would thus be secured, and through the joint co-operation of all the goal would be sooner reached than if official effort were left without the guidance and stimulus of a dominating policy or principle. In the next place, we venture to suggest that provincial autonomy should be the basis of the coming constitutional reforms. This measure of reform was announced in the third paragraph of the Despatch of the Government of India of the 25th August, 1911. The mist that surrounded the object and intention of that paragraph has now

cleared away; and history will record that the interpretation which you, Sir, were the first to put upon it in your Cambridge speech soon after the publication of the Despatch is the right one. Provincial autonomy means and was intended to mean in the Despatch referred to, the government of the province by the people of the province. But there can be no provincial autonomy without the fiscal independence of the provinces. The present financial arrangements subsisting between the Government of India and the Provincial Governments must therefore undergo a thorough revision."

The Address followed the lines of the Congress-League scheme, but made no mention of separate representation for minorities. The Association dwelt at some length on the necessity of making any extension of the principle of responsible government complete in itself and free from official restrictions, arguing that complete responsibility would call forth a determination to make the system a success, while incomplete responsibility would fail to evoke any such response. The Association proposed a system of Cabinet Government under a minister occupying much the same position as the Prime Minister in England, and to facilitate the introduction of this system it proposed the readjustment of Provincial areas with a view to constituting homogeneous provinces, the Bengali-speaking portions of Bihar, Orissa, and Assam to be united to Bengal. A scheme of local self-government applicable to Bengal formed an appendix to the Address.

34.—THE MARWARI ASSOCIATION, CALCUTTA.

This Association was formed in 1898 to protect the commercial interests of the Marwari trading community. Any Marwari who has never filed an insolvency schedule is eligible for membership.

This Association did not attempt to put forward any scheme of reforms, but called special attention to the needs of the community which it represented, and made a claim for its special representation in all representative institutions, asserting that this claim was based on no spirit of communal aggrandisement, but on the interests of the country as a whole. The Association supported its own claim by advocating separate representation for all important interests. In the matter of constitutional reform the Association considered that Legislative Councils should be enlarged and their powers increased, and supported a policy of decentralisation. They would enlarge Executive Councils and give half the membership to Indians. The Executive and Judicial functions should be separated, education widely diffused, the restrictions on the bearing of arms modified, and local self-government greatly extended. State aid in every form and to the most liberal extent should be given to industries agriculture, &c.

"The Association fully realises that the ultimate goal can be reached only by successive stages of development, and in submitting its humble suggestions as to the first step in that direction it naturally desires to draw attention to the needs and problems of the Marwari community. The members of this community have settled down in all parts of India, almost in every city, town and village, having a most important share in trade and commerce and having extensive movable and immovable property. Although, accordingly, the Marwaris have great and permanent interests in British India, those interests have been allowed hardly any public representation, because the Marwaris have been scattered and are in the minority everywhere in India.

"The Association respectfully prays for adequate representation of the Marwari community in all the representative institutions of Government, and urges that in making such a prayer the Association is not moved by a spirit of communal aggrandisement, but by the feeling that the interests of the community constantly suffer and that the country's interests also suffer by the Marwaris being hampered in rendering their services to the fullest extent. The Association is constrained to say that the interests of the Marwari community are in many respects of such a special character that they cannot properly be represented by members of other communities. The Association further begs to point out that it is eminently desirable that all the different important interests of the community should be properly represented."

35.—THE BENGAL MAHAJANA SABHA.

This Association, consisting of Bengal business men, merchants, and traders, was founded in 1905 for the promotion and advancement of the trade, commerce, and industries of Bengal.

The Sabha considered that any advance towards self-government must be made with caution, but that the time had come to begin such an advance. Their suggestions involved extensive changes, but they showed themselves more conservative than the advanced politicians. They advocated a system of provincial autonomy under Governors (in the major provinces), with Executive Councils consisting of six members, three European officials and three Indians, who should be appointed by the Governor-General, after suggestions had been invited from representative bodies. Legislative Councils should be enlarged and should have a two-thirds elected element and one-third nominated. They should be made representative of wider interests than at present, and important minorities should have special representation. The Governor should have an absolute right of veto subject to the right of the Council to claim a reference to the Governor-General. If a system of provincial autonomy were given effect to, then the Governor-General's Executive Council shall be reduced to a membership of six, including two Indian Members. The Imperial Legislative Council should be enlarged to a membership of 125 and should consist of three-fifths elected and two-fifths nominated members. The Sabha advocated a wide extension of local self-government, including the organisation of village communities and a large increase in the popular element in local and district boards.

"The visit of the Right Honourable the Secretary of State for India in response to the invitation of the large-hearted statesman to whom has been committed the sacred charge of the destinies of the teeming millions of India, marks an important epoch in the national history of India. The Sabha had throughout been disposed to suspend our demands for reforms until the termination of the frightful war which is devastating Europe lest it might be a source of embarrassment to the Home Government, but the march of events leading to this memorable visit has been unexpectedly quick.

"The loyalty and devotion of India to England have, in the language of no less an authority than the Viceroy himself, been 'splendid' and have fortunately survived the onslaught made upon them by some prophets of evil. It is gratifying that, animated by a genuine desire for uplifting the Indians, British statesmen should be seriously contemplating to elevate India to a position of trust, equality and comradeship.

"The Council reforms of 1909 have had a fair trial and their success has naturally quickened the pulsation of national life. The success of Indian administrators in some advanced Native States in India, with the assistance of popular assemblies, has also tended to stimulate a desire for nationalising the administration of India. The Sabha ventures to submit that the time has come for making an early attempt to reach the goal of self-government under the aegis of the British Crown."

"The necessity and importance of the 'admission of Indians in steadily increasing proportion to the higher grades of public services and departments and to more responsible posts in the administration generally' has been fully recognised by the Viceroy. It is obvious that this beneficent policy will go far to conciliate public opinion and to disarm much of the ungenerous opposition which has been provoked by the present system of centralisation of power. Testimony to the ability, integrity and independence of Indians as high judicial officers has always been glowing. Half of the number of Judges of the High and Small Cause Courts should be recruited from the ranks of Indian barristers, vakils, solicitors and Indian District and Sessions and senior Subordinate Judges.

"In the Executive Service deserving and able members of the Provincial Civil Service should be more frequently and widely called upon to take charge of the districts. There is no doubt that India is a great producer of raw materials. It is time that proper facilities should be given for reviving her decadent industries. This cannot be done without some measure of wholesome State protection."

36.—THE BENGAL PRESIDENCY MOSLEM LEAGUE.

This League was established in 1912 to protect the political and other rights and interests of Bengal Muhammadans and to promote concord and harmony with other communities. The League accepted the Congress-Moslem League Scheme of Reforms, but put forward certain additional proposals with the object of protecting Moslem interests. They claimed representation based not on their numerical strength but on their political importance. They demanded that half the Indian members of the Bengal Executive Council should be Muhammadans, that if any departments were handed over to responsible Ministers half of these Ministers should be Muhammadans, and further that in all branches of the public services Muhammadans should hold not less than 50 per cent. of the posts. Their community should also receive special representation on local bodies, special educational facilities, and half the number of seats on District Advisory Councils, the establishment of which they recommended.

“The task of formulating a scheme of constitutional reforms for the government of a country like India is so complicated and beset with so many conflicting problems that the suggestions we put forward may not be free from defects; but we know that the great people in whose hands Providence has entrusted the destinies of the various races inhabiting this great country will not allow the interests of any community to suffer merely by reason of the inability of its representatives to put forward its claims in an adequate and effective manner. This is particularly the case with our community, whose appearance in the field of politics has been recent, and the majority of whose members cannot claim that experience, foresight and judgment which are essential to a successful solution of political problems. We fully appreciate the privilege accorded to us of presenting a scheme on behalf of the Muhammadan community, but we venture to leave the interests of the community entirely in your hands in any scheme of construction which may be decided upon for the future government of this country.

“Realising as we do that your visit, Sir, to this country has solely been in connection with the question of constitutional reforms, we have necessarily confined ourselves to submitting a scheme for your consideration; but we nevertheless beg to take this opportunity of assuring you, and through you our august Sovereign, of the unswerving loyalty of the Mussulman community. We have no doubt that the great British people will continue to have confidence in the proved loyalty of the Mussalmans of India, and their firm resolve to stand by the Empire in the present crisis.”

37.—THE INDIAN MOSLEM ASSOCIATION.

This Association was formed in 1917, with the same objects as the Bengal Presidency Moslem League (No. 36), by members of that body who did not agree with the policy of supporting the Congress Reform Scheme. Thus, while the address was accompanied by a scheme of reforms based on the Congress-League Scheme, this contained variations unacceptable to the Congress.

The Association proposed that the proportion of elected to nominated members in the Legislative Councils should be two to one, that *one half* of the elected members should be Moslems, and that in the Provincial Councils a certain number of Moslems should also hold seats by nomination. They approved of special representation for other minorities and would retain the Governor-General and Provincial Governors as Presidents of the Councils.

For Provincial Executive Councils they recommended six members in major provinces, including three Indians, of whom *two* should be Moslems, and four members in minor provinces, of whom two should be Indians, one being a Moslem. The members of these Councils should be appointed by the head of the Province. On the Viceroy's Executive Council they claim two seats for Moslems out of a total of four seats reserved for Indians. They would not debar members of the permanent services from holding office as Members of Council, but would insist on one Member of Council in major provinces and two members of the Viceroy's Council being appointed from the ranks of public men in the United Kingdom. They added certain demands regarding Indian Secretaries and Under Secretaries in the Government of India and

Provincial Governments, and the proportion of them which should be Moslems. Another new proposal was that the Secretary of State should be assisted by four Under Secretaries, one of whom should always be a Moslem.

The Address and Memorandum were generally similar to those of the United Provinces Moslem Defence Association (No. 12).

"While opposing complete Home Rule for India, for which, as you observed in the House of Commons in the course of your speech on the 12th July last, there is no genuine or widespread demand in India, the Indian Muslim Association does not deprecate the eventual establishment of responsible government in the country by a process of cautious and gradual evolution. It does not desire to lend its support to any reforms which are revolutionary or in advance of the times, nor does it want to move at a pace which will defer the realisation of the ultimate goal by defeating the assimilation and adaptation of each successive stage of development to the existing conditions of this country which vary from place to place and community to community.

"The Indian Muslim Association has in its scheme been guided by one predominant principle, namely, how to safeguard the interests of Mussalmans, as it does not believe in the much-proclaimed unity between Muslims and Hindus. Indeed, while deploring the existence of the present state of things, it goes so far as to assert that in the existing backward condition of the majority of Hindus and Muslims, with their divergent creeds, castes, institutions and clashing interests, the differences which separate the Hindu from the Muslim cannot but be reflected in their dealings and relations with each other and entail a fresh cause of alienation and bitterness. Contemporary history is full of such incidents, and no careful observer will be deluded by the deceptive unanimity of the National Congress and the Muslim League, which is merely one of the symptoms of Muslim dissatisfaction and discontent dating from the 12th of December 1911, and not a sign of the dawn of national unity or intercommunal amity. Indeed the ink of the compact of fraternity itself has been washed away by the blood of the victim of the Bakri-Id riots at Arrah and the Ram Lila-Moharrum disturbances at Allahabad.

"The Indian Muslim Association deems it its duty to point out that it does not agree to the wisdom of any catastrophic changes likely to weaken the permanence and stability of British rule in India, upon the broad foundations of which rest all our hopes and aspirations of constitutional and administrative progress."

38.—THE SYLHET PEOPLE'S ASSOCIATION.

This Association supported the Congress-League Scheme, but put in the forefront of their Address the contention that Sylhet should be transferred from Assam to Bengal.

"That a 'final' readjustment of provincial boundaries 'satisfactory to all' being the ultimate goal of the policy enunciated in the memorable Despatch of the Government of India of August 1911, your memorialists pray that you will be graciously pleased to inaugurate such reforms in Bengal as would place the entire Bengali-speaking population, including Sylhet, under one and the same administrative unit and thereby confer on the people of Sylhet the opportunity of sharing with their brethren in Bengal the progressive realisation of responsible government in India. That in the alternative, *i.e.*, in case your memorialists' legitimate aspiration for re-union with the people of Bengal be found impossible of fulfilment at present, your memorialists beg to submit the accompanying scheme of reforms in the administration of Assam which, they hope and trust, will be given effect to by legislative enactments or by such other means as may be deemed necessary."

The scheme for Assam asked for a Governor-in-Council, the Executive to be controlled by the Legislature (75, four-fifths of whom should be elected).

39.—ASSAM ASSOCIATION.

The Assam Association endorsed the Congress-League Scheme as the "first minimum instalment of reforms," and described its application to Assam, the Legislative Council of which should have at least 50 members, four-fifths elected. Indian civilians should not ordinarily be appointed to the Governorship or Executive Council.

"We greatly appreciate the suggestion that the goal of British administration in India is to make the Indian provinces self-governing units and with them and the great self-governing dominions and principalities to make the British Empire a series of self-governing provinces and principalities federated by one central Government; and that the Government of India should be remodelled on modern lines by gradually giving the people greater control of their executive and by substituting responsibility in India for responsibility at home."

40.—ANJUMAN-TAYIDI ISLAM, JORHAT, ASSAM.

This Muhammadan Association adopted the memorandum of the Nineteen Members, and submitted a scheme for Assam. The Legislative Council of 50 should be four-fifths elected, half of the elected Indian members being Muhammadans elected by special Muhammadan electorates. Muhammadans should obtain at least one-third of service appointments in the province reserved to Indians.

41.—ANJUMAN-I-SABELE ISLAMIA, GAUHATI, ASSAM.

This body did not submit an actual scheme, but its representation was practically identical with that of No. 40. It asked that in all local self-government institutions in the Assam Valley 30 per cent. of the seats should be reserved for Muhammadans.

42.—THE BURMESE COMMUNITY OF BURMA IN GENERAL, THE BURMESE MERCHANTS' ASSOCIATION AND THE CO-OPERATIVE SOCIETIES OF BURMA IN PARTICULAR.

Representatives of the Co-operative Credit Societies of Burma submitted a separate address, but their deputation asked to be received jointly with that of the Burmese Merchants' Association (which claimed to speak on behalf of the whole Burmese community), and the proposals of both deputations were practically similar. They both asked that Burma should be separated from India. They claimed government by a Governor, assisted by an Executive Council, half the members of which should be Burmans. They also advocated the establishment of a Legislative Council, with a 50 per cent. proportion of Burmese members. They did not suggest that the Executive should be under the control of the Legislature. Both Associations advocated the establishment of local boards, but in somewhat different forms. The general community suggested advisory, divisional and district boards with an elected membership. They would leave the administration of village affairs to an elected circle Thugyi. The co-operative societies went further than this, suggesting district and village boards, which should, in the first instance, be consultative only, but later should be given executive functions in the sphere of revenue collection, general administration, education, &c. Both addresses touched on various other matters not strictly relevant to the present enquiry.

(a) BURMESE MERCHANTS' ASSOCIATION, &c.

"Burma at the present time is, happily, singularly free from the unrest and disquietude which are causing so much anxiety to the Indian Government. In religion,

in habits, in language and in custom your petitioners differ materially from the people of India. Your petitioners apprehend that after the present world-wide war there is bound to be an influx of Indians into this country and deem it desirable to solicit measures to prevent the introduction of Indian element, leaving Burma for the Burmans in the administration of their province. Half at least of the high officials in all the departments of the service should be recruited from the Burmese members of the Imperial and Provincial Services and from the Burmese Members of the Bar."

The scheme appended (briefly summarised above) included suggestions that half the judges of the Burma High Court should be Burmans recruited from the Bar and the Judicial Service, and that on any Council of the British Empire Burma should be "represented in a manner identical with the other self-governing units of the Empire."

(b) CO-OPERATIVE CREDIT SOCIETIES.

This Address also asked for the separation of Burma from India.

"Your petitioners further pray that all responsible posts under the British Government in all Departments may be filled solely by the appointment of men of British birth or of indigenous inhabitants of Burma. Your petitioners further pray that in the case of all officials in the country of British birth and not indigenous inhabitants thereof arrangements may be made for them to possess a more complete knowledge of the Burmese language than they have at present, so that they may conduct their duties on terms of close intercourse and friendship with the people of the country. Your petitioners are confident that when the separation of Burma from India has been effected and a separate Governor has been appointed by the King-Emperor and the indigenous inhabitants of Burma have been associated with him in the administration, it will be possible to secure a great development of the country in connection with the Buddhist religion, the spread of education, the expansion of industries, agriculture and trade, the promotion of co-operation and the annual collections of land revenue."

43.—THE YOUNG MEN'S BUDDHIST ASSOCIATIONS OF BURMA.

The Young Men's Buddhist Association has numerous branches in the larger towns of the province and includes many of the better educated and more progressive members of the Burmese community. Its activities have till recently been mainly concerned with religion, morals and education. It submitted no formal address, but merely a summary of the points which it desired to discuss. These followed very much the same lines as the proposals of the other Burmese delegates (No. 42).

"The situation created by the Indian demand for responsible self-government has necessitated action on our part to safeguard the interests of the Buddhist population of Burma, in so far as those interests are menaced or likely to be menaced by the march of events on this side of the Bay of Bengal. Ours is not a political organisation; our associations, in approximately 50 of the leading towns, were established in order to look after the religious, educational and social needs of our co-religionists, and, during the past eleven years, our members, *qua* members, have not concerned themselves with constitutional and similar affairs. In the present crisis, however, we feel that our very existence as a distinct nation within the British Empire is jeopardised, and we have therefore sought, by way of self-defence, an opportunity to submit our conclusions and supplications, in the sole hope that every possible way of thinking will be taken into account ere the possibilities of to-day mature into the settled facts of to-morrow. For this purpose, we have received the assent and encouragement of a wide public, both religious and secular.

"In the forefront of our programme is a fervent prayer for the separation of Burma from India, and we submit that the reasons for such a step far outweigh any considerations as to advantage or expediency arising from the present wholly artificial union.

"In the first place we beg to point out, what is well known to everyone who has lived for any appreciable length of time in Burma, that the Burman nation is as dissimilar from the Indian peoples as any two nations, dwelling near each other, can possibly be. The diversity is not merely one of religion, but also of race, language,

traditions, art, ideals, laws and the whole fabric of the social system. We have no Hindu and Mahomedan problem such as looms large on the Indian horizon. Caste distinctions are unknown. Sex disabilities have never existed. Our women are fully emancipated and have always taken a prominent share in public, religious and social affairs; they enjoy the municipal franchise and are to be met with in trade, industries and agriculture. Moreover, the province is as nearly homogeneous as can be expected."

"It is not necessary for our argument to point to any grievances, either present or prospective, against India and Indians. We take pleasure in regarding Indians and all other races in the Empire as brothers who are one with us in spirit in our loyalty to the great Commonwealth of which all are members, but, at the same time, we foresee that our further participation in the Indian Empire will, more and more, as time goes on, inevitably result in the decision from a largely Indian standpoint of such problems as affect both India and Burma. We are not aware that any scheme which has yet been propounded for the future Government of India has definitely settled the type which the proposed federation of provinces should follow—whether the powers of the central Government are to be defined and limited and residual powers granted to the provinces or whether the provinces are merely to possess defined and limited powers while the rest is vested in the central Government. If the former, it seems hardly necessary to say that the scheme is fraught with danger and will give rise to numerous complications and differences. If the latter, Burma will have no security against the overriding of her peculiar interests by the Indian majority which it is sought to bring into being in the central Legislature. Both in England and in India most controversial topics relating to this country ultimately resolve themselves into questions of discord or accord between Hindus and Mahomedans, and no account is apparently taken of the ten million Buddhists dwelling in a compact body and forming all but the entire population of a single province."

"Then there is the important fact that, of all the provinces, Burma presents the most promising conditions for the foundation of a future democratic Government under the guidance of statesmen from the British Isles. Buddhism is from first to last a democratic religion; our Great Teacher recognised no distinction between man and man or between man and woman. Under indigenous rule, there were only two estates of the realm—the Royal Family and the rest of the nation; the pauper of one day might displace a chief or a minister on the next. And to-day, we have no large laudholders or zemindars; a peasant proprietary firmly established on the land is the most distinguishing feature of our body politic. To perpetuate the anomaly of tacking on such a country to the conglomeration of jarring interests such as are to be met with in India would not—we submit with all deference—add to the reputation for unrivalled statesmanship which is deservedly enjoyed by the British nation."

41.—NATIONAL KAREN ASSOCIATION, BURMA.

The Karens are racially distinct from the Burmese. At the last census they numbered somewhat over one million out of a total population of 12 millions. Many of them are Christians, and their views are naturally somewhat different from those of Burmans. Their Association considered that the province is not yet fit for self-government, and will still have to undergo a course of strenuous training under the present régime. They expressed a complete trust in the good faith of the British Government, and their one positive proposal was the grant of compulsory elementary education.

"Looking at the progress made by the peoples of Burma in all points, we the Karens of Burma are sensible that the country is not yet in a fit state for self-government. Burma is inhabited by many different races, differing in states of civilisation, differing in religion and social development; hence Burma will have still to undergo many years of strenuous training under British governance before this boon can be conferred upon it with security and success. Towards the attainment of this ideal compulsory elementary education is essential. From what has transpired in the past when injustice and despotism reigned supreme, the Karens of Burma do not clamour and agitate for the fruition of questionable political privileges and the ushering in of dubious historical eras. The history of our province indicates that it is in a state of transition still and as yet the benefits of free government are not quite fully appreciated."

45.—THE BURMA PROVINCIAL CONGRESS.

This deputation was understood to represent Indians in Burma (but *see also* No. 80), and was headed by a leading Hindu gentleman from Rangoon. It endorsed the Congress-League Scheme, made no reference to the peculiar conditions of Burma, and advanced no claim to speak for any section of Burmese.

"We rejoice that the time is not distant when the said declarations and pledges are going to be carried out in the spirit in which the said proclamation was conceived by our beloved Queen Empress the late Queen Victoria and the terms in which it was given out to the people of this country. In order that Indians may breathe a healthy atmosphere morally, mentally, and physically, and rise to the full height of their stature, it is highly essential that India should be raised from her present position of dependency of the Empire to the position of an equal partner thereof, with the same privileges and status that the British Colonies and Dominions are permitted to enjoy."

46.—THE EUROPEAN ASSOCIATION.

The European Association was founded in 1883 to represent the interests and promote the welfare of the non-official European community throughout India, and has a membership of about 8,000. The deputation, which was headed by Sir Archy Birkmyre (President), delivered a short address of welcome, and handed in a Memorandum on constitutional changes.

In this the Association, while stating its deliberate opinion that the grant of anything approaching self-government to India at present would be disastrous, favoured the introduction of certain reforms particularly in the direction of decentralisation and the spread of education. They claimed the right on behalf of the community which they represented to be fully consulted as to all contemplated changes and laid stress on their view that the real interests of Indians and Europeans are intrinsically the same. The Association did not put forward any scheme of reforms, but enunciated certain principles which should be observed in the preparation of any such scheme. It very strongly deprecated the publication of any reform proposals while the war continued, and it entered a protest against the method adopted for obtaining the views of the people whom any changes would chiefly affect. They demanded that a prolonged and exhaustive preliminary enquiry should be held and that any scheme which is formulated should be referred to India for enquiry and criticism. The Association claimed special representation in Legislative Councils for the European community as such, apart and distinct from any representation granted to mercantile or other interests, but left the extent of such representation to be decided when a general scheme is put forward. The Association would confine the scope of changes to—

- (1) development of local self-government;
- (2) development of Provincial Legislative Councils as advisory bodies with a view to training the members in affairs of State;
- (3) Provincial and local decentralisation.

They were not at present prepared to admit the necessity of enlarging Legislative Councils, but, if an increase were determined on, they considered that some method should be devised of granting real representation to the masses of the people. They were not in a position to suggest how the electorate could be broadened and the franchise extended, but they held that educational standards should not necessarily be regarded as the sole test. They advocated the preparation of comprehensive statistics to show how far elected members really represent the people, and laid stress on the necessity of requiring that elected members should have substantial interest in or actually reside in their constituencies. The Association considered that the Imperial Executive and Legislative Councils should remain as at present. Measures intended to secure larger representation of Indians in the services should be taken first in the provinces and should have regard to efficiency and departmental requirements. In conclusion they urged the necessity of retaining the British character of the Government and the supreme authority of the Governor-General in Council, and strongly opposed the grant to the Legislatures of control over the Executive Governments,

Provincial or Imperial, and the proposal that members of Executive Councils should be elected.

“The interests of the Indian peoples are so diverse, so readily in conflict, and presently so dependent upon ancient customs, that until the spread of education has given them some common ground to work upon, and some general principles to guide them, the idea of saddling them with the responsibility for a large share in the government of India necessarily appears wholly impracticable to those who know India and her peoples and their proportionate relations to the British and Colonial systems of government.

“The European Association desires to state, definitely and deliberately, its opinion that a grant of anything approaching self-government to India at the present time would be utterly disastrous to the real interests of the country and a grave injustice to her peoples. It would place the many of the lower castes under the heel of the few of the higher castes, and could only impair the British tradition in India, that tie between the British and Indian peoples to which the lower castes look for their ultimate emancipation, and by which alone the future advancement of India can best be secured.

“While it would be unreasonable to expect from the Indian peoples a ready readjustment to a sudden and sweeping change effected by a stroke of the pen as required by extreme politicians, they are ready for certain reforms, particularly decentralisation and the spread of education. These reforms the European Association whole-heartedly supports.

“Post-war conditions will require the greatest care and skill and foresight in the financing of the National and Imperial affairs of the British Empire including India. Any change which might entail the control of such finances in India passing into the hands of persons other than those most experienced in such matters could only have the most deplorable results, particularly in view of the fierce international industrial competition likely to ensue upon the resumption of trade under peace conditions.”

“The interests of Europeans and of Indians, as a whole, are intrinsically the same. We all desire a sound and stable Government and the prosperity and contentment of the people. If the progressive realisation of responsible government in India is designed, as it should be, to secure these ends, it should proceed, not upon racial lines or with a view to placate any section of the community, but in such a way as to appeal to all classes of the body politic. While the European Association recognises that reforms at various points are desirable, it denies that any comprehensive reconstruction of the British administrative system in India is at present practicable. In this connection the European Association desires to refer briefly to the recent ‘Home Rule’ agitation. Generally, it wishes to emphasise that careful scrutiny will show that the desires of its promoters, though professing to be democratic, in substance are oligarchical in character, not only in respect of the numerical strength of the governing body, but also in regard to its extreme caste exclusiveness. The analogy which is drawn between India and other portions of the British Empire is false. All colonies upon which self-government has been conferred are peopled by inhabitants of European extraction, imbued with European customs and habits of thought, and it is to such peoples that self-government has been granted.

“There is absolutely no evidence that a numerical majority of Indians desire a change in the constitution, but on the contrary numbers are actually opposed to the grant of ‘Home Rule.’ It may very fairly be said that nine-tenths of the peoples of India are completely ignorant of all politics. Even the remaining one-tenth are not unanimous in their wishes.”

47.—JOINT ADDRESS OF EUROPEANS AND INDIANS.

This Address was submitted by about 20 European and 30 Indian gentlemen who had conferred together “to consider means whereby effect can be given to the pronouncement of the 20th August.” The deputation was headed by Mr. Pugh, a leading solicitor, and included the Maharajhiraja of Burdwan, Sir Krishna Gupta, Mr. P. C. Mitter and other leading barristers, and Mr. Arden Wood, Principal of La Martinière College. After a formal address, the deputation handed in a 15-page memorandum. In this a scheme was worked out depending on the initiation of

responsible government in areas smaller than the existing provinces of India. "During the period of transition Governments of two types will have to exist side by side," the powers not yet transferred to popular bodies being exercised by the existing provincial Governments. In each "provincial State," as the new areas were termed (Oudh being instanced as a suitable area), the largest electorates possible under existing conditions would be formed, and these should elect assemblies of from 45 to 75 members. The new Governments would be vested with certain functions (such as local self-government, primary education, roads, and bridges), which would be exercised by ministries appointed by the Chief Commissioner of the Provincial State from members of the Assembly. The other functions of government within these areas would remain with the existing provincial Governments, which would also exercise full control over the more backward parts of the provinces. After seven years (during which no change would be allowed) the whole system would be reviewed by a Commission reporting to the Secretary of State. Ultimately the provincial States would take over all the functions of the present provinces, and when the provincial States had obtained full responsible government a National Convention would be summoned "to devise a constitution under which the Government of India can be made responsible to an Indian Parliament and electorate."

The signatories were not committed to the details of this closely elaborated scheme (which is here very briefly summarised), but had all agreed to the following propositions:—

- "We agree—
- "(1) to accept the pronouncement of the 20th of August as common ground, within the limits of which the discussion can take place;
 - "(2) that, having accepted the pronouncement, we are not only free, but also bound to consider the new situation created thereby with open minds;
 - "(3) that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted;
 - "(4) that the first steps towards responsible government cannot be taken in the sphere of the central Government;
 - "(5) that, during the period of transition, Governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers; that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently;
 - "(6) that a share of the consolidated revenue of the province should be handed over to the Provincial State Governments, proportionate to the cost of the functions transferred to them; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself;
 - "(7) that further additions to the powers of Provincial States, and to their share of existing provincial revenues, should be considered by Commissioners reporting direct to Parliament at intervals of, say, seven years, such interval to be specified at the outset; and that in the intervening periods no demand for further executive powers, or for a further share of existing revenues, should be entertained;
 - "(8) that legislation passed by Provincial State Governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State; and a limit of time should be laid down within which representations from the interests affected can be received by him; and further, that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied;
 - "(9) that the Provincial Governments responsible to the Government of India and the Secretary of State shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State Governments, and to charge the cost thereof to the revenues assigned to the Government in default;
 - "(10) that the Government of India must have the right to recall powers which have been abused or neglected; and in extreme cases to suspend the Governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament; but in cases

- of emergency the Government of India may exercise the power subject to the subsequent sanction of the Secretary of State and of Parliament ;
- “ (11) that (a) wherever industrial and commercial interests are located, adequate representation should be accorded ; (b) adequate representation should be accorded to Muhammadans, landholders, and minorities generally ;
- “ (12) that the specific points to which our agreement relates and the outlines of the scheme sketched in these proposals be laid down in an Act of Parliament ; but that all questions within those outlines relating to franchises, constitutions, powers, finances, and such-like details be remitted to not more than five Commissioners named under the Act, to be dealt with in India by the Commissioners, in consultation with Governments and people, the arrangements of the Commissioners to be given the force of law by Orders in Council.”

48.—THE BENGAL PROVINCIAL CONGRESS COMMITTEE.

The Committee endorsed the Congress-Moslem League Scheme and indicated how it should be applied in the Province of Bengal. They also invited special attention to the question of local self-government and had drawn up a scheme which formed a second annexure to the Address. The Address also touched on some other questions, *e.g.*, education and sanitation, which, as was admitted, were outside the subject of constitutional reform.

“In 1908, the attainment by India of a system of government similar to what prevails in the self-governing Dominions of the British Empire was adopted as the aim and object of the National Congress, and this object has become the political creed of all India.

“In spite of this popular demand and of pledges contained in Royal Proclamations and utterances of responsible Ministers, there has been very little progress in constitutional reform. It is a matter of great regret the Indian bureaucracy has always been hostile to all movements for political reform, and the British Parliament and the British public have been far too engrossed with their own internal affairs to find time to think of India’s needs. In these circumstances, public feeling in India has naturally become very sore, and dissatisfaction has prevailed throughout the country. The Reform Scheme with which are associated the names of Lord Morley and the late Lord Minto was expected to mark a decided advance towards the political uplift in India, but in practice it was found to be a halting, and in some respects even a retrograde measure, and it failed to give satisfaction to the minds of the people. Even to-day the bureaucracy is all-powerful, and the people have very little voice in the administration of the country. The result is that the real needs of the people, such as education, sanitation, and industrial, commercial and agricultural development, remain neglected, and the country is in a state of weakness and helplessness, internally as well as externally.

“We rejoice, however, to find that there has recently been a marked change in the angle of vision of the British democracy in regard to India and her wants. The better mind of England is now genuinely solicitous of according a fair and equitable treatment to India.”

49.—THE HILLMEN OF DARJEELING.

This Address was presented by a deputation of Lepchas, Bhutias, and Nepalese, “representing the opinion of the people of the Darjeeling district.” They asked that “in laying down plans for the future,” now that the Government has stated “that Home Rule is the ultimate goal towards which it desires that India should gradually proceed,” a separate administrative unit should be formed of the Darjeeling district and the Bhutia portion of Jalpaiguri.

“Our plea is that it may now be established as a settled principle in any arrangements for the realisation of Home Rule for the people of the plains of Bengal

that this district should be excluded from them and that the evolution of our political life should be towards a distinct local Government of our own on such lines as may be approved by the British Government.

"We live in an absolutely different world from the rest of the people of Bengal. *Geographically* no greater contrast is possible than that between the mountainous Darjeeling district and the plains of Bengal. *Racially* there is an equal dissimilarity, for the great mass of our population is Mongolian and akin to the peoples beyond the Himalayas rather than to those of India. *Historically* we have until recent years lived a life entirely apart. The Darjeeling district, except the Kalimpong subdivision, was gifted by or annexed from the kingdom of Sikkim last century; the Kalimpong subdivision and the Duars were Bhutanese till about 50 years ago, and the Nepalese have immigrated from Nepal in recent years. *Religiously* we are, as regards the Lepchas and the races of Tibetan origin as well as a number of the Nepali castes, quite distinct from the people of the plains, and even the religious customs of the Nepalese, who are classed as Hindus, vary largely from those of the Hindus of Bengal. *Linguistically* we have no alliance with the rest of Bengal. Even the *lingua franca* of our courts and schools is Hindi and not Bengali, while the great mass of the workers on the tea gardens of the Duars and the Terai are immigrants from Bihar and Orissa and Nepal, which fact—in addition to the geographical and historical arguments—makes it natural and fitting that the tea district of the Duars should be linked up with the Darjeeling district rather than with Bengal.

"A further argument in favour of a separate Eastern Himalayan unit of Government is based on health considerations. The plains are entirely unsuited to hill peoples, who are most unwilling to go to the plains to live. This makes it essential for the future welfare of the district that it should be as far as possible self-contained. In the matter of education, to give one important illustration, we look forward to having our own colleges and other institutions for professional training. At present these are in the plains, and this has acted as a great barrier to the higher education of our peoples."

50.—THE BENGAL LANDHOLDERS' ASSOCIATION.

This Association was formed in 1901 to promote and protect the interests of the landholders and their tenants, and to work for the agricultural, trading, commercial, sanitary, and educational improvement of Bengal. The qualification for membership is the possession of estates paying revenue or road-cess of Rs. 250 a year. Some of the members are professional men.

The 9-page memorandum attached to the short formal address contained proposals for the establishment of a more or less complete form of federal government.

Like the Indian Association (No. 33), this Association asked that the goal of British policy in India should be embodied in a legislative enactment. With regard to the government of India, they approved of the reforms advocated in Parts III. and IV. of the Congress-Moslem League Scheme, but made certain additional proposals. They attempted to give a comprehensive statement of the functions of the Government of India and implied that all other functions should be transferred to provincial Governments, except in the case of some small administrations which it might be expedient to keep under the direct control of the Supreme Government. This Association considered an Upper Chamber necessary to any complete form of federal government, and proposed that two-thirds of its members should be elected by non-official members of the Lower Chamber and one-third should be nominated by the Governor-General. The proposals as to veto seemed to be that when the Governor-General withheld his assent to any measure passed by both Chambers, there would be an automatic reference to the Secretary of State, but if the same measure were passed by both Chambers of successive Councils, then the right of veto should lie with Parliament (or, in future, with the Council of Empire, if any). For the discharge of those functions of Government not specifically reserved to the Government of India they proposed to set up a complete system of provincial responsible government. As provinces more homogeneous, e.g., they claimed the inclusion of all Bengali-speaking tracts in Bengal proper. The next step would be to set up Legislative Councils

without either official members or nominated non-official members. The entire Council should be composed of elected members. Minorities should be safeguarded by the grant of special representation by members elected by special electorates. To make these Councils really representative they should be very largely increased in size, thus the Bengal Council should consist of 400 or 450 members instead of 48. These members should by preference be elected by electoral colleges rather than by a direct electorate. To this Council would be entrusted the administration of the province by means of a system of Cabinet Government. An attempt was made to group the various branches of administration into portfolios. In the realm of finance the provincial Government should be virtually independent and make quinquennial allotments to the Government of India for the needs of the Imperial Government. The pay and pension of the Indian Civil Service would not be subject to alteration by a vote of a provincial Government. The Governor would be given a right of veto, but any measure passed by successive Councils would automatically become binding.

The natural corollary of these proposals is a change in the status of the Secretary of State, and with regard to him and his Council the Association adopted the Congress-Moslem League proposals.

“The present Government in India is not *responsible* Government; because it owes no manner of responsibility to the people of India or to any part or section of it, and is in no way accountable to them for its acts and policy. Any scheme of reforms framed in view of the policy announced by His Majesty's Secretary of State, as the spokesman of His Majesty's Government, and with the approval of His Majesty, must aim, therefore, at finding means and instruments through which the Government in India may be made responsible to the people of India, whatever may be the measure and scope of this responsibility in the steps that may be immediately taken in this direction. And this scheme must be so framed as to help the future expansion of this popular responsibility as rapidly as may be consistent with the efficiency of the administration and the peaceful advance of the country towards popular government.”

The Memorandum concludes :—

“Finally, we think that the moment this responsible Government is granted to us, it will be our loyal ambition to serve our King, our country and our Empire with all the resources, both in men and money, at our command; and the leaders of the country will not be slow even to adopt compulsory universal military service for this purpose, nor spare any sacrifices that may, in the opinion of the people's representatives, be necessary for the furtherance of national and imperial interests.”

51.—THE CALCUTTA MISSIONARY CONFERENCE.

This deputation, headed by the Lord Bishop of Calcutta and Metropolitan in India, included two Presbyterian representatives and one Baptist.

“The Conference, as representing a body of missionaries, is not prepared to offer an opinion on details of political action. We take the pronouncement of the Imperial Government made on 20th August last as the starting-point for the considerations we wish to advance. As Christian Missionaries we welcome all progress towards the full development of the personality of every member of the State. We recognise that such development is, as a rule, dependent upon the exercise of responsibility, and that it is fitting that the educated classes should be given that opportunity for acquiring experience of responsibility in public affairs for which their training has prepared them. At the same time, as those who wish to serve equally all sections of Indian Society, we would urge the importance of securing adequate representation for the very large proportion of the peoples of India which is not yet sufficiently developed, whether in education or political understanding, to take a direct part in the larger duties of responsible government.”

52.—THE ASSOCIATION TO SAFEGUARD THE MUSLIM INTERESTS IN THE PROVINCE OF BIHAR AND ORISSA.

This Association was entirely opposed to the Congress-League Scheme, and put forward a scheme varying only in detail from that of the Indian Muslim Association (No. 37).

The main points in which it differed from the Indian Muslim Association were, the number of members of the Provincial (not less than four) and Imperial (not less than six) Executive Councils and the appointment of the former by the Governor-General in Council with the sanction of His Majesty's Government; the number (two) of permanent Under Secretaries at the India Office; a special proposal for the administration of Muslim education by a Board of Muslims and Europeans; the omission of a claim to representation by nomination in Provincial Legislative Councils in addition to 50 per cent. of the elected seats, and the omission of the demand for two-thirds of the Indian membership of Provincial Executive Councils, and the demands regarding Secretaries and Under Secretaries.

"We cannot consent to the introduction of any system which would result in the Muslim community being swamped in every department of the State. The unequal numerical strength of the Hindus and Musalmans renders it absolutely necessary for us to be on our guard against any movement likely to jeopardise the interests of the Musalman subjects of His Imperial Majesty the King-Emperor. We cannot deprecate too strongly the want of foresight displayed by some of our co-religionists in endorsing, in their entirety, the views and claims of the Congress. We believe the consummation wished for by the scheme will end in the absolute effacement of the Musalmans as a community, for all practical purposes, in this country. Already there is strong tendency visible in certain quarters to oppress and terrorise the Musalmans and ignore and throw in the background their interests. The guiding principle of the English rule up to now has always been to administer the affairs of Indian Empire with impartiality in the presence of diverse religions and nationalities of which it is composed. Each denomination under the present system obtains a fair start, and that the conditions upon which they enter on the contest of life are equalised and fairly adjusted. We are firmly convinced that, with the preponderance of the non-Muhammadian element in the administration of the country to which the introduction of the Home Rule is sure to lead, we Musalmans cannot save even our individuality and position in this country. It is painfully evident that full harmony between the Hindus and Musalmans, despite the long talks of union of hearts achieved by co-operation between Congress and the All-India Muslim League, has not yet been attained. The Bakri-id riots are merely crude expression of an animosity and rivalry between the two communities which exists in every sphere of activity, whether religious, social or economic. To give glib assurances that the days of religious jealousy and conflict are over is proclaiming peace where there is no peace. For the present, and for a long time to come, it makes it imperatively necessary that there should exist in India a supreme force to arbitrate between the conflicting interests of the two major communities."

53.—THE BIHAR AND ORISSA PROVINCIAL CONGRESS COMMITTEE AND THE BIHAR PROVINCIAL ASSOCIATION.

The Committee, which is a branch of the National Congress and the Association, which has a membership of over 200, adhered to the Congress-Muslim League proposals and indicated how they would apply these proposals to the Province of Bihar and Orissa. They added certain recommendations regarding local administration, local self-government and judicial administration which found no place in the original Congress-Muslim League scheme. They advocated the establishment of District Advisory Councils on an elective basis, a wide extension of the elective principle and the grant of greater independence to municipal, district, and local boards; and they claimed that the Patna High Court should be placed directly under the Government of India, that no seats on High Courts should be reserved for members of the Indian Civil Service and that the Judiciary should be entirely separated from the Executive.

"The Committee are of opinion that the central idea in the organisation of the Provincial Government ought to be that of Provincial autonomy. The control which

is at present exercised over the Provincial Government by the Government of India and the Secretary of State in the internal administration of the province should be substituted by the control of the representatives of the tax-payer through the Provincial Legislative Council. The Committee are accordingly strongly of opinion that the administration of Bihar and Orissa should be that known in Indian political parlance as a Presidency Government, namely, under a Governor in Council. A Governor from England comes with practical experience of free institutions and will be better able to guide an autonomous administration. An officer belonging to the Indian Civil Service, however clever and liberal he may be, has the disadvantage of being trained in the bureaucratic form of Government with all its prejudices and preconceptions, and will find himself out of place in the guidance of a popular Government. But apart from the reasons strongly telling in favour of a Governorship against a Lieutenant-Governorship there is the important additional fact that Bihar and Orissa were promised a Presidency Government (along with Bengal) so far back as 1833, when the Presidency of Agra (afterwards changed into the North-Western Provinces) was constituted by an Act of Parliament. The people of Bihar and Orissa ever since the creation of the new province have been demanding a Presidency Government, and resolutions have been unanimously passed on the subject at the sessions of the Bihar Provincial Conference held subsequent to 1911. The Biharis believe that this important reform is much overdue and they are, therefore, insistent that advantage should be taken of the present reform proposals to elevate the province to the status of a Presidency Government."

"The Committee desire to make it clear that they are totally against the principle of representation of particular religious communities by means of special and separate electorates—except to the extent adopted in the Congress Muslim League Scheme in favour of the Mussalmans. The Committee and the Association would therefore recommend the election of non-Mussalmans by means of territorial electorates, as they strongly believe that any further extension of the principle of special religious or communal electorates will not be conducive to public good and will neutralise to a large extent the great advantages likely to accrue from the proposed reforms. At the same time the Committee are not against the privilege of election being conferred upon classes the members of which are bound together by common interests. Such special interests are in the Committee's opinion but three in this province, namely zamindari, planting and mining. Apart from these the Patna University and its registered graduates should also be represented in the Provincial Council."

A Note of Dissent was sent in by three Muhammadan members of the Committee, who considered that the Congress-League Scheme did not sufficiently safeguard Muhammadan interests in Bihar. These gentlemen represented that one Member of the Bihar and Orissa Executive Council should be a Muhammadan, and that in the Provincial Legislative Councils throughout India one-third of the seats (*i.e.*, 25 more than allowed by the Scheme) should be reserved for Muhammadans.

54.--THE PRADHAN BHUMIHAR BRAHMAN SABHA.

This Association speaks on behalf of the "Bhumihar Brahman community of Hindustan," a class which holds a predominant position as landholders in two Divisions of Bihar. "Being very conservative, orthodox and wealthy, the community did not take to English education earlier as it should have done, but now the Sabha has made amends and is turning out scores of graduates every year." The Address did not deal with constitutional reforms in general, but asked for adequate representation of the community in Imperial and Provincial Councils, local bodies, and public institutions such as Universities.

"Your memorialists beg to submit that in the past their claims have not been sufficiently recognised in a degree commensurate with their social position, status and influence in the country and with their loyalty and devotion to the Government. They have been for a long while neglected and they have not received recognition in the matter of rights, honours and privileges. It is high time that they should receive that status in the British administration to which they are entitled on account of their unique and leading position, through which alone they will be able to keep up their power and influence and render proper service to their King and country."

55.—THE MONGHYR LOYALISTS' LEAGUE (BIHAR).

This League, which includes influential residents of the district, was formed in October 1917 for such objects as "to denounce crime, anarchy, sedition, and lawlessness," "to gather the views of the people and to represent any real grievance to the Government," and "to prevent people from being misled by misrepresentation of the views of the Government and by seditious propaganda." It put forward no scheme, but made certain administrative suggestions, claiming for Indians a larger share in the Government, but strongly opposing anything in the shape of responsible government which could place all power in the hands of a small section, the professional, and especially the lawyer classes. It advocated compulsory religious education in the schools, and in local government recommended a system of Panchayats for settling petty disputes, and greater freedom of election of chairmen and vice-chairmen of local bodies.

"The present system of administration by English and Indian officers, who have been properly trained and are held strictly accountable for their doings by Government, is highly approved by all classes of Indians in this province, and that all we pray is that the Indians be given a larger share in the responsibility of the administration. The only persons who desire a *violent* change are certain noisy talkers, who are trying to mislead the Government by representing themselves to be the leaders of various communities, whereas, on the contrary, they are not so at all. If, however, the Government has decided to change the existing system, and introduce Home Rule, we would earnestly pray that the changes should be made very cautiously, quietly, and smoothly, so that the ignorant classes of the population may not be misled about the character of the changes or of the reasons which have led Government to order them. In this connection we beg to inform Your Excellency and you, Sir, that in common with the rest of the Bihar districts the respectable classes in this district have been deeply alarmed by the riots which have recently occurred in the neighbouring district of Shahabad, in which over a hundred villages have been looted, resulting in deplorable destruction of property and loss of human lives, because ignorant classes of Hindus have thought that Home Rule means that where Hindus are in a majority they are entitled to prevent Muhammadans from doing things repugnant to their feelings, and because the lower orders of all communities have thought that Government has become too weak to preserve the security of person and property, and have taken the opportunity to destroy and loot. We do not think it out of place to mention that though these riots took place in a part only of one district they were not put down for several weeks, and that it was necessary for the local authorities to take police from all the surrounding districts and to bring troops from Allahabad and Shillong. It is needless to say that if instead of in a portion only of one district similar riots had been started in three or four districts, the authorities would not have been able to send the necessary number of troops in time, and robbing and murder would have gone on on a very extensive scale and the position of Government would have become critical. Again, if Home Rule is suddenly introduced, self-government will be in the hands of the professional classes, particularly the lawyer classes, inasmuch as they alone generally have the knowledge of law and the English language which is necessary to carry on the administration. We strongly maintain that the passing of administration into the hands of one section of the community is not desirable."

56.—THE ALL-INDIA LANDHOLDERS.

This influential deputation was organised by the Maharaja of Darbhanga to represent the interests of the landholders of India as a whole, irrespective of creed and race. No reform scheme was suggested, but the Address set forth the claims of the order to adequate representation in the new conditions which may result from constitutional changes, and asked for one seat on the Secretary of State's Council and each Executive Council, and one-third of the seats in the Imperial and Provincial Legislative Councils, all of which should be enlarged. They further proposed the establishment of Second Chambers for every Legislative Council, to be composed of the landed aristocracy, men of outstanding position in commerce and industry, and men "tried and

experienced in the service of the country." They urged liberal provision for the maintenance of the ancient and important families, and facilities for the military training of their young men.

"The history of the landed aristocracy of India is a peculiar one—it possessed in the history of ancient India an independent status and footing with powers of general administration and responsibilities for the tenants' welfare. The landholders have been the bulwark of the nation—they have equally been the mainstay of the Government. They have the largest stake in the country and the greatest interest in the land. Their loyalty and devotion to the Government which protects their interests and those of their tenantry are, therefore, assured. They form a most valuable link between the people and the Government, and have always endeavoured to remove misapprehensions and bring about harmony. Their position has thus been one of peculiar significance. They also contribute a considerable portion towards the total revenue of the State. But your memorialists venture to submit that in the past their claims have not been recognised in any degree at all commensurate with their position, status, and influence in the country, and with their loyalty and devotion to the Government. Many of the rights and privileges which they enjoyed have been curtailed under British rule. They have been for a long while neglected: and they have received but poor recognition in the matter of rights, honours and privileges. They have not received that status in the British administration to which they are entitled on account of their unique and leading position, and through which alone they could keep up the power and influence requisite for the adequate discharge of the service they are expected to render to the Government and the people. The position of the landholders has, therefore, been greatly impaired, their influence for good being in a corresponding degree lessened. The tendency of the age has been to give undue importance to commercial interests at the sacrifice of the landed interests. And the fact has been generally overlooked that commerce depends primarily upon land and its products, and that the landed interests should, specially in India, be deemed of paramount importance in the administration of the country. Even in the ancient Republics of Greece and Rome the nobility had a definite and acknowledged place, and equally so in the admirable constitution of Government in Great Britain, where the House of Lords holds a definite and important position. Your memorialists beg to point out that it is, therefore, essential, and not less urgent, that this remissness in the past should be made up for, and that the landholders should be given their proper place in the Councils of the Indian Empire and in all public functions."

57.—THE ORTHODOX HINDUS OF INDIA.

This deputation from orthodox Hindus in every province was organised by the Maharaja of Darbhanga. The members of the deputation expressed their confidence that all reforms and privileges for which the country is ripe would be granted, and confined their representation only to certain points affecting specially the interests of Hindus. They claimed for their class suitable representation in all Councils and complete freedom in religious observances, &c. They advocated compulsory religious education for Hindu boys and girls, and separate examinations in India for certain services in order to enable orthodox Hindus to compete. They suggested that Ruling Princes should be consulted in important matters relating to religion, and in this connection cited the Conference held at Hardwar in December 1916, which was attended by six Ruling Chiefs. For the settlement of religious disputes they suggested the establishment of conciliation boards, a suggestion which has recently received consideration from the Government of India and all local Governments.

"The Hindus are amongst the oldest of nations with their ancient and world-famous civilisation and culture. They were the first to light the torch of learning and science which they had kept burning from century to century diffusing the light of their knowledge far and wide. In spite of the ages that have rolled on, of the foreign invasions that have followed in quick succession and the innumerable vicissitudes that the country has passed through, the Hindus have preserved their own individuality and culture and the integrity of their Sanatana Dharma, the secret

of which lies in the fact that they try to harmonise the spiritual with the material which alone can ensure lasting good. Highly spiritual by nature as they undoubtedly were, they were not, however, slow in making their mark in the posts of responsibility and rank they had to occupy, and, indeed, their enterprise, quickness and efficiency of work were not less remarkable than their essentially religious habits. This religion of thousands of years ago still keeps its purity; and orthodox Hinduism still commands a wide range of adherents. The Hindus form three-fourths of the total population of India; and amongst the Hindus more than 80 per cent. of them retain their orthodox habits and beliefs. At the present day they have served the Government with their characteristic loyalty and ability. They have also given proof of their devotion to the Imperial Crown in more practical ways; and from many a Hindu shrine throughout the length and breadth of the country, fervent prayers have risen for the triumph of the Allied Arms. Their fidelity has been unquestioned and spontaneous; and *Raj Bhakti* (loyalty to the Sovereign) has been their creed as instinctive as it is universal. Conservative by nature, restrained from sojourn in other countries by their religion and with all their ties and relations circumscribed within the borders of this land, the Hindu has no aspirations or hopes beyond his country—and his attachment to the British Government which secures peace and tranquillity in his country comes naturally and spontaneously to him.

“Your memorialists, however, beg to urge that at the present time the position of the Hindus has been greatly undermined and their very existence in the pure ancient orthodox form is assailed on all sides. For a long time the system of purely secular education, unrelieved by any religious instruction and training, has naturally tended to starve the spiritual instincts of most of our youths which formed the greatest inheritance of our race; and they are thus unable to appreciate the underlying truths of their own faith. This spiritual decline of the Hindus has been accompanied by a decline in the worldly respect. While most of the communities that have far less numerical strength have had adequate representation, the Hindus have not been accorded representation commensurate with their importance, the revenue they pay to the State and the large percentage of the total population which they form. Owing to the carrying out of the principle of special electorates which makes it possible for members of other communities, who have already special electorates of their own, to have also a voice in, and stand for election from, the general electorate, their own strength has been greatly impaired. Moreover, such of the Hindus as happen to be on the Legislative Councils are not generally able to represent in a real manner the views of the orthodox Hindus in religious matters.”

58.—THE BIHAR LANDHOLDERS' ASSOCIATION.

This is the premier Indian Association in the Province of Bihar and Orissa, including in its membership all the large landholders of the province. It was more concerned with the safeguarding of the interests of the class it represented than with the general question of constitutional reform. It claimed one landlord representative for each district on the Provincial Legislative Councils and one-third of the total membership of the Imperial Council, also representation on Executive Councils and on all district, municipal and local boards, and advocates the establishment of district advisory Councils and village panchayats with adequate landlord representation. It associated itself fully with the memorial of the All-India Landholders (No. 56).

“The landlords form a most important section of the community, and their power of doing good to the country has been considerable by virtue of their forming a valuable link between the people and the Government. The stake which they have in the land is paramount; and this has always ensured the most loyal devotion to the Government at all times. In various other ways, also, they have endeavoured to render to the Government all help and assistance in their power; and a measure of their loyalty and usefulness could be gauged from their services during the present war. It was given to Lord Cornwallis, that astute and far-seeing statesman, to discover what power and influence could be enlisted on behalf of the Government by the creation of permanently settled landlords. We venture to submit, his Lordship's

anticipation is now more than fulfilled in the comparative peace and prosperity that prevails amongst the agriculturists in the permanently settled tracts. The contentment of the landlords in Bihar (and also in Bengal), which has been such a powerful asset in all troublous times and which is mainly due to the permanent nature of their interests in the land, has enabled them to render more valuable service to the Imperial Government at the present crisis than their brother zamindars of other parts. It is earnestly and respectfully urged that a system which has been so beneficial to the people, the zamindars and the Government, should be fully safeguarded here and extended elsewhere where it does not obtain."

59.—THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS.

This deputation, representative of the Indian Christian community as a whole, was headed by Mr. M. S. Das, C.I.E., a member of the Bihar and Orissa Legislative Council. They advocated the creation in all districts of representative institutions through which the people would control all matters connected with education, sanitation, and communications, and they claimed for their own community, numbering over 3½ millions, where it formed an appreciable part of the electorate, representation in such institutions, and always in Imperial and Provincial Legislative Councils, and asked that their interest be given consideration in all measures of reform intended to give Indians a larger share in the administration. They drew attention to the military services of Indian Christians, and discussed the lack of educational facilities for their children. They "join in the prayer for an essential reform so that India may have the endowment of self-government as an integral part of the British Empire."

"There has been no public ventilation of the special grievances of the Indian Christian community since the war. Absence of grievances is not the reason for this silence. The reason is to be found in the following extract from the Presidential Address delivered at the last sitting of the All-India Indian Christian conference at Madras in December 1916 :—

"From the view I take of the war I should not on behalf of my community formulate any change in the shape of a demand. The time for such demand will come hereafter. Any demand now made has the appearance of demanding a price for our loyalty. Our sympathy with the British nation in the prosecution of the present war is due to the fact that our Gracious King stands to support the cause of righteousness and justice, that His Majesty wishes to crush the impudent claims of brute power to gain ascendancy over the moral forces of man."

"The population of India is not yet a homogeneous political entity. The vitality and enthusiasm which feed the waves of indignation, which the war has roused, flow through different channels, though they join like waters of streams when they meet the ocean. The Hindu, the Muhammadan and the Christian all pray for victory of the British arms, but each does it in a separate house of prayer—the temple, the mosque and the church. They all rally round the Union Jack on the battlefield, but each reads his own form of funeral service over the grave of his gallant comrade killed in battle."

"The fusion of the several communities into one Indian nation is desired by all interested in the political progress of India, as an integral part of the British Empire. The Indian Christian community is the nucleus of a future Indian nation. It counts among its number those who were at one time the untouchable depressed classes, as well as those who were once high caste Brahmins. The Indian Christian community is an outstanding landmark in the evolution of a homogeneous social unity out of a heterogeneous social complexity. This gives the community an advantage in the military and industrial requirements of the Empire."

60.—THE INDIAN CHRISTIAN ASSOCIATION, UNITED PROVINCES,
LUCKNOW BRANCH.

This branch submitted a reform scheme to some extent based on the Congress-League Scheme, but asking for a minimum of 10 per cent. of the seats filled by election in Legislative Councils throughout India for Indian Christians, for an Indian Christian representative from each province on the Imperial Legislative Council, and an Indian Christian on the Viceroy's Executive Council and on the Secretary of State's Council (if continued).

61.—THE UTKAL UNION CONFERENCE.

This body represents the Oriya-speaking country, centring in Orissa, now administratively divided between Bihar and Orissa, Madras, and the Central Provinces.

The address was simply a prayer for the union of all Oriya-speaking tracts under a separate administration, or if this cannot be granted, then at least their inclusion under the Government of Bihar and Orissa or in a united Orissa, which would have equal status with Bihar and be suitably represented in the Imperial and Provincial Councils.

"The Oriyas, numbering about 11 millions of His Majesty's loyal subjects inhabiting mainly the Division of Orissa, the Districts of Ganjam and Vizagapatam Agency under Madras, and Singhbhum in Chota Nagpur, approach Your Excellency and accord you, Sir, a cordial welcome to this country in which Orissa has been conspicuously known as the 'holy land' of India, on this most auspicious occasion of your visit to His Majesty's great Eastern Dominions when the British Empire is engaged in the righteous struggle to punish a brutal enemy, whose one object is the destruction of small nationalities like the Belgians.

"The past history of the Oriya nation, their architectural fame and their achievements in religion, politics and the language and literature of their country, still mark them out as an ancient race with a genius all their own, the remains of which can still be seen in the temples of Puri and in the Oriya classics of Ganjam.

"The Oriyas were under one administrative system under Oriya monarchs who ruled for centuries over a vast tract of country between the sacred rivers, the Godavery and the Ganges, and founded Puri (Jagannath) as the religious capital of India. Yet nothing in modern times has stirred the heart of the Oriya nation so deeply as their present administrative dismemberment under different local Governments.

"The advance of English education among neighbouring races, due to facilities given to them at an early stage in British administration in capital towns, and their rise in consequence to positions of influence similar to those of an intermediary ruling race, which led to the practice of substituting Oriya by Telugu, Hindi or Bengali, and thereby to deprive the Oriya child of his mother-tongue in certain parts where the school reminds him of the condition of a bird in a cage taught to talk the language of his master, the interposition of an Indian interpreter of a different race when the Oriya suitor seeks justice in a law court to the neglect of the popular vernacular, the advantageous position of education and influence held by the predominant portion of the provincial population which affords them unique opportunities for posts and preferments, and representation in the Councils and development of vested interests, the situation of Oriya tracts at the tail end of each province necessarily kept backward, the indifference of the authorities to the continuous prayers of the Oriyas for their administrative reunion, all these present a striking contrast to the policy pursued by British Government in the administration of the other parts of India."

C.—At Madras.

62.—THE UNITED PLANTERS' ASSOCIATION OF SOUTHERN INDIA.

The United Planters' Association of Southern India was established in 1894 to represent and protect the interests of planters in Southern India. It is the central organisation of 13 affiliated local associations distributed over the Presidency of Madras and the Native States of Mysore, Travancore and Cochin and the Province

of Coorg. The Association maintains a labour department under a special director, employs two scientific officers, has a representative on the London Chamber of Commerce, and possesses the privilege of electing an additional member of the Madras Legislative Council. It may be regarded as representative of European planters throughout Southern India.

The Association made no attempt to deal with the general question of reforms, which it left to the European Association, and confined its representation to certain aspects of the question which specially affect the interests of planters. It expressed the fear that, if the existing conditions of the Government be altered, the planting industry will suffer injury owing to the difficulty of attracting new capital, which is necessary for the development from which alone the planters can expect the full benefits of their original investment. In conclusion it enumerated certain conditions of the planters' existence undue interference with which would affect their welfare.

“Firstly.—We are dependent on land. Any rules and regulations adverse to tenure, or any taxation of land beyond the proportionate incidence, would injure us.

“Secondly.—We are dependent on labour. Any labour legislation of an extreme nature or any restriction in regard to recruiting might bring the industry to a standstill.

“Thirdly.—We compete with others in the world's markets. We are already at a disadvantage in the matter of railways and harbours, but our position would indeed be hopeless were tariffs raised against us and prohibitive export duties placed upon our produce.”

63.—THE MADRAS CHAMBER OF COMMERCE.

The Madras Chamber of Commerce is an institution which was established in the year 1836, with a view “to watch over and protect the interests of trade; to receive and collect information on all matters of mercantile interest bearing upon the removal of grievances and the promotion of the common good; to communicate with the authorities and with individual parties thereupon; to receive references on matters of custom or usage in doubt or dispute, deciding on the same and recording the decision made for future reference; and to form by that and other means a code of practice whereby the transactions of business by all engaged in it may be simplified and facilitated.” All merchants and other persons engaged or interested in the general trade, commerce or manufactures of Madras are eligible as members, and the Chamber may be regarded as representative of the European commercial and mercantile interests in Madras. It has one Indian member. It returns representatives to the Madras Legislative Council and to the Corporation of the City of Madras.

The Chamber of Commerce considered that, so far as the Presidency of Madras was concerned, the demand for Home Rule was confined to a small section of the community consisting mainly of Brahmans. They would have preferred to keep entirely aloof from the enquiry as they are not a political body, but they felt it incumbent on them, in view of the interests at stake, to put forward, not a detailed scheme of changes, but a few general principles, which should govern such changes as are to be made. They opposed any scheme whereby the Executive would become subordinate to the Legislature, and they deprecated reform from above, as, like the Bengal Chamber of Commerce (No. 27) and European Association (No. 46), they considered that the principle of responsibility should first of all be applied in the sphere of local government. While local self-government was being reorganised the Provincial Governments should not be touched, and similarly the Government of India should not be altered while Provincial Governments were in a state of transition. The Chamber favoured the grant of wider powers to Provincial Governments and would also increase the powers of Legislative Councils provided their electorates were also widened. They considered that the interests of all communities should be represented in Legislative Council on a communal basis. They would also make representation on the Finance Committees communal. They were entirely opposed to the proposal that members of Executive Councils should be elected. They saw no objection to an increase in the Indian element in the public services, provided that this was not artificially stimulated and the British preponderance was maintained.

In conclusion they called attention to the need for ample time being given for consideration and criticism of any official proposals put forward.

“The Chamber does not propose to submit any detailed scheme of constitutional reform, nor is it of the opinion that any comprehensive scheme of this nature is due, but will confine itself to the statement of a few general principles which it thinks should govern political changes in India :—

“The Chamber regards any scheme whereby the Executive would be made dependent on the Legislature as wholly unworkable under the conditions now obtaining in India, or likely to come into existence within any reasonable space of time.

“The Chamber would deprecate reform from above, as it is of opinion that the political structure is already top-heavy. The Chamber is of opinion that any changes in the nature of granting more responsibility to Indians should begin at the bottom rung of the ladder. Wider powers might be given to bodies such as local boards and municipalities. The controlling influence by the local Governments should be retained, but by granting more latitude and responsibility and greater financial resources an opportunity would be given to these bodies to profit by their own experiences and mistakes. So long as local bodies are protected and nursed by the local Governments they will not realise their responsibilities, and the present attitude of the educated Indians will always remain one of purely destructive criticism.

“The grant of constructional powers, with full responsibility for mistakes made, is the only practical method of teaching self-government. The financial and administrative failure of a local body would not be very serious, whereas a similar failure in higher councils would have widespread and disastrous results.”

“Simultaneously the Chamber would suggest some increase of powers of the Provincial Legislative Councils, provided it is accompanied by the widening of the electorate to which elected members are responsible. Due consideration should be given to the narrowness of the present system, figures relating to which should be called for and scrutinised. In this connection the Chamber would draw attention to the inadequate representation of the European community. Such representation as that community has is entirely through specialised bodies such as Chambers of Commerce, Planters’ Associations, and Trades Associations, bodies which it is essential should be represented in view of the large financial stake they have in the country. But there remains a considerable number of Europeans who do not belong to such bodies, and thus do not obtain representation at all.

“As regards the admission of Indians into public services, the Chamber recognises that an increase in the Indian element is inevitable and open to no reasonable objection, provided that it is not artificially stimulated by altering conditions of recruitment for merely political reasons, and provided that measures are taken to ensure a distinct British preponderance in the public services.”

64.—THE MADRAS PRESIDENCY ASSOCIATION.

This Association was founded in September 1917 at a meeting of about 1,000 non-Brahman Hindus, who repudiated the claims of the South Indian People’s Association and its affiliated bodies (*see* Nos. 76 and 77) to express the sentiments of the 40 million non-Brahman Hindus of the Madras Presidency.

“We fully endorse and adhere to the basic principles of the scheme of reforms submitted by the Indian National Congress and the Muslim League, the two great political organisations which represent all that is best, noblest, and wisest in this great country. We are anxious, however, that due and adequate representation of the varied interests and communities we represent should be secured in the contemplated reforms, so that no talent might rust for lack of opportunity to serve in the great nation-building that is proceeding apace under the British rule, and

no interest might suffer for want of proper representation in the councils of the Empire."

In a Memorandum appended to the Address the Association explained that in view of the special circumstances of the Madras Presidency it considered provision necessary for the adequate representation of the various non-Brahman Hindu communities, "the election being based upon as broad a franchise as possible." Thus, if the Madras Legislative Council consisted of 125 members, of whom 100 were elected, 45 members should be returned by general electorates, 15 by Muhammadans, five by Indian Christians, four by "Anglo-Indians" (including European planters and Chambers of Commerce), four by Panchamas, one by Tiyyas, two by Uriyas, 24 by special constituencies (*e.g.*, Madras City, University, landholders, Indian trading classes, artisans). In the general electorates the Presidency should be divided into 15 groups, each electing three members, of whom not more than one shall be a Brahmin. The voters in the general electorates should be (1) agriculturists paying assessment of at least Rs. 50, (2) all income-tax payers, (3) retired officials drawing pensions of not less than Rs. 500 a year, (4) past and present members of local bodies. Muhammadans should have no vote in the general electorate. No suggestion was made as to the franchise for communal constituencies; apparently the classes with communal representation should also vote in the general electorates, unless Muhammadans. Although it was not explicitly stated, it is clear that Brahmans could obtain election only through the general electorate (subject to a maximum of 15), or in the special constituencies (*e.g.*, University or landholders).

The Association noticed certain criticisms that had been made on the Congress-League Scheme.

"The scheme provides for the election of one-half of the members of the Executive Council by the elected members of the legislative body concerned. It has been objected that this will not be practicable, as the head of the Executive Government must be given the liberty of choosing his own colleagues. The obvious answer to this criticism is that the formation of the Legislative Councils with substantial elected majorities carries with it the proposal that at least half of the number of the Executive Government can rely upon the support of the elected members. Otherwise the Executive will be in constant opposition to the Legislative Councils and the latter will be inclined to take every opportunity to challenge the decision of the Executive in the formation of which they had no voice; but if, as the scheme suggests, one-half of the Executive is elected by the elected members of the Legislative Councils, there will be considerably less temptation to assume an attitude of hostile criticism since they will be held responsible for the choice of a portion of the Executive Council. And another answer is that even in the Executive Councils as at present constituted the Governor or Viceroy who arrives from England does not choose the members of his Council, but finds the Council already made for him.

"With regard to the control to be exercised by the Legislative Councils over the financial proposals of Government, we feel that unless the power of granting supplies is vested in the people's representatives, all other powers they may be invested with will be of no avail. We realise that this is a very important step that we are asking the authorities to take, and it has been suggested in certain quarters that this course will necessarily bring about a deadlock, and therefore the Legislative Councils should not be granted this power. But we can assure you that these fears are more imaginary than real. And although a great deal of mutual persuasion and the adoption of conciliatory methods will be required from both the Executive and Legislature in working out the scheme, we cannot help thinking that this is the only means of making the two work as inter-dependent parts of one machinery."

65.—THE ANGLO-INDIAN ASSOCIATION OF SOUTHERN INDIA.

The Anglo-Indian Association of Southern India, which was inaugurated in 1879, is the central organisation of the domiciled community of Southern India, and has for its object the political, social, moral and intellectual advancement of the members of the Association and of the classes eligible for membership. According to the latest return available, 1,769 members were on the rolls.

The Association in its Address took the Congress-Muslim-League Scheme clause by clause and expressed an opinion on most of the proposals contained therein, but it is not always clear what positive proposals the Association itself would put forward. They apparently approved some increase in the membership of Provincial Legislative Councils, with representation of minorities on a communal basis, but only a small non-official majority. They would extend the scope of the Finance Committee's influence, but were apparently not prepared to support any extensive changes in the powers of the Councils. They would retain the official majority in the Imperial Legislative Council and would apparently only alter its constitution so as to make it more representative. They accepted a few of the minor proposals of the Congress Scheme, such as the extension of the right to ask supplementary questions, &c. In regard to Executive Government they were opposed (1) to any increase of the Indian element on the Executive Councils, (2) to the appointment of Indian members of Council by election, and (3) to the exclusion of members of the Civil Service from Councils. They also resisted the proposals that the Secretary of State's Council should be abolished and that the cost of the India Office be placed on the British estimates.

"The Anglo-Indian Association, Southern India, representing the domiciled community, desires to place on record its firm conviction that the present clamour for 'Home Rule,' on the part of a very small section of the people of India, is in direct breach of the solemn understanding reached at the beginning of the war, that no matters of a controversial nature in politics were to be the theme of any discussion while the war lasted. This breach of faith on the part of the Indian politicians concerned can only be construed as an effort on their part to take advantage of the fact that Great Britain is now engaged in a gigantic struggle in Europe. The present cry for 'Home Rule' began when it became evident that the war was not going to be one of short duration. The question of reforms has, however, been raised, and it has now to be considered on its merits apart from any grounds of expediency which some of the Indian political leaders think will operate in their favour.

"The Anglo-Indian Association is not averse to political progress and gradual evolution of self-government, provided always such progress and such evolution are consistent with the British character of the administration and the British responsibility for equal and even-handed justice to all sections of the people of this great land."

66.—THE SOUTHERN INDIA CHAMBER OF COMMERCE.

The Southern India Chamber of Commerce was established in 1909. It describes itself as comprised of the leading Indian merchants of Madras, but several mufassal merchants are also members of the Chamber; firms, joint-stock companies and other corporations and associations for any purpose or object connected with commerce, trade, agriculture, &c., are eligible for membership. The views put forward are at variance with those of the titular President, Rao Bahadur P. Tyagaru Chetti, a former representative of the Madras Corporation on the Legislative Council, who joined Dr. T. M. Nayar in what is known as the "non-Brahman movement" in Madras, including such developments as the establishment of the South Indian Peoples' Association with its offshoot the South Indian Liberal Federation (No. 76) and its journalistic organs *Justice* and the vernacular *Dravida* (Tamil) and *Audhraprakasika* (Telugu).

The proposals of this body were explained in detail in the 15-page memorandum attached to the address, a large portion of which was taken up with such matters as industrial expansion, trade after the war, fiscal autonomy, currency, banking and the co-operative movement. The argument throughout was that India must have greater independence and more freedom to shape her own commercial policy.

The Chamber approved a policy of decentralisation and the grant of greater powers to Provincial Governments, provided any such change was governed by the principle of making these Governments responsible to the representatives of the people in the Legislative Councils in matters of administration, taxation and expenditure bearing on the internal affairs of the province. In the sphere of local self-government they advocated the grant of real powers and financial control to village

panchayats and taluk boards, both of which should be elected by and responsible to the people.

In regard to the general constitutional changes the Chamber followed the main principles of the Congress Muslim League Scheme without entering into so much detail, but in some matters took a line of their own. Thus they would not absolutely exclude members of the Indian Civil Service from Executive Councils, and they would support the special representation of other special interests than those of the Muhammadans in the Legislative Councils, specially commercial and landed interests. Such representation should be by election and not nomination.

“ We feel that the administration of the country is far too centralised and that the reins of control are held far too tightly by the Secretary of State and the Government of India. We, therefore, urge that a full measure of provincial autonomy should no longer be delayed. From this decentralisation of control, it naturally follows that the provincial administration should be made to rest on a wide popular basis, as otherwise the transfer of power from one authority to another would by itself signify nothing or may even prove a worse evil. Local self-government has hitherto been administered as a department of Government, notwithstanding the fact that the people have amply proved their capacity for the same. We ask that it should be made real and popular, and freed from the present rigid official direction and lead. With the villages as ‘ the starting point of public life,’ and our taluk and districts boards, on the one hand, and our district municipalities and the Presidency Corporation, on the other, as thoroughly representative institutions, levying their taxes and regulating their expenditure, emancipated from official trammels, subject only to the most general supervision and intervention in cases of gross mismanagement, by the Provincial Governments, these institutions are bound to fulfil the best expectations of all and supply the real groundwork of all administrative reform. In the general administration of the country, a sense of responsibility to the people and their representatives on the part of the governing authorities can only be created by widening the franchise, enlarging the provincial and Imperial Legislative Councils so as to make them thoroughly and really representative of all classes, communities and interests and by investing them with substantial powers of control over the administration.”

67.—THE MADRAS PROVINCIAL CONGRESS COMMITTEE.

This body is affiliated to the Indian National Congress and supports the Congress-League Scheme. “ Even if we had an independent voice in the matter we would not have come to any other conclusion than that the reforms contemplated by the Congress Scheme are the least which we are bound to press on the attention of the Government at the present moment.” The Address was accompanied by a 23-page Memorandum on the scheme in general and its application to the Madras Presidency in particular.

“ A situation has now arisen which requires radical changes in the constitution and function of the Council in this respect. It is in these circumstances that the Congress-Muslim League Scheme was formulated, and it embodies very moderate demands on the part of the people for enabling their representatives to have an effective voice in the government of their own country. That such a moderate scheme should evoke so much opposition from members of the Anglo-Indian community, only shows how doggedly these reactionaries have stood in the way of any reforms in India. There is a growing feeling amongst the people that the official hierarchy of the Civil Service is in secret sympathy with this opposition and giving it its support from behind the scenes. It is not easy at all times for persons clothed with power to be compelled to surrender any portion of that power to others with whom they have very little in common. There seems to be, moreover, something in the atmosphere outside Europe and America which makes even some of the most liberal-minded people of those countries turn rank reactionaries the moment they leave those shores. Accustomed to regard themselves as the agents of a Providential dispensation amongst a coloured population, the bureaucracy have come to regard themselves as an exclusive and superior political caste.”

The Committee admitted "that in view of the peculiar conditions and feelings prevailing among the various communities of this Presidency, territorial electorates providing for the adequate representation of the various communities ought to be constituted." But such provision should be made by rules for the first Legislative Council only, and not embodied in any Act; it was hoped that "the leaders of the various communities, after the present conditions have ceased to exist, will not feel the need for any system of communal representation which curbs their power to elect the best men available to represent their interests." At present, nomination by Government, "within recognised limits," might be necessary to bring into the Legislative Council representatives of the backward communities.

68.—THE MADRAS MAHAJANA SABHA.

This Association was founded in 1884, one of its declared purposes being to promote the objects of the Indian National Congress. Its leading members are barristers and journalists. Its deputation supported the Congress-League Scheme in a 10-page memorandum which accompanied the Address. While recommending the system of territorial electorates, the Sabha recognised that at present provision should be made in the Madras Presidency (by means not stated) for the adequate representation of "communities other than the Brahman."

"Before we discuss the question of the distribution of the franchise, we are anxious to point out that the question of franchise is merely one of detail. We want that the Executive Government of the country shall be responsible to an almost wholly elected Legislative Council, which subordination is to be secured by the power of the purse being vested in the latter, subject to certain safeguards. So long as the people generally are represented in the Legislative Council, it does not matter for the success of our scheme how the representatives are elected. And, after all, the question of franchise is yet unsolved satisfactorily even in the most advanced countries.

"With this preliminary observation we would like to say that, in our opinion, the members should be elected directly by the electors. Different qualifications for the franchise have been suggested. Of course, the most satisfactory in the conditions of our Presidency will be that all those who pay either taxes or rates of Rs. 50 a year, all income-tax payers, pensioners drawing Rs. 500 a year, graduates, title-holders, certificated pleaders, registerable medical practitioners and schoolmasters with salaries of Rs. 25 or over a month, shall have the vote. But, in order to avoid a complicated franchise, we would suggest that all persons who are now qualified to vote for the various local bodies in the Presidency, from the union panchayat upwards, should have the franchise in respect of the local Legislative Council."

69.—THE CATHOLIC INDIAN ASSOCIATION OF SOUTHERN INDIA.

This Association was established in 1899. The Most Reverend John Aelen, Archbishop of the Roman Catholic Archdiocese of Madras, is the President.

The Catholic Indian Association was opposed to any weakening of British control in India and considered that the country was unfit for complete self-government, but it looked forward to Indians being given an ever-increasing share in the administration and claimed for the community which it represented its due place in such advance, which can only be secured on a basis of communal representation. It called the attention of Government to a special Catholic grievance, viz., the non-recognition by the courts of Canon law in regard to Catholic Indian marriages. The preamble to the reform proposals contained certain special claims in the matter of Council procedure intended to safeguard the interests of the Christian community. The constitutional changes put forward by the Association were the inclusion of three Indians in the Imperial and Provincial Executive Councils, which should have a total membership of six. The Indians should be nominated from among representatives of the Hindu, Muslim and Christian communities. The Imperial Legislative Council

should be half nominated and half elected, and the elected members should be representative of the communities in India. The Provincial Legislative Councils should have a substantial non-official elected majority with special communal representation. In Madras Christians should be given one-tenth of the total elected membership. The Provincial Councils should have power to legislate in respect of agriculture, local self-government, sanitation and co-operation.

"To us Catholic Indians, the existence and continuance of the British Raj in India is very essential and important, considering the fact that on account of our religion we form a separate community, not always treated sympathetically by the large communities in this vast continent. Therefore, in any reforms that may be granted to Indians in general, we are anxious that the direct controlling hand of the British administration in this country should in no way be diminished or weakened. We would rather be governed by fair-minded Britishers than oligarchies claiming to have sprung from and to be rooted to this soil.

"But our community has not been left unaffected by the wave of nationalism that is passing over the length and breadth of this land. The change in the angle of vision and the recent liberal utterances of English statesmen have created a certain hope of the larger employment of Indians in the administration of this country and of the grant to them of a thoroughly representative form of government.

"Though India is unfit at present for complete self-government, yet we doubt not that the liberal traditions of the English people will lead them to grant a larger and larger measure of reform in the course of time. In every such reform we Catholic Indians naturally expect a share to be given to us.

"Having regard to our number and to the advancement of our community in education, it is but natural that we should expect to be more largely associated with the coming responsible Government than hitherto.

"We ask for communal representation, because it is agreed on all hands that it is not consistent with good government that power should pass into the hands of a small minority. It is a fact that at present electorates largely composed of persons other than Brahmans return Brahman representatives to the Legislative Councils as well as to Local Boards, and no one is more dissatisfied with the result than the electors themselves, who feel helpless in the face of a Brahman combination which, thanks to education and an efficient organisation, almost invariably carries the day against non-Brahman candidates. Communal representation is the only possible remedy for this anomaly, and we accordingly ask for it. Plans of representative government, modelled on the self-governing colonies, are manifestly unsuitable to a country like India, which must for a long time to come depend on the United Kingdom for resources in money and material as well as for its paramount military and naval defences."

70.—INDIAN CHRISTIANS OF THE PRESIDENCY OF MADRAS.

This deputation represented a combination of certain seceders from the Catholic Indian Association (No. 69) with certain members of the Indian Christian Association, Madras (established in 1887 to further the advancement of the Indian Christian community; all Indian Christians resident in South India are eligible for membership). The deputation was non-sectarian, including "Roman Catholics, Protestants, and Syrians."

It put forward a scheme based on these principles: (1) Expansion of the Legislative Councils; (2) an effective voice in some departments of the administration; and (3) communal representation. It was thus in agreement with the views of the Catholic Indian Association in regard to the main principles of reform, though differing in some matters of detail.

"With regard to the first and the last of these principles, we submit that it is only in an expanded Legislative Council that the varied communities of this Presidency will be able to secure adequate representation. Till now the Indian Christian community, as such, has not been represented in any of the Legislative Councils of the country by an elected member, although we are a distinct section of the people of the land, and require separate treatment on matters affecting our social, religious, and economic conditions. In the past, laws were passed regulating our marriage system,

inheritance, &c., without the presence of a single Indian Christian in the legislatures. With the growth of our community, problems have arisen, and will arise, which require the co-operation and mature advice of our best representatives for their solution, and we therefore pray that separate representation may be granted to Indian Christians. We form an important section of the people of this Presidency by reason of our numerical strength, wealth, and, above all, of our high percentage of literacy. To a total population of over three and a half millions of Indian Christians for the whole of India, according to the census of 1911, we contribute over two millions and three lakhs. Our percentage of literacy stands higher than that of Hindus and Muhammadans, and in female education we easily hold the first place among the leading communities, and have contributed not a little to the spread of the benefits of western education among the women of other classes of our country through the efforts of Indian Christian women teachers. These, among other considerations, have induced us to seek for separate communal representation.

"The second principle will be easily conceded by all those who have watched the success which has attended the efforts of popular representatives in the Legislative Councils and to which testimony was borne by our late Viceroy, Lord Hardinge. To have the Legislative Councils mere theatres for the display of eloquence without the sobering effects of responsibility will be no longer upheld.

"We have made no reference to the constitution of the Imperial Legislative and Executive Councils, as we have reason to believe that the All-India Christian Conference which represents the Indian Christians of all the provinces will submit a well-considered scheme."

71.—THE ZAMINDARS AND LANDED PROPRIETORS OF THE MADRAS PRESIDENCY.

This Address was put forward by a large number of Zamindars who disapproved of a draft address passed by a majority at a meeting of the Madras Landholders' Association in support of the Congress-League Scheme.

They put forward claims very similar to those of the landed interests in Bengal (No. 50) and the United Provinces (Nos. 6 and 7). They were in favour of some alterations in the present administration in the direction of provincial autonomy, but claimed for their own class very substantial representation in any re-arrangement that might be made. Thus in the enlarged Provincial Legislative Councils they demanded at least one-fifth of the seats for representatives of landed interests, and in the Imperial Council greater representation than at present. In the Executive Councils, Imperial and Provincial, they claimed one seat. They advocated second chambers for both Imperial and Provincial Legislative Councils and the transfer of the control of selected departments to the control of the reformed councils. If the British Parliament continued to administer Indian affairs, then they would have the cost of the India Office placed on the British estimates.

"All Provincial Legislative Councils in India should be enlarged on as broad franchise as possible, having a substantial majority of elected representatives, the various communities in the country being adequately represented by separate communal representation and minorities being properly safeguarded.

"In view of the large stake which the hereditary nobility and landowners have in this country they should have the power to return to the Provincial Legislative Councils at least one-fifth of the total number of members constituting them."

"When the Imperial and Provincial sources of revenue are separated the Provincial Legislative Councils should have full authority to deal with provincial matters, provided the provincial councils shall not have the power to enact measures which will interfere with the rights and privileges granted to the zamindars under the permanent settlement and to jammis and stamies of the west coast, unless the majority of their representatives in the Council consent to the introduction of such measures."

"Some of the important zamindars in India should be raised to the status of ruling chiefs or at least admitted to the honours and privileges accorded to the

latter. Further the titles and honours of which several of the deserving and important zamindars have been deprived should be recognised and restored to them hereditarily.

“Commissions in the army should be thrown open to the scions of aristocratic families in the country and provision should be made for the training of military officers in India.”

“The system of enlistment recently adopted under the Indian Defence Force Act should be made permanent.

“A full measure of local self-government should be immediately granted under safeguards for its efficient working.”

72.—THE NEWINGTON OLD BOYS' ASSOCIATION.

Newington is a college for young zamindars and landholders, maintained by the Madras Court of Wards. Its Old Boys' Association, formed in 1912, includes over 30 zamindars of high position. The Association opposed any violent changes, but “we heartily approve of a step by step progressive policy,” and asked that in any instalment of reforms landholders should “be given full scope of representation and effective participation, not on the basis of our numerical strength, but according to our stake, importance and influence.”

“We voice the feelings, not merely of the descendants of many of those chiefs and zamindars—who, in the old days, though nominally under some suzerain, were still for all practical purposes actual rulers, wielding large powers in their own principalities—but we also speak for those innumerable families who have been true to us and who are dependent on us and our estates. We submit, this is no empty boast, for we have a right to represent these masses, called upon as we are, almost as the first, to associate with them in their daily life—witness the large part played by the aristocracy in the cause of education, medical help, and substantial contributions to important charities—all for the benefit of the people. We wish also to place before you, though not as claim yet as a fact, our unswerving loyalty and ever readiness to help, co-operate, and use our influence in various connections and on many occasions, for which the Government is sure to acknowledge themselves to be indebted. For this no further proof is necessary than the wide and active support of the aristocracy in this present war.

“Though much shorn of our powers, we have still large vested interests and responsibilities. We have always been assailed by a small but highly audible clique which neither has in itself, nor cares to appreciate in others, these responsibilities. There has been a gradual curtailment of our powers and we have often been hard hit by legislation. Our interests have not been sufficiently guarded in past grants of reforms. The clique we have mentioned has always attempted to treat us almost as a negligible factor and tried to monopolise the attention of the Government. . . . Our class deeply resent such attempts on the part of agitators to throw us into the background and ignore our interests—no doubt a foretaste of what may be expected if Home Rule be granted at present. We submit we are conservative and not given to agitation. Though we have suffered in the past for failing to bring our importance to the notice of the authorities when reforms were granted, still in the future at least our position requires to be fully realised and recognised by the Government.”

73.—THE KERALA JANMI SABHA.

This is an Association of the leading jannis or landholders of Malabar, the President being the Zamorin of Calicut.

Their Address contained most of the features which characterised previous addresses from landholding associations. Legislative Councils should be increased and larger representation given to the landholding interests, and their constitution should be altered by the addition of second chambers, of which half the members should be landholders. Three-fourths of the members of the lower chambers should be elected, one half of these by territorial and one half by communal electorates.

Greater freedom should be given to Provincial Governments. The time had not yet come to give to the Legislative control over the Executive, but larger powers of control, especially in matters of finance, should be secured to the Legislative Councils, while it should be considered whether in Madras the Local and Municipal Department might not, as an experiment, be placed under the control of the Legislative Council. The Indian element in the Executive Councils should be substantially increased and ordinarily one member of each Council should be a landholder.

“Much as we should have preferred to concentrate all attention and energy on the successful termination of the terrible conflict in which the Empire is engaged, much as we should have preferred not to launch forth just at present on the less important, and certainly much less urgent, problems of the internal administration of our country, we find ourselves nevertheless forced into a controversy which we have not started, which we have not sought, but instead tried, as far as it lay in our power, to put off. But as matters stand at present, and as the custodians of India's interest have invited opinions publicly from representative men and bodies on the subject of constitutional reforms, we feel it our duty not only to ourselves, but to Your Excellency, and to you, Sir, to state our views on the subject. If we fail to do so, there is the contingency that our silence may be misconstrued and the machinery of the Government may be changed to our detriment and without our having any voice in the matter.

“We think that the time has come, thanks to the broadminded policy of the British Government in diffusing western culture and western civilisation among a very large section of the people, for granting them a larger share in the government of their country than they now possess, so as to educate them for the ultimate goal which British statesmen have ordained for India, namely, self-government within the Empire.”

“In all countries where representative government prevails the existence of a second chamber has been found necessary to check and balance conflicting interests and often to tone down hasty legislation that a popular chamber is apt to undertake. The need for a second chamber is all the greater in our country, where the electorate can at best form only a small fraction of the vast masses of the population, who, owing to ignorance and poverty, cannot be immediately enfranchised with advantage or safety to themselves or to the State. We consider that the time has come when the creation of a second chamber should no longer be delayed. In such a chamber we submit that the landholding classes should have a preponderating influence. We would suggest that one-half of the members of the second chamber be elected by the landholders, the rest being returned by the commercial and trading classes and such other interests as may be considered necessary. It should, we think, be provided that all legislation must pass both chambers, and in regard to resolutions on administrative questions, both chambers may be given independent powers to pass resolutions, provided, however, that a resolution becomes binding on the Government only when passed by both the chambers.”

74. -THE ALL-INDIA WOMEN'S DEPUTATION.

This deputation consisted of 18 Indian ladies from various parts of India (including Mrs. Sarojini Naidu, the poetess) and four European ladies (including Mrs. Annie Besant), wearing Indian dress. They claimed that the women of India understood and supported the demand for self-government, and urged that in the extended franchise the right to vote should be conceded to women. They emphasised the necessity of extending female education and taking measures to lower the death-rate among young wives and infants.

“We have asked for a portion of your valuable time because the women of India have awakened to their responsibilities in the public life, and have their own independent opinions about the reforms that are necessary for the progress of India. Many organisations have been started by and for women during the past 10 years, of which we have representatives here, such as the Indian Women's Association, the Seva Sadan, the Mahila Seva Samaja, the Indian Women's University, the Women's Home Rule League Branches, &c. We are in touch with the new outlook of Indian women, and we make bold, at this historic time, to lay before you women's views.

concerning necessary post-war reforms, as we believe them to be the necessary complement to the views of our men.

“The women of India understand and support the broad claims of their people for self-government within the Empire, and they press for its bestowal as urgently as do their brothers. They have in large numbers signed the petition organised by Mr. Gandhi in favour of the scheme of reform drawn up by the National Congress and the Muslim League. They have also held large ladies’ meetings, taken part in processions and public meetings, and in many ways worked towards obtaining the measure of self-government suggested in this scheme, and in the non-official memorandum of the 19 members of the Imperial Legislative Council, with the general terms of both of which they, through us, wish you to know that they are in agreement.

“Our interests, as one-half of the people, are directly affected by the demand in the united scheme (I. 3) that ‘the Members of the Council should be elected directly by the people on as broad a franchise as possible,’ and in the memorandum (3) that ‘the franchise should be broadened and extended directly to the people.’ We pray that, when such a franchise is being drawn up, women may be recognised as ‘people,’ and that it may be worded in such terms as will not disqualify our sex, but allow our women the same opportunities of representation as our men. In agreeing with the demand of the above-mentioned memorandum that a full measure of local self-government should be immediately granted, we request that it shall include the representation of our women, a policy that has been admittedly successful for the past 20 years in local self-government elsewhere in the British Empire. The precedent for including women in modern Indian political life has been a marked feature of the Indian National Congress, in which, since its inception, women have voted and been delegates and speakers, and which this year finds its climax in the election of a woman as its President. Thus the voice of India approves of its women being considered responsible and acknowledged citizens; and we urgently claim that, in the drawing up of all provisions regarding representation, our sex shall not be made a disqualification for the exercise of the franchise or for service in public life.”

75.—THE COORG LANDHOLDERS’ ASSOCIATION.

This deputation claimed to speak on behalf of all the inhabitants of the small province of Coorg. They asked that such reforms as were introduced elsewhere should be extended to Coorg, and recommended various changes in the internal administration of that province, including a representative assembly of 30 under the Chief Commissioner and an Advisory Council of 15 elected by the Assembly.

“Ours is a small province administered by a Chief Commissioner in subordination to the Governor-General. Unlike other British provinces it is not a conquered country, but was annexed to the British Empire in response to the unanimous wish of the inhabitants. In view of this exceptional circumstance of its connection with the British Raj, we have always felt that we have strong claims for special and sympathetic treatment. Sensible as we are of the undeniable benefits conferred by British rule, we cannot refrain from submitting that our economic and political progress has not kept pace with that of other provinces. We have neither an Executive nor a Legislative Council. The various constitutional and administrative reforms introduced into India during recent years by the benign Government have left us unaffected. The people have, therefore, no share in the administration or a voice in legislative enactments. The omission on the part of the Government to extend to us the rights and privileges bestowed on other British provinces years ago, we presume, cannot be due to our unfitness or inability to exercise them, because it cannot be denied that the general level of education and intelligence in our country compares favourably with that of the most advanced British provinces. We confess that we, ourselves, in a large measure, are responsible for the present state of affairs, because we have not pressed our claims and ideals upon the Government in the conviction, borne of deep-rooted confidence in their good faith and benevolence, that our welfare is an object of their special solicitude and that our administrators would safeguard our interests and satisfy our legitimate aspirations. We have now begun to realise that isolation and an attitude of aloofness from the great currents that are carrying India forward to the goal of self-government are calculated to seriously prejudice the interests of our country.”

76.—THE SOUTH INDIAN LIBERAL ASSOCIATION.

This is a political organisation initiated by the South Indian People's Association, which was formed at the end of 1916 to define the attitude towards the Home Rule movement of the non-Brahman communities in the Madras Presidency. The South Indian Liberal Association (like the deputation of the non-Brahman Communities, No. 77, and the Madras Dravidian Association, No. 78) was strongly opposed to the Congress-League Scheme or any other scheme which would grant self-government to India at the present time. Dr. T. M. Nair was a member of this deputation.

The South Indian Liberal Federation pointed out that out of a population of 41½ millions at least 40 millions are non-Brahmans. They were in favour of progressive political development and advocated the following main lines of advance:—

- (1) Extension of self-government by means of municipal and local boards free of official control.
- (2) Due representation of all communities in the administration.
- (3) Enlargement of Legislative Councils, with adequate representation of all interests by means of direct election on a communal basis.
- (4) Departments of local self-government, sanitation, agriculture, co-operation, and industries to be placed under control of Legislative Councils.
- (5) Enlargement of Executive Councils and provision for half the members to be non-official Indians.

They were opposed to members of Executive Councils being chosen by election and to the introduction of the Parliamentary system by which the House of Commons can withhold supplies.

“We understand that a memorandum signed by 19 non-official members of the Imperial Legislative Council has been submitted to you through the Viceroy demanding certain political reforms to be brought into force after the war. The proposals contained in the said memorandum have since been accepted by the originators of the Home Rule movement in India as equivalent to their demand. Your memorialists feel constrained to strike a discordant note, as otherwise, from previous experience, they are afraid that it will be made out that the demand has behind it the united voice of the people of India. The proposals embodied in the memorandum of the 19, if given effect to, will, in our opinion, tend to weaken the British authority in India and thereby jeopardise the interests of the large and hitherto inarticulate masses of the country. We are not in favour of any measure which, in operation, is designed, or tends completely, to undermine the influence and authority of the British rulers who alone, in the present conditions and circumstances of India, are able to hold the scales even between creeds and classes and to develop that sense of unity and national solidarity without which India will continue to be a congeries of mutually exclusive and warring creeds without a common purpose and a common patriotism. We do not believe that the time has come for anything like Home Rule to be granted to India. The large majority of the population of this country are not educated enough to use any political power that may be given to them with wisdom and discrimination; nor have they any political traditions to guide them: and they are unwilling that, till they are educated up to a standard that will help them to take an intelligent interest in the government of the country by the discriminate use of the franchise that may be given to them, their destiny should be handed over to the care of a small section of the Indian population, though men are not wanting amongst themselves who can fairly take their legitimate share in the councils and administration of the country in any scheme of reforms which may reasonably meet the actual needs of the hour. The majority of the people in this Presidency who demand Home Rule at the present time belong to the class of Brahmans; but not less than 40 out of 41½ millions who form the population of this Presidency are non-Brahmans who, including, as they do, zamindars, landowners and agriculturists and owning the bulk of the property in the province, pay practically the whole of the taxes collected in the Presidency, which go to maintain the Government. But in what passes for politics in Madras they have not taken the part to which they are entitled. They have made little or no use of their influence among the masses for the general political advancement of the country. In these days of organised effort they have not maintained till very recently any proper organisations for protecting and promoting their common interests and for preventing professional and other politicians, with hardly any corresponding stake in the country, from posing as their accredited spokesmen. Under these conditions we are afraid that, if Home Rule or

self-government were granted to India at the present time, the Government would pass into the hands of a close oligarchy unfit either by tradition or training for wielding political power, and thus the interests of the masses would suffer.

"We are, however, in favour of progressive political development, of a well-defined policy of trust in the people qualified by prudence and of timely and liberal concessions in the wake of proved fitness."

"In the present condition of India the franchise should be established on a *communal basis*, as otherwise it will be impossible to secure proper representation of the different communities, particularly in this province, where the conditions are entirely different from those of all the other provinces on account of the absolute predominance of the ancient ideas of the superiority of the priestly class over all others and where, owing to the recently acquired Brahmanical ascendancy in the bureaucracy, the franchise distributed on any but communal basis cannot but be inequitable and is sure to lead to the oppression of the masses."

77.—THE NON-BRAHMAN COMMUNITIES OF THE MADRAS PRESIDENCY.

This deputation was the outcome of a series of conferences in different parts of the Presidency towards the end of 1917.

The deputation, consisting of 30 public men, agreed with the main lines of advance advocated by the Liberal Association (No. 76), but entered into somewhat more detail; thus they included a provisional allotment of seats in the Madras Council if it were to be enlarged to a membership of 125. Out of 88 elected seats, 9 would go to "general electorates" composed of members of local boards and municipalities, 2 to Oriya general electorates, 59 to communal electorates, and 18 to special interests (Europeans (6), University, landholders, commerce). Of the 59 communal representatives, 30 would be non-Brahman Hindus, 15 Muhammadians, 7 Brahmans, 5 Indian Christians, and 2 Anglo-Indians. They advocated an extension of provincial independence and indicated certain heads of revenue which should be provincialised, and they would give to Provincial Governments powers of taxation and borrowing. They would replace the official majority in the Imperial Legislative Council by a nominated majority (official and non-official). They were opposed to financial proposals being embodied in Bills, and they would not make resolutions of Council binding on Government, without providing the safeguard of a veto by the Governor.

They put forward a table showing that in the higher grades of Government appointments in the Presidency Brahmans held 1,342 out of 2,807 held by Indians or Anglo-Indians.

"Owing to various causes, most of the power and influence has, in the present system of administration of this Province, become centred in the hands of a small community which numbers only 1,167,695, according to the census of 1911, out of a total population of 41,870,160. In this Presidency, in spite of the influence of western education and of more than a century of benign British rule, the rigour and exclusiveness of the caste system has not appreciably weakened, with the result that there is very little in common between those who chiefly wield the power at present and the others who are now left behind in the race. While the advantages of place and power are mostly enjoyed by this one community, the cost of administration is born mostly by the others. These others, who, in brief, may be described as the non-Brahmans of this Province, including, as they do, zamindars, landholders, agriculturists, merchants and traders, own the bulk of the property in the Province. Practically the whole of the trade in Indian hands is in the possession of the non-Brahmans. Nevertheless, these non-Brahmans are not duly represented either in the services or in the Legislative Councils of the Province. Taking the whole Presidency, in the last election, out of the seats thrown open to local boards and municipalities and the Madras Corporation, nine seats were secured by the Brahmans and only one went to a non-Brahman. The fact that the majority of the voters were non-Brahmans proved no guarantee for the success of non-Brahman candidates, for the reason that, both among the lawyers and the Indian officials, the Brahmans predominate and their influence in this matter was the decisive factor in the result of the elections. All the three seats in the Imperial Legislative Council, open to Indians generally in the Madras Presidency, are at present held by Brahmans."

78.—THE MADRAS DRAVIDIAN ASSOCIATION.

This Association professes as its object the progress of non-Brahmans, including Hindus, Muhammadans, Indian Christians, and other Dravidians of Southern India.

The Dravidian Association put forward no definite reform proposals, but merely referred to various disabilities of the non-Brahman community, and expressed the view that such disadvantages would be increased ten-fold if Home Rule were immediately granted.

“Though forming the majority of the population and also the wealth-producing section thereof, non-Brahmans have not had their due share in shaping the policy and conducting the administration of the State. This is due to their not having availed themselves of educational facilities provided by the Government as much as the Brahmins, who having had no share in the wealth-producing vocations, but possessing hereditary aptitude for study, availed themselves of these facilities. Being an exclusive class, endowed by tradition with a kind of religious authority in this land, they used their opportunity to aggrandise themselves at the expense of other classes. It has now become difficult for non-Brahman classes to get the opportunity to educate themselves to the same extent as Brahmins. It is our desire that Government should look into this question and see if there are other hindrances to the educational progress of non-Brahmins than their own inertia. It is our conviction that there are. If so, we would pray Government to remove them. This applies not only to the education of men but also of women. The Widows' Home in Madras was originally started for widows of all classes. It has now become the refuge of Brahmin women to the exclusion of non-Brahmins.”

“We refer to all these inequalities and hardships partly in the hope that steps will be taken to rectify them and partly with the object of showing how, if Home Rule is introduced at present, the sufferings of the educationally backward classes will be increased tenfold. Whatever reforms may be introduced in this country, nothing should be done to weaken British authority or to change the British character of the administration or to concentrate power in any particular class to the detriment of other classes.”

79.—THE MADRAS ADI DRAVIDA JANA SABHA.

This Association, founded in 1892, was formed to further the interests of the “Adi” or original Dravidians, these classes claiming to number 6 millions in the Madras Presidency who are outside the pale of caste and are commonly described as Paraiyas or Panchamans. The Association has promoted Panchama meetings in opposition to Home Rule. The members of the deputation were small traders, landholders, teachers, and journalists. They desired social uplift rather than constitutional reform. They were strongly opposed to the Home Rule propaganda and asked for further protection from Brahmin intolerance, their great need being education. They asked for special representation in local bodies and also in the Legislative Councils, and communal representation in any scheme of reform that may be given to the country as a whole.

“The caste system of the Hindus stigmatises us as untouchables, and imposes various social and economic disabilities upon us. Caste Hindus could not, however, get on without our assistance. We supplied labour and they enjoyed the fruit, giving us a mere pittance in return. Our improvement in the social and economic scale began with and is due to the British Government. The Britishers in India—Government officers, merchants, and last, but not least, Christian missionaries—love us and we love them in return. Though the general condition of the community is still very low, there are some educated men amongst us. But these are not allowed to rise in society on account of the general stigma attached by the Hindus to the community. The very names by which these people refer to us breathe contempt.”

“We need not say that we are strongly opposed to Home Rule. We shall fight to the last drop of our blood any attempt to transfer the seat of authority in this country from British hands to so-called high caste Hindus who have ill-treated us in the past and would do so again but for the protection of British laws. Even as it is,

our claims, nay, our very existence is ignored by the Hindus; and how will they promote our interests if the control of the administration passes into their hands?

"The Congress which has agitated in the name of the people and which now asks for various reforms in their name, what has it done to rebuke the Hindus for their ill-treatment of us? On the other hand, many of the Congress leaders are Brahmans who carry their notions of their own superiority and of the inferiority of others into every detail of private and public life. We have, however, no quarrel with the Hindus. We are willing to forget the past and to co-operate with them provided our rights are secured for us by the British Government, to which we look for help in our endeavours to uplift ourselves.

"We want education first and foremost. Our poverty and our social degradation have prevented us from availing ourselves of the educational facilities provided by the Government. Besides, the educational policy of the Government, shaped and worked under the influence of so-called high caste Hindus, has been more favourable to these articulate classes than to us who could not make ourselves heard. We are shut out from Hindu 'national' schools like Pachaiyappa's College. Refusal of admission to boys belonging to our community should disqualify an educational institution for receiving grants from public funds."

80.—THE DRAVIDA MAHAJANA SANGAN, RANGOON.

This Address was brought from Rangoon on behalf of an organisation of Panchamas settled in Burma who wished to co-operate with the Madras Adi Dravida Sabha (No. 79). The petition asked for representation for this class on the Madras Legislative Council and local bodies, additional schools and wells, facilities for acquiring land, free education, and a commission of enquiry into their grievances. They entered an "emphatic protest against the grant of Home Rule to India at this stage." The petition made no reference to Burma.

"The petitioners beg to place for your benign consideration the following grievances due to the caste prejudices prevailing in India:—

- "(a) They are refused admission into the public schools managed by the other caste people.
- "(b) They are not allowed to draw water from the village wells intended for public use.
- "(c) They are not allowed to walk through the public roads in certain parts of the Madras Presidency.
- "(d) They are prevented from possessing Government 'darkhast' land by the sharp practices adopted by the other caste Hindus."

81.—THE MADRAS PRESIDENCY MUSLIM LEAGUE.

This League has existed for about 10 years, its declared objects being to promote among Indian Mussalmans loyalty to the British Government, to protect their political and other rights and interests, and to promote as far as possible harmony between them and other communities of India. At the end of 1917 some influential members resigned because they did not agree with the support given by the executive to the Congress-League programme.

Their Address reiterated the Congress-Muslim League Scheme with slight variations, the most important of which were—

- (1) The claim that one seat on Executive Councils should be reserved for a Muhammadan.
- (2) The demand that any resolution or Bill brought forward in a Provincial Legislative Council by a Muhammadan and affecting Muslim interests only should not, if supported by three-fourths of the Muhammadans, be liable to defeat by a non-Muslim majority.

"We in common with other communities in India hailed with considerable gratification the announcement made both in Parliament and in India on 20th August

1917 that we were destined, in due course, to have a responsible Government. We are sincerely grateful to the British Government for this noble recognition of our rights and aspirations and for the welcome declaration that 'substantial steps in this direction should be taken as soon as possible.' We eagerly look forward to the day when India as an integral part of the British Empire will enjoy equal rights and privileges with the rest of the Empire. At this stage, the question might arise, and in fact some of those who are not for any further reforms openly ask, whether Indians are now fit for any degree of self-government. Nobody who is even slightly conversant with the present situation can be oblivious of the fact that Indians have during the recent years made very amazing progress in all directions which entitles them to be more largely associated with the administration of the country. The proportion of progress in education may not be equal in all communities, but the Indian nation as a whole, including Mussalmans, has sufficiently advanced to efficiently discharge the sacred trust of governing themselves which the Crown may be pleased to charge them with. It is a well-known fact that there has been great educational awakening in the Muslim community throughout India and every nerve has been and is being strained in making up for past deficiencies. The various instalments of administrative reforms have served to stimulate the community to further efforts in order to qualify themselves for still higher responsibilities. Even the Mussalmans of this Presidency, who, compared with their brethren in other parts of India, may be said to be backward in education and wealth, have made sufficiently rapid progress to befit themselves for taking their legitimate share in all branches of the administration.

"There is one important point, however, to which we wish to draw your Excellency's attention and that of the Secretary of State. As compared with the Hindus, Muhammadans are in a minority in India, and this at one time led to grave fears being entertained of their being swamped in self-governing bodies by the non-Muslim majority. But this contingency has happily been averted by the recognition on the part of the Government of the principle of granting separate representation to Mussalmans in excess of their numerical strength in population in consideration of their political importance. We are glad that our Hindu brethren with their political sagacity have equally recognised the rightfulness of our claim in this respect and cheerfully conceded the same, as is evident from the scheme of reforms of the Indian National Congress."

82.—THE SOUTH INDIA ISLAMIA LEAGUE.

This League was founded at the end of 1917 by Madras Muhammadans, who considered that the acceptance of the Congress-League Scheme would be to the prejudice of their community.

In their Address they expressed a complete lack of sympathy with Congress-Muslim League Scheme, which in their view would tend to weaken the authority of the British Government in India. They were not opposed to all reforms, but advocated a gradual advance and demanded adequate safeguards for the interests of minorities. They would increase the membership of Executive Councils and reserve one seat on these councils for Muhammadans. They would also enlarge the Legislative Councils and make them more representative, reserving for Muhammadans a proportion of seats commensurate with their political importance. They considered that Legislative Councils should remain advisory bodies and should not be entrusted with financial control or with the right to elect members of Executive Councils, who should invariably be nominated.

"Ever since the All-India Muslim League adopted the political aims of the Indian National Congress and its leaders began to co-operate with the leaders of the latter organisation, the Muhammadans of Southern India have been feeling uneasy as to the capacity of the League to represent their views and interests. Their doubts have been confirmed by the Madras Presidency Muslim League having recently adopted the Congress-Muslim scheme of reforms. This action on the part of the League created much indignation among the Muhammadans in this part of the country, who, being a minority community, realise the value of the British Government in holding the scales even between different classes in this country. They have accordingly resolved to form a separate League which will voice the real

feelings and sentiments of the Muslim community of Southern India. The Association thus formed under the name of the South Indian Islamia League has adopted the following creed to express the real political attitude of the Mussalmans of Southern India, namely, that its members are opposed to any scheme of political reconstruction which tends to undermine the authority of British Government in India, but are strongly in favour of gradual progressive political development."

83.—THE MUTTIALPET MUSLIM ANJUMAN.

This is a Muhammadan society established in 1913 in Madras City with mainly educational purposes. The Address expressed the same views as those put forward by the South India Islamia League (No. 82).

"It is our firm conviction that in India, where there are so many conflicting religious interests and prejudices, the Britisher alone can hold the scales even between the various communities. Whenever our interests collide with those of other communities, it is to him we look up as the embodiment of justice and fair play. Whatever reforms may be introduced, we trust that nothing will be done to undermine the authority of the British Government in India. We are also averse to the power of the purse being vested in Legislative Councils, as we fear it will be used to coerce Government and to favour particular interests. Nor should Executive Councillors be elected by members of these Legislative Councils. Muhammadans being necessarily in the minority will have no chance of their representatives being elected Executive Councillors.

"Our sympathies are entirely with the non-Brahmans of Southern India in their endeavour to secure adequate representation for all communities both in Legislative Councils and in public services. If political power is concentrated in any particular class, there is always the danger of that class keeping it to itself and thus causing discontent in others. If, on the other hand, political power is fairly and widely distributed, we may, speaking from our knowledge of the people of Southern India, say that Muhammadans will have a good chance of obtaining equitable treatment."

84.—THE ULEMA OF MADRAS.

These Muhammadan Doctors of Theology meet on important occasions to consider and decide religious questions. They presented no formal Address, but their deputation tendered a "Fatwa" (pronouncement in Arabic) against Home Rule in India.

"If the British Government were to make over the administration of India to the Hindu community (Polytheists) as that community desires, it is feared that many rights of Musulmans would be destroyed, discord would be created, and religious freedom and peace of Musulmans would cease to exist. Moreover, the country would become the centre of dissensions for Musulmans. It is contrary to the Sacred Law for Musulmans to reside in a place where there is no security and which is hostile (*literally* become a House of War). As it is written in the books of jurisprudence."

QAZI FASIH-UD-DIN.

"'Verily, Polytheists are unclean.' In case the British Government were to hand over the administration, as desired by the Hindus, it would be contrary to the Sacred Law of Musulmans to live under them (Polytheists)."

SAYYID MUHI-UD-DIN,
Trustee of the endowments of the Amir-un-Nisa
Begum Sahiba Mosque.
One who is forgiven!

"If the British Government were to make over the administration of India to Polytheists as desired by them, the religious freedom of Musulmans will cease to exist.

It is not lawful for Musulmans to live in a country where there is no religious freedom. Moreover, peace would be interfered with, and the country would become a hostile region for Musulmans. It is thus written in jurisprudence. God is most knowing."

MIR GHULAM JILANI MUHAMMAD ABABAKAR

QAZI-UL-QUZAT, Madras and Districts.

GHULAM MUHAMMAD, *Deputy Qazi*. (May God pardon him!)

85.—THE ANDHRA CONFERENCE COMMITTEE.

The main object of this Association, which was formed in May 1917, though conferences had been held for the last six years, is to secure the reorganisation of Indian provinces on a linguistic basis, and in particular to promote the grouping of the Telugu districts of this Presidency as a separate province. The districts in question are Gaujam, Vizagapatam, Godavari, Kistna, and Guntur (which are commonly known as the Northern Circars), Kurnool, Bellary, Anantapur, and Cuddapah (or the Ceded Districts), and the two districts of Nellore and Chittoor. "Andhra" is a Sanskrit word, which denotes the tract of country known as "Telingana." The Imperial Gazetteer describes it as "a name applied vaguely by the Muhammadans to the country of the Telugus, in the north-eastern portion of the Madras Presidency."

The one request put forward in the Address was that the Telugu districts of the Madras Presidency should be formed into a separate province administered by a Governor in Council. The memorandum set forth at some length the advantages which, it was claimed, would result from such an arrangement.

"While we are in full agreement with the scheme of reforms formulated by the Indian National Congress and the All-India Muslim League in December 1916, we consider that the question of the reorganisation of provinces is intimately connected with any scheme of self-government for India, and that the benefits of provincial autonomy can only be fully realised by a redistribution of the provinces in India on a linguistic basis. A full statement of the case for such a redistribution is set out in the memorandum annexed hereto, to which we respectfully invite your attention. We beg to urge that the Telugu districts of the Presidency, which form a contiguous area of about 83,000 square miles in extent, with a population of about 17 millions, should be constituted into a separate province with a Governor-in-Council. For purposes of internal organisation, these districts have been recognised by the All-India Congress Committee as a distinctive Congress circle. We beg to state that the principle of constituting provinces on a language basis has been acted upon by the Government of India by 'reuniting the five Bengali-speaking divisions into a Presidency and by giving the Hindi-speaking people a separate administration.' The Presidency of Madras is likewise divided between five distinctive peoples, speaking five separate languages, each possessing a cultural integrity and traditions of its own, and therefore each entitled to that measure of attention which only a distinctive administration could give."

A memorandum was annexed, covering (with appendices) nine pages, in which the case for separating the Telugu country from Madras was argued on historic, linguistic and administrative grounds.

"The evil of forcing an alien language on the people has served to dry up at their sources the very fountain-springs of national power. A century of European education has left the Indian mind richer by a new language but seriously impoverished on the side of initiative and originality. The very extent of apparent success which has attended this tremendous educational experiment may really be accounted as the measure of its failure from the point of view of the evolution of a true national culture. And if it be true that the individuality of a people's culture is their greatest treasure in the eye of humanity that nothing may weaken or destroy, then surely the primary duty of Government would lie in the restoration to each vernacular of that dominance which English now holds over all. For, if a culture is to be constantly replenished and kept alive as a growing entity, the language which is its vehicle must be accepted as the one medium of self-expression. Provinces so reorganised become at once distinctive and potent States, federated together to constitute the mighty Indian nationality of the future. As separate self-governing States, acknowledging a suzerain power over themselves, they prepare the vast continent for that ultimate autonomy which has been acknowledged as the ideal."

The demand for self-government, safeguarded and exalted by the high ideal underlying the scheme of reorganisation, would not be exposed to the cavil that it emanates from the self-seeking classes; for, on the plan on which it is designed it develops a policy beaten out into harmony with the needs of the nation, and serves primarily and for ever the requirements of the millions that toil. Again, provinces thus organised and strengthened would enjoy legitimate opportunities for independent self-development, and foster distinctive tributary cultures whose commingling enriches the central stream of national life; and, while there is no antagonism between the consciousness of a separate sub-nationality and national pride and patriotism, modern thought and experience agree in the conclusion that that nationalism would surely be counted highest, which is compounded of the finest contrasts within the unity of one culture type. From whatever view-point the problem of India's future may be examined, the conclusion is irresistible that, for a solution to be final and satisfactory, the statesmen in India should display great imagination and courage, and carve out natural self-contained provinces, each sustained by a thought of internal unity and organised on a self-governing basis, and all held together and uplifted by a common ambition to realise the individual soul in a life larger and diviner than its own."

D.—At Bombay.

86.—NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL OF BOMBAY.

Nineteen out of the thirty-two non-official Members joined in this deputation (15 of the 20 elected and 4 of the 12 nominated Members).

These Members adhered to the Congress-League Scheme, but expressed themselves as under a disadvantage in not knowing "what has been urged by the authorities in connection with" that, and wished for a later opportunity of submitting their views on objections to it. In the Bombay Legislative Council they proposed a scheme of 125 members, 25 nominated (of whom only 5 might be salaried officials), and 100 elected. The latter they would allot as follows: Congress 4, Muhammadans 32 (*i.e.*, one-third of the elected Indians), Indian special interests (*e.g.*, University, land, commerce) 10, municipalities and local boards (or, perhaps, large cities and local bodies) 8, general district electorates 46.

"We strongly disapprove of any communal representation other than what has been specified above. We believe that non-representation of some of the important communities hitherto has been due to (1) the limited number of elective seats under the present constitution, (2) the existing unsatisfactory grouping of districts for the purposes of election, and (3) the existing method of election. But under the constitution and new grouping of districts as suggested, we believe that that grievance would be remedied to a considerable extent. We further think that if the system of proportional representation with a single transferable vote be adopted, the grievance would disappear. We beg to state that in the event of our expectations being not realised in this direction, we would have no objection to a certain number of seats being thereafter assigned to any important communities in a particular group in proportion to their numerical voting strength."

Muhammadans should have no vote in the general electorate. "No person "unable to express himself in the English language shall be eligible to election or "nomination to the Council." The franchise should generally be based on the existing municipal franchise.

87.—THE ANJUMAN-I-ISLAM, BOMBAY.

This is the chief Muhammadan society of Bombay City, its objects being the educational advancement and political welfare of Muhammadans.

The Anjuman approved of the main principles of reform outlined in the Congress-Muslim Scheme, but were not satisfied with the safeguards to Moslem interests which that scheme contains, and made much larger demands on behalf of their community. In the Bombay and Imperial Legislative Councils they demanded 36 per cent. of the total seats, 28·8 per cent. to be elected by separate electorates, and 7·2 per cent. to be elected by mixed electorates, or, failing such election, to be nominated. (The Congress-Muslim scheme gives to Moslems one-third of the elected

Indian membership of the Bombay and Imperial Councils and withholds from them the right to vote in any but their own separate electorates.) On the Executive Councils they claimed one-half of the Indian membership, and where there is only one member they asked that he should be alternately Hindu and Muhammadan. Equal representation was also claimed on the Secretary of State's Council. In matters of local self-government and in public services the proportion of representation should be the same as in the Legislative Councils.

"We submit it is not necessary here to go into a historical disquisition upon the importance of our community and the part which they played in the advance of civilisation in this country. The Moghal Emperors were the inheritors of the high culture and civilisation of Arabia and Persia, and their long rule in India led to a great advance in the life of the people of this country. To this day all educated men of our community are required to have a knowledge of Urdu and Persian, and some knowledge, at least, of Arabic. As was truly observed by Lord Morley, "The difference between Muhammadans and Hindus is not a mere difference of articles of religious faith. It is a difference in life, in tradition, in history, in all the social things, as well as articles of belief that constitute a community." Bearing in mind the existence of these differences, and the difficulties in the way of any member of one community appreciating the point of view of another community, we have the honour now on behalf of the Anjuman to approach Government with a request that Muslim rights should be properly secured and safeguarded under the new constitution. The Anjuman are of opinion that the proper governance of this country can only be secured by adequate representation of the Muslim community on the various bodies, which constitute the Government of India. With the following modifications¹, the Anjuman desire to give their adhesion to the Scheme of Reforms proposed by the Indian National Congress and the Muslim League."

88.—THE DECCAN SABHA, POONA.

This Sabha is a body established for promoting the political interests of the people of the Deccan and placing their grievances before Government. The Address of the Deputation occupied 35 printed pages. It entirely supported the main recommendations and proposals of the Congress-League Scheme.

"We respectfully submit that the mind of the people has been made known to Government with no uncertain voice and with singular unanimity and authority by those who have the greatest title to speak on their behalf. But we regret that the mind of the Government in this country remains to us still a sealed book."

The Sabha urged that the Congress-League Scheme was "in full harmony with British history and policy," and viewed "with great disappointment and almost with a sense of dismay" the general attitude of Europeans in India during the last 30 years. As regards illiteracy, "it is our submission that the appalling ignorance that prevails prescribes the necessity for, instead of being an argument against, the attainment of self-government." Indian politicians "have cried themselves hoarse in their demand for the free and compulsory education of the poor."

"The social evils that prevail are availed of as another ground for opposition to the reforms we support and advocate. The Council of the Sabha desire social reforms not less than political advancement. But they submit that the main reason why social reforms have been retarded is that the only means of effectively prosecuting those reforms is denied to them under the existing system of administration. To emancipate the people from the chains of evil and degrading customs which are intimately connected with their personal law is a task from which the authorities feel bound to refrain as politically unwise. The hesitation to avail of the aid of legislation in that behalf must exist so long as the Legislature is not fully representative of the people's views and wishes. Outside agency must be repugnant and objectionable if it sought to meddle with questions so closely allied to religious feeling. The political obligation of non-interference leaves no scope or room for the exercise of any practical sympathy with measures of social amelioration. Even among the educated Indians there is deep-rooted aversion generally to State or Government interference with social customs. They naturally feel that such interference must be the result of the people's wishes and not of the views of those of a

¹ Summarised above.

different religion. There is undoubtedly a growing public opinion which demands that sectional interests shall be subordinated to the general welfare. Until this opinion is fully availed of—and it could be availed of only by means of the constitutional reforms now demanded—social amelioration must depend only on the noble endeavours of those life-long workers in the cause, whose thoughtful representation in the matter will, the Council trust, receive from Government the serious attention it so largely merits.”

The Address looked forward to the decay of the violent enmity of Indian anarchists, under a policy of political self-development: “We regard the anarchists as India’s greatest enemies. But it is as impolitic to exaggerate their importance as it is to ignore their existence.” It dwelt upon the reorganisation of local self-government from the village upwards, and recommended the creation of District Advisory Councils. The Sabha could not support the demand for communal representation.

“It may satisfy for a time the alarms and apprehensions which are to some extent genuine and natural, but which have in no small measure been the work of outside influences that do not dare to enter the field and proclaim openly their opposition, which is really due to selfish and unworthy motives. But the Council are firmly persuaded that, if the demand is granted, it will encourage class ascendancy and religious and sectarian partisanship; and result in distrust of Government itself by one party or another at first, and by all parties ultimately. The Council are not oblivious or unmindful of the recognition of the special and separate claims of the Mahomedan community which the Congress-League Scheme embodies. But that recognition was the price paid for the union and mutual goodwill of the two great communities, without which the attainment of self-government seemed difficult, if not impossible. The exceptional price paid for the union of the two great communities cannot and ought not to be claimed or utilised as a precedent for provisions which will promote and perpetuate division and disunion among sects and castes and classes that cannot demand and do not deserve similar consideration.”

89.—DECCAN INAMDARS’ ASSOCIATIONS.

The Inamdars, and Inamdars’ Association, Bijapur; Inamdars’ and Watandars’ Association, Dharwar; Inamdars’ Central Association, Satara; and Inamdars’ Association, Belgaum, presented a joint Address.

These Associations have been established to protect the interests of Inamdars, an important class of landholders in the Deccan who hold land on a privileged tenure, and include Brahmins, Lingayats, Jains, Marathas, other Hindus and Muhammadans. These Associations professed themselves to be adherents of the Congress-Moslem League Scheme, but they included in their Address two conservative proposals which find no place in that scheme, namely—

- (1) That the Inamdars and Watandars of the Southern and Central Divisions should be entitled to elect one member per district to the Provincial Legislative Council, and (2) that Legislative Councils should have Second Chambers. The constitution and powers which the Second Chamber in Bombay should have were detailed in an annexure to the Address. Out of 48 members, 36 should be elected on a fairly high franchise by various constituencies (14 by “graduates and pleaders”). Inamdars and Watandars would return four members to this, but no Muhammadan or other communal representation was suggested.

“With all feelings of loyalty and gratitude, these Associations are firmly convinced that, with a view to further strengthen the basis of the British Government, it is absolutely necessary to thoroughly broaden the administration of the country, and grant the people their just demands by allowing them to effectively participate in the government. These Associations are further convinced that it is now high time that, with this end in view, substantial changes should be introduced in the administration of the country. And in this connection, these Associations respectfully beg to state that most of them entirely approve of the joint scheme of reforms adopted by the Indian National Congress and the Moslem League at Lucknow in December 1916. These Associations firmly believe that these reforms will conduce to widespread

and permanent contentment in the country, and will strengthen the bonds of loyalty to the British Throne, and will also make firm the foundations of the world-supremacy of the British Empire. In addition to the joint scheme of reforms above referred to, some of our Associations beg to attach a scheme of a Second Chamber, with an earnest hope that you will be pleased to consider it favourably."

90.—THE INDIAN CHRISTIAN ASSOCIATION, BOMBAY.

This Association, representing "the Protestant section of the Indian Christian community of Bombay," put forward no constructive reform proposals. The Association assumed that certain reforms will be introduced, called attention to the importance of the community which they represent, and prayed that in any administrative changes the position and interest of their community might receive recognition and that Indian Christians might be given their right place on all representative and administrative bodies.

Communal Life.—No community is so compact as regards organisation. Every congregation of Christians in India is guided and regulated by representative committees of the people, presided over by a pastor and supervised by enlightened Mission Agencies from the West. During the course of a century the masses of village and town Christians have been thus prepared in the methods of responsible government, not only in Church affairs but in all other matters which relate to the welfare of a community. People fostered under such conditions would naturally be important factors in the development of self-governing institutions.

Special Fitness.—Being free from the fetters of ignorance, superstition, and caste, the Indian Christians are specially fitted for military, industrial, and similar other departments of work. Their close contact with missionaries from the West has developed in them a robust character. From their very condition of life they are better suited to hold an even balance in a country so divided by castes and creeds. It is the common experience of people of this country that, especially in villages, the Indian Christian is often the counsellor of the people and is looked upon as an impartial and upright man.

Co-operation with Western Agencies for the Regeneration of the Country.—The Missionary Agency in India has done far more than any other agency to dispel ignorance and superstition and to effect constructive work such as education, medical aid, social reform, famine relief, industrial development, &c. In this great work the Indian Christians—men and women—have toiled under the guidance of missionaries, in regenerating the great masses of the Indian population. It could be safely asserted that consciously or unconsciously, and without any flourish of trumpets, they have worked more effectively for the regeneration of India (especially of the depressed classes) than many social reformers and political agitators. This alone establishes a claim in their favour to a definite place in the contemplated readjustment."

91.—THE DECCAN RYOTS' ASSOCIATION, POONA; THE KAMGAR HITWARDHIK SABHA; AND THE MARATHI-SPEAKING HINDU BACKWARD CLASSES, BOMBAY.

These Bodies represent the Ryots of the Deccan and other backward classes. Their joint deputation advocated special measures for the safeguarding of the interests of backward classes and their representation in the Legislative Councils.

The main argument of the Address was that so long as the caste system remains unchanged, so long will India be unfit for democratic institutions framed on western models. The caste system affects every branch of life, it has give risen to a multitude of conflicting interests, and any system of representation which ignores this conflict of interests will perpetuate the existing bitterness and enable the high castes to impede the progress of their less fortunate fellow countrymen. The only way, therefore, in which anything resembling responsible government can be introduced into India, is through an elaborate system of communal representation.

The main points in the joint scheme of reforms which is annexed to the Address are these: (1) An increase in the size of Legislative Councils, with a four-fifths elected majority; (2) the Provincial Legislature should be entrusted with full powers of internal administration; (3) election should be mainly by a system of communal electorates with a low franchise; (4) the Imperial Legislative Council should consist of 100 members, 40 nominated members, 25 representatives of Native States, and 35 representatives from British India; (5) Indians should be appointed to half the number of seats on Executive Councils; (6) the Executive Governments, Imperial and Provincial, should have an absolute right of veto; (7) Provincial Legislative Councils should have the right to elect small committees to advise members of Executive Councils.

“The unfitness of Indian society for democratic life after the purely western model has in a way been increased by the fact that the educational status of only a few castes has been raised to a high degree and that of all the others has been allowed to remain almost as low as ever before. The gulf which always separated the higher castes from the masses of the country on religious and social grounds has only been widened by the enormous educational progress of a few and the appalling ignorance of the many. In consequence of this, whilst the advanced castes have been wielding all the influence attached to the Local and Municipal Boards and the Legislative Councils, the masses exercise practically no influence in these bodies. This very state of things will be aggravated if the governing institutions of the country are more and more brought under popular control without adequate provision being made for the effective representation of the castes which constitute the masses of the country.”

“The Councils as at present constituted are incapable of undertaking any social legislation, and unless they are responsible to Indian opinion itself no action by them is advisable. This has, however, materially retarded progress by stereotyping orthodox customs through the agency of case-laws. But we have to point out that the only rational purpose of legislation affecting social affairs is to remove all impediments to individual development and to the unification of society into one organic whole. It will be readily admitted that the prevailing opinion of the upper sections of Hindu society is entirely opposed to every change in this direction. If the majorities in the proposed Legislative Councils are to consist of persons who will be typical of the majorities in the more literate castes, the fate of the vast masses of people who fill the lower strata of our society will be sealed for all time.”

The scheme of electorates comprised five groups: (1) eight communal groups based on religion, (2) untouchable classes, (3) backward Hindu classes, (4) special interests—commerce, higher education, landholders, local bodies, (5) general territorial electorates. As education progressed seats should be transferred from the first three to the last two groups. If the Hindus were not sub-divided for electoral purposes into communal electorates, 21 seats (in a Legislative Council of 125) should be filled by nomination to represent backward classes and untouchables, the proportion becoming 46 nominated to 79 elected members.

92.—MARATHAS OF BOMBAY PRESIDENCY.

With the Deccan Ryot's Address (No. 91) was handed in an Address adopted at a Maratha Conference at Poona in December 1917, which expressed agreement with the views presented by the former Association.

“In devising any scheme of political reforms the claims of the Maratha community to special representation on the Local and Imperial Legislatures should receive due consideration, regard being had to their population (which is more than four millions), historical and political importance and warlike traditions. We, however, humbly suggest that if it be decided to form only one electorate out of all educationally backward classes, an adequate number of seats should be reserved for the Marathas through the same.”

93.—THE LINGAYAT COMMUNITY OF THE SOUTHERN DIVISION, BOMBAY PRESIDENCY.

This deputation represented the large cultivating caste of the Lingayats. The Lingayats expressed no views on the shape which the contemplated reforms should take. They assumed that there would be reforms, and they put forward a special claim on behalf of their own community to separate representation. They claimed in the alternative 5 per cent. of the total number of seats on the Bombay Provincial Legislative Council, or 33 per cent. of the seats allotted to the Carnatic districts of Belgaum, Dharwar, Bijapur and Karwar. They also claimed the right to participate in the general elections. They urged that their representatives in the Provincial Council should be entitled to elect one member to the Imperial Legislative Council, and they also asked for a due share in the administrative services.

"We are grateful to His Majesty's Government and the Government of India for the authoritative pronouncement of policy made on the 20th of August last, which has given complete satisfaction to all classes and communities of His Majesty's Indian subjects. We are confident that the first instalment of reforms will be a substantial step towards the goal of responsible government and commensurate with the fitness of the people and their legitimate aspirations. We further expect in common with the rest of India that in the forthcoming reforms we will have truly representative and popular Legislative Councils, councils in which will be truly and properly reflected all the leading elements of the population. We are also firmly of opinion that the administration of the country, that is to say the law-making and law-executing departments of the country, should not be monopolised by a certain section of His Majesty's Indian subjects, but should be so constituted as to make provision in all the branches for the due representation of all the various important communities of the province. Unless you will be pleased to look carefully into this important matter, we are almost sure that an oligarchy of a certain section of the people will take the place of the present best services of a truly and unbiased British mind. Unless adequate provision is made for the due representation of all the various communities in the Legislative Councils and in all the departments of administration, there is real danger of one advanced community swamping up the other less advanced or backward communities, and further, there will surely be deep and widespread discontent throughout the province."

94.—THE POONA SARVAJANIK SABHA.

This Society described itself as a public Association some 50 years old, constituted on an entirely elective principle, "founded with the object of creating in the Maharashtra and the Deccan a mediatory body between the Government and the people." Mr. Bal Gangadhar Tilak, the President, headed the deputation, nine out of the ten members of which were Deccani Brahmans. The Sabha supported the Congress-League Scheme, and urged that popular discontent could not be allayed until the demands of that scheme were fully met.

"The National Congress very wisely commenced with propagandism of the reform of the Indian Legislative Councils; and after a fruitless advocacy of the reforms of the minor administrative details, it has come back to rely upon a thorough reform of the Legislative Councils as the only ultimate solution of every vexed question of practical politics in India. The refusal by Government of the demand for reforms even in small matters has had, paradoxical as it may seem, the effect of their emphasising and clinching the highest demand, viz. for a legislative body composed mostly of popularly elected members, wielding full power of the purse, and exercising the fullest control over the executive.

"Isolated public associations in India may be said to have parted with the dominating influence, which they exercised in the different provinces of India, since the advent of the Indian National Congress. The associations, however, having been conscious and willing helpers in the creation of the national body, are quite content to remain in the different provinces as subordinate bodies, more or less loosely affiliated to it, and working as so many feelers and nerve-centres of the great central organisation. Having a true sense of perspective and proportion, they feel that, while it is for them in the future, as in the past, to develop and focus popular opinion

in comparatively smaller areas on comparatively lesser questions of official administration, it is for the Congress, as a non-official national body, parallel to the Imperial Legislative Council, to take cognisance of the highest political problems such as affect the interests or the well-being of the whole nation. Even individual public associations, however, cannot but feel that there can be no decisive or abiding reforms in the administration of this country, unless it is given to the people themselves, as represented by their elected deputies in the Imperial or Provincial Legislative Councils, not only to shape the policy of administration, but also to enforce it at the hands of an executive agency responsible to themselves. The secret of success, from the point of view of the people, lies solely in responsible and representative government, without which both the people and the Government might go on for a century, tinkering with administrative reforms without improving the situation in the slightest degree."

"In this the concluding year of the first century of British rule after the subversion of the Maratha Government, it would be an unparalleled glory to British statesmanship to rehabilitate the people in self-government, though it would be, as it necessarily should be, under extremely altered and also improved conditions. The British will have completely vindicated their title as the high priests and the arch-custodians of the sacred fire of political liberty if, within a century, they could allow their political tutorship of the people in this province to so richly fructify as to establish in the land a system of self-government participated in by the people on as wide a basis as possible."

95.—THE HOME RULE LEAGUES, BOMBAY AND POONA.

This deputation, including Hindus (amongst whom was Mr. Tilak), Muhammadans, and Parsees, and the English editor of the *Bombay Chronicle*, was headed by the Hon. Mr. M. A. Jinnah (Member of the Imperial Legislative Council). The Address accepted the Congress-League Scheme as a substantial step towards self-government. A seven-page Annexure expounded the Congress-League Scheme, and went into the questions of franchise and of local self-government. Direct election to the Legislative Council was strongly urged, the franchise tentatively suggested being the payment of Rs. 50 revenue assessment, the receipt of Rs. 250 a year as wages, the payment of income-tax, or the possession of a school-leaving certificate.

"Our two Leagues, with their affiliated branches, represent a membership of about 50,000, though they have only been in existence for two years past; and our experience, as a result of the work that the Leagues have been carrying on during that time, assures us beyond doubt that the principles for which the Leagues stand and the scheme which we have come here to press upon your acceptance, command the support not merely of the "educated" minority (so-called), but of the vast bulk of the people of the Presidency. The political activities of the past two years have afforded clear and emphatic evidence that the advocacy of these principles and this scheme, and the passionate desire for a definite transfer of the control of the administration from the hands of the bureaucracy to those of the representatives of the people, can no longer be said to be confined to a minority of the educated classes—if such an assertion were ever true—but are widespread throughout the country, permeating every class, and actuating with equal strength the ryots and peasants in the villages and country districts, and the professional and trading classes in the towns. We have had exceptional opportunities of gauging public feeling in this respect, and nothing has been more striking in regard to the work on which we have been engaged than the fact, most strongly evidenced wherever our meetings have been held, wherever our branches have been formed or wherever else our workers have gone in response to the appeals that have reached us for co-operation in political organisation, that there has been no task placed upon us of sowing the seeds of political awakening. We have found without exception that the awakening has already taken place and the seeds have already been sown through the realisation by those who feel it the most acutely that the present hard and officialised system of administration has outlived the needs of the country. All that has been required of our organisation has been to provide the channel, so eagerly desired, by which the longings of the people for a reform of the government which will enable them to manage their domestic affairs through their own elected representatives, may be made known to those in charge of the King-Emperor's Government in this country and to

the great democracy beyond the seas who we know are generously desirous to do justice to the vast people whose destinies have been confided to their care.

"The demonstrations of public feeling which have recently become a common feature of life in this Presidency, as in other parts of the country, are unparalleled in the history of India and are comparable in their popular character only to the great gatherings which used to take place in the Eastern Presidency during the agitation for the revocation of the Partition of Bengal. In the City of Bombay it may not be a matter of such great surprise that mass meetings, at which it is no unusual event for more than 20,000 persons of all classes and communities to assemble, should be a feature of the agitation which has recently been in progress in support of the movement for the grant of self-government to India, though even these gatherings in the capital of the Province are a new factor in public life and form a striking indication of the extent to which the sentiment of the people has been stirred. But the demonstrations in the district towns and in the villages have been a revelation in their extent and the strength of feeling that has been displayed, even to those who had never doubted that the leaders of this movement had behind them the support and sympathy of the masses, who have hitherto been represented by our opponents as being apathetic towards the questions in the settlement of which they are so vitally affected."

"The whole weight of the foremost political organisations in the country has been thrown into the support of the scheme the acceptance of which we now advocate, and that all classes of people have indicated their approval of it by the demonstrations that have been held throughout the country and by the signatures to the monster petition that has been already submitted to you; that the time has gone by when piecemeal and partial reform can be of avail in satisfying the hunger of the people of this country for the exercise of those political rights which are enjoyed by the other great components of the British Empire; and that nothing short of the concession of the measure of autonomy which is now proposed as a substantial and definite step towards the prized goal of full self-government within the Empire, such as is enjoyed by the great self-governing Dominions, can possibly satisfy that hunger. If India after the war is left in any degree in a position of dependency in regard to the management of her own affairs, she will not only be the only great country within the British Empire, which stands for political freedom throughout the world, in that humiliating position, but she will be left without the enjoyment of those political rights and privileges which her treasure and the blood of her sons are helping to win for the oppressed nationalities, which it is the aim of Great Britain and her Allies to release from their thralldom."

96.—BOMBAY PRESIDENCY ASSOCIATION.

This Association, an influential political body in Bombay City, strongly supported the Congress-League Scheme, laying special stress on the need for provincial autonomy. It argued that for the last 65 years the over-centralisation of Government had been the subject of criticism. The demand for provincial autonomy for Bombay was a demand for the restoration of the position that existed before the Regulating Act of 1773, with the difference that autonomy must now entail popular control. The Association submitted a detailed scheme for an enlarged Bombay Legislative Council of 125, with 100 elected members. Of the latter four should be returned by non-official European constituencies, 32 by Mahommedans, 10 by other communal electorates. Suggestions were made for the franchise, which should generally be based on existing municipal franchises until the reformed Legislative Council frames new rules with the sanction of Government. Indirect election would be practically eliminated.

"The complaints of educated Indians in regard to the existing system of administration relate mainly to its cumbersomeness, exclusiveness, expensiveness, secrecy, illiberal and mistaken exercise of executive discretion, excessive centralisation of legislative and executive power calculated to impair the authority, influence and efficiency of Provincial Governments and to unduly hamper the progress of the Provinces, and, above all, absence of responsibility to the tax-payer, and hence its inefficiency from the point of view of its acceptability to the people. Add to these, the infirmities and hardships to the people of India of a system akin to that of absentee landlordism in the form of a nominal—shadowy—unreal—

Parliamentary control of Indian affairs. This last, as said above, is an addition to the defects from which the Company's Government suffered and against which educated Indians of the time bitterly complained, those defects being substantially the same as have formed the subject-matter of Indian grievances since the Crown assumed direct responsibility for the governance of India."

"In order to give effect to the policy foreshadowed in the Delhi Despatch of August 1911, there must be a definite and complete separation of Imperial from Provincial finance, accompanied by effective financial control on the part of the Local Legislative Council so constituted as to give 'a potent and determining voice' therein to a popularly elected majority representing the tax-payers in the Province. The said financial separation is to be effected by treating all revenue and expenditure as entirely Imperial or Provincial as the case may be. The present wholly Provincial and wholly Imperial heads should be retained, but the present *divided* heads should become wholly Provincial. In this connection, the Council beg to point out that originally, prior to 1881-82, all heads of revenue or expenditure were either *wholly* Provincial or *wholly* Imperial, and the Local Government sanctioned its Budget prepared by the Accountant-General *without reference to the Government of India*. Reverting, in principle, to this older arrangement, the Government of India should be allotted its *entirely separate* Imperial heads, as proposed in the Congress-League Scheme, and a *fixed* contribution—not a percentage of the Provincial revenues—should be made by each Provincial Government to the Government of India for the purpose of enabling the latter to carry on its duties. A fixed contribution will supply a much needed check to the extravagant tendencies of the Government of India. A percentage of the Provincial revenues will prevent the more enterprising Provincial Governments from reaping the full benefit of their careful and energetic husbanding of their local resources and will result in inequitable levies from them and in consequent heart-burning fatal to harmonious relations between them and the central authority. Under the Congress-League Scheme, the military expenditure of the Government of India is *excluded* from the control of the Imperial Legislative Council. *Fixed* contributions from the Provincial Governments, not liable to revision except when *extraordinary and unforeseen* contingencies render such revision necessary, will act indirectly, but none the less powerfully, to control that expenditure within legitimate bounds. The determination of 'extraordinary and unforeseen contingencies,' however, should not rest entirely with the Government of India so as to make them the sole judge in their own cause to the prejudice of the Provincial Governments, who, being liable to increased levies, are entitled to have a voice in the matter. The autonomous Provincial Governments, in their turn—subjected as they will be, and must be, to the control of their Legislative Councils in the raising and spending of provincial taxes—cannot be allowed to vote away on their own responsibility an increased contribution to the Government of India without the assent of their own Legislative Councils. However much these proposals may be opposed by vested interests, they are justifiable as necessary safeguards against the possibility of extravagant military expenditure by the Government of India and their imaginary conjuring up of 'extraordinary and unforeseen' circumstances in such a way as to make inroads from time to time on the autonomy of the Provincial Governments until it becomes more or less shadowy.

"The considerations urged in the foregoing paragraphs constitute the justification for the composition, the powers and the functions of the Provincial Legislative Council as outlined in the Congress-League Scheme. The *conditio sine qua non* for the introduction of provincial autonomy, it need hardly be emphasised, is the reform of the Legislative Council so as to give 'a potent and determining voice' therein to the elected representatives of the tax-payers in the province. It follows that these representatives must have a substantial majority in the Legislative Council. The Congress-League Scheme therefore proposes that the elected members of the Council shall form four-fifths of the total number, which in the major provinces should not be less than 125. The scheme, however, does not go into details as to how the electorates are to be formed and how the four-fifths elected members are to be made up by distribution of the seats among the various electorates. It lays down some broad principles as to the nature of the franchise and specifies the proportion of the Mahomedan elected members to the total number of elected *Indian* members. It lays down further that the interests of important minorities shall be duly safeguarded by election. The principle of separate representation to Mahomedans has necessitated the provision that they shall *not* participate in any other electorates except those which represent what are called 'special interests.'"

"The Council of the Association submit that in constituting the Imperial Legislative Council the same principle of a broad-based franchise should be given effect to as in the case of the Provincial Legislative Council, and that there should be no electorate retained or framed which may be open to the objection that it is little else than a 'pocket-borough' or a 'rotten borough.' Further, in determining the number of elected representatives of a Province in the Imperial Legislative Council the contribution of each Province to the Government of India should be taken as the basis."

97.—THE DEPRESSED CLASSES MISSION SOCIETY, BOMBAY.

This deputation, while including one representative of an "untouchable" class, the first member of his community to pass the Bombay University Matriculation, was composed mainly of Indian gentlemen of good position who are keenly interested in social reform. It was headed by Sir Narayan Chandavarkar.

The deputation supported the Congress-League scheme; but asked for separate representation of the depressed classes. It also pressed for free and compulsory education.

The Address set out that at a public meeting of the Depressed Classes of Hindus held at Bombay on the 11th November 1917, attended by about 2,500 members of "the castes called the depressed or untouchable" under the chairmanship of Sir N. Chandavarkar, six resolutions were passed.

"The first resolution carried at the meeting unanimously and amidst great enthusiasm was: 'That this public meeting of the depressed classes gives expression to its sense of loyalty to the British Government and prays to God for victory to the Allies in the present war.' All the speakers to this resolution gave eloquent and earnest expression to the fact that the British Government had proved and was proving the salvation of the depressed classes in India; that it was under that Government alone that the depressed classes, who had been subjected for centuries before by religion and social custom to the most degrading treatment, felt assured of justice and righteousness. Those remarks of the speakers were received by the large audience with the most enthusiastic cheers of approval.

"The second resolution carried at the meeting by an overwhelming majority, the dissentients being about a dozen, expressed approval of the scheme of reform in the administration of India recommended by the Indian National Congress and the All-India Muslim League.

"The third resolution carried unanimously was: 'As the population of the depressed classes in India, considered untouchable and treated as such, is very large, as their condition is very degraded owing to that treatment and as they are behind the rest of the people in point of education, being unable to secure fair opportunities for their improvement, this public meeting of the depressed classes strongly feels that in the scheme of reform and reconstitution of the Legislative Councils which Government may be pleased to adopt, due regard should be paid to the interests of the said classes. This meeting therefore prays the British Government to be so gracious as to protect those interests by granting to those classes the right to elect their own representatives to the said Councils in proportion to their numbers. This meeting with that object and for that purpose further resolves that a deputation on its behalf do wait upon His Excellency the Viceroy and Governor-General of India and the Right Honourable the Secretary of State for India in Bombay to urge their claims and interests, and that Sir Narayan Ganesh Chandavarkar, the Chairman of this meeting, is hereby authorised to take the necessary steps for praying and arranging for such deputation.'

"The fourth resolution unanimously carried at the meeting was: 'That the Government be prayed for the adoption with all convenient speed of a compulsory and free system of education rendered necessary by the fact that the social elevation of any community depends upon the universal spread of education among its members and that the degradation of the depressed classes is due to their illiteracy and ignorance.'

"The fifth resolution carried unanimously was as follows: 'That the Chairman of this public meeting be authorised to request the Indian National Congress to pass at its forthcoming session a distinct and independent resolution declaring to the people of India at large the necessity, justice, and righteousness of removing all

‘ the disabilities imposed by religion and custom upon the depressed classes, those disabilities being of a most vexatious and oppressive character, subjecting those classes to considerable hardship and inconvenience by prohibiting them from admission into public schools, hospitals, courts of justice and public offices, and the use of public wells, &c. These disabilities, social in origin, amount in law and practice to political disabilities and as such fall legitimately within the political mission and propaganda of the Indian National Congress.’

“ The sixth resolution prays all Hindus of the castes other than the untouchables and depressed, especially those of the higher castes, who claim political rights, to take steps for the purpose of removing the blot of degradation from the depressed classes, which has subjected those classes to the worst of treatment in their own country.”

At the same time a series of resolutions passed at a later public meeting in Bombay was received to the following effect :—

“ A public meeting of the untouchable classes in the city of Bombay was held at the Tank Bunder under the presidency of Mr. Bapuji Namdeo Bagade. In spite of the lack of advertisement and festivities, the meeting was attended by about 2,000 men from the various communities composing the untouchables.

“ The following resolutions were unanimously passed :—

- “ (1) Resolution of loyalty to the British Throne.
- “ (2) That this meeting cannot give its support to the Congress-League Scheme in spite of its having been declared to have been passed at the meeting of 11th November 1917 by an “overwhelming majority.”
- “ (3) That it is the sense of this meeting that the administration of India should be largely under the control of the British till all classes and specially the depressed classes rise up to a condition to effectually participate in the administration of the country.
- “ (4) That if the British Government have decided to give political concessions to the Indian Public, this meeting prays that Government should grant the untouchables their own representatives in the various legislative measures to ensure them their civil and political rights.
- “ (5) That this meeting approves of the objects of the Babiskirt Bharat Samaj (Depressed India Association)¹ and supports the deputation to be sent on its behalf to Mr. Montagu.
- “ (6) That this meeting prays that Government, looking to the special needs of the depressed classes, should make primary education both free and compulsory. That the meeting also requests the Government to give special facilities by way of scholarships to the students of the depressed classes.
- “ (7) That the meeting authorises the President to forward the above resolutions to the Viceroy and the Government of Bombay.”

98.—INDIAN MERCHANTS' CHAMBER AND BUREAU. BOMBAY.

This body represents Indian commercial interests. Like the Bengal National Chamber of Commerce (No. 32) this Chamber demanded that India should have a free hand in the determination of her own commercial and fiscal policies. No scheme of reform was put forward, but the view was urged that the first step in any such scheme should be to grant adequate representation to Indian commercial interests on the Imperial and Provincial Legislative Councils. The Commerce and Industry Department should be rearranged and a special portfolio for railways and irrigation created. In all provinces there should be a department of industry. It was suggested that a portion of the Gold Standard Reserve should be kept in India and utilised in advances to Presidency Banks and otherwise made available for industrial purposes.

“ Living as we do in these critical times, we in India fully realise the might and main of the British Navy and the valour of British and Indian armies who are fighting for the Empire and affording protection and security not only to life and property, but also to the commerce and industry of the Empire. Many indeed are the questions affecting Indian trade and industries in relation to the other parts of the

¹ See Appendix I.

British Empire as well as foreign countries, the most important of which will arise when peace negotiations are considered at the end of the war. These far-reaching deliberations demand that India's interests should not only be represented but adequately safeguarded in the Councils or Conferences of the Empire wherever and whenever held. It is the earnest request of this Chamber that His Majesty's Government will not fail to secure Indian representation competent and qualified to give advice at such deliberations. It is of supreme importance to the healthy and natural growth of Indian commerce and industries that India should have a free hand in the determination of her own policy; and that no considerations other than the best interests of the country should prevail. Under existing circumstances, the subordination of the Indian Administration in matters of trade and industry to external and more powerful influences have been found to be a great evil prejudicial to Indian welfare. The Government of India should have complete fiscal autonomy. So far fiscal autonomy has been found in the case of the Colonies to be perfectly compatible with their own interests, pure and simple, without clashing in any way with the harmonious development of inter-Imperial relations. There ought to be nothing to prevent India from similarly bearing her full share of Imperial responsibility without sacrificing her own interests. Whilst on this subject may we beg leave to express our whole-hearted gratitude for the removal of the grave injustice which India had been subjected to for over twenty years on account of the preferential duty on imported cotton goods. We have also noted with the highest satisfaction the emphatic pronouncement made by your distinguished predecessor in office at the luncheon in honour of the Imperial Conference given by the Empire Producers' Associations in London, which augurs well for the future."

99.—SIR DINSHAW WACHA, SIR NARAYAN CHANDAVARKAR,
AND EIGHT OTHER BOMBAY GENTLEMEN.

These ten gentlemen are members of the Bombay Presidency Association (No. 96), who desired to submit a separate representation. Nine of them had signed that Association's memorial. Their Address was accompanied by an elaborate Note, extending, with appendices, to 50 pages. The purpose of the Note was "to justify and supplement the Congress-League Scheme of Reform." It gave a historical retrospect of Indian administration in several of its aspects, and on it were based the following conclusions:—

- "(1) The lesson of the Mesopotamia muddle is the lesson of the present system of bureaucratic administration in India.
- "(2) Under the present constitution of the Government of India there is nobody of sufficient independence to protect the tax-payers of India, and to that have been mainly due India's financial embarrassments.
- "(3) The British mercantile and monied interests, as the late Lord Lawrence, among others, affirmed, have operated upon India in their own interests without due regard to the interests of the people.
- "(4) The British members of the Indian Civil Service are indeed a capable, conscientious, and upright class of officials; they have, in the past, served the Indian Empire by consolidating it; but India has outgrown the period of consolidation and the service has become a close bureaucracy wedded to routine, unable to move with the times, impatient of outside criticism, and as one of its members (quoted in the Note) declared at a sitting of the Viceroy's Legislative Council in 1882, while introducing the Jhansi Encumbered Estates Bill, knowledge comes to it too late, not until after mischief has been done.
- "(5) It is agitation by the Indian Press, by the educated Indians, by the Indian Public Associations and leaders which, having been disregarded, opposed and thwarted for a long time, has, under the stress of circumstances, led British officials in India to accept the Indian view for the amelioration of the condition of the masses and which has justified the character and influence of the educated Indian classes as the true leaders and representatives of their people having a more intimate knowledge of the political, economic, and social conditions of the country than the British officials or non-officials in India."

In reply to the charge made in some quarters that the Congress-League proposals are "revolutionary," they observed that in 1857 the proposal to transfer India from its East India Company to the Crown was "equally condemned as revolutionary by the critics on the ground, emphasised notably by John Stuart Mill, that under it India would suffer for the want of a controlling influence to protect the interests of the Indian people in general and the Indian tax-payers in particular."

100.—THE PARSI COMMUNITY.

This deputation of leading Parsis was headed by Sir Jamsetjee Jejeebhoy, Bart. The Address was simply a plea that, if communal representation were found necessary, the Parsis, though as a community they are opposed to the principle of separate representation, might receive consideration along with other minorities, without prejudice to their present opportunities of representation.

"That the Parsi community has been settled in this country for more than a thousand years. That it numbers at present about a hundred thousand, half of whom reside in the city of Bombay, and of the other half the majority is spread over various places in the Bombay Presidency, while a fairly large number is to be found in cities like Calcutta and Nagpur. That on the advent of the British in India the Parsis were among the first to take advantage of the opportunities which were then placed within the reach of Indians of acquiring knowledge of the literature, arts and science of the West. That by reason of their eager pursuit of Western education, and their natural capacity, intelligence and public spirit, the Parsis were soon able to occupy a leading position among the millions of this vast continent. That in the field of social, political, educational and commercial activities, the labours of a long succession of eminent men whom the community has produced have resulted in giving the Parsis, in spite of their numerical inferiority, a conspicuous status and position in the country, while their catholic charities have made them widely known throughout the civilised world."

"Strengthened by the assurance given at the close of the last sessions of the Imperial Legislative Council that 'no scheme of reform which was sound could be based on injustice to the British or any other community,' your Memorialists pray that, in the event of communal electorates finding a place in the projected constitutional reforms, the claims of the Parsis as a small but enlightened and influential minority may be duly considered, and adequate representation of the community provided for in the new Provincial and Imperial Councils, and in such other spheres of administration as may be thrown open to the people of this country."

101.—THE TALUKDARS AND SARDARS OF GUJERAT, BOMBAY PRESIDENCY.

The Talukdars are a section of the Sardars or leading landholders, who represent the old landed aristocracy of Gujerat, holding land on a special tenure. The Sardars of Gujerat (like those of the Deccan) return a member to the Bombay Legislative Council. The Thakors are another section of Sardars, and, like the Talukdars, of Rajput descent. The major portion of the Address consisted of the exposition of the claim of the Thakors and Talukdars to rank as chiefs. The Sardars asked that they should be allowed to return two members to the Provincial and Imperial Legislative Councils, and that, if a second Chamber composed of princes and noblemen is established, their claim to representation in it might be considered. They also claimed representation in any Federal Parliament that might be formed. They suggested that no legislation affecting their interests should be introduced without their views being obtained. Like other landholders they would like a permanent settlement, and they also asked for special representation on district and Taluka boards.

"We are grateful to the Bombay Government for the remedial measures which have been taken from time to time to extricate the Talukdars from their debts, and to regulate their relations with money-lenders, and to improve their condition. However, the promise given by Sir Bartle Frere to reconsider their political status remains to be fulfilled, and the revenue relations between them and the Government on the basis of the Jama payable by them being a fixed tribute remain to be settled.

"We beg leave to say that we have shown that the striking contrast that is presented by the present condition of the Talukdars and Thakors of Gujerat who were shorn of their dignities and jurisdiction to that of their historical compeers, the ruling princes in Kathiawar and elsewhere, is admittedly due to mistakes and to the accident that while the former's territory fell at an early date under British rule by treaties with the Peshwa and the Gaikwar, the latter came at a later date within the sphere of British influence by the slow course of diplomacy. 'A more melancholy instance,' says Mr. Rogers, 'of blundering mismanagement of a peculiarly fine proprietary body of men, partly through their own fault and partly through the ignorance of the officers of Government, cannot, it is believed, be adduced throughout the annals of the British administration in India.'" (*The Land Revenue of Bombay*, Vol. I., page 18.) We pray that the promises given by Sir Bartle Frere may be fulfilled, and that the jurisdiction and political status of the Thakors and Talukdars may be restored, and they may be assigned their legitimate place in the body politic when the new reforms are introduced.

"We beg leave also to mention that the Bombay Government has recently created the title and class of Sardars of Gujerat. The object in view, however, was to provide a suitable electorate to represent large landholders and some other interests, and to revive an old Indian title of honour. The class includes within its pale not only Thakors and landlords of aristocratic descent, but landholders and merchants with considerable incomes, and those who have rendered themselves conspicuous by public services. The title of Sardar was conferred by Indian rulers on persons who had rendered distinguished military services to the State and on military Jaghirdars. We beg to submit that such a title hardly compensates the Thakors and Talukdars for the loss of their ancient princely titles and dignities. We beg to request that the ancient princely titles of the Thakors and Talukdars, which were duly conferred and confirmed by previous Governments, and which were officially recognised in the beginning of British rule, may be again recognised, or an historically appropriate title may be created, and proper political rights may be given them."

102.—MUHAMMADANS OF THE BOMBAY PRESIDENCY.

This deputation claimed to represent the views of a large number of Muhammadans in Western India. Their Address followed very much the same lines as those presented by the more conservative Muhammadan deputations at other centres. The Congress-Muslim League Scheme was first criticised, and the following specific objections to it were raised :—

- (1) It does not sufficiently safeguard Moslem interests.
- (2) The proposal that Indian members of Executive Councils should be elected is in itself unsound and would also effectually exclude Muhammadans.
- (3) An elected President of a Legislative Council could not command the same confidence as the Head of the Province.
- (4) The proposal that resolutions should be binding would result in administrative chaos.

The Address contained certain practical constructive proposals, of which the most important were that there should be two Indians, including one Muhammadan, on the Imperial and Bombay Executive Councils, that Muhammadans should have a separate electorate in municipal and district board elections, should receive a due proportion of posts in the public services, and should have complete freedom in religious observances.

"In view of the complicated political conditions obtaining in this country, it is impossible for the Mahomedan community to commit themselves to any particular form of self-government. We firmly believe that the realisation of the goal of self-government for India must be the result of a process of evolution suitable to local conditions. We are opposed to any readjustment calculated to weaken the British character of the administration, or its ultimate guiding and controlling power; nor can we lend our support to any scheme of reforms which would tend to perpetuate the ascendancy of one community to the detriment and disadvantage of the others. While desiring perfect unity between Moslems and Hindus, we contend that it is not wisdom to forget that, in the existing backward condition of the majority of both

Hindus and Mahomedans, with their divergent customs and clashing interests, the differences between them cannot but be reflected for years to come in their dealings with each other."

"What is proposed now in certain quarters is not so much the reform of the present Government as its extinction and hasty introduction of a new form of Government which under certain conceivable circumstances might revolutionise the country. It is freely asserted that in no distant future the English bureaucracy will disappear and an Indian majority in the Councils will take its place. Whatever may have been the defects of that much abused bureaucracy in the past, it must be admitted that it has had one redeeming merit, viz., that of holding the balance even as between the two principal communities in India, and thus protecting the weak against the strong. If that balancing agency is to be removed or reduced, such provision for the protection of the Moslem minority will have to be embodied in the future Constitution as will make it impossible for any majority in the Councils and local bodies to encroach upon their rights. Care should also be taken that in the place of the English bureaucracy some narrow-minded oligarchy might not be established by the new Constitution itself.

"We cannot accord our entire agreement to the Congress-League Scheme of Reforms as it will, in the absence of certain additional guarantees, result in jeopardising the existence of the Mahomedans of India as a distinct political entity. The Hindu-Moslem understanding, revealed therein, is practically confined to the question of separate electorates for the Moslems in the various Councils, and does not extend to other questions equally vital to the progress of the community, such as those of local self-government, recruitment of the public services, freedom in the exercise of religious rites, &c. Moreover, some of the provisions in the scheme, as it stands, are most detrimental to Moslem interests and must be considered impracticable at the present stage of the progress of the country. Take, for example, the proposal that half the members of the Executive Councils, who are to be Indians, should be elected by the majority in the Councils. Even in England it is not the House of Commons but the Prime Minister who selects the Ministry, and he naturally takes care to select such as would work smoothly with him. It is quite conceivable that the Head of a Province in India would find it most difficult to conduct the administration with members in whose selection he would have no voice and who might be in perpetual conflict with his policy. The strongest objection to such an arrangement from the Mahomedan point of view, however, is that there is hardly any possibility in it of a Mahomedan being ever elected to the Executive Council because of the permanent Hindu majority in the Legislative Councils."

103.—THE SIND MUHAMMADAN ASSOCIATION, KARACHI.

This Association represents the great body of Sind Muhammadan landholders, and claimed to speak on behalf of the Muhammadans of Sind, who (being 2½ millions) form about three-fourths of the population.

These Mahomedans were opposed to the Home Rule League propaganda and the Congress-Moslem League Scheme of Reforms. They considered that the province of Sind is not yet ripe for democratic government and explained their reasons for opposing the Congress proposals. They denied that there could be any satisfactory agreement between the Hindus and Mahomedans which was not safeguarded by legal and constitutional guarantees. They apparently claimed three-fourths of the representation on the Bombay Legislative Council allotted to the Indian communities of Sind, which in turn should not be more than one-half the total number of seats. They claimed the same proportions on Executive Councils that may be established and on municipalities, local boards, &c. They were entirely opposed to the Provincial Conference Committee's suggestion (No. 104) that Sind should be more directly under the Governor of Bombay in Council. They looked on such a proposal as retrograde and considered that progress lay in conferring a greater degree of independence on the province. They proposed that this should be done by the formation of a new province composed of Sind and Baluchistan. The Association was opposed not to progress but to undue haste. It advocated the wider employment of Indians in the higher branches of the administration. It specially urged that more provincial service officers should be promoted to high posts, and that the cleavage between

Imperial and provincial services should be made less wide. At the same time steps should be taken for the gradual establishment of a system of federal government.

“The Congress-League reform of Government, the method of appointment and the proposed constitution of the Councils are largely inimical to Muhammadan interests, and if your memorialists may be permitted to say so, to the best interests of the country. Your memorialists do not wish, however, to refer to other parts of India, but will confine their observations to Sind. This province is not yet ripe or ready for democratic government. Its history, traditions, the heredity and disposition of its peoples, its want of homogeneity or community of interests—social, religious or any other kind—all point the other way. Less than a century ago it was from time immemorial under the rule of a monarchical Government. The short time that has since elapsed is not sufficient even under the beneficial influences of the benign British Government, and the blessings of Western education, to evolve the spirit, sentiment, and disposition essential to the success of democratic institutions; on the contrary it has had the temporary effect of upsetting the equilibrium of the two main classes of the population, and the Muhammadan community, which was in the dominant position in the former regime, are transitorily eclipsed by the Hindus, who were then a subject race and consequently in a relatively inferior position economically, socially and politically and every other respect. Many factors have combined to disturb this equilibrium, chief among which was the greater readiness on the part of the Hindu community to adapt itself to the changed conditions. This it did by practically monopolising positions in Government service, and making greater and more rapid headway than the Moslem community in English education. Another important factor was the enactment of Western legislation unsuited to the conditions of a simple agricultural people without effective safeguards. This disturbance of equilibrium has already reacted most prejudicially to the Muhammadan community as will be apparent from almost if not all the Addresses your memorialists have had the honour of presenting to Governors, Viceroys and other representatives of the King-Emperor on their comparatively infrequent visits to this province. But at any rate such prejudice was to some extent mitigated by the active sympathy we now receive from the Executive Administrators—a sympathy which we could rely on so long as the Government of the country remained absolutely British. The Muhammadans cannot enjoy this easiness of mind so long as they do not feel certain that the contemplated political changes will not place their national interests and communal rights entirely at the mercy of another community. They want to be absolutely sure not only that they will be allotted a proper share in the remodelled and reformed Councils and the different State and Public Services to be thrown open to Indians, but that the share justly allotted to them will be inviolable by any future legislation influenced by adverse communities.”

104.—THE SPECIAL SIND PROVINCIAL CONFERENCE, HYDERABAD.

This Conference supported the Congress-Moslem League Scheme in its entirety. They were not satisfied with the position of Sind and demanded that it should be altered so as to place the affairs of the Province directly under the Governor of Bombay in Council by reducing the position of the Commissioner to that of an ordinary divisional Commissioner, until the time came when it might be formed into a separate province under its own Governor in Council.

“Your memorialists whole-heartedly support the scheme of reforms passed by the Indian National Congress and the All-India Moslem League at their sessions at Lucknow in December 1916 and subsequently endorsed by numerous political associations and meetings held in the country. The political reforms contained in that scheme, this Sind Provincial Conference regards as the minimum which can for the present satisfy the needs and aspirations of the people of India. For the last century and a half, although under the administration of the liberty-loving British Parliament, the people of India have not been permitted to have an effective voice in the administration of their own country. The reins of power have been in the hands of a bureaucracy which has never sympathised with the aspirations of the people of the soil. The result has been that progress has been retarded in some spheres of activity of the nation and effectively blocked in others. The Government have throughout all these years failed to tackle the question of education and dis-countenanced attempts to introduce the principle of compulsion for the education of

the masses now leading their lives in appalling ignorance and all the evils consequent thereto. The machinery of legislation has been made use of for the enactment of repressive measures of which the Press Act is a typical instance. The Arms Act, despite persistent appeals by the people, still disfigures the Statute Book of India and has been responsible for the emasculation of the nation, the full effects of which can be realised only to-day, when India is unable, as it fain would, to hurl its millions against the King's enemies at all the fronts of the Great War and help England to crush the Prussian militarism. The galling sense of inferiority in their own country so keenly felt by the Indian educated community will necessarily keep the relations strained between the representatives of the Indian nation and those of the English nation in India, until and unless the administration of affairs in all the domains of national activity, in peace and war, is subordinated to the will of the people and the children of the soil are permitted to rise to the topmost rung of the ladder in all public services and to attain to their full development as a first rank nation of the world, unimpeded by any direct or indirect limitations."

"We venture to place before you, Sirs, our firm conviction that if the introduction of responsible government in India is to have any reality for the three and a half million Indians who have lived for over 70 years in Sind under a more autocratic system of administration than perhaps prevails in any other province of India except the military provinces of Baluchistan and the North-West Frontier Province, it is absolutely essential that, until the time comes for the elevation of Sind to the position of an independent province with a duly responsible executive and a Chartered High Court, the administration of the affairs of our province should for the time be placed directly under the Governor of Bombay in Council and all enactments and measures which relate to the delegation of powers to the Commissioner in Sind be so amended or repealed as to place the Commissioner in Sind on the same footing as other divisional Commissioners, all the powers conferred on these latter being also retained by him but no more. The Governor of Bombay should reside at Karachi during a few months of the year, the members of the executive should visit the province more frequently than hereto and at least one of the sessions of the Bombay Legislative Council should be held at Karachi every year."

105.—THE JAIN ASSOCIATION OF INDIA.

This Association represents the Jain community of Bombay, and is a religious and social organisation aiming at its well-being and progress.

The Association supported the Congress-Muslim League scheme and expressed the hope that, if special representation of minorities is granted, their community would not be forgotten.

"We beg humbly to submit that we entirely support and approve the scheme of reforms suggested by the Indian National Congress and the Muslim League, as one to be carried out for the immediate requirements of the constitution. We are, however, confident that any scheme of constitutional reforms that you devise after full and mature deliberation will be so large and liberal as to make a substantial step forward towards meeting the growing aspirations of the people of this land, as also to so re-shape the constitution as to assure them speedy and secure advance along modern lines.

"In a country of varied population like ours, the interests of certain important minorities have to be safeguarded without introducing any possible element of discord in the unity of India. The Jain Community of India is, by its faith, a distinct entity, and if important minorities are to have representation in the future electoral system, we humbly submit that the claims of the Jain Community, whose loyalty has been proved unswerving, will be given a due weight and consideration."

106.—THE CHAMBER OF COMMERCE, BOMBAY.

The address submitted on behalf of the European commercial interests of Bombay argued that India, at any rate in its present state of development, was entirely unfitted for any system of representative government on Western lines, because it was impossible to establish an electoral system which would ensure that the elected members are truly representative of the people.

"We may say at the outset that we are strong supporters of the present system of government. We do not deny that it requires improvement in many ways, but in its main features it is we believe the only system suited to the present conditions and needs of India. We have no desire to approach these matters from any other standpoint than that of the best interests of India as a whole, for we are convinced that what is best for India will also be best for the present and future interests of Indian commerce. In this sphere which more especially concerns us it is hardly possible to think of interests exclusively British. In India commerce presents a free and common field of activity which is open to us and to our Indian fellow subjects in every respect on terms of absolute equality. Not only that but it is an incontrovertible fact that British and Indian commerce as it at present exists, is so indissolubly united and interdependent that it would be extremely hard to name any so-called British commercial enterprise in this country which did not represent the closest co-operation and association with Indians. We shall therefore attempt to show that revolutionary changes are contrary not only to our interests but to the interests of India as a whole.

"The first point for consideration is what is the exact nature of the problem before us. The present system of administration in this country is in many respects a very good system and has a glorious history behind it. It is just, efficient and stable, it is tolerant and not oppressive to any section and commands the confidence of the vast bulk of the population, which, like ourselves, desires only to be allowed to work in peace under a just and stable Government: under it India has steadily advanced in material prosperity till she is now wealthier and more prosperous than she has ever been before. There are no acute grievances of an immediate nature or complaints of bad government to be redressed. The demand for change is therefore based on two main grounds, both of which arise directly out of the results of the efficiency of the present system. The first ground is that the general development of the country has so increased the functions and responsibility of Government that a considerable measure of decentralisation is called for and the second is that the educated classes desire a greater share in the government of the country."

Any changes in the latter direction must come gradually, with adequate safeguards, and must not impair the justice, efficiency, or stability of the administration. Any attempt to establish representative government at the present time would "merely result in giving wide powers into the hands of a narrow oligarchy," which would not have the responsibility of maintaining law and order. The Address emphasised the want of homogeneity among the inhabitants of India, and represented that the interests of the large illiterate majority were often antagonistic to those of "the small literate fraction."

The Chamber approved a cautious extension of local self-government. As regards the public services "too much importance cannot be attached to the necessity of maintaining the essentially British character of the administration." It submitted that "any attempt to make the executive Government either dependent for their offices on the support of or directly responsible for their actions to the Legislative Councils would, under present conditions, imperil the whole fabric of Government." If the Legislative Councils were enlarged, the non-official British community should be represented in accordance with the importance of the interests for which they stand. The Chamber regarded the spread of education as probably the most important present need of India, and suggested that the educational system should be brought into closer touch with the development of the material resources of the country. It was in favour of gradually extending to other Provinces the system of a Governor in Council (from which Indian civilians should not be excluded), and made certain suggestions for the improvement of the administrative system: "At the present time there is a much too detailed control of Provincial administrations by the Government of India, and of the Government of India by the Secretary of State."

"Our main contentions, therefore, are that the welfare of India as a whole will be better served by the improvement of the present system of administration, the increased employment of Indians in it, so far as suitable men may be forthcoming, and the gradual extension of local self-government, than by the sudden conversion of the present system into an administration by a narrow Indian oligarchy masquerading as a democracy. In these days of international competition no State can afford to have its administrative organisation influenced by sentimental considerations. It must be eminently practical and must entrust its government to the most capable hands.

It seems a much more promising operation to try and remedy the weak points of the present system of government and to leave it to develop naturally with the progress of the country rather than to embark on experiments involving sudden or violent changes."

107.—THE CENTRAL PROVINCES CONGRESS COMMITTEE AND THE CENTRAL PROVINCES AND BERAR PROVINCIAL ASSOCIATION.

These bodies sent a joint deputation, and it is understood that they have many members in common. The deputation supported the Congress-Muslim League Scheme, but made certain additional proposals which are not found in that scheme. Thus they suggested the creation of an Indian Privy Council and of a single High Court for all India in place of the provincial courts. They also asked for the enlargement of their own provincial area so that they might no longer suffer the humiliation of belonging to a minor province. This increase in size should be accompanied by the grant of Council Government.

A scheme attached to the Address indicated how these bodies would apply the Congress-Muslim League Scheme to the Central Provinces with certain additions such as the establishment of a High Court for the province, if a single High Court for all India is not established, the abolition of Divisional Commissionerships, and the proposal that in making all appointments preference should be given to natives of the province. The local self-government proposals were also an addition to the Congress-League Scheme.

A distribution of revenues between Imperial and Provincial was suggested. No suggestions were made as to the functions which the Privy Council would perform. Redistribution of provincial territory on a linguistic basis was advocated.

The deputation laid special stress on education.

"The non-official Europeans have memorialised to you, sirs, to shelve the question of all reforms, however urgent, during the continuance of the war. As members of a ruling race, and practically enjoying a monopoly in their trade, their opposition was not unexpected. We cannot expect, sirs, that this privileged class would willingly offer to the people of this land a helping hand of good fellowship, or to encourage them in their struggle for freedom. No privileged class has ever willingly surrendered its privileges, and there is no reason why the Europeans in India should do so. But it is no reason why the progress of 315 millions of people should be retarded for the benefit of a few hundred commercial men. It has often been urged as a good reason for withholding political concessions that the bulk of the proletariat is ignorant and uneducated. But it is seldom realised that this is not their fault, but rather a fault of the Administration. We believe that when the Mikado published his celebrated Rescript of 1871, Japan was almost equally ignorant; but with the liberation of her people and the liberalisation of her political institutions, Japan has suddenly emerged from the position of an insignificant oriental state to a formidable unit in the comity of nations, and it vies to-day with the most advanced nations of Europe in the education of her people and the expansion of her industries. It is a factor which cannot be lost sight of in considering the future of this country."

108.—THE NAGPUR DISTRICT COUNCIL.

This is the District Council of the headquarters district of the Central Provinces. The office-bearers of the Council are elected non-officials.

A scheme of reforms appended to this Address was practically identical with the scheme presented by the Central Provinces Provincial Congress Committee and the Berar Provincial Association (No. 108).

The only important differences were —

- (1) that the District Council did not suggest any territorial re-distribution;
- (2) that the District Council suggested a Legislative Council composed of 75 members only as compared with 100 proposed by the other deputation.

It was clear from this Address that the functions of the proposed Indian Privy Council would be judicial and that it would take over the Indian cases now disposed of by the Judicial Committee of the Privy Council.

A noticeable recommendation regarding the veto was made: that if any legislation or resolution were passed a second time after the lapse of one year in either the Imperial or a Provincial Council, and by a two-thirds majority of the non-official members of the Council, the head of the Government should have no further power of veto.

"As a body composed of persons actually engaged in the administration of affairs we are not oblivious of the necessity of acquiring a sufficient familiarity with the principles and methods of the art of government, nor are we unaware of the basic principles upon which the relations of an empire, with its component parts, must be determined. The goal of responsible self-government which we seek to attain is one, we need not assure you, Sirs, to be attained as an integral part of the British Empire by the maintenance of the British connection. In the memorandum which we beg to lay before you, Sirs, we have briefly set forth our proposals for reform, and therein have provided for the exclusion from the purview of the Legislative Councils in India—both Imperial and Provincial—of matters such as the direction of military affairs or foreign relations, the declaration of war, and the entering into peace. In view of the responsibility devolving upon the head of the Government, we have provided for the power of vetoing any legislation or resolution passed by his Legislative Council, the power not being available to him when a resolution is passed a second time after the lapse of a year by a two-thirds majority of the non-official Members of the said Council. We recognise the impracticability of giving effect to a resolution which does not commend itself to the Executive Government and in respect of which the nation is almost equally divided. Hence we have provided the safeguard of a substantial support of the nation in the manner aforesaid being assured before compelling the Government to give effect to a resolution of which the Government do not approve."

"But of all the reforms urged none is of such paramount necessity as that which would leave the Government in India autonomous in fiscal and economic matters, and free it from the frequent interference which in these matters has been exercised by the Secretary of State for India in Council, and the suspicion is entertained that sometimes the pressure from competing British interests has been responsible for such interference. All that we demand, Sirs, is that in these matters, as in certain others, India shall be treated as equitably as are the self-governing Colonies."

The Vice-Chairman of the District Council submitted a minute of dissent and a separate scheme which he believed would receive "considerable support from members of the District Council who, being in a position to form sound opinions, are willing to exercise their independent judgment." He would retain the Secretary of State's Council. In the Government of India he proposed a Standing Committee composed of the Viceroy and the eight Members of Executive Council (four of whom would be Indians), and eight non-officials elected by the non-official Members of the Legislative Council, two to be Muhammedan and one neither Hindu nor Muhammedan, with considerable powers over legislation. A similar Standing Committee was proposed for the Provincial Government.

109.—THE BERAR PROVINCIAL CONGRESS COMMITTEE.

This body is affiliated to the National Congress. The Committee adhered to the principles underlying the Congress-Muslim League scheme but sketched out a more or less complete scheme of their own based on the principle of provincial autonomy. They suggested that the powers of Parliament in relation to Indian affairs should be strictly defined and limited, and that India should be represented in the House of Commons by 40 or 50 members. The Secretary of State should have no right of interference except on matters specifically reserved for Parliament. The Government of India should likewise have its sphere carefully defined and restricted. The Executive Council should consist of six members, half of whom would be Indians. The Legislative Council would be composed as in the Congress scheme, and the Government of India would be financed as in that scheme. There should be a certain redistribution of territories, and the provinces thus constituted should all be under Governors with Councils of either six or four members according to size and importance. Governors should be in two differently paid classes.

Half the Executive Council should be appointed by the Crown after election by the non-official members of the Legislative Councils. The Provincial Legislature should have power of raising loans. Local self-government should be reorganised. Municipal Committees, District Boards, Local Boards and Village Panchayats should be purely elective, and should be under the control of a Local Government Board. The concluding portion of the address dealt with the claim of Berar to be treated as an integral part of British India rather than semi-foreign territory as at present.

"We freely admit that the aboriginal races are still sunk in ignorance, and that the lower strata of the Hindu and Mahomedan communities are very backward. But this fact cannot justify the attitude that no real advance is to be made till every one in the country is fit to enter Parliament, despite there being millions of capable and discriminating persons qualified to exercise the franchise. The people of this country have every right to protest most emphatically against the erection in the case of India of a standard which England during all these centuries never thought of adopting for herself. We have, however, full confidence in the wisdom and sense of justice of the British nation and Parliament, and trust that the Government of His Majesty and the Government of India will not allow themselves to be deflected from the policy of honour and rectitude, the claims of which have been admitted so often."

110.—REPRESENTATIVES OF THE PEOPLE OF BERAR.

It did not appear how these representatives were chosen, but the address which they presented was stated to have been approved by local bodies and by public meetings in Berar. It was practically an abbreviation of that of the Berar Provincial Congress Committee (No. 110).

"The people of this country have accepted the ideal laid down in the Government of India's despatch of 25th August 1911 that India should consist of autonomous provinces with the Government of India over their head, dealing with general questions. Provincial autonomy must, we know, be the key-note of Indian progress; but the authority to be vested ought to be in the representatives of the people. The mere devolution of power from one set of officials to another set cannot and will not satisfy the legitimate and increasing political aspirations of the people, nor properly subserve the real interest of the country or of efficient administration. We recognise that at present and for some time to come the supreme power will have to be in Parliament. We also know that very important functions and powers must, for the general good of the country, be vested in the Government of India and the Imperial Legislature. But excluding the matters expressly reserved for Parliament or the Imperial Indian Legislature, plenary powers should be given to the Provincial Governments constituted on lines indicated below and to Provincial Legislatures enlarged, popularised and clothed with effective authority."

111.—THE GRADUATES' ASSOCIATION OF THE CENTRAL PROVINCES AND BERAR.

This Association, consisting entirely of non-officials, does not include the many graduates in the Provinces who belong to the Public Services.

The Association appended to their address a 17-page scheme which entered into a much greater degree of detail than any other scheme received. Generally they professed to adhere to the principles of the Congress-Muslim League schemes, with this exception that instead of any department having one head they recommended that it should have a board of three. They suggested a complete re-organisation of the Public Services. While recommending a system of provincial autonomy, they proposed an All-India system of examinations for admission to the Public Services. They spoke of "Cabinet" instead of "Executive" Councils. Like other Central Provinces associations they recommended the establishment of a Court in India to take over the functions of the Judicial Committee of the Privy Council.

They did not recommend the immediate abolition of the Secretary of State's Council, but suggested its re-organisation so as to consist of nine members, three nominated by the Secretary of State, and six elected, one by each of the Provincial Legislative Councils.

"Our scheme begins with the unit of every reform, the village, by advocating village punchayets on a modernised basis. Local self-government, being the next step, we suggest that its scheme should be so enlarged as to give it an effective control over all local affairs and not as at present a mixed and limited control over only a few.

"Our suggestions about the reform of the Local and Imperial Governments accord in the main with those of the joint memorial of the All-India Congress Committee and the Moslem League, except that provision is suggested for a rule of three to be substituted for the rule of one in every department of the administration.

"Our Association has ventured to suggest reform in the Public Services, with the object of not only placing the Civil Services in their proper positions in the administration instead of as at present allowing them the monopoly that they now enjoy of administrative offices, but also of giving to the sons of the soil a just proportion of the higher appointments.

APPENDIX I.

ADDRESSES NOT FORMALLY PRESENTED.

In addition to the Addresses summarised in the preceding pages, a large number of Addresses were submitted, for the formal presentation of which, for various reasons, arrangements could not be made. This section contains a complete enumeration of these Addresses, with a brief note of their contents. The arrangement is according to the Provinces to which the authors belong.

MADRAS PRESIDENCY.

1. *The Godavari District Association* support the Congress-League Scheme, with the addition of due provision to safeguard the different interests of the Madras Presidency, including the formation of a separate Andhra province under a Governor in Council. They disapprove of any "compartmental" scheme of reform.

2. *The Kistna District Association* approve the Congress League Scheme, but advocate more far-reaching reforms, including Indian representation in the House of Commons, an Upper Chamber of the Indian Legislature to include members from Native States, redistribution of territory on a linguistic basis, complete responsible government in the major provinces, Indians as Governors, and communal representation in the Madras Presidency through territorial mixed electorates.

3. *The Panchamas*, or "untouchables," claim to be the backbone of agriculture, and advocate reforms which will secure for them social and political regeneration, in the sphere of education, grants of land, communal representation, &c.

4. *The Yadakula Maha Sangam*, of the Yadava community, said to number 1½ millions in South India, are opposed to Home Rule as premature and the demand of "a minor section of the educated classes." They desire power to remain in British hands, and humbly ask for better representation on legislative and local bodies and in the public service.

5. *The Panchama Kalvi Abivirithi-Abimana Sanga* deprecate political change, and desire only to be saved from the Brahmin, whose motive in seeking a greater share in the Government is described as that of the cobra seeking the charge of a young frog.

6. *The Madras Aulhee Dravida Jana Sabha* forwarded an Address identical with No. 79 of "Addresses presented."

7. *The Oppressed Classes of South India* regard Home Rule as premature, and as likely to increase their own disabilities, relief from which they seek in certain specified directions—education, communal representation, temperance reform, &c.

8. *The Adi Andras of the Kistna District* similarly confine their requests mainly to social reforms, including communal representation. They are not opposed to political reform, but consider India unfit at present for self-government.

9. *The Panchama Reform Association* (Malabar), seeks social reform and communal representation. They are strongly opposed to Home Rule on grounds of self-interest.

10. *The Residents of Kurumbalurpalaiyam* are opposed to Home Rule, which, from all they hear of it, is calculated to benefit only the Brahmin.

11. *The Lingayat Community* of the Madras Presidency, said to number about 500,000, ask for separate representation on local bodies and the Madras Council, and for free education and a greater share in the public service.

12. *The Indian Christians of Vellore* regard self-government as their ultimate goal, but consider an advance towards Home Rule now premature and dangerous. They seek special representation on local bodies and the Councils of the Empire.

13. *The Indian Christians of Trichinopoly* hold the same views as regards Home Rule, which they regard as the demand of a small minority and compare it, if granted,

to a loaded revolver in a child's hand. They claim for themselves adequate representation on the Indian and Provincial Councils, and advocate communal representation and wider employment in the public service as the means of educating Indians to responsibility.

14. *The Catholic Church in South India* thinks that reforms should take the direction of advance in local self-government, the more responsible employment of Indians in the public service, and the strengthening of the Legislative Councils. They advocate communal representation and desire the maintenance of the integrity of the British Raj.

15. *The Visva Brahmanas of the Telugu District*, who claim to stand midway between Brahmans and non-Brahmans, support the Congress-League Scheme, but advocate communal representation on all elective bodies, and demand five seats on the Madras Council for their own community.

16. *The Visva Brahmanas of the Godavari, Kistna, Guntur and Nellore Districts*, on the contrary, view with alarm any transference of power from British to Brahman hands. They seek educational advancement and special representation.

17. *The Visvakarma Mahajana Conference* adopt the Congress-League Scheme as calculated to provide adequate representation to minorities such as themselves. They attribute their present condition to the breakdown of their ancient organisation and to foreign competition.

18. *The Visva Brahman Mahajana Central Sabha*—an organisation of craftsmen—ask for responsible government at an early date as more likely than the present system to foster industrial prosperity and the upraising of a fallen community. As a first step they ask for representation on all elective bodies in accordance with their numbers.

19. *The Visva Brahmans of Madura* advocate communal representation as the guiding principle in all reforms, and seek educational and other advantages for their own community.

20. *The Southern India Skin and Hide Merchants' Association* base their desire for effective popular control over the Provincial Governments on the alleged ill-informed and destructive policy adopted by the present form of Government towards the tanning industry. They desire an enlarged franchise and real control by the Councils over the Executive Government—Imperial and Provincial—and adequate representation of their own interests.

21. *The Nathukottai Chetty Community* support the proposals of the Nineteen Members, with two reservations—that the Head of the Government should remain President of the Legislative Council, and that members of Executive Councils should be members, included in the non-elected one-fifth, of the Legislative Council. They also demand representation of minorities, including their own.

22. *The Arya Vysya Community* support the Congress-League Scheme, but add a claim for special seats of their own on the Provincial and Imperial Councils.

23. *The Vaidika Vidvath Paripalaka Sabha* (Vaidik Brahmans) urge special representation on the Imperial and Madras Councils of orthodox Hindu interests.

24. *The Vidya Prapancha Sabha* follow the request of the preceding Sabha, with an additional request for a power of veto of measures opposed to the *Shastras*. Otherwise they support the Congress-League Scheme.

25. *The Vighnasa Brahmana Community* (temple priests) ask for a nominated representative on Legislative Councils until they can return their own member by election.

26. *The Pandits of Kumbakonam* support the Congress-League Scheme subject to provision that the reformed Councils and executives be compelled to observe religious neutrality, and to drop any measure opposed by Hindus on religious grounds.

27. *The Ezhavas of Palghat* (palm-tappers) base a claim for representation (nominated) on the Councils, if reformed, on the alleged prejudicial effect of the Abkari Act on their community. They also advocate the separation of judicial and executive functions, and communal representation for minorities.

28. *The Tiyja Community* (also palm-tappers) follow the lines of No. 27.

29. *The Madras Salt License Association* claim to be classed as landholders, and ask for proper representation.

30. *The Nadar Community* seek seats of their own on the Indian and Provincial Legislative Councils and on the Provincial Executive Council, with increased nomination on all elective bodies.

31. *The Chuttada Srivaishnava Community* adopt the Congress-League Scheme with certain modifications, notably that there should be communal representation on the Indian Legislative Council, and that education and local self-government should be controlled by the elected members of the Legislative Councils immediately after the war.

32. *The Namboodri Yogakshema Sabha*—a Brahman organisation of the landed aristocracy of the West Coast—support a scheme such as that of the Congress League, which should be introduced “with proper safeguards and necessary precautions,” such as protection of rights in property and special representation for landholders, including their own representative on the Indian and Provincial Councils.

33. *The Indrakuladhipar Sangam*—another organisation of the landed aristocracy—object to catastrophic changes, and favour “gradual, cautious, progressive political development in the wake of proved fitness.” They consider communal representation essential in the interests of their own community.

34. *The Ryots of the Bellary District* deplore the loss of a golden age when panchayats flourished. They support the Congress-League Scheme and demand the revival of panchayats and free primary education.

35. *The Carnatic Family Association*—representatives of the old ruling family of the Carnatic—oppose the Congress-League Scheme and seek equal representation of Moslems and Hindus on enlarged Legislative Councils, and one seat for Moslems on Executive Councils. They also seek to satisfy family aspirations by means of educational and service facilities.

36. *The Maravar Mahajanam of Trichinopoly, Madura, Ramnad, Tinnevely, Tanjore and Coimbatore* seek the amelioration of their backward condition by means of educational facilities and special representation. They are opposed to immediate Home Rule, but desire gradual advance towards self-government.

37. *The Jains of South India* seek separate representation on the Indian and Provincial Councils.

38. *The Buddhists of South India* consider the Nineteen Members' and other similar schemes to be premature, and not a popular demand. The crying need is the abolition of the caste system, and spread of education.

BOMBAY PRESIDENCY.

39. *The Bene-Israelite Community* support wholeheartedly the Congress-League Scheme, but are opposed to communal representation, except possibly for Muhammadans.

40. *The Catholics of the Bombay Presidency* support a policy of advance towards the establishment of responsible government, and seek special representation for their own community, through nomination or communal election, on Councils, and if possible on local bodies.

41. *The Karachi Chamber of Commerce* claim direct representation on the Supreme Legislative Council.

42. *The Dhed Community* (a “depressed class”) claims “a proper share of communal representation in the final scheme of post-war reforms” and invites Congressmen to declare that they have abandoned the doctrine of untouchability.

43. *The Hindu Mahajan Committee* supports generally the Congress-League Scheme, but would not exclude members of the Indian Civil Service as such from Executive Councils. They demand the representation of India in the House of Commons.

44 and 45. *The Home Rule Leagues, Ahmedabad and Karachi*, regard the Congress-League Scheme as essential and the least that will satisfy Indian aspirations.

46. *The Kabber Community*.—Carnatic agriculturists, weavers, and petty traders—seek social and educational advancement, and legislation to protect their women from prostitution.

47. *The Mali Community* (gardeners) support the Congress-League Scheme, if the interests of minorities, including their own, are secured by proper representation.

48. *The Maratha Aikyechnu Sabha*, representing the Marathi-speaking backward classes of the Bombay Presidency, numbering 5½ millions, make no proposals for reform, but demand separate representation with separate electorates, detailed suggestions for which are put forward.

49. *The Shimpi Community* (tailors) of Poona demand separate representation on all elective bodies, and pray that the Congress-League Scheme may be favourably considered.

50. *The Sind Moslem League* support the Congress-League Scheme, and urge that its introduction immediately is necessary for the welfare of India. The memorial admits that the members of the League are a small section of the community, which is mainly agricultural, but the members claim to represent the community.

51. *The Sind Zamindars' Association* claim better representation of their community on the Councils, and advocate financial autonomy for Local Governments, the subjection of the budget to a vote, compulsory education, separation of judicial and executive functions, and the right of every Indian to a seat when interviewing a Government official.

52. *Vernacular Petition from Zamindars of Sind*.—The petitioners are opposed to the grant of Home Rule, which is sought merely in the selfish interests of the seekers. They ask for better representation on the Councils, but deprecate any decrease in the strength of European officials.

53. *The Bombay National Union* supports the Congress-League Scheme, and replies to objections taken to it.

54. *The Bombay Municipal Corporation* claim more than one member on the Bombay Council, and the privilege of electing a member to the Indian Legislative Council.

55. *The Bombay Social Reform Association* favours a more representative form of Government, such as that of the Congress-League Scheme, as likely in the long run to give greater scope than the present form for social reform.

56. *The Depressed India Association* oppose the immediate transfer of political power to Indians as "bound to prove disastrous to the best interests of the depressed classes." They approve the grant of provincial autonomy with enlarged provincial councils having increased *advisory* scope, and urge the representation of their community by communal electorates or by nomination. "The best way of removing social injustice is to enlighten those who are its victims and not those who are its perpetrators."

57. *The Anjuman-i-Islam Ahle-Sunnat-ul-jamat of Bombay* pray for equal representation of Moslems with Hindus and communal electorates for Sunnis as distinct from Shias.

58. *The Maratha Community, Bombay*, pray for adequate representation according to their numerical strength on all elective bodies, and for facilities for volunteering.

59. *The All-India Maratha Conference* warmly supports the Congress-League Scheme and elaborates a Mahratta franchise.

BENGAL PRESIDENCY.

60. *The Murshidabad Association* submits a scheme which is identical with that of the Congress League with some minor modifications.

61. *The Rajshahi Association* submit the main outlines of a reform scheme which is modelled upon that of the Congress League. They also suggest a territorial

redistribution on a linguistic basis, and a scheme for local self-government which is the same as that of the Bengal Provincial Congress Committee (No. 48 of "Addresses presented").

62. *The Vaishya Sabha, Calcutta*, supports the Congress-League Scheme, but urges the necessity of securing the adequate representation of all important interests, including its own.

63. *The Bengal Vaisya Barujibi Sabha* welcomes the announcement of prospective responsible government, and urges the establishment of District, in addition to Provincial, Councils and communal electorates for minorities.

64. *The Tippera People's Association* supports the Congress-League Scheme with certain modifications, namely, that the Provincial Councils should be entirely elective, that every district should have its own representative, that members of permanent services should be entirely excluded from Executive Councils and Governorships, and that Bengal should include the Bengali-speaking districts of Bihar and Assam.

65. *The Chittagong People's Association* accepts the principles underlying the Congress-League Scheme, but wish for extensive modification in detail so as to secure more direct representation of the masses—the agricultural, commercial, labouring and industrial classes—on local bodies and the Councils. They are opposed to aristocratic domination as a substitute for bureaucratic control.

66. *The Bangiya Brahmin Sabha* claim seats on Provincial and Indian Councils for the Brahmin Pandits as representative of the spiritual and social interests of the Hindu population. The electorate for these seats should consist of Pandits.

67. *The Sulrid Sammilani Sabha, Noakhali*, supports the Congress-League Scheme.

68. *The Muhammadans of Faridpur* protest strongly against the grant of Home Rule as likely to put power in the hands of Hindus and to depress the Muhammadans. They regard the safeguards of the Congress-League Scheme as totally inadequate and insist on the disastrous consequences to Muhammadan interests wherever Hindus possess influence at present.

69. *The Bangiya Krishli Vaisya Samiti* claim to represent the agricultural and trading classes, urge the necessity of economic educational and social reforms and express no interest in local self-government or Home Rule.

70. *The Bratya-Kshatriya (or Jhalo-Malo) Samiti* adopt the same attitude as that of the preceding memorial, but also urge the separation of judicial and executive functions.

71. *The Vaishya Karmakar Sabha* approve the Congress-League Scheme, but urge an electoral basis sufficiently wide to give elective representation to all important communities, including their own.

72. *The Bratya-Khattriya (Pol) Community* press only for the due representation of the backward classes in the public offices of the country.

73. *The Nator Krishak Sammilani*, representing the agriculturists of a subdivision of the Rajshahi District, claim a separate electorate for agriculturists, in which the landlords should find no place, and urge that other electorates for provincial councils should be framed on the local board basis.

74. *The Jessore District Association* submits a complete scheme of responsible government, some of the chief features of which are:—

- (i) That the Imperial Legislative Council should have a membership of at least 500, with all the powers of the House of Commons subject to the veto of the Governor-General in Council pending a reference to the House of Commons or Federal Parliament.
- (ii) That the Viceroy and three Indian (elected) members of his Executive Council should appoint the remaining three members, who may be either Indians or Europeans.
- (iii) That all the members of Executive Councils (Provincial) should be elected by the Legislative Councils.
- (iv) That there should be a Legislative and Executive Council in every district.

75. *The Bengal Namasudra Association* advocates the enlargement of Provincial Legislative Councils to 150 members, all directly elected on a low franchise. Each Province should have a Governor with an Executive Council of four, two Indians and two Europeans, with 10 years' official experience. Suggestions are also made for the development of local self-government, and the immediate control of the executive by the legislature is deprecated.

76. *The Bakarganj District Association* approves the Congress-League Scheme as the "irreducible minimum," but adds a proposal for a Federal Empire Council containing Indian representatives. In the sphere of Provincial Legislative Councils, they desire the whole council elected by direct electorates, and if officials have seats they should have no votes. Separate representation of minorities should be secured. Local bodies should be entirely freed from official interference.

77. *The North Bengal Zamindars' Association* agree generally with the memorial of the Landholders of All India (No. 56 of "Addresses presented") but add certain other requests such as that one-third of the members of the Indian and Provincial Councils and one member of the Executive Councils should be landholders, and that the representation of their class on local bodies should be improved.

78. *The Gurkha Community of Darjeeling*, unlike the Hillmen of Darjeeling (No. 49 of "Addresses presented"), consider that Home Rule is necessary. They also seek commissions in the Army and Gurkha representation on the Councils.

79. *The Chattala Dharma Mandal's* address is identical in substance with that numbered 66 above.

80. *The Backward Classes of Bengal*, in an address claiming to represent 14 million persons, urge that reforms should not overlook their interests, and fear that any sudden advance towards responsible government will strengthen the hands of those few castes whose interests are opposed to those of the backward classes, and will consequently make future progress for these classes impossible.

81. *The Nadia District Association* warmly approve the Congress-League Scheme, and propose in addition a scheme of their own for the advancement of local self-government. They would have an Executive Council with functions similar to those of a Cabinet, and an entirely elected Legislative Council.

82. *The Co-operative Union of India* suggest the formation of an "Indian Federal Congress" to "ease the present tension visible on all sides"—a body to be elected by all interests in the country to take the place of the National Congress and Muslim League, whose scope does not embrace a number of interests, with the object of evolving a properly organised public opinion. An elaborate Memorandum is attached to the address from which it is difficult to extract any concrete proposals for constitutional reform, though many aspects of the theory of government are touched upon.

UNITED PROVINCES OF AGRA AND OUDH.

83. *The Tenantry of North-Western India.*—This Address purports to represent the views of the peasantry of the United Provinces. The main contention is that the landlord in India has acquired a position of superiority in India at the expense of the tenant, and that to this position he has no historical right. It is urged that the tenant can never recover his due position in the economic and political sphere unless he secures adequate representation on the Boards and Councils of India. With this object two nominated seats on the Provincial Council are claimed immediately, and 10 elected seats when the Councils are enlarged and reformed, and in the election to which seats landlords should have no voice. A reconstitution of the system of local self-government—District Boards and Panchayats—is also advocated, designed to secure better representation on these institutions of the rural population.

84. *The Association to safeguard the Interests of the Muhammadans of Gorakhpur* repudiate the claims of the All-India Muslim League to represent the Muhammadans of India, and deprecate the abolition of the official majority in the Provincial and Indian Councils so long as Hindus are in the ascendant. Home Rule should not be contemplated until Muhammadans are the equals of Hindus in education, and reforms, when granted, should secure equal representation for Muhammadans and

Hindus on all elective bodies. The social and educational advance of the Muhammadan community is the first desideratum as the basis for general political development.

85. *The Muin-ul-Islam* submitted an Address and Memorandum compiled by a Haji of Agra, whose opinions are much the same as those represented by the previous Address. They urge the necessity of a strong Government, and of maintaining at sufficient strength the British element in it.

86. *The Kashi Sujan Samaj* (Benares) supports the Congress-League Scheme, but advocates a further advance based upon Sanskrit culture and psychological science. Executive officers should be held generally responsible for the occurrence of overt enmity between Hindus and Muslims, and true learning is to find its place on the Councils of the country.

87. *The Muhammadans of Rohilkhand* are entirely opposed to the Congress-League Scheme as prejudicial to the religion, language and national aspirations of the Muhammadan community. They claim protection for their religious rites and places, equal representation with Hindus on all representative assemblies, and greater facilities in educational matters and in entry to the public service.

88. *The Jain Political Conference* accept the Congress-League Scheme in its entirety, but stipulate that their own community should receive special representation on the Councils of the Province and of India.

BIHAR AND ORISSA.

89. *The Gope Jatiya Mahasabha*, claiming to represent the Ahirs of Bihar, advocate an enlargement of the Indian and Provincial Legislative Councils and the inclusion in both of Ahir representatives. They propose both direct and indirect electorates, and that some 50 seats should be allotted to non-Muslim representatives of the masses to be filled by district electorates. Local bodies should elect their own chairmen.

90. *The Orthodox Muhammadans of Phulwari* oppose the grant of Home Rule as in conflict with the religious tenets of Islam, which prescribe a monarchical and not a republican form of Government. Their opposition is also based on the conditions in India—"a chaotic mass of conflicting castes and creeds, incapable of cohesion." They anticipate that disturbances will result from the dominancy of one community over another, which will follow on the introduction of Home Rule, and urge that recent events have shown India to be unfitted for its reception.

91. *The Residents of the Sambalpur District* approve the Congress-League Scheme and advocate the union of all Orissa-speaking tracts into one Province or sub-Province.

92. *The National Society of Balasore* make the same prayer.

93. *The Chota-Nagpur Improvement Society* urge that, whatever may be done in the way of reform elsewhere, the aborigines of Chota-Nagpur may be left to the administration of European officers, and make various suggestions for the economic advancement of this community.

94. *The Bengali Settlers' Association of Bihar and Orissa* approve the Congress-League Scheme, but ask for special representation on the Provincial Council.

95. *The Bengali Residents and Landholders of Bhagalpur* demand the transfer of that district to Bengal, the grant immediately of responsible government, and the adequate representation of such Bengalis as remain in Bihar and Orissa on the Council and local bodies of that Province.

96. *The Mahishyas of Bengal, Bihar, Chota-Nagpur and Assam*, claiming to represent 22 million persons, chiefly engaged in agriculture, ask for special representation on the Indian and Provincial Councils, and for greater recognition of their educational needs.

97. *The Inhabitants of the Manbhum District* seek the retransfer of the district to Bengal.

98. *The Orissa Association, Cuttack*, approve the Congress-League Scheme.

99. *The Central National Muhammadan Association, Cuttack*, urge the summary rejection of the Hindu request for the inclusion in one administration of all Orissa-speaking tracts, as opposed to Muhammadan interests, and in the matter of reforms support the views of the Central National Muhammadan Association, Calcutta (No. 31 of "Addresses presented").

100. *The Orissa Landholders' Association* claim separate representation on the Provincial and Indian Councils by at least three and two members respectively.

CENTRAL PROVINCES AND BERAR.

101. *The Non-Official Members of the Akola District Board* submitted the same Address as No. 111 of "Addresses presented."

102. *Certain Residents of the District of Bandara* support the Congress-League Scheme, but propose in addition an elaborate reconstruction of local self-governing bodies and of the local Provincial Council, their scheme comprising panchayats, sub-local boards, and district advisory councils.

103. *Certain Non-Feudatory Chiefs of the Central Provinces* support the memorial presented by the All-India Landholders (No. 56 of "Addresses presented"), and pray for the restoration of their former status and privileges.

104. *The Majlis-i-Islam, Ellichpur*, claim an equal share for Muslims with Hindus in any Home Rule Government, and make requests for various privileges for their community.

ASSAM.

105. *The Inhabitants of the Jaintia Parganas* seek adequate representation in the councils, boards, and higher service of the Province, improved educational and medical facilities, a permanent settlement, and the restoration of the village authority.

BURMA.

106. *The Burma Muslim Community* pray only that in the expected reforms they may be given the same rights and privileges as are accorded to their Burman and Buddhist brethren.

107. *The Burma Branch of the Anglo-Indian Empire League* are opposed to "the demand of a section of the Indian people for Home Rule" and the separation of Burma from India. They ask for a Governor in Council and a High Court for Burma. But while recognising that Legislative Councils should be largely elective, they urge that the advance towards responsible government should be gradual, and should have proper regard for the interests of minorities, and for the maintenance of the British character of the administration.

108. *The Nathukotai Chetty Community in Burma* claim a representative or representatives of their own on the Provincial Council.

109. *The Sadya Mahajana Sangam* submitted an Address, the terms of which were very similar to that presented by the Dravida Mahajana Sangam (No. 80 in preceding section).

110. *The Mandalay Bar Association* confine their request to the separation of judicial and executive functions and the improvement of the conditions of the judicial service.

APPENDIX II.

I.—Memorandum submitted to His Excellency the Viceroy by Nineteen elected Additional Members of the Imperial Legislative Council with regard to Post-War Reforms, dated October 1916.

There is no doubt that the termination of the war will see a great advance in the ideals of government all over the civilised world, and especially in the British Empire, which entered into the struggle in defence of the liberties of weak and small nationalities, and is pouring forth its richest blood and treasure in upholding the cause of justice and humanity in the international relations of the world. India has borne her part in this struggle, and cannot remain unaffected by the new spirit of change for a better state of things. Expectations have been raised in this country and hopes held out that, after the war, the problems of Indian administration will be looked at from a new angle of vision. The people of India have good reasons to be grateful to England for the great progress in her material resources and the widening of her intellectual and political outlook under British rule, and for the steady, if slow, advance in her national life commencing with the Charter Act of India of 1833. Up to 1909, the Government of India was conducted by a bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The reforms of 1909 for the first time introduced an Indian element in the direction of affairs in the administration of India. This element was of a very limited character. The Indian people accepted it as an indication on the part of the Government of a desire to admit the Indians into the inner counsels of the Indian Empire. So far as the Legislative Councils are concerned, the numbers of non-official members were merely enlarged with increased facilities for debate and interpellation. The Supreme Legislative Council retained an absolute official majority, and in the Provincial Legislative Councils, where a non-official majority was allowed, such majority included nominated members and the European representatives. In measures largely affecting the people, whether of legislation or taxation, by which Europeans were not directly affected, the European members would naturally support the Government, and the nominated members, being nominees of Government, would be inclined to take the same side. Past experience has shown that this has actually happened on various occasions. The non-official majorities, therefore, in the Provincial Councils have proved largely illusory and give no real power to the representatives of the people. The Legislative Councils, whether Supreme or Provincial, are at present nothing but advisory bodies without any power of effective control over the Government, Imperial or Provincial. The people or their representatives are practically as little associated with the real government of the country as they were before the reforms, except for the introduction of the Indian element in the Executive Councils, where again the nomination rests entirely with the Government, the people having no voice in the selection of the Indian members.

The object which the Government had in view in introducing the reforms of 1909 was, as expressed by the Prime Minister in his speech in the House of Commons on the second reading of the Indian Councils Bill (1st April 1909), that "it was most desirable in the circumstances to give to the people of India the feeling that these Legislative Councils are not mere automatons the wires of which are pulled by the official hierarchy." This object, it is submitted, has not been attained. Apart from this question of the constitution of the Legislative and Executive Councils, the people labour under certain grave disabilities, which not only prevent the utilisation, but also lead to the wastage, of what is best in them, and are positively derogatory to their sense of national self-respect. The Arms Act, which excludes from its operation Europeans and Anglo-Indians, and applies only to the pure natives of the country, the disqualification of Indians for forming or joining Volunteer Corps, and their exclusion from the commissioned ranks of the Army, are disabilities which are looked upon with an irritating sense of racial differentiation. It would be bad enough if these were mere disabilities. Restrictions and prohibitions regarding the possession and use of arms have tended to emasculate the civil population in India and expose them to serious danger. The position of Indians in India is practically this, that they have no real part or share in the direction of the government of the country, and are placed under very great and galling disabilities from which the other members of the British

Empire are exempt, and which have reduced them to a state of utter helplessness. The existence, moreover, of the system of indentured emigration gives to the British Colonies and the outside world the impression that Indians as a whole are no better than indentured coolies, who are looked upon as very little, if at all, above the slave. The present state of things makes the Indians feel that, though theoretically they are equal subjects of the King, they hold a very inferior position in the British Empire. Other Asiatic races also hold the same, if not a worse, view about India and her status in the Empire. Humiliating as this position of inferiority is to the Indian mind, it is almost unbearable to the youth of India, whose outlook is broadened by education and travel in foreign parts where they come in contact with other free races. In the face of these grievances and disabilities, what has sustained the people is the hope and faith inspired by promises and assurances of fair and equal treatment which have been held out from time to time by our Sovereigns and British statesmen of high standing. In the crisis we are now going through, the Indian people have sunk domestic differences between themselves and the Government, and have faithfully and loyally stood by the Empire. The Indian soldiers were eager to go to the battlefields of Europe, not as mercenary troops, but as free citizens of the British Empire which required their services, and her civilian population was animated by one desire, namely, to stand by England in the hour of her need. Peace and tranquillity reigned throughout India when she was practically denuded of British and Indian troops. The Prime Minister of England, while voicing the sentiments of the English people in regard to India's part in this great war, spoke of Indians as "the joint and equal custodians of one common interest and future." India does not claim any reward for her loyalty, but she has a right to expect that the want of confidence on the part of Government, to which she not unnaturally ascribes her present state, should now be a thing of the past, and that she should no longer occupy a position of subordination but one of comradeship. This would assure the Indian people that England is ready and willing to help them to attain self-government under the aegis of the British Crown, and thus discharge the noble mission which she has undertaken, and to which she has so often given voluntary expression through her rulers and statesmen. What is wanted is not merely good government or efficient administration, but government that is acceptable to the people because it is responsible to them. This is what, India understands, would constitute the changed angle of vision.

If, after the termination of the war, the position of India practically remains what it was before and there is no material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficent effects of participation in common danger, overcome by common effort, will soon disappear, leaving no record behind save the painful memory of unrealised expectations. We feel sure that the Government is also alive to the situation, and is contemplating measures of reform in the administration of the country. We feel that we should avail ourselves of this opportunity to respectfully offer to Government our humble suggestions as to the lines on which these reforms should proceed. They must, in our opinion, go to the root of the matter. They must give to the people real and effective participation in the government of the country, and also remove those irritating disabilities as regards the possession of arms and a military career which indicate want of confidence in the people and place them in a position of inferiority and helplessness. With this view, we would take the liberty to suggest the following measures for consideration and adoption :—

1. In all the Executive Councils, Provincial and Imperial, half the number of members should be Indians; the European element in the Executive Councils should, as far as possible, be nominated from the ranks of men trained and educated in the public life of England, so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indians or Europeans, should have experience of actual administration, for, as in the case of ministers in England, the assistance of the permanent officials of the departments is always available to them. As regards Indians, we venture to say that a sufficient number of qualified Indians, who can worthily fill the office of members of the Executive Council and hold portfolios, is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr. Khrihuaswami Iyer, Sir Shams-ul-Huda and Sir Sankaran Nair have maintained a high level of administrative ability in the discharge of their duties. Moreover, it is well known that the Native States, where Indians have opportunities, have produced renowned administrators like

Sir Salar Jang, Sir T. Madhavo Rao, Sir Sheshadri Ayer, Dewan Bahadur Raghunath Rao, not to mention the present administrators in the various Native States of India. The statutory obligation, now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India, and similar provisions with regard to Provincial Councils should be removed. The elected representatives of the people should have a voice in the selection of the Indian members of the Executive Councils, and for that purpose a principle of election should be adopted.

2. All the Legislative Councils in India should have a substantial majority of elected representatives. These representatives, we feel sure, will watch and safeguard the interests of the masses and the agricultural population with whom they are in closer touch than any European officer, however sympathetic, can possibly be. The proceedings of the various Legislative Councils and the Indian National Congress and the Moslem League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses, and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people, Mahomedans or Hindus, wherever they are in a minority, being given proper and adequate representation, having regard to their numerical strength and position.

3. The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major provinces, and not less than 60 to 75 for the minor provinces.

4. The Budget should be passed in the shape of money bills, fiscal autonomy being conceded to India.

5. The Imperial Legislative Council should have power to legislate on, and discuss and pass resolutions relating to, all matters of Indian administration, and the Provincial Councils should have similar powers with regard to Provincial administrations, save and except that the direction of military affairs, of foreign relations, declarations of war, the making of peace, and the entering into treaties, other than commercial, should be vested in the Government of India. As a safeguard, the Governor-General in Council or the Governor in Council, as the case may be, should have the right of veto, which, however, should be exercised subject to certain conditions and limitations.

6. The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under Secretaries should be placed on the British estimates.

7. In any scheme of Imperial Federation, India should be given through her chosen representatives a place similar to that of the self-governing dominions.

8. The Provincial Governments should be made autonomous, as stated in the Government of India's despatch dated 25th August 1911.

9. The United Provinces, as well as the other major provinces, should have a Governor brought from the United Kingdom, and should have an Executive Council.

10. A full measure of local self-government should be immediately granted.

11. The right to carry arms should be granted to Indians on the same conditions as to Europeans.

12. Indians shall be allowed to enlist as volunteers and units of a territorial army established in India.

13. Commissions in the army should be given to Indian youths under conditions similar to those applicable to Europeans.

Manindra Chandra Nandy of
Kasimbazar.

D. E. Wacha.

Bhupendranath Basu.

Bishan Dutt Shukul.

Madan Mohan Malaviya.

K. V. Rangaswamiengar.

Mazharul Haque.

V. S. Srinivasan.

Tej Bahadur Sapru.

Ibrahim Rahimtoola.

B. Narasimheswara Sarma.

Mir Asad Ali.

Kamini Kumar Chanda.

Krishna Sahay.

R. N. Bhanja Deo of Kanika.

M. B. Dadabhoy.

Sita Nath Roy.

Mohamed Ali Mohamed.

M. A. Jinnah.

2.—Scheme of Reforms adopted by the Indian National Congress and All-India Muslim League, 1916.

Resolution of the Indian National Congress.

That having regard to the fact that the great communities of India are the inheritors of ancient civilisations and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British rule, and further having regard to the fact that the present system of government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

That this Congress demands that a definite step should be taken towards Self-Government by granting the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League (detailed below).

That in the reconstruction of the Empire, India shall be lifted from the position of a Dependency to that of an equal partner in the Empire with the self-governing Dominions.

Resolution of the All-India Muslim League.

That the All-India Muslim League, while adopting the scheme of reforms prepared by the Reform Committee of the League and approved by its Council, submits it in conjunction with the Indian National Congress to the Government for its introduction after the war as the first necessary step towards the establishment of complete Self-Government in India.

THE REFORM SCHEME.

I.—PROVINCIAL LEGISLATIVE COUNCILS.

(1) Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.

(2) Their strength shall be not less than 125 members in the major provinces and from 50 to 75 in the minor provinces.

(3) The members of Councils should be elected directly by the people on as broad a franchise as possible.

(4) Adequate provision should be made for the representation of important minorities by election, and the Mahomedans should be represented through special electorates on the Provincial Legislative Councils in the following proportions :—

Punjab	-	-	One-half of the elected Indian members.
United Provinces	-	-	30 per cent.
Bengal	-	-	40 per cent.
Behar	-	-	25 per cent.
Central Provinces	-	-	15 per cent.
Madras	-	-	15 per cent.
Bombay	-	-	One-third

Provided that no Mahomedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils save and except these by electorates representing special interests. Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

(5) The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

(6) The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

(7) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be Provincial. There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation, and to vote on the budget. All items of expenditure and all proposals concerning ways and means for raising the necessary revenue, should be embodied in bills and submitted to the Provincial Council for adoption.

Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself. A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government unless vetoed by the Governor in Council, provided, however, that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

(8) A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

(9) A bill, other than a money bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

(10) All bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

(11) The term of office of the members shall be five years.

II.—PROVINCIAL GOVERNMENTS.

(1) The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

(2) There shall be in every province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

(3) Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

(4) Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

(5) The term of office of the members shall be five years.

III.—IMPERIAL LEGISLATIVE COUNCIL.

(1) The strength of the Imperial Legislative Council shall be 150.

(2) Four-fifths of the members shall be elected.

(3) The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the electorates for Mahomedans for the Provincial Legislative Councils, and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to the Imperial Legislative Council.

(4) One-third of the Indian elected members should be Mahomedans elected by separate Mahomedan electorates in the several provinces in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mahomedan electorates. *Vide* proviso to section I, clause 4.

(5) The President of the Council shall be elected by the Council itself.

(6) The right of asking supplementary questions shall not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

(7) A special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

(8) A bill, other than a money bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

(9) All bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

(10) All financial proposals relating to sources of income and items of expenditure shall be embodied in bills. Every such bill and the budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

(11) The term of office of members shall be five years.

(12) The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :—

Matters in regard to which uniform legislation for the whole of India is desirable.

Provincial legislation in so far as it may affect inter-provincial fiscal relations.

Questions affecting purely Imperial revenue, excepting tributes from Indian States.

Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of military charges for the defence of the country.

The right of revising Indian tariffs and customs duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

Resolutions on all matters relating to the administration of the country as a whole.

(13) A resolution passed by the Legislative Council should be binding on the Executive Government unless vetoed by the Governor-General in Council; provided, however, that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(14) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

(15) When the Crown chooses to exercise its power of veto in regard to a bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

(16) The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV.—THE GOVERNMENT OF INDIA.

(1) The Governor-General of India will be the head of the Government of India.

(2) He will have an Executive Council, half of whom shall be Indians.

(3) The Indian members shall be elected by the elected members of the Imperial Legislative Council.

(4) Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

(5) The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

(6) The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

(7) In legislative and administrative matters the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

(8) A system of independent audit of the accounts of the Government of India should be instituted.

V.—THE SECRETARY OF STATE IN COUNCIL.

(1) The Council of the Secretary of State for India should be abolished.

(2) The salary of the Secretary of State should be placed on the British Estimates.

(3) The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies does in relation to the Governments of the self-governing Dominions.

(4) The Secretary of State for India should be assisted by two permanent Under-Secretaries, one of whom should always be an Indian.

VI.—INDIA AND THE EMPIRE.

(1) In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

(2) Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII.—MILITARY AND OTHER MATTERS.

(1) The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

(2) Indians should be allowed to enlist as volunteers.

(3) Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every province shall be placed under the highest Court of that province.

3.—Mr. Gokhale's Memorandum.

PROVINCIAL AUTONOMY.

The grant of provincial autonomy foreshadowed in the Delhi despatch would be a fitting concession to make to the people of India at the close of the war. This will involve the twofold operation of freeing the Provincial Governments, on the one side, from the greater part of the control which is at present exercised over them by the Government of India and the Secretary of State, in connection with the internal administration of the country, and substituting, on the other, in place of the control so removed, the control of the representatives of taxpayers through Provincial

Legislative Councils. I indicate below in brief outline the form of administration that should be set up in the different provinces to carry out this idea. Each province should have:—

- (1) A Governor appointed from England at the head of the administration.
- (2) A Cabinet or Executive Council of six members—three of whom should be Englishmen and three Indians—with the following portfolios:—
 - (a) Home (including Law and Justice);
 - (b) Finance;
 - (c) Agriculture, Irrigation, and Public Works;
 - (d) Education;
 - (e) Local self-government (including Sanitation and Medical Relief);
 - (f) Industries and Commerce.

While members of the Indian Civil Service should be eligible for appointment to the Executive Council, no places in the Council should be reserved for them, the best men available being taken—both English and Indian.

- (3) A Legislative Council of between 75 and 100 members, of whom not less than four-fifths should be elected by different constituencies and interests. Thus, in the Bombay Presidency, roughly speaking, each district should return two members, one representing municipalities and the other district and taluk boards. The City of Bombay should have about 10 members allotted to it. Bodies in the mofussil like the Karachi Chamber, Ahmedabad mill-owners, Deccan Sardars, should have a member each. Then there would be the special representation of Mahommedans, and here and there a member may have to be given to communities like the Lingayats, where they are strong. There should be no nominated non-official members, except as experts. A few official members may be added by the Governor as experts or to assist in representing the Executive Government.
- (4) The relations between the Executive Government and the Legislative Council so constituted should be roughly similar to those between the Imperial Government and the Reichstag in Germany. The Council will have to pass all provincial legislation, and its assent will be necessary to additions to or changes in provincial taxation. The Budget, too, will have to come to it for discussion, and its resolutions in connection with it, as also on questions of general administration, will have to be given effect to unless vetoed by the Governor. More frequent meetings or longer continuous sittings will also have to be provided for. But the members of the Executive Government shall not depend, individually or collectively, on the support of a majority of the Council for holding their offices.
- (5) The Provincial Government, so reconstituted and working under the control of the Legislative Council as outlined above, should have complete charge of the internal administration of the province. And it should have virtually independent financial powers, the present financial relations between it and the Government of India being largely revised, and to some extent even reversed. The revenue under salt, Customs, tributes, railways, post, telegraph, and Mint should belong exclusively to the Government of India, the services being Imperial, while that under land revenue, including irrigation, excise, forest, assessed taxes, stamps, and registration, should belong to the Provincial Government—the services being provincial. As under this division the revenue falling to the Provincial Government will be in excess of its existing requirements and that assigned to the Government of India will fall short of its present expenditure, the Provincial Government should be required to make an annual contribution to the Government of India, fixed for periods of five years at a time. Subject to this arrangement, the Imperial and the Provincial Governments should develop their separate systems of finance, the Provincial Government being given powers of taxation and borrowing within certain limits.
- (6) Such a scheme of provincial autonomy will be incomplete unless it is accompanied by (a) a liberalising of the present form of district administration; and (b) a great extension of local self-government.

For (a) it will be necessary to abolish the Commissionerships of divisions except where special reasons may exist for their being maintained, as in Sind, and to associate small district councils, partly elected and partly nominated, with the collector, to whom most of the present powers of the Commissioners could then be transferred—the functions of the Councils being advisory to begin with. For (b) village panchayats, partly elected and partly nominated, should be created for villages or groups of villages, and municipal boards in towns and taluk boards in talukas should be made wholly elected bodies, the Provincial Government reserving to itself and exercising stringent powers of control. A portion of the Excise revenue should be made over to these bodies, so that they may have adequate resources at their disposal for the due performance of their duties. The district being too large an area for efficient local self-government by an honorary agency, the functions of the district boards should be strictly limited, and the collector should continue to be its *ex-officio* president.

THE GOVERNMENT OF INDIA.

1. The provinces being thus rendered practically autonomous, the constitution of the Executive Council or the Cabinet of the Viceroy will have to be correspondingly altered. At present there are four members in that Council, with portfolios which concern the internal administration of the country—viz., Home, Agriculture, Education, and Industries and Commerce. As all internal administration will now be made over to the Provincial Governments, and the Government of India will only retain in its hands nominal control, to be exercised on very rare occasions, one member, to be called Member for the Interior, should suffice in place of these four. It will, however, be necessary to create certain other portfolios, and I would have the Council consist of the following six members (at least two of whom shall always be Indian):—(a) Interior; (b) Finance; (c) Law; (d) Defence (Navy and Army); (e) Communications (Railways, Post, and Telegraphs); and (f) Foreign.

2. The Legislative Council of the Viceroy should be styled the Legislative Assembly of India. Its members should be raised to about 100 to begin with, and its powers enlarged; but the principle of an official majority (for which perhaps it will suffice to constitute a nominated majority) should for the present be continued, until sufficient experience has been gathered of the working of autonomous arrangements for the provinces. This will give the Government of India a reserved power in connection with provincial administration to be exercised in emergencies. Thus, if a Provincial Legislative Council persistently declines to pass legislation which the Government regards to be essential in the vital interests of the province, it could be passed by the Government of India in its Legislative Assembly over the head of the province. Such occasions would be extremely rare, but the reserve power will give a sense of security to the authorities and will induce them to enter on the great experiment of provincial autonomy with greater readiness. Subject to this principle of an official or nominated majority being for the present maintained, the Assembly should have increased opportunities of influencing the policy of the Government by discussion, questions connected with the Army and Navy (to be now created) being placed on a level with other questions. In financial matters the Government of India so constituted should be freed from the control of the Secretary of State, whose control in other matters, too, should be largely reduced, his Council being abolished, and his position being steadily approximated to that of the Secretary of State for the Colonies.

Commissions in the Army and Navy must now be given to Indians, with proper facilities for military and naval instruction.

German East Africa, when conquered from the Germans, should be reserved for Indian colonisation and be handed over to the Government of India.

G. K. GOKHALE.

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ON
INDIAN CONSTITUTIONAL REFORMS

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Introduction.

Having now completed the inquiry which we were directed to undertake The Report: in the decision announced in the House of Commons eight months ago, we beg to lay before His Majesty's Government this report of the conclusions to which we have come, touching the constitutional changes which are desirable in India, and to ask their assent to its publication.

2. We have a preliminary point to make. It has been asked why the Secretary of State and the Government of India are devoting time and energies The inquiry has not affected war effort. to the task of domestic reconstruction, when the whole activities of the authorities and the country ought to be bent to the supreme purpose of the war. Our report will, we hope, show how strong in themselves are the reasons for not postponing the consideration of reforms. We can add that the calm atmosphere in which we hoped that our inquiry might be conducted has been attained; and this has in itself been of no small assistance to the Government. It would be easy to rebut the criticism by a specific recital of the part that India has played in the war. But we wish to avoid any appearance of either apology or glorification; and therefore we prefer to meet it simply by the formal and definite assurance, made with a full sense of responsibility, that the energies of the Government have at no time been diverted from the war by other considerations however important.

3. We have also briefly to explain the means which we took to comply with Method of inquiry. the direction that there should be a free and informal exchange of opinion between those in authority at Home and in India. As soon as the announcement was made in the House of Commons, the Government of India in Simla and a Committee of the India Office in London devoted themselves to the preliminary consideration of the problems involved. The Secretary of State and those who accompanied him from England reached India in November. We began work at Delhi and then visited in turn Calcutta, Madras and Bombay, receiving deputations at each of these places and giving interviews to representative men. Efforts have been made to ascertain all shades of opinion. We have been throughout the inquiry in constant consultation with the members of the Government of India. We met the heads of certain provinces in Delhi in November, and the presidency Governors and Governments in their own capitals later on. On our return to Delhi a continuous series of conferences began; there were meetings of the Secretary of State and those associated with him and the Government of India; meetings with all the Heads of provinces; meetings with a Committee of the Ruling Princes; meetings of Committees to consider details; and frequent private interviews and informal discussions. We place our report therefore before His Majesty's Ministers as the record of opinions formed after a very full and free discussion conducted in many varying ways with those whom we were instructed to consult. We are only too conscious of the defects which must attend a report produced under the limitations of time which we thought it right to impose on ourselves; but we have tried to make it a self-contained document, so as to obviate any need for the presentation of papers. Indeed this short description of the methods by which the enquiry has been pursued will show how difficult it would have been to present papers which would give a consistent and consecutive view of its progress.

4. In the course of our interviews with representatives of all classes of opinion we were made aware of their wishes upon many important questions which lie outside the scope of our present inquiry. For that reason we make no mention of such matters in our report. Nevertheless they are receiving and will receive our careful consideration. We have tried to trace the growth of the existing structure and to indicate its defects. We have tried to explain the conditions of the problem and to suggest the contributions which all concerned must bring to its solution. But we have not felt it our duty nor necessary to our purpose to pronounce judgment on the past, or to condemn individuals or classes or communities. Our concern was with the organization; and as far as possible we have confined our comments to it. In several cases we have been content to indicate our proposals without going into details which it would have taken

us too long to explore; or without explaining the exact means by which we intend that our suggestions should be carried out. On many such points there must necessarily be further consultation between the Government of India and the India Office. Again we have often made use of compendious or convenient terms without attempting to qualify or define them on each occasion with extreme precision. The language of our report should not be taken as embodying the exact terms in which the proposals should be expressed in the legal instruments which will be needed to give effect to them. If we speak of India as self-governing, the phrase is a convenient means of referring to the objective set out in the announcement of August 20, namely, responsible government in India as an integral part of the British Empire. When we speak of "provincial autonomy" the words are to be understood as conveniently summing up the position of the provincial Governments which we have defined more precisely elsewhere in the report. When we speak of the action of a local Government or of the Government of India, the terms should be understood in reference to the general powers of control exercised by the Government of India and the Secretary of State in Council respectively. If we speak of "Indian opinion" we should be understood as generally referring to the majority of those who have held or are capable of holding an opinion on the matter with which we are dealing. We have not forgotten that public opinion can rarely be unanimous, nor have we overlooked the fact that a public opinion which is the opinion of the population as a whole can be developed in India only as education spreads and as people learn to use the vote. We trust that this explanation will be borne in mind by those who read our report.

Gravity of
the task.

5. We do not suppose that any words of ours are needed to express our sense of the gravity of the task which we have attempted. The welfare and happiness of hundreds of millions of people are in issue. We have been called upon to revise a system of government, which has been constructed by builders who like ourselves had no models before them, during a century and a half of steadfast purpose and honourable aim; a system which has won the admiration of critical observers from many lands; and to which other nations that found themselves called upon to undertake a similar task of restoring order and good government in disturbed countries have always turned for inspiration and guidance. England may be proud of her record in India. She should have even greater reason for pride in it in future. Because the work already done has called forth in India a new life, we must found her Government on the co-operation of her people, and make such changes in the existing order as will meet the needs of the more spacious days to come; not ignoring the difficulties, nor under-estimating the risks, but going forward with good courage in the faith that because our purpose is right it will be furthered by all that is best in the people of all races in India. But the fact that we are looking to the future does not mean that we are unmindful of the past. The existing edifice of government in India is a monument to the courage, patience and high purpose of those who have devised and worked it, to which before we set about explaining our own proposals it is fitting that we pay our imperfect tribute.

PART I

THE MATERIAL.

Chapter I.—Recent events in India.

6. On August 20, 1917, the Secretary of State for India made the following announcement in the House of Commons :—

The
announcement
in
Parliament.

“The policy of His Majesty’s Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty’s Government have accordingly decided, with His Majesty’s approval, that I should accept the Viceroy’s invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

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

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

7. We take these words to be the most momentous utterance ever made in India’s chequered history. They pledge the British Government in the clearest terms to the adoption of a new policy towards three hundred millions of people. The policy, so far as Western communities are concerned, is an old and tried one. Englishmen believe in responsible government as the best form of government that they know; and now in response to requests from India they have promised to extend it to India also under the conditions set out in the announcement. We need not dwell on the colossal nature of the enterprise, or on the immense issues of welfare or misery which hang upon its success or failure.

A new policy.

The announcement marks the end of one epoch, and the beginning of a new one. Hitherto, as we shall show, we have ruled India by a system of absolute government, but have given her people an increasing share in the administration of the country and increasing opportunities of influencing and criticising the Government. With the development of the old system we shall deal hereafter. For the moment, however, let us review the last stage, which began with the reforms of 1909, in order to see how it came about that the old familiar ways would no longer suffice for the well-being of the country and why the change should take the form set forth in the words of August 20.

8. Lord Minto told his legislative council in March 1907, that with the object of satisfying the constitutional aspirations of that day, his Government had been considering how to give the people of India wider opportunities of expressing their views on how they should be governed. The increasing readiness of the landed and commercial classes to share in public life and to render assistance to Government, and the desire of the rapidly growing numbers of educated Indians to have a larger voice in administrative questions had convinced both Lord Morley and himself that it was time to carry to a further stage the reforms effected in Lord Lansdowne’s days. The underlying idea of the Morley-Minto changes, which were introduced in 1909, was to associate the people to a greater extent with Government in the decision of public questions. With this end in view one seat on the Governor General’s and one on each of the provincial executive councils were in practice reserved for Indian members. All the legislative councils were enlarged, and all were given a real and substantial elected element, while the provincial legislative councils were also given a non-official majority. The right of discussing questions of public interest was also conceded to the councils. This gave members a real opportunity of exercising some influence on questions of

Morley-
Minto
reforms.

administration and finance, and though the executive government was left free to act upon such recommendations as it thought fit, the concession was regarded by persons of insight as perhaps the most important part of the changes. The institution of finance committees of the councils also gave the elected members a direct share in framing limited portions of the budget. Their scope in this direction, however, was extremely restricted, being confined to the small margin of expenditure available for optional schemes, that is such as had not already been definitely selected by the Government for execution. Not only was the amount available small, but in the nature of the case the schemes under consideration were generally of secondary importance. It was thought impossible to introduce a general system of direct election with territorial constituencies; and indirect election was accordingly retained, except in the case of Muhammadans and certain other special electorates.

Their character and reception.

9. The Morley-Minto reforms were essentially of an evolutionary character: they were a natural extension of the previously existing system. Excessive claims were made for them in the enthusiasm of the moment, but in any case they cannot justly be described as embodying any new policy. The change was one of degree and not of kind. Lord Morley himself emphatically repudiated the idea that the measures were in any sense a step towards parliamentary government. They were based on the fundamental principle that the executive government should retain the final decision of all questions although some degree of popular control over legislation was established in the provinces by providing small non-official majorities. We shall examine in due course the claim that the reforms would "really and effectively associate the people of India in the work not only of occasional legislation, but of actual every day administration." But however this may be, there is no doubt that they constituted a real and important advance. At first they met with a good reception. The Congress welcomed them and Mr. Gokhale spoke of their "generous and fair nature" but very soon depreciatory criticism began to manifest itself and dissatisfaction has steadily increased.

Decentralisation Commission.

10. It is almost a truism to say that any extension of popular control over an official system of government must be accompanied by some relaxation of the bonds of superior official authority. It was appropriate, therefore, that even the reforms of Lord Minto's time synchronized with an attempt to relax the closeness of the control exercised by the Government of India and the Secretary of State over the provinces. Between the constitutional changes and the attempts at decentralization a certain parallelism is discernible. The administration of Lord Curzon had been marked by a great period of investigatory and constructive activity. Department after department, service after service was overhauled and a new programme of work laid down for it. Principles were enunciated and standards set. New departments or new authorities were created to relieve or to improve the existing machinery. All this tended to a marked concentration of authority in the hands of the central Government, against which a natural reaction in due course occurred. In addition, provincial Governments were beginning to chafe under financial and administrative restrictions, devised for a more primitive system, which fettered them in their plans of individual development. Complaints were heard also that the prevalent unrest was due in part to loss of touch between officials and the people. The district officer was said to be too closely bound by rules and regulations; too much occupied in writing to his official superiors; too much of a machine and too little of a personality. These reasons led to the appointment of the Royal Commission on Decentralization which presented its report in 1909. The report surveyed the relations between the Indian and the provincial Governments, and also between the latter and the authorities subordinate to them, and recommended a series of measures having for their object the relaxation of control by higher authorities and the simplification of administrative methods.

It would be unjust in us to blame the Commission for not taking a broader view of their task. They stand on firm ground when they defend the maintenance of close official control in India by the absence of control by local parliamentary bodies: nor can they be accused of want of foresight,

since they recognised that if the local legislative councils were granted material control over provincial finance, a greater separation of Indian and provincial revenues must follow. Their work must be judged by the conditions of 1908 and not those of 1918; it was the appropriate corollary to, and in keeping with, the Morley-Minto changes. All we need say is that, if we mean to give the provinces a real measure of constitutional liberty of action now, measures of decentralization far beyond those conceived by the authors of the report will certainly be necessary.

Even as things were, however, and under the drastic limitations which the system imposed, their proposals affected much of the framework of government; much time was necessarily occupied in their examination; and their results, which are contained in a long series of Government orders and resolutions, have been important and valuable, especially in the financial sphere. Between the years 1910 and 1917 the control of the Government of India over local Governments has been appreciably relaxed in a multitude of details and much has been done both to free local bodies from official interference, and to delegate increased powers to the heads of departments both in the Government of India and in provincial Governments.

11. The year 1911 was made memorable by the visit of Their Majesties the King Emperor and Queen Empress. It was the first occasion on which the British Sovereign had set foot on the soil of his Indian dominions. The feelings of the people are warm and quick, the sentiment of attachment to a personal ruler is strong, and the King's presence among them was felt to be an act of Royal kindness and affection, which stirred the heart of India to its depth. The visit proved the deep loyalty of the masses of the people, which His Majesty's message of hope for the future did much to confirm. As the message from the Princes and peoples of India to the people of Great Britain and Ireland put it: "Their Imperial Majesties have drawn closer the bonds that unite England and India, and have deepened and intensified the traditional feeling of loyalty and devotion to the throne and person of the Sovereign," and "we are confident that this great and historic event marks the beginning of a new era ensuring greater happiness, prosperity and progress to the people of India under the ægis of the Crown." By the Royal announcement in the durbar at Delhi the partition of Bengal was modified, in a manner which inevitably disappointed the Muhamadans of Eastern Bengal but was of political value in allaying a greater grievance; and the simultaneous removal of the capital from Calcutta to Delhi appealed to the popular imagination particularly as a striking manifestation of the powers of State. But these changes are only germane to our purpose in so far as the despatch in which they were proposed produced a lively discussion of constitutional policy. After dwelling on the necessity 'in due course' of giving Indians a larger share in the government and the difficulty of doing so while retaining the supreme authority of the Governor General in Council, the despatch stated "the only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government, until at last India would consist of a number of administrations autonomous in all provincial affairs, with the Government of India ordinarily restricting their functions to matters of Imperial concern." We do not propose to discuss the interpretation placed upon this reference to provincial autonomy; but Lord Crewe expressly repudiated any idea that the despatch implied a future for India on the lines of colonial self-government as the goal of policy.

12. Lord Hardinge's Government were indeed less concerned to deal with what they conceived to be vague and distant aspirations than to satisfy what they looked on as reasonable and practical claims. They were anxious to give to Indians as large a share in the public services as was consistent with the best interests of the country; and in September 1912 a Royal Commission was appointed to examine and report on various matters connected with the public services of which the most important was:—

"Such limitations as still exist in the employment of non-Europeans, and the working of the existing division of services into Imperial and provincial."

The Commission visited India during the cold weathers of 1912-13 and 1913-14 and recorded an immense volume of evidence, official and non-official, in each province. The evidence was naturally conflicting and

there were occasions when it was tinged with racial feeling. The report was completed early in 1915, but owing to the outbreak of hostilities it was decided to postpone publication in the hope of avoiding controversy at a time when all energies should be concentrated on the conduct of the war. But the report could not be withheld indefinitely and was ultimately published in January 1917. By that time the war had raised the pitch of Indian expectations to an extreme height, and we are not surprised that a report which might have satisfied Indian opinion two years earlier was generally denounced in 1917 as wholly inadequate. The Commission proposed that some services should be entirely recruited in India and that the Indian element in others should be largely increased. But their assumption that British responsibility for India requires a preponderating proportion of British officers in the security services did not commend itself to many Indian critics. We shall return later on to the discussion of this question, and shall make our own proposals. For a time at all events, owing to the intensity which nationalist feeling had acquired, and, we must add, the tinge of racialism which had infected political discussion, the effect of the report was to irritate rather than to satisfy Indian opinion.

Local self-
Government
Resolution,
1916.

13. Ever since Lord Ripon's attempt in 1882 to give reality to the municipal boards and local cess committees instituted in the sixties, British administrators in India had looked to local self-government in town and country as affording the field in which Indians might best be trained in the management of public affairs. We cannot doubt the soundness of this principle: indeed our own proposals will be seen to endorse it. But the local bodies were ill-equipped with funds, and interest in local affairs and capacity to handle them were slow in developing, and meanwhile the material needs of the country could not wait. What happened therefore was that the educative principle was subordinated to the desire for more immediate results. The management of local affairs remained in the hands of those who were most competent to handle them, not from bureaucratic lust of power, but because no other agency readily presented itself and district officers never had the leisure nor were given sufficient assistance to create one. The broad fact remains that in a space of over thirty years the progress in developing a genuine local self-government has been inadequate in the greater part of India. Writing of local boards the Decentralization Commission said:—

"Critics of the present system have dwelt on the failure to develop the principle of election, and on the appointment of official presidents. The boards, it has been urged, have practically become a department of the Government administration; their work is done by the official element within the boards themselves, or by Government departments at the boards' expense; their proceedings are subject to excessive outside control; and in present circumstances they can never become, as Lord Ripon intended them to be, effective instruments of local self-government.

"While we do not go so far in suggestions for change as many who hold these views, we recognise that their assertions contain a large element of truth. At the same time those who expected a complete revolution in existing methods in consequence of Lord Ripon's pronouncement were inevitably doomed to disappointment. The political education of any people must necessarily be slow, and local self-government of the British type could not at once take root in Indian soil. . . . We recognise, however, that much has already been done to carry out the objects which Lord Ripon had in view, and the added experience of a quarter of a century now renders it possible, we think, to attempt a further practical development of local self-government.

It is apparent that though in a lesser degree there has been the same lack of real growth in municipal boards as well.

Lord Hardinge's Government took up the subject anew, and in 1915 published a resolution setting forth their conclusions. But the field was so vast and the practical steps to be taken depended so greatly on local conditions, that they felt unable to do more than indicate the general lines on which advance should be made, and leave it to the local Governments to determine the pace and the methods which suited the circumstances of their own provinces. So far as municipal bodies were concerned the Government of India thought that the time was ripe for appointing non-official chairmen, granting elected majorities, and giving further freedom in regard to taxation, the framing of budgets and control over establishments. Rural areas are naturally less advanced than municipalities and local knowledge

and interest in public affairs are less common. Rural boards did not therefore afford the same scope for non-official activity, and the Government of India thought that they should still be guided by official chairmen. But in other respects they wished to see progress made on the same lines as in towns. The Commission had recommended the establishment of village panchayats with certain administrative powers, jurisdiction in petty civil and criminal cases, and special sources of revenue. Lord Hardinge urged local Governments to make experiments in any areas where a practical scheme could be worked out. The suggestion that the control of local administration should be placed under a Local Government Board did not find favour with the Commission.

These proposals were on the right lines generally. The Government of India were not in a position to press their views on the provincial Governments, because from the nature of the case no authority but a provincial Government has the necessary knowledge to foster and develop local institutions; and yet the existing system still left the initiative in such matters to the Government of India, which alone controls the resources and reserves of taxation necessary to make such a development real. The comparative ineffectiveness of the conclusions of 1915 is to our mind another strong reason for giving the provincial Governments far more extensive powers.

14. We have shown that Lord Minto and Lord Hardinge were by no means marking time. They 'sought out and set in order many inventions' in the domains of decentralization, the services and the local bodies; and all these measures were part and parcel of one sound purpose; but their endeavours were necessarily limited, just as were the constitutional changes of 1909, because the end of the policy had never been clearly and authoritatively set forth.

Activities of political leaders.

All this time Indian politicians were exerting continuous pressure to increase the pace of progress. The voice of criticism was never silent, but its tone showed a gradual change with the passing years; the purely negative attitude of opposition gradually passed into a more constructive policy. Criticism came to be combined with advocacy of progress, and with demands that became steadily more insistent for a form of government which would leave Indians free to rule India in a manner consistent with Indian ideas. The spirit of liberty was abroad and active. We can distinguish clearly the directions in which political activities were mainly bent.

15. First, there was constant opposition to Government measures which were regarded as repressive. Let us recall the situation broadly, keeping in mind that it is not germane to our main purpose to decide whether criticism was well-founded or not. The ordinary penal law and public opinion had failed to check the outpouring of literature subversive of law and order and in some cases aiming at the overthrow of the British Government. It was proved that a section of the press deliberately instigated to violence: and accordingly in 1910 the Press Act was passed. At the time there was general recognition of its necessity: and the leading politicians were content with criticism of its provisions and offered no direct opposition to its passage. But the Act, though by no means the obstacle to liberty of discussion that it is often represented, has since become increasingly unpopular. The Seditious Meetings Act, 1911, reproduced in a milder form a law which had been in force since the disturbed year 1907; but the new Act was a permanent one while its predecessor was a temporary measure, and this point formed the chief ground of attack. The Criminal Law Amendment Act, 1913, followed on the attempt to assassinate Lord Hardinge in December 1912. It amended the Indian law of conspiracy by making it penal to conspire to commit an offence even though the conspiracy was accompanied by no overt act in pursuance of its object. Criticism of all such measures has generally taken the form of an appeal to abstract principles of liberty and the inalienable rights of British citizens; objection is generally taken to the use of executive rather than of judicial sanction; stress is laid on the advantages of conciliation; it is often said, to quote a non-official member of the Legislative Council in 1913, "Trust begets trust; mistrust, or even the suspicion of it, engenders suspicion." The Government's estimate of the situation is attacked as unduly pessimistic; the necessity for the measure is denied; or it is urged

Opposition to executive measures.

that the political position will certainly improve and therefore the measure should be only a temporary one. In particular, notwithstanding the services which the Criminal Investigation Department has rendered to the cause of peace and tranquillity, and so to the Indian people, by exposing and combating the growth of revolutionary conspiracies, there has been much criticism of its activities as being too wide-spread.

Resentment of racial discrimination.

16. In the next place we may discern an ever-growing discontent with measures which were resented as evidence of racial discrimination. Again our concern is to take note of such feeling as an element in the conclusions to which we come hereafter rather than to pronounce a judgment on it. Race feeling is no new phenomenon in India. It has always existed, but has been more bitter at some periods than at others. The spread of English education and ideas, and the growing belief in the future possibilities of India were doubtless among the causes which made nationalist speakers and writers vehemently resent any suggestion of discrimination on a colour basis. We may mention, by way of illustration only, some of the matters which were specially attacked. The first is the preference shown in the arms rules to "every European or East Indian subject of His Majesty," who enjoys the privilege, denied to the ordinary Indian, of possessing ordinary sporting arms and ammunition without a license. Another grievance is what is described as the denial to Indians of the right to bear arms in defence of their country. Although there was no statutory prohibition of the enrolment of Indians in the volunteer force, it was left to commanding officers to admit or to exclude any would-be recruit, and while a small number of Indians, mostly Christians, were admitted as members of volunteer corps, Indians generally were in practice not enrolled. The Indian Defence Force Act has made an attempt to deal with this grievance. Again there was the exclusion of Indians from the commissioned ranks of the army. Indian officers form a separate establishment from the British officers, and the highest and most experienced of the former rank lower than the most junior of the latter. This particular disparity naturally came into special prominence on the outbreak of war.

Another grievance of a similar nature, which became more generally felt as the habit of travel increased, was the discrimination against Asiatics in the immigration rules and the municipal legislation of some of the Dominions. This stands on a different footing, because the grievance was not one created or removable by the Government of India, which indeed has steadily done its utmost to secure redress; but its action has not always been appreciated and at times the Government of India has had to bear the odium of these grievances as much as if it had been responsible for them.

Zeal for social reform.

17. Thirdly, we find much energy directed to accelerating progress in what may be called the more humanitarian aspects of government and also in social or sectarian reform. Not that Government had been idle; on the contrary the long record of its activities does it credit; but Indian opinion asked for more. The records of the legislative councils

six of paragraph seventeen read '1910' for '1916.'

show that the grants for education were nearly always considered where the Government was bound by reducing expenditure. Police expenditure and administration were a constant object of attack; while the treatment of prisoners and jail administration also attracted frequent attention. In 1913, and again in 1914, resolutions, which have since borne fruit, directed the attention of the executive government to the whole subject of prison management. In 1911, Mr. Gokhale introduced a Bill to establish a system of compulsory primary education. The Bill was opposed by Government on technical and financial grounds and also by some non-official members, but it received the support of the progressive politicians; and, though defeated, it certainly sowed a seed that is beginning to germinate in Bombay and other provinces. Proposals for new universities, both sectarian and provincial, were another matter in which keen interest was shown. The Hindu University Bill was passed in 1915 and the Patna University Bill in 1917: other projects have had to be deferred till the war ends. In the sphere of social reform we observe one notable advance. The Government with public opinion behind them abolished indentured labour.

18. We note at the same time a decided movement in favour of what we may call the liberalisation of existing institutions. The popular feeling in favour of council government in provinces received a stimulus when the new province of Bihar and Orissa was given an executive council. A proposal to set up a similar form of government in the United Provinces received the support of the great majority of the non-official members of the Indian Legislative Council. Its rejection by the House of Lords in 1915 intensified the general demand for council government. We suspect that the desire for more liberal institutions derives some strength from provincial emulation, since it is regarded as a slur on a province if an institution is denied to it which has been granted to a sister province: of this tendency not merely the movement in favour of an executive council in the United Provinces but also the demands for a high court for the Punjab and a chief court for the Central Provinces are instances. In August 1914 the process of equipping all but the smallest provinces with legislative councils was also completed by the institution of such a body in the Central Provinces. The feeling against personal rule also finds expression in the demand for the creation of district advisory councils to be attached to district officers, which was a subject of debate in 1912 and has been supported in many of the addresses recently presented to us.

Demand for more liberal institutions.

19. Finally we remark a growing desire to improve the status of India in the Empire. We have already mentioned, in its social aspect, the movement for abolishing indentured labour. That movement had also another meaning. It was largely due to a feeling that the indentured system gave the Dominions and Colonies a wrong idea of India which hampered her in attaining her rightful position in the Empire. In 1913 we find the Indian Legislative Council discussing the possibility of increasing Indian revenues by preferential tariffs with the United Kingdom and the Colonies, and a year later, debating a proposal for a committee to report on the improvement of the mail service between Great Britain and India. India's position in the Empire was clearly becoming a matter of increasing concern to the leaders of Indian opinion: and the claim for representation on the Imperial Conference, which was made in 1915 and cordially accepted by Lord Hardinge's and His Majesty's Governments, was fulfilled in ample measure in 1917, when a Ruling Prince, a Lieutenant-Governor, and an Indian *ex-Member* of Council attended the Imperial War Conference and shared in the innermost deliberations of the Government of the Empire.

Imperial aspirations.

20. We have tried to describe India's chief pre-occupations at the time when war broke out. The war has affected India in many ways, but above all it has become the predominant factor in the present political situation. Whatever qualifications may be needed in the case of particular classes, the people of India as a whole are in genuine sympathy with the cause which the Allies represent. The reasons of the entry of Britain into the war appealed to the educated classes and they have never faltered in their allegiance. However much they may find fault with the Government, they are true in their loyalty to the British Crown, and, as it would be easy to show from their own lips, they fully recognize and value the higher aims of British policy. German ideas involving the subjection of the weak to the strong and the maintenance of the theory that might is right fill them with repugnance and alarm; and the savage barbarities practised by German troops and sailors have repeatedly been contrasted with the clean methods of the Allies. The spectacle of Indian troops going forth gladly to fight for justice and right side by side with the British army appealed intensely to India's imagination. It was a source of legitimate pride and delight to her people that Indian regiments should be deemed fit to face the most highly trained enemy in the world. The Indian Princes and the great landed proprietors responded splendidly from the very beginning of the war to the calls made upon them. Many offered their personal services and several Princes have been in the field. Offers of men and money at once began to flow in, and we are proud to add that the steady flow of contributions has hardly diminished, though the war is now nearing the end of its fourth year. In the early days of the war considerable disturbance of trade and prices occurred. This alarmed Indian

The outbreak of war. India's loyalty.

commercial circles, and during the first year of war money was extremely scarce, and there were heavy withdrawals of deposits. Confidence was gradually restored, however, and markets improved; and a great expansion of industrial and commercial activities has since ensued. The rural population as a whole has been affected comparatively little by the war otherwise than by the rise in prices. For this reason it has been difficult to bring home to them in their remoteness the real issues of the struggle and the obligations imposed by it. But this has not been the case in areas where recruitment for the army has taken place. There interest has been awakened with remarkable results, especially in the Punjab, despite the events recorded in the succeeding paragraph, and every effort has been made to extend such areas and to open new ones.

Disaffected
groups.

21. The loyalty of the country generally was emphasised by the attempts made by very small sections of the population to create trouble. The Bengal revolutionary party, which had been active for many years before the war, scored a notable success in August 1914 by capturing a large consignment of pistols and ammunition in Calcutta. The arms were widely distributed and used in most of a series of outrages which followed for some months to come. We now know that the Bengal anarchists established communication both with German agents, and with agents of the revolutionary party outside India known by the name of their propagandist journal as the *Ghadr* (mutiny) party. They drew money from America and also from German sources, and made plans for running arms and ammunition into India and starting an armed rising: but the conspiracy was disclosed and the leaders eventually arrested. The influence of the *Ghadr* party was, however, more obvious, and probably more dangerous in other directions.

In September 1914 occurred the unfortunate *Komagatu Maru* incident. In its origin this was merely an attempt to defy the immigration rules of Canada. Some four hundred Punjabis sailed from ports in the Far East to Vancouver. They were not allowed to land, and after much delay sailed for India. *Ghadr* agents had not lost the opportunity of preaching revolt on board the ship, and the Indian authorities decided to enforce the Ingress into India Ordinance in order to prevent any agitation or disturbance on the return of the emigrants. The Sikhs were excited by the disembarkation arrangements at Budge-Budge and started to march to Calcutta. They were taken back by a force of police and military, and suddenly opened fire at Budge-Budge on the police. Men were killed on both sides and the Sikhs scattered before they could be surrounded. Most but not all of them were rounded up, and the leaders were put under restraint in the Punjab where they formed a nucleus of disaffection, which led to the events described below.

When the war broke out there had been a great stir among the Sikhs in America, and the *Ghadr* organization began a campaign to induce them to return to start a revolution in India. In all about 8,000 Sikhs came back to the Punjab from the United States, Canada and the Far East, and we know that efforts were made to bring them all into the conspiracy. In most cases the attempt failed and in respect of some three-quarters of the returning emigrants no action was necessary: but most of the dangerous characters on their arrival were interned. Some who had merely been restricted to their homes disregarded the orders, and joining with others who had not been interned, attempted to collect a following. In this they had little success, for the country side as a whole remained loyal and quiet; but so long as they were active, the gangs were dangerous and made attempts to concert a rising in conjunction with any disaffected elements that they could find in regiments. Happily all miscarried, as in each case timely information was given. But the position was full of serious possibilities. Political dacoities and murders of the type common in Bengal began to be a feature of the disturbance and it was apparent that the Punjab and the Bengal movements were in touch, and that the former derived direct stimulus from the latter. In certain districts of the Western Punjab wide-spread disorder ensued, to which political, racial and agrarian causes all contributed, and the gravity of the situation convinced Lord Hardinge's Government of the need for some special weapon to enable them to deal with it promptly. The Defence of India Bill was

introduced into the Indian Legislative Council and passed without delay. Inevitably it was a drastic measure; it gave to the Governor General in Council wide rule-making powers with a view to securing the public safety and defence of the country, and also provided for the creation of special tribunals for the quicker trial of certain classes of cases in specially disturbed tracts. It was comparable to a similar Act passed in the United Kingdom also as a war measure. The Bill was naturally rather a severe trial to the Indian elected members; as loyal citizens they supported its principle; but they made no secret of their aversion to particular provisions and moved many amendments against which Government used its official majority without hesitation as they would have destroyed the efficacy of the Bill. The Act was immediately applied in the Punjab, and later elsewhere as circumstances demanded. During a war the Government could not have relied on its ordinary judiciary in dealing with conspiracy cases of such dimensions as those which the special tribunals were called upon to try.

22. We consider that the attitude of Indian political leaders in the first stages of the war was worthy of all praise. They responded loyally to Lord Hardinge's appeal for the suspension of domestic controversy, and through the legislative sessions of 1915 showed a general desire to co-operate with rather than to hamper Government. But we must recognize that latterly a change has taken place. As India settled down to war conditions, and lost alike its first enthusiasm and its first alarm, the old tendency to criticism asserted itself: the Government was charged with having itself departed from the principle of avoiding controversial legislation; and the politicians retaliated not merely by raising controversial issues, but by pressing on the Government more and more extravagant demands. We imply no criticism upon the Government of the time when we say that in the light of subsequent events we are constrained to wonder whether a bolder policy from the outset of the war, and a franker inviting of India's co-operation in all forms of war effort might not have done much to steady men's minds. The war is far from being won. Unless it is won India's political aspirations are a vain dream. We would call the attention of Indian politicians to this obvious truth. But the war and the sentiments to which the war has given expression have made political reforms loom larger in India; and the fact that among all the preoccupations of the war time was found for an attempt to solve the Irish problem and to consider questions of reconstruction encouraged Indian politicians to press their demands also. The change in their attitude nowhere more clearly appears than in the difference between the tone of the Congress of 1915 and that of 1916.

23. But for the real and lasting effects of the war on India's destiny we should look neither to the generous help of the Princes, nor to the loyalty of the people as a whole, nor to the misguided activities of revolutionary gangs, nor yet to the attitude of the political leaders. They must be sought deeper and, we think, in two main directions. First, the war has given to India a new sense of self-esteem. She has, in the words of Sir Satyendra Sinha, "a feeling of profound pride that she has not fallen behind other portions of the British Empire but has stood shoulder to shoulder with them in the hour of their sorest trial." She feels that she has been tried and not found wanting, that thereby her status has been raised, and that it is only her due that her higher status should be recognised by Great Britain and the world at large. The war has given an interest in public affairs to many thousands who were indifferent before. Many men, using language familiar to them in the past, claim that she should receive some boon as a reward for her services, but we do not think that this expresses the general feeling well or justly. We prefer to say that we find a general belief that India has proved herself worthy of further trust and of a more liberal form of government, and that whatever changes are made should be made in recognition of her own progress rather than as the reward for any services which she has rendered.

24. Further, the war has come to be regarded more and more clearly as a struggle between liberty and despotism, a struggle for the right of small nations and for the right of all people to rule their own destinies. Attention

is repeatedly called to the fact that in Europe Britain is fighting on the side of liberty, and it is urged that Britain cannot deny to the people of India that for which she is herself fighting in Europe, and in the fight for which she has been helped by India's blood and treasure. The revolution in Russia in its beginning was regarded in India as a triumph over despotism; and notwithstanding the fact that it has since involved that unhappy country in anarchy and dismemberment, it has given impetus to Indian political aspirations. The speeches of English and American statesmen, proclaiming the necessity for destroying German militarism, and for conceding the right of self-determination to the nations, have had much effect upon political opinion in India and have contributed to give new force and vitality to the demand for self-government, which was making itself more widely heard among the progressive section of the people.

The Home Rule movement.

25. The movement found formal expression when on September 1, 1916, the Home Rule League was formally established at a meeting in Madras, and a month later nineteen elected members of the Indian Legislative Council submitted to the Government of India a memorandum of proposed reforms. In December 1916 the Congress and Muslim League in a series of memorable meetings held at Lucknow, agreed to joint action in favour of political reform. Both bodies adopted the proposals now known as the Congress-League scheme, which was an elaboration of the proposal of the nineteen members with the addition of certain special provisions to secure Muslim interests; and both agreed also to co-operate with the Home Rule League in its propaganda.

Position of the Muslims.

26. As regards the Muslim League, a word of explanation is needed. Throughout the troubled years 1907-10 the Muhammadans, with a few unimportant exceptions, held severely aloof from the revolutionary movement, and retained their traditional attitude of sturdy loyalty, secure in the feeling—which the partition of Bengal and the concession of communal representation in the reforms of 1909 had strengthened—that their interests were safe in the hands of the Government. Since 1911 their attitude has been growing far less acquiescent. Their first disquiet arose from the war which broke out between Italy and Turkey in 1911, when Great Britain's neutrality engendered some bitterness of feeling. It seemed to our Muslims in India that in deference to the religious susceptibilities of her seventy million subjects Great Britain ought to have supported Turkey. Before this feeling had died down the re-partition of Bengal was announced. This was not only a severe disappointment to the community because it deprived them of what was essentially a Muslim province, but to many it came also as a shock to their faith in the Government which they regarded as positively pledged to maintain the partition. The Balkan war was a further cause of estrangement. This was represented as a struggle between the Cross and the Crescent and led to much bitterness of feeling. Indian Muslims showed their sympathy for Turkey by despatching a medical mission to her aid in December 1912; and a section of pan-Islamists began to teach that the first duty of Muslims is allegiance to the Khalif, and founded a new organisation—the *Anjuman-i-Khuddam-i-Kaaba*—whose members took an oath to sacrifice life and property in defence of the holy shrine against non-Muslim aggressors. There were signs, however, of an improvement in Muslim feeling in the latter half of 1913, when riots and loss of life in connexion with the partial demolition of a Cawnpore mosque caused a temporary set-back. The Turks' recovery of Adrianople, the declaration of peace in the Balkans and the reaction from the passions aroused by the Cawnpore affair induced calmer feelings; but a fresh difficulty presented itself when Turkey entered the war against us in November 1914. The Germans counted certainly on being able to stir up disaffection in India, and lost no labour in trying to persuade Indian Muhammadans that Turkey was engaged in a *jihad* or holy war, and that it was their religious duty to take sides against England and her allies. These enemy attempts wholly failed to affect the great mass of the Muslim community. Keenly as they felt the painful position in which they were placed, they were admirably steadied by the great Muhammadan princes and nobles and preserved an attitude of firm loyalty which deserves our praise and sympathy. In this attitude they were greatly helped by the public assurances given by His Majesty's Government to the effect that the question

of the Khalifate is one that must be decided by Muslims in India and elsewhere without interference from non-Muslim powers. But a small section of extremists were quick to seize the opportunity of making trouble and ventured on almost open avowals of disloyalty against which the Government had no choice but to take action.

27. Probably few communities could have passed through so prolonged a period of trial without some cleavage in their ranks. The crumbling of Islamic kingdoms in Morocco and Persia had led Indian Muhammadans to eling more closely than ever to Turkey as the great surviving Muslim power in the world; and when Turkey was threatened first by Italy and then by the Balkan League the excited fancy of many Indian Muslims saw in these events a concerted plot of the Christian Powers to make an end of Islam as a temporal power. The re-partition of Bengal and also the check to the hopes entertained of a great Muhammadan university depressed the minds of many honest Muslims with a sense of their inefficiency. There were those who, feeling mainly their political weakness compared with the Hindus, wished to have done with agitation and excitement, to concentrate effort on education, and to rely on Government for protection and fair play. Younger and keener minds, touched often with some fervour of pan-Islamism, were no longer willing "*stare super antiquas vias.*" The advanced party prevailed in the counsels of the Muslim League; in 1913 it proclaimed its adoption of the cause of colonial self-government of a kind suited to India and was warmly eulogised by the Congress for so doing. So far as pan-Islamic feeling affected the situation, that factor did not tend of course towards union with the Hindus; but at the time stronger causes were at work to bring the advanced parties on both sides together. With them at all events the new nationalism produced by the war prevailed; and at the meetings at Lucknow in Christmas week, 1916, Congress and League came formally together, and the conservative portion of Muhammadan opinion which remained outside the *concordat* was ignored. This agreement however represents the beginning of united action between Hindus and Muhammadans which every well-wisher of India hopes will grow. The limitations of this union are discussed elsewhere; it is not surprising that some considerable reaction has since occurred; but none the less the Lucknow agreement was a beginning of which note must be taken, and which marks a change in the situation.

28. On all sides it was felt that the situation demanded new handling. The latter part of Lord Hardinge's term of office was largely devoted to a preliminary and informal examination of the changes which were possible and prudent; and Lord Chelmsford's first act was to take up the inquiry from the point where his predecessor left it, and to concentrate attention in the first place on a declaration of policy. The Cabinet's preoccupation with the war inevitably delayed the decision of questions so delicate and complex; and while the discussions between India, the India Office and the Cabinet were proceeding came Mr. Chamberlain's resignation of his office as Secretary of State. India had learned during his tenure of office, and especially from the lips of her three delegates to the War Conference, how generously and steadfastly he had served her interests, and his retirement was as much regretted in that country as in England. Meanwhile the difficulties of administration in India were rapidly increasing. Lord Chelmsford's Government felt that without the declaration of policy for which they were pressing, it was impossible for them to act effectively on a directed course. The announcement of August 20 cleared the situation and was hailed with almost as much relief by the authorities as satisfaction by the politicians.

Chapter II.—Growth of the Administrative System.

29. The supremacy of Parliament over British India is legally complete. But the process by which Indian affairs became a matter of national concern was slow and gradual. At first the Company's settlers were responsible only to the Directors, who derived their powers of control from Charters given them by the Crown. There was then no question of sovereignty or territorial administration. But when the battle of Plassey compelled the Company to assume the task of reconstructing Bengal, the astonishing position was created that a few commercial agents were handling the revenues of a kingdom in the name of an emperor. The Company's peril of bankruptcy was the immediate cause of Parliament's first intervention; but a more powerful motive was the growing feeling in England, to which the opulence and arrogance of officials returning from India contributed, that the nation must assert its responsibility for seeing that the new and vast experiment of ruling a distant and alien race was properly conducted.

Beginnings
of British
control.

30. The beginnings of Parliamentary control are seen in Lord North's Regulating Act which created and named the first Governor General and Council. But future appointments were still left to the Directors, with whom also the home management remained. Parliament's first attempt to provide for the ordering of Indian affairs has been condemned with some reason as violating the first principles of administrative mechanics. It created a Governor General, who was powerless before his own council, and an executive that was powerless before a supreme court, itself immune from all responsibility for the peace and welfare of the country—a system that was made workable only by the genius and fortitude of one great man. Such a structure could not have lasted and the Act of 1781 swept away some of its worst anomalies. Meantime the facts that Indian territories were becoming involved in European wars and that from the struggle the Company was emerging as the strongest power in the land made Parliament resolve to strengthen its control. Committees were appointed which reported adversely on the administration; and on their reports resolutions were carried requiring the recall of Warren Hastings and the closer definition of the Governor General's powers. The Directors defied Parliament and retained Hastings. Fox introduced his Bill, which was defeated thanks to George III's famous intervention; and Pitt, at the age of twenty-five, reformed the constitution of India.

First
intervention
by
Parliament.

31. Pitt's Act of 1784 set up as the supreme executive authority six parliamentary commissioners for the affairs of India, known more generally as the Board of Control; and thereby instituted the dual system of government by the Company and by a parliamentary Board which endured till after the Mutiny. From Lord Cornwallis' time onwards we may take it that all administrative acts of the Governor General in Council, including annexations of territory, were done with the sanction of the national Government. The Company survived; the Directors still had great powers of patronage and also the direction of the ordinary home business; but before every renewal of the Company's charter, Parliament made a practice of holding an exhaustive inquiry into the Indian administration. The most famous of these inquests is that which resulted in the Fifth Report of 1812. Meanwhile the indefinite dominion derived from Moghul sources in the form of the *Diwani* (or revenue administration) of Bengal, Bihar and Orissa was gradually overlaid by new sovereignty derived from Parliament. The Act of 1813 while continuing the Company in actual possession, asserted the sovereignty of the Crown over its territories; and the Act of 1833 declared that they were held in trust for His Majesty. It also directed that all Indian laws and also the reports of the newly-instituted Law Commissioners should be laid before Parliament. Finally in 1853 the right of patronage was taken from the Directors and exercised under rules made by the parliamentary Board of Control. We must not conclude, however, that the supremacy of the President of the Board of Control left the Directors with no real power. Their position was still a strong one; the right of initiative still rested ordinarily with them; they were still the main repository of knowledge; and though the legal responsibility lay with Government, they exercised to the last a substantial influence upon details of administration.

The Board
of Control.

The
Secretary of
State for
India.

32. When the Indian Mutiny sealed the fate of the greatest mercantile corporation in the world, the powers previously wielded both by the Court of Directors and by the parliamentary Board of Control passed to the Secretary of State for India. At the same time with the Secretary of State was associated a Council, of which, as matters now stand, nine members must have had long and recent service or residence in British India. The legal powers of the Council suggest that it is to be regarded as in some sort the successors of the Court of Directors; but the practical *raison d'être* of the Council of India is that its members provide a parliamentary minister, who is usually without personal knowledge of India, with experienced advice upon Indian questions.

Like other Ministers of the Crown, the Secretary of State for India is a member of the parliamentary executive of the United Kingdom, and responsible to Parliament in accordance with constitutional practice for his official acts. He has therefore and must have generally the power of overriding his Council. But as an important exception to this rule it has been laid down, doubtless with the idea of protecting the tax-payers of India from improper charges, that the vote of a majority in Council is necessary before any expenditure can be sanctioned or certain other specified matters decided; and it follows that to this particular extent Parliament has deliberately divested itself of the power of interference. It could not, without first amending the Government of India Act, order any expenditure to be incurred from Indian revenues which a majority of the Secretary of State's Council declined to sanction.

Nature of
Parliamentary
control.

33. Let us now consider how Parliament actually exercises control over Indian affairs. Whatever other elements originally entered into it, India's constitution has been in the main derived from Parliament and, indeed, has very recently been embodied, to the great convenience of all concerned, in a consolidating statute (5 and 6 Geo. V., c. 61). The powers of the various governments and legislatures and high courts in India, indeed the establishment of the Secretary of State in Council, are thus due to Parliamentary enactment.

It is open to Parliament to exercise control either by means of legislation, or by requiring its approval to rules made under delegated powers of legislation; or by controlling the revenues of India; or by exerting its very wide powers of calling the responsible minister to account for any matter of Indian administration. Some of these things, however, Parliament does not do. As a general rule it does not legislate specially for India; though from time to time it passes measures such as the Merchant Shipping Act or the Copyright Act, drawn after consultation with the India Office, which apply to India in common with other British possessions. Parliament as a rule legislates for India alone in two important directions only—amendments in the constitution of India and loans raised by the Secretary of State. The bulk of Indian legislation it leaves to the Indian legislatures, which it has itself created, though it exercises through the Secretary of State complete control over the character of such law-making. But it insists that decisions on certain important matters, such as rules for the nomination or election of additional members of council, or for appointments to the Indian Civil Service, or defining the qualifications for persons to be appointed to listed posts, or notifications setting up executive councils for lieutenant governors shall be laid before it. Nor are Indian revenue and expenditure controlled by Parliament. The revenues apart from loans are not raised, nor are the charges except for military expenditure beyond the frontiers incurred with its direct approval. The home expenditure is met from Indian revenues and therefore the salaries of the Secretary of State and his office are not included in the estimates. A motion in favour of placing these amounts on the estimates was made in 1906, and defeated by a large majority, on the ground that the change would tend to bring the Indian administration into party politics. Accordingly all that at present happens is that a detailed account of receipts and charges is annually laid before Parliament together with a report, the quality of which has incurred some criticism, upon the moral and material progress of the country. A motion is made that Mr. Speaker do leave the chair for the House to go into Committee on the East India revenue accounts; the actual motion made in Committee is declaratory and formal; a general debate on Indian affairs is in order, and the Secretary or Under

Secretary of State usually takes this opportunity to inform the House about any important matters of administration. All sums expended in England on behalf of India are also examined by an auditor who lays his report before both Houses. Because Parliament does not vote the revenues of India, it has not the same opportunity of exercising the control over its administration as over the great departments of the public service in Great Britain. It is, of course, true that when any matter of Indian administration attracts public interest, Parliament has the ordinary and perfectly effective means of making its opinion felt, by questions, by amendments to the address, by motions to adjourn, by resolutions or by motions of no confidence. We have no hesitation in saying, however, that the interest shown by Parliament in Indian affairs has not been well-sustained or well-informed. It has tended to concern itself chiefly with a few subjects, such as the methods of dealing with political agitation, the opium trade, or the cotton excise duties. It may be well to record that in India such spasmodic interferences are apt to be attributed to political exigencies at home. We note that Her Majesty's Ministers did not feel it necessary to give effect to resolutions of the House of Commons on the opium trade in 1889 and 1891, nor about simultaneous examinations in India and England for the Indian Civil Service in 1893, because they felt assured that the House would not on reflexion constrain them to carry out measures which on inquiry proved to be open to objection. No one questions the competence of Parliament to interfere as drastically or as often as it chooses. Our point, however, is that it does not make a custom of interfering. There may be good reasons for this. The press, the telegraph, improved communications, the steady advance of India to Western methods and standards of administration, and the beginnings of representative institutions in India itself may all have helped to promote a feeling that India's welfare was generally safe in the hands of the Indian Government. Nor can it be denied that constant interference by Parliament in the affairs of a distant Asiatic country would have greatly increased the difficulties of its administration, or that India has been fortunate in rarely becoming a subject of party strife. But whatever advantages may have attended this comparative immunity from criticism of the Indian administration, we think that there have been losses as well. We have seen how in the days of the Company it was Parliament's habit before renewing the charter to hold a regular inquest into Indian administration. That practice has lapsed since 1858. Indeed we have the paradox that Parliament ceased to assert control at the very moment when it had acquired it. It cannot be said that Royal Commissions on particular subjects, for example, those over which Sir Charles Hobhouse and Lord Islington presided, are an adequate substitute for the old procedure. In January 1908, Lord Morley discussed the question of reviving it.

"I see what its advantages might be, yet I also perceive serious disadvantages. In the old days they were able to command the services on the Indian committees, of *ex-Ministers*, of members of this House and members of another place, who had much experience of Indian administration, and I am doubtful, considering the pre-occupations of public men, whether we should now be able to call a large body of experienced administrators, with the necessary balance between the two Houses, to sit on one of these committees. And then I would point out another disadvantage. You would have to call away from the performance of their duties in India a large body of men whose duties ought to occupy, and I believe do occupy, all their minds and all their time. Still it is an idea, and I will only say that I do not entirely banish it from my own mind."

Our own study of political development in India has led us, notwithstanding the force of these arguments, to one important conclusion. It is that Parliament's omission to institute regular means of reviewing the Indian administration is as much responsible as any single cause for our failure in the face of growing nationalist feeling in India, to think out and to work out a policy of continuous advance. For this failure it would be unfair to blame the Government or the services of India. They have been abundantly occupied with their own heavy tasks and they have lacked instructions from those whose business it was to give them. But, as we shall show hereafter, we think that there is a strong case for reviving in some form the machinery for enabling Parliament to discharge the weighty responsibility which lies upon it and which indeed the announcement of August 20 categorically acknowledges, for determining the stages and the pace of India's future political progress.

Establishment
of
Parliamentary
supremacy.

34. The absolute character of the supremacy of Parliament may be judged from the fate of attempts that have occasionally been made to impugn it. After the Councils Act of 1861 had made the legislative councils into something recognisably different from the executive councils and encouraged the idea that they enjoyed some measure of deliberative independence, we at once find signs of that conflict of principle which inevitably exists between allegiance to Parliament and amenability to any representative body in India. Questions vitally affecting the structure of the government were thereby raised. The unity of the executives in India, the subordination of provincial Governments to the Government of India and the ultimate supremacy of Parliament in legislative matters, all became questions in issue. Members of the Governor General's executive council who differed from the views of the majority on legislative questions wished to reserve their freedom of action when the Bill came before the legislative council. Some claimed actually to oppose the Government measure if they chose; others said that they would be content if allowed to abstain from voting. Mr. Gladstone's Government at first dealt tenderly with the claim of individual liberty of conscience and declined to order official members to vote at dictation; they suggested that a proper sense of the necessity for upholding the authority of the Government should suffice to secure unity. But when Lord Mayo's Government as a whole protested at being required to pass the bills which became the Contract Act and the Evidence Act in the shape in which the Secretary of State on the report of the Indian Law Commissioners approved them, on the ground that such a course deprived the legislative councils of all liberty of action, the Home Government proceeded to assert their rights of control in the most emphatic manner.

"It cannot be denied that some theoretical inconveniences are inseparably connected with the working of such a machinery of Government as that through which the Empire of India is ruled from Home. In practice these inconveniences may be, and have actually been, reduced to a minimum by mutual respect on the part of those who discharge various functions and exercise different powers in a divided and complex system of administration. But the risk of serious embarrassment would become much greater than hitherto it has been found to be, if a clear understanding were not maintained as to one great principle which from the beginning has underlain the whole system. That principle is that the final control and direction of the affairs of India rest with the Home Government, and not with the authorities appointed and established by the Crown, under Parliamentary enactment, in India itself.

The Government established in India is (from the nature of the case) subordinate to the Imperial Government at Home. And no Government can be subordinate, unless it is within the power of the superior Government to order what is to be done or left undone, and to enforce on its officers, through the ordinary and constitutional means, obedience to its directions as to the use which they are to make of official position and power in furtherance of the policy which has been finally decided upon by the advisers of the Crown.

Neither can I admit that it makes any real difference in the case if the directions issued by the Imperial Government relate to what may be termed legislative as distinguished from executive affairs. It may be quite as essential, in order to carry into effect the views of the Imperial Government, as to the well-being of Her Majesty's Indian dominions, that a certain measure should be passed into a law, as that a certain Act described in common language as executive, should be performed. But if it were indeed the case, as your argument would represent it to be, that the power of the Imperial Government were limited to the mere interposition of a veto on Acts passed in India, then the Government of the Queen, although it could resist the passing of an injurious law, would be helpless to secure legislative sanction for any measures, however essential it might deem them to be, for the welfare or safety of Her Indian Empire. I think that, on reconsideration, you will see how inadequate such a power would be to regulate and control the affairs of that Empire, and how small a part it would represent of that supreme and final authority which has always been held and exercised by the Government of the Crown.

The Imperial Government cannot indeed insist on all the members of the Governor General's Council, when assembled for legislative purposes, voting for any measure which may be proposed, because on such occasions some Members are present who are not Members of the Government and not official servants of the Crown. But the Act which added these Members to the Council for a particular purpose made no change in the relations which subsist between the Imperial Government and its own executive officers. That Government must hold in its hands the ultimate power of requiring the Governor General to introduce a measure, and of requiring also all the members of his Government to vote for it.

I must add that the principle I have now asserted is the recognised principle of the British Government in relation to other parts of the Queen's dominions where the authority of the legislating body is derived from the Crown and is not founded on the principle of popular representation. The vastness and importance of Her Majesty's Indian dominion, however

they may add to the dignity of those who are called on to administer its affairs on the spot, in no degree exempt them from the necessary tie of subjection, but rather render it more incumbent on Her Majesty's advisers and councillors at home to maintain the more carefully the existing order of things as defined by constitutional usage, and by what I may term the fundamental axioms of the connexion between this country and India."

Again when Lord Northbrook's Government attempted to assert the independence of his Government in fiscal matters Mr. Disraeli's Government were equally decided in affirming their constitutional rights.

"It is not open to question that Her Majesty's Government are as much responsible to Parliament for the Government of India as they are for any of the Crown Colonies of the Empire. It may even be said that the responsibility is more definite, in that the powers conferred are, in the case of India, armed with a more emphatic sanction.

"It necessarily follows that the control exercised by Her Majesty's Government over financial policy must be effective also. They cannot, of course, defend in debate measures of which they do not approve; nor can they disavow all concern in them, and throw the responsibility for them upon the distant Government of India.

"Full legal powers having been entrusted to Her Majesty's Government, Parliament would expect that care should be taken that no policy should be pursued which Her Majesty's Government were unable to defend. If the control they possess were to be in any respect less than complete, the power of Parliament over Indian questions would be necessarily annulled. If the Government were at liberty to assume the attitude of bystanders, and to refer the House of Commons for explanations to the Governor General in Council upon any policy that was assailed, there would practically be no one whom the House could call to account, or through whom effect could be given to its decisions. In scrutinising the control exercised over the Government of India by Her Majesty's Government, and the grounds for maintaining that control, it must be borne in mind that the superintending authority of Parliament is the reason and the measure of the authority exercised by the responsible Ministers of the Crown; and that, if the one power is limited the other must be limited at the same time."

Further when in 1878 a member of the Madras executive council moved an amendment which had been rejected by the Government of India, to a Bill that was before the provincial legislative council, the Secretary of State declared that his action was constitutionally improper.

The debate on the cotton duties in 1894 was the last occasion on which the issue was raised. Sir Henry Fowler then laid it down positively that the principle of the united and indivisible responsibility of the Cabinet, which was recognised as the only basis on which the government of the United Kingdom could be carried on, applied to the Indian executive councils, in spite of the different nature of the tie which held its members together.

"It should be understood that this principle, which guides the Imperial Cabinet, applies equally to administrative and to legislative action; if in either case a difference has arisen, Members of the Government of India are bound, after recording their opinions, if they think fit to do so, for the information of the Secretary of State in the manner prescribed by the Act either to act with the Government or to place their resignations in the hands of the Viceroy. It is moreover immaterial for the present purpose what may be the nature of the considerations, which have determined the Government of India to introduce a particular measure. In any case, the policy adopted is the policy of the Government as whole, and as such, must be accepted and promoted by all who decide to remain members of that Government."

The supremacy of Parliament over the Government of India and that of the Government of India over local Governments was thus finally established: and also the principle of unity within the Indian executives. The importance of both these points will be realised when we come to make our own proposals later on.

35. Parliament may sometimes be a sleepy guardian of Indian interests; but the feeling that it may call him at any time to account certainly leads the Secretary of State and his Council to exercise with some straitness both the specific powers of control with which they are particularly invested and also the general power of superintendence which the Government of India Act gives them. We need not dwell on the fact that they manage directly the home charges (which amount to one-fifth of the total expenditure of India) on account of military equipment, stores, pensions, leave allowances, and the like; and that they also control the raising of sterling loans. The greater part of their duties consist in the control of the Government of India. The Governor General in Council is required by section 33 of the Government of India Act, 1915, "to pay due obedience to all such orders" as he may receive from the Secretary of State; and we have to see how this obedience is in fact exacted. Obviously the intensity of control must vary with the interest shown by

Influence of
Parliament
on the
Secretary
of State and
his Council.

Parliament on whose behalf the Secretary of State exercises his powers. The relations between Simla and Whitehall vary also with the personal equation. If resentment has been felt in India that there has been a tendency on occasions to treat Viceroys of India as "agents" of the British Government, it is fair to add that there have been periods when Viceroys have almost regarded Secretaries of State as the convenient mouth-piece of their policy in Parliament. Certainly there have been times when the power of the Government of India rested actually far less upon the support of the Cabinet and Parliament than on the respect which its reputation for efficiency inspired. The hands of the Government of India were strong: and there was little disposition to question the quality of their work, so long as it was concerned chiefly with material things, and the subtler springs of action which lie in the mental development of a people were not aroused.

Powers of the
Secretary of
State.

36. We must distinguish, however, between the measure of control which has been exercised and the powers of control which the existing system provides. These are very great. All projects for legislation, whether in the Indian or provincial legislatures, come home to the Secretary of State for approval in principle. Before him are laid all variations in taxation or other measures materially affecting the revenues and in particular the customs; any measures affecting the currency operations or debt; and, generally speaking, any proposals which involve questions of policy or which raise important administrative questions or involve large or novel expenditure. To set out all the Secretary of State's specific powers would be a long task: but we may mention the construction of public works and railways; the creation of new appointments of a certain value, the raising of the pay of others, or the revision of establishments beyond a certain sum; grants to local governments, or loans to Native States; large charges for ceremonial or grants of substantial political pensions; large grants for religious or charitable purposes; mining leases and other similar concessions; and additions to the military expenditure, as classes of public business in respect of which he has felt bound to place close restrictions upon the powers of the Governments in India. For some such restraints we have no doubt that there is solid constitutional justification. The Government of India exercise immense powers over a vast and populous country, and in the absence of popular control in India it is right that they should, in matters of importance, be made to feel themselves amenable to Parliament's responsible minister and that he should exercise conscientiously the powers which Parliament entrusts to him. Nor should we under-rate the value of the permanent officials at the India Office in contributing to maintain continuity of policy in a country where the high authorities are constantly changing. This consideration is of great importance. But as we shall show hereafter we think that the time may now have come when the detailed control of the India Office might with advantage be relaxed.

Development
of British
dominion.

37. Deferring to the next chapter our account of the legislative machinery of India, we will now describe how the executive government of the country is constructed and conducted in India itself. The old settlements were administered by a president or governor and a large council, composed of from twelve to sixteen of the senior servants of the Company. Everything was decided by a majority vote, an arrangement that Clive found so unworkable for serious business in Bengal that he set up a select committee as the real instrument of government. The three presidencies were independent of each other, and each government was absolute within its limits, subject to the distant and intermittent control of the Directors at home. But the need for a common policy in the face of foreign enemies was apparent; and when the disorder of the Company's finances and suspicions about the fortunes amassed by its servants in India drove Parliament to intervene, it was wisely decided to create one supreme government in the country. The grant of the *Diwani* in 1765 made Bengal the predominant presidency, and therefore the Regulating Act converted its Governor in Council into a Governor General in Council and gave him superintending authority over Bombay and Madras. How shadowy Warren Hastings found his authority at first is well-known: against his will the aggressive policy of first the Bombay and later on the Madras Government involved him in wars, which taxed to the utmost his courage and resources. A curious echo of this state of things lingers in the language of section 45 (2) of the

Government of India Act, 1915, which still contemplates the possibility of a provincial Government making peace and war. For a long time indeed the mere isolation of the western and southern presidencies attenuated the authority of the Governor General in Council over them. His control became effective only as the British dominions extended till they became contiguous and communications between them improved. The Madras presidency took practically its present shape after the fall of Tipu Sultan in 1799; and the presidency of Bombay was settled on almost its present lines in 1818 after the third Mahratta war. But the Bengal presidency under the Governor General in Council continued to grow. Lord Lake's campaign against the Mahrattas added what is roughly the province of Agra to the Company's dominions. From that time forward the security of the Bengal presidency was the dominant reason for further extensions of the frontiers, and thus Lower Burma, Assam, the Punjab, Jhansi, Nagpur and Oudh, as they were successively absorbed, were added unto it. Sind, which was annexed before the conquest of the Punjab, was attached to Bombay as being the only base from which it could be conveniently administered. The Governor General in Council was looked upon as in immediate control of all new territories; but it was apparent that he could not directly administer so unwieldy a charge. The idea of instituting a fourth presidency was entertained, and for a very brief space actually put into practice, but it was shortly afterwards abandoned in favour of the creation of a lieutenant governorship of the North-West Provinces in 1836; and in 1854 the Governor General in Council divested himself of direct responsibility for Bengal, which also came under a lieutenant governor. An Act of that year also gave the Governor General in Council authority to provide for the administration of any territory which there was no legal power to place under a lieutenant governor by creating it into a chief commissionership. From that time onwards this power was regularly used, and so the Government of India came to assume its present character of a supervising and directing authority over the administration of the entire country.

38. Originally the Council of the Governor General worked together as a board and decided all questions by a majority vote. The difficulties which Warren Hastings encountered from this arrangement are notorious. Lord Cornwallis insisted on being given enlarged powers, and to meet his views the provision which now enables the Governor General to override his Council and to act on his own responsibility in matters of grave importance was inserted. The power has been rarely exercised, though Lord Lytton used it in 1879 to abolish partially the import duty on English cotton goods. The appointment of special members of Council for law and finance initiated the portfolio system, and the great increase of work which resulted from Lord Dalhousie's energetic policy demonstrated its necessity. Lord Canning finally abandoned the attempt to administer a great empire by the cumbrous method of collective business, and introduced the present system by which the ordinary work of the Departments is distributed among the Members and only the more important cases are referred to the Governor General or dealt with collectively. Recent events have, however, thrown some light upon the drawbacks attending the discretionary limitation of collective deliberations. The Council has been from time to time enlarged and now consists of six ordinary Members and the Commander-in-Chief. Three of the ordinary Members must have had ten years' service under the Crown in India and one must be a barrister of five years' standing. At the present time the portfolios are Foreign and Political (which is taken by the Governor General himself), Home, Revenue, Finance, Legislative, Commerce and Industry, Education and Army. The particular allotment of their work between them is unimportant. But it is essential to our purpose to see what the work of government in so vast a country comprises and how the burden is in practice shared between the Government of India and its delegates the provincial Governments.

39. First, however, it may be convenient to explain more fully what the provincial Governments are. British India is made up of nine major provinces and six lesser charges. The former comprise the three presidencies of Madras, Bombay and Bengal; the four lieutenant governorships of the United Provinces, the Punjab, Burma, and Bihar and Orissa, and the two chief

The
Executive
Council of
the Governor
General.

Growth
of the
provincial
system.

commissionerships of the Central Provinces and Assam. The minor charges are the North-West Frontier Province, British Baluchistan, Coorg, Ajmer, the Andamans and Delhi. Madras and Bombay grew into governorships out of the original trading settlements. Sind, as we have seen, was added to the latter soon after its conquest in 1843. The original presidency of Bengal was elevated from a governorship to a governor-generalship by the Act of 1773. We have explained how India then consisted of the three presidencies only, and how military and political exigencies led to a great extension of the Bengal presidency to the North-West. Later legislation relieved the Governor-General by empowering him to create the lieutenant governorship of the North-West Provinces in 1836, and further to rid himself of the direct administration of Bengal, including Bihar and Orissa, by creating the lieutenant governorship of Bengal. The Punjab was the next province formed. Annexed in 1849, it was governed first by a board of administration and then by a chief commissioner. After the mutiny Delhi was transferred to it and it became a lieutenant governorship. Oudh was annexed in 1856 and placed under a chief commissioner, whose office was merged in that of the lieutenant governor of the North-West Provinces in 1877. The North-West Provinces and Oudh were re-named the United Provinces of Agra and Oudh in Lord Curzon's time. Lower Burma was formed into a chief commissionership in 1862; Upper Burma was added in 1886 and the province became a lieutenant governorship in 1897. The Central Provinces, formed out of portions of the North-West Provinces and certain lapsed territories, were placed under a chief commissioner in 1861. In 1903 Berar, which had long been under British administration, was taken over on a perpetual lease from the Nizam and linked to the Central Provinces. Assam, annexed in 1826, was added to Bengal, from which it was again severed and made a chief commissionership in 1874. In 1905 the partition of Bengal converted the eastern half of the province together with Assam into one lieutenant governorship under the name of Eastern Bengal and Assam, and the western half into a second lieutenant governorship under the name of Bengal. This arrangement was modified in 1912: Assam became once more a chief commissionership, Bengal a presidency, and Bihar and Orissa a lieutenant governorship. The North-West Frontier Province was created for purposes of political security in 1901 by detaching certain Punjab districts. British Baluchistan was formed into a chief commissionership in 1887. Coorg was annexed in 1834 and is administered by the Resident in Mysore. Ajmer, ceded in 1818, is similarly administered by the Agent to the Governor General in Rajputana. The Superintendent of the penal settlement of Port Blair administers the Andamans and Nicobar Islands as chief commissioner. Delhi comprises a small area enclosing the new capital city, which was created a separate province under a chief commissioner on the occasion of the King-Emperor's durbar. In this way the present map of British India was shaped by the military, political or administrative exigencies or conveniences of the moment and (except in the case of the reconstitution of Bengal) with small regard to the natural affinities or wishes of the people. The point is of supreme importance when we have to consider the future development of India, and we shall have occasion to return to it in a later chapter.

The
Presidencies.

40. Some writers have described all the provincial Governments as merely agents for the Government of India, and in a sense, as we shall see, this is true. But it must be remembered that the provinces differ in status not a little. We may gather them into five categories. First come the three presidencies, distinguished not merely by their history and traditions and the presence of great centres of commerce, but also by their more elaborate system of government. Each is administered by a governor with a council of three members, including since 1909 as a matter of unbroken practice one Indian member. In an emergency the Governor can overrule his colleagues, but otherwise the decisions are those of a majority. Presidency governments still enjoy some relics of their former independence: they have the right to correspond direct with the Secretary of State unless financial issues are involved; they can appeal to him against orders of the Government of India; they have full discretion in selecting for important offices under them; and they are less

liable to supervision than other provinces in the administration of their revenue and their forests.

41. Next rank the four lieutenant governorships. The oldest and also far the heaviest charge is the United Provinces with its population of 48 millions. It has been recognized that the burden which its administration imposed upon a single man was too heavy, and proposals to endow it with an executive council were frustrated only by the adverse resolution of the House of Lords in 1915. The newest creation is Bihar and Orissa, a product of the remodification of Bengal in 1912. The attachment of Orissa to the rest of the province was dictated by the need of providing for areas which the new presidency could not absorb rather than by considerations of convenience or economy. Part of Bihar and Orissa is no doubt very densely populated; but it was mainly because those portions of the former Bengal which are now included in it had enjoyed since 1910 an administration by lieutenant governor in council, that it was deemed impossible in 1912 to withhold a similar equipment from the youngest and in area smallest of the lieutenant governorships. The presence or absence of an executive council, however, though it affects the disposal of provincial business, does not materially alter the relations of a lieutenant governor with the Government of India.

The
Lieutenant
Governor-
ships.

42. The two chief commissionerships of the Central Provinces and Assam rank next. In theory all the portions of British India which are not included in a governorship or lieutenant governorship are under the immediate authority and management of the Governor General in Council, who can give all necessary orders and directions for their administration. A chief commissioner is therefore still regarded as administering his province as a delegate of the Governor General, who may resume or modify such powers as he has himself conferred. In official terminology chief commissionerships are generally referred to as local administrations rather than as local Governments. But in practice the powers entrusted to a chief commissioner are nearly as wide as those of a lieutenant governor, and with the creation of legislative councils in Assam and the Central Provinces any distinction in administrative methods is tending to disappear.

The Central
Provinces
and Assam.

43. The two frontier provinces of British Baluchistan and the North-West Frontier Province form a small class by themselves. They are administered by Chief Commissioners who are also Agents to the Governor General in respect of political relations with adjoining tribal territories; they are in fact more directly than any of the foregoing provinces under the control of the Government of India, acting through its Foreign and Political Department, both because political questions are of preponderant importance and also because they lack the financial resources and powers which more settled provinces enjoy.

Baluchistan
and the
North-West
Frontier
Province.

44. In the last category come Ajmer-Merwara, Coorg, Delhi and the Andamans. These are administered under the direct control of the Government of India, acting except as regards the first, mainly through its Home Department. The first three are practically districts and the fourth is a penal settlement.

Minor
administra-
tions.

45. Let us now try to realize the burden of government in India. If we set aside imperative necessities which may lead to a great temporary expansion of governmental activity, as in England at present, and also theories of the intrinsic merits of State management which find favour with some schools of political thought, we may say broadly that the degree of intervention by the State in the lives of its people varies with their own capacity and disposition to direct the material business of their lives. The great mass of India's people are illiterate peasants, living in mud-built villages, and cultivating small holdings of land, the produce of which is only too often threatened by drought or deluge. The physical facts of India, the blazing sun, the enervating rains, have doubtless coloured the mental outlook of the masses of her people. The Hindu caste system, with its segregating effect, circumscribes the range of public opinion by limiting the range of personal sympathies, and tends to perpetuate many customs and usages which progressive Indians themselves recognise as a grievous impediment to progress. Moreover the political disintegration which preceded British rule utterly destroyed any incentive to material improvement or progress by laying its results at the mercy of the

Functions of
Government
in India.

first raider. It was inevitable, therefore, that when the government of the country was assumed by the vigorous and practical British race they should have formed a conception of their responsibilities towards the people wider than that accepted for their own land. We need not quote from the immense amount of eloquent testimony which writers on India have offered to the admirable character of the work which has been done. We are content to present the difference in this respect between government in England and India in the unadorned language of the Decentralization Commission :—

“ The Government (in India) claims a share in the produce of the land ; and save where, as in Bengal, it has commuted this into a fixed land tax, it exercises the right of periodical reassessment of the cash value of its share. In connexion with its revenue assessments, it has instituted a detailed cadastral survey, and a record-of-rights in the land. Where its assessments are made upon large landholders, it intervenes to prevent their levying excessive rents from their tenants ; and in the Central Provinces it even takes an active share in the original assessment of landlords’ rents. In the Punjab, and some other tracts, it has restricted the alienation of land by agriculturists to non-agriculturists. It undertakes the management of landed estates when the proprietor is disqualified from attending to them by age, sex, or infirmity or, occasionally, by pecuniary embarrassment. In times of famine it undertakes relief works and other remedial measures upon an extensive scale. It manages a vast forest property and is a large manufacturer of salt and opium. It owns the bulk of the railways of the country and directly manages a considerable portion of them and it has constructed, and maintains, most of the important irrigation works. It owns and manages the postal and telegraph systems. It has the monopoly of note issue, and it alone can set the mints in motion. It acts, for the most part, as its own banker, and it occasionally makes temporary loans to Presidency banks in times of financial stringency. With the co-operation of the Secretary of State, it regulates the discharge of the balance of trade, as between India and the outside world, through the action of the India Council’s drawings. It lends money to municipalities, rural boards and agriculturists, and occasionally to the owners of historic estates. It exercises a strict control over the sale of liquor and intoxicating drugs, not merely by the prevention of unlicensed sale, but by granting licenses for short periods only, and subject to special fees which are usually determined by auction. In India, moreover, the direct responsibilities of Government in respect of police, education, medical and sanitary operations, and ordinary public works, are of a much wider scope than in the United Kingdom. The Government has further very intimate relations with the numerous Native States, which collectively cover more than one-third of the whole area of India, and comprise more than one-fifth of its population. Apart from the special functions narrated above, the Government of a sub-continent containing nearly 1,800,000 square miles and 300,000,000 people is in itself an extremely heavy burden, and one which is constantly increasing with the economic development of the country and the growing needs of populations of diverse nationality, language and creed.”

Sphere of the
Government
of India.

46. It is time to see how the tasks of government are apportioned between the Government of India and the local Governments. At the outset, it is obvious that their responsibility for the entire country constrains the Government of India to keep some functions of government entirely in their own hands. Since the Madras and Bombay military commands were abolished in 1893, the defence of India has been treated formally, as it had long been in fact, as an undivided charge. Connected with defence is the diplomatic business of relations with bordering Asiatic powers, and with this again the administration of bastions of territory like the Frontier Province and British Baluchistan. There is also the business of political relations with the numerous Native States, which is mainly, though not yet wholly, the sole concern of the Government of India. In a separate category come the administration of tariffs, the currency and the exchanges, and the debt, and also of the great commercial services like the post office and the railways, all of which concern the whole country. Again the central Government controls the business of audit and accounting, and has maintained it on a uniform system for the whole country. But responsibility for everything else is shared in greater or lesser measure by the Government of India with the provinces : and it is well to understand on what basis the distribution rests, if we are to be on sure ground in making proposals which must radically affect it.

Relations
with the pro-
vincial Gov-
ernments.

47. Eighty-four years ago the Court of Directors set themselves to define the right principles of demarcation. They reminded Lord William Bentinck emphatically that the whole civil and military administration of India was committed to the hands of his Government by the Act of 1833 and that for what was good or evil in it the honour or dishonour would redound on him. They criticised the control previously exercised over the presidency Governments

as having generally taken the invidious and ineffective form of *ex post facto* intervention. They wrote:—

“It is evidently the object of the present Act to carry into effect that intention of the legislature to which we have alluded. Invested as you are with all the powers of government over all parts of India, and responsible for good government in them all, you are to consider to what extent and in what particulars, the powers of government can be best exercised by the local authorities, and to what extent, and in what particulars, they are likely to be best exercised when retained in your own hands. With respect to that portion of the business of government which you fully confide to the local authorities and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good, and to pay such vigilant attention to that evidence as will ensure your prompt interposition whenever anything occurs which demands it.”

And again five years later : —

“Although a minute interference on your part in the details of the local administration of the subordinate presidencies is neither desirable nor practicable, yet we should hold you but ill acquitted towards those whose interests are committed to your charge, if you should allow to pass without comment and, if necessary, without effective interference, any measures having, in your opinion, an injurious tendency, either to one presidency or to the Empire at large.”

48. We imagine that the Directors intended that Lord William Bentinck's ^{Development of the existing system.} Government should define the matters in which their interference would be rare, and those in which their control would be constant ; but we find that no such formal differentiation was actually ever attempted. Such discrimination between functions as obtains at present is the result of gradual administrative devolution. As the Decentralization Commission say : —

“The difficulty of defining the exact limits between a ‘just control, and petty, vexatious, meddling interference’ recognised by the Court of Directors in 1834, still remains. It is easy to say that the central Government should confine itself to laying down general principles, and that the detailed application of these should be left in the hands of the subordinate Governments; but in practice it is sometimes extremely difficult to say what are mere details, and whether these may not affect the application of a principle. Again, what is normally a detail, properly left to a local Government, may at a period of political stress or under altered circumstances become a matter in which the Government of India, and even the Secretary of State, must assert their responsibilities. It is, therefore, of paramount importance, that the relations between the Government of India and the provincial Governments should be readily adaptable to new or changing conditions, and should not be stereotyped by anything in the nature of a rigid constitution.”

Obviously there are tendencies pulling in two opposite directions. Material development, improved communications, the raising of standards of administration, and the interest taken by Parliament in Indian affairs all tend to throw work on the central power; just as the want of detailed knowledge and the variety of local conditions make for provincial liberty of action. The spread of enlightenment has on the whole probably operated to cast more work upon the Government of India; for the growth of national feeling among the educated classes has raised many questions of a general nature with which only the Government of India could deal and increased the habit of invoking its intervention.

49. Let us glance at the list of work which the administrative Departments ^{Supervision by the Government of India.} of the Government of India deal with not at first-hand but as supervising and appellate authority. To the Home Department are referred questions from the provinces affecting the Indian Civil Service, internal politics, jails, police, the civil medical service, law and justice and courts; the Departments under the Revenue Member are similarly concerned with revenue, surveys, forests, agriculture, veterinary administration, meteorology, and famine and public works and irrigation; the Political Department with such Native States as are in political relations with local Governments; the Finance Department with opium, stamps, income-tax and the pay, leave and pensions of the services; the Department of Commerce with commerce, exhibitions, factories, mining, explosives, emigration, fisheries, salt and excise; the Department of Education with education, local self-government, sanitation and so forth. All these spheres of business are primarily the concern of local Governments, but in all of them the Government of India exercise an unquestioned right of entry, either of their own instance or on appeal. The measure of interference actually practised varies with circumstances, and to a great extent depends on the financial system—discussed in chapter V—for which place therefore we reserve its closer examination.

Extent of
interference
in provincial
affairs.

50. The text-books generally describe the Government of India as interfering very little with the details of provincial administration. Sir Bampfylde Fuller, writing as an *ex-Lieutenant Governor*, says that the Government of India, as a rule, content themselves with laying down general principles and watching the effect that is given to them, but keep a very strict hand upon the creation of new appointments or the augmentation of salaries. We have no doubt that this correctly expresses the general aim. But in such a matter all opinion is relative. Compared with past days, provincial Governments enjoy great liberty of action; but, as we shall show in due course, substantial restrictions are imposed on them by the dominant conception that the entire government system is one indivisible whole and amenable to Parliament. Even though the Decentralization Commission accepted this governing condition, they thought that both the Indian Government and in their turn the provincial governments also had in the exercise of the control with which they were invested been dominated too much by considerations of administrative efficiency.

"They have, we think, paid too little regard to the importance of developing a strong sense of responsibility amongst their subordinate agents and of giving sufficient weight to local sentiments and traditions. In our opinion, the burden of work could be materially diminished if the Indian Government were to refrain from interfering in unnecessary detail with the actions of the authorities subordinate to them, an interference which results in large measure in every administrative authority in India having to do over again work already accomplished at a stage below. Future policy should be directed to steadily enlarging the spheres of detailed administration entrusted to provincial Governments and the authorities subordinate to them and of recognising that they must definitely dispose of an increasing share of the ordinary work of government."

We understand that public and official opinion alike endorsed this criticism. But, as we have said, the question now turns mainly on new and bigger considerations. Official control from above is incompatible with popular control from within, and the admission of the latter justifies, indeed demands, a corresponding reduction of the former. Parliament, the Secretary of State and the Government of India must all relax control if the legislative councils in the provinces are to share the responsibility for the administration. Similarly provincial Governments must abate their superintendence where popularly constituted subordinate authorities have been entrusted with functions of their own.

Chapter III.—Growth of the Legislative Councils.

51. To explain the constitutional position with which we have to deal it ^{Introductory.} is necessary to review as shortly as possible the growth of legislative bodies in India.

52. The indigenous law of India is a law of status, derived in the case of ^{Beginnings of legislative power.} Hindus from the Shastras and in that of Muslims from the Qoran, while in the case of both there grew up also a body of customary law varying with the locality. Although the first European settlements in the country were on sufferance of Indian powers yet the personal character of the law of India and the nature of many of its principles and penalties made it impossible for men of a different religion and habits of thought to adopt it for their own use. From the very first the English traders assumed that they carried their own law with them. In fact, the germ of legislative power lies embedded in Elizabeth's Charter, which authorised the East India Company to make reasonable "laws, constitutions, orders, and ordinances," not repugnant to English law, for the good government of the Company and its affairs. Similar privileges were affirmed by the Charters of her Stuart successors. Of the laws made under these earlier Charters not a trace remains: we infer that they were concerned with the monopoly of trade and the repression of interference. The Charter of William III made no mention of, and may be held to have withdrawn, the power of legislation; but George I's Charter of 1726 invested the Governors in Council of the three presidencies, with power "to make, constitute, and ordain bye-laws, rules and ordinances for the good government and regulation of the several corporations thereby created, and of the inhabitants of the several towns, places and factories aforesaid respectively."

53. Accordingly from 1726 onwards the three presidency councils proceeded ^{Results of the Diwani.} to make laws independently of each other within their several jurisdictions. But at this stage we come on a new source of legislative power. After the grant of the *Diwani* in 1765 by which the Company assumed the revenue administration of Bengal, Bihar and Orissa, Warren Hastings, then Governor of Bengal, set up courts and offices for the disposal of judicial and revenue business, in virtue not of any powers derived from Parliament, but of the authority which had been delegated to the Company by the Moghul Government. Indeed it was not till 1861, that the last traces of the dual system of courts were swept away.

54. The Regulating Act of 1773 subordinated the presidencies and Councils ^{The Regulating Act, 1773.} of Madras and Bombay to the Governor General and Council of Bengal, who were thereby constituted the supreme Government, and required the Madras and Bombay Governments to send to Bengal copies of all their Acts and orders; but we cannot find that the Bengal Government had any power of modifying them. At the same time the Act of 1773 took the unusual course of subjecting the legislative authority of the Governor General and Council to the veto of the Supreme Court. The hostile relations which existed between the Court and Council probably explain the comparative absence of legislation during the period from 1773 to 1780; but by 1780 the Council had triumphed, and Warren Hastings passed his regulations for the administration of justice in provincial courts without regard to the Court. The Amending Act of 1781 justified his action: it gave the Government the important power of making regulations for provincial courts without reference to the Supreme Court. A few years later the powers of the other two Governments were similarly enlarged. Copies of all regulations passed in Madras and Bombay were sent to Calcutta, but it does not appear that they were submitted for approval before being passed. The legislative power of the Governor General's Council was confined both by its constitution and in practice to the presidency of Bengal.

55. We may note that the advent of English lawyers as judges of the ^{The Declaratory Act, 1780.} Supreme Court in 1773 led to an ill-advised attempt to apply the English law to Europeans and Indians alike; but this error was corrected by the Declaratory Act of 1780, which directed that their own law and usage should

be applied to the people of the country. The door was thereby not closed, however, to such legislative modifications of the rules of the Śāstras or the Qoran as the public mind became ripe for, under the influences of Western jurisprudence, case decisions, and the growth of education and enlightenment; in which direction indeed the Indian legislatures have from time to time rendered services of incalculable benefit to the country.

Growing
confusion
of the
legislative
system.

56. In 1813 the powers of all three councils were enlarged and at the same time subjected to greater control by the home authorities. Their regulations were applied to all persons who should proceed to the East Indies within the limits of their Governments. They were given power to make articles of war and to impose customs duties and other taxes. For another twenty years the three councils continued to make regulations, and in so doing constantly added to the complexity of the law system which the courts were expected to interpret. The confusion which by this time characterised the legal and judicial system of the country may be readily conceived. It rested on no less than five different bodies of statute law, besides having to pay heed also to the English common law, Hindu and Muhammadan law and usage, charters and letters patent, regulations authorised by statute or deriving their validity either from the Company's general powers of government or from their acquired rights as successors to native Governments, circular orders of courts, and treaties made by the Crown or the Indian Government. It is not surprising that the Calcutta Judges declared roundly that "no one can pronounce an opinion or form a judgment, however sound, upon any disputed right of persons, respecting which doubt and confusion may not be raised by those who may choose to call it in question."

Its simplifica-
tion and
correction.

57. In such a state of things the statute of 1833 was passed in Lord William Bentinck's time. It aimed deliberately at simplifying the legislative machinery and also at correcting the errors of the past. With the former object the Governments of Madras and Bombay were drastically deprived of their powers of legislation, and left only with the right of proposing to the Governor General in Council projects of the laws which they thought expedient. For the latter purpose the Indian Law Commissioners were established, and the work of regulating the courts and codifying the penal and procedure law was undertaken. The central Council was strengthened by the addition of a law member not in the company's service whose duties were to be confined to legislation. Lawgiving by purely executive order such as had produced the three presidency codes of regulations was thenceforth to cease.

Beginning
of the Indian
Legislative
Council.

58. In place of three law-making executives India thus acquired one central though rudimentary legislature. But this reform was found to have defects of its own. The members of the Governor General's Council belonged to the Bengal service, and their lack of local knowledge was felt to be a serious drawback to the Council's handling of Madras or Bombay questions. To Lord Dalhousie belongs the credit of differentiating the legislative machine much more decisively from the executive. The Act of 1853, for which he was in great part responsible, left the Governor General's Council as the one legislative power competent to enact laws for the whole of British India, but provided for the defect disclosed in the Act of 1833 by introducing representative members from the sister presidencies. The Council when acting in its legislative capacity was enlarged by the addition of six new members called legislative members, of whom two were English judges of the Calcutta Supreme Court and the other four were officials appointed by the local Governments of Madras, Bombay, Bengal and Agra. This was the first recognition of the principle of local representation in the Indian legislature. At the same time the fourth ordinary member of council, who had been hitherto merely a member for legislative business, became a full executive member. These changes meant that in a full council if any single member of the executive were absent, the members of the Government were in a minority. On every legislative question there was at least to be one member present with local knowledge, and what may be called the English law element in the council was greatly increased. Discussions became oral instead of being conducted in writing. The examination of Bills was performed by select committees instead of by a single member, and for the first

time the legislative business of India was conducted in public. We find legislation for the first time treated as a special function of government requiring special machinery and special processes.

59. But it was soon clear that even Lord Dalhousie's improvements did not suffice to meet the needs of the time. Madras and Bombay still complained of the preponderance of authority which Bengal exercised. The huge extent of territory for which a single council legislated made it impossible for matters to be handled with adequate information and experience. Moreover, the internal governance of the council itself was such that, contrary to the intentions of Parliament, it began to assume the character of a miniature representative assembly, assembled for the purpose of enquiry into and redress of grievances. Above all, the terrible events of the Mutiny brought home to men's minds the dangers arising from the entire exclusion of Indians from association with the legislation of the country.

Defects of its early form.

60. We have now reached the critical point of the story at which representatives of Indian opinion were for the first time admitted to the legislature of the country, and need make no apology for quoting a well-known passage from a minute written by Sir Bartle Frere in 1860:—

Admission of Indians proposed.

"The addition of the native element has, I think, become necessary owing to our diminished opportunities of learning through indirect channels what the natives think of our measures, and how the native community will be affected by them. It is useless to speculate on the many causes which have conspired to deprive us of the advantages which our predecessors enjoyed in this respect. Of the fact there can be no doubt, and no one will I think object to the only obvious means of regaining in part the advantages which we have lost, unless he is prepared for the perilous experiment of continuing to legislate for millions of people, with few means of knowing, except by a rebellion, whether the laws suit them or not.

"The durbar of a native Prince is nothing more than a council very similar to that which I have described. To it under a good ruler all have access, very considerable license of speech is permitted, and it is in fact the channel from which the ruler learns how his measures are likely to affect his subjects, and may hear of discontent before it becomes disaffection.

"I cannot think that the plan proposed will even in our presidency towns lead, as has been apprehended, to needless talking and debate, or convert our councils into parish vestries. It is a great evil of the present system that Government can rarely learn how its measures will be received or how they are likely to affect even its European subjects, till criticism takes the form of settled and often bitter opposition."

61. Lord Canning decided that though any return to the system which existed before Lord Dalhousie was impossible, a partial return to the still earlier system which prevailed before 1834 was advisable. Once the principle of having local Governments represented in the Indian legislature was admitted, the Governments of Madras and Bombay could not reasonably be expected to be content with the meagre share which they then had in legislation concerning their own presidencies. Rejecting the idea of increasing in his existing council the number of members drawn from the two subordinate presidencies, Lord Canning proposed that the single council should be broken up into three distinct councils,—the legislative council of the Governor General at Calcutta and local councils in Madras and Bombay. The lieutenant-governorships of Bengal, the North-Western Provinces and the Punjab should also be equipped with separate legislatures. To each council he proposed that three non-official members, European or Indian, should be admitted; that all measures of local character not affecting the revenue should fall within the competence of the local councils; that the latter should concern themselves with legislation only; and that business should be so conducted as to allow even Indians unacquainted with English to participate in it. These proposals are remarkable as constituting the first decisive step in the direction of decentralization, and also in that of associating Indians or indeed non-officials at all with the business of legislation.

Establishment of provincial legislatures

62. Various events contributed to precipitate the passing of the Indian Councils Act of 1861. Differences arose between the supreme Government and the Government of Madras about the income tax Bill; serious doubts were expressed about the validity of the laws introduced into certain backward areas which were known as non-regulation provinces without enactment by the

Events leading up to changes

legislative council ; and finally the Governor General's legislative council presented an address asking that certain correspondence between the Secretary of State and the Government of India should be communicated to it. The situation had become strained, and justified Sir Charles Wood's complaint in the House of Commons that, contrary to the intention of its founders, the council had become a sort of debating society or petty Parliament. He quoted the Chief Justice of Calcutta as saying that the council "has no jurisdiction in the nature of that of a grand inquest of the nation. Its functions are purely legislative, and are limited even in that respect. It is not an Anglo-Indian House of Commons for the redress of grievances, to refuse supplies, and so forth."

The Indian Councils Act, 1861.

63. Many provisions of the Act of 1861 still form the framework of the internal constitution of India. The Act restored to the Governments of Madras and Bombay the powers of legislation which the Act of 1833 had withdrawn, but with one important distinction. Formerly the laws enacted by the local legislatures had been complete in themselves and came into operation of their own force. Thenceforth the previous sanction of the Governor General was made requisite for legislation by the local councils in certain cases, and all Acts of the local councils required the subsequent assent of the Governor General in addition to that of the Governor. To this extent the Governor General was given direct and personal control over the exercise of all legislative authority in India. For purposes of legislation the Governor General's Council was reinforced by additional members, not less than six, nor more than twelve in number, nominated for two years, of whom not less than half were to be non-officials. The legislative power of the Governor General in Council was extended over all persons whether British or Indian, foreigners or others, within the Indian territories now under the dominion of Her Majesty, and over all courts of justice and over all places and things within the said territories, and over all British subjects within the dominions of Princes and States in alliance with Her Majesty. The Act also gave legal force to all the miscellaneous rules and orders which had been issued in the newly acquired territories of the Company (known as the non-regulation provinces) either by extending or adapting to them regulations which had been made for older provinces, or frankly by the executive authority of the Governor General in Council. (A few years later the power of legislating for disturbed or backward tracts by regulations made in executive council was restored to the Governor General by the Act of 1870.) Moreover we find some trace of the old executive power of legislation surviving in the power given to the Governor General, without his Council, in cases of emergency to make temporary ordinances which were not to remain in force for more than six months. The legislative councils were restored in Madras and Bombay by expanding the Governors' executive councils on the same lines as the Governor General's. The Governor General was also directed to establish a legislative council for Bengal and empowered to establish similar councils for the North-Western Provinces and for the Punjab; these two bodies actually came into being in 1886 and 1897 respectively. But we lay stress on the fact that there was no attempt to demarcate the jurisdictions of the central and local legislatures as in federal constitutions. The Governor General's Council could legislate for the whole of India; and the provincial council for the whole of the province, with the reservation that before doing so in respect of certain matters the Governor General's sanction had to be obtained. Finally, the provisions of the Act rebuked the precocity of the council established under the Act of 1853, which had modelled its procedure on Parliament and shown what was considered an inconvenient amount of independence by asking questions about and discussing the propriety of the methods of the executive Government. The functions of the new councils were strictly limited to legislation. They were expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion for leave to introduce a Bill or having reference to a Bill actually introduced.

Character of the councils thereby established.

64. In summing up these changes we cannot do better than follow the present Lord MacDonnell who, writing 27 years after the Act was passed, was able to adopt with little modification the language in which the author

of *Courts and Legislative Authorities in India* had described the position created in 1861.

“The character of the legislative councils established by the Act of 1861 is simply this, that they are committees for the purpose of making laws—committees by means of which the executive Government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of the law-making process. Although the Government enacts the laws through its council, private legislation being unknown, yet the public has a right to make itself heard, and the executive is bound to defend its legislation. And when the laws are once made, the executive is as much bound by them as the public, and the duty of enforcing them belongs to the courts of justice. In later years there has been a growing deference to the opinions of important classes, even when they conflict with the conclusions of the Government, and such conclusions are often modified to meet the wishes of the non-official members. Still it would not be wrong to describe the laws made in the legislative councils as in reality the orders of Government; but the laws are made in a manner which ensures publicity and discussion, are enforced by the courts and not by the executive, cannot be changed but by the same deliberate and public process as that by which they were made, and can be enforced against the executive or in favour of individuals when occasion requires.”

“The councils are not deliberative bodies with respect to any subject but that of the immediate legislation before them. They cannot enquire into grievances, call for information or examine the conduct of the executive. The acts of administration cannot be impugned, nor can they be properly defended in such assemblies, except with reference to the particular measure under discussion.”

65. The Act of 1861 thus closes a chapter. Its main interest has lain Retrospect. in the gradual construction and consolidation of the mechanical framework of government. The three separate presidencies have come into a common system; much of the intervening spaces has been brought under British rule; the legislative and administrative authority of the Governor General in Council has been asserted over all the provinces and extended to all their inhabitants; and the principle of recognising local needs and welcoming local knowledge has been admitted, so that local councils have been created or re-created, and a few non-official and even Indian members have been introduced for the purposes of advice. But, partly at least out of anxiety to prevent the authority of the executive from being impaired (as in Warren Hastings' days) by any other rival institution without administrative responsibility, it has been expressly declared that the councils are a mere legislative committee of the Government and are not the germ of responsible institutions. We think it worth noting how the innate tendency of even a few official Englishmen, assembled in a simulacrum of a legislature, to convert it into a parliamentary body positively contributed to retard the introduction of parliamentary ideas for the benefit of the people of India as a whole.

66. But at the next stage we find a decided advance. Whereas in 1861 The Indian Councils Act, 1892. men said “we had better hear what a few Indians of our own choosing have to say about our laws”, they said in 1889 “our laws have positively benefited by Indian advice and criticism; let us have more of it, and if possible let the people choose the men they send to advise us.” The measure which eventually took shape as the Act of 1892 was initiated by discussions in Lord Dufferin's time in which Sir George Chesney, Sir Charles Aitchison and Mr. Westland took prominent part. We should like to bear testimony to the breadth of outlook and wisdom that marks their deliberations. The position as they then conceived it was that a limited but important section of Indian opinion demanded advance; elected chambers with power to control the executive were a premature conception because no electorates existed; but reforms were needed both in order to supply the councils with the local knowledge which was lacking and also to give them more liberty and power. We take, for instance, the following passage from Sir Charles Aitchison, as stating with great judgment the governing conditions of the problem which presented itself:—

“In my note of 19th January 1898, written with reference to the request of the Chambers of Commerce and other public bodies that the annual Imperial budget should be submitted to discussion in the Legislative Council of the Governor General, I pointed out that the proposal involved very much wider issues, and was in reality only the first step towards giving the legislature power of interpellation in executive affairs and of criticising and controlling the executive Government in every department of the administration: a power which Parliament had deliberately withheld when the Indian Councils Act was framed. I therefore suggested

that the question of general policy underlying the proposal should first be settled ; that any changes which commend themselves should first be made in the legislative councils of local Governments, and their effect waited for before taking steps in the supreme legislative council which might prove unwise and would certainly be irrevocable ; that in any case the time had come when large measures of decentralization could be adopted and the powers of local Governments could be increased with advantage to the conduct of affairs, relief to the Government of India, and corresponding economy ; and that such decentralization was a necessary prelude to any enlargement of the powers and functions of the local legislative councils.

“ Obviously it is an easier matter to popularise the local than the Imperial Council, and the risk on untried paths is less serious. Decentralization is therefore an essential preliminary. There is no room for local councils while the Government of India and the Secretary of State practically retain everything of importance and interest, and even much that is trifling and unimportant, in their own hands. If councils are to be of any use, a sphere must be provided within which their influence can be felt and their opinion will be potent in the settlement of affairs. As a mere arena of *ex post facto* debate councils will be little else than mischievous. Such debates avowedly lead to no practical action, and are apt to degenerate into acrimonious invective. As a means of expounding and explaining Government policy and measures, councils have no doubt a limited use, but such as will never satisfy the requirements of the day. More harm indeed than good may be done if the explanations are blundering, and especially if they are not perfectly frank and unreserved. The true use of councils, in my opinion, is as consultative bodies to help Government with advice and suggestion. It is with a view to this rather than to interpellation or debate and criticism that their machinery should be reorganised.”

Lord
Dufferin's
Committee.

67. We are impressed with the bold approach which the members of Lord Dufferin's Committee were prepared to make even thirty years ago towards the position in which we now find ourselves. They recommended for example that the councils should see papers freely and originate advice or suggestions ; that debates on such advice or suggestions should be permitted ; and that the estimates connected with local finance should be referred to a standing committee and debated if necessary in council. They also were concerned to bring into public affairs the gentry and nobility of the country ; and for this purpose they devised a council which should consist of two orders or divisions both containing some official members. They made the radical suggestion that election should be introduced as far as possible—in the first division directly, on a high property qualification, and in the second division indirectly, by local bodies and the universities. They advised that care should be taken to secure the fair representation of all classes ; that power should be reserved to Government to pass measures in certain cases against the votes of a majority in council ; and that councils should be of moderate size and not more than two-fifths elected. In these recommendations it is interesting to encounter the germ of proposals which bulk largely in our present inquiry, for standing committees, grand committees, upper houses, reserved and transferred subjects, and the like.

Lord
Dufferin's
views.

68. Lord Dufferin's view of the situation is contained in the following noteworthy passage—

“ It now appears to my colleagues and to myself that the time has come for us to take another step in the development of the same liberal policy, and to give, to quote my own words, ‘ a still wider share in the administration of public affairs, to such Indian gentlemen as by their influence, their acquirements, and the confidence they inspire in their fellow-countrymen are marked out as fitted to assist with their counsels the responsible rulers of the country.’” But it is necessary that there should be no mistake as to the nature of our aims, or of the real direction in which we propose to move. Our scheme may be briefly described as a plan for the enlargement of our provincial councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. From this it might be concluded that we were contemplating an approach, at all events as far as the provinces are concerned, to English parliamentary government and an English constitutional system. Such a conclusion would be very wide of the mark ; and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression. India is an integral portion, and it may be said one of the most important portions of the mighty British Empire. Its destinies have been confided to the guidance of an alien race, whose function it is to arbitrate between a multitude of conflicting or antagonistic interests, and its Government is conducted in the name of a monarch whose throne is in England. The executive that represents her *imperium* in India is an executive directly responsible, not to any local authority, but to the Sovereign and to the British Parliament. Nor could its members divest themselves of this responsibility as long as Great Britain remains the paramount administrative power in India. But it is of the essence of constitutional government as Englishmen understand the term, that no administration should remain at the head of

affairs which does not possess the necessary powers to carry out whatever measures or policy it may consider to be 'for the public interest.' The moment these powers are withheld, either by the Sovereign or Parliament, a constitutional executive resigns its functions and gives way to those whose superior influence with the constituencies has enabled them to overrule its decisions, and who consequently become answerable for whatever line of procedure may be adopted in lieu of that recommended by their predecessors. In India this shifting of responsibility from one set of persons to another is under existing circumstances, impossible; for if any measure introduced into a legislative council is vetoed by an adverse majority, the Governor cannot call upon the dissentients to take the place of his own official advisers, who are nominated by the Queen-Empress on the advice of the Secretary of State. Consequently the vote of the opposition in an Indian council would not be given under the heavy sense of responsibility which attaches to the vote of a dissenting majority in a constitutional country; while no responsible executive could be required to carry on the government unless free to inaugurate whatever measures it considers necessary for the good and safety of the State. It is, therefore, obvious, for this and many other reasons, that, no matter to what degree the liberalization of the councils may now take place, it will be necessary to leave in the hands of each provincial Government the ultimate decision upon all important questions, and the paramount control of its own policy. It is in this view that we have arranged that the nominated members in the council should outnumber the elected members, at the same time that the Governor has been empowered to overrule his council whenever he feels himself called upon by circumstances to do so.

"But, though it is out of the question either for the supreme or for the subordinate Governments of India to divest themselves of any essential portion of that Imperial authority which is necessary to their very existence as the ruling power, paramount over a variety of nationalities, most of whom are in a very backward state of civilization and enlightenment, there is no reason why they should not desire to associate with themselves in council in very considerable numbers such of the natives of India as may be enabled by their acquirements, experience, and ability to assist and enlighten them in the discharge of their difficult duties. Nor can it be doubted that these gentlemen, when endowed with ample and unrestricted powers of criticism, suggestion, remonstrance, and enquiry, will be in a position to exercise a very powerful and useful influence over the conduct of provincial and local public business which alone it is proposed to entrust to them. As inhabitants of the country, as intimately associated with its urban and rural interests, as being in continual contact with large masses of their fellow-countrymen, as the acknowledged representatives of legally constituted bodies, or chosen from amongst influential classes, they will always speak with a great weight of authority; and as their utterances will take place in public, their opinions will be sure to receive at the hands of the press whatever amount of support their intrinsic weight or value may justify. By this means the field of public discussion will be considerably enlarged, and the various administrations concerned will be able to shape their course with the advantage of a far more distinct knowledge of the wishes and feelings of the communities with whose interests they may be required to deal than has hitherto been the case;—for those wishes and feelings will be expressed, not, as at present, through self-constituted, self-nominated and therefore untrustworthy channels, but by the mouths of those who will be the legally constituted representatives of various interests and classes, and who will feel themselves in whatever they do or say, responsible to enlightened and increasing sections of their own countrymen."

All that the Government hoped to do, he added, was by associating with them in the task of administration a considerable number of persons "selected and elected" from the educated classes to place themselves in contact with a larger surface of Indian opinion, and thus to multiply the channels by which they would ascertain the wants and feelings of the various communities for whose welfare they were responsible.

69. Lord Dufferin left India shortly after these words were written, and the Secretary of State's reply was addressed to his successor. Lord Cross rejected the cardinal recommendation that for the popular element in councils recourse should be had as far as possible to the principle of election, and said that he thought "it would be unwise to introduce a fundamental change of this description without much more positive evidence in its favour than was forthcoming". The system was unfamiliar to Oriental ideas, and had only been tried on a small scale in local bodies. But Lord Lansdowne's Government stood to their guns. They urged that they should not be precluded from resort to some form of election where conditions justified belief in it; and they asked for power to make rules for the appointment of additional members by nomination or otherwise. They had their way. There are few more unobtrusive provisions in the statute book than the once famous "Kimberley clause" (due really to Lord Northbrook) which is the basis of section 74 (4) of the Government of India Act, 1915. That clause, while purporting merely to empower the Governor General in Council with the sanction of the Secretary

Introduction
of elections
for provincial
councils.

of State in Council to make regulations as to the conditions of nomination of the additional members, in reality effected a revolution in the constitution. Her Majesty's Ministers had refused to recognise the principle of election; but the official spokesman of Government conceded in the most guarded terms that the door was not barred against it. Mr. Curzon said that—

“It would be in the power of the Viceroy to invite representative bodies in India to elect or select or delegate representatives of themselves and their opinions to be nominated to those houses, and thus by slow degrees, by tentative measures—and in a matter like this measures cannot be otherwise than tentative—we may perhaps approximate in some way to the ideal.”

Mr. Gladstone speaking for the Opposition was quick to pin the Government down to a declaration that the experiment of election was to receive as reasonable a trial as the circumstances of India permitted.

“The great question we have before us—the question of real and profound interest—is the question of the introduction of the elective element into the the Government of India. *

* I am not at all disposed to ask them at once to produce large and imposing results. What I wish is that their first step shall be of a nature to be genuine and whatever amount of scope they give to the elective principle shall be real. The honourable gentleman did not indicate where such materials for the elective element were to be found. Undoubtedly, Sir, as far as my own prepossessions go, I should look presumptively with the greatest amount of expectation and hope to the municipal bodies and the local authorities in India, in which the elective element is already included.”

What happened was exactly what might have been anticipated by anyone familiar with British political development. Her Majesty's Government in transmitting the Act of 1892 explained that the intentions of Parliament were that—

“Where corporations have been established with definite powers upon a recognised administrative basis, or where associations have been formed upon a substantial community of legitimate interests, professional, commercial or territorial, the Governor General and the local Governors might find convenience and advantage in consulting from time to time such bodies, and in entertaining at their discretion an expression of their views and recommendations with regard to the selection of members in whose qualifications they might be disposed to confide.”

Technically, the function of the nominating bodies was to be that of recommendation only; but the political sense of the Government of India told them that it was impracticable either to insist on selection from a panel of names preferred, or to reject individual nominations at discretion. They also declined, otherwise than by laying down certain general qualifications, to fetter the discretion of the recommending bodies. In consultation with local Governments they drew up regulations which Lord Kimberley accepted. These provided for an official majority, but restricted it so far as was thought possible; and they also left the majority of the non-official seats to be filled by recommendation. The term “election” was sedulously eschewed; but inasmuch as the nominations by recommending bodies came to be accepted as a matter of course the fact of election to an appreciable proportion of the non-official seats was firmly established.

The Act of 1892 also followed the recommendations of Lord Dufferin's Committee so far as to give the councils the right of asking questions, and of discussing though not of voting upon the budget. To this limited extent we find it recognized—contrary to the decision of 1861—that the functions of councils were thenceforward to be more than merely legislative, or merely advisory.

Working of
provincial
regulations.

70. Rather more than five years later, Lord George Hamilton ordered the working of these regulations to be reviewed with the object of seeing how far they had secured the representation of all important classes. Inquiry showed both in Madras and Bombay that the district boards and municipalities, which constituted the nominating authorities for rural areas, tended to nominate lawyers far too exclusively, but neither Government was disposed to press for any change. In Bengal, however, one seat was transferred from the rural municipalities to the large landowners who had not hitherto been given a right of nomination. The general idea was that the machinery for representation at that time corresponded to the needs of the country; and so for another ten years the elective element in the provincial councils consisted of at the utmost eight members, returned by a few large cities, by groups of municipalities

and district boards, by large zamindars, by chambers of commerce and by universities.

71. The same principle of election disguised as recommendation was also adopted in 1892 for the legislative council of the Governor General. But the reformers of that period felt bound to work within the statutory maximum limit of sixteen additional members, which made it impossible, if an official majority was to be kept, to admit more than ten non-officials. Four of these seats they allotted to recommendation by the non-official members of the four provincial councils, and one to the Calcutta Chamber of Commerce. Abandoning as hopeless the idea of securing the representation of the vast residuary area and population of the country by any *quasi*-elective machinery, they fell back for the filling of the five remaining non-official seats upon the process of nomination by the Governor General.

Elections for the Indian Legislative Council.

72. The impulses which led in 1906 to the initiation of the reforms associated with the names of Lord Morley and Lord Minto were partly internal, partly external. Fourteen years' experience of the reforms of 1892 had been on the whole favourable. Criticism had mostly been temperate though not always well-informed. Useful information had been often, and valuable suggestions not infrequently received; and the association of the leaders of the non-official public in the management of affairs even in a restricted and rudimentary form had afforded an outlet for natural aspirations and some slight degree of education in the art of government. Non-official speakers in council and speakers and organs of the Indian National Congress were claiming that the time had come for further advance. Internally indeed the period was one of marked unrest, to which the Russo-Japanese war of 1904-05, the Universities Act of 1904, and the partition of Bengal had contributed. In November 1905 Lord Minto had replaced Lord Curzon as Viceroy, and in December Lord Morley became Secretary of State for India. In these circumstances Lord Minto, of his own initiative but with the full cognisance and approval of the Secretary of State, followed Lord Dufferin's example in appointing a committee of Council composed of Sir Arundel Arundel, Sir Denzil Ibbetson, Mr. Erle Richards, and Mr. Baker, to consider among other matters the increase of the representative element in the Indian and provincial legislative councils. His reasons for so doing may be best stated in his own words:—

Reasons for further advance.

“Indian affairs and the methods of Indian administration have never attracted more public attention in India and at home than at the present moment. The reasons for their doing so are not far to seek. The growth of education which British rule has done so much to encourage is bearing fruit. Important classes of the population are learning to realise their own position, to estimate for themselves their own intellectual capacities, and to compare their claims for an equality of citizenship with those of a ruling race, whilst the directing influences of political life at home are simultaneously in full accord with the advance of political thought in India.

“To what extent the people of India as a whole are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of the country, to what extent it may be possible to weld together the traditional sympathies and antipathies of many different races and different creeds, and to what extent the great hereditary rulers of Native States should assist to direct Imperial policy, are problems which the experience of future years can alone gradually solve.

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

73. The problem which Lord Minto's Government set themselves to solve was how to fuse in one single government the two elements which they discerned in the origins of British power in India. They hoped to blend the principle of autocracy derived from Moghul emperors and Hindu kings with the principle of constitutionalism derived from the British Crown and Parliament; to create a constitutional autocracy, which differing *toto coelo* from Asiatic despotisms, should bind itself to govern by rule, should call to its counsels representatives of all interests which were

Statement of the problem in 1907.

capable of being represented, and should merely reserve to itself in the form of a narrow majority predominant and absolute power. They hoped to create a constitution about which conservative opinion would crystallise and offer substantial opposition to any further change. They anticipated that the aristocratic element in society and the moderate men, for whom there was then no place in Indian politics, would range themselves on the side of the Government, and oppose any further shifting of the balance of power and any attempt to democratise Indian institutions.

Dissatisfaction with the solution.

74. These sanguine expectations were short-lived. In nine years the Morley-Minto reforms have spent their utility. They are no longer acceptable to Indian opinion; and in the light of experience official opinion also views them with a critical eye. We judge that this is due in varying degrees to the political development brought about by the reforms themselves, to the precipitation of democratic feeling caused by the war, to some inherent features of the scheme of reforms itself, and to Lord Morley's assertion that these reforms were not meant to lead to Parliamentary government. Indeed, Lord Morley wholeheartedly accepted and even emphasised the contention of Lord Minto's Government that they were not aiming at responsible government. He wrote:—

"Your Excellency's disclaimer for your government of being 'advocates of representative government for India in the Western sense of the term,' is not any more than was to be expected. Some of the most powerful advocates of the representative system in Europe have learned and taught from Indian experiences of their own that, in Your Excellency's words, 'it could never be akin to the instincts of the many races comprising the population of the Indian Empire'. One reason among many is suggested by the statement in the portion of your despatch dealing with local Governments, that 'Indian gentlemen of position ordinarily refuse to offer themselves as candidates to a wide electorate, partly because they dislike canvassing, and partly by reason of their reluctance to risk the indignity of being defeated by a rival candidate of inferior social status'. While repudiating the intention or desire to attempt the transplantation of any European form of representative government to Indian soil, what is sought by Your Excellency in Council is to improve existing machinery, or to find new, for 'recognising the natural aspirations of educated men to share in the government of their country'. I need not say that in this design you have the cordial concurrence of His Majesty's Government.

"One main standard and test for all who have a share in guiding Indian policy, whether at Whitehall or Calcutta, is the effect of whatever new proposal may at any time be made upon the strength and steadiness of the paramount power. In Indian government there is no grace worth having in what is praised as a concession, and no particular virtue in satisfying an aspiration, unless your measures at the same time fortify the basis of authority on which peace and order and all the elements of the public good in India depend. In the whole spirit of Your Excellency's despatch I read the conviction that every one of the proposals advanced in it is calculated by enlisting fresh support in common opinion on the one hand, and on the other by bringing government into closer touch with that opinion, and all the currents of need and feeling pervading it, to give new confidence and a wider range of knowledge, ideas, and sympathies, to the holders of executive power."

Salient features of the 1909 reforms. System of representation.

75. We need not review the correspondence in which the proposals were developed. Our purpose will be served by setting forth the salient features of the scheme with a brief explanation of the considerations which shaped them. Its authors agreed that in the immense diversity of interests and opinions in India representation by classes and interests was the only practicable means of embodying the elective principle in the constitution of the councils. For certain limited interests, such as the presidency corporations, universities, chambers of commerce, or the planting community, it was an easy task to frame limited electorates. Difficulties began when it was a question of providing for widespread interests or communities, such as the landholding or professional classes, or for important minorities, such as the Muhammadans in many provinces or the Sikhs in the Punjab. The Muhammadans indeed pressed for and obtained from Lord Minto a promise that they should elect their own members in separate Muhammadan constituencies. It is probable that the far-reaching consequences of this decision and the difficulties which it would create at a later stage were not fully foreseen: we shall have occasion to discuss them later. Similarly to the large land-owning interests a special electorate was conceded based on a high franchise. The residuary constituencies for the provincial councils—which constitute the only means of representation of the people at large—were constructed out of municipalities and district boards voting in groups.

76. Lord Minto's Government were at first disposed to maintain a bare official majority in the provincial councils, but to summon ordinarily only such number of official members as would be necessary for the transaction of business. But in Bombay it had already been found possible to do without an official majority, and in the year 1906 the local council consisted of 10 officials and 14 non-officials though to three of the latter seats officials might at any time be appointed. It was decided therefore to face the risks of abandoning the official majority in provincial councils; to rely partly on the use of the veto, partly on the statutory restrictions attaching to provincial legislation, to prevent the carrying of undesirable laws; and to trust to the concurrent powers of legislation possessed by the Governor General's legislative council for the enactment of necessary laws which the provincial council refused. The provincial legislatures were enlarged up to a maximum limit of 50 additional members in the larger provinces; and 30 in the smaller; and the composition was generally so arranged as to give a combination of officials and nominated non-officials a small majority over the elected members except in Bengal where there was a clear elected majority.

Abandonment of official majority in the provincial councils.

The Indian Legislative Council was also enlarged. According to the present regulations the number of additional members is ordinarily 60. Not more than 28 may be officials. The Governor General also nominates three non-officials to represent certain specified communities and has at his disposal two other seats to be filled by nomination. In this case also it was found necessary to rely largely on the representation of interests rather than territories. The 27 elected seats are partly shared by certain special constituencies such as the landowners in seven provinces, the Muhammadans in five provinces, Muhammadan landowners in one province (at alternate elections only) and two chambers of commerce, while the residue of open seats is filled by election by the non-official members of the nine provincial legislative councils. We may explain that our figures take account of the further changes in the regulations necessitated by the re-partition of Bengal and the subsequent constitution of a legislative council for the Central Provinces. On the Governor General's Legislative Council a small official majority was thus retained. Lord Morley laid it down that the Governor General's Council "in its legislative as well as its executive character should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe to His Majesty's Government and to the Imperial Parliament."

77. The regulations in which these provisions were embodied made an important new departure in expressly recognising the principle of election which the regulations of 1893 had practically but not legally admitted. Up to 1909, as we have seen, there was no obligation to accept the nomination made by the recommending bodies, but in practice the nomination was never disregarded. We have, however, seen it stated that the existence of power to reject a nomination did lead in a few cases to the withdrawal of some undesirable candidatures. The legal recognition of the elective principle in 1909 necessarily involved the imposition of legal disqualifications for election: and an oath or affirmation of allegiance to the Crown was at the same time imposed.

Legal recognition of the elective principle.

78. No less important than these changes in the composition of the councils were the changes in their functions. It is quite true that so far as legislative duties are concerned the somewhat old-fashioned provisions of the Act of 1861 continued mainly to regulate their powers: but the deliberative sphere of the councils was enlarged in a striking manner. As we have said, for thirty years between 1861 and 1892 the councils had no other function than that of legislation. The Act of 1892 gave members power to discuss the budget but not to move resolutions about it or to divide the council. It became the practice accordingly to allot annually one or two days a year to the discussion of a budget already settled by the executive government. Lord Morley's Act empowered the councils to discuss the budget at length before it was finally settled, to propose resolutions on it, and to divide upon them. Not only on the budget, however, but on all matters of general public importance resolutions might henceforth be proposed and divisions taken. The resolutions were to be expressed and to operate as recommendations to the executive government. On certain questions, among which may be mentioned

Right to move resolutions.

matters affecting Native States, no resolutions could be moved. Any resolution might be disallowed by the Head of the Government acting as president of the Council without his giving any reason other than that in his opinion the resolution could not be moved consistently with the public interest. At the same time the right to ask questions of the Government was enlarged by allowing the member who asked the original question to put a supplementary one.

Nature of the
advance
made.

79. In the next chapter we shall have something to say about the working of these reforms in practice. But here we may pause for a moment to point out how the Morley-Minto changes carried constitutional development a step further. They admitted the need for increased representation, while reiterating the impossibility of basing it generally on a direct or general franchise. They admitted the desirability of generally securing non-official approval to the government legislation, though they trusted in an emergency to the support of nominated members, to the division of interests between different classes of elected members, and in the last resort to overriding legislation in the Indian legislative council where an official majority was retained. Frankly abandoning the old conception of the councils as a mere legislative committee of the Government, they did much to make them serve the purpose of an inquest into the doings of Government, by conceding the very important rights of discussing administrative matters and of cross-examining Government on its replies to questions. Lord Morley's disclaimer—"If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it"—is no doubt explicable when we remember his stout insistence on the sovereignty of the British Parliament, and his acceptance of the decided advice of Lord Minto's Government, backed by the experience of every Indian administrator of eminence, that anything beyond very limited constituencies and indirect franchises was unthinkable in India. He took the constitutional view that no relaxation of the control exercised by the British electorate was possible until an Indian electorate, which was not then in sight, had arisen to take the burden from its shoulders. Nonetheless we are constrained to say that the features of his reforms which we have described do constitute a decided step forward on a road leading at no distant period to a stage at which the question of responsible government was bound to present itself.

A legislative
convention.

80. One more point calls for notice in this review of the growth of legislative bodies in India. We pointed out in paragraph 63 that the central legislature retained the right of legislating for the whole of India. But there has been growing up during recent years a convention by which the Government of India do not ordinarily legislate for any province in matters which are within the competence of the provincial legislative council. The institution of such councils in the smaller provinces has confirmed this tendency, which by this time has acquired such strength that it is safe to say that very special reasons indeed must now be forthcoming before the Indian legislature would concern itself with any matter with which a provincial legislature was fully competent to deal.

Conclusions.

81. But the reforms of 1909 afforded no answer, and could afford no answer, to Indian political problems. Narrow franchises and indirect elections failed to encourage in members a sense of responsibility to the people generally, and made it impossible, except in special constituencies, for those who had votes to use them with perception and effect. Moreover, the responsibility for the administration remained undivided: with the result that while Governments found themselves far more exposed to questions and criticism than hitherto, questions and criticism were uninformed by a real sense of responsibility, such as comes from the prospect of having to assume office in turn. The conception of a responsible executive, wholly or partially amenable to the elected councils, was not admitted. Power remained with the Government and the councils were left with no functions but criticism. It followed that there was no reason to loose the bonds of official authority, which subjected local governments to the Government of India and the latter to the Secretary of State and Parliament. Such a situation, even if it had not been aggravated by external causes, might easily give rise

to difficulties: the plan afforded no room for further advance along the same lines. Only one more thing remained to do, and that was to make the legislative and administrative acts of an irremovable executive entirely amenable to the elected councils; on which must have ensued the deadlock and disruption to which we refer elsewhere. The Morley-Minto reforms in our view are the final outcome of the old conception which made the Government of India a benevolent despotism (tempered by a remote and only occasionally vigilant democracy), which might as it saw fit for purposes of enlightenment consult the wishes of its subjects. To recur to Sir Bartle Frere's figure, the Government is still a monarch in durbar; but his councillors are uneasy, and not wholly content with his personal rule; and the administration in consequence has become slow and timid in operation. Parliamentary usages have been initiated and adopted in the councils up to the point where they cause the maximum of friction, but short of that at which by having a real sanction behind them they begin to do good. We have at present in India neither the best of the old system, nor the best of the new. Responsibility is the savour of popular government, and that savour the present councils wholly lack. We are agreed that our first object must be to invest them with it. They must have real work to do: and they must have real people to call them to account for their doing of it.

Chapter IV.—The Morley-Minto Councils.

82. We have already explained in some detail the changes effected in the legislative councils in Lord Minto's time. We now propose to examine the reformed councils in working and to attempt to gauge the extent to which they have fulfilled expectations. It was claimed for them that they would associate the people in a real and effective manner "in the work not only of occasional legislation but of actual every-day administration." Let us see how they have done so. In the first place we shall consider the extent to which the councils have been in any true sense representative of the people, and thereafter we shall see in how far the people's representatives have been able to influence legislation and administration in the councils. Introductory.

83. No one can deny that as an embodiment of the representative principle the present electoral system has great defects. The chief of these are the very restricted nature of the present franchise, and, except in the constituencies composed of the members of some special class or community, the lack of any real connexion between the primary voter and the member who sits in the councils. In the Indian Legislative Council there are eighteen members who are elected to speak for sectional interests, and nine who may be said to represent, however remotely, the views of the people as a whole. So far as can be stated, the largest constituency which returns a member directly to the Indian Legislative Council does not exceed 650 persons; and most of the constituencies are decidedly smaller. The constituencies which return the nine representatives of the people at large are composed of the non-official members of the various provincial legislative councils, and the average number of voters in these electoral bodies is only twenty-two, while in one case the actual number is nine. In the case of the provincial councils themselves there is the same division of members between those who are directly elected to represent special interests and those who are elected indirectly as the representatives of the general population. For the latter the members of municipal and local boards either act as electors or else choose electoral delegates to make the election; but in neither case do the constituencies exceed a few hundred persons. If we ignore the small class constituencies, then local bodies, which in a limited sense may be taken as standing for the people at large, enjoy the best representation and return 7·4 members for every 1,000 electors. Then come the landholders with 3·6 representatives for every 1,000 electors, and then the Muhammadans with 1·3 members per 1,000 electors. But whereas election is direct in the two last cases, it is indirect and, in cases where delegates are chosen, doubly indirect in the case of local bodies: because the members of the municipal and local boards are themselves elected by constituencies, which cast their votes purely with reference to personal or local considerations and without any thought of contributing to determine the composition of the legislative councils. In such circumstances we are bound to hold that in the one case the non-official members of the provincial councils, and in the other case the members of the municipal and local boards are for practical purposes primary voters so far as their representatives in the Indian and provincial legislative councils are concerned. There is absolutely no connexion between the supposed primary voter and the man who sits as his representative on the legislative council, and the vote of the supposed primary voter has no effect upon the proceedings of the legislative council. In such circumstances there can be no responsibility upon, and no political education for, the people who nominally exercise a vote. The work of calling into existence an electorate capable of bearing the weight of responsible government is still to be done; and as we shall see, the difficulties are great and it is likely to be a work of time. Defects of the existing electoral system. Restricted nature of the franchise.

84. A minor but still noteworthy result of the present electoral system is the large percentage of members of the legal profession who succeed at elections. If we look at the constitution of the Indian Legislative Council after the elections of 1909, 1912 and 1916, we see that the percentage of lawyers among all the non-official elected members was 37, 26 and 33 respectively: and if we exclude members returned by constituencies of the landholding and commercial Large proportion of lawyers returned.

classes, and also the special Muhammadan representatives, regarding whom no figures have been compiled, and look only to the members returned by the non-official members of provincial legislative councils, we find that the legal profession gained between 40 per cent. and 45 per cent. of the seats in 1909 and 1912 and in the present council hold 54 per cent. This increase has been gained chiefly at the expense of the landholders, who have also lost ground to the representatives of commercial interests. Turning to the provincial councils we find much the same state of affairs. In most of these councils also there are seats specially reserved for landholders and commercial men, which are naturally filled by members of these classes. This reduces the legal element in the councils as a whole. Even so, the proportion of lawyers among the elected members of all the councils together (excluding Burma) was 38 in 1909, 46 in 1912 and 48 in 1916. But if we take those constituencies only which are intended to represent the views of the people at large, as distinct from any special interests, that is to say the constituencies formed of members of local and district boards, we find that in 1916 out of 70 such constituencies no less than 49 or 70 per cent. returned lawyers as their members. The conclusion to be drawn from these figures is that in the only constituencies in which members of the general population are represented the chances are at least two to one that a lawyer will be returned. Now the predominance of the lawyer in politics is a feature of parliamentary institutions elsewhere: and it is obvious that the art of parliamentary government which is so largely concerned with the making of laws and so largely conducted through the medium of persuasive speech must in any case offer the lawyer a definite advantage. In India these conditions may be accentuated by the fact that the choice of occupations open to the educated classes has hitherto been narrowly limited. The class that is both leisured and educated is a small one. At the same time so great a political predominance of men of one calling is clearly not in the interests of the general community, and it is therefore out of no antagonism to the members of an honourable profession or failure to appreciate their value in the councils that we suggest that in framing our new constituencies an important object to be borne in mind is to ensure that men of other classes and occupations find a sufficient number of seats in council. It may be that this can be attained by prescribing certain definite qualifications for rural seats.

The official
Bloc.
Its working.

85. On the other hand the arrangements for presenting and enforcing the Government's view are no less open to criticism. The old idea that the legislative councils are only the Governments in their legislative aspect still appears in the language of sections 63 and 73 of the Government of India Act, and as we shall see has quite recently been enforced by Secretaries of State. This is no doubt a main reason why the official *bloc* has been maintained with peculiar rigidity in the councils. Non-official members have long since enjoyed the right of introducing legislation; but the view that law-making was still primarily the prerogative of the executive Government which is amenable to Parliament has so far endured that it has been the exception and not the rule for Government to leave its official members free to speak and vote as they choose even on private members' business. On Government business their mandate has been stricter. The proceedings in council have been controlled by Government: generally speaking, Government officials are not expected to ask questions or move resolutions, or (in some councils) to intervene in debate or even to rise to points of order without Government's approval, and, though there is of late a tendency to treat more matters as open questions, when a division is taken the official members nearly always vote by order in support of Government.

Its effect
on officials.

86. The effect upon the proceedings in council can be readily imagined. The Government mandate has been compared to the rigidity of party discipline in the House of Commons, but, as we think, to little purpose. The reason which induces a member to acquiesce in the whips' bidding is the perception that, as the defeat of the Government ordinarily means a change of ministry, it is his duty to sacrifice his personal opinions on a particular point for the greater principles for which his party stands. Moreover, there comes a time when individual judgment asserts itself and Governments fall because some of

their supporters vote against them. The essence of the system is political responsibility. But the official obligation to vote with Government in an Indian legislative council is continuing, and is not made palatable by any necessity of securing an irremovable Government from demise; and as Mr. Gladstone saw many years ago the conflict between conscience and discipline may become acute.

87. Upon the Indian members of the legislative councils the effect is frankly irritating. It prejudices in their view the position of the official members who form the *bloc*. Indian members may share in a debate in which the majority of speakers, and in their eyes the weight of argument are arrayed against the Government. The Government having only one view to present often contents itself with doing so through a single mouthpiece. But when a decision is taken the silent official phalanx effectively carries the Government measure or votes down the private member's resolution. The Indian member's views are therefore rarely placed on record as the opinion of the council, because the council's decision is in a majority of cases the decision of the Government. We may add that most Governments dislike the use of the official *bloc*, and that most of the men who compose it dislike the position in which they find themselves. The fact that Indian officials in the councils are rare and that the few English non-official members as a rule vote with the Government helps not merely to exacerbate the cleavage but to give it an unamiable character. It tends to stimulate the discussion of racial questions, and to give an edge to the debate. But above all the official solidarity naturally stifles any differences that exist between Indian elected members and drives them to a league against Government, into which the nominated Indian members also tend to enter.

88. These factors contribute to the unreality of the proceedings. Because the number of elected members is small and the issue is often known beforehand, the debates lack life unless feelings are aroused or interests are directly affected; and because the Government has to a great extent controlled the proceedings the councils have not felt the need of developing any corporate opinion which would have the effect of raising the standard of individual performance. Nevertheless the quality of speeches on both sides is improving; there is less reading than formerly of manuscripts prepared without reference to the debate; less repetition of points already dealt with and disposed of. Experience of the occasions when Government has withdrawn from the discussion and left the natural cleavages of opinion to declare themselves shows how much greater vitality may be infused into the council work in future if the official *bloc* be withdrawn.

89. To illustrate the way in which official command over the councils was maintained we may notice two incidents in 1911 and 1912 which brought out clearly the Janus-like nature of the Morley-Minto constitution. It will be remembered that official members were first introduced into the Indian Legislative Council when that body was the only legislature in India, with the intention of ensuring that provincial interests were represented in it. Even when all the provinces had councils of their own this idea survived; and after the Indian budget was thrown open to discussion by Lord Dufferin's reforms, we find that it was still quite a common practice for provincial members in the central legislative council to express dissatisfaction with the terms granted to their provinces in the financial settlements. This usage continued after the Morley-Minto changes; but the Government of India no longer listened with equal tolerance to criticisms of their financial decisions, and members of the executive Government responded with a fervour which surprised and staggered the provincial critics. Two provincial Governments protested against this sudden change of attitude; but Lord Hardinge's Government ruled that the reforms of 1909 had entirely changed the position. Their official majority, they said, had been reduced to its lowest practicable limits; and provincial official members were now present not to speak for their provinces but to support the Government of India in the budget debate just as in legislation. So long as the official element was wholly predominant in the Indian Legislative Council no objection was felt to criticism by the official provincial members: but with the admission of a large elected contingent it was necessary to close the ranks,

to exclude the freedom of expression which had hitherto been conceded, and to discard the fiction that the Indian legislative chamber was the medium of discussion between the central and the subordinate governments. Now it is reasonable to conclude that in pleading for better financial terms for their presidencies the Madras and Bombay official representatives were expressing the views, not merely of the presidential Governments, but of the elected members of the provincial councils; and we have the dilemma that under the Morley-Minto scheme official indulgence of the popular view may easily find itself in conflict with official discipline.

Position of provincial Governments.

90. Precisely the same clash of principle occurred in another form a year later. The Bombay Government had been unsuccessful in their endeavours to persuade the Government of India to sanction certain changes affecting the educational staff. With the merits of their proposals we are not concerned. But the proposals were popular locally, and were again put forward for adoption in a resolution moved in the Bombay legislative council by an elected member. The Bombay Government thereupon accepted the resolution which was carried unanimously; and once more they put forward their proposals to the Government of India on the ground that they had the council's entire support. The Government of India and the Secretary of State held that these tactics were out of order. Lord Crewe's words are worth quoting:—

"The Government of India have no representation on a provincial council, and the defence of their policy and orders in matters of provincial administration, as well as that of any that may have been laid down by the Secretary of State, is wholly entrusted in these assemblies to the local Government. Therefore for reasons similar to those for which Your Excellency's Government in the Imperial Council are careful to preserve your solidarity with the Secretary of State, it is incumbent on a provincial Government in the conduct of the business of its Legislative Council to avoid disclosing a difference of opinion in an administrative matter between the Imperial and the provincial Governments, and doing anything to foster the impression that there may be opposition between the constitutional responsibilities of those Governments, when no such opposition either does or can exist. There is for India one system of administration and one alone; and it is only by bearing steadily in mind this fundamental principle that the solidarity of the administration can be kept unimpaired and those disruptive tendencies controlled which must always form the chief risk of decentralization of authority. It was, therefore, in my view the duty of the local Government in dealing with the resolution to uphold with all their authority the decision of the Government of India."

Once more we find the principles of official subordination and official unity of view successfully opposed to the principle of meeting the popular wishes. The moral is a plain one. Deference to non-official wishes in India is not always consistent with the official discipline which is necessary to the supremacy of the Secretary of State and Parliament. So long as the latter remain unaltered there can be no reality about the powers of the councils; and if we are to give the provincial councils power, Parliament and the Secretary of State and the Government of India also must realise this.

Work of the councils.

91. Turning now to the work actually done in the council chamber, we must distinguish the work of the Indian Legislative Council from that of the provincial councils. Not only is the business coming before the former of greater importance but the character of the assembly is different. It is less homogeneous than a provincial council; its members generally have less immediate knowledge of many of the subjects with which it is concerned; and discussion is relatively more concerned with principles than details. Moreover, unlike the provincial councils the Indian Legislative Council has an official majority.

The Indian Legislative Council. Influence of non-official members on legislation.

92. A casual observer turning over the proceedings of the Indian Legislative Council from 1910 onwards might be struck by the Council's apparent lack of interest in what he would probably regard as its most important function, namely, legislation. In the eight years 1910—17 the council passed 131 laws, of which no fewer than 77 or 59 per cent. were passed without any discussion whatsoever. But examination of the proceedings shows that a very large proportion of these were financial or petty amending Acts, while many others, especially since the outbreak of war in 1914, were measures of a more or less technical nature which the council rightly felt that it was not competent to discuss. Moreover the policy of the Government of India has been to avoid contentious

legislation during the war, and some measures which might arouse controversy, such as the Bill to amend the Criminal Procedure Code, have for this reason been deliberately postponed. We must also remember that the central council contains representatives of the more backward as well as of the more advanced provinces, for which reason the general level of ability and power of expression among the non-official members is perhaps higher in the councils of the more advanced provinces. Nor indeed can it be said that the provincial Governments have always been at pains to send up their best official representatives to the central council. They have sometimes naturally preferred to retain their services for the provincial councils. But perhaps the most important reason why so many Bills have met with small opposition lies in the Government's policy of avoiding opposition as far as possible. With this end in view every effort is made before a Bill is introduced to ascertain as far as possible non-official opinion. It is probably true that the council exercises a greater influence on the shape of Bills before they are introduced, than when they are actually under discussion. The tendency is for the Departments to prune a Bill beforehand of all features expected to arouse controversy, and thereafter to oppose all material amendments. It may thus happen that amendments proposed in council are less frequently adopted than suggestions submitted before the introduction of Bills. The constructive work of legislation is in fact still largely done by correspondence: and this can hardly be otherwise so long as the official majority is maintained. At the same time there is no reason for supposing that the non-official members are unable to influence the shape of Bills after introduction. On the contrary we find that in spite of the official majority they have in many cases been able to make their weight felt. Much of the most solid and useful work in the sphere of legislation is done in the seclusion of the committee room and not in the publicity of the council chamber. The presence of the official *bloc* may to some extent give an air of unreality to criticism in the council hall, but to the committee rooms its influence does not extend. The non-official member who is really interested in a particular measure or anxious to have a Bill altered generally arranges to be put on the select committee on the Bill, or to approach the official member in charge and to discuss the question with him in private. The reported debates thus afford no measure of the real influence of non-official members. Since 1909 only eight bills can be said to have encountered really serious opposition. We have already seen that 77 provoked no discussion at all; of the remaining 56, the majority received little public attention but when the Indian members did take up a decided attitude they were often able to carry their point. We need only cite the Indian Court Fees (Amendment) Bill (1910), the Indian Factories Bill (1911), the Indian Patents and Designs Bill (1911), the Criminal Tribes Bill (1911), the Life Assurance Companies Bill (1912), the Indian Companies Bill (1912) and the Indian (Bogus Degrees) Medical Bill (1916) as measures which were modified to a greater or less degree, and generally improved, at the instance of non-official members. The White Phosphorus Matches Bill was a very minor piece of legislation but its career illustrates the Government's readiness to defer to public opinion. On its first introduction the Bill was severely attacked on the ground that it would cause hardship to poor consumers and the Government withdrew it for further inquiry. When it was reintroduced the following year the opposition had died down and the Bill was passed. The Patna University Bill, however, was probably the most striking instance in which a measure underwent change in consequence of non-official criticism. It appears that whenever the Government has met with anything approaching solid opposition on the part of the Indian members it has, except on matters touching the peace and security of the country, generally preferred to give way.

93. Only five private Bills have been passed by the Imperial Legislative Council since 1910. The most important of these were the Musalman Waqf Validating Bill (1913), the passage of which was facilitated by the Government, and the Hindu and Musalman Disposition of Property Bill (1916). At least four other private Bills were introduced: Mr. Gokhale's Elementary Education Bill, Mr. Basu's Special Marriage Bill, and Messrs. Madge and Dadabhoj's Bills regarding prostitution. Of these the first two were rejected. The Government declined to support the former for financial and technical reasons, and the

Private
members'
legislation.

latter because of the practical difficulties which it was feared that its passage into law would raise. But a factor in deciding the Government's attitude was the knowledge that both Bills encountered not a little non-official opposition. The other two Bills were not pressed as the Government itself undertook to proceed with legislation on the subject; but in the event the Government's own measure for the protection of girl minors was postponed during the war because it was evident that non-official opinion was not agreed upon the proposals embodied in it. As must perhaps be expected in the face of an official majority the tale of private legislation is not imposing, but it shows a certain tendency to increase.

Influence of
the council
on adminis-
tration.

94. We pass to another aspect of the Council's work, namely, the influence which it exercises on the work of administration by means of questions and resolutions. The fact that nearly twice as many questions were asked in 1917 as in 1911 shows that serious value is attached to the right of interrogation. Supplementary questions can at present be asked only by the author of the original question; they have not been numerous; but there is a desire to extend the right of putting them to any member of the council. At the same time, it cannot be said that the right of interrogation has been abused, though there has been a tendency to ask for information which could be ascertained from published reports, to require elaborate statistical information which is of no practical value, and also to ask questions which would appropriately be put in local councils. The right to move resolutions on matters of general importance and on the financial statement was conceded in 1909. The view taken at the time that this concession was perhaps the most important of all the changes has been justified by experience. In all 168 resolutions were moved in the Council up till the end of the year 1917: of these 24 were accepted by Government, 68 were withdrawn and 76 were rejected either with or without a division. These figures by themselves do not give a true impression of the real effect of the resolutions. In some cases the mover withdraws a resolution because he is convinced by the Government reply that his proposal is unsound; but it more often happens that a resolution is withdrawn because, though the Government may for some technical or financial reasons not be able to accept the resolution in the form in which or at the time when it is moved, the spokesmen of the Government have indicated that its attitude towards the mover's object is favourable. Again many resolutions have been rejected either in pursuance of some settled policy or else because the Government felt it unwise to accept them without inquiry; but the discussions have led to re-examination of the questions in issue, and at times to an ultimate change of policy, as happened indeed in the case of compulsory education and the treatment of persons dealt with under the Defence of India Act, which were both questions on which opinion was alive and active. A rough classification of the resolutions shows that some 73 can be described as fructuous. In not a few instances substantial results were obtained. Among the measures the decisions on which have been influenced by council resolutions were the abolition of the system of indentured labour in certain colonies, the establishment of an executive council in the United Provinces, the establishment of a High Court in the Punjab, the appointment of a committee to enquire into and report on jail administration, and the appointment of the Public Services and the Industrial Commissions. These measures of major importance could be supplemented by a much longer list of less important matters of administration in regard to which non-official resolutions have definitely influenced the action of the Government. But the point needs no further elaboration. Every observer of the recent course of the administration is aware how perceptibly it is affected by the attitude of the non-official members of council on all public questions. Moreover even when the Government is unable to accept a resolution, a debate may be of value as affording a convenient outlet for non-official opinions and as giving the Government an opportunity of explaining its own policy.

Attitude of
the non-
official
members.

95. It is difficult to speak with any certainty about tendencies which have developed in so short a period as that with which we are dealing. We desire, however, to pay a tribute to the sense of responsibility which has animated the members of the Indian Legislative Council in dealing with Government

legislation. In the passage of very controversial measures such as the Press Act, the Government received a large amount of solid support from non-officials; similarly it received assistance when measures of real importance, such, for example, as the Defence of India Act and the recent grant of one hundred millions to the Imperial Treasury were under discussion. Again, good examples of the practical nature of the work done were afforded by the debates on the Factories Act or the Companies Act. When we consider the debates on resolutions, we must remember that while the official majority renders it impossible for non-official members to carry any measure or resolution against the Government, the relatively ineffectual character of resolutions makes it hardly to be expected that members would show the same sense of responsibility in their speeches and votes as in legislation. Further, many resolutions recently have been concerned with racial subjects, and the debates have been tinged with the racial considerations to which we have drawn attention elsewhere. These causes have contributed to induce a habit among the non-official members, nominated and elected, of acting together; and during the years which have elapsed since the inception of the reforms the tendency to joint action has grown perceptibly stronger. Inasmuch as the nominated members are appointed to represent particular interests, they were at first expected to act independently, but in many matters they have acted with the elected members, and on racial questions in particular it was natural that they should not divorce themselves from the general Indian view. It is, however, we think in legislation rather than in resolutions that the real working of the council must be sought; and from the short experience from which we have to judge all that can be said is that, for the reasons we have mentioned, the tendency is growing for the non-officials (excluding the Europeans, who usually if not always, vote with the Government) to act together.

96. We should have liked to make a similar analysis of the working of all the elder provincial councils; but neither the time nor the information readily available to us admit of this. Certain differences between the Indian and provincial councils are readily apparent. Both the elected and the official members in the provincial councils are in closer touch with the subject-matter of discussion; many of the elected members have activities which bring them in contact with the official members outside of council and thereby closer relations are established; and because distances are smaller the meetings of councils are more evenly distributed throughout the year, and of shorter duration than in the Indian Legislative Council, with the result that the pressure upon the few official members on whom the chief business falls is probably felt less heavily than in the Government of India. (The main point of difference, however, is of course the fact that in all the provincial councils there is a non-official majority and in Bengal a small elected majority. But the fact that absentees are more numerous among the non-official than among the official members tends to impair the effectiveness of the non-official majority. It cannot be said, however, that the introduction of Government Bills has been generally hindered by the prospect of opposition although there have, we understand, been occasions when a local Government has been deterred from attempting legislation which it desired. As in the Government of India the policy has generally been to anticipate opposition to particular provisions by modifying a draft Bill in the light of objections raised in the opinions received. Moreover, the policy of avoiding controversial discussion during the war has checked legislative activity, and somewhat discounts the conclusions that are to be drawn. It is evident that select committees have done useful work in improving the actual form and shape of legislative measures. In comparatively few instances they have done much more. We may select the United Provinces Municipalities Bill as a striking example of the great influence which the elected element has had in shaping legislation. The Bill was changed out of all recognition by the select committee, and in the Council itself twenty-seven non-official amendments were accepted by, and one was carried against, the Government. One of the most vital provisions of the Bill, a clause fixing the proportion of Muhammadan representation in municipal boards, was the result of a conference of non-official members and was incorporated in the Bill by an amendment moved by a non-official member.

The provincial
legislative
councils.

Nowhere has there been much private members' legislation. In the Bombay Council only one Bill out of six has passed, but we understand that most of the others were reasonable attempts to deal with important problems. In the United Provinces non-official members carried Bills against adulteration and opium gambling. A private Bill to stop juvenile smoking is before a select committee in the Punjab and a private Bill dealing with compulsory education in Bihar and Orissa. These same two topics are at present the subject of two private Bills in Bengal.

Use of the
right of
interrogation.

97. The right of interpellation has naturally been used more freely than in the Indian Legislative Council. In the United Provinces council the number of questions rose from 218 in 1910 to 458 in 1916, and in Bengal the increase has also been remarkable: in Madras we understand that the number of questions has been even greater. One local Government estimates that 20 per cent. of the questions asked in council relate to information already published and a general tendency to ask for unfruitful statistics is reported. On the other hand questions have often served the purpose of resolutions in eliciting a statement of the Government's policy; and it is, we believe, generally recognised by moderate opinion that the Government endeavours to answer reasonable inquiries with reasonable fullness.

Use of
resolutions.

98. There is abundant evidence that the right to move resolutions is valued; and the number of resolutions withdrawn when the Government has indicated its benevolent intentions towards, though not its immediate acceptance of, the proposals, suggests that the power has been used with moderation. There is a marked difference, however, between provinces as to the number of resolutions moved; and in some councils the chief activity is confined to a small group of members. It is clear that the provincial Governments do attach weight to resolutions and exert themselves if possible to defeat those which they are not prepared to accept. Not many resolutions have been carried against the Government, and when a resolution is carried the Government, if it decides that it cannot give effect to the wishes of the council, usually publishes its reasons for so deciding. But the effect of resolutions is by no means confined to those which are carried against or accepted by the Government, for it often happens that discussion of a subject leads to positive results. An analysis of the results attained by the resolutions moved in one provincial council in the years 1910—17 showed that they secured or helped to secure:—

(1) an opium gambling Act, (2) a new cattle farm, (3) a council library, (4) the removal of a criminal tribe settlement, (5) the defence of poor prisoners charged with capital offences, (6) the regulation of the Burma meat trade, (7) concession to the matriculation examination of partial equality with the school leaving examination, (8) the promotion of deputy superintendents of police to superintendents of police, (9) a promise in connexion with the abolition of revenue divisions, (10) Government assistance in connexion with a road to a shrine, (11) publication of certain college reports, and (12) an officiating appointment for a member of the provincial educational service.

The tendency of all non-official members to act together is more strongly marked in some provincial councils than others. In the Punjab, where the nominated members are relatively in a stronger position than in other councils, and in Bombay, there is more independence of action than elsewhere. In other provinces the non-official members tend to act and vote together.

Mr. Gokhale's
expectations
from the
reforms.

99. Speaking at the Indian National Congress of 1908 Mr. Gokhale justly described the Morley-Minto changes as modifying the bureaucratic character of the government and offering the elected representatives responsible association with the administration. He looked to local self-government to provide the real school of political education, and anticipated that Indians would now have full control and management of local affairs. That expectation has not yet been generally fulfilled, though in some provinces advance has certainly been made. Attention on both sides has been directed more to the provincial councils than to local bodies and the importance of securing what Mr. Gokhale called the base of the edifice has been lost sight of. This seems to us a very strong reason for placing in Indian hands the responsibility for the development of local bodies which still remains to be carried out. Secondly, Mr. Gokhale referred to the every-day problems of administration, legislation and finance as constituting the centre of the position: and in respect of this he believed that the

reforms amounted almost to a revolution. In place of silent administrative decisions there would in future be open discussion. Over finance for the control of the Government of India would be largely substituted the control of discussion and criticism in the councils. (It must be explained that the Decentralization Commission had not then made its report, and the anticipations of a full measure of financial devolution had not yet been disappointed.) The admission of Indians to the executive councils moreover meant, he hoped, that racial considerations would recede into the background, and that the Indian view of questions would be effectively presented in the highest councils. As regards legislation the non-official majority had gained a preventive voice in the provinces; and if the position was otherwise in the central council he thought that the Government of India would henceforth loom less largely in provincial matters, and that the elected members would have all the opportunity that they needed of influencing the course of provincial business. These concessions, he said, were large and generous; and they imposed two responsibilities. There must be co-operation with Government instead of merely criticism; and the new powers must be used with moderation and restraint and for the promotion of the interests of the whole people. He named mass education, sanitation, peasant indebtedness, technical education as large outstanding questions which it was beyond the power of an official government to handle without the co-operation of the people. Finally, he appealed to Indians not to be content with dreaming; let them prove that they could bear such responsibilities as they were being given before asking for any more.

100. In the light of these anticipations it is not hard to understand how, the Morley-Minto constitution ceased in the brief space of ten years' time to satisfy the political hunger of India. The new institutions began with good auspices and on both sides there was a desire to work them in a conciliatory fashion. But some of the antecedent conditions of success were lacking. There was no general advance in local bodies; no real setting free of provincial finance; and in spite of some progress no wide-spread admission of Indians in greater numbers into the public service. Because the relaxation of Parliamentary control had not been contemplated, the Government of India could not relax their control over local Governments. The sphere in which the councils could affect the Government's action, both in respect of finance and administration, was therefore closely circumscribed. Again and again a local Government could only meet a resolution by saying that the matter was really out of its hands. It could not find the money because of the provincial settlements; it was not administratively free to act because the Government of India were seized of the question: it could therefore only lay the views of the council before the Government of India. As regards legislation also the continuance of the idea of official subordination led to much of the real work being done behind the scenes. The councils were really more effective than they knew; but their triumphs were not won in broad day-light in the dramatic manner which political ardour desired. This was one reason why more interest was often shown in resolutions than in legislation. The carrying of a resolution against Government, apart from the opportunity of recording an opinion which might some day bear fruit, came to be regarded as a great moral victory: and it is evident that topics that are likely to combine all the Indian elements in the council offered the best opportunity. Because the centralisation of control limited the effectiveness of the councils, the non-official members were driven to think more of display than they might have otherwise done; and the sense of unreality on both sides deepened. All this time the national consciousness and the desire for political power were growing rapidly in the minds of educated Indians; and the councils with their limited opportunities proved to be an insufficient safety valve. While therefore inside the councils there are signs of hardening opposition and the weariness which comes of sterile efforts, outside the councils the tide of feeling was rising more quickly. For a short time after their inception the Morley-Minto reforms threatened to diminish the importance of the Indian National Congress and the Muslim League. It seemed as if the councils where elected members took a share in the business of government must be a more effective instrument for political purposes than mere self-constituted gatherings. But with the disillusionment about the reformed councils

Reasons for their non-fulfilment.

the popular conventions, where speakers were free to attack the Government and give vent to their own aspirations untrammelled by rules of business or the prospect of a reply, naturally regained their ascendancy; and the line taken by prominent speakers in them has been to belittle the utility of the councils, if not to denounce them as a cynical and calculated sham. We cannot now say to what extent improvement might have been effected by gradual changes in the rules of business, by relaxing official discipline, by permitting freer discussion, and by a greater readiness to meet the non-official point of view. However this be, events have proved too strong. The councils have done much better work than might appear to some of their critics. But they have ceased to satisfy Indian opinion, and their continuance can only lead to a further cleavage between the Indian members and the government and a further cultivation of criticism unchecked by responsibility.

The present position.

101. It seems to us that the inherent weakness of the position created by the Morley-Minto changes is excellently brought out in the following comment:—

"We must make up our minds either to rule ourselves or to let the people rule: there is no half-way house, except of course on the highway of deliberate transition. At present we are doing neither. We are trying to govern by concession and each successive concession has the air of being wrung from us. We keep public business going by bargaining and negotiation;—not however the healthy bargaining of the market place, but a steady yielding to assaults which always leave some bitterness behind on both sides. This is in no sense the fault of individuals; it follows inevitably from the influences at work. Up to Lord Curzon's viceroyalty, there was a sturdy determination to do what was right for India whether India altogether liked it or not. The reforms which followed his régime brought in a power of challenge and obstruction,—influence without responsibility; and rather than fight we have often to give way. We are shedding the rôle of benevolent despotism, and the people—especially those who are most friendly to us—cannot understand what rôle we mean to assume in its place. We are accordingly losing their confidence and with it some of our power for good. If we returned to sheer despotism, we should carry many of the people with us, and should secure an ordered calm. But that being impossible, we must definitely show that we are moving from the eastern to the western ideal of rule. And, secondly, we must maintain the full weight and order of government while the move is going on. Otherwise we cannot look for either internal peace or the co-operation of the people, or indeed for anything else except growing weakness with the fatal consequences that weakness involves in an eastern country."

In these words we catch an echo of Warren Hastings' pregnant saying "In no part of the world is the principle of supporting a rising interest and of depressing a falling one more prevalent than in India." Transition is indeed a difficult business and full of risks that we should be short-sighted to ignore. The old structure does not admit of development. All that could be done with it would be to increase the size of the non-official part of the councils—a step that would deprive those responsible for the government of the country of any power of obtaining necessary legislation. We must therefore create a new structure. That means time for the fresh material to form; real work for it to do so that it may harden; and retention of genuine powers of guidance, supervision, and if need be of intervention, until such time as the task is complete.

Chapter V.—The Existing Structure.

102. In an earlier chapter we have described how the Government of India developed out of a trading corporation and thereby inherited some of the centralised characteristics of its Moghul predecessor. We saw also that while the whole system of government in the country was operated by a lever which Parliament committed to the hands of the Secretary of State, the system itself centred in the Governor General in Council, to whom a large measure both of initiative and of decision was left and who exercised in theory complete control over his subordinate Governments. At the same time it will be remembered that the Government of India can act only within the limitations imposed on it by the India Office; and that the existence of such limitations is implied in what we have to say. We shall now examine rather more fully the relations between the central and provincial Governments, and also the means which the latter have of carrying their will into effect. We shall show how and why control is exercised; and we shall then be in a position to see that, however cautiously we approach the problem, not a little demolition of the existing fabric must precede the beginnings of responsible government.

Relations
between the
Indian and
the provincial
Governments.

103. The bond between the Governor General in Council and a provincial Government resembles in theory, but in practice differs from that between the Secretary of State and the Government of India. It is true that the obligation to obey orders is expressed almost as straitly in section 33 of the Statute of 1915 as in section 45; but the construction placed upon the law in the latter case is wider, if for no other reason, because the Government of India are nearer to the cause of action, and are more likely to be moved to intervene, and to have more immediate knowledge of it than the Secretary of State. Legally speaking their control over provincial Governments rests not merely on their executive but also on their legislative powers; but in practice we may sub-divide the former, and so discern three strands—legislative, financial and administrative—in the bond of subordination; and of these three far the most important for day-to-day purposes is the financial strand.

Their general
character.

104. The Government of India's control over revenues and expenditure is derived from the Acts of 1853 and 1858, which treated the revenues of India as one and applied them to the purposes of the Government of India as a whole. It is true that this provision is not so strictly construed as absolutely to prevent the appropriation of particular sources of income to specific objects, all-Indian or provincial; but it has certainly had the effect of denying to provincial Governments any inherent legal right to the revenues which they raised. It followed that all revenues originally went into the coffers of the central Government and that all but the most trifling expenditure had to be defrayed under its orders. From that primitive condition has been, by gradual stages, evolved that present system of "divided heads"—an arrangement which the onlooker is inclined to regard as a needless complication, but which like many Indian institutions has its basis in conditions peculiar to the country. It will be remembered that from the necessities of their position the Government of India are responsible for the defence of the whole country; for certain great commercial departments, such as the railways and the post office; for the administration of certain areas for strategic reasons, such as the Frontier Province, or for fortuitous reasons, such as Coorg; for diplomatic business and relations with Native States; for the service of the debt; for all audit and accounting; and for the upkeep of the India Office in England and a large pension list. They have also assumed the liability for insuring the provinces against the one great catastrophe which from time to time threatens their financial stability in the shape of a failure of the rains and consequent famine. For these purposes the central Government takes the receipts from the sources of revenue which it directly controls and also certain other revenue, such as salt, customs and opium, of which the locale of origin is no guide to its true incidence. But these resources by no means suffice for its needs, and the deficit must be somehow made good. The system of divided heads is an attempt to do this; but in order to make it intelligible a brief retrospect is necessary.

Financial
devolution.

Financial system up to 1861.

105. The commercial principles which underlay the Company's rule sufficiently explain the original decision that the central Government should keep full control of all revenues in their own hands, and though a complete reorganization of the finance of the country followed soon after the transfer of India to the Crown no innovation in this respect was for some time attempted. Provincial Governments had in other respects extensive powers, but they could incur no actual expenditure without the formal orders of the Government of India. Sir Richard Strachey (who was the real author of the changes that followed) wrote at the time "the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to reason. As local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum, and as no local growth of the income led to local means of improvement, the interest in developing the public revenues was also brought down to the lowest level."

Evolution of the settlement system.

106. Lord Mayo's Government has the credit of the first attempt to make the provincial Governments responsible for the management of their own local finances. Each local Government was given a fixed grant for the upkeep of definite services, such as police, jails, education, and the medical services, with power, subject to certain conditions, to allocate it as seemed best, and also to provide for additional expenditure by the exercise of economy and if necessary by raising local taxes. All the residuary revenues the Government of India retained for its own needs. Experience of this initial step not only justified a further advance but also pointed the direction which it should take. What was clearly wanted was to give local Governments an effective inducement to develop the revenues collected in their territories, to encourage economy, and to ensure that all parts of the administration received a due share of the growing revenues to meet growing needs. It was recognised also that less interference by the Government of India in the details of provincial administration was desirable. The final effect of the important changes made in Lord Lytton's time was to delegate to local Governments the control of the expenditure upon all the ordinary provincial services, and in place of the fixed grants previously given to hand over to them the whole or part of specified heads of revenue, wherewith to meet such charges. Here for the first time we meet with a classification of revenue heads into Indian, provincial, and divided. The heads of revenue made over in whole or in part to provincial Governments were those which were thought to offer most prospect of development under careful provincial management.— forests, excise, license-tax (now income-tax), stamps, registration, provincial rates, law and justice, public works and education. But the difficulty of exactly adjusting means to needs remained; and as the revenue from the transferred heads was not ordinarily sufficient for provincial requirements, it was supplemented by a percentage of the important head of land revenue, which otherwise remained an all-India receipt. Settlements on these lines were made with the provinces for five years in 1882, and were revised in 1887, 1892 and 1897, not without controversy and some provincial discontent. At these revisions no changes of principle were introduced; but the growing needs of the provinces were met by treating land revenue as one of the sources of income divided between the central and the provincial Governments, and further by supplementing the provincial revenues by means of fixed cash assignments adjusted under the same head.

Settlements made quasi-permanent.

107. In the year 1904 we meet an important new departure, — the introduction of the system of *quasi*-permanent settlements. Thenceforward the revenues assigned to a province were definitely fixed, and were not subject to alteration by the central Government save in case of extreme and general necessity, or unless experience proved that the assignment made was disproportionate to normal provincial needs. The object was "to give the local Governments a more independent position and a more substantial and enduring interest in the management of their resources than had previously been possible." Under the old system it every now and then happened that the supreme Government were forced by financial stress to resume balances standing to the credit of the provinces when the settlement expired. This killed any motive for economy, as provincial Governments knew that if they economised in one direction in order to accumulate money for other needs their savings

were imperilled, while their reduced standard of expenditure would certainly be taken as the basis for the next settlement. Improved financial conditions and a more liberal outlook combined to remove these difficulties. Local Governments could count on continuity of financial policy, and were able to reap the benefit of their own economies without being hurried into ill-considered proposals in order to raise their apparent standard of expenditure. But the Government of India were also gainers. Their relations with the provincial Governments were smoothed by the cessation of the standing quinquennial controversies, and they were also left in a better position to calculate their own resources.

108. A little later on the provinces gained still further. Hitherto the liability for famine had lain upon them, and the central Government stepped in only when their resources were exhausted. There was devised instead a new famine insurance scheme, by which the Government of India placed to the credit of each province exposed to famine a fixed amount, on which it should draw in case of famine without trenching on its normal resources. When this fund was exhausted, further expenditure would be shared equally by the central and provincial Governments, and in the last resort the Government of India would give the province further assistance from their own revenues. In 1917 this arrangement was simplified by making famine relief expenditure a divided head, the outlay being borne by the central and provincial Governments in the proportion of three to one, which coincided approximately with the actual incidence under the previous system.

Famine
expenditure,
Settlements
made
permanent.

The Decentralization Commission went into the whole question of the financial relations of the central and the provincial Governments, and proposed no radical change; but Lord Hardinge's Government decided to take the final step in the development of the system, and in 1912 they made the settlements permanent. They further improved the position by reducing the fixed assignments and increasing the provincial share of growing revenues; and they conferred a minor but still important benefit on the provinces by curtailing their intervention in the preparation of provincial budgets.

109. We are not concerned with the arguments, some of admitted cogency, that have been used to defend this intricate arrangement. They may be found in the report of the Decentralization Commission. But what we are concerned to do is to point out how seriously it operates as an obstacle to provincial enfranchisement. Because provincial settlements have been based, not on provincial revenues but on provincial needs, a central control over provincial expenditure is not merely justifiable but inevitable. The Government of India could not allow a province to go bankrupt. But if the Government of India were responsible for provincial solvency, they must be in a position to control provincial expenditure; indeed, in view of their own competing needs, they could hardly avoid feeling a direct interest in keeping down provincial charges. Again, as regards revenues, so long as the Government of India take a share in the proceeds, they have a strong motive for interfering in details of administration. Their interest in land revenue, for example, inevitably leads them to a close supervision over revenue settlements; and the control tends to become tighter in cases where expansion and development, as in the case of irrigation, depend on capital outlay. The existing settlements are an undoubted advance upon the earlier centralized system, but they constitute no more than a half-way stage. If the popular principle is to have fair play at all in provincial Governments, it is imperative that some means be found of securing to the provinces entirely separate revenue resources.

Defects of
the
system.
Provincial
expenditure.

110. In the second place, the Government of India completely control all taxation imposed in British India, apart from the local taxes which are raised by local bodies. Taxation can of course be only levied by law, and section 79 (3) (a) of the Government of India Act forbids a local legislature, without the previous sanction of the Governor General, to consider "any law affecting the public debt of India or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor General in Council for the general purposes of the government of India." This is the natural corollary of the statutory hypothecation of all Indian revenues to

Provincial
taxation.

all-India needs. It is true that the law would not inhibit a provincial legislature from exploiting for provincial purposes any new source of taxation which it had the ingenuity to discover; but even in that case the central Government has its remedy at hand. It has been its practice to control all legislation in provincial councils by means of "instructions" to local Governments, which presumably depend for their authority upon the powers conferred by section 45 of the Act, and which require all projects of laws to be approved by the Secretary of State. A proposal for provincial taxation like any other project for provincial legislation would therefore be referred for sanction to the Government of India and the Secretary of State, and would before being translated into action have to secure the assent of the Finance Department, which would consider closely if it trespassed on the central Government's resources of taxation. Here again it is not our purpose to examine the validity of the arguments for maintaining the existing practice. If many buckets are dipping into one well, and drought cuts short the supply of water, obviously the chief proprietor of the well must take it upon himself to regulate the drawings. All that we are concerned to do is to point out how this power of controlling the levy of fresh sources of income contributes to the close subordination in which provincial Governments are at present held; and to observe that, if possible, some means of enlarging their powers must be found.

Provincial
borrowing.

111. A third restriction upon the powers of provincial Governments has also been accepted hitherto as almost an axiom of the Indian financial system. The power of borrowing has never been conceded to the provinces. Port trusts and municipalities may raise loans within defined limits, but because the revenues of India are legally one and indivisible and are liable for all debts incurred for the purposes of the Government of India, provincial Governments have possessed no separate resources on the security of which they could borrow. Sterling loans are always raised in England by the Secretary of State under the authority of Act of Parliament; and rupee loans in India by the Government of India with the Secretary of State's sanction. We recognise that there were strong practical reasons for this arrangement also. The total market was limited; the home market is sensitive. It was considered advisable to control the total borrowings of India by one agency, if rates were not to be forced up and the market dislocated, and credit possibly impaired by indiscreet ventures. Accordingly it has been the practice to reserve entry to the public loan market entirely for the central Government and for the latter to lend money to the provincial Governments when circumstances required. The Decentralization Commission went into the question in 1908 and declined to recommend any change. It seems to us, however, that if provincial Governments are to enjoy such real measure of independence as will enable them to pursue their own development policy, they must be given some powers, however limited, of taking loans. To this matter also we shall return in a later chapter.

Codes of
instructions.

112. A powerful instrument by means of which the Government of India exercises control over expenditure in the provinces is the series of the codes of instructions, such as the Civil Service Regulations, the Civil Account Code, the Public Works Code and the like. In part these deal with the mechanism of finance such as the maintenance of a uniform system of audit and accounting, the custody of public money, remittances, economy and such matters; but they also impose definite restraints upon the powers of provincial Governments to create new appointments or to raise emoluments. Such restrictions arise largely out of the need for preventing a ruinous competition in generosity between provinces, or for providing for officers who are liable to transfer from one province to another. These reasons have led to a mass of regulations affecting such matters as recruitment, promotions, leave, foreign service and pensions, upon which the codes really constitute a digest of the case-law laid down from time to time by the Government of India. Another praiseworthy object which, however, the growing complexity of the codes has tended to defeat was to make the right principles of public business intelligible to a scattered army of subordinate officials throughout the country, and so to avoid incessant applications for guidance to higher authority.

Their
justification.

113. The bad name which attaches to the codes is partly explained by their size and obscurity, which probably helps to occasion the very increase of business

that it was nopeu to avoid, partly by the conviction that they are construed in a narrow and meticulous fashion with the avowed object of keeping charges down. But we cannot doubt that the intention of the codes was sound, and that they have played a valuable part in checking extravagance and undesirable divergencies. The paramount justification for restrictions on the spending powers of local Governments and subordinate authorities, which the latter find irksome, was the need of ensuring that, in a poor country, official Governments were fully sensible of the duty of economy, and of making good the lack of effective popular criticism by close control from above. Indeed such control has not obviated much criticism in the legislative councils of the cost of official establishments. Regulations of this nature were therefore appropriate to the state of things for which they were devised; but clearly they are also an impediment to be dealt with before the road to responsible government in the provinces lies open.

114. Now let us see how the Government of India, which has power in its legislative council to make laws for the whole of British India, exercises its control over legislation in the provinces. We have explained how nine provinces—Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Assam—have legislative councils, and we have watched these bodies in operation. The Statute declares that the local legislature of each province has power, subject to certain specified restrictions, to make laws “for the peace and good government of the province.” At first sight the restrictions are not stringent. It is reasonable that a local council should not be allowed to affect any Act of Parliament, nor as a general rule to repeal or alter without previous sanction any Act of the Governor General’s legislative council or indeed of any legislature but itself. (There are reservations to be made, but they are relatively unimportant.) These general limitations might easily be so redrafted as to make superfluous some of the further inhibitions, surviving from earlier laws, which are embodied in the Act of 1915—such as those relating to the public debt of India, or customs or other taxes imposed by the central Government, or coin or currency notes, or posts and telegraphs, or the Penal Code, or the army and navy—because any effective provincial legislation on these matters would necessarily affect legislation by the Government of India. In addition, a provincial council may not, without the previous sanction of the Governor General, consider any law affecting the religion or religious rites and usages of any class of British subjects in India, or regulating patents or copyright, or affecting the relations of the Government with foreign princes or states.

Legislative control. Statutory restrictions on the powers of provincial councils.

115. Evidently there is left an extensive field in which, so far as the substantive provisions of the Statute go, the legislative competence of the provincial councils is legally unfettered. Actually, however, the discretion of the local councils is curtailed in two ways. In the first place owing to the fact that in their present existence all the local councils are younger, and most of them much younger, institutions than the legislative council of the Governor General, a great part of the field that would otherwise be open to them is covered by Acts of the elder body, which has always retained a concurrent power of legislation for the country at large. The labours of the Law Commissioners initiated the practice of codifying the law on important subjects for the whole of British India, which has been since pursued to the great benefit of the country. On examining the Indian statute book we find that apart from military and marine and political questions, or finance, or communications (for all of which they are necessarily the proper legislating authority) the Government of India have passed laws in their legislative council for all kinds of matters which might have been dealt with by provincial legislatures, but are doubtless far better handled on uniform lines. The Penal and Procedure Codes and the Evidence Act are the great monuments of this policy, but it has been pursued in many spheres of business. Under the head of crime we have laws for prisons, jails, reformatory schools, police, and whipping. Where the personal law affecting different communities has been codified, in such matters as marriage, minors and succession, attempts have been made to make it uniform and to prevent provincial variations, to the great benefit of the people. In civil law we have Acts regulating contracts, trusts, specific relief, transfer of property

Restrictions resulting from previous occupation of the legislative field.

easements, and arbitration. Business has been regulated by laws for patents, trade marks, weights and measures, securities, insurance, companies, insolvency and usury. Laws for forests, mines, factories, boilers, electricity and explosives have smoothed the course of industry; and labour questions have been dealt with in laws controlling compulsory labour, labour disputes, breaches of contract, emigration and apprentices. The course of public business in certain respects and the management of the public estate have been standardised. Essential matters affecting the public health—such as poisons, leprosy, lunacy, vaccination, and epidemics—have also been regulated by a uniform code of law. Finally in a wide miscellany of matters, such for example as religious endowments, charitable societies, plays and kinematographs, motor vehicles, ancient monuments and treasure trove, India has been given a uniform law, which works well because conditions are everywhere sufficiently similar. This is a record of which its authors may be proud.

Restrictions imposed by executive directions.

116. In the next place, the power of the Secretary of State and Parliament to control all Indian legislation (which we saw finally asserted by Mr. Gladstone's Government) has been made operative, as we have said above, by means of executive directions, which have made it incumbent on provincial Governments to submit for the previous sanction of the Government of India and the Secretary of State all their projects for legislation before introduction. It is quite true that these directions do not apply to private members' Bills; but inasmuch as a Bill can only be introduced with the leave of the council and the local Government has in most cases been in a position if it chose to do so to oppose such a motion successfully, the Government of India by directions to the local Government have been in a position to control all private provincial legislation almost as effectively as the local Governments' Bills. Moreover if a private member's Bill affects the revenues the previous sanction of the Governor is necessary to its introduction; and in a recent case the Secretary of State has ruled that such sanction should not be given until he has had an opportunity of considering the proposals. This system will strike the reader who has federal models in mind as an instance of excessive centralization. It is due to the fact that the provincial legislative councils are even now in theory only an enlargement of the executive Government for the purpose of law making, and that the legislative power has not been recognised as residing in the provincial councils as distinct from the provincial Governments, over whom official control is justified and necessary. Nor has the system been without advantage in the past, as it has enabled the central Government to curb unprofitable divagations and incidentally to maintain standards of legislative drafting which are acknowledged to be good. Nonetheless, it is apparent that an effective measure of devolution is required before provincial councils can possibly acquire any genuine independence in legislation.

Administrative control. The need for uniformity.

117. We have now to consider how the Government of India wield the administrative control over provincial business with which section 45 of the Statute invests them. In part, as we have seen, this rests on financial considerations. In part it is due to Parliament or the Indian legislature having reserved certain matters, such as appointments to high office or statutory rules on important subjects, for the sanction of the central Government. But in the main it is too general and extensive to admit of easy analysis. All that we can do is to suggest some general reasons which explain what has occurred. It is easy to see that in many respects India is one single and undivided country, in which much work must be done on uniform lines. The main services which execute the orders of provincial Governments have been recruited from England on terms guaranteed by the Secretary of State, with the result that many questions affecting them cannot be determined by any provincial Government. Again, the development of trade and industry and science throughout India has favoured the tendency at headquarters to formulate and pursue a uniform policy. Business and industry might be seriously hampered if (even with one law for all India) the provinces were left to administer such matters as statistics, patents, copyright, insurance, income-tax, explosives or mining on different lines. Particularly in the more scientific spheres—such as bacteriology, or agricultural and veterinary science—advance has tended to concentration, because the expert services were much too small to be organized on a provincial basis, and also

because the experience and resources of any one institution would not be fully used unless they were placed at the disposal of the whole country.

118. Moreover in the past the Government of India have regarded themselves as distinctly charged with the duty of framing policy and inspiring reforms for the whole of India. It is the penalty of absorption in the heavy task of daily administration to concentrate unduly on detail. There is a tendency at times for the wheels to become clogged and to sink into the ruts of routine. At such times the Government of India, standing apart from immediate details and often actuated by the strong personality of their central figure, have set themselves to survey the whole field of some branch of the administration and to enunciate and enforce fresh principles. The method pursued has often been to assemble a commission of inquiry, such as those which Lord Curzon appointed to deal with police and universities. The commission reported and then the Government of India consulted local Governments and issued a series of decisions. Their orders were often accompanied by handsome grants from their own surpluses, which were strictly earmarked for the purpose of pushing on some particular feature of the new policy. The disadvantages of an arrangement which so appreciably curtailed the provincial Government's freedom of expenditure will be apparent. Not seldom the commission's labours resulted in the appointment of new advising or inspecting officers at headquarters, whose task it was to see that the new energy suddenly infused into the system was well maintained and well directed to the chosen ends. We do not doubt that these outbursts of creative activity have been beneficial, and have contributed to the admitted efficiency of the machine. We hope to find a substitute for them in future in the stimulus afforded by popular criticism. But official inspirations from above have as a side consequence certainly increased the disposition to intervene in provincial details. The Government of India have not been content to set the ball rolling; they have insisted on watching its pace and course. It is fair to add that in recent years we find a perceptible tendency in the opposite direction. The Decentralization Commission inculcated the principle of devolution and its spirit was embodied in the orders which followed on it. The resolutions in which Lord Hardinge's Government dealt with the large questions of education and local self-government certainly cannot be accused of Prussian rigidity and precision.

119. Among the reasons which have tended to the tightening of control has been the consciousness that while local Governments were largely immune from popular criticism in India both they and the Government of India themselves were accountable to Parliament. The problems presented by criminal activities of a political complexion will illustrate our meaning well. The Government of India were constrained to control local Governments closely in such matters, if for no other reason, because of their responsibility to Parliament. But their control has been by no means actuated solely by this consideration. They have felt the serious responsibility which lay upon them as the supreme authority in the country for its good government, and for the maintenance of high standards of public and personal conduct. In the absence of popular control their general attitude was right. With the introduction of such control its justification is diminished.

120. We have dealt at some length with the strong tie which binds the provinces to the central government. It seemed to us necessary to analyse it, because it constitutes the chief obstacle across our path, and also affords a plain warning to those who are disposed to be misled by facile analogies from federal constitutions. Granted the announcement of August 20, we cannot at the present time envisage its complete fulfilment in any form other than that of a congeries of self-governing Indian provinces associated for certain purposes under a responsible government of India; with possibly what are now the Native States of India finally embodied in the same whole, in some relation which we will not now attempt to define. For such an organization the English language has no word but 'federal'. But we are bound to point out that whatever may be the case with the Native States of the future, into the relation of provincial and central governments the truly federal element does not and cannot enter. There is no element

of pact. The government of the country is at present one; and from this point of view the local Governments are literally the "agents" of the Government of India. Great powers have been delegated to them because no single administration could support the Atlantean load. But the process before us now is not one of federalising. Setting aside the obstacles presented by the supremacy of Parliament, the last chance of making a federation of British India was in 1774, when Bombay and Madras had rights to surrender. The provinces have now no innate powers of their own, and therefore have nothing to surrender in a *foedus*. Our task is not like that of the Fathers of the Union in the United States and Canada. We have to demolish the existing structure, at least in part, before we can build the new. Our business is one of devolution, of drawing lines of demarcation, of cutting long-standing ties. The Government of India must give and the provinces must receive; for only so can the growing organism of self-government draw air into its lungs and live. It requires no great effort of the imagination to draw a future map of India which shall present the external semblance of a great new confederation within the Empire. But we must sedulously beware the ready application of federal arguments or federal examples to a task which is the very reverse of that which confronted Alexander Hamilton and Sir John Macdonald.

Provincial
organization.

121. It is time to consider the internal organization of a province, because of this also our scheme must take account. Our description must be understood as an attempt to sketch typical arrangements without including special features of particular localities.

The adminis-
trative
machine.

122. In every province but Bombay there exists at headquarters, for the purpose of supervising the revenue administration, a Board of Revenue or its equivalent a Financial Commissioner. In their administrative capacity these constitute the chief revenue authority of the province, and relieve the provincial Government of much detailed work which would otherwise come to it; while in their judicial capacity they form an appellate court for the increasing volume of revenue and often of rent suits. But for other purposes than revenue the provincial Government deals chiefly with its commissioners and collectors. The easiest way of understanding the organization of a province is to think of it as composed of districts, which in all provinces except Madras are combined, in groups of usually from four to six, into divisions under a commissioner. The average size of a district is 4,430 square miles, or three-fourths the size of Yorkshire. Many are much bigger. Mymensingh district holds more human souls than Switzerland. Vizagapatam district, both in area and population, exceeds Denmark. In the United Provinces, where districts are small and the population dense, each collector is on the average in charge of an area as large as Norfolk and of a population as large as that of New Zealand. The commissioner of the Tirhut division looks after far more people than the Government of Canada.

The district.

123. The district, which is a collector's charge, is the unit of administration, but it is cut up into sub-divisions under assistant or deputy collectors and these again into revenue collecting areas of smaller size. The provincial Government's general authority thus descends through the divisional commissioner in a direct chain to the district officer. The district officer has a dual capacity; as collector he is head of the revenue organization, and as magistrate he exercises general supervision over the inferior courts and, in particular, directs the police work. In areas where there is no permanent revenue settlement, he can at any time be in touch through his revenue subordinates with every inch of his territory. This organization in the first place serves its peculiar purpose of collecting the revenue and of keeping the peace. But because it is so close-knit, so well established and so thoroughly understood by the people, it simultaneously discharges easily and efficiently an immense number of other duties. It deals with the registration, alteration and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists; and, above all, famine relief. Because it controls revenue, which depends on agriculture, the supreme interest of the people, it naturally serves also as the general administration staff. The revenue officials and, to a much more limited extent, the police convey the orders of Government to the people in a hundred

ways. Taken together these two agencies act as the general representatives of Government over the country to its remotest borders, and apart from them there is no other. Several other specialised services exist with staffs of their own, such as the establishments for irrigation, roads and buildings, agriculture, industries, factories and co-operative credit. These are controlled not by the district officer but by their own departmental heads; they may be regarded as a different set of strings connecting the Government with the people. But in varying degrees the district officer influences the policy in all these matters, and he is always there in the background to lend his support, or, if need be, to mediate between a specialised service and the people.

124. But, we shall be asked, what room is left for such all-pervading official activity, since all towns of reasonable size have been made into municipalities, and since rural affairs are committed to district or local boards? We have seen already that the hopes entertained of these bodies have not in the past been fulfilled. The avowed policy of directing the growth of local self-government from without rather than from within has, on the whole, been sacrificed to the need for results: and with the best intentions the presence of an official element on the boards has been prolonged beyond the point at which it would merely have afforded very necessary help, up to a point at which it has impeded the growth of initiative and responsibility. Municipal practice varies between provinces; some have gone further in the direction of elected majorities, others in the direction of elected chairmen: Bengal has gone far in both directions. But over much of the country urban self-government in the smaller towns still depends largely on official support and guidance. The elected members of the boards appear to have difficulty in facing the disfavour aroused by a raising of the rates, or a purification of the electoral roll, or drastic sanitary improvements, unless they feel that the district officer is behind them; and even when he is not a member of the board, he is generally armed with powers of inspection, and advice. In rural areas, where people are less educated and less practised in affairs, and where the interests involved are diffused over large areas instead of being concentrated under their eyes every day, the boards are constituted on a less popular basis. Usually from three-quarters to one-half the members of the district boards are elected, and the electorate represents anything from ten to two per thousand of the rural population. The Decentralization Commission advised that the district officer should continue to preside over the district board, because they did not wish to cut him off from district interests and were anxious to retain his administrative experience; and up till now the Central Provinces are the only province in which marked headway has been made in the direction of choosing the chairmen by election. Generally speaking, therefore, we may say that while within town areas elected town councils control the administration of their roads, schools, drainage, conservancy, lighting, and the like, the district officer is still at hand as a stimulus and a mentor; and in the more backward district boards he still plays an important part, because as chairman he directs the executive agency of the board. Rural education, dispensaries, sanitation, country roads, bridges, water-supply, drainage, tree-planting, veterinary work, pounds, fairs, ferries, sarais and the like are all matters which, to a great extent, he still administers, not primarily as a servant of government but on behalf of, indeed in some provinces, as the formally elected president of, a popular body; and the Commissioner above him exercises considerable supervision over the boards' proceedings. It will of course be understood that we are speaking of *mufassil* practice. The great presidency corporations whose beginnings date from the 17th century are in a class by themselves. Mainly elective in character, they work largely through an official chairman or executive officer and are not subject to close supervision from outside.

125. The system which we have described was originally due to imitation of the quasi-military organization of the Moghul empire. The councils and local bodies are innovations, due to the totally different conception of administration which springs from English political thought. In large centres of population municipal institutions are a reality, and they form an oasis of popular control in the midst of an official system. In smaller towns official influence is still actually though not technically strong. The boards to whom rural affairs are committed though they often enjoy elected majorities are, in practical working

probably still weaker in relation to the official system than the Morley-Minto changes left the councils in relation to Government. The organization is still well-suited in many ways to the needs of a backward people and is well understood by them. Among all the suggestions made to us it has never been suggested that the system has broken down. It has the great advantage that in every district and portion of a district—that is to say, in many parts of the country, within not more than twelve or fifteen miles of every single inhabitant—there is a direct representative of Government, to whom complaints on every conceivable subject can be addressed, and through whom the Government can act. Its weaknesses are, we conceive, equally apparent. It is humanly impossible for the district officer to control the whole business of government and to look after his army of subordinates as closely as is required. His utmost vigilance and energy do not suffice to prevent petty corruption and oppression from disfiguring official business. The people are slow to complain and prefer to suffer rather than to have the trouble of resisting. This mischief is being slowly remedied with the improvement of the subordinate services. It could be remedied further at great expense by decreasing district areas and increasing the supervising staff. But there can be no general improvement except through the awakening of public opinion which we believe that our reforms will stimulate. Strong as it is, the official system is too weak to perfect the enormous task before it without the co-operation of the people.

The place of
the Indian
Civil Service.

126. This executive organization which we have described has been well likened to a nerve system of official posts, actuated up till now chiefly by impulses of its own, but affected by the popular ideas which impinge on it from three sources—the British Parliament, the legislative councils and the local boards. Parliament can, of course, make its commands effective at any moment, but rarely chooses to do so. The effect of the councils and local bodies in India has been to influence, but not yet to control, official working. The system has in the main depended for its effectiveness on the experience, wisdom and energy of the services themselves. It has for the most part been represented by the Indian Civil Service, which, though having little to do with the technical departments of government, has for over one hundred years in practice had the administration entrusted to its hands, because with the exception of the offices of the Governor General, Governors, and some members of the executive councils it has held practically all the places involving superior control. It has been in effect much more of a government corporation than of a purely civil service in the English sense. It has been made a reproach to the Indian Civil Service that it regards itself as the Government; but a view which strikes the critic familiar with parliamentary government as arrogant is little more than a condensed truth. It has long been a tradition of the service that men in it are entitled not merely to administer but to advise. From the outset of their career they have been habituated to the exercise of responsibility; they have had to take important decisions of their own in emergencies; and they have acquired at first hand, and not merely from precedent or prescription, a stock of practical knowledge which they have been used and been encouraged to contribute to a common purpose. Because they have looked forward to attaining positions where they could decide or help to decide policy, they have, within the restraints imposed by discipline and good order, been accustomed to express their ideas freely as to India's needs, and to criticize and advise a government which has in essentials been one with themselves.

Effect of our
proposals. In
the district.

127. It is a commonplace to say that Indian administration in the past has depended mainly upon the district officer. We believe that no testimony of ours is needed to the character of his labours. The greatest work that has been done in India has been the familiarisation of the people at large with standards of public character and conduct which they accept as higher than their own. The country people have and always have had confidence in the English official because of his integrity, fair-play, and detachment. He has given them peace and justice and made life easier for them and the vast majority of people ask for little more. It is impossible but that the application of our guiding principles should react on the district organization, and we have to see how this will be. Clearly our first and immediate task is to make a living reality of local self-government. This cannot

be done by a few amendments of the Indian statute book and a few notifications and executive orders. Such methods only prepare the ground. We can bid the Government official,—district officer or tahsildar,—step aside from his position as executive officer of the boards, and assume for the future the rôle of onlooker and friendly adviser. We can transfer the execution of the board's orders from subordinates responsible to Government to employés of the boards themselves, and in part, we may perhaps hope, to honorary agency. But we cannot ourselves breathe the breath of life into these institutions. That must come with the awakening of the sense of duty and public spirit which the war has fostered, and which opportunity will develop.

128. Further, as the principle of popular control is admitted into the Government through the medium of the legislative councils, some means must be devised of enabling the established services to fall in with the new order of things. ^{And on the services.} The precise means of doing so will depend on what we have to propose hereafter as regards the machinery of government. Naturally there will be many men to whom the change will be irksome, while some men will find it grateful. But we shall be wise to minimise by every means that human foresight can devise the friction which a change in a long-established system tends to produce. Our aim throughout must be to make the change not needlessly difficult for the services, to enlist their co-operation with the popular element in the Government, and to induce on both sides the habit of good-will and mutual toleration, which is essential if India is to pass peaceably through the trying transitional period in front of her. We have, as we shall show, made due provision for the exercise of the duty which lies upon us to protect the services: but without good-will and a readiness to co-operate it will not be possible either to retain the men who compose them, or to get from them the best that they can give. Our labours will be vain and worse than vain, unless the Indian public men who will be responsible for the working of the reforms which we advise, succeed in so working them as to retain for India the willing help and guidance of many men like those who have led her thus far on her way, until such time as she has produced a generation of administrators of her own to compare with them in strength and foresight, integrity and detachment. Of the services much is being asked. We are confident that they will respond to the demand. But it will rest with the Indian leaders also to show themselves capable of statesmanship and self-restraint.

Chapter VI.—The Conditions of the problem.

129. We have seen how British rule succeeded the personal, absolute, centralized Moghul empire ; and how the destinies of the people of India thereby became linked with those of an European nation, homogeneous by reasons of history and their island situation, which had developed under peculiarly favourable conditions the principle of self-government. India's own destiny had been different. She had been for ages plagued with invasion and split up and parcelled out by conquering foreigners or contending kings, and her people had become subdivided, in a manner to which there is no parallel in the world, by the inveterate antagonism of different races and religions. The miseries of the period of chaos which ensued upon the break-up of Moghul rule have now almost faded from the mind of India ; but for a long time they made her thankful for the peace and order which British rule conferred. We cannot summarise what followed better than in the words of Sir Alfred Lyall :—

*Effects of
British rule.*

“ It may be affirmed that the moral and material civilization of the Indian people has made more progress in the last fifty years than during all the preceding centuries of their history. Yet it has inevitably come to pass that the differences of wealth and learning, frequent intercourse with Europe, and the saturation of the educated classes with western ideas and political axioms, have stimulated the desire for a larger share in the government of their country among the leaders of native public opinion. An efficient administration no longer satisfies them ; on the contrary, it has created ulterior hopes and aspirations. We began with great organic reforms, with improving the police and the prisons, with codes of law, a hierarchy of courts of justice, a trained civil service, and all the apparatus of a modern executive. Latterly we have undertaken the gradual introduction of representative institutions, legislative councils in all the important provinces, and municipalities in every substantial town ; we are seriously preparing for the slow devolution of local and provincial self-government.

“ But the task of building up any substantial edifice of constitutional government in India is by no means easy, for all wide and uniform measures of reform are hindered by the immense area of the country, and especially by the number and diversity of its population ; and undoubtedly this is an operation of extraordinary difficulty, since we have no precedents to guide us in the experiment. It must certainly be conducted within the limitations necessary to preserve undisturbed and indisputable the fabric of British sovereignty, which is to the political machine what the iron rails are to the locomotive, the foundation and permanent way upon which all progress must move. Nevertheless some solution of this difficulty is demanded ; for now that the English have accomplished the building up after the high Roman fashion, of an immense polyglot empire, the stability of the structure must depend upon a skilful distribution of weight, because excessive centralization is radically insecure, and supports are useless without some capacity to resist pressure. The solution of these problems requires the sympathetic insight as well as the scientific methods of statesmanship, supplemented by the goodwill and the growing intelligence of the Indian people.”

130. It will be agreed that the character of political institutions reacts upon the character of the people. This fact, that the exercise of responsibility calls forth the capacity for it, is the best ground for confidence in the working of self-government in India. At the same time we hold that, even from the beginning, political institutions must be devised with due regard to the conditions under which they will be worked ; and therefore, before we set forth our ideas of India's new constitution, we propose in this chapter to describe as justly as we can the character of Indian society, and the extent and kind of the political consciousness which it has hitherto evolved, so as to provide a touch-stone to which all our suggestions may be brought. The task is not easy. Conditions vary enormously ; our description must be a composite picture, and will not apply equally to all localities.

*Purpose of
present
chapter.*

131. A material difficulty is that the matters most essential to our purpose do not readily lend themselves to statistical exposition. Let us remember what the working of responsible institutions in their typical form involves. The electors send men to the councils with power to act in their name, and the councils commit power to ministers, over whom they reserve control in the form of the power of removing them from office. The elector controls his government, because if his representative in council supports ministers of whom he disapproves he can at the next election change his representative. The system presupposes

*Basis of a
system of
responsibility.*

in those who work it such a perception of, and loyalty to, the common interests as enables the decision of the majority to be peaceably accepted. This means that majorities must practise toleration and minorities patience. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and with superior claims to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights.

Conditions
in India.

132. These qualities are only developed by exercise; they are greatly affected by education, occupation, and social organization; but ultimately they rest on the traditions and habits of thought of the people. We cannot go simply to statistics for the measure of these things. We cannot turn to the census tables and tabulate according to wealth, or literacy, or occupation, the number of people who might reasonably be given the franchise. None the less we must try to realize the broad facts. Two dominating conditions will be quickly apparent to anyone who turns to the records and reports. One is that the immense masses of the people are poor, ignorant and helpless far beyond the standards of Europe; and the other is that there runs through Indian society a series of cleavages—of religion, race, and caste—which constantly threaten its solidarity, and of which any wise political scheme must take serious heed.

Immensity of
the problem.

133. Now let us face squarely the immensity and difficulty of the problem. British India has two and half times the population of the United States. The United Provinces and Bengal hold each as many people as the British Isles. We may compare Bihar and Orissa in respect of population with France; Bombay with Austria, and the Punjab with Spain and Portugal combined. In England and Wales four-fifths of the people live in towns. India has many ancient and historic cities, but taken all together they hold but a tiny fraction of her enormous population. It may perhaps be assumed that the first approach to urban conditions occurs when ten thousand people reside together in one place; for on that scale questions of water-supply and lighting and drainage—the material things which awake men to a consciousness of their common needs as neighbours—begin to be a serious concern. On that basis we may say that 226 out of 244 millions of people in British India live a rural life; and the proportion of these who ever give a thought to matters beyond the horizon of their villages is very small. Agriculture is the one great occupation of the people. In normal times a highly industrialised country like England gives 58 persons out of every hundred to industry, and only 8 to agriculture. But India gives out of every hundred 71 to agriculture or pasture, 12 to industry, 5 to trade, 2 to domestic service, $1\frac{1}{2}$ to the professions, and $1\frac{1}{2}$ to Government service or the army. In the whole of India the soil supports 225 out of 315 millions, and 208 millions of them get their living directly by, or depend directly upon, the cultivation of their own or others' fields. What concerns them is mainly the rainfall or the irrigation supply from wells or canals, the price of grain and cloth, the payment of rent to the landlord or revenue to the State, the repayment of advances to the village banker, the observance of religious festivals, the education of their sons, the marriage of their daughters, their health and that of their cattle. They visit the local town on bazar days and the sub-divisional or district centre rarely on business or litigation. They are not concerned with district boards or municipal boards; many of them know of no executive power above the district officer, and of Parliament or even of the legislative councils they have never heard. In one province it is stated that 93 per cent. of the people live and die in the place where they were born. Similar concerns are perhaps the main interests of the population of some country districts in the United Kingdom. But in India the conditions indicated apply to the great mass of the population.

Extent of
education.

134. The educational returns tell us much the same story. In British India 6 per cent. of the population, males and females together, were able at the last census to comply with the test of literacy which consisted in reading and writing a letter in their own script. It has no doubt risen perceptibly in the seven years since 1911. The percentage was much higher (11) in the case of men, than in that of women (1.1). It was also naturally much higher in large

cities, where it rose to 30 per cent. Aryas, Brahmos, Parsis and Jains are the best educated classes; then in order Buddhists, Christians and Sikhs. Among Hindus education is very much a matter of caste; some of the higher castes are better read than Buddhists, others are far lower down. Muslims also come low in the list. The knowledge of English is confined to less than two million people, a fractional percentage of the entire population.

135. The Indian Government compiles no statistics showing the distribution of wealth, but such incomplete figures as we have obtained show that the number of persons enjoying a substantial income is very small. In one province the total number of persons who enjoyed an income of £66 a year derived from other sources than land was 30,000; in another province 20,000. The revenue and rent returns also show how small the average agricultural holding is. According to one estimate, the number of landlords whose income derived from their proprietary holdings exceeds £20 a year in the United Provinces is about 126,000, out of a population of 48 millions. It is evident that the curve of wealth descends very steeply, and that enormous masses of the population have little to spare for more than the necessities of life. Distribution of wealth.

136. The fraction of the people who are town-dwellers contribute only a very small proportion to the revenues of the State; but among them education has made some head-way, municipal institutions have been at work, and the presence of political leaders among the professional classes has made itself felt. This is the radius to which interest in political problems is chiefly confined. The question is often asked—what ratio of the people really ask for greater political power? It cannot be answered with any accuracy by tabulating the circulation of newspapers, the number of societies, the sum-total of professional men or traders, or the population of colleges. There is a core of earnest men who believe sincerely and strive for political progress; around them a ring of less educated people to whom a phrase or a sentiment appeals; and an outside fringe of those who have been described as “attracted by curiosity to this new thing or who find diversion in attacking a big and very solemn government as urchins might take a perilous joy in casting toy darts at an elephant.” On the other hand is an enormous country population, for the most part poor, ignorant, non-politically minded and unused to any system of elections,—immersed indeed in the struggle for existence. The rural classes have the greatest stake in the country because they contribute most to its revenues; but they are poorly equipped for politics and do not at present wish to take part in them. Among them are a few great landlords and a larger number of yeoman farmers. They are not ill-fitted to play a part in affairs but with few exceptions they have not yet done so. But what is perhaps more important to appreciate than the mere content of political life in India is its rate of growth. No one who has observed Indian life during even the past five years can doubt that the growth is rapid and is real. It is beginning to affect the large landholders: here and there are signs of its beginning to affect even the villages. But recent events and above all the war have given it a new earnestness and a more practical character. Men are coming to realise more clearly that India’s political future is not to be won merely by fine phrases: and that it depends on the capacity of her people themselves to face difficulties and to dispose of them. Hence comes the demand for compulsory education, for industries, for tariffs, for social reform, for social, public and even military service. For a long time many Indian leaders were content to criticise; they have now begun to construct; and because construction is a matter in which the Government can so greatly help or hinder they are more than ever anxious to take a share in the Government itself. Extent of interest in political questions.

137. The potential capacity for politics of the rural population, of whom the peasant proprietor and the tenant are typical, is discussed in the following extract from an official report:— Political capacity of the rural population.

“Our rule gave them security from the violence of robbers and the exactions of landlords, regulated the amounts of revenue or rent that they had to pay, and assured to both proprietor and cultivator—in the latter case by the device of the occupancy right—a safe title in their lands. The change was so great that they sank into a condition of lethargic content; even yet they have barely realized that Government has any other gifts to offer; as for the idea of self-government, it is simply a planet that has not yet risen above their horizon.

“But there are signs of awakening. They have already learnt an important lesson—that it is legitimate to bring their troubles to the notice of Government and that a good Government will listen to them with sympathy. They are often contemptuously branded as the ‘voiceless millions of India’: but the charge is untrue. They do not ask much or often, but that is because they want so little. Nevertheless, if they are aggrieved, they do not hesitate to say so. They may not be vocal, but they are certainly not voiceless.

“Hitherto, they have regarded the official as their representative in the councils of government; and now we have to tear up that faith by the roots, to teach them that in future they must bring their troubles to the notice of an elected representative—further, that they have the power to compel his attention. We have to bring about the most radical revolution in the people’s traditional ideas of the relation between ruler and ruled, and it will be a difficult and even dangerous business, for it is neither safe nor easy to meddle with traditional ideas in India. Unless the political changes now in contemplation are accompanied by an educational campaign directed to awaking in all classes alike, but especially in this particular class, a sense of citizenship, disaster will certainly result.”

Interests
of the ryot.

138. It is just because the Indian ryot is inarticulate and has not been directly represented in our deliberations that we feel bound to emphasise the great claim he has upon our consideration. The figure of the individual cultivator does not often catch the eye of the Governments in Simla and Whitehall. It is chiefly in the mass that they deal with him, as a consumer of salt or of piece-goods, or unhappily too often as the victim of scarcity or disease. But the district officer and his lieutenants know well the difficulties that beset him, and his very human needs: and in the local revenue offices these make up nine-tenths of the public business done. What matters most of all to the ryot are his relations with his landlord: but his fortunes are by no means to be disposed of by considering them solely from the stand-point of “agrarian legislation.” Much of the activity of Government comes home to him eventually; and whatever helps him in his difficulties adds enormously to the happiness of the country as a whole. It is not merely a matter of securing him in possession of his plot of land, of assessing his dues equitably and collecting them with discrimination, of advancing him money in bad days and waiting till he is in a position to repay it. A simple, cheap and certain system of law is one of his greatest needs. He greatly requires to be protected against the intricacies of courts and the subtleties of law and enabled to defeat the advantage enjoyed by long-pursed opponents. The working of all the great procedure Codes, the law of usury, of registration, of limitation of contract, the Court-fees Act, the Stamp Act, is felt in the remotest village in the land. The ryot and hundreds of thousands of his kind may be lifted from penury to comfort by a canal project costing millions of pounds. One of his constant needs is protection against the exaction of petty official oppressors. Improvements in seed or stock, manures, ploughs, wells; the building of a new road or a new railway: facilities for grazing his cattle or getting wood for his implements; the protection of his crop from wild animals, his cattle from disease and his brass vessels from burglars; co-operative banks to lend him money and co-operative societies to develop his market; the provision of schools and dispensaries within reasonable distance—these are the things that make all the difference to his life. They have all been dispensed for him by an official government in the past; and we must always bear in mind that he will not find it easy to learn to arrange them for himself in future. He has sat on caste *panchayats*; he has signed joint petitions to official authority. But he has never exercised a vote on public questions. His mind has been made up for him by his landlord or banker or his priest or his relatives or the nearest official. These facts make it an imperative duty to assist and to protect him while he is learning to shoulder political responsibilities.

The
politically-
minded class.

139. In estimating the politically-minded portion of the people of India we should not go either to census reports on the one hand, or to political literature on the other. It is one of the most difficult portions of our task to see them in their right relation to the rest of the country. Our obligations to them are plain for they are intellectually our children. They have imbibed ideas which we ourselves have set before them and we ought to reckon it to their credit. The present intellectual and moral stir in India is no reproach but rather a tribute to our work. The *Raj* would have been a mechanical and iron thing if the spirit of India had not responded to it. We must remember, too, that the educated Indian has come to the front by hard work; he has seized the education which we offered him because he first saw its advantages; and it is he

who has advocated and worked for political progress. All this stands to his credit. For thirty years he has developed in his Congress and latterly in the Muslim League, free popular convocations which express his ideals. We owe him sympathy because he has conceived and pursued the idea of managing his own affairs, an aim which no Englishman can fail to respect. He has made a skilful, and on the whole a moderate, use of the opportunities which we have given him in the legislative councils of influencing Government and affecting the course of public business, and of recent years he has by speeches and in the press done much to spread the idea of a united and self-respecting India among thousands who had no such conception in their minds. Helped by the inability of the other classes in India to play a prominent part he has assumed the place of leader ; but his authority is by no means universally acknowledged and may in an emergency prove weak.

140. The prospects of advance very greatly depend upon how far the educated Indian is in sympathy with and capable of fairly representing the illiterate masses. The old assumption that the interests of the ryot must be confided to official hands is strenuously denied by modern educated Indians. They claim that the European official must by his lack of imagination and comparative lack of skill in tongues be gravely handicapped in interpreting the thoughts and desires of an Asiatic people. On the other hand it is argued that in the limited spread of education, the endurance of caste exclusiveness and of usages sanctioned by caste, and in the records of some local bodies and councils, may be found reasons which suggest that the politically minded classes stand somewhat apart from and in advance of the ordinary life of the country. Nor would it be surprising if this were the case. Our educational policy in the past aimed at satisfying the few, who sought after English education, without sufficient thought of the consequences which might ensue from not taking care to extend instruction to the many. We have in fact created a limited *intelligentsia*, who desire advance ; and we cannot stay their progress entirely until education has been extended to the masses. It has been made a reproach to the educated classes that they have followed too exclusively after one or two pursuits, the law, journalism or school teaching : and that these are all callings which make men inclined to overrate the importance of words and phrases. But even if there is substance in the count, we must take note also how far the past policy of Government is responsible. We have not succeeded in making education practical. It is only now, when the war has revealed the importance of industry, that we have deliberately set about encouraging Indians to undertake the creation of wealth by industrial enterprise, and have thereby offered the educated classes any tangible inducement to overcome their traditional inclination to look down on practical forms of energy. We must admit that the educated Indian is a creation peculiarly of our own ; and if we take the credit that is due to us for his strong points we must admit a similar liability for his weak ones. Let us note also in justice to him that the progressive Indian appears to realise the narrow basis of his position and is beginning to broaden it. In municipal and university work he has taken a useful and creditable share. We find him organising effort not for political ends alone, but for various forms of public and social service. He has come forward and done valuable work in relieving famine and distress by floods, in keeping order at fairs, in helping pilgrims, and in promoting co-operative credit. Although his ventures in the fields of commerce have not been always fortunate, he is beginning to turn his attention more to the improvement of agriculture and industry. Above all he is active in promoting education and sanitation ; and every increase in the number of educated people adds to his influence and authority.

141. Now let us turn to the other main feature of Indian society—its division by races, creeds and castes. Thirty years ago Lord Dufferin drew the following picture of India:—

“ This population is composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting sources of usages, and even antagonistic material interests. But perhaps the most patent characteristic of our Indian cosmos is its division into two mighty political communities as distant from each other as the poles asunder in their religious faith, their historical antecedents

Their relations
to the masses.

Divisions
of Indian
society.

their social organization, and their natural aptitudes; on the one hand the Hindus numbering 190 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste distinctions, and their habits of submission to successive conquerors—on the other hand, the Mahomedans, a nation of 50 millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their remembrance of the days when, enthroned at Delhi, they reigned supreme from the Himalayas to Cape Comorin. To these must be added a host of minor nationalities—most of them numbering millions—almost as widely differentiated from one another by ethnological or political distinctions as are the Hindus from the Mahomedans, such as the Sikhs, with their warlike habits and traditions and their enthusiastic religious beliefs—the Robillas, the Pathans, the Assamese—the Baluchees, and other wild and martial tribes on our frontiers—the hillmen dwelling in the folds of the Himalayas—our subjects in Burma, Mongol in race and Buddhist in religion—the Khonds, Mhairs, and Bheels, and other non-Aryan peoples in the centre and south of India—and the enterprising Parsees, with their rapidly developing manufactures and commercial interests. Again, amongst these numerous communities may be found at one and the same moment all the various stages of civilization through which mankind has passed from the pre-historic ages to the present day. At one end of the scale we have the naked savage hill man, with his stone weapons, his head-hunting, his polyandrous habits, and his childish superstitions; and at the other, the Europeanized native gentleman, with his English costume, his advanced democratic ideas, his Western philosophy, and his literary culture; while between the two lie layer upon layer, or in close juxtaposition, wandering communities with their flocks of goats and moving tents; collections of undisciplined warriors, with their blood feuds, their clan organization, and loose tribal government; feudal chiefs and barons with their retainers, their seignorial jurisdiction, and their mediæval notions; and modernized country gentlemen and enterprising merchants and manufacturers, with their well managed estates and prosperous enterprises.”

The colours of the picture have since toned down. The generation that has passed since Lord Dufferin wrote has witnessed great growth. Schools have more than doubled; higher education has increased threefold; printing presses and newspapers have multiplied; and the production of books in English has increased by 200 per cent. The spread of western education has brought India more into touch with the outside world, and tended constantly though slowly to break down the barriers of social and religious customs. The sense of unity is growing and has been quickened by the war. As the Public Services Commission saw, not merely is there greater communion of thought among educated Indians themselves but also closer communion of thought between educated India and England. At the same time they go on to say—

“ Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitudes towards social and political questions of the first order, whilst, in addition to this main line of religious cleavage, there are other important communities such as Sikhs, Parsis, Buddhists (chiefly in Burma) and Indian Christians, who are all more or less widely separated from the bulk of the population, either Hindu or Muhammadan. Nor does religion constitute the only line of cleavage. Geographical and climatic as well as social conditions have also helped to preserve down to our own times differences originally imported into India by successive waves of conquest and migration. Of all these considerations it would be unwise not to take cognisance. But it would be equally unwise to ignore that growing body of western educated opinion, which is gradually creating a new atmosphere all over India. Even those who most strongly deprecate some of its manifestations realise that it has contributed largely to the great social and religious movements, which are aiming at giving a new direction to old beliefs and at harmonising ancient doctrines with the teachings of science. It is reflected in that new sense of unity which is displacing the idea of ordained separation hitherto prevalent in Indian society.”

Variety
of local
conditions.

142. Thus from a bird's eye view India is still a country “ marching in uneven stages through all the centuries from the fifth to the twentieth.” There are tracts where it would be fantasy to dream of representative institutions. There are everywhere people so ignorant and so depressed as necessarily to lie outside the limits of any franchises which can at the outset be framed. Even within the limits to which the new constitution can be applied there are differences of conditions of which account must be taken in applying it. And running through the whole body politic is a series of divisions of sect and race which, as the Public Services Commission saw, still affect the minds of educated Indians.

Reasons for
emphasising
the difficulties.

143. Imperfect as it is, this sketch may serve to bring out the chief elements of the Indian part of the complex and heterogeneous total known as British India. We refer to the other components later on. Why have we tried to describe the complexities of the task before us, and in particular why have we laid stress upon the existence of silent depths through which the cry of the press and the platform never rings? In the first place of course we wish to insist on

the importance of these factors in considering the time necessary for the complete attainment of responsible Government in a country where in spite of rapid processes of growth so great a majority of the people do not ask for it, and are not yet fitted for it. But our chief purpose is more important than this. We desire to test the wisdom of the announcement of August 20. If we have conceded all that can fairly be said as to the difficulties of the task before us, then the policy which has been laid down can be judged in the light of all the facts.

144. We believe that the announcement of August 20 was right and wise ; The justification of an advance. and that the policy which it embodies is the only possible policy for India. We have seen it estimated that the number of people who really ask for free institutions does not exceed five per cent. of the population. It is in any case a small proportion ; but to the particular numeral we attach no importance whatever. We are not setting about to stir 95 per cent. of the people out of their peaceful conservatism and setting their feet upon a new and difficult path merely at the bidding of the other five per cent. : nor would that be our reason, whether the articulate minority were 20 per cent. or one-half per cent. of the whole. Our reason is the faith that is in us. We have shown how step by step British policy in India has been steadily directed to a point at which the question of a self-governing India was bound to arise ; how impulses, at first faint, have been encouraged by education and opportunity ; how the growth quickened nine years ago, and was immeasurably accelerated by the war. We measure it not by the crowds at political meetings or the multiplication of newspapers ; but by the infallible signs that indicate the growth of character. We believe profoundly that the time has now come when the sheltered existence which we have given India cannot be prolonged without damage to her national life ; that we have a richer gift for her people than any that we have yet bestowed on them ; that nationhood within the Empire represents something better than anything India has hitherto attained ; that the placid, pathetic contentment of the masses is not the soil on which such Indian nationhood will grow, and that in deliberately disturbing it, we are working for her highest good.

145. If then our faith is right what are the conditions of success ? Ob-Conditions of success.viously there is much to change. The habits of generations have to be softened if not overcome ; we have to call forth capacity and self-reliance in the place of helplessness : nationhood in place of caste or communal feeling. But we have great influences working with us in the spirit of liberty that is stirring in Asia as in the rest of the world, and the intense desire of educated Indians to prove that their long period of tutelage may be ended and that they may take their place in the forefront of the world as a self-governing part of the Empire. The task is a great and worthy one, but it calls for some effort and self-sacrifice from every element in the community.

146. Let us begin with the ryot, because his is the most difficult case. Political education of the ryot. When local bodies are developed some of his class will have a vote on local questions. He will thus begin to discover that if there is no school near his village or no road to take him to market, the right way to procure these benefits is, not as heretofore by asking the Collector for them, but by voting for the local board member who is most likely to get them for him. The process will be an up-hill one ; it will take time ; and very probably advance can only come through previous failure. The rural voter will perhaps find himself cajoled or bought or coerced into voting in a way that does himself no good. But eventually it will dawn upon him, as it has done upon the agricultural classes elsewhere, that because he has a vote he has the means of protecting himself and that if those who claim to represent him neglect his interests he can discard them. As his political education proceeds, he will come to apply the lesson learned in local affairs to the affairs of Government also. It will occur to him eventually that if landlords are oppressive and usurers grasping and subordinate officials corrupt he has at his command a better weapon than the *lathi* or the hatchet with which to redress his wrongs. He will gradually learn that though the Government is far off he can take a remote part in determining its action, and he will find that because the infinitesimal power which he wields is in

some of the tasks which lie in front of us, and each of them needs a whole army of devoted missionaries."

It is indeed plain that there is an immense work of education to be done throughout the countryside. Everything that tends to waken the Indian ryot's intelligence, that helps him to be an independent, self-determining man; everything that breaks down the barriers between communities, and makes men regard each other as neighbours and not as the wearers of some caste or creed insignia hastens on the day when self-government within the Empire will be attained. All this is work that the educated Indian can and ought to undertake. The work is more than arduous. It demands men who are really thinking of their country, who really have the interests of the masses at heart—men of courage and fixity of purpose, who do not fear responsibility and are capable of leadership.

150. Together with this there is a very real responsibility of the utmost importance. There exists a small revolutionary party deluded by hatred of British rule and desire for the elimination of the Englishman into the belief that the path to independence or constitutional liberty lies through anarchical crime. Now it may be that such persons will see for themselves the wisdom of abandoning methods which are as futile as criminal; though if they do not the powers of the law are or can be made sufficient for the maintenance of order. But the existence of such people is a warning against the possible consequences of unrestrained agitation in India. We are justified in calling on the political leaders, in the work of education that they will undertake, to bear carefully in mind the political inexperience of their hearers; and to look for further progress not to fiery agitation, which may have consequences quite beyond their grasp, but to the machinery which we devise for the purpose. In every country there will be persons who love agitation for agitation's sake or to whom it appeals like an intoxicant. It is the duty of the leaders of Indian opinion to remember the effect on people not accustomed to weighing words of fiery and heated speeches. Where ignorance is widespread and passions are so easily aroused, nothing is easier than for political leaders to excite a storm; nothing harder for them than to allay it. Breaches of the peace or crimes of violence only put back the political clock. Above all things, when the future of India depends upon co-operation among all races, attacks upon one race or religion or upon another jeopardise the whole experiment. Nor can the condemnation of extremist and revolutionary action be left only to the official classes. We call upon all those who claim to be leaders to condemn with us and to support us in dealing with methods of agitation which drive schoolboys to crime and lead to religious and agrarian disturbance. Now that His Majesty's Government have declared their policy, reasonable men have something which they can oppose successfully to the excitement created by attacks on Government and by abuse of Englishmen, coupled with glowing and inaccurate accounts of India's golden past and appeals to race hatred in the name of religion. Many prominent Indians dislike and fear such methods. A new opportunity is now being offered to combat them; and we expect them to take it. Disorder must be prejudicial to the cause of progress and especially disorder as a political weapon. But we have no hesitation in recommending that the Government must maintain power to prevent the disastrous consequences if in any case law and order are jeopardised. Outbreaks of anarchy cannot be tolerated.

151. Finally, what of the differences between races and creeds? We do not propose to review the evidence placed before us showing the extent to which they still endure. But we must take them into account as presenting a feature of Indian society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest. We have of course no intention of interfering with questions of a religious nature or bound up with religious beliefs, which it is the duty of Government so far as possible to respect and to leave alone. But we can at least appeal to Hindu and Muslim, Brahman and non-Brahman to cultivate a community of interests in the greater welfare of the whole. On them all rests a great responsibility for the development of their common country, and their realization of this truth will be the surest way, perhaps the only way, of ending disunion. Self-government for India within the Empire is the highest aim which her people can set before themselves

or, which we as trustees for her, can help her to attain. Without it there can be no fullness of civic life, no satisfaction of the natural aspirations which fill the soul of every self-respecting man. The vision is one that may well lift men up to resolve on things that seemed impossible before. Is it too much to hope that the desire of the people of India so to govern themselves and the conviction that they can never do so otherwise in any real sense, may prove eventually to be the solvent of these difficulties of race and creed? The first duty of the leaders of every party in the state is to unteach partisanship. If the Hindu or the Muslim displays intolerance of the other's religious practices, if the higher castes refuse to admit the children of low castes to schools which their own sons attend, or if caste exclusiveness takes even harsher shape towards the out-castes, it is the business of the enlightened leaders of the community to explain to them that they are only retarding a cause that ought to be dearer to them than their own sectional interests. So long as the latter are paramount any form of self-government to which India can attain must be limited and unreal at best. But our aim is that it should be complete and real and to this end as we have stated it our reforms are designed.

Possible
effect of the
reforms.

152. Nor are we without hope that the reforms will themselves help to provide the remedy. We would not be misunderstood. Representative institutions in the west, where all are equal at the ballot box, have checked but not abolished social exclusiveness. We do not make a higher claim for similar institutions in India than that they will help to soften the rigidity of the caste-system. But we hope that those incidents of it which lead to the permanent degradation and ostracism of the lowest castes will tend to disappear in proportion to the acceptance of the ideas on which the new constitution rests. There is a further point. An autocratic administration, which does not share the religious ideas of the people, obviously finds its sole safe ground in leaving the whole department of traditional social usage severely alone. In such matters as child-marriage, it is possible that through excess of caution proper to the régime under which it works, it may be actually perpetuating and stereotyping customs which the better mind of India might be brought, after the necessary period of struggle, to modify. A government, in which Indians themselves participate, invigorated by a closer touch with a more enlightened popular opinion, may be able with all due caution to effect with the free assent or acquiescence of the Indians themselves, what under the present system has to be rigorously set aside.

Advance
must be
gradual.

153. So far we have tried, without under-estimate or reserve, to set out the difficulties that undoubtedly attend the introduction of responsible institutions into India. They have to be taken into account, and they must lead us to adjust the forms of popular government familiar elsewhere to the special conditions of Indian life. But we have also seen that there is good reason for hope. Free institutions have, as we have said, the faculty of reacting on the adverse conditions in which the start has to be made. The backwardness of education may embarrass the experiment at the outset; but it certainly ought not to stop it, because popular government in India as elsewhere is sure to promote the progressive spread of education and so a widening circle of improvement will be set up. While, however, we do not doubt the eventual capacity of Indians for self-government, we find it freely and widely admitted that they are not at present ready. Indeed the facts that we have endeavoured to bring out make this obvious. The successful working of popular government rests not so much on statutes and written constitutions as on the gradual building up of conventions, customs and traditions. These are based on the experience and political thought of the people, but are understood and appreciated by both the governed and the Government. Nothing but time can adequately strengthen them to support the strains to which they are exposed. There are examples ancient and contemporary alike to point the moral of the disasters which during a period of transition from official to popular rule may follow from ignoring this fundamental truth.

Provision
against
religious
discrimination.

154. While therefore we believe that the policy is right and we believe that it will succeed by enlisting on its side the best efforts and the highest thoughts of India, we recognize also that there are precautions to be taken. The difficulty that outweighs all others is the existence of religious differences. We may be

services, always conspicuously loyal in the carrying out of any new policy, will respond to this call. We are hopeful that the British element will so enter on a new career, and gain a new security in the progressive development of India. Meanwhile we repeat that the Government must recognise its responsibilities to those whom it has recruited, and must retain the power to protect and support them in the discharge of the duties imposed upon them.

Position of
the Native
States.

157. We shall examine separately the series of questions presented by the Native States; but this general survey of the problems before us would not be complete without brief reference to them. The map of India, says Sir Bampfylde Fuller, "may be likened to an ancient tessellated pavement, the greater part of which has been replaced by slabs of uncoloured stone work. The *lesserae* represent the Native States." They extend over one-third of the country, but being generally less fertile than British India sustain not much more than one-fifth of the total population. We need not now pause to describe the way in which our relations with the Ruling Princes and Chiefs have developed, the limitations on their sovereignty; and on the other hand the limitations which the Government of India observes upon its interference in their domestic concerns. These matters are regulated by agreements with the States which must be fulfilled whatever changes may occur in British India itself. Our immediate purpose is to point out how changes in British India may react upon the States. As we shall see, the volume of business which is of common concern to the States and to British India is steadily growing in importance. So long as such matters remain ultimately in the hands of the Governor General in Council the Princes may perhaps rest content with the means which they have at present of securing the due consideration of their views. But if the control of matters common to India as a whole is shared with some popular element in the government, it must be anticipated that these Rulers may wish to take a share in such control also. There is a stronger reason why the present stir in British India cannot be a matter of indifference to the Princes. Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in India. It is not our task to prophesy: but no one would be surprised if constitutional changes in British India quickened the pace in the Native States as well; if the advanced Princes who have already set up the rudiments of representative institutions were impelled to develop them and if even the most patriarchal Rulers thought it time to clothe their authority in more modern garments. Our business, however, is to observe our treaty obligations and to refrain from interference and to protect the States from it. We must leave the natural forces at work to provide the solution in due course. If change comes in the Native States it can only be by the permeation of ideas and not as a direct result of constitutional changes in British India.

Responsi-
bility for
foreign
relations.

158. Finally we come to our supreme responsibility for India's relations with her great Asiatic neighbours, and for the security of six thousand miles of land frontiers and nine thousand miles of seaboard. This line was violated when the *Emden* fired on Madras; and thereby made the realities of war unpleasantly apparent to some hundreds of thousands of Indians. But the military danger that centuries of painful experience have impressed so deeply on the imagination of India that it lingers in the thoughts of her people to the present day is that of invasion from the North-West. This responsibility for India's defence is the ultimate burden which rests on the Government of India; and it is the last duty of all which can be committed to inexperienced or unskilful hands. So long as India depends for her internal and external security upon the army and navy of the United Kingdom, the measure of self-determination which she enjoys must be inevitably limited. We cannot think that Parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question: and for this reason the Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole.

Chapter VII.—The Congress-League Scheme.

159. In tracing the course of recent events in India in chapter I, we showed ^{Introductory.} how various influences combined to produce the reform scheme put forward jointly by the Indian National Congress and the All-India Muslim League. This was the latest, most complete, and most authoritative presentation of the claims of the leading Indian political organisations; and as such it was the first to require attention in the course of our enquiry. We found that it commanded so large a measure of support that we were entitled to regard it as disposing of earlier constitutional essays on somewhat similar lines. We have examined it with every desire to bring it into relation with the announcement of August 20; and we will now explain the objections which we feel to some of its features, and why, though we make suggestions similar to other features of it, the principles on which its main proposals are based seem to us essentially unsound.

160. The scheme assumes, as its basis, a condition of provincial autonomy, ^{Provincial autonomy.} entailing the relaxation of control by the Government of India and the Secretary of State over provincial governments, in favour of control by popularly elected legislative councils. We entirely agree that this must be the first aim; and as will be seen later, we have ourselves striven to attain it as far as possible. We need not here pause to explain the limitations which seem to us necessary for the time being in the application of this principle. Our reasons will be clear when we set forth our own proposals for changes in the provincial governments and their relations with the Indian Government. On this foundation the authors of the scheme have erected a form of government by which the people, through their representatives in the legislative councils, would be enabled to control the actions of the nominated and irremovable executive.

161. First let us see how it is intended that the provincial executives should ^{Composition of provincial Executives.} be composed. It is proposed that provincial governments should consist of a Governor, who should not ordinarily be a member of the Indian Civil Service or any permanent service, together with a council, of which half shall consist of Indian gentlemen elected by the provincial legislative council, and the other half shall not ordinarily include members of the Indian Civil Service. The original scheme contained no suggestion as to the number of members of council, but this omission was made good in a memorandum presented to us by a joint deputation representing the National Congress and the Muslim League which asked that there should be six members. We recognize that educated opinion in India strongly favours council government; and we agree that we should proceed to a general extension of the system. We agree too that a large element in the Government should be Indian, and that part of it should be non-official. But at present there exists no bar to the appointment of members of a permanent service to Governorships; and though we propose to assimilate the method of appointment of all Heads of provinces we see every disadvantage in such a bar. In practice presidency Governors have almost invariably been selected from England; but members of the services have always been eligible for these appointments, and in this respect there appears to us no good reason to make a change. The personal burden resting upon the Head of a province will be heavier in future than in the past, and it is essential that the best men from whatever source should be freely available. Nor can we agree that these councils should have six full-time members; nor that members of the Indian Civil Service should not ordinarily be appointed to the councils; nor that the Indian members should be chosen by election. We will take each point in turn. The existing provincial executive councils have only three members each, two Europeans and one Indian. There would nowhere be sufficient work for six full-time members of executive council and a Governor. When a proportion of the executive government consists of Indian gentlemen who will ordinarily have no administrative experience, it seems to us essential, especially if the Governor lacks knowledge of India, that the European members of council should be versed in Indian administration. Forthcoming changes will tax both the tact and ability of the executive councils, and during

the period of gradual change to responsible government we are not prepared to deprive them of the help of official experience. The intention of the scheme is that the European seats in the executive council should be filled by the appointment of public men from England. But it would be highly inexpedient that the European colleagues of the Governor should be from the outset so largely dependent either on their secretaries or on their untrained Indian colleagues for information about Indian conditions; nor do we think that men with the high qualifications for which we ought to look, would be willing to interrupt their career in England for a membership of a provincial executive council. The office carries no pension, nor does it offer either the amenities or the pay of a seat on the Governor-General's Council. India will need in the future the finest type of public servant that she can get, and more will be demanded of her European officials than in the simpler conditions of the past. We have to take into account the effect upon the services of excluding them for such positions. It would indeed be short-sighted policy to preclude ourselves from employing them in the domain where especially during the transitional period they will be of the very greatest usefulness. But the feature of the proposals regarding these councils to which we most decidedly demur is that the Indian members should be elected by the elected members of the legislative council. If the object is merely to find some means of ensuring that the Indian members of the Government enjoy the confidence of the legislative council, we are in full sympathy with it, though we think that it can be attained by other means. We are aware that in the past the nominations made to the executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are safe and not likely to give Government trouble; and, if legislature and executive are to work smoothly together, it is, we agree, necessary to make appointments which command confidence and ensure efficiency and ability. We feel sure, however, that to choose part of the Government by election is not a good method of obtaining this result. So far as we are aware there is no precedent on which we can base ourselves in the constitution of any country of importance. Election would deprive the Governor of all discretion in making recommendations as to his colleagues; and it would make it impossible to take steps to give all communities an opportunity of obtaining these appointments. Election is perhaps the best, though it is not the only, method of securing representation; but when ability in administration ought generally speaking to be the test, nomination by those who are in the best position to judge must be far more satisfactory than election, success in which largely depends on other qualities. Further, the scheme involves the association of individuals in the Government, who while sharing in the same degree the same responsibilities, yet derive their authority from different sources, being responsible to the Secretary of State in the one case and the legislative council in the other; and hence in the event of a divergence of view there is no easy way of securing the unity of action required.

The provincial
legislative
councils.

162. The provincial legislative council is the key to the strong position at present occupied by the provincial executive government. The Morley-Minto reforms have shown the Indian politician that the way to the citadel lies in mastering the out-works. The Congress-League scheme proposes that these councils should be enlarged so as to consist of not less than 125 members in major provinces and from 50 to 75 in minor provinces. The present numbers vary from 52 in Bengal to 19 in Burma. It intends that four-fifths of the members should be elected and one-fifth nominated, and that the franchise be widened and made direct. Without committing ourselves to approval of the particular proportions we agree with the principle of all these proposals. There is admittedly the strongest reason for making the present councils more representative, and this we propose to effect by enlarging them and by introducing a system of direct election on as wide a franchise as is possible, having regard to the materials at hand for the creation of an electorate. But our view decidedly is that the size of the councils cannot be determined *a priori*, but must depend on an examination and measure of the electorates. We consider that the time has come to grant substantial elected majorities but the exact size of the Councils and the proportions which would suffice for the representation

of the official view and for the representation of important minority interests which cannot be represented by election cannot be settled at present. These matters, as we explain in due course, need further study in detail.

163. Important minorities, it is proposed, should be represented by election. This appears to point to a system of reserved seats but not of special electorates, which latter are specified only for Muhammadans, who are no longer to be allowed to vote in the general electorates as well as in their own special ones. We have elsewhere touched upon the difficulty of denying to certain other communities, such as the Sikhs in the Punjab, a concession which is granted to Muhammadans. The authors of the scheme have also agreed upon and set forth the proportions of the seats to be reserved for the special Muslim electorates in the various provinces. We are not aware on what basis, other than that of negotiation, the figures were arrived at. Separate electorates are proposed in all provinces even where Muhammadans are in a majority; and wherever they are numerically weak the proportion suggested is in excess of their numerical strength or their present representation. At the same time nearly all the Muslim associations which addressed us urged upon us that it should be still further increased. Now a privileged position of this kind is open to the objection, that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction from both Muslim and non-Muslim; and Hindu and Muslim opinions are not likely to agree which process should be adopted. While, therefore, for reasons that we explain subsequently we assent to the maintenance of separate representation for Muhammadans, we are bound to reserve our approval of the particular proposals set before us, until we have ascertained what the effect upon other interests will be, and have made fair provision for them. We agree with the authors of the scheme that Muhammadans should not have votes both in their own special and in the general electorates, and we welcome the Muslim League's assent to the revision in this respect of existing arrangements.

164. The concession of special electorates and fixed ratios of representation for the Muslims is, however, reinforced by a further safeguard of a far more dubious nature. The proposal is that "no Bill, nor any clause thereof, nor a resolution introduced by a non-official affecting one or the other community, (which question is to be determined by the members of that community in the legislative council concerned) shall be proceeded with if three-fourths of the members of that community in the particular council, Imperial or provincial, oppose the Bill or any clause thereof or the resolution." Such a provision measures the difficulty with which agreement between the communities was reached. The clause is so widely worded, and would in practice be so widely interpreted by those to whom its interpretation is specifically committed, that it would be unworkable. In a country like India it is impossible to say what proposals would not be capable of being represented as affecting communal interests; and even if such debatable measures were carried peaceably through the councils they would be still hopelessly open to persistent and probably successful attacks in the courts. Every law of general application affects Hindus and Muhammadans, and a literal interpretation of this provision would require that all Bills of a general nature should be passed by the specified majority of each community. We have no doubt, however, that what was intended was to protect the peculiar religious rights and customs of Hinduism and Islam. Even this is a far-reaching reservation, susceptible of very wide interpretation in a country like India where religion enters deeply into the daily affairs of life; but so far as the law can afford such general protection, it has already done so in section 79 of the Government of India Act, 1915, which enacts that all laws affecting the religion or religious rites and usages of any community shall require the sanction of the Governor-General before introduction; and we much prefer to rely upon this or some similar safeguard.

165. These changes in the constitution of the councils which we have examined are important, but are not the vital element in the scheme. So far as the legislatures are concerned, the really crucial proposals are those regarding the increased powers of the councils. In the sphere of finance it is proposed that provincial and Indian sources of revenue should be

completely separated by abolishing the present division of certain heads of revenue and that the deficient resources of the Government of India should, in consequence, be supplemented by means of fixed contributions from the provinces. The provincial council should then have complete control over all provincial finance. All items of expenditure and all proposals concerning ways and means for the raising of revenue should be embodied in money Bills and submitted to the council for adoption. The council should also have power to raise loans and to impose and alter taxation. We have made it clear elsewhere that we consider the proposal to segregate provincial finance entirely sound. We fully accept the principle that the provinces should, in future, have wholly separate resources, and we are ourselves making certain suggestions with that end in view. The measure of the powers of borrowing and taxation that can safely be conceded to the provinces is a more difficult matter, but we believe that in both respects substantial advance upon the present system is possible. Where we next find ourselves at variance with the draughtsmen of the scheme is in their claim to control completely the provincial finances. It may be that constitutional practice elsewhere has not been fully appreciated. In England it is a well-established rule that the Government only can propose fresh expenditure: no amendment can be moved to increase a grant or to alter its destination. Initiative lies with the Government. The House makes very little use of its undoubted power to reject or reduce the amounts asked for; it supervises rather than directs finance; and the utility of the debates on the Estimates lies in securing publicity and criticism rather than in actually controlling expenditure. But we need hardly lay stress on matters of form when there is an objection of principle. Finance is the vehicle of government; and unless the executive can raise money for its needs and lay it out as it pleases it cannot continue responsible for the administration. The power to refuse a vote, or to refuse to grant the resources required for it, paralyses the Government's hands. In the hands of a legislature, which practically chooses its own executive, such power is natural and appropriate. It affords a convenient and very effective means of making the Government conform to the wishes of the assembly. Supplies are not refused unless the assembly wishes to change the executive. But so long as the executive remains nominated and irremovable, it must be in a position to secure the money necessary for its essential purposes. The Congress-League proposal is compatible with parliamentary government, but fundamentally incompatible with an executive which retains any responsibility towards the Secretary of State and Parliament. In this respect therefore it is inconsistent with itself. We shall carefully examine later on within what limits it is possible to give the legislatures a voice in the disposal of provincial finance.

Legislative
powers.

166. In the next place it is proposed that the councils with their substantial majority of elected members should have power to legislate on all provincial subjects subject to the Governor's veto. The idea is that an irremovable executive should continue responsible for the government of the country, even though it is no longer in a position to secure the legislation which it wants. In that this arrangement may at any moment deprive the Government of any power of effecting its will, it transfers the power from the Government to the elected body. The plan has attractions for many people. It is defended by those who think that legislation matters little compared with administration; or that a provincial Government will still retain great influence and be able to persuade the assembly, either by sheer reason or by means less creditable, to give it the laws which it wants; or that failing to get such laws from its assembly it will be able to get them from the Government of India; or that it can carry on without the laws it wants; and that it will be able to block objectionable legislation by using the veto. But it is also defended by those who point out that the combination of an irremovable executive and an elective assembly, alien as it is to English political ideas, is already found in successful operation elsewhere. Non-parliamentary executives flourish in the United States and Germany. But in America both the executive and legislature are ultimately responsible to the people, and in Germany the system appears to us only to be possible because military obedience rather than political instinct is the guiding principle of German political life.

167. We find then in these proposals no connecting rod between the executive and the legislative wheels of the machine which will ensure that they will work in unison. There are powerful factors working the other way in the differences of race and of political ideas. We must anticipate divergence, and the only question is whether that divergence will be fatal to good government. Upon this point we defer to the experience of history, and we draw from it the plain conclusion that if the government is to be carried on, legislature and executive must in essentials be in harmony. Legislation is a necessary attribute of Government because it is the means by which Government secures fresh powers when it feels the need of them for attaining its ends. But in the hands of the assembly it may become a weapon to paralyse the Government. Whenever the legislature distrusts the executive it can always restrain or control its activities by specific provisions inserted in an Act. There is no clear line between administrative and executive functions, and it would be perfectly open to an assembly which distrusted its executive practically to assume charge of the administration and, as Lord Bryce says,* to reduce its Government to the position of a bank staff *vis à vis* the directors. That is a position into which no parliamentary government ever allows itself to be forced; and it would be an impossible position for a nominated Government in India. An executive which is independent of its legislature, as the Indian executives have hitherto been, can carry on the government in virtue of authority derived from without: a party executive can govern because it interprets the will of the people as represented by the assembly; but wherever as in Canada or Malta attempts have been made to set up an irremovable executive and a popular assembly, acute conflict has ensued and has resulted in either an advance to popular government or a return to autocracy. "Parliamentary government avoids dead-locks by making the executive responsible to the legislature. Presidential government limits dead-locks, because all the organs of the state must ultimately submit to a superior tribunal, the electorate of the nation. But a legislature elected by the people, coupled with a Governor appointed by a distant power, is a contrivance for fomenting dissensions and making them perpetual." We believe that in India, where the two sides are divided by race and also by differences of standpoint, the discord would be much more serious than it has ever been in the Empire's history. We can see no prospect whatever ahead along the road which we are invited by the Congress-League to take but embittered and dangerous dead-lock; to be resolved when it arose, only by a plunge forward into parliamentary government at once, or by reversion to autocratic methods.

Relations
between
executive
and
legislature.

168. The proposal that the executive Government should be bound to carry out the recommendations of legislative councils passed in the form of resolutions is another means by which Indian politicians naturally seek to direct the policy of Government, in the absence of parliamentary means of controlling it by the exercise of the right to change its personnel. This proposal is also embodied in the Congress-League scheme, together with the corollary that resolutions on all matters within the purview of the provincial Government should be allowed for discussion in accordance with rules made by the council itself. But it is easier to understand the motive than to approve the means. In the first place, the method of attempting to control the executive by direct orders on points of detail appears to us to be wrong in principle. This way of conducting the public business was no doubt well known to the legislative assemblies in the old city-states. But it is inapplicable where a country is too large for the people to come together; and it has come to be generally regarded as inapplicable also in deliberative assemblies in modern countries where the business of government has grown complicated. The reasons are apparent. A deliberative body cannot suitably deal with details, because its constitution unfits it for such work. "Individually the members may express the most involved opinions, the most complex and divergent sentiments, but when it comes to voting, the body can only vote yes or no." It has to adopt or reject whatever propositions, original or amended, are laid before it. It can only proceed by formal rules, and it cannot arrive at its decision by quick interchange of views in conversation as a small executive body can. If proposals, once carried in the assembly, are to be effective, then their wise and accurate formulation

Effect of
resolutions.

* *The American Commonwealth*. Chapter XXI.

becomes a matter of supreme importance; and no one but the authorities responsible for the administration has the knowledge to undertake this. Resolutions by the assembly should therefore be concerned with questions of policy or principle and not with details. It is proper for instance that they should deal with the administration of the Arms Act, but not with its application to an individual; because for this latter purpose the machinery is clumsy, the knowledge is lacking, and the consumption of time and labour is disproportionate.

Proposals
without a
precedent.

169. These doubtless are the reasons why it is not in accordance with modern English constitutional practice that resolutions of the assembly, as distinct from laws, should bind the executive. It is well known how ineffective private members' motions in the House of Commons often are. "There is nothing to prevent the House of Commons from adopting an address or resolution calling upon the Government for specific administrative action; and it has been occasionally, though not often, done." In theory such a resolution is an authoritative indication of the assembly's views to which the Government is bound to pay due heed; but for its enforcement there is no sanction other than the general powers of control enjoyed by the House; and in practice the Government decides whether the House intends the resolution to be taken seriously and is prepared to enforce it by any of the other means open to it of making its will felt. A resolution of the House of Commons of peculiar interest to India was the one approving of simultaneous examinations. It was transmitted to India as a matter still open to discussion; and when the Government was satisfied after inquiry that the resolution should not be carried out Parliament was content to acquiesce in their opinion. It needs no argument to show that the Commons' real control of the Government is exercised in other ways,—by the debate on the address; by questions; by motions to adjourn; by the budget debates; and by motions of no confidence. Sheer press of business, if no other reason, would forbid constant attempts to direct the administration in close detail. At the same time there is another much stronger reason against any such attempt, in the settled feeling that those who know should be left to initiate, to frame their policy, to submit that policy to searching criticism and to adopt such suggestions as they deem best; and that the House when all is said and done must either accept the Government's acts, or must change the Government. When the House of Commons chooses to make its resolutions effective it can always do so by withdrawing its confidence from the Government. With an irremovable executive there is no such sanction possible. Sanction would have to be provided in a court of law, which would in effect give a resolution the same value as a Statute. We should in any case therefore hesitate to approve a proposal which has not to our knowledge been applied elsewhere, which it is difficult to find a method of enforcing, and which involves abrupt interference with the details of administration by a body that acts without due knowledge, is not charged with the duty of carrying out what it dictates, and cannot be held responsible for a wrong decision.

And fatal to
good
government.

170. But there is a stronger objection still. If we compel the executive to carry out instructions from the legislature we bring the Government to an end by destroying its right of action. No Government can consent to remain in office and to put into effect orders of which it disapproves. It could not do so wholeheartedly, and it could not accept responsibility to the public for actions forced upon it. If it is to be held responsible for government, it must govern: and if it is not to govern it must give way to those who can. We have said that the whole history of constitutional development points to the need for harmony between the Government and the assembly. That remark had reference to the milder proposal, to give legislative control to the assembly while leaving the executive irremovable. But all that can be urged against creating a deadlock over legislation (which after all is only an intermittent function of government) applies with twofold force to the suggestion that the assembly should have power to take any detail of the administration at any moment out of the hands of those who are yet required to carry on the government.

The veto an
illusory
safeguard.

171. But we shall be told that the veto will save the situation; and we must examine this suggestion. The veto is not an instrument of government, and

is tolerable only when it is rarely used and does not become obtrusive. But the suggestion before us is that the veto should be limited in effect to one year. We find it difficult to believe that a legislative body, having passed a resolution one year to which it attached importance, is likely to refuse to pass it again in the next year; and therefore those who invite us to make normal use of an instrument that is intended to be exceptional, suggest at the same time limitations which will destroy its efficacy. But, to waive the question of limitations, it seems to us that while the veto of the Governor is appropriate in the case of legislation, to which, according to constitutional theory, the Crown is a party, it is quite out of place in respect of resolutions. To apply it to them is to treat recommendations as something more than recommendations; to lay down the anomalous proposition that a body which is normally bound by the wishes of another body should yet have the right to reject them. We fully appreciate the desire of Indian politicians that resolutions should be regarded as being an authoritative intimation of the wishes of the legislative council, and that government should, so far as it thinks possible in the due discharge of its responsibility, give effect to them. This result can be attained by other and better means than by attempting to give legal validity to resolutions. It is really a matter of constitutional convention. The growth of such a convention has already begun; and it will be fostered by the changes which we have to propose in the composition of both executive and legislature, and by the habits of co-operation which we hope will thereby be induced.

172. These are the main proposals which affect the provincial Govern-
ments. The suggestions with regard to the Indian Government follow much
the same lines nor need we examine them at length. As we shall show, we
believe that we can advance further in the provincial sphere, but that for
the present official authority must be effectually maintained in the Govern-
ment of India. For this reason, while we are prepared to grant an elect-
ed majority in the Indian Legislative Council, we consider it necessary
that that concession should be accompanied by the establishment of a
second chamber, which will have the effect of securing to the Govern-
ment in essential matters the final power of legislation. Similarly while we
cannot agree to the proposal that half the members of the Governor General's
Council should be Indians, we are quite prepared to recommend that the Indian
element in the present council should be enlarged. As regards the principles of
election of members of the executive council, the suggested exclusion of members
of any particular service by name and the relations of the Indian Legislative
Council to the executive, which are the same as in the case of the provincial
legislative councils, our position is that which we have explained already. Our
objections to the proposals in relation to the provincial Governments apply
with greater force in regard to the Government of India.

173. We have not touched upon details of the scheme which might be sub-
ject to adjustment, if the main principles were accepted, because it is immaterial
to discuss them if we cannot accept the vital features. Nor need we here deal with
the proposals which concern the Secretary of State in Council, or matters not
directly bearing on constitutional changes. The former subject is dealt with else-
where in our report. The latter is outside our immediate purview. We are,
therefore, now in a position to sum up our views on the proposals as a whole. As
we have shown the essence of the project is an executive theoretically res-
ponsible to the Secretary of State but practically divided, a legisla-
ture responsible to the electorate, and a distribution of power which
enables the legislature to paralyse the executive without having power to
remove it. Our first observation is that in our view such a plan postulates the
existence of a competent electorate, and an assembly which will be truly
representative of the people. We deal with the subject of electorates in another
chapter and therefore need not stop here to examine the justification of
this presupposition. We need only say that while we believe that
both a sound electoral system and truly representative assemblies will be
evolved in time, we cannot assent to proposals which could only be justified
on the assumption that such institutions are immediately forthcoming.

174. Our second criticism, which is decisive with us, is that the Congress-
League scheme starts with a wrong conception. It is unsound that the
The scheme
is wrong
in theory.

legislature and the executive should derive their power from, and be responsible to, different authorities. As one observer has put it—"The executive has a mandate for good government from the Secretary of State and the British Parliament; the legislature has *ex hypothesi* a mandate from the electorate; the two mandates may not agree, and which is to yield?" There would certainly be questions on which the mandates did not agree. If the executive attempted to overcome the legislature there would be conflict and agitation: if it gave way, then it would become merely the agent of the legislature and might as well be chosen from and by the legislature at once. But for a deadlock the Congress-League scheme provides no solution, such as there would be in England, by means of a change of Government. If responsible government cannot be conceded at once, as indeed the scheme implies, and if some measure of responsibility is yet to be given, then means must be found of dividing the sphere of administration into two portions, and for each of these there must be a part of the executive which can in the last resort secure its way from a legislative organ which is in harmony with it: and there must also be means of securing that both halves of the machine work together.

As a means of education.

175. It has been put to us that though the system is not an ideal one, it may serve as well as any other for the transitional stage before the introduction of a complete system of responsible government. We cannot subscribe to this view. Because the system is one of negative power without responsibility, it affords the worst possible education for responsible government. That it would not train political leaders in the practical experience of administration is a sufficiently grave defect. But what is far more serious is that the scheme makes no provision for an even greater need, the training of the people in the exercise of electoral responsibility. So long as the council has no direct responsibility for executing the policy which it advises, the faculty of judging and choosing between different leaders cannot be called into play. The only result must be such increasing bitterness between a powerless and yet irremovable executive, and the assembly, that when the change did come—and it would come with a crash—it would be made in the most unfavourable circumstances.

Unworkability in practice.

176. Apart from all questions of theory or historical examples we feel persuaded that the project would soon prove unworkable in practice. It proposes to concede to the popular assembly complete power of legislation and complete control of the budget. What will follow? We may judge from the tendencies displayed by the Morley-Minto councils. This is how the prospect strikes a liberal-minded and experienced administrator, who had made it his constant aim to work in harmony with his legislative council:—

“On an issue for or against the Government there will be a solid and permanent hostile majority. Now when such an issue arises, what will be the result? Suppose the council wishes to promote technical schools, for which the executive is advised that it cannot afford a proper staff or procure a suitable equipment. The executive argues and opposes, but is overruled. It then asks for funds and suggests new taxation. The council refuses, and provides money by cutting down the police estimates. The executive again argues and opposes, pleading the needs of law and order; and is again overruled. The police suffer accordingly, and money is spent on schools which the executive believes to be merely eye-wash. Suppose this sort of thing occurs not once, but again and again, until at last the executive is convinced that law and order has become impossible to maintain on the standard which the British Parliament would desire. It can only represent the situation to the Secretary of State and ask to be relieved of its responsibility for good government, or that the legislature be suspended or its powers curtailed. On the other hand, suppose the executive, on each such occasion when it considers the legislature to be seriously wrong, enforces its will by the veto, or by ordinance in place of Acts, what must ensue? Clearly the legislature will find its position impossible: it will protest, cut off supplies, and finally refuse to carry on its share of the government. In either case there is a hopeless impasse; and while it has been developing, the country has been ablaze with agitation, which will make relations more bitter and public business more difficult, when work begins again.”

The negation of responsible government.

177. Such forebodings may be regarded as pessimistic. It may be said that if only the reforms are carried out in the right spirit, they can be made to work. If the Government is sympathetic and broad-minded, if Indian leaders are sincere and public-spirited, why should the scheme break down? Now these are exactly the conditions that we postulate for our own proposals, and we entirely agree that they are essential to the success of any transitional and intermediate constitution. Let us then try to make it clear why we

believe that the Congress-League scheme is bound to fail. First, as we have said, we believe that the inherent defects of the machine would make it impossible to work at all. But granted that the Government does its utmost, granted that the Indian politicians have a sincere desire to make the engine work, we still cannot see how they could do so, because success itself would be the negation of their ultimate aim, and ours, which is responsible government. They could not remain content with an alien executive, and therefore their policy naturally, and from their standpoint justifiably, must be to weaken and discredit it. There is evidence indeed that some of the advocates of the scheme are impressed by the force of these arguments, and look forward to producing a deadlock as a means of bringing the executive under the control of the legislature. We have no desire to produce deadlocks. We have no wish to advance only by first making government impossible. On the contrary, we believe that the path of progress lies in another direction. We believe in the possibility of 'smooth and harmonious progress' pursued in a spirit of mutual good-will and devotion to common interests. Our own proposals will show how we hope to start India on the road leading to responsible government with the prospect of winning her way to the ultimate goal, her progress hindered, it may be, at times by hills and rough places, but finding the road nowhere swept away by floods or landslides.

PART II

THE PROPOSALS

Preliminary.

178. We began our report with a reference to the announcement of August 20, but, inasmuch as that announcement was made on behalf of His Majesty's Ministers at our own request, we propose before setting out our own proposals to gather together very briefly the reasons why we hold that the decision was a wise and necessary one. If our account of the past development and working of the present constitution is an accurate one, it will be apparent that we have now gone as far as is possible upon the old lines. No further development is possible unless we are going to give the people of India some responsibility for their own government. But no one can imagine that no further development is necessary. It is evident that the present machinery of government no longer meets the needs of the time; it works slowly and it produces irritation; there is a widespread demand on the part of educated Indian opinion for its alteration; and the need for advance is recognised by official opinion also. One hundred and twenty years ago Sir Thomas Munro wrote:—

“What is to be the final result of our arrangements on the character of the people? Is it to be raised or is it to be lowered? Are we to be satisfied with merely securing our power and protecting the inhabitants or are we to endeavour to raise their character, to render them worthy of filling higher stations in the management of their country and devising plans for its improvement?..... We should look on India not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it.”

179. Thus the vision of a persistent endeavour to train the people of India for the task of governing themselves was present to the minds of some advanced Englishmen four generations ago; and we since have pursued it more constantly than our critics always admit, more constantly perhaps than we have always perceived ourselves. The inevitable result of education in the history and thought of Europe is the desire for self-determination; and the demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years. There can be no question of going back or of withholding the education and enlightenment in which we ourselves believe; and yet the more we pursue our present course without at the same time providing the opportunities for the satisfaction of the desires which it creates, the more unpopular and difficult must our present government become and the worse must be the effect upon the mind of India. On the other hand if we make it plain that, when we start on the new lines, education, capacity and good-will will have their reward in power, then we shall set the seal upon the work of past years. Unless we are right in going forward now the whole of our past policy in India has been a mistake. We believe, however, that no other policy was either right or possible, and therefore we must now face its logical consequences. Indians must be enabled in so far as they attain responsibility to determine for themselves what they want done. The process will begin in local affairs which we have long since intended and promised to make over to them; the time has come for advance also in some subjects of provincial concern; and it will proceed to the complete control of provincial matters and thence, in the course of time and subject to the proper discharge of Imperial responsibilities, to the control of matters concerning all India. We make it plain that such limitations on powers as we are now proposing are due only to the obvious fact that time is necessary in order to train both representatives and electorates for the work which we desire them to undertake; and that we offer Indians opportunities at short intervals to prove the progress they are making and to make good their claim, not by the method of agitation but by positive demonstration, to the further stages in self-government which we have just indicated.

180. Further we have every reason to hope that as the result of this process, India's connexion with the Empire will be confirmed by the wishes of her people. The experience of a century of experiments within the Empire goes all in one direction. As power is given to the people of a province or of a Dominion to manage their own local affairs, their attachment becomes the stronger to the Empire which comprehends them all in a common bond of union.

The existence of national feeling, or the love of and pride in a national culture need not conflict with, and may indeed strengthen, the sense of membership in a wider commonwealth. The obstacles to a growth in India of this sense of partnership in the Empire are obvious enough. Differences of race, religion, past history and civilisation have to be overcome. But the Empire, which includes the French of Canada and the Dutch of South Africa—to go no further—cannot in any case be based on ties of race alone. It must depend on a common realisation of the ends for which the Empire exists, the maintenance of peace and order over wide spaces of territory, the maintenance of freedom and the development of the culture of each national unity of which the Empire is composed. These are aims which appeal to the imagination of India, and in proportion as self-government develops patriotism in India, we may hope to see the growth of a conscious feeling of organic unity with the Empire as a whole.

The education problem.

181. There is, however, one aspect of the general problem of political advance which is so important as to require notice in some detail. We have observed already that one of the greatest obstacles to India's political development lies not only in the lack of education among its peoples taken as a whole, but also in the uneven distribution of educational advance. The educational policy of Government has incurred much criticism from different points of view. Government is charged with neglect, because after sixty years of educational effort only 6 per cent. of the population is literate, while under 4 per cent. of the total population is undergoing instruction. It is charged, on the other hand, with having fostered education on wrong lines, and having given to those classes which welcomed instruction a system which is divorced from their needs in being too purely literary, in admitting methods of unintelligent memorising and of cramming, and in producing, far in excess of the actual demands of Indian conditions, a body of educated young men whose training has prepared them only for Government service or the practice of the law. The system of university education on Western lines is represented as cutting off the students from the normal life of the country, and the want of connexion between primary education in the vernaculars and higher education in English is regarded as another radical defect.

Retrospect of education.

182. It is sometimes forgotten that the system of English education was not forced upon India by the Government, but established in response to a real and insistent demand, though a demand that proceeded from a limited class. The higher castes of Hindus—Brahmans, Kayasths and a few others—have for generations supplied the administrative body of India, whatever the nationality of the rulers; and the introduction and development of British rule inspired these classes to qualify themselves for a continuance, under the new conditions, of their hereditary careers. It was somewhat easily assumed in the time of Macaulay that Western education once imparted to the higher classes of India would gradually but steadily permeate the whole population. In the event it has been distributed unevenly among the higher classes themselves, the Muhammādan community as a whole having until very recently been backward in taking advantage of educational facilities. Indeed some of the most difficult factors of the present situation would have been avoided if in good time steps had been taken to prevent the wide divorce which has occurred between the educated minority and the illiterate majority. From the economic point of view India has been handicapped by the want of professional and technical instruction: her colleges turn out numbers of young men qualified for Government clerkships while the real interests of the country require, for example, doctors and engineers in excess of the existing supply. The charge that Government has produced a large *intelligentsia* which cannot find employment has much substance in it: it is one of the facts that lie at the root of recent political difficulties. But it is only of late years and as part of the remarkable awakening of national self-consciousness, that the complaint has been heard that the system has failed to train Indians for practical work in manufactures, commerce, and the application of science to industrial life. The changing economic conditions of the country have brought this lesson home, and in its acceptance lies much of our hope for the future. But it must be remembered that many of the particular classes which eagerly sought higher education demanded also that it should be of a literary character, and were hereditarily averse from, if not disdainful of, anything that savoured of manual

toil: and also that when the universities of India were founded the idea of scientific and technological instruction had not dawned upon universities in England.

183. The failure of the Indian educational system to train the character has often been criticised, and with justice. In our desire, while imparting actual instruction, not to force the mind of India into an alien mould or to interfere with religious convictions, we have undoubtedly made education too purely a matter of the intellect, and, at any rate in the beginning, we failed to foresee how substantially the mental training that our schools and colleges afforded must come in time to modify the pupils' conceptions of life. Attempts towards direct moral training were always impeded by the desirability of avoiding the difficult and delicate domain of religious belief. But one of the most pressing needs of India is to foster more widely in the schools and colleges those ideas of duty and discipline, of common responsibilities and civic obligation, on which a healthy political life depends. Much effort is already being made in this direction, and there are notable and welcome signs of the growth among educated Indians of the conviction that the possession of education does not merely offer the individual opportunities of advancement but should confer on him also the ability and the obligation to serve his country.

184. As regards the limited diffusion of education we also take into account the conservative prejudices of the country. It is not very long since the advocates of the higher education of women in Europe were regarded as unpractical and subversive theorists; and in India social customs have greatly multiplied the difficulties in the way of female education. Upon this question opinion is slowly but surely changing, and educated young men of the middle-classes are beginning to look for literate wives. But so long as education is practically confined to one sex the social complexion of the country must react upon and retard political progress; and for this reason we regard the great gulf between men and women in respect of education as one of the most serious problems which has to be faced in India.

185. The spread of education among the lower classes is also attended by peculiar difficulties. India is a predominantly agricultural country, and an agricultural population is always and everywhere suspicious of the effect of education upon rural children. Here again is the need—a need realised equally in Europe and America—of making rural education more practical, and ensuring that the school shall make the average boy who does not aspire to university education a more practical farmer instead of transforming him into an indifferent clerk. In India primary education has been entrusted mainly to the district boards and municipalities, and it has, we are glad to say, made fairly steady, if slow, progress under their administration. The first effect of English education upon the classes which adopted it was to widen the gulf between them and the conservative masses. But one of the most marked features of recent political development is the concern shown by the spokesmen of the educated classes for the diffusion of primary education among the people as a whole. The history of other countries shows that the growth of a desire for education among the peasantry and working classes is generally slow while political and economic conditions remain static, and that the quickening influences come mainly from the better educated sections of the community which are more sensitive to political and economic changes. Political thought in India is coming to recognise that advance must be influenced by the general educational level of the country, and that political leaders, if they are to escape the charge of representing only the interests of the classes to which they themselves belong, must be able to appeal to and be understood by the masses of their fellow-countrymen. This conviction involves steady effort to raise the status of the depressed classes.

186. Primary education, as we have seen, is already practically in the hands of local bodies, but secondary education was deliberately left at the outset almost entirely to private agencies. The universities, despite their connexion with Government, are largely non-official bodies with extensive powers. The main defect of the system is probably the want of co-ordination between primary and higher education, which in turn reacts upon

the efficiency of secondary institutions and to a great extent confines university colleges to the unsatisfactory function of mere finishing schools. The universities have suffered from having been allowed to drift into the position of institutions that are expected not so much to educate in the true sense as to provide the student with the means of entering an official or a professional career. Thus a high percentage of failures seems to a large body of Indian opinion not so much a proof of the faultiness of the methods of teaching as an example of an almost capricious refusal of the means of obtaining a living wage to boys who have worked for years often at the cost of real hardship to secure an independent livelihood. The educational wastage is everywhere excessive; and analysis shows that it is largely due to underpayment and want of proper training in the case of teachers. The actual recruits for normal schools are too often ill-prepared, and the teaching career, which in India used formerly to command respect, does not now offer adequate inducements to men of ability and force of character. The first need therefore is the improvement of teaching. Until that is attained it is vain to expect that the continuation of studies from the primary stage can be made attractive. But while the improvement of primary and middle schools is the first step to be taken, very much remains to be done in reorganising the secondary teachers and ensuring for the schoolmaster a career that will satisfy an intelligent man. The improvement of ordinary secondary education is obviously a necessary condition for the development of technical instruction and the reform of the university system. It is clear that there is much scope for an efficient and highly trained inspectorate in stimulating the work of the secondary schools and in helping the inspectorate of the primary schools maintained by the local bodies. We believe that the best minds in India, while they feel that the educational service has not in the past been widely enough opened to Indians trained at British universities, value the maintenance of a close connexion with educationists from the United Kingdom.

Political
importance of
education.

187. This survey of educational problems will show how much room there is for advance and improvement, and also how real the difficulties are. The defects of the present system have often been discussed in the legislative councils but, as was inevitable so long as the councils had no responsibility, without due appreciation of financial difficulties, or serious consideration of the question how far fresh taxation for educational improvement would be acceptable. As we shall show, it is part of the political advance that we contemplate that the direction of Indian education should be increasingly transferred to Indian hands. Only so, we believe, can the stimulus be forthcoming which will enable the necessary money to be found. The weak points are recognised. A real desire for improvement exists. Educational extension and reform must inevitably play an important part in the political progress of the country. We have already made clear our conviction that political capacity can come only through the exercise of political responsibility; and that mere education without opportunities must result in serious mischiefs. But there is another important element. Progress must depend on the growth of electorates and the intelligent exercise of their powers; and men will be immensely helped to become competent electors by acquiring such education as will enable them to judge of candidates for their votes, and of the business done in the councils. No one would propose to prescribe an educational qualification for the vote; but no one can deny the practical difficulties which make a very general extension of the franchise impossible, until literacy is far more widely spread than is the case at present. The Government of India has for some time past been maturing plans for a great extension of primary education. Progress was temporarily interrupted by uncertainty as to the distribution of financial resources which would result from the constitutional changes; but the imminence of these has given a new importance to the question and its consideration has been resumed. We trust that impetus will thus be given to a widespread movement which will be taken up and carried forward boldly by the reformed councils.

Extent of the
advance
proposed
in local
bodies.

188. Let us now consider the principles on which our proposals are based. We have surveyed the existing position; we have discussed the conditions of the problem; and the goal to which we wish to move is clear. What course are we to

set across the intervening space? It follows from our premises, and it is also recognised in the announcement of August 20, that the steps are to be gradual and the advance tested at each stage. Consistently with these requirements a substantial step is to be taken at once. If our reasoning is sound, this can be done only by giving from the outset some measure of responsibility to representatives chosen by an electorate. There are obviously three levels at which it is possible to give it — in the sphere of local bodies, in the provinces, and in the Government of India. Of certain other levels which have been suggested, intermediate between the first and second of these, we shall speak in due course. Also, since no man can serve two masters, in proportion as control by an electorate is admitted at each level, control by superior authority must be simultaneously relaxed. If our plans are to be soundly laid, they must take account of actual conditions. It follows that the process cannot go on at one and the same pace on all levels. The Secretary of State's relaxation of control over the Government of India will be retarded, if for no other reason, by the paramount need for securing Imperial interests; the Government of India have the fundamental duty to discharge of maintaining India's defence; the basic obligation of provincial Governments is to secure law and order. As we go upwards, the importance of the retarding factors increases; and it follows that popular growth must be more rapid and extensive in the lower levels than in the higher. Let us state the proposition in another way. The functions of government can be arranged in an ascending scale of urgency, ranging from those which concern the comfort and well-being of the individual to those which secure the existence of the State. The individual understands best the matters which concern him and of which he has experience; and he is likely to handle best the things which he best understands. Our predecessors perceived this before us, and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula :—

“ There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control ” (1).

189. When we come to the provincial Governments the position is different. In provincial Governments. Our objective is the realisation of responsible government. We understand this to mean first, that the members of the executive government should be responsible to, because capable of being changed by, their constituents; and secondly that these constituents should exercise their power through the agency of their representatives in the assembly. These two conditions imply in their completeness that there exist constituencies based on a franchise broad enough to represent the interests of the general population, and capable of exercising an intelligent choice in the selection of their representatives; and secondarily that it is recognised as the constitutional practice that the executive Government retains office only so long as it commands the support of a majority in the assembly. But in India these conditions are as yet wanting. The provincial areas and interests involved are immense, indeed are on what would elsewhere be regarded as a national scale. The amount of administrative experience available is small; electoral experience is almost entirely lacking. There must be a period of political education, which can only be achieved through the gradual but expanding exercise of responsibility. The considerations of which we took account in chapter VI forbid us immediately to hand over complete responsibility. We must proceed therefore by transferring responsibility for certain functions of government while reserving control over others. From this starting point we look for a steady approach to the transfer of complete responsibility. We may put our second formula thus :—

“ The provinces are the domain in which the earliest steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities ” (2).

190. But, as we shall see, any attempt to establish equilibrium between In the Government of India. the official and popular forces in government inevitably introduces additional complexity into the administration. For such hybrid arrangements

precedents are wanting; their working must be experimental, and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India. Nevertheless it is desirable to make the Indian Legislative Council more truly representative of Indian opinion, and to give that opinion greater opportunities of acting on the Government. While, therefore, we cannot commend to Parliament a similar and simultaneous advance both in the provinces and in the Government of India, we are led to the following proposition:—

“The Government of India must remain wholly responsible to Parliament and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased” (3).

In England.

191. Further the partial control of the executive in the provinces by the legislature, and the increasing influence of the legislature upon the executive in the Government of India will make it necessary that the superior control over all Governments in India which is now exercised by the authorities at home must be in corresponding measure abated: for otherwise the executive Governments in India will be subjected to pressure from different sources which will wholly paralyse their liberty of action, and also the different pressures may be exercised in opposite directions. We may put this proposition briefly as follows:—

“In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and provincial Governments must be relaxed” (4).

Local self-government.

192. We have been told that, inasmuch as local self-government has not yet been made a reality in most parts of India, we should content ourselves with such reforms as will give it reality, and should await their result before attempting anything more ambitious, on the principle that children learn to walk by learning first to crawl. We regard this solution as outside the range of practical politics; for it is in the councils that the Morley-Minto reforms have already brought matters to an issue; and Indian hopes and aspirations have been aroused to such a pitch, that it is idle to imagine that they will now be appeased by merely making over to them the management of urban and rural boards. Moreover the development of the country has reached a stage at which the conditions justify an advance in the wider sphere of government; and at which indeed government without the co-operation of the people will become increasingly difficult. On the other hand, few of the political associations that addressed us seemed adequately to appreciate the importance of local affairs, or the magnitude of the advance which our recommendation involves. But the point has been made time and time again by their own most prominent leaders. It is by taking part in the management of local affairs that aptitude for handling the problems of government will most readily be acquired. This applies to those who administer, but even more to those who judge of the administration. Among the clever men who come to the front in provincial politics, there will be some who will address themselves without more difficulty, and indeed with more interest and zeal, to the problems of government than to those of municipal or district board administration. But the unskilled elector, who has hitherto concerned himself neither with one nor the other, can learn to judge of things afar off only by accustoming himself to judge first of things near at hand. This is why it is of the utmost importance to the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in elections and to develop local committees, so that education in citizenship may as far as possible be extended, and everywhere begin in a practical manner. If our proposals for changes on the higher levels are to be a success, there must be no hesitation or paltering about changes in local bodies. Responsible institutions will not be stably-rooted until they become broad-based; and far-sighted Indian politicians will find no field into which their energies can

be more profitably thrown than in developing the boroughs and communes of their country.

193. These reasons led Lord Chelmsford's Government in May 1916 to consider what further progress along the road of local self-government was immediately possible. Their conclusions would have been published some time ago if it had been possible to separate the consideration of this subject from that of constitutional reforms in general. We have the proposals before us, and will summarise the general purport of them.

194. At present rather more than half the members of municipal and rather less than half of those of rural boards, including in this term sub-district boards, are elected. The intention is that substantial elected majorities should be conceded in boards of both kinds and that the system of nomination should be retained only in order to secure the necessary representation of minorities, and the presence of a few officials as expert advisers without a vote. Generally the suggestion is that the proportion of nominated members should not exceed one-fourth. The enlargement of the elected element must necessarily be accompanied by the adoption of a sufficiently low franchise to obtain constituencies which will be really representative of the general body of rate-payers. It should also be followed by an extension of the system of elected chairmen. The Decentralization Commission thought that municipal chairmen should ordinarily be elected non-officials, and that if a nominated chairman was required an official should be selected. It is hoped, however, that the election of chairmen will be the general rule in future. If there are special reasons against the election of a non-official chairman, an official might be elected provided he is elected by a majority of the non-official votes. In some provinces this is already the ordinary practice for municipalities. For the administration of large cities it is proposed to approve of the system in which the every-day executive work is carried out by a special nominated commissioner; but not to require that he should be an official, provided that he is protected by a provision that he should only be removable with the sanction of Government or by the vote of a substantial majority of the board. In the case of rural boards local Governments will be urged to appoint non-official and preferably elected chairmen wherever possible, but where there is a non-official chairman, there may be need also for a special executive officer, whose appointment and removal would require the Government's sanction, to do the ordinary official work. If any board desired to elect an official chairman, his election should be by a majority of non-official votes and should be approved by the Commissioner or some higher authority.

195. The Decentralization Commission recommended that municipalities should have full liberty to impose and alter taxation within the limits laid down by law, but that where the law prescribes no maximum rate the sanction of an outside authority should be required to any increase. It is hoped that nearly all boards will contain substantial elected majorities, and in their case it is proposed to accept the Commission's recommendation, though indebted boards should still obtain the sanction of higher authority before altering a tax. It is clearly important that municipal boards should have such power to vary taxation, and the intention is to give it to rural boards as well by allowing them to levy rates and fees within the limits of the existing Acts. It is thought that wherever a board pays for a service, it should control such service; and that where it is expedient that control should be largely centred in the hands of the Government, the service should be a provincial one. If, for example, a board provides for civil works or medical relief, it ought, subject to such general principles as the Government may prescribe, to have real control over the funds which it provides and not be subject to the constant dictation, in matters of detail, of Government departments. Similarly as regards the control over the budgets of local bodies. It is hoped that provincial Governments will make every effort to give boards a free hand with their budgets, subject to the maintenance of a minimum standing balance, with the necessary reservations in the case of indebtedness or against gross default. The Government of India would discard the system of requiring local bodies to devote fixed portions of their revenues to particular

objects of expenditure and would rely on retaining powers of intervention from outside in cases of grave neglect or disregard. Municipalities have already been given enlarged powers in respect of new works; and a similar advance is hoped for in the case of rural boards. As regards the control by Government over the establishment of local bodies the Commission proposed that the appointment of certain special officers should require the sanction of higher authority, while other appointments would be regulated by general rules laid down by the provincial Government. It is hoped that provincial Governments will now take steps to carry these recommendations into practice, but it is suggested that Government should in the case of the special officers also retain a right to require their dismissal in cases of proved incompetency. Such material relaxation of Government control in respect of taxation, budgets, public works and local establishments might suggest that the exceptional powers of Government officers in respect of external intervention should, if altered at all, be altered in the direction of greater stringency. But the accepted policy must be to allow the boards to profit by their own mistakes, and to interfere only in cases of grave mismanagement; and therefore with certain possible exceptions, which we need not here specify, it is not proposed to extend the power of intervention.

Panchayats.

196. Finally the Government of India propose to direct attention to the development of the *panchayat* system in villages. This question was examined by the Decentralization Commission and has since been the subject of further inquiry in the United Provinces and Assam. It is recognized that the prospect of successfully developing *panchayats* must depend very largely on local conditions, and that the functions and powers to be allotted to them must vary accordingly; but where the system proves a success, it is contemplated that they might be endowed with civil and criminal jurisdiction in petty cases, some administrative powers as regards sanitation and education, and permissive powers of imposing a local rate. It is hoped that wherever possible an effective beginning will be made.

Comments on this programme.

197. The programme which we have thus summarised is still under consideration and obviously it would not be suitable for us to comment upon it. It is clear that it cannot be regarded as constituting a complete scheme of local self-government and for two reasons. It is impossible to ignore the past and at once to create a perfect scheme out of the present uneven materials; and secondly if we are sincere in our advocacy of a policy of provincial autonomy, we must leave the work mainly to local Governments. It would be highly inconsistent to insist on provincial autonomy, and simultaneously to leave no latitude of action to provincial Governments in a field which is so peculiarly a matter for local development. But the proposals will constitute a basis on which those entrusted with the responsibility for such matters in future can build; and we expect the reformed legislative councils to carry forward the work thus begun. We may add that the reformed and representative district boards of the future could and should be utilised by the district officer for purposes of advice and consultation.

Scope of following proposals.

198. Because we believe that our main advance must be on the provincial stage, we shall leave the subject of local self-government at this point, and turn to the provinces. But here we must pause for a moment to define the scope of all the proposals that follow in chapter VIII. It is a truism that no general proposals can be equally applicable to all portions of India at one and the same time. If, however, we had not contented ourselves with the sufficiently weighty task of working out in broad outlines the plan of one of the greatest political experiments ever undertaken in the world's history, but had set ourselves also to adjust its details to the varying requirements of the different provinces, our labours would have been immensely prolonged and there would have been a danger that the details of our report might obscure its main intentions. Because we have written in general terms we would not have it supposed that we have been unmindful of inequalities in the development of the provinces. For these we have, as we shall show, provided a mechanism of adjustment. But over and above that we must offer one word of explanation at the outset. Our recommendations as to the provinces are confined to eight out of the nine provinces of British India which are furnished with legislative councils

These are Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa, the Punjab, the Central Provinces and Assam. We have not included Burma in our survey except in so far as, while that province remains part of the Indian polity as for military reasons it must, it is necessary to provide for its representation in the central Government. Our reasons are that Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance the application to Burma of the general principles of throwing open the public service more widely to Indians would only mean the replacement of one alien bureaucracy by another. The desire for elective institutions has not developed in Burma; the provincial legislative council, as constituted under the Morley-Minto schemes, has no Burman elected element; and the way is open for a different line of development. There was also a practical reason for not proceeding to investigate the particular conditions of Burma in the fact that one Lieutenant Governor had very recently laid down, and a new Lieutenant Governor assumed office. When our proposals are published there will be an opportunity for the Government and people of Burma to say how far they regard them as applicable to their case. We therefore set aside the problem of Burma's political evolution for separate and future consideration. There remain the frontier areas of the North-West Frontier Province and Baluchistan, and the smaller tracts of British India like Delhi, Coorg, and Ajmer-Merwara. For reasons of strategy the two frontier provinces must remain entirely in the hands of the Government of India. But inasmuch as our guiding principle, where the principle of responsibility cannot yet be applied, is that of government by consultation with the representatives of the people, we think that in some if not all of these areas it would be well to associate with the personal administration of the Chief Commissioner some form of advisory council, adjusted in composition and function to local conditions in each case. This question we would leave to the further consideration of the Government of India.

199. But even in the eight provinces which we have named are included certain backward areas, where the people are primitive and there is as yet no material on which to found political institutions. We do not think there will be any difficulty in demarcating them. They are generally the tracts mentioned in the schedules and appendices to the Scheduled Districts Act, 1874, with certain exceptions and possibly certain additions which the Government of India must be invited to specify. Both the definition of these areas and the arrangements to be made for them will be matters for further consideration; but the typically backward tracts should be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the province.

Treatment
of backward
tracts.

Chapter VIII.—The Provinces.

DEVOLUTION TO PROVINCIAL GOVERNMENTS.

200. We saw in chapter V that there was not a little spade-work to be done before the way lay open for reconstruction to begin. Above all we saw that the existing financial relations between the central and provincial Governments must be changed if the popular principle in government is to have fair play in the provinces. The present settlements by which the Indian and provincial Governments share the proceeds of certain heads of revenues are based primarily on the estimated needs of the provinces, and the Government of India disposes of the surplus. This system necessarily involves control and interference by the Indian Government in provincial matters. An arrangement, which has on the whole worked successfully between two official Governments, would be quite impossible between a popular and an official Government. Our first aim has therefore been to find some means of entirely separating the resources of the central and provincial Governments.

201. We start with a change of standpoint. If provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development. Existing settlements do indeed provide for ordinary growth of expenditure, but for any large and costly innovations provincial Governments depend on doles out of the Indian surplus. Our idea is that an estimate should first be made of the scale of expenditure required for the upkeep and development of the services which clearly appertain to the Indian sphere; that resources with which to meet this expenditure should be secured to the Indian Government; and that all other revenues should then be handed over to the provincial Governments, which will thenceforth be held wholly responsible for the development of all provincial services. This, however, merely means that the existing resources will be distributed on a different basis, and does not get over the difficulty of giving to the central and provincial Governments entirely separate resources. Let us see how this is to be done.

202. Almost every one is agreed that a complete separation is in theory desirable. Such differences of opinion as we have met with have mostly been confined to the possibility of effecting it in practice. It has been argued for instance that it would be unwise to narrow the basis on which both the central and provincial fiscal systems are based. Some of the revenues in India, and in particular land revenue and excise, have an element of precariousness; and the system of divided heads, with all its drawbacks, has the undeniable advantage that it spreads the risks. This objection will, however, be met if, as we claim, our proposed distribution gives both the Indian and provincial Governments a sufficient measure of security. Again we have been told that the complete segregation of the Government of India in financial matters will lower its authority. This argument applies to the whole subject of decentralization and provincial autonomy. It is not necessary for us to meet it further. Our whole scheme must be even and well-balanced, and it would be ridiculous to introduce wide measures of administrative and legislative devolution and at the same time to retain a centralized system of finance.

203. There are two main difficulties about complete separation. How are we to dispose of the two most important heads which are at present divided,—land revenue and income-tax,—and how are we to supplement the yield of the Indian heads of revenue, in order to make good the needs of the central Government? At present the heads which are divided in all or some of the provinces are — land revenue, stamps, excise, income-tax and irrigation. About stamps and excise there is no trouble. We intend that the revenue from stamp duty should be discriminated under the already well-marked sub-heads *General* and *Judicial*; and that the former should be made an Indian and the latter a provincial receipt. This arrangement will preserve uniformity in the case of commercial stamps where it is obviously desirable to avoid discrepancies of rates; and it will also give the provinces a free hand in dealing with court-fee stamps, and thus provide them with an

additional means of augmenting their resources. Excise is at present entirely a provincial head in Bombay, Bengal and Assam, and we see no valid reason why it should not now be made provincial throughout India. At this stage the difficulties begin. Land revenue, which is far the biggest head of all, is at present equally shared between the Indian and all the provincial Governments, except that Burma gets rather more than one-half and the United Provinces get rather less. Now land revenue assessment and collection is so intimately concerned with the whole administration in rural areas that the advantages of making it a provincial receipt are obvious. But other considerations have to be taken into account. One substantial difficulty is that if land revenue is made entirely provincial, the Government of India will be faced with a deficit and its resources must be supplemented by the provinces in some form or other. Moreover, famine expenditure and expenditure on major irrigation works are for obvious reasons closely connected with land revenue, and if the receipts from that head are made provincial it logically follows that the provinces should take over the very heavy liability for famine relief and protective works. An argument of quite another character was also put forward. We were told that in the days of dawning popular government in the provinces it would be well that the provincial Government should be able to fall back on the support of the Government of India (as, if the head were still divided, it would be able to do) when its land revenue policy was attacked. But it is just because divided heads are not regarded as merely a financial expedient but are, and so long as they survive will be, viewed as a means of going behind the provincial Government to the Government of India, that we feel sure that they should be abolished. We propose therefore to make land revenue together with irrigation wholly provincial receipts. It follows that the provinces will become entirely liable for expenditure on famine relief and protective irrigation works. We shall explain shortly what arrangements we propose for financing famine expenditure. The one remaining head is income tax. We see two very strong reasons for making this an Indian receipt. First, there is the necessity of maintaining a uniform rate throughout the country. The inconveniences, particularly to the commercial world, of having different rates in different provinces are manifest. Secondly in the case of ramifying enterprises with their business centre in some big city, the province in which the tax is paid is not necessarily the province in which the income was earned. We have indeed been told that income tax is merely the industrial or professional complement of the land revenue; and that to provincialise the latter while Indianising the former means giving those provinces whose wealth is more predominantly agricultural, such as the United Provinces and Madras, an initial advantage over a province like Bombay, which has very large commercial and industrial interests. Another very practical argument is that the tax is collected by provincial agency, and that if provincial Governments are given no inducement, such as a share of the receipts or a commission on the collections which is only such a share in disguise, there will be a tendency to slackness in collection and a consequent falling off in receipts. We admit that these arguments have force; but we are not prepared to let them stand in the way of a complete separation of resources. Equality of treatment as between one province and another must be reached so far as it is possible in the settlements as a whole, and it is not possible to extend the principle of equality to individual heads of revenue. If it should be found that receipts fall off, it may be necessary to create an all-Indian agency for the collection of the tax, but this we should clearly prefer to retaining it as a divided head. To sum up: we propose to retain the Indian and provincial heads as at present, but to add to the former income tax and general stamps, and to the latter land revenue, irrigation, excise and judicial stamps. No heads will then remain divided.

Famine
expenditure.

204. For the purposes of famine relief we propose that the provincial settlements should make allowances based on each province's average liability to this calamity in the past; and it will be the duty of provincial Governments liable to famine not to dissipate this special provision, but to hold a sufficient portion of their resources in reserve against the lean years. In years

when there is no scarcity a province should not spend its famine assignment on ordinary purposes, but should either add it to its balances or spend it on some defensive purpose directed to diminishing the cost of famine when it comes. We recognise that difficulties may arise because provincial Governments may fail to make sufficient provision, or because a severe famine may come upon them before they have had time to accumulate a sufficient provision with which to meet it. In such cases the Indian Government could never renounce responsibility. But we are glad to believe that the liabilities arising out of famine relief will tend to be smaller in the future than in the past, owing to the improvement of protective measures and also to the increasing recuperative power of the people to which all experience of recent famines points. Provincial governments have at present large balances on which they could draw in the first instance if heavy famine expenditure became necessary. If it were still necessary for the Government of India to intervene, its assistance should, we think, take the form of a loan, which the provincial Government would be liable to repay; or if the amount so advanced were so large that it could not be repaid within a reasonable time without grave embarrassment, the whole or a portion of it should be regarded as a permanent loan on which the provincial Government would pay interest.

205. When all sources of revenue have been completely distributed as we propose, there will be a large deficit in the Government of India's budget. One way of meeting it would be to maintain the basis of the present settlements, but to allot to the Government of India a certain proportion of growing revenue instead of its share of the divided heads. But this device would stereotype all the existing inequalities between the provinces which by reason of the permanent settlement in some of them are considerable; while it would also introduce an element of great uncertainty into the Indian Government's finance. A second suggestion was that we should take an all-round contribution on a *per capita* basis. But this expedient also would not obviate very undesirable variations between provinces in the rate of levy owing to the inequality of provincial resources and of provincial needs. A third plan was to take an all-round percentage contribution based on gross provincial revenue. This is open, *inter alia*, to the objection that it would leave several of the provinces with large deficits. Fourthly we considered but rejected the proposal that provinces which had a surplus should temporarily help others as being cumbrous and impracticable.

Need for meeting the resultant deficit in the Indian budget.

206. From our examination of these proposals we came to certain broad conclusions. We agreed that in fixing contributions it was undesirable and unnecessary to pay regard to the growing revenues of the provinces. We agreed also that the contributions should be of fixed amounts. We saw that equality of contribution was impracticable, because we have not a clean slate. In spite of the variations in income which result from the permanent settlement in some areas, stereotyped scales of expenditure have grown up, which makes it useless to attempt any theoretic calculation on which a uniform contribution from the provinces could be based, such as an equal percentage of revenues or a contribution fixed on a population basis. This led us to look for some plan which would fit more closely into the existing facts.

The means of so doing.

Starting with an estimate (based on the budget figures for 1917-18 subject to some adjustments) of the gross revenue of all provinces when all divided heads have been abolished, and deducting therefrom an estimate of the normal expenditure of all provinces, including provision for expenditure on famine relief and protective irrigation, we arrived at ₹1564 lakhs as the gross provincial surplus. The deficit in the Government of India's budget was ₹1363 lakhs. This left ₹201 lakhs or about 13 per cent. of the total gross surplus as the nett surplus available to the provinces. We would propose to assess the contribution from each province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure. On the basis of the figures which we have taken this percentage would be 87. The contributions to the Government of India would form the first charge upon the provincial revenues. The way in which our

plan would work out in practice can be gathered from the following figures:—

[In lakhs of rupees.]

Province.	Gross provincial revenue.	Gross provincial expenditure.	Gross provincial surplus.	Contribution (87 per cent. of col. 4.)	Nett provincial surplus.
1	2	3	4	5	6
Madras	13,31	8,40	4,91	4,28	63
Bombay	10,01	9,00	1,01	88	13
Bengal	7,54	6,75	79	69	10
United Provinces	11,22	7,47	3,75	3,27	48
Punjab	8,64	6,14	2,50	2,18	52
Burma	7,09	6,08	1,01	1,40	21
Bihar and Orissa	4,04	3,59	45	39	6
Central Provinces	4,12	3,71	41	36	5
Assam	1,71	1,50	21	18	3
TOTAL	68,28	52,64	15,64	13,63	2,01

N. B.—The Punjab figures in column 5 should be reduced and those in column 6 raised by 3½ lakhs in each case to allow for the continued compensation which the province is entitled to receive for the cession of a crore of its balances to the Government of India in 1914.

We recognize, of course, that the objection will be taken that some provinces even under this plan will bear a very much heavier proportion of the cost of the Indian Government than others. Madras and the United Provinces will be paying 47·4 per cent. and 41·1 per cent. of their remaining revenues to the Government of India, while Bengal and Bombay are paying only 10·1 per cent. and 9·6 per cent. respectively. Our answer is that the objection is one that applies to existing inequalities which we admit that our scheme fails for the present to remove. It merely continues the disparity which is at present masked by the system of divided heads. But the immediate settlement proposed improves the position of the provinces as a whole by upwards of one million sterling. It is not intended to be of a final nature; and when revenues develop and a revision takes place under normal conditions an opportunity will arise for smoothing out inequalities. We have already mentioned at the beginning of this part of our report that our proposals generally do not relate to the minor administrations. Their financial transactions are classified as All-Indian; and with them separate arrangements must continue.

The possible need for revision.

207. The Government of India have already put matters in train by consulting provincial Governments on these proposals. It may be added that when details come to be worked out we may find it convenient to take some later figures as the basis of the settlement, and that the replies of local Governments will also necessitate some revision; but we hope that the general scheme which we have outlined may be accepted. Our intention is that the new arrangements should take effect from whatever date is fixed in the statute for the installation of the new constitutional machinery. One caveat we are bound to make. Emergencies may arise which cannot be provided for by immediately raising Government of India taxation; and in that case it must be open to the central Government to make a special supplementary levy upon the provinces. We must add that inasmuch as our proposals are based on war figures they should be open to revision hereafter, but not subject to change for a period of say six years; and to avoid intermediate discussions the scheme should in the meantime be regarded as part of the constitutional arrangement with the provinces. It should also be one of the duties of the periodic commission which we propose should be appointed to examine the

development of constitutional changes after ten years' experience of their working or of some similar body at that time, to re-investigate the question of the provincial contributions to the Government of India. We have, for the present, accepted the inequality of burden which history imposes on the provinces, because we cannot break violently with traditional standards of expenditure, or subject the permanently-settled provinces to financial pressure which would have the practical result of forcing them to reconsider the permanent settlement. But it is reasonable to expect that with the growth of provincial autonomy any inequality of burdens will be resented more strongly by the provinces on whom it falls; and it will be for the first periodic commission and for its successors after review of the situation then existing to determine whether some period should not be set by which the more lightly burdened provinces should be expected to find means of bringing up their financial resources to the common level of strength. We attach great weight to the proposition that if the provinces are to be really self-governing they ought to adjust their expenditure—including therein their obligations to the common interests of India—according to their resources and not to draw indefinitely on more enterprising neighbours.

208. It follows from our proposed separation of revenues that there will in future be also a complete separation of the central and provincial budgets; and that the former will henceforward include only the direct transactions of the Government of India, and not as at present those of the provinces also. It likewise follows that there will be no more ear-marking of any portion of provincial balances; and that portions previously ear-marked will be available for general purposes. Provincial budgets and balances.

209. Generally speaking provincial Governments enjoy the same detailed financial powers in divided heads as in those which are wholly provincial. The mere provincialisation of heads of revenue and expenditure will therefore not of itself suffice to free the provinces from the restrictions on their spending powers which the provisions of the Codes and other standing orders impose upon them. Nor can the Government of India, except to a relatively minor extent, enlarge their powers since they themselves have to conform to the restrictions on expenditure imposed by the Secretary of State in Council. If provinces are to have a relatively freer hand in expenditure in future it will be necessary to relax the India Office control. Proposals for its relaxation are already under the consideration of the Government of India and will be further considered at the India Office. Code restrictions.

210. We saw also in Chapter V that some means of enlarging the taxing powers of local Governments must, if possible, be found. We think that the best means of freeing the provincial Governments in this respect will be to schedule certain subjects of taxation as reserved for the provinces, and to retain the residuary powers in the hands of the Government of India, with whom rests the ultimate responsibility for the security of the country. We have not attempted to frame a schedule, as this can only be done in consultation with the provincial Governments. We think that where a tax falls within the schedule, the Government of India's previous sanction to the legislation required for its imposition should not be necessary; but that the Bill should be forwarded to the Government of India in sufficient time to enable that Government to satisfy itself that the proposal is not open to objection as trenching on its own field of taxation. The Governor-General's power of veto will ensure that the wishes of the Government of India are not disregarded. In cases not covered by the schedule, the Government of India's sanction should be sought before the necessary legislation is introduced; but this sanction would be withheld only if the proposal trespassed on Indian heads of revenue to an undue extent; or if the tax was a new one and the central Government itself contemplated imposing it as an All-India tax; or if the proposals were, in the opinion of the Government of India, likely to lead to undesirable consequences which would affect its own responsibilities. Where sanction is required it should be conveyed by executive orders; it is clearly undesirable to undertake double legislation. The right now enjoyed by private members of introducing taxation Bills will be continued; provided that the sanction of the Head of the Province is obtained to the introduction of the Bill, and that such Bills are, in relation to the Government of India, dealt with exactly as Government finance Bills. Provincial taxation.

Provincial
borrowing.

211. We come now to the question of the borrowing powers of provincial Governments. In this respect provincial Governments are almost unanimous in desiring greater freedom. They recognise the difficulties which we have already discussed, and the impossibility of allowing them to compete with the Government of India in the open market. But they suggest that the central Government should regard an application for a loan solely from the standpoint of finance and not from that of administration, and that, if it has the money and is satisfied with the arrangements for financing the loan, it should not withhold sanction. It has also been represented to us that there exist local sources which could be tapped by provincial Governments but are not touched by Indian loans. A new argument for further liberty of action is afforded by our proposal to provincialise irrigation works on which a large capital expenditure is necessary. We think that in order to avoid harmful competition provincial Governments must continue to do their borrowing through the Government of India. Also it may often happen that the Government of India will not be able to raise sufficient money to meet all provincial requirements. In that case it may find it necessary to limit its total borrowing on behalf of provincial Governments in particular years; and when that happens, it will be difficult for it entirely to avoid a reference to the relative merits of the schemes for which the loans are wanted. We think, however, in such cases there ought to be no insuperable difficulty in making a reasonably fair and equitable distribution between the provinces. It may be found expedient in some cases to appoint a small committee on which the central and the provincial Governments are represented to settle the distribution; and it should be open to a province to renounce its claims in one year in return for the first claim on the money available in the next year. But we are prepared to go further: If the Government of India finds itself unable to raise the money in any one year which a province requires, or if there is good reason to believe that a provincial project may attract money which would not be elicited by a Government of India loan, we would allow the provincial Government to have recourse to the Indian market. But in that case we think that they should secure the approval of the Government of India to the method of borrowing, including the rate of interest, so as not to affect investments in the post office, and the time of borrowing, so as not to conflict with Indian loans. So far as the limited market permits, we should like to see the municipal practice of borrowing for unproductive public purposes with a sinking fund extended to provincial Governments.

Legislative
devolution.

212. These measures will give provincial Governments the liberty of financial action which is indispensable; but the provinces must also be secured against any unnecessary interference by the Government of India in the spheres of legislative and administrative business. It is our intention to reserve to the Government of India a general overriding power of legislation for the discharge of all functions which it will have to perform. It should be enabled under this power to intervene in any province for the protection and enforcement of the interests for which it is responsible; to legislate on any provincial matter in respect of which uniformity of legislation is desirable either for the whole of India or for any two or more provinces; and to pass legislation which may be adopted either *simpliciter* or with modifications by any province which may wish to make use of it. We think that the Government of India must be the sole judge of the propriety of any legislation which it may undertake under any one of these categories, and that its competence so to legislate should not be open to challenge in the courts. Subject to these reservations we intend that within the field which may be marked off for provincial legislative control the sole legislative power shall rest with the provincial legislatures. The precise method by which this should be effected is a matter to be considered when the necessary Statute is drafted, and we reserve our final opinion upon it. There are advantages in a statutory demarcation of powers such as is found in some federal constitutions, but we feel that if this is to leave the validity of acts to be challenged in the courts on the ground of their being in excess of the powers of the particular legislature by which they are passed, we should be subjecting every government in the country to an almost intolerable harassment. Moreover, in India where the central Government must retain large responsibilities, as for defence and law and order, a statutory limitation upon its legislative functions may be inexpedient. We have already referred to the fact that there has been growing up in India for some time

a convention which by now has acquired no little strength to the effect that the central Government shall not without strong reason legislate in the internal affairs of provinces. We think therefore that it may be better, instead of attempting to bar the legislative power of the Government of India in certain spheres of provincial business, to leave it to be settled as a matter of constitutional practice that the central Government will not interfere in provincial matters unless the interests for which it is itself responsible are directly affected.

213. The question of restraining the central Government from administrative interference in the provinces is more difficult. We recognize that, in so far as the provincial Governments of the future will still remain partly bureaucratic in character, there can be no logical reason for relaxing the control of superior official authority over them nor indeed would any general relaxation be approved by Indian opinion; and that in this respect the utmost that can be justified is such modification of present methods of control as aims at getting rid of interference in minor matters, which might very well be left to the decision of the authority which is most closely acquainted with the facts. It is, however, in relation to provincial Governments in their popular aspect that serious difficulties present themselves. So long as the Government of India itself is predominantly official in character and, therefore, remains amenable to the Secretary of State, its interference in any matters normally falling within the range of popular bodies in the provinces involves a clash of principle which cannot fail to engender some heat; and the scope of which it is on all grounds desirable to keep within very closely defined bounds. At the same time we perceive that there are many matters which, taken in bulk, may reasonably be regarded as fitted for administration by popular bodies, but which have aspects that cannot fail to be of intimate concern to the Government which is responsible for the security or good administration of the whole country. We shall have occasion to return to this point when we have stated our proposals for the demarcation of responsibility for the administration.

Administrative
devolution.

PROVINCIAL EXECUTIVES.

214. Let us now explain how we contemplate in future that the executive Governments of the provinces shall be constituted. As we have seen, three provinces are now governed by a Governor and an Executive Council of three members, of whom one is in practice an Indian and two are usually appointed from the Indian Civil Service, although the law says only that they must be qualified by twelve years' service under the Crown in India. One province, Bihar and Orissa, is administered by a Lieutenant-Governor with a Council of three constituted in the same way. The remaining five provinces, that is to say, the three Lieutenant-Governorships of the United Provinces, the Punjab and Burma and the two Chief Commissionerships of the Central Provinces and Assam are under the administration of a single official Head. We find throughout India a very general desire for the extension of council government. There is a belief that when the administration centres in a single man, the pressure of work inevitably results in some matters of importance being disposed of, in his name but without personal reference to him, by secretaries to Government. There is also a feeling that collective decisions, which are the result of bringing together different points of view, are more likely to be judicious and well-weighed than those of a single mind. But above all council government is valued by Indians, because of the opportunity it affords for taking an Indian element into the administration itself. To our minds, however, there is an over-riding reason of greater importance than any of these. The retention of the administration of a province in the hands of a single man precludes the possibility of giving it a responsible character. Our first proposition, therefore, is that in all these provinces single-headed administration must cease and be replaced by collective administration.

Council
government.

215. In determining the structure of the executive we have to bear in mind the duties with which it will be charged. We start with the two postulates that complete responsibility for the government cannot be given immediately without inviting a breakdown, and that some responsibility must be given at once if our scheme is to have any value. We have defined responsibility as consisting primarily in amenability to constituents, and in the second

The structure
of the
executive.

place in amenability to an assembly. We do not believe that there is any way of satisfying these governing conditions other than by making a division of the functions of the provincial Government, between those which may be made over to popular control and those which for the present must remain in official hands. The principles and methods of such division and also the difficulties which it presents we shall discuss hereafter. For the moment let us assume that such division has been made, and that certain heads of business are retained under official and certain others made over to popular control. We may call these the 'reserved' and 'transferred' subjects respectively. It then follows that for the management of each of these two categories there must be some form of executive body, with a legislative organ in harmony with it, and if friction and disunion are to be avoided it is also highly desirable that the two parts of the executive should be harmonised. We have considered the various means open to us of satisfying these exacting requirements.

Dualism set
aside.

216. In the first place we set aside the idea of establishing two different executives each working in conjunction with a separate legislature of its own. That plan seemed to us only to enhance the division between the two elements in the Government which it should be our object by every possible means to minimise. Such complete dualism in executive and legislature must lead to hopeless friction. One Government would be regarded as official, and one as Indian: and no great prevision is needed to see how differences must ensue over the division of financial resources and other matters. Assuming therefore that the machine of government must as far as possible be single and not dual both in its legislative and executive aspects, we examined the alternative ways in which it appeared open to us to construct the executive.

An
alternative
plan.

217. One plan which we considered was that in all provinces there should be set up councils consisting of four members, of whom two would be qualified as now by service under the Crown in India, while for two no such qualification would be required. In practice the composition of the councils would be two European officials and two Indians. Our further intention was after subjecting an official executive so composed for a period of years to the influence of a legislative council constituted with an elected majority and associated with the administration by means of elected standing committees attached to the departments, to replace the two Indian members of the executive council by ministers appointed from and accountable to the legislative councils. During this period, which would be essentially one of training, some members of the legislative councils would have acquired some practical acquaintance with the art of administration through the standing committees, but there would be no formal distribution of business, so far as administration was concerned, into transferred and reserved subjects; though in dealing with the transferred subjects the Government would as far as possible endeavour to give effect to the wishes of the legislative councils. The executive in such a scheme, finding itself face to face with an elected majority which might withhold essential legislation or supplies, would have had to be armed with power to make good in the last resort its purposes in respect of reserved subjects. We do not think that such a scheme would have been unfavourably received in India. But further consideration showed that it was open to grave defects. So long as the Indian members of the executive were not appointed from the elected members of the legislative council they would have had no responsibility to the legislature. But if this defect were cured by appointing them from the legislative council we should have formed a Government, all the members of which were equally responsible for all subjects but were, though to a lesser extent than in the Congress-League scheme, accountable to different authorities. If on the other hand we delayed this step until the training period was over, we should have encouraged the elected members of council in the habits of irresponsible criticism which have been the bane of the Morley-Minto councils, and from which it is our aim to escape. Then when ministers responsible to the legislative council were brought into being it would have been necessary, in pursuance of our principles, to place them in charge of the transferred subjects. But either the ministers would still have continued to share with the executive council responsibility for even the reserved subjects; or else they would have relinquished such joint responsibility and confined themselves exclusively to the transferred subjects. The

former alternative is objectionable because it would make the ministers, who are responsible to the electorates, accountable to them not only for transferred subjects, for which responsibility is intended, but also for reserved subjects, over which popular control is not at present intended to operate. In the second place it is objectionable because the responsibility for the reserved subjects would be shared by members of the executive council responsible to the Secretary of State with ministers responsible to electorates. The latter alternative is open to the criticism that it deprives the Indian element in the Government of such voice in the reserved subjects as they had previously enjoyed.

218. We propose therefore that in each province the executive Government should consist of two parts. One part would comprise the head of the province and an executive council of two members. In all provinces the head of the Government would be known as Governor, though this common designation would not imply any equality of emoluments or status, both of which would continue to be regulated by the existing distinctions, which seem to us generally suitable. One of the two executive councillors would in practice be a European qualified by long official experience, and the other would be an Indian. It has been urged that the latter should be an elected member of the provincial legislative council. It is unreasonable that choice should be so limited. It should be open to the Governor to recommend whom he wishes. In making his nominations, the Governor should be free to take into consideration the names of persons who had won distinction whether in the legislative council or any other field. The Governor in Council would have charge of the reserved subjects. The other part of the Government would consist of one member or more than one member, according to the number and importance of the transferred subjects, chosen by the Governor from the elected members of the legislative council. They would be known as ministers. They would be members of the executive Government but not members of the executive council; and they would be appointed for the life-time of the legislative council and if re-elected to that body would be re-eligible for appointment as members of the executive. As we have said, they would not hold office at the will of the legislature but at that of their constituents. We make no recommendation in regard to pay. This is a matter which may be disposed of subsequently.

219. The portfolios dealing with the transferred subjects would be committed to the ministers, and on these subjects the ministers together with the Governor would form the administration. On such subjects their decisions would be final, subject only to the Governor's advice and control. We do not contemplate that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decisions of his ministers. Our hope and intention is that the ministers will gladly avail themselves of the Governor's trained advice upon administrative questions, while on his part he will be willing to meet their wishes to the furthest possible extent, in cases where he realises that they have the support of popular opinion. We reserve to him a power of control, because we regard him as generally responsible for his administration, but we should expect him to refuse assent to the proposals of his ministers only when the consequences of acquiescence would clearly be serious. Also we do not think that he should accept without hesitation and discussion proposals which are clearly seen to be the result of inexperience. But we do not intend that he should be in a position to refuse assent at discretion to all his ministers' proposals. We recommend that for the guidance of Governors in relation to their ministers, and indeed on other matters also, an Instrument of Instructions be issued to them on appointment by the Secretary of State in Council.

220. There is another provision which we wish to make. The Governor may be himself unfamiliar with Indian conditions; and his Government, constituted as we have proposed, will contain only one European member. He will thus normally have only one member with official experience. In some provinces where the Governor is himself an official and thoroughly familiar with the requirements of the province, the advice and assistance of one official colleague may suffice. But in other cases this will not be so. We propose therefore that the Governor should appoint, if he chooses, one or two additional

Our own proposals.

Relation of the Governor to ministers.

Additional members without portfolio.

members of his Government as members without portfolio for purposes of consultation and advice. It is true that it is always open to the Governor to seek the advice of any of his officials; but that is not the same thing as appointing them to be members of the Government with the status and authority attaching to such office. The additional members would still discharge the functions of, and draw the pay attached to, their substantive appointments.

Working
of the
executive.

221. It is our intention that the Government thus composed and with this distribution of functions shall discharge them as one Government. It is highly desirable that the executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside. We would therefore suggest that, as a general rule, it should deliberate as a whole, but there must certainly be occasions upon which the Governor will prefer to discuss a particular question with that part of his government directly responsible. It would therefore rest with him to decide, whether to call a meeting of his whole Government or of either part of it, though he would doubtless pay special attention to the advice of the particular member or minister in charge of the subjects under discussion. The actual decision on a transferred subject would be taken, after general discussion, by the Governor and his ministers; the action to be taken on a reserved subject would be taken, after similar discussion, by the Governor and the other members of his executive council, who would arrive at their decision in the manner provided in the existing statute. The additional members, if present, would take their share in the discussion, but would in no case take a part in the decision. At a meeting of the whole Government there would never be, in fact, any question of voting, for the decision would be left, as we have stated, to that part of the Government responsible for the particular subject involved. But there are questions upon which the functions of the two portions of the Government will touch or overlap, such for instance as decisions on the budget or on many matters of administration. On these questions, in case of a difference of opinion between the ministers and the executive council it will be the Governor who decides.

Advantages,
and
disadvantages
of this plan.

222. Let us now see the advantages of this transitional arrangement and anticipate criticisms. It has been urged with great force that, at the outset, it would be unfair to entrust the responsibility for the administration of any subject to men holding office at the will of the legislative council. The legislative council has had no experience of the power of dismissing ministers, or the results attending the exercise of such power. Nobody in India is yet familiar with the obligations imposed by tenure of office at the will of a representative assembly. It is only by actual experience that these lessons can be learned. But our scheme provides security of tenure for ministers for the life-time of the council during the preliminary period, and therefore gives some time, which we think should be short, to prepare for the full exercise of responsibility. By the device however of appointing the ministers from the elected members of the legislative council and making their tenure of office conditional on the retention of their seats we have established at once some measure of responsibility, in the form of responsibility to their constituents, and have thus put an end to the condition of affairs in which those entrusted with the administration are wholly irresponsible to the constituents who elect the legislative council. By dividing the Government into what will in effect be two committees with different responsibilities we have ensured that members of the Government accountable to different authorities do not exercise the same responsibility for all subjects. By entrusting the transferred portfolios to the ministers we have limited responsibility to the Indian electorate to those subjects in which we desire to give responsibility first. We have done this without now or at any time depriving the Indian element in the Government of responsibility for the reserved subjects. The fact that we are entrusting some functions of Government to ministers makes it impossible for us to contemplate the retention in any province of an executive council of more than two members; but the reduction of the European element in the council may be regarded as equivalent to an increase in the Indian element. At the same time, by the appointment of the additional members of the Government we have secured that the Governor shall have at his disposal ample official advice. The arrangement admits of adjustment to the different provinces,

because we contemplate that the number of transferred subjects, and therefore the number of ministers, may vary in each province. It is quite true that our plan involves some weakening of the unity of the executive and some departure from constitutional orthodoxy; but whenever and wherever we approach this problem of realising responsibility at different times in different functions we find it impossible to adhere tightly to theoretical principles. It would be impossible to attain our object by a composite Government so composed that all its members should be equally responsible for all subjects. At the same time it is necessary to secure that the whole executive should be capable of acting together. What we can do is to aim at minimising causes of friction; and we have proposed arrangements that can be worked by mutual forbearance and a strong common purpose. It is our intention that the decisions of the Government should be loyally defended by the entire Government, but that the ministers should feel responsibility for conforming to the wishes of their constituents. It is true that these two forces may pull different ways; but, though the analogy is clearly not complete, there are occasions when members of a Government, and indeed members of Parliament at home, have to choose between loyalty to the Government and to their own constituents. All the members of the composite executive will be chosen by the Governor, and his position in the administration will enable him to act as a strong unifying force. The habit of deliberating as a whole will also tend to preserve the unity of the Government, while the special responsibility of either part for the subjects committed to it will be recognised by the legislative council and the electorate. It seems to us, therefore, that both from the point of view of capacity for development and from that of ensuring co-operation while developing responsibility our arrangement is the best that can be devised for the transitional period.

223. Our proposals may strike some critics as complicated. But few constitutions, except those of a purely despotic character, can be described without some appearance of complication; and the course which we have deliberately chosen, and which is in its nature experimental and transitional is relatively elaborate because it involves the temporary co-ordination of two different principles of government. If we had proposed to delay the concession of any responsibility at all until such time as we could give complete responsibility, our scheme certainly would have had the minor merit of simplicity. But apart from our obligation to comply with the announcement of August 20, we feel that such a course would have subjected the mechanism of government, when the change from irresponsibility to complete responsibility came, to so violent a shock that it might well have broken down. We were driven therefore first to devising some dualism in the executive; and secondly to providing for such a balance of power between the two portions as would permit the one portion to grow without at the same time disabling the other from discharging its very necessary functions of preserving continuity and safeguarding essentials. Given such difficult conditions, we do not think that a less elaborate solution can readily be devised.

224. The suggestion has been made to us that in some provinces it might be convenient, where the press of work is heavy, to appoint some members of the legislative council, not necessarily elected, to positions analogous to that of a parliamentary Under Secretary in Great Britain, for the purpose of assisting the members of the executive in their departmental duties and of representing them in the legislative council. We feel no doubt that the elaboration of the machinery which is inevitable in future will impose greater burdens on the members of the Government. We suggest therefore that it may be advisable and convenient to take power to make such appointments.

PROVINCIAL LEGISLATURES.

225. We will now explain how we intend that the provincial legislatures of the future shall be constituted. We propose there shall be in each province, an enlarged legislative council, differing in size and composition from province to province, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary. This brief epitome of our proposals needs some amplification if it is to

be intelligible. We have been invited by many advisers to indicate at once the composition of the councils which we contemplate. We have refrained from that task for good and sufficient reasons. It would be easy to make proposals, but in the present state of our information it would be very difficult to invest those proposals with authority. If a sound beginning is to be made the foundations for the building must be laid deeper. The first step must be not a hard and fast adjustment of the composition of the councils to the various interests of each province as estimated from headquarters, but a careful survey of all the material available in the province for an electorate. We must in fact measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship. We must ascertain what sort of franchise will be suited to local conditions, and how interests that may be unable to find adequate representation in such constituencies are to be represented. Such an electoral survey of the entire country is obviously beyond our powers at the present time. We propose that the work should be undertaken by a special committee, which should be appointed to deal with it as soon as possible: for whatever modifications of our own proposals may be decided upon in further discussion it seems to us certain that work of this particular nature must in any case be done. We suggest that the committee should consist of a chairman chosen from outside India, two experienced officials and two Indians of high standing and repute. In each province the material for its deliberations would, of course, be prepared for it by the local Government: indeed some spade work has already been done. As the committee visited each province in turn one civilian officer and one Indian appointed by the provincial Government should join it and share in its labours. The committee's investigations into the subjects of the franchise, the constituencies and the nominated element, to which we refer below, will enable it to advise as to the composition of the councils, which, we propose, should then be determined by the Secretary of State in Council, on the recommendation of the Government of India, in the form of regulations to be laid before Parliament. We think this is certainly a better method than to formulate such matters in the Statute itself. All this electoral architecture must inevitably be experimental and will need modification and development from time to time.

The system
of election
and the
franchise.

226. While, however, we refrain from any discussion of details for which the material is not immediately available, there are certain broad questions upon which we certainly ought to indicate our conclusions, both because the issues are themselves important and because the committee will need general instructions on points of principle. We consider in the first place that the system of indirect elections should be swept away. It is one main cause of the unreality that characterises the existing councils, because it effectively prevents the representative from feeling that he stands in any genuine relation to the original voter. Secondly, we consider that the limitations of the franchise, which it is obviously desirable to make as broad as possible, should be determined rather with reference to practical difficulties than to any *a priori* considerations as to the degree of education or amount of income which may be held to constitute a qualification. It is possible that owing to unequal distribution of population and wealth it may be necessary to differentiate the qualifications for a vote not merely between provinces but between different parts of the same province. It is essential to take due account of the problems involved in the maintenance of an electoral roll, the attendance of voters at a polling centre, the danger of impersonation and the subsequent adjudication of electoral petitions. On these considerations the strength of the official and non-official agency which could be made available for electoral purposes throughout the country has an important bearing, and warns us against any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers.

Communal
electorates.

227. At this point we are brought face to face with the most difficult question which arises in connexion with elected assemblies—whether communal electorates are to be maintained. We may be told that this is a closed question, because the Muhammadans will never agree to any revision of the arrangement promised them by Lord Minto in 1906, and secured to them by the reforms of 1909. But we have felt bound to re-examine the question fully

in the light of our new policy ; and also because we have been pressed to extend the system of communal electorates in a variety of directions. This is no new problem. It has been discussed periodically from the time when the first steps were taken to liberalise the councils. There has hitherto been a weighty consensus of opinion that in a country like India no principle of representation other than by interests is practically possible. Lord Dufferin held this view in 1888, and in 1892 Lord Lansdowne's Government wrote that "the representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in council by the mouth of some member specially acquainted with them." We note that in 1892 the small size of the councils was reckoned as a factor in the decision and that the contrary view was not without its exponents; but we feel no doubt that Lord Minto's Government followed the predominant opinion when in 1908 they pressed for an important extension of the communal principle. Thus we have had to reckon not only with the settled existence of the system, but with a large volume of weighty opinion that no other method is feasible.

228. The crucial test to which, as we conceive, all proposals should be brought is whether they will or will not help to carry India towards responsible government. Some persons hold that for a people, such as they deem those of India to be, so divided by race, religion and caste as to be unable to consider the interests of any but their own section, a system of communal and class representation is not merely inevitable but is actually best. They maintain that it evokes and applies the principle of democracy over the widest range over which it is actually alive at all, by appealing to the instincts which are strongest; and that we must hope to develop the finer, which are also at present the weaker, instincts by using the forces that really count. According to this theory communal representation is an inevitable and even a healthy stage in the development of a non-political people. We find indeed that those who take this view are prepared to apply their principles on a scale previously unknown, and to devise elaborate systems of class or religious electorates into which all possible interests will be deftly fitted. But when we consider what responsible government implies, and how it was developed in the world we cannot take this view. We find it in its earliest beginnings resting on an effective sense of the common interests, a bond compounded of community of race, religion and language. In the earlier form which it assumed in Europe it appeared only when the territorial principle had vanquished the tribal principle, and blood and religion had ceased to assert a rival claim with the State to a citizen's allegiance; and throughout its development in western countries, even in cases where special reasons to the contrary were present, it has rested consistently on the same root principle. The solitary examples that we can discover of the opposing principle are those of Austria, a few of the smaller German states, and Cyprus. It is hardly necessary to explain why we dismiss these as irrelevant or unconvincing. We conclude unhesitatingly that the history of self-government among the nations who developed it, and spread it through the world is decisively against the admission by the State of any divided allegiance; against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself.

229. Indian lovers of their country would be the first to admit that India generally has not yet acquired the citizen spirit, and if we are really to lead her to self-government, we must do all that we possibly can to call it forth in her people. Division by creeds; and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find it difficult to meet the charge of being hypocritical or short sighted.

230. There is another important point. A minority which is given special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement

They are opposed to the teaching of history.

They perpetuate class division

They stereotype existing relations.

to educate and qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow countrymen and that they are free to use their power for their own purposes. The give-and-take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations.

The case
of the
Muhammadans.

231. We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self-governing principle. The evils of any extension of the system are plain. Already communal representation has been actually proposed for the benefit of a majority community in Madras. At the same time we must face the hard facts. The Muhammadans were given special representation with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions alter, even at the price of slower progress towards the realization of a common citizenship. But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters.

Other
minority
representation.

232. We have been pressed to extend the concession to other communities. Some have based their claim on their backward, others on their advanced condition. Thus the Sikhs in the Punjab, the non-Brahmans in Madras (although in that presidency these actually constitute a majority), the Indian Christians, the Anglo-Indians, the Europeans, and the Lingayat community in Bombay have all asked for communal representation. The large land-owning classes also generally desire representation in an electorate of their own. Now our decision to maintain separate electorates for Muhammadans makes it difficult for us to resist these other claims; but, as we have said, in the case of the Muhammadans we have felt ourselves bound by promises given and renewed by Secretaries of State and Viceroys, and in their respect at all events our recommendation involves no new departure. Any general extension of the communal system, however, would only encourage still further demands, and would in our deliberate opinion be fatal to that development of representation upon a national basis in which alone a system of responsible government can possibly be rooted. At the same time we feel that there is one community from whom it is inexpedient to withhold the concession. The Sikhs in the Punjab are a distinct and important people: they supply a gallant and valuable element to the Indian Army; but they are everywhere in a minority, and experience has shown that they go virtually unrepresented. To the Sikhs therefore, and to them alone, we propose to extend the system already adopted in the case of the Muhammadans.

For the representation of other minorities we should prefer nomination. Even in the case of the general European community, whose material interests in the country are out of all proportion to their numerical strength and on whose behalf it may be argued that no departure from principle is involved, inasmuch as unlike all other communities named they are not an integral part of the population of India, we prefer to rely upon nomination. Special electorates will no doubt be required for the representation of the planting and mining interests, for the chambers of commerce, and possibly also for the universities

but we desire that the number of such electorates should be as restricted as possible, and that minority interests should, where necessary, be represented not by class or interest electorates but by nomination. Where the great landowners form a distinct class in any province we think that there will be a case for giving them an electorate of their own. The anomaly involved in the presence of nominated members in a council to which we are giving some responsible powers must, we think, be accepted as one of the necessary illogicalities attendant on a transitional period. Such nominations are made for a representative purpose and can be made in such a way as to secure representation. Nomination has in our eyes the great advantage over the alternative of extending the class or communal system that it can be more easily abolished when the necessity for it ceases. We look to the desire of the communities represented by nominated members to see their representatives in council placed upon the same footing as those of other communities to help us in securing the extension of the territorial principle of representation wherever possible. But it should be a clear instruction to the committee that the nominated element in the legislative councils is to be no larger than the exigencies of fair and adequate representation entail.

There may be cases in which nomination proves an unsuitable method of securing the representation of minorities. In such cases the committee should consider whether the needs of the case would be met by reserving to a particular community a certain number of seats in plural constituencies but with a general electoral roll. We are inclined to look on such an arrangement as preferable to communal electorates.

233. There seem to us good and sufficient reasons for not dispensing entirely with the official element in the legislative councils. Once the official *bloc* is swept away the main objection to the presence of officials no longer exists; their presence has the advantage of tending to steady discussion and of keeping it to practical issues; and their official experience will be invaluable. The exact number of official representatives will be a matter for the committee to consider. We advise, however, that the official element appointed by the Governor should be no larger than is considered necessary for the transaction of business. The members of the executive council should be *ex-officio* members of the legislative council, and there should be so many other official members as will provide the Government with first-hand knowledge of the matters likely to be discussed both in the council and in committee. We wish to see the convention established, though we propose to lay down no rule on the point, that on the subjects transferred to the control of ministers, the official members of the legislative council would abstain from voting and leave the decision of the question to the non-official members of council. On other matters, except on occasions when the Government thinks it necessary to require their support, the nominated official members of the legislative councils should have freedom of speech and vote.

234. The great increase which will result from our proposals in the number of members of the provincial legislative councils makes it desirable that they should no longer enjoy the designation "Honourable" which we desire to reserve for the members of the new bodies whose institution we propose in the next chapter. But conformably with practice in other parts of the Empire we suggest that provincial legislators should be entitled to affix the letters M.L.C. to their names. On the other hand, while the language of section 74 of the Government of India Act with its reference to "additional members" marks the survival of the idea that the legislative councils are merely expansions of the executive Government for the purpose of law-making, our proposals will have made it clear that we intend the Indian legislatures of the future to be substantive legislative organs. We consider therefore that the term "additional members" should no longer be employed in the case of any Indian legislature.

235. Our next proposal is intended to familiarise other elected members of the legislative council, besides ministers, with the processes of administration; and also to make the relations between the executive and legislative more intimate. We propose that to each department or group of departments, whether it is placed under a member of the executive council or under a

minister, there should be attached a standing committee elected by the legislative council from among their own members. Their functions would be advisory. They would not have any administrative control of departments. It would be open to the Government to refuse information when it would be inconsistent with the public interest to furnish it. We do not intend that all questions raised in the course of day-to-day administration should be referred to them; but that they should see, discuss and record for the consideration of Government their opinions upon all questions of policy, all new schemes involving expenditure above a fixed limit, and all annual reports upon the working of the departments. If the recommendations of the standing committee were not accepted by Government, it would, subject of course to the obligation of respecting confidence, be open to any of its members to move a resolution in the legislative council in the ordinary way. The member of the executive council or minister concerned with the subject-matter should preside over the committee, and as an exception to the rule that it should be wholly non-official, the heads of the departments concerned, whether sitting in the legislative council or not, should also be full members of it with the right to vote.

Control of
business.

236. Bearing in mind the facts that the legislative councils will in future be larger bodies and will contain a certain number of members unversed in discussion, we feel the importance of maintaining such standards of business as will prevent any lowering of the council's repute. The conduct of business in a large deliberative body, is a task that calls for experience which cannot be looked for at the outset in an elected member. We consider therefore that the Governor should remain the President of the legislative council, but inasmuch as it is not desirable that he should always preside, he should retain the power to appoint a Vice-President. He should not be formally limited in his selection, but we suggest that for some time to come it will be expedient that the Vice-President should be chosen from the official members.

Power to make its own rules of business is a normal attribute of a legislative body. But a simple and satisfactory procedure is of the essence of successful working; and it is advisable to avoid the risk that inexperience may lead to needless complication or other defect in the rules. We think therefore that the existing rules of procedure should, for the time being, continue in force, but that they should be liable to modification by the legislative council with the sanction of the Governor.

One or two points in connexion with the rules require notice. Any member of the legislative council and not merely the asker of the original question should, we think, have power to put supplementary questions. Power should be retained in the Governor's hands to disallow questions, the mere putting of which would be detrimental to the public interests. If a question is not objectionable in itself but cannot be answered without harm to the public interests, the Governor should not disallow the question but his Government should refuse to answer it on that ground. We have not considered in what respect existing restrictions upon the moving of resolutions should be modified: but here also it seems inevitable that some discretionary power of disallowance should remain in the Governor's hands.

Effect of
resolutions.

237. We do not propose that resolutions, whether on reserved or transferred subjects, should be binding. The Congress-League proposal to give them such authority is open to the objections which we have already pointed out. If a member of the legislative council wishes the Government to be constrained to take action in a particular direction, it will often be open to him to bring in a Bill to effect his purpose: and when ministers become, as we intend that they should, accountable to the legislative council, the council will have full means of controlling their administration by refusing them supplies or by means of votes of censure, the carrying of which may in accordance with established constitutional practice, involve their quitting office.

Division of
the functions
of
government.

238. It is time to show how we propose that the sphere of business to be made over to the control of the popular element in the Government should be demarcated. We assumed in paragraphs 212 and 213 above that the entire field of provincial administration will be marked off from that of the Government

of India. We assumed further that in each province certain definite subjects should be transferred for the purpose of administration by the ministers. All subjects not so transferred will be reserved to the hands of the Governor in Council. The list of transferred subjects will of course vary in each province; indeed it is by variation that our scheme will be adjusted to varying local conditions. It will also be susceptible of modification at subsequent stages. The determination of the list for each province will be a matter for careful investigation, for which reason we have not attempted to undertake it now. We could only have done so if after settling the general principles on which the lists should be framed we had made a prolonged tour in India and had discussed with the Government and people of each province the special conditions of its own case. This work should, we suggest, be entrusted to another special committee similar in composition to, but possibly smaller in size than, the one which we have already proposed to constitute for the purpose of dealing with franchises and constituencies. It may be said that such a task can be appropriately undertaken only when our main proposals are approved. We find it difficult, however, to believe that any transitional scheme can be devised which will dispense with the necessity for some such demarcation; and for this reason we should like to see the committee constituted as soon as possible. It should meet and confer with the other committee which is to deal with franchises, because the extent to which responsibility can be transferred is related to the nature and extent of the electorate which will be available in any particular province. The committee's first business will be to consider what are the services to be appropriated to the provinces, all others remaining with the Government of India. We suggest that it will find that some matters are of wholly provincial concern, and that others are primarily provincial but that in respect of them some statutory restrictions upon the discretion of provincial Governments may be necessary. Other matters again may be provincial in character so far as administration goes, while there may be good reasons for keeping the right of legislation in respect of them in the hands of the Government of India. The list so compiled will define the corpus of material to which our scheme is to be applied. In the second place the committee will consider which of the provincial subjects should be transferred; and what limitations must be placed upon the ministers' complete control of them. Their guiding principle should be to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which may occur though serious would not be irremediable, and those which stand most in need of development. In pursuance of this principle we should not expect to find that departments primarily concerned with the maintenance of law and order were transferred. Nor should we expect the transfer of matters which vitally affect the well-being of the masses who may not be adequately represented in the new councils, such for example as questions of land revenue or tenant rights. As an illustration of the kind of matters which we think might be treated as provincial and those which might be regarded as transferred we have presented two specimen lists in an appendix to this report. We know that our lists cannot be exhaustive; they will not be suitable to all provinces; they may not be exactly suitable to any province: but they will serve at all events to illustrate our intentions if not also as a starting point for the deliberations of the committee. Our lists are in the main mere categories of subjects. But we have mentioned by way of illustration some of the limitations which it will be necessary to impose or maintain. In dealing with each subject the powers of the provincial legislatures to alter Government of India Acts on that subject will have to be carefully considered. We have indicated in paragraph 240 below certain other reservations which seem to us necessary. On the publication of this report we should like to see the lists discussed in the provincial councils and considered by the provincial Governments, so that the committee may have ready at hand considered criticisms upon the applicability of our suggestions to the circumstances of each particular province.

239. We realise that no demarcation of subjects can be decisive in the sense of leaving open no matter for controversy. Cases may arise in which it

Settlement of
disputes.

is open to doubt into which category a particular administrative question falls. There will be other cases in which two or more aspects of one and the same transaction belong to different categories. There must therefore be an authority to decide in such cases which portion of the Government has jurisdiction. Such a matter should be considered by the entire Government, but its decision must in the last resort lie definitely and finally with the Governor. We do not intend that the course of administration should be held up while his decision is challenged either in the law courts or by an appeal to the Government of India.

Powers of
intervention.

240. Further, inasmuch as administration is a living business and its corpus cannot be dissected with the precision of an autopsy, we must, even in the case of matters ordinarily made over to non-official control, secure the right of re-entry either to the official executive Government of the province, or to the Government of India in cases where their interests are essentially affected. For instance, the central Government must have the power, for reasons which will be readily apparent in every case, of intervening effectively, whether by legislation or administrative action, in matters such as those affecting defence, or foreign or political relations, or foreign trade, or the tariff; or which give rise to questions affecting the interests of more than one province; or which concern the interests of all-India services even if serving under provincial Governments. Similarly the Governor in executive council must have power to intervene with full effect in matters which concern law and order, or which raise religious or racial issues, or to protect the interests of existing services. We do not claim that this list of reservations is exhaustive or definitive; we look to the committee to assist in making it so. Our aim must be to secure to the official executive the power of protecting effectually whatever functions are still reserved to it and to the Government of India, of intervening in all cases in which the action of the non-official executive or council affects them to their serious prejudice. For otherwise the official Government which is still responsible to Parliament may be unable to discharge its responsibility properly.

The
justification
of this
division.

241. No doubt we shall be told,—indeed we have often been told already,—that the business of government is one and indivisible, and that the attempt to divide it into two spheres controlled by different authorities, who are inspired by different principles and amenable to different sanctions, even with the unifying provisions which we have described is doomed to encounter such confusion and friction as will make the arrangement unworkable. We feel the force of these objections. We have considered them very anxiously and have sought out every possible means of meeting them. But to those critics who press them to the point of condemning our scheme we would reply that we have examined many alternative plans, and found that they led either to deadlock or to more frequent or greater potentialities of friction. Such destructive arguments, so far as we can discover, are directed not so much against our particular plan, but against any plan that attempts to define the stages between the existing position and complete responsible government. The announcement of August 20 postulated that such stages could be found; indeed unless we can find them it is evident that there is no other course open than at some date or other to take a precipitate plunge forward from total irresponsibility to complete responsibility.

Alternative
methods of
division.

242. We have, however, encountered other critics whose arguments are worthy of fuller examination. They agree with us that some division of functions is the right, indeed the inevitable, method of progress; but they tell us that by attempting the division of powers upon the provincial plane we are needlessly enhancing the confusion and friction which will arise, and which could be and ought to be mitigated by a different disposition of the machinery. They urge in brief that the line of division should be horizontal and not vertical; and that popular control and popular responsibility ought to be developed not in the provincial legislative councils, but in new constitutional bodies to be created for this purpose and invested with jurisdiction over smaller areas. They claim that friction will be avoided or at all events diminished, if the delegated functions of the new bodies are more closely circumscribed by the terms of the legislation calling them into existence than is possible in the case of the provincial councils; and if they are protected from the temptation to place

themselves in constant opposition to the official element which would be offered by the presence of both elements in one and the same Government and in one and the same council. They reckon it to the credit of their schemes that by confining the operations of the new constitutional bodies to areas smaller than provinces, they hope to draw into the arena of public affairs men who could hardly be expected to come forward for the provincial councils. They urge that by presenting themselves to the official services not so much as rival governments but as organs of local self-government on the largest and most generous scale, they may feel confident of official help and co-operation.

243. In their less pretentious form of expression these ideas are embodied in a scheme which has been placed before us for the establishment of divisional councils. Plan of divisional councils. These bodies would have jurisdiction over a revenue division, and would deal with all questions of local self-government and certain other matters delegated to them, such as excise, agricultural farms, provincial roads and some branches of education. They would have definite revenues of their own and also power to increase their income by local taxation. They would administer the business delegated to them by means of an executive committee, of whom the president would be elected by the council and would himself choose his own colleagues. The provincial legislative council would be composed of delegations from the divisional councils, and would contain no official members other than the members of the executive council who would attend only to reply to questions and to explain the Government's attitude. As regards the matters made over to the divisional councils the provincial council would retain certain powers of legislation, taxation and of sanctioning rules; but as regards all other subjects its powers would be only those of deliberation and criticism unless the Government referred a particular question to it for decision.

244. Though we desire to acknowledge the thoughtful manner in which the proposals were worked out we need not amplify them in detail because we found at the outset weighty reasons for rejecting them. Reasons for rejecting it. The scheme in our opinion fails to provide for continuing and ordered progress in the future. The divisions are in very many instances artificial units, which are not suitable areas on which to base permanent institutions; and in any case they are certainly too small to serve permanently as self-governing units. Although it was contemplated that further spheres of business could be from time to time made over to them no great progress would be possible because the range of matters which could be administered on a divisional basis must for practical reasons be limited. Progress would therefore soon be checked unless, as indeed the authors of the scheme contemplated, the divisional councils coalesced so as to form larger bodies. It seems to us better to start from the outset on a plane on which a permanent edifice can be built. However this be, we feel that the scheme is unacceptable for reasons similar to those which led us to decide that it was impossible to confine advance to the limited sphere of purely local self-government. Whatever may be said of it on theoretical grounds it would not satisfy political needs. If the scheme for divisional councils, and the cognate scheme described below, succeeded in drawing into public life men who could hardly be expected to come forward to the provincial councils, it would also have the effect of very largely depriving those who had had some experience of political matters and whose life is spent in the provincial capitals of many opportunities of effective political work. On the legislative council they would find their functions narrowly restricted; and on the divisional councils also they would deal with a far smaller range of subjects than that with which they had hitherto been concerned.

245. We have also considered a more ambitious development of the same leading idea which was presented to us by the signatories to a joint address of European and Indian gentlemen in Calcutta. They propose that existing Provinces should be sub-divided into a limited number of smaller areas on a linguistic or racial basis, and that for such provincial-states there should be constituted state councils and state governments dealing only with such matters as those which in our scheme would be included in the transferred list. The official Government of the province would continue to administer the reserved Plan of provincial states.

subjects for the whole provincial area; but inasmuch as responsibility would have been given and would be intended to be developed solely in the state councils, the legislative council of the province would, when the daughter bodies came into being, lose its legislative functions and lapse into the position of a purely advisory body, except that if the provincial executive disregarded its wishes it would have the right of appeal to the Government of India and the Secretary of State. As the state councils developed, more and more functions would be made over to them, as the result of periodical inquiry by a recurrent commission—an idea for which we acknowledge our own indebtedness to the authors of the scheme—until finally the provincial governments disappeared, and the future polity of British India was represented by a series of states enjoying responsible government.

Reasons for
rejecting it
generally.

246. We have considered this scheme with the care which its skilful preparation and authoritative endorsement deserve. But the disadvantages of the scheme, as it seems to us, far outweigh its advantages. The proposals to withdraw from the provincial councils, even as a transitional arrangement, their present opportunities of affecting the action of Government would certainly meet with great opposition and be regarded as retrograde. Moreover, while the state Governments would indeed be real Governments and not merely larger organs of local self-government, it would, we believe, be necessary to circumscribe their powers to an extent on which it will be difficult to insist in practice. Though differences in area might mitigate the effects of dualism, there would actually be in one and the same territory, two Governments and two legislatures, each equipped with a separate service of officers. There would be no means of securing cohesion between the two Governments; and we apprehend that grave divergences of view might occur which there would be no easy means of composing. If it is true that the presence of two elements in one and the same Government presents opportunities for collision, it presents also opportunities for understanding and co-operation. It appears to us that wisdom lies not in equipping each of the different elements with a complete and separate paraphernalia of its own, and trusting to their orbits lying sufficiently apart for collisions to be avoided; but in taking every opportunity of bringing the two elements into contact so as to induce the habits of joint action. However this be there remains one practical reason of paramount force against our proceeding with the scheme. In spite of the evidence which has reached us of the existence in parts of India, of distinct areas or communities which are anxious to secede from the larger administrative units of which they now form part, we feel sure that any general scheme of geographical partition would evoke such strong opposition as would be fatal to the whole plan. Generally speaking, we may describe provincial patriotism as sensitively jealous of its territorial integrity. Divisions of territory which are not made in response to a popular demand are apt to provoke wide and deep-seated dissatisfaction. We are convinced, after taking note of a recent debate in the Indian Legislative Council upon this subject, that we should be very unwise to attempt to unite the sufficiently difficult task of revising the constitution of India with the highly controversial labour of simultaneously revising the political geography of the entire country. Nonetheless, while we discard as impracticable the idea of calling into existence new provincial states as part of our own constructive scheme, we are impressed with the artificial, and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of government would be simplified if administrative units were both smaller and more homogeneous; and when we bear in mind the prospect of the immense burdens of government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of government that, by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not acquainted with English. We believe emphatically that redistributions of provincial areas cannot be imposed upon the people by official action; and that such a process ought in any case to follow and neither to precede nor accompany

constitutional reform. But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made ; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments to test provincial opinion upon schemes directed to this end.* In Orissa and Berar at all events it seems to us that the possibility of instituting sub-provinces need not be excluded from consideration at a very early date.

247. We now turn to a consideration of the work of the legislative councils. Assuming that they have been reconstituted with elective majorities, and that the reserved and transferred subjects have been demarcated in the way suggested, let us consider how the executive Government is to be enabled to secure the passing of such legislation or such supplies as it considers absolutely necessary in respect of the reserved services. For we must make some such provision if we are going to hold it responsible for the government of the province.

Means of securing the affirmative power of legislation.

Now in respect of legislation there are several possibilities. We might leave it to the Government of India to pass the laws which a provincial Government has failed to carry in the Indian legislature where, as we shall show, we intend to leave it in a position to pass the laws which it deems essential : or we might leave it to the Governor General, or preferably perhaps to the Governor General in Council, to make and promulgate ordinances, having effect either for a specified period, or else until such time as the life of the provincial legislative council which refused the desired legislation was cut short or expired, and a new council was elected in its place : or we might arm the provincial Government with a similar power of ordinance-making. We shall explain why we reject all these alternatives.

248. To invite the Government of India to intervene whenever the provincial Government encountered effective opposition to its legislative proposals would strike at one of our root propositions. The provincial Governments must ordinarily be autonomous in their own legislative field ; and for them to call in the Government of India for this purpose would be a negation of this principle. Moreover, we feel the gravest doubt whether the Government of India would in fact be found willing to undertake any such responsibility. The Government of India would be accused of ignorance of local conditions and disregard of provincial wishes ; of giving with one hand and taking away with another. Nor would its legislature be suitably constituted for such a purpose. We question whether it would be at all disposed to assume the ungrateful task of carrying in its own legislature such unpopular and controversial legislation as provincial circumstances might demand.

By Government of India legislation.

249. For even stronger reasons we reject the suggestion that the Governor General or the Governor General in Council should be invited to deal with the refusal of a provincial council to pass a law, by the device of promulgating an ordinance. As we saw, this power was a revival of the old system by which the original executives made the law ; it was in its revived form never intended for more than emergency use, to which purpose it has since been strictly confined. Apart from war legislation the Governor General's ordinance making power has been employed only six times in 57 years. To resort to it as an ordinary means of carrying Bills that had been refused by a provincial council would excite the strongest opposition ; and to pass ordinances without first enabling the council to discuss them would be to abandon all the advantages of publicity and criticism. The idea that the provincial Governor in Council should be equipped with a power to make ordinances was also one to which we gave some consideration. Inasmuch as there will be a strong Indian element in the provincial executives of the future, the opposition to such legislation by the executive would no doubt be diminished ; but we felt that it was impossible to ask Parliament to confer on the Governments of provinces a power which they had never enjoyed since 1833 and which is opposed to the whole spirit of our reforms. A further practical objection was the likelihood that the executive would be often divided upon the merits of a particular project, and that the Governor who proposed to put it into force by the medium of an ordinance might find himself faced with the resignation of some of his Indian colleagues or minister.

By ordinances.

Other proposals.

240. We considered further whether these objections could not be mitigated by laying the proposed ordinances before an advisory committee; or by carrying them by the machinery of a separate council dealing only with reserved subjects. In this latter case the Governor in Council would obtain his essential legislation and supplies from a legislative council so constituted as to enable Government to give effect to its wishes, while the ministers would lay their Bills and financial proposals before another legislative council wholly or predominantly elected. We abandoned this idea, first, because it appeared to us to emphasize most unwisely the severance between the two elements in the administration which it should be our consistent aim to bring together as closely and continuously as possible; and, secondly, because it deprived the popular legislature of the power which it now enjoys of affecting the action of Government in the reserved subjects.

Advisory ordinance committees.

251. The alternative plan of constituting an advisory committee before which draft ordinances should be placed before their promulgation did not satisfy us. We felt that though the deliberations of such a body might palliate the nakedness of what is really an official edict, the fact that the committee's assent to the measure would not be necessary would deprive the palliative of any political value.

Our proposals. Grand Committee.

252. Because, as we shall show in paragraph 258, we have decided not to recommend the institution of second chambers in the provinces we cannot apply to the provinces the scheme which we propose hereafter for the Government of India; and we must turn to some form of unicameral arrangements. The solution which we propose is as follows. For the purpose of enabling the provincial Government to get through its legislation on reserved subjects, we propose that the head of the Government should have power to certify that a Bill dealing with a reserved subject is a measure "essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects." In employing these words we are not assuming the function of a parliamentary draughtsman: we merely mean to indicate that words will be needed to show that this exceptional procedure will be used only when the Government feels that its legislation is necessary if peace and tranquillity are to be secured, or more generally if it is properly to discharge its responsibility for the reserved subjects even if no question of maintaining order arises. It will be seen hereafter that we propose similar procedure for controlling non-official bills, amendments and clauses and for controlling budget allotments on reserved subjects. In these cases also we shall speak of certification as indicating that the Governor was using the exceptional procedure in the circumstances described above. Such a certificate as we have described would not be given without strong reason; and we suggest that the reasons justifying recourse to it might be included in the Instructions to Governors which the India Office should issue; for instance, we think that the Governor should not certify a Bill if he thought its enactment could safely be left to the Legislative Council. The effect of the Governor's certificate when published with the Bill will be to initiate the procedure which we now describe. The Bill will be read and its general principles discussed in the full legislative council. It will at this stage be open to the council by a majority vote to request the Governor to refer to the Government of India, whose decision on the point shall be final, the question whether the certified bill deals with a reserved subject. If no such reference is made, or if the Government of India decide that the certificate has been properly given, the Bill will then be automatically referred to a Grand Committee of the council. Its composition should reproduce as nearly as possible the proportion of the various elements in the larger body. Our first intention was that the grand committee in each province should be a microcosm of the existing council. But we find that the existence of communal and special electorates makes it difficult to secure to all of these their due representation on a smaller body without at the same time sacrificing the representation of the interests represented by the general electorates, to which it is our special intention to give a greater voice in the councils than heretofore. Accordingly, we propose that the grand committee in every council should be constituted so as to comprise from 40 to 50 per cent. of its

strength. It should be chosen for each Bill, partly by election by ballot, and partly by nomination. The Governor should have power to nominate a bare majority exclusive of himself. Of the members so nominated not more than two-thirds should be officials, and the elected element should be elected *ad hoc* by the elected members of the council on the system of the transferable vote. It is clear that the composition of the grand committee ought to vary with the subject matter of the particular Bill; and we believe that the Council and the Governor between them can be trusted to ensure that whether by election or nomination all the interests affected by the Bill are properly represented. It may be objected that such a grand committee so composed offers the official executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a grand committee of 40 members there could be 14 officials, and we consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members, whom the Governor has it in his power to select from the whole body of the non-official members in the Council.

253. On reference to the grand committee, the Bill will be debated by that body in the ordinary course and if necessary referred to a select committee, to which body we think that the grand committee should have power to appoint any member of the legislative council whether a member of the grand committee or not. The select committee will, as at present, have power to take evidence. Then, after being debated in the grand committee and modified as may be determined the Bill will be reported to the whole council. The council will have the right to discuss the Bill again generally but will not be able to reject it, or to amend it except on the motion of a member of the executive council. The Governor will then appoint a time limit within which the Bill may be debated in the council, and on its expiry it will pass automatically. But during such discussion the council will have the right to pass a resolution recording any objection which refers to the principle or details of the measure (but not of course to the certificate of its character), and any such resolution will accompany the Act when, after being signed by the Governor, it is submitted to the Governor General and the Secretary of State.

254. Legislation on transferred subjects and non-certificated legislation on reserved subjects will continue to be passed by the full council. This makes it necessary to provide for the contingency that a Bill on a transferred subject may trench upon the reserved field of legislation. We suggest that it should be open to any member of the executive council (though to prevent irresponsible obstruction we would not give this power to members of the legislative councils generally) to challenge the whole Bill or any clause of it on its first introduction, or any amendment, as soon as such amendment is moved, on the ground that the Bill, clause, or amendment impinges on the reserved sphere. The question will then be referred to the Governor, who may allow the Bill to proceed in legislative council. But if he rules that the Bill, clause, or amendment trenches upon the reserved subjects, he may, if he sees reason to do so (after hearing any representations that the legislative council may desire to make), certify it accordingly. The Governor's certificate to this effect should be final, subject only to the right of the council to require a reference to the Government of India (as provided in paragraph 252 above). If the Governor certifies the Bill, clause, or amendment, it will be open to him either to decline to allow it to be discussed, in which case it would drop; or to suggest to the council an amended Bill; or at the request of the council to refer the Bill to a grand committee. With this proviso, there will be no need to impose restrictions other than those already imposed by section 80 of the Government of India Act, 1915, on the right of private members to introduce Bills. We may be told that the procedure suggested is cumbrous and dilatory, and offers a premium to obstructive tactics. But we confess that we have not been able to find any simpler method of reconciling two competing aims—the competence of Government to secure its necessary legislation, and on the other hand the power of the elected element in council to ensure that such discretion shall not be used arbitrarily or without

due necessity by the executive. It must, we think, be left to the good sense of the council itself, which will realize that its own record will be closely scrutinised and adjudicated upon by the periodic commission, which we propose below, to exert itself to check abuses. We consider also that the Governor of a province should have power to dissolve his legislative council and that this will give him a valuable means of control. It will be understood that the assent of the Governor, the Governor General, and the Crown (signified through the Secretary of State) will remain necessary for all provincial legislation, whether certified or not. We think, moreover, that the Governor's discretionary power of assenting to a Bill should include a power to return the measure for reconsideration of particular provisions in it; and that the Governor-General should have the same power of reserving provincial laws for the Royal assent as he has in the case of all-Indian legislation.

Budget :
procedura.

255. We now come to the crucial question of budget procedure. It is more difficult than that of legislation, because while legislation on a reserved subject may clearly not impinge on transferred subjects, money devoted to reserved objects of expenditure can with some sort of reason be always represented as being diverted from the transferred objects. There must therefore be means of securing that the executive council shall be able to find the money to keep the administration of the reserved subjects efficient, and there must also be means of securing that to the expanding cost of the transferred services, a fair proportion of the total revenue is devoted. For it must be remembered that the transferred services are generally those which stand in greater need of development.

Its diff-
culties and
their solution.

256. To this end we have examined various expedients. We were attracted by the possibility of appointing a joint committee representing both official and non-official views to make a financial settlement dealing with both reserved and transferred subjects, which should hold good for a period of say six years, always supposing that it can be varied meantime by agreement, confirmed by the assent of the legislative council. We were anxious to find some solution for the difficulties and friction which might otherwise annually occur between the two elements in the Government which are responsible for the reserved and transferred services. The device of reference to the Government of India we dismiss as being a negation of our leading principle of provincial autonomy. It seems to us even more idle to suggest a settlement by process of laying papers before Parliament. It has also been proposed that disputes might be composed by an internal tribunal within the province, comprising a High Court judge, a Government official and an elected member; but we dismiss such an expedient from consideration, because so long as the Governor in Council is responsible for reserved subjects, we hold that he must have power to decide what revenues he requires. On full consideration we have decided to set aside all suggestions for a settlement. We doubt whether any committee's recommendations would commend themselves to Indian opinion much better than the Governor's decision, to which in the event of irreconcilable difference of opinion between the two halves of the Government the matter must ultimately come. A settlement would also result in a rigid allocation, which would be yearly attacked in debates and which it might be difficult to vary by agreement; and at best it only defers the difficulty for a six years' period, at the end of which it would present itself again with the accumulated force of six years' discontents. It is impossible to foresee the contingencies which may occur in six years, and to budget in advance for so long a period. The difficulty is fundamental and we cannot overcome it by any simple device. Nor are we without belief in the educative efficacy of the annual budget discussion. We propose therefore that the provincial budget should be framed by the executive Government as a whole. The first charge on provincial revenues will be the contribution to the Government of India; and after that the supply for the reserved subjects will have priority. The allocation of supply for the transferred subjects will be decided by the ministers. If the revenue is insufficient for their needs, the question of new taxation will be decided by the Governor and the ministers. We are bound to recognise that in time new taxation will be necessary, for no conceivable economies can finance the new developments which are to be anticipated. The budget will then be laid before the council which will discuss it and vote by resolution

upon the allotments. If the legislative council rejects or modifies the proposed allotment for reserved subjects, the Governor should have power to insist on the whole or any part of the allotment originally provided, if for reasons to be stated he certifies its necessity in the terms which we have already suggested. We are emphatically of opinion that the Governor in Council must be empowered to obtain the supply which he declares to be necessary for the discharge of his responsibilities. Except in so far as the Governor exercises this power the budget would be altered in accordance with the resolutions carried in council.

257. We anticipate that anxiety may be felt as to the supply for the transferred subjects. We believe that this anxiety is largely based on an exaggerated view of the possibilities of economy in the reserved subjects. We do not feel, however, that there need be any apprehension. No Governor in Council is likely, without real reason, to disregard the wishes of the legislative council, and we hold that, if he has real reason, he ought to disregard them in the discharge of his responsibilities. But we may point out the series of safeguards which our plan provides. The budget will be considered by the whole Government acting together. Those in charge of the transferred subjects will have every opportunity of acquainting themselves with the considerations upon which the allotment to the reserved subjects is based. In these joint discussions the provincial revenues will be estimated; the contribution to the Government of India will be set apart; the proposed allotments for the reserved subjects will then be carefully scrutinised and examined with a view to facing criticism in the legislative council, and the remainder of the revenue will be at the disposal of the ministers. If such residue is not sufficient, it is open to the ministers to suggest extra taxation, either within the schedule of permissible provincial taxation, or by obtaining the sanction of the Government of India to some tax not included in the schedule. Such taxation proposals would be presented to the legislative council only with the approval of the ministers. Moreover there is a standing committee representative of the legislative councils not only on finance but attached to all the reserved portfolios; and these standing committees will have the opportunity of scrutinising all proposals for substantial expenditure, and of familiarising themselves with departmental needs. But if the ministers and the legislative councils are compelled to accept allotments for the reserved subjects with which they do not agree, our proposal that a periodic commission shall review the proceedings affords another safeguard. Both the Government and the legislative council will decide on their course of action with full knowledge that their conduct in the matter will, in due course, come under review by the commission. There will be opportunity of arguing before the commission on the one hand that reserved subjects have been extravagantly administered, or that the Governor in Council has unnecessarily disregarded the wishes of the legislative council, or, on the other hand, that the attitude of the legislative council with regard to the expenditure on reserved subjects has been so unreasonable as to make it unsafe to transfer further powers. Although we believe, therefore, that no insuperable difficulty will arise if reasonable men conduct themselves in a reasonable manner, this periodic sanction will tend to produce a spirit of compromise and co-operation.

258. At this point we may explain that we have considered the feasibility of establishing a bicameral system in the provinces. Its advocates urge that in creating upper houses we should follow the system which generally prevails in countries where popular government has firmly established itself. We might also expect that the representation of minority interests would become more effective in an upper house than in a single composite chamber, because minority representatives sitting in a chamber of their own might feel themselves freer to defend the interests which they represented than if they sat together with other elements in a lower house. We might secure men for the upper houses who would not seek election or even accept nomination to a composite assembly, where the majority of members were of a different status from themselves; and so the second chamber might develop a conservative character which would be a valuable check on the possibly too radical proclivities of a lower house. But we see very serious practical objections to the idea. In many provinces

it would be impossible to secure a sufficient number of suitable members for two houses. We apprehend also that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which affected such interests. Again, the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorate. We think that the delay involved in passing legislation through two houses would make the system far too cumbrous to contemplate for the business of provincial legislation. We have decided for the present therefore against bicameral institutions for the provinces. At the same time we bear in mind that as provincial councils approach more closely to parliamentary forms the need for revising chambers may be the more felt; and we think that the question should be further considered by the periodic commission which we propose hereafter.

Relations of
the services to
the
Government.

259. We should now make it clear what the relations of the executive officers in the provinces will be to the new Government. Let us say at once that we have no intention of introducing any duality into the services. It would be unfair to expect ministers new to responsibility to assume the burden of office unless they could command the assistance of the present highly trained services. To require them to inaugurate new services for their own departments would, we think, be to saddle them with difficulties that would doom the experiment to failure. This consideration among others was prominent in our minds when we concluded that ministers should form part of the executive Government of the province rather than a separate Government. That there are difficulties in either case we do not deny, but they would certainly be greater if one and the same officer received his orders from two Governments instead of one. The objection may be taken that the same authority may not be felt to attach to orders coming from ministers as to orders coming from the executive council. We do not admit that they will come from either. All orders will come from the Government, and they will all be Government orders. At the present time it is not the business of an executive officer to differentiate between an order conveyed to him by the Secretary to Government in one Department and an order conveyed to him by the Secretary in another Department, and the procedure will not differ in the future.

FUTURE DEVELOPMENT.

Modification
by the
Government
of India.

260. Having now described the new constitution which we propose at the outset let us show how we intend to provide for its assured and regular development in future. Our idea is that as the popular element of the Government acquires experience and learns to discharge its duties efficiently further powers should be entrusted to it. The process in fact will be one of adding to the transferred subjects and of taking from the reserved ones, until such time as with the entire disappearance of the reserved subjects the need for an official element in the Government or for procedure by grand committee vanishes, and thus the goal of complete responsibility is attained in the provinces. What we have to do is at once to encourage and to regulate this process. After five years' time from the first meeting of the reformed councils we suggest that the Government of India should hear applications from either the provincial Government or the provincial council for the modification of the reserved and transferred lists of the province; and that after considering the evidence laid before them they should recommend for the approval of the Secretary of State the transfer of such further subjects to the transferred list as they think desirable. On the other hand, if it should be made plain to them that certain functions have been seriously maladministered, it will be open to them with the sanction of the Secretary of State to retransfer subjects from the transferred to the reserved list, or to place restrictions for the future on the ministers' powers in respect of certain transferred subjects. This examination of the question by the Government of India after the lapse of five years will be of value in enabling the allotment of portfolios to be redetermined, if need be, in the light of the experience gained during that time. But it is also desirable to complete the responsibility of the ministers for the transferred subjects. This should come in one of two ways, either at the initiative of the council if it desires and is prepared to exercise greater control over the ministers, or at the discretion of the

Government of India, which may wish to make this change as a condition of the grant of new, or of the maintenance of existing, powers. We propose therefore that the Government of India may, when hearing such applications, direct that the ministers' salaries, instead of any longer being treated as a reserved subject and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the legislative council; or failing such direction by the Government of India, it should be open to the councils at that time or subsequently to demand by resolution that such ministers' salaries should be so voted, and the Government of India should thereupon give effect to such request. The ministers would in fact become ministers in the parliamentary sense. The councils would have power to refuse to pass their salaries, and they would have to accept the consequences which constitutional convention attaches to such a vote.

261. The arrangements sketched in the last paragraph, however, are intended to provide merely for *ad interim* changes; and we regard it as essential, if the terms of the announcement of August 20 are to be made good, that there should from time to time come into being some outside authority charged with the duty of re-surveying the political situation in India and of readjusting the machinery to the new requirements. We would provide, therefore, that ten years after the first meeting of the new councils established under the Statute a commission should be appointed to review the position. Criticism has been expressed in the past of the composition of Royal Commissions, and it is our intention that the commission which we suggest should be regarded as authoritative and should derive its authority from Parliament itself. The names of the commissioners therefore should be submitted by the Secretary of State to both Houses of Parliament for approval by resolution. The commissioners' mandate should be to consider whether by the end of the term of the legislature then in existence it would be possible to establish complete responsible government in any province or provinces, or how far it would be possible to approximate to it in others; to advise on the continued reservation of any departments for the transfer of which to popular control it has been proved to their satisfaction that the time had not yet come; to recommend the retransfer of other matters to the control of the Governor in Council if serious maladministration were established; and to make any recommendations for the working of responsible government or the improvement of the constitutional machinery which experience of the systems in operation may show to be desirable. We intend these propositions to be read rather as an indication of our general intentions than as an attempt to draft the actual terms of the reference to the commission.

262. There are several other important matters, germane in greater or less degree to our main purpose, which the commission should review. They should investigate the progress made in admitting Indians into the higher ranks of the public service. They should examine the apportionment of the financial burden of India with a view to adjusting it more fairly between the provinces. The commission should also examine the development of education among the people and the progress and working of local self-governing bodies. Lastly the commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation. Indeed we regard the development of a broad franchise as the arch on which the edifice of self-government must be raised; for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy. We shall be told that we are laying a heavy charge upon the commission. We agree that this is so, and it will probably be necessary to appoint more than one commission; but we think it important that the review of all these questions should be undertaken at one and the same time. It is our desire to revive the process by which the affairs of India were periodically subjected to searching review by investigating bodies appointed with the approval of Parliament itself; and we propose therefore that the further course of constitutional development in the country, together with the other matters just enumerated, shall from time to time be similarly investigated at intervals of twelve years, a period which represents the life of four councils under the existing regulations.

Periodic
commissions.

Other matters
for
consideration
by the
commission. ||

The
importance of
an electorate.

263. In proposing the appointment of a commission ten years after the new Act takes effect we wish to guard against possible misunderstanding. We would not be taken as implying that there can be established by that time complete responsible government in the provinces. In many of the provinces no such consummation can follow in the time named. The pace will be everywhere unequal, though progress in one province will always stimulate progress elsewhere; but undue expectations might be aroused, if we indicated any opinion as to the degree of approximation to complete self-government that might be reached even in one or two of the most advanced provinces. The reasons that make complete responsibility at present impossible are likely to continue operative in some degree even after a decade. Within that time many persons will have been brought in touch with problems of administration and a considerable number will have some experience of the actual exercise of responsibility; but we recognise that time is necessary for the development of responsibility in the electorates and the growth of proper relations between representatives and constituencies. At present electorates of a general character hardly exist. Almost all are designed to represent special classes or interests and consist of very few persons. Those which represent Muhammadans were intended to be fairly inclusive but even those are limited to a few hundred electors. The much larger electorates that will now be set up, though still a mere fraction of the population, will be devoid of political experience. The habit of considering political issues as issues to be decided by a man's own judgment, of realising the value of the proper use of a vote and of judging candidates with regard to their fitness to represent the elector's views have all to be acquired. The physical circumstances of electorates thinly scattered over wide areas with indifferent communications will render the task of educating them particularly difficult, especially for men who will have to undertake a work of which they themselves have so little experience. These difficulties will be increased by the general lack of education. Where the great mass of the population is illiterate, as is unfortunately the case all over India, political ideas may be expected only to spread slowly and the progress of political education to be impeded. But we have already recognised the rapid rate of progress which has taken place in India during recent years in the development of political opinion; and we cannot foresee how much the pace will be accelerated under the new conditions. It is therefore clearly desirable that periodic inquiries should take place at intervals that may prove too short rather than that encouragement should be given to agitation by undue delay.

Matter for
special
consideration.

264. But inasmuch as complete responsible government essentially depends upon the existence of an electorate sufficiently active and cognisant of affairs to hold their representatives effectively to account we think that one of the most important duties of the commission will be to examine the growth of capacity and responsibility in the electorates. The approximation to complete responsibility must depend among other things on the growth of the electorate and on the measure in which they give evidence of an active and intelligent use of the franchise. We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions.

I.—THE GOVERNMENT OF INDIA.

265. We shall have discharged our task indifferently if it is not already plain from our report that all the changes which we suggest are no more than the necessary adjustment of the constitution to a rapidly changing environment. So long as the people of India were content to leave their government in official hands, the system was well devised to the needs of the country, and was directed with astonishing zeal and success to beneficent ends. We have tried to give some account of the burden of the work. We may well pause to pay a tribute to the part played by the Government of India itself in guiding and inspiring the entire system. Rarely has a heavier burden of responsibility continuously rested on a smaller body of men; rarely has it been discharged with greater ability or a higher sense of public duty. We have changes to propose, corresponding to changing conditions; but we should keenly regret it if anything we said were taken as failing in the tribute due to great work finely done. But more is now being demanded of the system than it can give. It is no longer sufficient to administer India; it is necessary also to satisfy her political aspirations; and because we were all too slow in taking cognizance of the changes that were occurring, the task is all the heavier because there is lee-way to make up. We must therefore introduce a new element of strength into the Government.

The need for change.

266. We have already made our opinion clear that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essential to the discharge of its responsibilities for peace, order, and good government it must, saving only for its accountability to Parliament, retain indisputable power. With the precise manner in which the control by Parliament must in future be modified we shall deal hereafter. For the present we will concern ourselves with changes in the functions, structure, and methods of the Government of India itself. We think we have reason for saying that in some respects the machinery is no longer equal to the needs of the time. The normal work of the departments is heavy. The collective responsibility of the Government is weighty, especially in time of war. There is little time or energy left for those activities of a political nature which the new situation in the country demands. A legislative session of the Government of India imposes a serious strain upon the departments, and especially on the members in charge of them. They have not merely to carry on their heavy task of administration and to share in the discussion and decision of grave matters of policy, but they have to prepare themselves to meet a growing volume of criticism at meetings of the legislative council: and when, as has now happened, they are called upon in addition to deal with urgent and complex questions of constitutional reform, the burden becomes one that it is unreasonable to impose on so small and highly worked a body of men. We desire to take this opportunity of acknowledging how ungrudgingly their services have been given to our present task. But apart from the inevitable complexities of the moment, the growing burden of business, which results from the changing political conditions of the country, is leading to an accumulation of questions which cannot be disposed of as quickly as they present themselves. We find the necessity for reforms admitted, principles agreed upon and decisions taken, and then long delays in giving effect to them. Difficulties are realised, enquiries are started, commissions report, and then there is a pause. There is a belief abroad that assurances given in public pronouncements of policy are sometimes not fulfilled. On this occasion therefore we have taken steps to guard against such imputations, and to provide means for ensuring the ordered development of our own plans.

The burden of work.

267. The main fault for the clogging of the machine does not, we think, lie altogether with its highly trained engineers. What is chiefly wanted is some change of system in the directions of simplicity and speed. How does it happen

Present causes of delay.

that announcements are made that arouse expectations only to defeat them? We know that it is not from any intention of deluding the public. We suggest that it is because the wheels move too slowly for the times; the need for change is realised, but because an examination of details would take too long, promises are made in general terms, which on examination it becomes necessary so to qualify with reservations as to disappoint anticipations and even to lead to charges of breach of faith. We suspect that a root-cause of some political discontents lies in such delays. Now so far as the provinces are concerned, we believe that our proposals for freeing them to a great extent from the control of the Government of India and the Secretary of State will improve matters. But the Government of India are in the worst case. In all important matters they have to consult local Governments and then to secure the approval of the Secretary of State. Consultation with local Governments there must always be; but with developing autonomy in the provinces and less frequent interference by the Secretary of State, we see no reason why quicker and more informal methods should not be pursued. We hope that the new departure inaugurated in January last at the conference between the Government of India and all the Heads of Governments in Delhi may be repeated annually, and may lead to a closer understanding of the varying conditions of the provinces and some diminution of official correspondence.

References
to the India
Office.

268. References to the India Office are a second fruitful cause of delay. The India Office, having statutory responsibilities to discharge, exercises its authority with good care and with all the expert knowledge at its command. Proposals that have been examined in India are re-examined in England, and fresh suggestions may be forthcoming from Whitehall upon which Delhi may find it necessary to take the further opinion of Calcutta, Bombay and the rest. Now we recognise that so long as the Indian Government is not responsible to an electorate, the guardianship of the welfare of India as a whole must remain in the hands of Parliament. Indeed, as we shall show, we go on hereafter to make suggestions for sustaining the interest taken by Parliament in India better and for improving the means of information at its disposal. But on the other hand we must also consider practical needs. We have seen how rarely Parliament asserts its power, how little interest and time it devotes to Indian affairs, and how much it leaves to the Secretary of State in Council. Granting, therefore, that Parliament's understanding of the larger Indian questions and its responsibility for policy ought to be increased, there is no real inconsistency in saying that we should ask it simultaneously to agree to relax the Secretary of State's control in details. We consider that the Secretary of State's previous sanction to decisions taken in India should be required in fewer cases than in the past; and that in some matters it will suffice in future if he asserts his control by means of a veto if necessary.

Insufficiency
of staff.

269. A further cause contributing to delay is that the departments at headquarters are now over-worked. It is often overlooked how small is the staff, which carries on the work of the great departments. Normally it consists of a Member in charge, a Secretary, a Deputy Secretary, and an Under-Secretary. The remainder of the staff is purely clerical. If this is compared with the staffing of one of the great departments in Whitehall, and every allowance is made for the difference of conditions, it will be clear how numerically weak the staff of the Government of India is; and how great is the strain upon its members, especially in such times as the present. One reason why the departments can move quickly in England is because their day-to-day administration runs itself. New enquiries can be set on foot and policies thought out by the head of the department, with the help of a large and experienced permanent staff. In India the higher staff of the Secretariats is not permanent, because rightly or wrongly it has always been held desirable to maintain touch between the headquarter offices and the districts. Men are selected from the administrative staff, serve for a time in the offices, and return to administration. One result of this discontinuity is that questions which a permanent civil service can safely dispose of by word of mouth become the subject of continuous minuting. Changes of personnel necessitate a record of the questions and the aspects of questions considered. We express no opinion on the system but it requires detailed

examination. Indeed the Viceroy has already signified to his colleagues his intention of causing it to be examined after the war. Till that time comes the inquiry could not be pursued with advantage; but once the stress of war is over and Departments can estimate their permanent needs, the inquiry should be taken up probably with the assistance of experts from England. Our proposal is made without prejudice to the process of taking further Indians into the services. From whatever source the additional help is to be sought, there can be no question of its acute necessity.

270. But a constitutional element of delay may be found in the character of the Government itself. Because it is bureaucratic it is naturally less anxious to move than a responsible Government. In the matters where Parliament does not affect it, its duty is to its own conscience—or perhaps we should say to its successors in office—and not to any constituents. We should do well to associate with it a really representative assembly, so as to ensure that in the comparative seclusion of its domicile in Delhi and Simla, the wishes of the country are accurately and regularly presented to it and that its action is adequately criticised. In this way not merely shall we get a succession of stimuli from outside which would benefit the Government in India, but the Secretary of State in England will have the means of judging what view is taken in India of the actions of the Government, and so the modified measure of home control which we propose will come to be exercised not merely in accordance with British views but with regard also to the expressed views of those who represent constituencies in India. These are the considerations underlying the proposals which we put forward for changes in the structure of the Government of India both in its executive and legislative aspects.

271. We have explained already how the executive council of the Governor General is constituted and how portfolios are allotted in it. Its changed relations with provincial governments will in themselves materially affect the volume of work coming before the departments, and for this reason alone some redistribution will be necessary. We would therefore abolish such statutory restrictions as now exist in respect of the appointment of Members of the Governor General's Council, so as to give greater elasticity both in respect of the size of the Government and the distribution of work. If it is desired to retain Parliamentary control over these matters, they might be embodied in statutory orders to be laid before Parliament.

272. Further we propose to increase the Indian element in the executive council. We do not think it necessary to argue the expediency of enabling the wishes of India to be further represented in the Cabinet of the country. The decision of Lord Morley and Lord Minto to appoint one Indian member to the council marked an important stage in India's political development; and has proved of value in enabling the Government to have first-hand acquaintance with Indian opinion. In recommending a second appointment we are only pursuing the policy already determined upon in respect of the public services. There exists of course at present no racial prescription in the Statute nor do we propose that any should be introduced. There is even no formal guarantee that any appointment shall be made on the grounds of race. The appointment of Indian members will be made in the future as in the past as a matter of practice by the Crown on the recommendation of the Secretary of State; and we suggest the appointment of another Indian member as soon as may be.

273. We now come to the changes required in the Indian Legislative Council. Its existing composition we have already explained. No argument is needed to show that under present conditions 27 elected members, many of them returned by small class electorates, cannot adequately represent the interests of the entire country in the supreme assembly. Indeed the council the composition of which is conditioned by the necessity of maintaining an official majority could possibly serve that purpose. We recommend therefore that the strength of the legislative council, to be known in the future as the Legislative Assembly of India, should be raised to a total strength of about 100 members, so as to be far more truly representative of British India. We propose that two-thirds of this total should be returned by election; and that one-third should be nominated by the Governor

General, of which third not less than a third again should be non-officials selected with the object of representing minority or special interests. We have decided not to present to His Majesty's Government a complete scheme for the election of the elected representatives; our discussions have shown us that we have not the data on which to arrive at any sound conclusions. Some special representation, we think, there must be, as for European and Indian commerce and also for the large landlords. There should be also communal representation for Muhammadans in most provinces and also for Sikhs in the Punjab. There is no difficulty about direct election in the case of special constituencies. It is in respect of the general or residuary electorate, including therein the communal electorates for Muhammadans and Sikhs, that complexities present themselves. Our decided preference is for a system of direct electorates, but the immensity of the country makes it difficult, it may be impossible, to form constituencies of reasonable size in which candidates will be able to get into direct touch with the electorates. Moreover there is the further difficulty (which, however, presents itself in any system of constituencies) of the inequalities of wealth existing between the different communities. If constituencies are to be approximately even in size, it may be necessary to concede a special franchise to the Muhammadans, who taken as a whole are poorer than the Hindus: and this means giving a vote to some Muhammadans who would not be entitled to vote if they were Hindus. That is an undesirable anomaly, to which we should prefer the anomaly of unequal constituencies; but on our present information we find it impossible to say how great the practical difficulties of variation in size might be. Similar problems will present themselves in respect of constituencies for the elections to provincial councils. It is obviously desirable to deal on uniform lines with the electoral arrangements both in the provincial and Indian councils. As regards the former we have already recommended the appointment of a special committee to investigate questions of franchises and electorates; and to that body we would therefore also commit the task of determining the electorates and constituencies for the Indian Legislative Assembly. They may find it wholly impracticable to arrange for direct election. In that case they will consider the various possible systems of indirect election. We are fully aware of the objections attaching to all forms of indirect election; but if the difficulties of direct election compel us to have recourse to indirect, we incline to think that election by non-official members of provincial councils is likely to prove far more acceptable to Indian opinion, and, in spite of the smallness of the electoral bodies, certainly not open in practice to greater objection than any of the other alternative methods which have been from time to time proposed.

For reasons similar to those which we have given in the case of the provincial legislative councils we recommend that members of the Indian Legislative Assembly should not be designated "Honourable" but should be entitled to affix the letters M.L.A. to their names.

Representa-
tion of the
provinces.

274. The suggestion we have made for the number of elected members was based on the calculation that the three presidencies would be represented by 11 members each—the United Provinces by 10, the Punjab and Bihar and Orissa by 7 each, the Central Provinces by 5, Burma by 3 and Assam by 2. We also think that in view of the importance of the Delhi province as the Imperial enclave and the seat of the central Government, it should be represented by a member.

Nominated
members.

275. In respect of the non-official members to be nominated by the Governor General, we advise that no hard-and-fast rule should be laid down. These seats should be regarded as a reserve in his hands for the purpose of adjusting inequalities and supplementing defects in representation. Nominations should not be made until the results of all the elections are known; and then they should be made after informal consultation with the Heads of provinces. The maximum number of nominated officials will be two-ninths of the whole, and it will rest with the Governor General to determine whether he requires to appoint up to this maximum. The officials will, however, include the executive members of council, sitting not by appointment but *ex-officio*; and also some

representation from the provinces. It may therefore not be possible for secretaries to the Government of India to continue to sit in the assembly; this may in itself be of advantage as decreasing the dislocation of administrative business during the session. It may, however, be necessary to allow the secretary to speak and vote on behalf of the member when occasion demands. But for this purpose we think that a preferable alternative may be to appoint members of the Assembly, not necessarily elected nor even non-official, to positions analogous to those of parliamentary Under Secretaries in England; and we advise that power be taken to make such appointments. We attach importance to the further proposal that official members of the Assembly, other than members of the executive government, should be allowed a free right of speech and vote, except when the Government decides that their support is necessary. We think that this change of procedure will affect the tone of discussions very beneficially. We think that, for the reasons which we have given already in support of a similar recommendation in respect of the provincial councils, the President of the Legislative Assembly should be nominated by the Governor General. We do not propose that his choice should be formally limited, but it seems necessary that, at any rate for the present, the President should be designated from among the official members.

276. We began with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The institution of an assembly with a large elected majority confronts us with the problem, as in the case of the provinces, of enabling the executive government to secure its essential legislation and its supplies. Here also we have examined several possible expedients. In this instance there can be no question of relying on legislation by superior authority. The only superior authority is Parliament, and Parliament is too far off and notoriously too preoccupied and not suitably constituted to pass laws for the domestic needs of India. It is true that the Governor General has the power of making temporary ordinances for certain emergent purposes. We propose that this power should be retained: its utility has been strikingly demonstrated during the present war. It merely provides however a means of issuing decrees after private discussion in the executive council, and without opportunities for public debate or criticism: and normally it should be used only in rare emergencies. It would be unsuitable for our purpose. What we seek is some means, for use on special occasions, of placing on the Statute book, after full publicity and discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent. We seek deliberately, when the purpose justifies us, to depart from popular methods of legislation; and it is obvious that no device which conforms to those methods can possibly serve our purpose. For this purpose we have come to the conclusion that we should employ the method now familiar to Indian institutions of maintaining such a number of votes, upon which the Government can in all circumstances rely, as to ensure the passage of the legislation that it requires. It is here alone, and only (as will be seen hereafter) for use in cases where it is obviously necessary, that we propose to perpetuate the official *bloc*. We are seeking to provide for a period of transition; for which purpose no novel expedient, such as multiplying the value of official votes or calling in officials who have not taken part in the argument to record their votes, or of passing measures automatically after discussion, would be as easily understood or as acceptable as the continuance in modified form of the present system.

277. One suggestion which we considered was that we should follow the plan adopted in the provinces, and institute grand committees to which the Government's essential Bills should be referred. But the conditions of Indian legislation are different from those of provincial. Matters are more important, the Government's responsibility to Parliament is closer, and the affirmative power must be more decisively used. We feel also that there are advantages, both direct and incidental, in setting up a separate constitutional body, in which Government will be able to command a majority. We do not propose to institute a complete bi-cameral system, but to create a second chamber,

Means of securing the affirmative power of legislation.

The Council of State.

known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential. The Council of State will be composed of 50 members, exclusive of the Governor General who would be President, with power to appoint a Vice-President who would normally take his place: not more than 25 will be officials, including the members of the executive council, and 4 would be non-officials nominated by the Governor General. Official members would be eligible for nomination to both the Legislative Assembly and the Council of State. There would be 21 elected members, of whom 15 will be returned by the non-official members of the provincial legislative councils, each council returning two members, other than those of Burma, the Central Provinces and Assam which will return one member each. Elected members returned to the Council of State would vacate any seats they occupied on the provincial council or the Legislative Assembly. The remaining six elected members are intended to supplement the representation which the Muhammadans and the landed classes will otherwise secure; and also to provide for the representation of chambers of commerce. Each of these three interests should, we suggest, return two members directly to the Council of State. Bearing in mind the fact that among the members of the provincial legislative councils who will elect to the 15 seats there will be a proportion of Muhammadans, and assuming that in each of the bigger provinces each elector will be able as now to give both his votes to one candidate, we estimate that the composition of the Council of State should comprise at least six Muhammadans whether sitting by direct or indirect election or by the Governor General's nomination. Moreover it is desirable that the four seats to be filled by direct election should be used so as to ensure that the Muhammadan and landed members should as far as possible be representative of the whole of India. Deficiencies may occur in this respect in any one council but they should be corrected in elections to the subsequent council. For this reason the regulations for elections to the four seats should be framed by the Governor General in Council in such way as to enable him to decide, after consideration of the results of the indirect elections, from what part of India or possibly in what manner from India generally the seats should be filled.

Qualifications
for
membership.

278. Inasmuch as the Council of State will be the supreme legislative authority for India on all crucial questions and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen; and we suggest therefore that the Governor General in Council should make regulations as to the qualification of candidates for election to that body which will ensure that their status and position and record of services will give to the Council a senatorial character, and the qualities usually regarded as appropriate to a revising chamber. We consider that the designation "Honourable" should be enjoyed by the members of the Council of State during their tenure of office. In accordance with the proposals which we make hereafter for associating the Ruling Princes with the Government for the purpose of deliberation on matters of common concern, it would be, as will be seen, the Council of State with which the Princes would be associated. It is desirable that as is the case with second chambers elsewhere the lifetime of the Council of State should be longer than that of the Assembly; and assuming that the life of the latter will be three years, we propose five years as the normal duration of each Council of State.

Legislative
procedure.
Government
Bills.

279. Let us now explain how this legislative machinery will work. It will make for clearness to deal separately with Government Bills and Bills introduced by non-official members. A Government Bill will ordinarily be introduced and carried through all the usual stages in the Legislative Assembly. It will then go in the ordinary course to the Council of State, and if there amended in any way which the Assembly is not willing to accept, it will be submitted to a joint session of both Houses, by whose decision its ultimate fate will be decided. This will be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally

introduced was to be achieved, and in this case the Governor General in Council would certify that the amendments were essential to the interests of peace, order, or good government. The assembly would then not have power to reject or modify these amendments nor would they be open to revision in a joint session.

We have to provide for two other possibilities. Cases may occur in which the Legislative Assembly refuses leave to the introduction of a Bill or throws out a Bill which the Government regarded as necessary. For such a contingency we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor General in Council that the Bill is essential to the interests of peace, order, or good government, to refer it *de novo* to the Council of State; and if the Bill, after being taken in all its stages through the Council of State, was passed by that body it would become law without further reference to the Assembly. Further, there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure is to be met. Such a contingency should rarely arise; but we advise that in cases of emergency, so certified by the Governor General in Council, it should be open to the Government to introduce a Bill in the Council of State, and upon its being passed there merely to report it to the Assembly.

280. We come now to non-official members' Bills. They would be introduced in whichever of the two chambers the mover sat and, on being carried there, would be taken to the other chamber and carried through that. In the case of a difference of opinion between the two bodies the Bill would be submitted to a joint session of both, and would either be finally rejected or would be submitted for assent in the form in which it was there passed. It might, however, occur that a non-official member's Bill emerged from the Assembly, whether originally introduced there or not, in a form which the Government thought prejudicial to peace, order, and good government. In this case also if the Governor General in Council were prepared to give a certificate in the terms already stated, the Bill would go or go back to the Council of State and could only become law in the form there finally given to it.

Private
members'
Bills.

281. Our object has thus been where possible to make assent by both bodies the normal condition of legislation, but to establish the principle that in the case of certificated legislation the will of the Council of State should prevail, and in other legislation the will of the non-official members of both chambers taken together should prevail. In time to come, if and when the procedure by certification becomes unnecessary, the Council of State will become, as in other countries, a purely revising chamber, and differences between the two chambers will be adjusted by joint sessions. We considered the alternative course of leaving non-certificated Bills wholly to the Legislative Assembly, and using the Council of State only for certificated Bills. We dismissed this plan, first because we regard it as important to establish what may hereafter become a normal second chamber; secondly, because we were unwilling to exclude the non-official members of the Council of State, to which we wished to attract the best men available, from all share in the passing of non-certificated business, and all opportunities of introducing Bills. Finally, our own proposal which gives the Government an opportunity of amending a private member's bill, instead of leaving the Government with no alternative but to veto a measure some features of which it may disapprove, affords the means by which beneficial changes in the law may result from non-official initiative. It will, we believe, be found to be not the least advantage of the institutions which we propose that by allowing questions to be freely discussed first in a popular assembly and then reviewed by a revising body in which Government is in a position to exert as little influence as it likes the course of social legislation to which our Indian advisers attach particular importance will be materially promoted. For if Government is assured that projects of social reform have the support of the Indian element in two chambers so differently constituted it will have the less reason for offering any obstacle to their progress.

Advantages
of this
procedure.

282. The objection may be raised to our proposal for joint sessions that the non-official members of the Assembly will be swamped by the official

A possible
objection.

members of the Council of State in combination with the official members of the Assembly. We think that this criticism will be disposed of by farther consideration of the figures. The Assembly will consist of, let us say, at least 78 non-official and at most 22 official members. The Council of State will consist of 25 non-officials and at most 25 officials, because the whole number of officials in either chamber need not necessarily be appointed. In a full joint session, however, there might be 103 non-officials, and about 40 officials, because the members of the Governor General's Executive Council will be members of both bodies. But we have provided that the official members of the Assembly may also be nominated to membership of the Council of State, and we imagine that this will be the rule rather than the exception. It would be difficult, and also inadvisable from the point of view of departmental business, to bring 40 official members to the meetings of the legislative bodies, and we conceive therefore that, including the members of the executive council, the official element in a joint session might be taken at 30. Moreover in debates on a non-certificated Bill, official members would be left free to vote and speak as they please, and therefore should not be expected to act as a solid body. In these calculations we have classed together the nominated non-officials and the elected members of both chambers. But the 15 nominated non-officials will be nominated to represent particular interests, and we see no reason to anticipate that they will act less consistently than they have done in the past with their elected fellow representatives.

Powers of
dissolution,
assent, etc.

283. The Governor General should in our opinion have power at any time to dissolve either the Legislative Assembly or the Council of State or both these bodies. It is perhaps unnecessary to add that the Governor General and the Secretary of State should retain their existing powers of assent, reservation, and disallowance to all Acts of the Indian legislature. The present powers of the Governor General in Council under section 71 of the Government of India Act, 1915 to make regulations proposed to him by local Governments for the peace and good government of backward tracts of territory should also be preserved; with the modification that it will in future rest with the Head of the province concerned to propose such regulations to the Government of India.

Fiscal
legislation.
Effect of
resolutions.

284. Fiscal legislation will of course be subject to the procedure which we have recommended in respect of Government Bills. The budget will be introduced in the Legislative Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character. We have already given our reasons for holding that it is not feasible to give resolutions a legal sanction. But since resolutions will no longer be defeated in the Assembly by the vote of an official majority they will, if carried, stand on record as the considered opinion of a body which is at all events more representative than the Legislative Council which it displaced. That in itself will mean that the significance of resolutions will be enhanced: there will be a heavier responsibility upon those who pass them, because of their added weight; and the Government's responsibility for not taking action upon them will also be heavier. It will be therefore incumbent on Government to oppose resolutions which it regards as prejudicial with all the force and earnestness that it can command in the hope of convincing the Assembly of their undesirability. There must, however, remain to the Government power not to give effect to any resolution which it cannot reconcile with its responsibility for the peace, order and good government of the country.

Standing
Committees.

285. We wish to apply the procedure of standing committees, described in the last chapter, as far as may be to both portions of the Indian legislature. The committees would be drawn jointly from the Assembly and the Council of State. We do not overlook the difficulties entailed by the nature of many of the subjects with which the central Government is concerned, and also by the comparative infrequency with which, owing to considerations of distance, such committees can assemble. The fact that many matters of ordinary internal administration will in future be left to provincial Governments also limits the scope of utility of standing committees in the central legislature. We would leave it to the Government of India to decide with what departments standing committees can be associated; and to the member in charge to decide what matters can be

referred to the committee. Our idea is that the non-official members of the Assembly and Council of State might elect by ballot in proportion to their respective strength two-thirds of the members of each committee while Government nominates the remaining one-third. It is obvious that these committees cannot play such an important part in the work of the Government as the similar committees which we have suggested in the Provinces. It will be difficult to obtain their assistance in practice, except during the session or immediately before and after it, but we think there should be no difficulty ordinarily in obtaining their views on important new projects, whether legislative or administrative. Their functions might be determined by regulations to be made by the Governor General in Council.

286. A few subsidiary matters of minor importance remain to be dealt with. We think that any member of the Assembly or the Council of State (and not merely the member who asks the original question) should have the right to put supplementary questions. The control of questions in both bodies should be regulated on lines similar to those which we have suggested in the case of provincial councils; and the question of restrictions upon resolutions should also be similarly treated. But apart from matters affecting the powers of the legislature we think that the rules of procedure for both bodies should be made in the first instance by the Governor General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor General. The approval of the Secretary of State and Parliament should not be required. Questions and rules of procedure.

287. We have a further recommendation to make. We would ask that His Majesty may be graciously pleased to approve the institution of a Privy Council for India. From time to time projects of this kind have been mooted and laid aside; but with the changed conditions we believe that such a body would serve a valuable purpose and do useful work. India for all its changing ideas is still ready to look up with pride and affection to any authority clothed with attributes that it can respect and admire. Appointments to the Privy Council should be made by the King Emperor and for life, which would ensure that they would be valued as a high personal distinction. Officials and non-officials, both from British India and the Native States, would be eligible; but it would be necessary to confine appointment to those who had won real distinction, or had held or were holding the highest offices, such as Members of the Governments, Ruling Princes, Members of the Council of State and High Court Judges. Indian Privy Councillors should enjoy the title of "Honourable" for life. The Privy Council's office would be to advise the Governor General when he saw fit to consult it on questions of policy and administration. It is our hope that for one purpose or another Committees of the Council comparable to those of the Privy Council in England, which have done such valuable work in connexion with industrial and scientific research and education, will be appointed. An Indian Privy Council.

288. At the end of the last chapter we recommended that ten years after the institution of our reforms, and again at intervals of twelve years thereafter, a commission approved by Parliament should investigate the working of the changes introduced into the provinces, and recommend as to their further progress. It should be equally the duty of the commission to examine and report upon the new constitution of the Government of India, with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions. The commission will, doubtless, if they see fit, have proposals to make for further changes in the light of the experience gained. There is no need for us at this stage to attempt to anticipate the line which their recommendations may take. Periodic Commission.

289. Let us now sum up our proposals. We seek to create an enlarged Legislative Assembly with an elective majority; to reserve to the decision of the Council of State, in which the Government will command a bare majority, only those measures which it must have power to carry in the discharge of its continuing responsibility for the good government of the land; to restrict the official *blac* to the smallest dimensions and the least frequent activity that is compatible with the same guiding principle; to institute a Privy Council of India Summary.

as a means of honouring and employing ripe wisdom or meritorious service; to admit a second Indian member into the innermost counsels of the Indian Government. It is true that we do not offer responsibility to elected members of the Legislative Assembly; and that we define the sphere in which the Government will defer to the wishes of the elected members not by specific directions in a schedule, as we have done in the provinces, but by a general prescription which we leave the Government to interpret. But we have carried the advance right up to the line beyond which our principles forbid us to go; and by confining the use of the special machinery of autocracy to essential cases where a public declaration of necessity must be made, we have gone definitely beyond the position implied in the Morley-Minto reforms. If there be among Indian politicians those who are impatient of any delay that they encounter on their way to occupy the citadel, they may remind themselves how often before in Indian history has it been said '*Hanoz Dihli dur ast*'*. Impatience we cannot and ought not to seek to satisfy. What we have done is to afford Indians a fair share in the government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government to which the beginning of responsibility for the Government of India itself must be the sequel.

II.—THE INDIA OFFICE.

Powers of the Secretary of State. 290. It now remains for us to examine the effect of our proposals upon the position of the Secretary of State for India in Council and the control which Parliament exercises through him over all the Governments in India. We have already explained how the Act of 1858, which brought the East India Company to an end, set up the Secretary of State with the Council of India to assist him, as the Minister of State responsible for Indian affairs. In the language of the existing law the Secretary of State has power to "superintend, direct and control all acts, operations and concerns which relate to the Government or revenue of India and all grants of salaries, gratuities and allowances and all other payments and charges, out of or on the revenues of India." Again, section 21 of the Government of India Act, 1915, reads as follows:—"The expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of those revenues, or any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India."

Delegation to the Government of India. In transferred matters. 291. It has been of course impossible in practice that the affairs of a vast and remote Asiatic dependency should be administered directly from Whitehall: and, as we have seen, large powers and responsibilities have always been left by the Secretary of State to the Government of India and again by the Government of India to local Governments. At the same time the Secretary of State's responsibility to Parliament has set very practical limits to the extent of the delegation which he can be expected to sanction. Now that His Majesty's Government have declared their policy of developing responsible institutions in India we are satisfied that Parliament must be asked to assent to set certain bounds to its own responsibility for the internal administration of that country. It must, we think, be laid down broadly that in respect of all matters in which responsibility is entrusted to representative bodies in India, Parliament must be prepared to forgo the exercise of its own power of control, and that this process must continue *pari passu* with the development of responsible government in the provinces and eventually in the Government of India. The process should, we think, begin with the conclusions arrived at on the report of the committee which will consider the question of transferred subjects. Having taken their report and the views of the Government of India upon it into consideration the Secretary of State would, we imagine, ask Parliament's assent to his declaring by statutory orders which he would be empowered to make under the Act that such and such subjects in the various provinces have been transferred; and when Parliament had assented to such orders the Secretary of State would cease to control the administration of the subjects which they covered. The discussion of such matters by Parliament in future

* 'Delhi is yet afar off.'

would be governed by the fact of their transfer. We appreciate the difficulties of the situation; but it must be recognized that it will be impossible for Parliament to retain control of matters which it has deliberately delegated to representative bodies in India. At the same time it will be necessary to ensure that the Secretary of State is in a position to furnish Parliament with any information upon Indian affairs that it desires; and nothing in our proposals should be taken as intended to impair the liability of the Government of India and the provincial Governments to furnish such information to the India Office at any time.

292. So far we have had in mind only the transferred subjects. But even as regards reserved subjects, while there cannot be any abandonment by Parliament of ultimate powers of control, there should, as we have indicated already, be such delegation of financial and administrative authority as will leave the Government of India free, and enable them to leave the provincial Governments free, to work with the expedition that is desirable. On the purely financial side this delegation will involve an examination of the various codes and other regulations and orders, which we have already described as limiting too straitly the power of the authorities in India. This matter is already being examined in India and the Government of India will make proposals to the Secretary of State in Council. On the purely administrative side there are as we have seen no general orders, like those embodied in the financial codes, prescribing the matters for which the Secretary of State's sanction is required. But in an earlier chapter we gave an illustrative list of the subjects regarded as falling within that category; and generally speaking it is well understood that all important new departures require his previous approval. The drawing of the line between the important and unimportant can only be left to the common sense of the authorities in India and at home. But we are agreed that a wider discretion ought henceforth to be left to the Governor General in Council; and that certain matters which are now referred home for sanction might in future be referred merely for the information of the Secretary of State in Council. The exact definition of these particular matters must also be pursued at greater leisure, and the Government of India will take this question in hand. It will follow in such cases in future that when the policy of the executive Government in India is challenged, Parliament must be asked to accept the explanation that in accordance with deliberate policy the Government of India have been given discretion in respect of the topic in question and that for this reason the Secretary of State is not prepared to interfere with what has been settled in India. It is not part of our plan to make the official Governments in India less amenable to the control of Parliament than hitherto. It must be for Parliament itself to determine the limits which it will set to the exercise of its own powers. On the other hand intervention by Parliament may involve intervention by the Government of India in matters which otherwise would be recognised as of provincial concern. It will be distracting both to the Government of India and the provincial Governments if the operation of this principle of discretionary delegation is left either to the idiosyncrasies of Secretaries of State, or to the disposition of party forces in Parliament. We hope therefore that Parliament will assent to facilitate the working of our reforms by a provision authorising the Secretary of State, by rules to be laid before Parliament, to divest himself of control of the Government of India in some specified matters even although these continue to be the concern of the official Governments, and to empower the Government of India to do likewise in relation to provincial Governments. On large matters of policy in reserved subjects there can of course be no question of such delegation.

293. It will be seen that our proposals involve material alterations in the functions of the India Office; and in conformity with these we think that its organization should be reconsidered. This obviously can best be done by a committee sitting in London for the purpose. We propose that such a committee should be appointed forthwith. Without attempting to draft the terms of the reference to it, we may suggest the main principles by which its deliberations should be guided. The India Office should in future be so organized as to discharge its functions as expeditiously as possible. Knowledge is an important element in coming rapidly to a right decision; and hence it

And in reserved matters.

Organization of the India Office.

is almost as essential now as it was in 1858 that the Secretary of State should be in a position to command expert advice. It is necessary that Parliament should be satisfied, and expedient that the Government of India should be satisfied, that the decisions conveyed in orders from the India Office have been arrived at after consideration of the advice of those whose knowledge of India is greater than that of the Secretary of State. But such advice needs to be informed with recent acquaintance with a changing India; and for this reason it will probably be well to modify the present constitution of the Council of India, and to arrange if not for the recruitment of the India Office staff from the Indian Civil Service, at least for some interchange of personnel between the staff of the India Office and the public services in India. Either method would have the advantage of enabling an Indian element to be employed at the India Office otherwise than on the Council of India.

Relations of
the Secretary
of State
with
Parliament.

294. But whatever control over Indian affairs the Secretary of State keeps he keeps in the name of Parliament; and it will not suffice to improve the agent, so long as his relations with his principal are not what they should be. Of all the great departments of the State, the India Office is at present the least concerned with Parliament. Parliamentary control cannot in fact be called a reality. Discussion is often out of date and ill-informed; it tends to be confined to a little knot of members and to stereotyped topics; and it is rarely followed by any decision. We fully realise the other pre-occupations of Parliament, and yet we are sure that means must be found of enabling it to take a real and continuous interest in India. No one would wish matters that ought to be discussed and settled in India to be debated and decided in Parliament; but there remain large questions of policy with which only Parliament can deal. We are anxious that Parliament should be in a position to take them up with interest and to decide them with knowledge. We have already made one important proposal—that for periodic commissions to deal with the political progress of India—which will be of value for this purpose. We will add two further suggestions. We advise that the Secretary of State's salary, like that of all other Ministers of the Crown, should be defrayed from home revenues and voted annually by Parliament. This will enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply. On previous occasions when this proposal has been made it has encountered the objection that it would result in matters of Indian administration being treated as party questions. Without entering into speculations as to the future of parties in Parliament, we do not see why this result would follow from such a debate more than from the existing debate on the budget; and in any case the proposal which we make in the next paragraph would do something to prevent it. It might be thought to follow that the whole charges of the India Office establishment should similarly be transferred to the home Exchequer; but this matter is complicated by a series of past transactions, and by the amount of agency work which the India Office does on behalf of the Government of India; and we advise that our proposed committee upon the India Office organization should examine it and taking these factors into consideration determine which of the various India Office charges should be so transferred, and which can legitimately be retained as a burden on Indian revenues.

A Select
Committee
on Indian
affairs.

295. But the transfer of charges which we propose, although it will give reality to the debates on Indian affairs, will not ensure in Parliament a better informed or a more sustained interest in India. We feel that this result can only be accomplished by appointing a Select Committee of Parliament on Indian affairs. We have considered whether such a committee should be drawn jointly from both Houses. But it is in the House of Commons that effective control over the Indian administration will be exercised by means of the debate on the estimates; and also it is to the House of Commons that the comments in the preceding paragraph mainly apply. We recommend therefore that the House of Commons should be asked to appoint a Select Committee on Indian affairs at the beginning of each Session. Such a Select Committee would, like other Select Committees, exercise its powers by informing itself from time to time upon Indian questions, and by reporting to the House before the annual debate on the Indian estimates. Like other Select Committees, it would have no administrative functions. The Secretary of State would appear

before it to answer questions about those aspects of Indian administration in which he, and therefore Parliament, continued to exercise the right to interfere. Thus by means of interrogations and requisitions for papers the members of the Committee would keep themselves informed upon Indian questions. To such a Select Committee Indian Bills might be referred after their second reading. There would thus soon grow up a body of men in Parliament who took a continuous and well-informed interest in Indian questions; and by the Committee's reports the House of Commons would be invited to focus their attention in the debate on the budget on matters of importance which had arisen during the year. There is, we may repeat, no inconsistency in distinguishing between the general direction and the execution of policy, nor in desiring at one and the same time that the directing power shall be more interested and better informed and that the executive agents shall be given a larger measure of discretion within the limits laid down for them.

Chapter X.—The Native States.

296. As we have said already it is impossible to deal with the constitutional Introductory. position in British India without also considering the problems presented by the Native States. India is in fact, as well as by legal definition, one geographical whole. The integral connexion of the States with the British Empire not only consists in their relations to the British Crown, but also in their growing interest in many matters common to the land to which they and the British Provinces alike belong.

297. Although compared with the British provinces the States are thinly Position of the States. populated, they comprise among them some of the fairest portions of India. The striking differences in their size, importance, and geographical distribution, are due partly to variations of policy, partly to historical events which no Government could control. Wherever consolidating forces were at work before the British advance occurred, we find that large units of territory were constituted into States: wherever disorder or other disintegrating factors were at work longer, as in Bombay and Central India, we find a large number of fragmentary territories. "Political as well as physical geography bears witness to the stress of the destructive forces through which a country has passed." The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the policy of "subordinate isolation" initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the paramount power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories.

298. Now let us consider what factors have been at work to bring the Ruling Effects of the war. Princes into closer relations with the Government of India. Foremost is the war. No words of ours are needed to make known the services to the Empire which the States have rendered. They were a profound surprise and disappointment to the enemy; and a cause of delight and pride to those who knew beforehand the Princes' devotion to the Crown. With one accord the Rulers of the Native States in India rallied to fight for the Empire when war was declared; they offered their personal services, and the resources of their States. Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel; and they have both learned and taught the lesson of their own indissoluble connexion with the Empire, and their immense value as part of the polity of India.

299. For many years, however, influences more persistent though less force- Points of contact. ful than war have been at work to increase the range of matters in which the States realize their solidarity with British India. A perceptible process of infiltration has been going on. We have helped the States in times of famine; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated and even further extended our educational system. Co-operation in matters of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States including those which

have ports of their own. It is of course true that external influences have not affected the States equally. They have not all been equally able to assimilate new principles. They are in all stages of development, patriarchal, feudal or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation and the administration of justice. Nor have any changes which have occurred in the least impaired the validity of the treaties which assured to the States their powers of internal administration. Indeed it may be said that in a composite society like India's and in times when ideas are changing rapidly, the existence of States in which ideals of chivalry and personal devotion survive as the motive principle of government has been the more clearly seen to have an abiding value. The independence of the States in matters of internal administration carries with it the counter-obligation of non-interference in British Indian affairs. If the Princes were to intervene, either informally or formally, in the internal affairs of British India, such action would, we think, be reasonably questioned, unless the representatives of British India were given a corresponding right of influencing the affairs of the States. On either hand, we believe, there is no desire to cross the frontier. Rulers and politicians alike recognize that they are best employed in attending to their own progress. The obligation of mutual abstention must be always borne in mind in estimating the future position of the Native States in a changing Indian empire.

Modern influences.

300. We know that the States cannot be unaffected by constitutional development in adjoining provinces. Some of the more enlightened and thoughtful of the Princes, among whom are included some of the best known names, have realised this truth, and have themselves raised the question of their own share in any scheme of reform. Others of the Princes—again including some of the most honoured names—desire only to leave matters as they are. We feel the need for caution in this matter. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them; but it would be no less strange, if out of consideration for those who perhaps represent gradually vanishing ideas, we were to refuse to consider the suggestions of others who have been no less loyal and devoted. Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation.' The provinces will ultimately become self-governing units, held together by the central Government which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways and posts and telegraphs. The gradual concentration of the Government of India upon such matters will therefore make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. But though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future.

Evolution of the Chiefs' Conference.

301. In this respect the trend of recent events has helped. The desire to give greater reality to the consciousness of common interests is stirring among the Princes, and it is now possible and desirable to turn it to more practical account than our predecessors were able to do. Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great Princes resulted only in the ephemeral and purely honorific body known as the Councillors of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes and Lord Minto's schemes first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the conferences which Lord Hardinge held with the Princes to consider questions of higher education in the

States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order; and in responding to His Excellency's invitation, Their Highnesses the Maharajas of Gwalior and Indore also laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of conferences further by utilizing them for the purpose of discussing general questions affecting the States as a whole: and His Highness the Gaekwar in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover only last year the claim of the States to be heard in matters of Imperial concern were signally recognised by the deputation of His Highness the Maharaja of Bikanir to the meeting of the Imperial Conference and the War Cabinet.

302. In view of the fact that constitutional changes in British India may react in an important manner on the Native States, we have carefully considered their present relations with the Government of India. We became aware at the outset that although the policy which has been followed for more than a century towards the States has been amply vindicated by the trust and confidence which the Princes as a body repose in the British Government yet in some quarters uncertainty and uneasiness undoubtedly exist. Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression "Native States" is applied now and has been applied during the past century to a collection of about seven hundred rulerships which exhibit widely differing characteristics; which range from States with full autonomy over their internal affairs to States in which Government exercises, through its Agents, large powers of internal control, and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status; and practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also. We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311 below assume that such classification can and will after due inquiry be effected, and are intended to relate only to States of the former class.

Effects of British policy. The term "Native States."

303. In the second place, we cannot disregard the fact that the general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded and does not even now preclude "interference with the administration by Government through the agency of its representatives at the Native Courts." We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier days of our intimate relations with the States British agents found themselves compelled, often against their will, to assume responsibility for the welfare of a people, to restore order from chaos, to prevent inhuman practices, and to guide the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule. So too, at the present day, the Government of India acknowledges as trustee, a responsibility (which the Princes themselves desire to maintain) for the proper administration of States during a minority, and also an obligation for the prevention or correction of flagrant misgovernment.

Government intervention.

304. Moreover we find that the position hitherto taken up by Government has been that the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case law which anyone who is anxious to

Interpretation of treaties.

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SUPPLEMENTARY PAPERS.

1. Letter from the Right Hon'ble the Earl of Donoughmore, Sir William Duke, Mr. B. N. Basu, and Mr. Charles Roberts to the Secretary of State.
2. Government of India's despatch No. 6, dated 31st May 1918.
3. Minute by the Council of India, dated 18th June 1918.

Supplementary Paper No. 3.**Minute recorded by the Council of India.**

We have read carefully the Report on Constitutional Reforms in India. This report is the outcome of the announcement made by the Secretary of State on August 20th, 1917, that Government had decided that substantial steps were to be taken as soon as possible towards increasing the association of Indians in every branch of the administration and gradually developing self-governing institutions with a view to the progress of real responsible government in India.

Having these ends in view, the general policy of the Report meets with our unanimous support. We are of opinion that on the whole it recommends the measures best adapted to ensure safe and steady progress in the desired direction and, while reserving to ourselves freedom to reconsider the details of the various important measures suggested when public criticism has been received, we heartily support the policy as a whole.

We consider that in connection with the publication of the Report the various addresses and schemes put before the Secretary of State in India should be published or if the bulk of the documents in question is so great as to render a complete reprint undesirable that a very careful selection should be made from them embodying all shades of opinion.

L. CURRIE.

F. W. DUKE.

M. HAMMMICK.

CHARLES S. BAYLEY.

W. D. SHEPPARD.

MARSHALL REID.

E. G. BARROW.

S. AFTAB.

P. D. PATTANI.

BHUPENDRA NATH BASU.

Dated London, June 19, 1918.

Sir Arnold White and Mr. J. B. Brunyate were prevented by ill-health and absence from England respectively from considering the Report.

is, we think, to be found in the concluding portion of the formula in para. 189 of the Report, "This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." It thus becomes of importance to ascertain what the proper responsibilities of the Government of India in future will be. We accept as generally accurate the description and explanation of the central control hitherto exercised, which is given in paras. 117-119 of the Report. We take our stand firmly upon the cardinal proposition that no government in India can remain free on the one hand of control by Parliament and on the other of control by a legislature in India. In order to examine the sphere of those two distinct and in some degree exclusive methods of control, we have to relate them to the fundamental feature of our whole structure, the two halves of the future provincial Government.

4. It follows that that half of the provincial Government, which will in future consist of ministers responsible to the legislative councils, must in the largest measure possible be free from superior official control. Such control in their case can be justified only by the necessity, touched upon in para. 12 of the despatch of March 5, of securing the paramount authority of Parliament, which will obviously include those matters for which under the scheme the Government of India will remain responsible to Parliament. It follows that some power of intervention must be provided in order to safeguard the subjects which will be retained directly in the Government of India's hands, and, in addition to these, such other matters as must continue to be regulated according to the wishes at Parliament. In para. 11 of our memorandum of November 29, 1918, which forms Annexure II to the committee's report, we suggested that the exercise of the central Government's powers to intervene in transferred subjects should be specifically restricted to the following purposes:—(1) to safeguard the administration of the Government of India subjects, (2) to secure uniformity of legislation where such legislation is considered desirable in the interests of India or of more than one province, (3) to safeguard the public services and (4) to decide questions which affect more than one province; and we thought that the proposed restrictions should be effected by empowering the Secretary of State to make rules restricting to such specified grounds the control exercised by the central Government under section 45 over provincial Governments in the case of transferred subjects. The committee's proposal is stated in para. 17 of their report. In substance they accept the four grounds of intervention which we proposed; but by their method of treating the question of legislative control as a distinct matter, regarding which they make detailed proposals, and also by treating separately the questions affecting the public services, they have reduced the apparent number of the grounds of intervention from four to two. They also re-state the last ground of intervention in the list in such a way as to provide an opportunity for agreement between the two provinces concerned before the intervention of the Government of India takes effect. As we shall explain hereafter (para. 12 below) we prefer our own method of dealing with provincial legislation on transferred subjects to the alternative proposed by the committee. We have no hesitation in accepting all their remaining proposals; and we accept also the amendment which the committee propose for the purpose of giving effect to them in para. 22 of their report. We agree that the Governor-General in Council should be the sole judge as to the applicability of the statutory rules in any given case, and we draw your attention to the emphasis which the committee lay on the need for making the rules subject to effective parliamentary control. We have only to add that if the Government of India are henceforth to intervene in transferred subjects only on specified grounds it seems to us inevitably to follow that the Secretary of State can only do so likewise. The delicacy of inviting Parliament to agree to set any bounds to the exercise of its authority was touched upon in para. 201 of the Report. It seems to us, however, that the statutory withdrawal of the Government of India's authority from transferred subjects, except on specified grounds, must be definitely recognized as exempting them except on the same aforesaid grounds from any responsibility in respect of such matters to the Secretary of State and Parliament. Transferred subjects in a word must henceforth be recognized as resting in the main upon a new source of power.

5. The position as regards reserved provincial subjects is more difficult; and before examining the committee's handling of it we may explain the conclusions to which our own investigations have led us. The provinces have in the past been administering some matters, as for example, customs and income-tax, in which the predominant interests of the Government of India are beyond question. They have also done much work on behalf of the Government of India in such matters as the railways and the post office. In respect of these functions we may conveniently describe the local Governments as acting in the capacity of agents of the Government of India. Beyond these matters, however, there has been a wide category of subjects in which no attempt has hitherto been made to measure either the interest or the inherent authority of the provincial Governments. In the case of some of them, such as the police and criminal justice, there is no denying the close interest inevitably felt by the central Government which is responsible for the security of India. In other cases, the need for maintaining India's external trade, or of securing uniformity in matters affecting the interests of commerce or industry between one part of India and another, have operated to give the central Government a close concern in certain other matters in the provinces. In other cases again the distribution of power between central and provincial Governments has rested mainly upon the criterion of convenience. But the effect of section 45 of the Government of India Act, 1915, which enacts that "every local Government is under the superintendence, direction and control of the Governor General in Council in all matters relating to the government of its province," has been to obscure whatever differences of kind can be traced in all these various cases; and it therefore becomes a matter of peculiar difficulty to define the measure of acknowledged authority which the official provincial Governments should in any specified case in future enjoy. In the past also the purely administrative control provided by section 45 has been reinforced by, or rather concealed behind, the close control over expenditure enforced by the various codes which resulted both from the system of divided heads of revenue and from the peculiar responsibility felt by the central Government and the Secretary of State for economy in administration. With the transfer of much of this responsibility most of these financial restraints will disappear, and the position will undoubtedly be easier; but in so far as they have been used to mask the administrative control their removal makes it only the more important to decide the principles on which administrative control should in future be exercised. We agree with the committee that in this respect there should be a difference between what we may call agency subjects and all other subjects which are provincial without being also transferred. In respect of the former it clearly must be in the competence of the principal to vary or even to withdraw the authority delegated to his agent.

6. In the case of the remaining subjects the relevant considerations are more complicated. It is, in the first place, clearly desirable to give the provinces a greater field of action than they have enjoyed in the past. Nor would we be inclined to measure their enfranchisement by restricting it to "getting rid of interference in minor matters, which might very well be left to the decision of the authority which is most closely acquainted with the facts" (Report, para. 213). We think that more than this is required, if only to enable the official provincial Governments to move with reasonable freedom in relation to their legislatures. At the same time, however, we accept fully and without qualification the proposition that an official provincial government must remain amenable to the Government of India and the Secretary of State and Parliament in matters in respect of which it is not amenable to its legislature. The scheme of provincial dyarchy to which we have declared our adherence in our despatch of March 5 does not contemplate that in reserved subjects the provincial Governments shall be amenable to their legislatures. On the contrary they are to remain responsible to Parliament for the good administration of such matters. Unquestionably, however, their administration of those subjects will in future be conducted under the eyes of a legislature which is more representative and will have further opportunities of advice and criticism than the legislative councils of the past have enjoyed. Although therefore we have proposed certain modifications of those features of the Report's scheme on which the committee's arguments rest, we nevertheless agree with them

that while the control of the Government of India over subordinate official governments in reserved matters must remain legally unfettered, it is proper that it should in future be exercised with regard, among other factors, to the question how far the action of the local Government is in accordance with the wishes of its legislature. The assent of the legislature would of itself be no reason why the Government of India should allow a local Government's proposals to which it saw strong objection, nor would the dissent of the legislature in any reserved subject be of itself a reason why the Governor General in Council should withhold his sanction to the provincial proposal; but in either case the attitude of the legislature would be one factor in the situation. We agree therefore to the committee's proposal to recognize it as such by a declaration of policy, enjoining the Government of India in the exercise of their future control of reserved subjects to have regard to the general purpose of the Act as declared in its preamble. It follows that we accept the proposals made in paras. 22 and 23 of the report; and we draw your attention and that of Parliament to the committee's remark at the conclusion of para. 23 that the declaration of policy which they there suggest will likewise affect the exercise of control by the Secretary of State on behalf of Parliament.

7. We agree entirely with the committee's remarks in para. 24. They here go to the root of this difficult problem of demarcation. The real difference of which we have to take account is between the matters which are to be handled by responsible ministers and those matters of which the official Governments amenable to Parliament will be in charge. The process of transfer practically removes a subject from the direct cognizance of Parliament to that of an Indian legislature. The real dividing line is between transferred subjects on the one hand, and reserved and all-India subjects on the other. So long as a provincial subject is not transferred, the precise limitation of its boundaries is not a matter of great practical importance; but as soon as the subject becomes transferred and the Government of India's control can only be exercised for certain statutory purposes the question of definition acquires a wholly new importance. The labelling of a subject as provincial is to be regarded as a convenient means of giving effect to the policy of the Report rather than as the beginning of a federal system. In making their present proposals for provincial subjects the committee disclaim any intention of drawing the line which will be necessary, or of defining what protection will be required for the central authority, when reserved subjects are hereafter transferred. We agree that such definition can only be decided if and when the question of transfer arises.

8. With reference to para. 25 of the report we may explain that our proposal to rest the demarcation mainly upon budget heads was made before we were made aware of the committee's method of classifying subjects, or the explanation given in para. 24 of their report. It would in any case have been necessary, we think, to supplement the list of budget heads by some categorical interpretation of the second formula ("subjects which must be administered centrally") which occurs in the memorandum forming annexure III of the report; and for that purpose we are content, indeed we prefer, to rely on the committee's list.

9. As regards para. 26 of the report all we need now say is that the various departments of the Government of India will undertake to prepare the legislation needed to give effect to the policy of delegation of control. The material received from the local Governments and already collected from the departments should greatly facilitate the recension of the statute book; and we agree that the position will thereby be simplified and the new system will start upon a better footing. We propose to place an officer on special duty for the purpose, and to initiate the necessary legislation at the earliest possible moment.

10. As regards the committee's proposals in para. 27 it seems to us that, while instructions to the Governor are appropriate for the purpose of regulating his relations to the ministers and therefore of providing a means for giving effect to the Government of India's intervention in transferred subjects, there is no justification in the case of reserved subjects for laying the personal responsibility upon the Governor; nor would such a course be in keeping with our wish to maintain the

corporate responsibility of the Governor and his Council. The proper course in our opinion would be for the Government of India to continue the existing procedure and to give orders in reserved subjects when necessary to the Governor in Council.

Provincial legislation.

11. We come now to the proposals for the control of provincial legislation. The general aim of the committee has been to leave the provinces free to legislate, without previous sanction, upon the provincial subjects, whether reserved or transferred, except where these are specially made "subject to Indian legislation." At the same time they propose to retain most of the restrictions imposed by the existing sec. 79 (3) of the Act, to which they add three further provisions. These deal with cases where the proposed provincial Bill affects powers expressly reserved by law to the Governor General in Council, or amends any provision of certain all-India Acts included in a schedule which they suggest, or amends any clause of an Act passed by the Indian legislature which by the terms of the Act itself is similarly protected. Over and above these provisions the committee suggest that certain types of provincial legislation, though not subject to previous sanction, should be compulsorily reserved by the Governor for the assent of the Governor General; and that in another class of cases it should be optional with the Governor to reserve provincial legislation for the same sanction. Finally they propose a category of matters not regarded as "subject to Indian legislation," in which the central legislature should nevertheless have power to legislate; it being open to it in doing so to prescribe that a provincial council shall not be competent to amend such a law without obtaining previous sanction. The committee have put forward a redraft of sec. 79 designed to give effect to their intentions, and have also thrown their suggestions regarding reserved Bills and the procedure attendant on reservation into draft form.

12. We appreciate the aim of the committee to reduce so far as possible the categories of provincial legislation which will require previous sanction; but as you will have gathered from our despatch of March 22, 1919, and the memorandum therewith forwarded, we are anxious to see the procedure which they suggest if possible simplified. In the first place we feel some doubt about the propriety of an arrangement, which makes certain provincial subjects "subject to Indian legislation." We take the broad view that administrative and legislative powers must really reside in the same authority, and that any such apparent diversity from this principle, as may be thought discernible in the Indian statute book, will be found on examination to be due to the fact that the administrative powers enjoyed by the authority which is not competent to legislate are really only delegated. So long as the entire administration of British India was held together in one whole by the provisions of sec. 45 of the Government of India Act, 1915, an arrangement by which definite powers were conferred by an Indian Act upon the provincial Governments involved no embarrassment. But with the change of system a new situation will be created, and the committee's proposal, which applies equally to reserved and transferred subjects, will in our judgment give rise to difficulty. So far as the reserved subjects are concerned we lay no special stress upon the point, because, as the committee themselves recognize in para. 24 of their report, the Government of India's control will in these cases remain unrestricted to any special purposes. We are prepared, therefore, to accept their solution, which at all events serves to bring out clearly the ultimate dependence of the provincial Governments in their official aspect upon superior authority. But in application to transferred subjects we cannot think it a suitable arrangement. A technical argument might be based on the first head-note to the all-India list, read in conjunction with para. 17 of the committee's report, to the effect that the Government of India would have an uncontrolled right of directing the administration of any transferred subject in respect of which there was an Act upon the Indian statute book. That is a position which we have no wish to adopt. But what we do feel is that the committee's proposal is inconsistent with the measure of definite responsibility which it is our aim

to give to ministers. We do not think that ministers will feel themselves fully seized of matters in respect of which they cannot without superior sanction secure legislation; nor do we like an arrangement which throws the main responsibility on the Government of India for legislating for certain matters in the provinces, while the execution of their policy is in the hands of agents whom they cannot appropriately control. Our own purpose was to limit the intervention of the central legislature to clear cases of necessity. We do not share the committee's fear that our proposed power of legislating in the interests of essential uniformity will impede the growth of a convention of non-interference. On the contrary our desire to establish such convention will tend to make us strictly watchful against any unnecessary uniformity of treatment. We regard the committee's proposal to subject to Indian legislation certain matters in the transferred list as clearly going beyond what the requirements of uniformity would justify. We recommend therefore that in the case of all the transferred subjects the provision "subject to Indian legislation" should be omitted: and that as is proposed in para. 212 of the Report, the right should be recognized of the Indian legislature to legislate for any provincial matter in respect of which uniformity of legislation is desirable. This modification will make it possible to simplify the committee's scheme of legislation in other respects as well.

13. Our second change has reference to the schedule of Acts which the committee propose to attach to sub-clause (j) of their draft. We are not sure upon what principle this has been compiled. It comprises the chief codes, and the chief laws relating to business and property, assurance, interpretation, provident funds, ports and lunatics. With a certain reservation in the case of ports, it may be said that all these are all-India matters, the regulation of which by a provincial legislature is already subjected to previous sanction by the terms of the committee's proposed sub-clause (h). We feel no doubt, however, that the intention of their sub-clause (j) is to afford a higher measure of protection to the scheduled Acts than would be provided by the more general terms of their sub-clause (h). Our difficulty rather is that we cannot find any sure ground on which to discriminate the treatment of the Acts proposed for inclusion in the schedule from many others which merit equal protection. Several important Acts forming parts of the criminal law of the country are not mentioned; and there are many others which occur to us in connection with the law of status and civil rights, property, business and commerce, which equally ought to be maintained upon a uniform basis. While therefore we agree with the committee's idea of defining a definite field of all-India legislation from alteration by the provincial legislatures without previous sanction, we are not prepared to accept their proposed schedule as limiting the field; and as will be apparent to you from sub-clause (i) which we have included in the redraft of sec. 79, appended to our second despatch, we should prefer to define the Indian Acts in question by rules to be made by the Governor General in Council.

14. We take the same view of the committee's proposals for the reservation of Bills (paras. 36-38) as we have already expressed concerning the proposals discussed in para. 12. We agree with their purpose and appreciate the advantages of restricting the cases where previous sanction will be required to provincial legislation: but we cannot help thinking that their end can be attained by simpler means. We have examined this question further since our despatch of March 22, 1919, was written. We see no need, in the first place, for a two-fold category of reservation powers. The effect of compulsory reservation (whether prescribed in the statute itself as the committee suggest, or by rule as we were provisionally disposed to think) would be to transfer the power of assent in the cases specified from the Governor's hands to those of the Governor General. We note indeed that the committee suggest that the Governor General should have power to direct the Governor not to reserve a Bill; but (to waive the question whether this extension of the personal powers of the Governor General would be expedient) we do not understand how the Governor General would be in a position to give such a direction until the Bill was before him, and we think that the provision for it would be largely inoperative. We do not think that the Governor's powers either need or should be circumscribed as the committee suggest. As we shall show you in due course (*vide* paras. 19,

53 and 108, and 30 below) our proposals for dealing with three, *viz.*, (a), (b) and (d) out of the four categories of cases in which the committee recommend compulsory reservation are rather different from the committee's, and go far to obviate the need for their proposed procedure. Their fourth category is that of a Bill which "contains provisions which have the effect of including within a transferred subject matters belonging to reserved subjects" [para. 26 (3) (c) of the report]. The committee have not explained this proposal otherwise than by their reference in para. 37 to "Bills which shift the boundaries between reserved and transferred subjects." We recognize that as a matter of administrative convenience, quite apart from any question of political development, some re-adjustment of boundaries may from time to time be necessary: but inasmuch as dyarchy has its basis in the statutory orders of the Secretary of State, we do not regard provincial legislation as the appropriate means of effecting such adjustments. To employ such means would certainly invite the agitation for a re-drawing of the frontier, which we strongly deprecated in para. 111 of our despatch of March 5, 1919.

15. These reasons lead us to conclude that no compulsory process of reservation is necessary. It will suffice we think to provide, as proposed in para. 23 of the memorandum attached to our despatch of March 22, 1919, that the Governor shall have a discretionary power of reserving provincial Bills for the assent of the Governor General: and to provide for the guidance of the Governor in the exercise of this power by the instrument of instructions. We have made provision accordingly in the draft of the instructions which we attach to this despatch.

16. As the committee point out, there arises the further question of the procedure which will follow upon the reservation of a provincial Bill. They suggest that if the Governor General so directs, but not otherwise, the Governor should have power to return the Bill for reconsideration of specified amendments. We need not go into the question whether the proposed power of direction should reside with the Governor General or with the Governor General in Council, because, as already intimated in para. 84 of our first despatch, we agree with the view taken in para. 254 of the Report on constitutional reforms that the Governor should have this power of returning a Bill for reconsideration of particular provisions in it, irrespective of any question of first reserving it for the orders of higher authority. We think that if the Bill is returned as a result of reservation, it should be by the personal orders of the Governor General. There would thus be a double power of recommitment, at first hand by the Governor and in the event of reservation by the Governor General. But inasmuch as recommitment by the Governor General may obviate the use of the veto, we think that he should have power to recommit any provincial Bill irrespective of its reservation by the Governor. We agree that when a Bill is returned for reconsideration, the ensuing procedure should, with such changes as are necessitated by the foregoing remarks, follow the lines suggested by the committee. We doubt whether the procedure would be set forth *in extenso* in the statute, but we suggest that clause 7 (1) of the Bill should be enlarged so as to provide the necessary rule-making powers.

17. The effect of the modifications which we advise in the committee's treatment of the question of provincial legislation will be to reduce their proposed four categories of provincial Bills (para. 39) to three. Over and above these, however, the committee have propounded two further species of provincial legislation. In para. 40 they advise that legislation on such matters as the diseases of men, animals and plants and the destruction of pests should be shared between the central and provincial legislatures. In their list of provincial subjects the committee record against the items no. 3—public health, sanitation and vital statistics, no. 9, agriculture, and no. 10, civil veterinary department (which reappears as nos. 3, 6 and 7 in their transferred list) a remark to the effect that the Indian legislature should have concurrent powers of legislation for the purpose referred to, although the matters defined in the items are not themselves made subject to Indian legis-

lation. The committee advise that the Indian legislature should if it sees

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fit include in its legislation on such matters a provision debarring the provincial legislature from amending its Acts without previous sanction ; in which event the effect is the same as if the portion of the field covered by the Indian Act had been declared subject to Indian legislation. It seems to us that this indeterminate treatment of the question introduces a complication which the circumstances hardly justify. It is true that the existing code of defensive laws upon such subjects will need amplification and amendment as the people of India come to appreciate more keenly the advantages of prophylactic science. But we question whether there will be much opportunity for isolated action by individual provinces. The case is clearly one in which the need for defending uninfected areas from the invasion of disease or pests would justify the exercise of the Government of India's concurrent powers of legislation to secure concerted protective action. We think it sufficient therefore to rely on the powers which the authors of the Report (para. 212) proposed to reserve to them for such a purpose ; and to secure any Indian legislation so passed against being impaired by the provincial councils either by the terms of the law itself or by prescribing it in the rules proposed in para. 13 of this despatch. This arrangement would still give the provinces an opportunity of supplementing the general legislation and of experimenting in particular directions if their peculiar circumstances so required. We therefore do not think it necessary or advisable to adopt the method proposed in para. 40 of the report.

18. Finally the committee adopt the suggestion made in para. 212 of the Report that the provinces should be empowered to adopt Indian legislation either as it stands or with modifications. The proposal of course relates to provincial subjects only. We see no substantial value in this arrangement. As you are aware, it is at present open to the Indian legislature to enact a general law which can come into operation in a particular area only on being notified as in force there by the local Government ; and so long as a province desires no modifications in the legislation which it wishes to apply that is clearly the simplest course to follow. On the other hand if the province desires to modify for its own purposes the text of an exemplar Act passed by the central legislature, it clearly must legislate to do so ; and if the provincial legislature is to legislate, then it should do so *ab initio* without the central legislature first setting it an example, which in any material respect the provincial Governments or legislatures might disregard. If a provincial legislature seeks to mould its law upon a model supplied to it from outside, it would always be open to the Government of India to assist the provincial Government with their advice, without going through the sterile process of first legislating themselves. We do not therefore advocate the proposals made in para. 41 of the report.

19. It remains for us to annotate our own redraft of sec. 79 of the Act. The changes in sub-sections (1) and (2) are consequential on clause (1) of the Bill. Clause (a) of sub-section (3) is explained by para. 62 of our first despatch. Clauses (b), (c) and (d) need no comment. Clause (e) gathers up in one comprehensive clause the matters now covered by clauses (b), (c), (d) and (g) of the existing sub-section (3) and also the committee's draft clause (h). Clause (g) is the committee's clause (i) ; clause (j) the committee's clause (l). Clause (h) represents our considered conclusion upon the difficult question of legislation affecting religious rites and usages. We need not here refer to the lengthy correspondence which has passed upon the subject. The committee's proposals for dealing with it will be gathered from paras. 15 (4) and 36 (3) (a) of their report. Our aim is much the same as theirs ; namely to give the provinces a greater liberty of action in redressing the abuses which often attend the administration of charitable and religious trusts ; but the restriction imposed by the existing section 79 (3) (e) of the Act is much wider in its scope than the provisions by which they propose to replace it. We have to bear in mind that much of the personal law of India is a law of status which the individual carries with him, irrespective of locality. For this reason we seek to retain the previous sanction of the Governor General to any changes affecting the fundamental principles of Hindu or Muhammadan law, while leaving the provinces free to seek such legislative solution as they choose for the difficulties of trust administration which have been acutely felt in practice. This statement of our intentions is,

however, subject to what we say in para. 65 below regarding our purpose of legislating without delay in order to secure certain principles of trust management, while leaving the settlement of details to provincial Governments. As regards our draft of sub-clause (z) we would refer you to para. 13 above. Since our despatch of March 22, was written we have re-examined the language of our redraft of the section. It appears possible that an argument in favour of the extension of the powers of the provincial legislatures might be based on the use of the word "regulating" in clauses (e) and (f). A provincial Bill which materially affected the administration of an all-India subject might for example be put forward without previous sanction on the ground that the scope of the measure was not wide enough to amount to the "regulation" of the particular subject. We advise therefore that the phraseology of clauses (e) and (f) be assimilated to that of clauses (b), (c), (d), (g) and (h) of the sub-section.

20. Two more points present themselves before we leave this question of provincial legislation. We have already expressed our concurrence with the committee's view that the powers of the Government of India to control the administration of the reserved subjects, however the exercise of such powers in future is relaxed or modified, must remain legally unfettered, if Parliament still acknowledges, and requires the Government of India to discharge, a responsibility for the general well-being of the country. As you are aware, our administration has in the past been based to a great extent upon a number of well-defined principles, some of them laid down by eminent predecessors of your own, others evolved in the course of long administrative experience in India. Some of them, such as the principles of non-interference by the State in religious issues, or of non-interference with through trade by transit duties, are so well-established that any attempt to interfere with them would perhaps command little or no general assent in India. But there are others, which, however cardinal to our ideas of government, are not regarded by Indian opinion as equally axiomatic. The best illustration that occurs to us are the principles evolved over a long period of years as a result of the labours of many distinguished men, on which the land revenue assessment in temporarily settled provinces is administered. It has come to be regarded as settled policy that in justice to its subjects at large the State ought not to forgo its share in the unearned increment of the land as it would do settlements of land revenue were to be made permanent: indeed the ordinary duration of a revenue settlement has come to be fixed at the life of one generation. On the other hand, out of consideration for the persons most directly affected by a new settlement, it is equally well established that the enhancement of the land revenue should not normally exceed a certain fixed percentage. There is indeed a growing tendency to require that this limitation, as well as the processes by which the amount of the assessment is arrived at, should be embodied in the law and made the subject of adjudication by the courts. It is not our present purpose to discuss the reasons for and against such a change; but we are bound to ask ourselves whether it is possible or expedient to take steps to prevent what we may describe as established principles of administration being defeated by provincial legislation. We have no desire to subject such legislation to any kind of superior executive sanction: and we recognize that there is the certificate power in reserved subjects and in any case the veto. But we have to bear in mind that Governors accepting office under the new conditions may feel some doubt whether what has hitherto been regarded as settled policy should not give way to the expressed desire of a mainly elective legislature to order things in future otherwise; and we feel that it is highly desirable if possible to avoid a situation in which the Government of India are called upon to prevent by the use of the Governor General's veto a mistaken policy expressed in provincial legislation to which the Governor has already assented. The only solution we think is to embody in the instructions to the Governor a direction that in considering whether projected legislation on reserved subjects injuriously affects his responsibility for them, he must pay regard to any general principles laid down for their administration by the Government of India or the Secretary of State. At the same time we recognize it as our duty to subject those principles to the strictest scrutiny from the point of view of devolution, and to retain for

the guidance of Governors only those which are of vital importance to good administration, so that local Governments may not be fettered by minor precepts of efficiency.

21. In the second place even if the proposed scheme of provincial legislation is simplified as we suggest, it will still be relatively intricate compared with the present arrangements. It is desirable to minimise the chances that when a measure has passed the provincial legislature the Governor General may still feel bound to veto it, not merely on the technical ground that his previous sanction was not obtained, but for the more substantial reason that it runs counter to some all-India interest in a manner which cannot be allowed and which would have been pointed out if previous sanction had been sought. There should, in our view, be some means of ensuring as far as possible that before legislation is undertaken in the provincial council the requirements of the Statute and the rules made under it have been fulfilled. We have already said that we cannot contemplate any form of previous executive sanction. The only alternative is to require that before a Bill is considered by a provincial council it shall be specially scrutinised to see that it is within the competence of the council. We think that this duty should be laid upon the secretary to the council, who under the new arrangements should be an officer qualified to undertake it. Para. 116 of the reforms Report pointed out how largely the practice of referring Bills for executive sanction had contributed to the maintenance of the present standard of drafting in legislation throughout India: and in the conditions of litigation in this country it is extremely desirable that the standard should be maintained. We think it likely therefore that the new conditions of legislation in India may render it very desirable to set up some kind of central drafting office, not under the orders of the Government of India, which all local Governments would co-operate in maintaining to advise upon the drafting of provincial Bills. But we do not think that the certification of provincial Bills as within the competence of a provincial legislature can properly be made the function of such a drafting office even if it is created.

Division of subjects.

22. Before we examine in detail the committee's distribution of subjects between all-India and provincial, we should like to state our views upon a few general points on which the committee have not touched, though some of the items which they enumerate to a certain extent involve them. The first is the question of information, which the committee mention in connection with the question of census and statistics. We should prefer to dissociate it from any particular item and to treat the matter as one of the fundamental conditions of a dyarchic system. We have pointed out (para. 12 of our first despatch) that such a system can endure only so long as it is safeguarded by Parliament, which must therefore be in a position to obtain any information which it requires whether on a transferred or a reserved subject. The authors of the reforms Report (para. 291) took the same view. But over and above this requirement it seems clear that the Government of India must have an unfettered right to obtain at any time and in such form as they require any information about the provincial administration, if they are to safeguard their own subjects, direct the administration of the reserved subjects, guide the Governor in his relations with ministers, maintain the public services on their present lines, and ensure that sufficient material is forthcoming for the statutory commission. We do not of course intend that the information so obtained shall be used for the purpose of executive interference to any further extent than the principles which we have accepted require: and we have already (para. 4) made it clear that in transferred subjects such intervention will be statutorily circumscribed. Our intention is that the Government of India shall be in a position to express their views freely and with full knowledge upon provincial administration, to advise where necessary, to rely for the enforcement of their view mainly upon public opinion and the strength of their case, and to interfere only in accordance with the principles and in the circumstances which we have already defined.

23. Connected closely with this last matter is the question of inspection and technical advice. The existing system of administration involves, as you know, the maintenance at the headquarters of the central Government of a number of inspecting or consulting officers whose advice, particularly on the technical side of the administration, has in the past been of the greatest value both to the Governor General in Council and to local Governments. With very limited exceptions these officers have had no executive authority over departmental work in the provinces. They have inspected provincial departments and advised the Government of India upon the results, and whatever decisions the Government of India have come to as a result of their advice have been communicated by that Government in orders to the local Government. We feel no doubt that this body of consultant and inspecting officers will be required in future, though the topics with which they are concerned are provincialized or even transferred. So far as the all-India and the reserved subjects go, no doubt arises. Whatever change ensues in their functions, it is clearly necessary to retain, for instance, the Director of Central Intelligence, the Director General of the Indian Medical Service, the Inspector General of Irrigation and the Director General of Archaeology. We feel no doubt that the services of the Educational Commissioner, the Sanitary Commissioner, the Agricultural Adviser and others will be no less necessary, even if the corresponding departments in the provinces are in whole or part transferred to ministers. Coming changes will no doubt affect profoundly the activities of the Government of India departments, and their consequences in this respect can only be seen after some experience of the new arrangements. It would be premature to attempt to forecast them. But without seeking here and now to decide exactly what staff will be required for the purpose of transferred subjects at the headquarters of the central Government we wish to make it clear that some such staff will certainly be needed. The function of these officers would be to inspect the operations of the transferred departments in the provinces, and to report their conclusions to the Governor and Ministers as well as to the Government of India, and to produce as at present periodical reports which would be available to the general public. If they had occasion to criticise, their views would be expressed with due recognition of the extent to which provincial policy, however different from the policy previously pursued, enjoyed the support of public opinion in the province. They would in short report in the character of professional consultants and not in that of official supervisors. We do not propose that in the event of intermediate action appearing necessary upon their reports the Government of India should issue any official directions to the local Government. They would generally rely as we have said upon the fact of publicity and public criticism: but in extreme cases where remedial action was called for we think that they should call the attention of the Governor to the defects disclosed, and invite him to use his influence and authority with ministers to secure their removal.

24. The matter of scientific research again is closely associated with the questions of inspection and advice. This is an important element in the medical, sanitary, agricultural, forest and civil veterinary departments and it will figure largely in the activities of the proposed industrial department. On the educational side it has its counterpart in the central Bureau of Education. The committee have proposed to treat "central institutions of scientific and industrial research" as an all-India matter: and in these should be included, we consider, not merely the medical and bacteriological laboratories, but the Research Institute at Pusa, the Bacteriological Laboratory at Mukhtesar and the Forest Research Institute at Dehra Dun. In all these cases there is room for a great expansion of scientific research, and central institutions are needed for the double purpose of assisting and co-ordinating the work of provincial officers, and of undertaking investigations which are beyond their scope. None of the provinces is at present in a position to undertake all the research required for local purposes; and while it is desirable that the major provinces should be encouraged to equip themselves better in this respect, we think that central institutions will always be required to deal with the wider problems. At this point the question presents itself whether the Government of India, keeping in their own hands the direction of such central institutes of scientific research, should intervene

in provincial research for the purpose of preventing overlapping or the dissipation of effort on infructuous inquiries. We do not propose that provincial research should be hampered by any direct control. Scientific inquiry if it is to be real and fruitful must be left as free as possible. We think, therefore, that the results of the central institutes' research should be freely available to provincial departments, and may be safely left to carry their own commendation with them. It may be anticipated that the central institutes will for some time to come enjoy the best equipment and the most skilled staff: their work should prove itself: and if any provincial department persisted in disregarding the results which were made available to it, we imagine that the consequences in the shape of waste of time and money would be brought home to it if not by public opinion at least by the statutory commission. We may add that cognate problems, tempered however by the powerful factor of commercial production, present themselves also on the industrial side: but it will be more convenient to deal with that very important topic as a whole in connexion with para. 45 (3) of the committee's report.

25. We come now to the proposed division between all-India and provincial subjects. The committee's remarks upon this point in the third sentence of para. 13 of their report call for some amplification. Every department of the Government of India laid before them a detailed memorandum showing its own relations with the provinces, the nature of the control exercised and the reasons therefor: and we offered our Secretaries and Departmental Officers as witnesses to the committee in case they desired to elucidate further the information so supplied. It was out of the question for the Government of India, without knowing what principles of demarcation the committee contemplated, or the nature of the evidence which they had received in the provinces, to work out an entire scheme: our intention was first to settle principles with the committee, and thereafter to confer with them upon their application to details. The pressure of time alone made it impossible to adhere to this intention: the committee took no secretariat evidence on their return to Delhi and no conferences were held. It must not be deduced from the committee's condensed account of what occurred, that the Government of India neglected their own part in the inquiry or allowed an undue burden to be thrown upon the committee. The fact is that the inquiry had perforce to be conducted under stringent time limits, and we believe that everyone concerned did their best in the circumstances.

26. One more point requires notice. The committee would be the last to claim that their enumeration and definition of subject heads has scientific precision; and whatever time and care were to be expended on refining it, the possibility of overlapping, uncertainty or omissions must remain. There must therefore in any case be authority to determine on which side of the line a given topic falls. If it is a question between all-India and provincial subjects, such power must reside with the Governor General in Council: and with the Governor personally if it is a question between reserved and transferred matters.

All-India subjects.

27. The committee's all-India list appears to us to be generally suitable; but we desire to suggest certain amendments of varying importance in the list as it stands, and to recommend the addition to it of certain matters which appear to us to be clearly of an all-India nature, and of sufficient importance to justify their inclusion.

28. *Item 1.*—This should we think be expanded so as to include matters connected with the defence of India, such as ordnance, munitions, censorship, prize courts, etc., which are not covered by the committee's enunciation of personnel and works. We recommend the following redraft:—

“All questions connected with His Majesty's naval, military, and air forces in India, including the Royal Indian Marine, volunteers, cadets and armed forces, other than military and armed police maintained by provincial Governments.”

“I.-A. Ordnance, munitions, censorship, compulsory purchases, requisitioning, prize courts, registration of mechanical transport, etc., for naval or military purposes.”

declare the major ports, and to notify the articles which are to come within the scope of *item 20*. To require legislation in these cases would not only be inconvenient and productive of serious delays, but would also impose on the Indian legislature a function which has never belonged to it and which it is not well qualified to discharge. We may take this opportunity of specifying the ports which we propose that the Governor General in Council should declare to be major ports. We think that Calcutta, Bombay, Karachi, Aden, Rangoon and Madras should be declared to be major ports and that for special reasons Chittagong and Vizagapatam should also be so treated. Tuticorin would then be the largest of the minor ports, and it is quite possible that either there or at Cochin there may be such development as to require that they also should hereafter be treated as major.

34. *Item 8* should be amplified to read as follows:—

“Lightships, beacons, buoys, and lighthouses (including their approaches).”

35. In *item 11* we would add after the word “telephones” the words “and wireless installations.” In *item 12* we would substitute “taxes on income” for “income-tax.” The term income-tax has a restricted meaning, and it should be made clear that the central Government of India will reserve for itself not only the existing tax known as income-tax but all taxes on income. The excess profits duty, for example, which has recently been introduced would not be covered by the entry in the committee’s list, but it clearly should be classified as an all-India subject.

36. It is not clear what articles the committee had in mind when they framed their definition of *item 20*. We understand that this entry was not intended to cover the case of munitions, which would come under *item 1*; nor yet stores (though these have not been separately provided for), but was meant to embrace such articles as cinchona, the production of which the Government of India now contemplate taking under their sole charge. We would accept the entry with the amendment suggested in para. 33 above, but would divide it into two parts as follows:—

20. Control of production, supply, and distribution of any articles, in respect of which control by a central authority is declared by the Governor General in Council essential in the public interests.

20.-A. Control of cultivation and manufacture of opium and sales of opium for export.

37. *Item 28* requires some modification in regard to railway police. The position of the railway police differs from that of the ordinary civil police in only two important respects. The first difference is that owing to the fact that railway administrations are not co-terminous with provinces it is in many cases convenient to give the railway police of one province jurisdiction over a special section of railway lying within an adjoining province. The second difference is that the cost of the railway police is divided between provincial Governments and the railway administrations. We would deprecate any change in the existing position, and would resist any proposal which has the appearance of placing the organisation and control of the railway police to a greater extent than at present in the hands of the Government of India. All that is required is that the jurisdiction and cost of the railway police should be made an all-India matter. We recommend therefore that the words “so far as jurisdiction and cost are concerned” be added to *item 28*.

38. We feel that *item 30* as it stands does not fully cover the case of medical research. The Government of India maintain a bacteriological staff for enquiries connected with public health, and in addition to maintaining a central research institute they also provide part of the staff of some provincial institutions. They further administer the Indian Research Fund. We suggest that the words “Central agency for medical research and” should be inserted at the beginning of the entry.

39. *Item 33*.—While we agree that archaeology should be classed as an all-India subject, we are anxious to consult the Government of Madras before

we definitely recommend that the provincial archæological establishment should be taken over by the Government of India. The position of the officers of the provincial department will be affected by this change, and we think it right that the local Government should be given an opportunity to express their views before a final decision is taken. The committee's remark that the Government of India had suggested that archæology should be classed as an all-India subject is not quite accurate. The suggestion was a departmental one but we think it was right in principle.

40. The entry in the remarks column opposite *item 36* is one which, as we have already said, should in our opinion be of universal application. We think it absolutely necessary that the Government of India both as the agent of Parliament and in its own interests should be in a position to demand returns and information on any subject in any form required. This was recognised in para. 291 of the Report, and we recommend that the point should be freed from all doubt by the insertion of a definite provision to this effect in the rules to be framed by the Secretary of State.

41. We come now to the omission from the all-India list of matters which in our judgment are too important to be relegated without specification to the committee's residuary *item 40*. After *item 3* "Relations with native states" we suggest an entry "Political charges". There are various charges of a political nature, for example, political pensions, which do not affect our relations with Indian states, and all of which are of an all-India nature. It seems advisable that such charges should be definitely included as an all-India subject.

42. Another matter of a political nature which finds no place in the list is that of State prisoners. There are three regulations for the confinement of State prisoners, *viz.*, Bengal Regulation III of 1818, Bombay Regulation XXV of 1827 and Madras Regulation II of 1819, besides certain ancillary ones. The detention of any person as a state prisoner under the Bengal Regulation requires the orders of the Governor General in Council, while for detention under either of the other two regulations the orders of the Governor in Council concerned are sufficient. Though the Governments of Madras and Bombay thus theoretically enjoy full powers under their respective regulations, the Government of India could not under modern conditions allow these powers to be exercised without reference to them. We propose, therefore, to include this subject after *item 27* in the all-India list.

43. *Item 4* is probably intended to cover only the general administration of territories other than the provinces included in the schedule. The Andaman Islands occupy a somewhat special position. Their problems are those of penal rather than of general administration, and we propose to include them, together with the Nicobars, which are in practice administered from Port Blair, as a separate subject, which might suitably be included in the list after *item 4*.

44. It is also desirable to provide for the possibility of re-distributions of territory affecting provincial boundaries which may follow the introduction of the new régime. Such re-distributions are clearly a matter which must be regulated by the central Government. This will also necessitate the retention of power to declare the laws in force in the new areas. We recommend that an entry should be made in the all-India list "Territorial changes other than intra-provincial, and declaration of laws."

45. One notable omission, however, from the all-India and provincial lists is the subject of stores, with which stationery is closely connected. The classification of this subject presents peculiar difficulties. We do not desire to see it made wholly all-Indian, while it is clearly undesirable to make it entirely provincial. Competition between local Governments would undoubtedly tend to raise prices, and provincial stores departments could not afford the same stimulus to industrial development as a central department which was in a position to place large orders with single firms and thereby could enable them to compete successfully with foreign producers. Any division of the subject, however, is impossible without detailed investigation. We propose therefore,

as recommended in para. 196 of the Industrial Commission's report, to appoint a committee as soon as possible to examine the extent to which decentralisation in regard to stores will be possible; and in the meantime we suggest that stores and stationery be added to the all-India list after *item 20*, on the understanding that such measures of decentralisation as are found by the Governor General in Council to be advisable will be introduced as soon as possible. Government printing should also find a place in both the all-India and provincial lists, so as to provide for both central and local Government presses.

46. Food-supply is another topic requiring notice. Recent experience in India has proved the necessity of making the regulation of food supply an all-India subject. The point is one which hardly calls for argument; it is sufficient to say that in times of shortage, such as this country is now passing through, it is essential that the Government of India should be in a position if necessary to centralise control of all food supplies. The same need has been felt in the case of fodder, fuel and other articles. The central Government is the only authority which can adjudicate upon the competing needs of the various provinces; and we feel strongly that it should be able to regulate inter-provincial trade in them at any time. We propose that such regulation should be definitely recognised as an all-India subject and that the following item should be added to the all-India list 19-A. "Regulation of food supply, fodder, fuel, and trade generally between provinces in times of scarcity."

47. Pilgrimages beyond India are clearly a matter which does not come within the sphere of any local Government. The most important is the Hajj. We would add such pilgrimages as an entry in the all-India list after the existing *item 26*.

48. Government of India records and the Imperial Library are also topics which find no mention. Both are all-India subjects, and should be added as a joint entry 30-A after the existing *item 30*.

49. Government of India buildings should also find a place in the all-India list, and may be inserted as *item 30-B*.

50. Another matter of sufficient importance to be included in the all-India list is the regulation of ceremonial, including titles and orders, precedence and darbars, and civil uniforms.

51. Provision should also be made for the regulation on uniform lines as an all-India subject of the higher language examinations.

52. The last addition which we desire to make to the all-India list is the Government servants' conduct rules. At present the conduct of Government servants is regulated by rules issued by the Governor General in Council. It is clear that in the case of the all-India services the Governor General in Council must continue to regulate the conduct of officers. We feel that it would be very undesirable to have one rule of conduct for the all-India and another for the provincial and subordinate services. The maintenance of the present integrity and high standards of the services is an all-India interest. We consider therefore that the conduct of Government servants generally must be made an all-India subject, and we would add it after the existing *item 37*.

53. One onerous responsibility of the Government of India during recent years has been the watching and handling of political activities throughout the country. These have had the widest possible range, from proceedings which are covered by the criminal law to others which lie well within the limits of orderly and constitutional activity. The subject ramifies broadly and includes not merely matters like passive resistance or organized agitation which may at any moment call for intervention, but also organizations which are primarily non-political, such as boy-scouts, civic guards, volunteer *samitis* and proceedings like strikes and picketing in the industrial field. We feel that while the central Government which is ultimately responsible for the peace of India cannot but feel a close interest in such matters, the actual handling of them must be to a great extent committed to local Governments' hands. We think it better not to attempt to gather them up in any comprehensive

|| 5, 1919, our view is that the all-India services should be regulated by legislation in Parliament. We consider that these services are entitled to have their conditions settled beyond the possibility of alteration by any authority in India. Within the fundamental limits so prescribed the control of the all-India services is already an all-India subject (*item 37*); which arrangement will of course not preclude the local Governments from determining the day-to-day administration of such services as are under their orders. The case is an excellent example of the thinness of the dividing line between reserved and some all-India subjects, but inasmuch as the scheme requires that the item should figure on one side of the line, we have no doubt on which side it should remain. *Item 43* should accordingly read "Control of the public services other than the all-India services, serving within the province, subject to Indian legislation."

78. *Item 44* does not go quite far enough. We would substitute for it the following:—

"Sources of provincial revenues not included under previous heads, whether (*a*) taxes included in the schedule of additional provincial taxes or (*b*) taxes outside this schedule in the case of which the prior sanction of the Governor General in Council has been obtained to the necessary legislation." While for clearness' sake we prefer this redraft, we admit that inasmuch as such taxes can only be imposed by law our redraft of sec. 79 (3) (*a*) of the Act goes far to render (*b*) unnecessary.

79. The limits of provincial borrowing, like other points in the scheme, will be determined by rules made by the Governor General in Council with the sanction of the Secretary of State in Council. If it is held that such rules cannot empower the provincial governments to hypothecate their revenues for the service of a loan, they should be enabled to do this by Indian legislation which should not be open to alteration by the provincial councils. *Item 45* should therefore read "Borrowing of money on the sole credit of the province subject to such rules as are made by the Secretary of State in Council."

80. We do not understand *item 46*. In para. 48 of their report the committee refer to this as a subject which cannot in itself either be reserved or transferred; but to us it does not appear to be a subject in the same sense as every other item in the list is a subject. The committee have possibly inserted this entry in order to forestall the argument that the insertion of penal clauses in a provincial Bill *ipso facto* makes the Bill an all-India subject by bringing it within the scope of criminal law (all-India *item 27*). We sympathise with the committee's object but we would prefer to see it effected by some other means, such, for example, as an entry in the remarks column opposite *item 27* of the all-India list. We would strike out the proposed *item 46* of the provincial list on the ground that there is no real substance in it.

81. There are only two items which we desire to add to the provincial list. The one is "Provincial records and libraries" and the other "European cemeteries and historical monuments and memorials." Both might suitably be inserted between the existing *items 39* and *40*. European cemeteries still in use and some disused ones would come under ecclesiastical administration (all-India *item 31*) but many old grave-yards throughout India would not do so, while places such as the Residency at Lucknow and the Memorial Gardens at Cawnpore with which are associated national memories are nowhere specially included. They might, unless provided for, be treated as gardens and be transferred to ministers' hands. Such memorials must certainly remain the peculiar care of the official Government and we propose to include them as a provincial reserved subject.

Transfer of subjects.

82. At the outset of their proposals for the transfer of subjects the committee, in fulfilment of a pledge given by the Government of India to the Government of Madras, record the formal objections taken by that Government to any proposals involving a division of functions. They note also the reservations or qualifications with which the Governments of Bombay and the Punjab and the Chief Commissioners of the Central Provinces and Assam

certain peculiar responsibilities which are not identified with the reserved subjects." In either case the Governor will be discharging a duty which he owes to the ultimate authority of Parliament and it must be open to the Government of India in the exercise of their responsibility to Parliament to direct and control him in such cases.

87. To provide for the former case the committee (para. 60) sketch out a procedure which is in general accord with the proposals in paras. 102 and 104 of our first despatch. In para. 60 (8) they go rather further than we had proposed in the direction of empowering the Governor to take emergency action during an interregnum between two ministers; and in such an event we consider that it should be the Governor himself, and not the official half of the local Government, which should take charge of the ownerless portfolio. On the other hand, they omit to carry matters to the ultimate test by providing for the possible retransfer of a transferred subject, in order to end insoluble disagreement between a Governor and his ministers. We regard the proposal made in para. 102 of our despatch as affording the only answer to the inevitable problem which presents itself during the period of transition, that is to say, the problem of what is to happen if ministers and legislature are bent upon a course of action to which the Governor, guided by his instrument of instructions and acting under such directions as he may receive from superior authority, feels it impossible to assent. To our mind this is the ultimate test of dyarchy; and the cardinal assumption, made in para. 12 of our first despatch, that the authority of Parliament must remain paramount over both halves of Government, forbids us to answer it except by providing for a possible retransfer.

88. Para. 61 of the committee's report goes to reinforce the proposals made in para. 40 of our first despatch. In para. 63 the committee suggest material for rules of the kind for which we proposed to provide in para. 13 of the memorandum forwarded with our second despatch. We accept clause (1) of the committee's proposals, and likewise clause (2) (a) which accords with para. 104 of our first despatch. As regards sub-clause (2) (b) we prefer, as we have already said in para. 10 above that in reserved subjects the orders of the Government of India should be addressed to the Governor in Council. As regards sub-clause (2) (c) we think that it should be for the Governor, as we have just observed, to decide any doubtful question of jurisdiction; but that once the jurisdiction has been decided the substantive decision should not be that of the Governor in person but either that of the Governor in Council or that of the Governor and ministers, subject in the one case to the Governor's powers under section 50 of the Act and in the other to his power of overruling his ministers. We hope, however, shortly to present to you a draft of the rules which we suggest for regulating the procedure in all these cases.

89. We come now to the important matter of the instructions to the Governor. At the outset we wish to make it clear that we regard these as the appropriate means of affording the Governor guidance in the comparatively delicate matter of his relations with ministers. They measure the extent to which the ministerial portion of the Government is to be regarded as still coming short of a purely constitutional position. They are the means by which the discretion of the ministers and legislatures is still to be regarded in some respects as tempered by the need for securing that the wishes of Parliament in vital matters are not disregarded. But they are inappropriate for regulating the attitude of the Governor in Council, who, inasmuch as he cannot properly receive instructions from the legislature, must remain amenable, if necessary in the least particular, to superior authority. The committee's proposals in para. 67 accord with the intentions of the reforms Report. As regards clause (1) we should prefer as in the existing Act to adopt the phrase "safety and tranquillity" inasmuch as the term "peace" is really included in "tranquillity"; and would include a reference to the need of mitigating religious animosities before they reach the point at which they express themselves in violence. Items (2) and (3) we accept as appropriate and sufficient. With reference to item no. (4) we would refer to para. 49 of our first despatch. So long, however, as the expression proposed by the committee is included only in the instructions, which it will be left to the Governor to interpret, we see no harm

in the adoption of their phraseology. As regards their additional suggestions, we recognize clearly the need for securing Muhammadan education; but we consider that the proposed injunction should be so extended as to ensure that the Muhammadan community get their fair share of all increased facilities. In sub-clause (2), which is designed for the protection of mission interests, we should prefer to lay down that no changes such as those referred to in the clause should be adopted "which are inconsistent with educational interests." We entirely agree that due provision must be made for the education of the depressed and backward classes; but we can see no sufficient reason for confining the scope of such an admirable injunction to the single presidency of Madras or to the interests of mere education.

90. While, however, we approve the committee's proposals generally we feel the situation requires something more. As we have said in para. 110 of our first despatch we are anxious that the Governor's instrument of instructions should make it clear that he is to use his powers "resolutely to prevent any deleterious lowering of the standards and ideals of administration which they (the Governor in Council) hold in charge for Parliament." We should like to launch this vast experiment of constitutional changes in India with a clear and unmistakable declaration of the lines on which we hope and intend that it shall be conducted. In Appendix II to this despatch we attach a draft in which we have tried to develop our ideas of what the document should be. It will be plain to you that we think the unprecedented situation requires a pronouncement differing both in contents and in tone from any colonial precedents and carrying with it something of the authority attaching in India to a Royal proclamation.

Transferred list.

91. The subjects proposed by the committee for transfer are shown in the list in section III—3 of their Report. We consider that the list regarded as a whole is a good one and calls for comparatively little criticism. But there are a few matters of the first importance in regard to the treatment of which we find ourselves in disagreement with the committee, and some others of lesser moment on which we desire to offer comments.

92. *Item 2.*—We assent to the transfer of medical administration with the exception of medical schools and colleges which, for the reasons given in para. 107 below, we think should be treated as a reserved subject, and brought into close relation with the committee's *item 42* in their provincial list.

93. The committee's attitude towards the very difficult question of education (*item 4*) is succinctly indicated in para. 45 (1) of their report. They received various suggestions for the division of the subject of education, but came to the conclusion that any partition was unsound and unworkable; and they have contented themselves therefore with leaving European education as a reserved subject and transferring all the rest including university, technical and secondary education to the control of ministers. They propose, however, to exclude the Hindu university at Benares and also Chiefs' colleges, which by this means become an all-India subject (*item 39* of the all-India list); and they advise that new universities, the extra-provincial jurisdiction of universities, and in the case of Bengal and for a period of five years only, the Calcutta University and also secondary education generally should be subject to Indian legislation. They add that legislation regulating the constitution or functions of a university should be subject to compulsory reservation by the Governor. Such discriminating treatment of the subject, which leaves it partly all-Indian, partly reserved, partly transferred with limitations, and partly transferred without limitation, shows that the committee realized the great risks involved in transferring higher education entirely to the control of ministers at this critical stage in its history.

94. The opinion of local Governments is much divided. The Bengal Government desire to reserve collegiate and European education: the United Provinces Government holds that education is best treated as a whole and is prepared to transfer it, but the official committee which advised the Lieutenant-Governor were divided in opinion. The Punjab Government recognizes the

skilled clerical or technical employment. Schools of this type may include primary sections, in order that their courses may be continuous; but this does not detract from their character or well-recognized purpose.

103. On a review of all the circumstances, we consider that there is a compelling case for the transfer of primary education. It is that part of the field which will give the fullest and freest play to responsibility at once; it will be most responsive to patriotic effort; and it will be the nursery for the broad and enlightened electorate on which the future depends. The labour of bringing primary education up to a reasonable standard, the need for almost unlimited development, the difficulties of gradually making it free and then compulsory—these and its many other problems constitute a task which will be enough, and more than enough, to occupy all the energy and ingenuity of ministers for years to come. Heavy though the task is, in estimating its chances of success we are in general agreement with the report of a committee which considered the question in 1917:—

“At first sight this abandonment of control, by the central or provincial Government, of a department so vitally fundamental to a national scheme of education, would appear to be fraught with grave dangers. Nor are these wholly illusory. It is quite possible, even probable, that at first efficiency will be sacrificed to other considerations and that the popularly elected body will vote money for the less essential objects and neglect the provision for training and inspection. But unless an opportunity for mistakes is given, nothing will be learned. Experience will, we believe, beget greater wisdom, and that in no long time. Once it is realized that education is the business of the people, then the people will see to it that their elected representatives procure them efficient teachers in their schools. Again, it is only thus that education can become really national, and if the demand arises, as we believe it will arise, an elected council of this kind will be able to raise money for education from sources that never could be tapped by a Government of the existing official type.”

104. We may say at once that to our minds there is an equally compelling case for retaining secondary and university education in the hands of the official and more experienced half of the provincial Governments. India stands to day in a critical position; and her immediate future, apart from her slower political growth, depends upon the solution of social, economic and industrial problems to which a good system of secondary education is the chief key. If we handed it over at this juncture to untried hands we should be guilty of grave dereliction of duty. We attach, as Appendix III to this despatch, three opinions upon this question which we regard as worthy of the fullest consideration: the first is from an experienced non-official Indian educationist who writes with first-hand knowledge, though we regard the second sentence of his opinion as too sweeping; the second is the opinion of two officials with special knowledge of educational administration, one of them being an Indian; the third is from the pen of a recent Vice Chancellor of an Indian university. We cannot question the general accuracy of the picture which is here presented, or the conclusions which are based upon it; nor can we avoid the proposition that the time has not come when such important issues as progress and reform in higher education can be committed to the ordinary machinery of the provincial legislatures.

105. The committee have taken a different line. In their recommendation that education as a whole should be handed over to ministers, they have been swayed by one main consideration [para. 45 (1) of their report], the belief that education is impartible. They have concluded that a line of division cannot be drawn through it without raising difficult questions and producing serious administrative complications. For the theory of indivisibility they rely on a statement by Mr. Hornell that “the existing educational system of India is an organic whole,” which it is impossible to modify by compartments. This assertion we believe to be too sweeping. Theoretically it is true that the business of education, like the business of government, is one connected whole and must be inspired by one common purpose. But in practice the argument can be pressed too far. University and secondary education must remain in the closest association, as all our experience and enquiry show; but the bond between secondary and primary education is far more elastic. Between these two indeed there is already in existence a clear line of demarcation, resting not differences of finance and controlling agency, and emphasized by differences in

the type of school and—what is more important—in the type and age of the pupils. No difficulty is experienced by those provinces where the policy is thoroughly pursued in keeping the control of primary schools under local bodies and the control of secondary schools under the provincial government and the university; and we do not know what are the “serious administrative complications” inherent in such a division which seem to have been pressed upon the committee. Our hope indeed is to make the division still sharper. We have long felt that primary education as a system requires for its satisfactory expansion a directorate and an inspecting organization of its own, and not merely a share in a staff which is occupied with higher education as well. With this reform we should couple the provision within the primary organization of institutions for training all grades of primary teachers; and we should thus get rid of the apprehension that the independence of the primary system would be impaired by its having to go to the secondary system for some at least of its schoolmasters. We cannot thus regard the theory of the impartibility of education as a practical obstacle to dividing the control of primary from the control of secondary and university education, so long as there is good administrative reason for doing so.

106. An argument which probably weighed with the committee, for it has often been urged on us, is the keen desire of many Indian publicists to obtain control of higher education. They do not regard official management as having been a conspicuous success; and even those who do not misunderstand our motives consider that we have been too cautious in its development, too ready to sacrifice quantity to quality. They argue also that ministers will gain experience in the control of higher education by their mistakes, that mistakes will not be irremediable, that changes for better or worse will be easily ascertainable, and that if political progress is to depend on education it is only fair that the whole subject should be transferred and the power of developing it placed in the hands of those who are most interested in the consequences. The argument indeed is pushed even further: we are told that Indian opinion is so strongly set upon the entire control of education that to withhold any part of it will imperil the harmony and good-will with which we hope that the new régime will start. We cannot accept this extreme presentation of the case. We do not deny the general desire of progressive Indians to assume complete responsibility for education, or the disappointment that many will feel if this is not conceded. But there are minority interests which view the prospect of transfer with grave apprehension and have opposed it with all their strength. In any case the future welfare of India is too closely bound up with this decision to allow of sentiment overruling the obvious practical considerations. In particular we would demur to the free application, in the matter of higher education, of the doctrine that the mistakes of inexperience are of little account and can easily be corrected.

107. The practical considerations to which we appeal have been touched upon above. We could supplement them by many concrete instances of the unhappy consequences of entrusting higher education too confidently to private enterprise. We have seen what has happened already in provinces where high school and collegiate education has been allowed to pass largely into non-official control. The worst developments of such a system are described in the Bengal district administration and the Rowlatt reports. We have recently watched the deterioration of a fine private college in northern India under political influences. If further reasons were needed to reinforce our view we should derive them from the present condition of scientific and technical knowledge in India. It is admitted that one of the greatest needs of the country is industrial development and wider openings for her young men in the scientific and technical professions. It is accepted that the public services must be recruited in future to a greater extent in this country. At the same time it is recognized that the possibility of these developments without a deterioration in standards lies to a very great extent in improving and extending the facilities in India for higher learning, particularly on the technical side. We cannot in the face of these plain requirements assent to a proposal to place the control of the legal, medical, engineering, technical and industrial

provided to protect the interests of the Government of India as both necessary and sufficient. The question of the staff in Bombay and Madras will receive our careful consideration when the time comes. Difficulties are likely to occur with a staff which will be under ministers in respect of their excise duties and ultimately under the Government of India in so far as their work is concerned with salt. The only satisfactory solution may be a complete separation of the staff of the two departments, but we see no reason to defer transfer until such a separation has been effected. We would postpone consideration of the problem of staff until we have some practical experience of the difficulties involved. While we recognise that in some provinces popular opinion may lead the legislature to take steps in the direction of total prohibition, and while we appreciate the dangers from this course of the spread of illicit practices, as well as the inconveniences which may be caused more particularly to those classes to whom drink is no real danger in India we are yet prepared to transfer excise at once. We fully realise that excise occupies a special position in Madras from the revenue point of view, but regarding the matter from the broader ground of general principles we agree with the committee that excise conditions are not so peculiar as to justify its reservation in that presidency. We agree also that excise should be a reserved subject in Assam.

116. *Item 15.*— We come now to the vital question of industries. This is practically speaking, a new administrative subject, the future importance of which has been strongly emphasised in para. 336 of the Report on Indian constitutional reforms. It is moreover a field where the divergence of racial interests is likely to make itself felt with some acuteness. The committee have made the following proposals:—

- (1) that the development of industries be made a provincial subject, except for the matters covered by *items 20 and 30* of the all-India list (articles whose production, etc., requires control in the public interest; and central research institutes), and for heads, such as that of geological survey (*item 22*), which relate closely to the development of industries.
- (2) that the development of industries be made a transferred subject.

The committee have evidently felt that this allocation of responsibilities is not free from objection, since they admit in para. 45 of their report that they have vainly tried to draw any clear line between local and other industries, or to frame a distinction based on the relative importance of different industries. To draw any such distinction is, we agree, impossible; but the conclusion to which the committee have been led in consequence does not commend itself to us. Our own conclusions are, briefly, that the development of industries should be concurrently undertaken by the local Governments and the Government of India; and that this subject should, so far as local Governments are concerned, be reserved. Our reasons for these conclusions will be stated as briefly as possible.

117. In the first place we hold that the central Government cannot possibly divest itself of responsibility for the industrial progress of the country, which is necessary to secure its military safety, its freedom from outside economic aggression, and its social and political stability. The Government of India's control of railways, tariffs, foreign trade relations and intelligence, the central scientific industries and such services as the geological survey, further emphasises their responsibility in respect of industries. That responsibility should, we think, be discharged by furnishing advice and help to local Governments, by co-ordinating their efforts and by working concurrently with them, rather than by direct control. Secondly, the expenditure on many of the measures necessary for industrial progress is very high. Research and industrial experiment are exceedingly costly in proportion to their results in any one part of the country; without a large and highly specialised technical and scientific staff, mere administrative effort will be barren; nor are either the finances or the requirements of local Governments extensive enough to enable them to give appreciable assistance to large enterprises by loans, guarantees or undertakings to purchase products. The scale of some of the individual enterprises which have recently

in the Punjab in 1913, with the added difficulty that the responsibility for failure will be thrown on the Government as a whole, and not on the minister himself.

120. There remains, however, a still more serious objection. It is our earnest desire that the industrial policy of the country should be directed to securing for Indians the fullest possible participation in future industrial development. The proposals of the Industrial Commission seem to us admirably adapted to secure this end. The Indian press, on the other hand, appears to see in the Commission's report an attempt to rivet the chains of British economic domination still more firmly on the country. This tendency was particularly noticeable in the extremist press, but was not entirely absent from papers of more moderate tone. A policy which seems to us to afford means of assistance especially calculated to benefit Indian enterprise is apparently considered insufficient if it also allows encouragement to British capital to come into the country and to British enterprise to profit any further by the economic resources of India. In such circumstances we are not surprised to find European non-official opinion expressing very definite apprehensions lest an increasing degree of self-government should bring with it an increasing degree of racial discrimination. We do not desire to magnify unduly the extent to which the encouragement of new enterprise can be used to affect the success of future British effort. But we apprehend that until a far greater sense of responsibility than at present is established among the electorate and the representative assemblies, considerable pressure may be exercised on ministers to refuse any form of aid or countenance to British enterprise and to favour Indian undertakings, especially those backed by political influence, irrespective of their business merits or equitable claims to consideration. The inevitable result would be that the large modern firms, European or Indian, which have as a rule nothing to hope from political influence, but are accustomed to businesslike methods and equitable treatment, would inevitably apply to the Government of India rather than to local Governments, if the latter's functions in respect of industrial matters are in the hands of ministers. This would lead to an undue degree of centralisation, and would devitalise provincial efforts by depriving them of this most promising field of action. We therefore conclude that industries, including in this term industrial education, though they should be a provincial subject with a right of concurrent action secured to the central Government, should for the present be reserved in all provinces. We have already recommended that a new item should be inserted in the all-India list : and we would also omit *item 15* from the list of transferred subjects.

The Public Services.

121. In section IV of the report which deals with the public services the committee have a few variations to propose from our own proposals. They had these before them, but in a condensed form ; and it may be that where the committee have departed from our proposals without giving reasons for doing so, our intentions were not always clear to them. In para. 70 the committee suggest that the demarcation between the provincial and subordinate services should be left to the provincial Governments. We think it important at the outset that the provincial services should be everywhere constituted on more or less uniform lines, for which reason we suggest that your sanction should be necessary to the local Governments' proposals. After the scheme of reforms has come into operation it will be open to the local Governments to vary the provincial services within whatever conditions may be laid down. The professional division will probably include not merely officers recruited on special contracts, but also officers holding appointments requiring special qualifications, which lie outside the ordinary ranks of the administrative services. We do not understand the difficulty which the committee feel about the proposal that each new permanent post should be added to the cadre to which its duties correspond. It was intended to prevent the services from being substantially altered by the device of creating new posts outside them for the purpose of providing for duties properly appertaining to the service ; and for that purpose it seems to us necessary. The committee's proposals respecting temporary additions to the service and rules for allowances and foreign service are in accord with our intentions.

129. Para. 82 of the report raises a question with which we have not so far dealt. We agree that it is as necessary to define the normal sources of local taxation as of provincial taxation. A local body may attempt to appropriate to its own purposes sources of revenue that are really provincial as well as sources that are all-Indian, but it seems to us sufficient to prescribe that the existing scope of local taxation, so far as it lies outside the provincial schedule, may not be exceeded without the previous consent of the Government of India; we may leave it to the provincial Governments to protect their own revenues against the incursion of local bodies' taxation. As regards para. 83 of the report we think that borrowings by local bodies in the Indian market should be subject to the same control as at present.

Conclusion.

130. We desire to bear testimony to the ability and thoroughness with which the committee have discharged a very difficult task, and have presented us with a scheme which with the modifications that we have suggested, we accept as a practical solution of the problem. Compared with the simplicity of present arrangements it is necessarily complicated. So far as reserved subjects are concerned we do not think this greatly matters. The cardinal principle laid down in para. 24 of the committee's report will enable control to be exercised where necessary in an effective and at the same time a flexible manner. In the case of transferred subjects we realize that there are necessarily several points of contact on which difficulty may arise between the popular part of the provincial Governments and the Government of India, as for example in the case of excise, education and medical administration. At the same time we readily accept this possibility as part of the price of our reforms. We think that the committee have been successful in avoiding intricacies, and in rectifying frontiers as far as possible. We must rely for help in the solution of difficulties on the Governor's powers in relation to ministers; and also on the fact that the Government of India, being agents for Parliament which must remain the paramount authority, can never sink to the level of a merely federal government. In all its main aspects therefore and with the modifications which we have suggested we cordially accept and endorse the committee's scheme.

131. Our colleague Sir Sankaran Nair has stated in a separate minute the extent to which he dissents from our conclusions.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

„ C. C. MONRO.

„ C. S. NAIR.

„ G. R. LOWNDES.

„ W. H. VINCENT.

„ J. S. MESTON.

„ T. H. HOLLAND.

„ R. A. MANT

FIFTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Franchises)

ing the percentages in column 6 of the statement above we should fix the proportion of urban representation in the various provinces as follows:—

Madras	...	...	...	...	6 per cent.
Bombay	...	...	...	...	18 "
Bengal	...	...	...	...	6 "
United Provinces	...	...	...	...	8 "
Punjab	...	...	...	...	10 "
Bihar and Orissa	...	...	...	...	2 "
Central Provinces	...	...	...	...	2 "

The results would be markedly different from those of the committee's method of procedure. We do not put them forward as a final solution; but we feel that the question requires more examination from the point of view of principle than it has received.

29. The committee propose certain changes in the regulations regarding the qualifications for candidates. For the reasons already given in para. 3 of this despatch we are unable to agree that subjects of Indian States should be eligible for election as members of legislative councils. We also doubt the need for the proposal that dismissal from Government service should only operate as a disqualification if it involves moral turpitude, the duty of deciding this question of fact being laid on the Governor. This proposal seems to imply that men may be dismissed from Government service without a stain on their character; this is not the case; and we would prefer to leave the disqualification as it stands at present. Our colleague Sir Sankaran Nair would accept the view of the minority stated in para. 27 of the report. The next change proposed by the committee has also reference to the same criterion. The existing provision that no one should be a candidate against whom had been passed a sentence of more than six months' imprisonment or an order to give security for good behaviour is modified by the same "moral turpitude" condition, (though at present the Governor in Council is empowered to remove this bar,) and by the omission of any reference to the preventive sections. In the following rule relating to disbarred lawyers the word "court" is substituted for authority. With the exception of the last, we do not regard these changes as improvements and should prefer to leave the rules as they stand at present. The committee, though they make no mention of the fact, further propose to omit altogether the important rule which empowers the Governor in Council to disallow the candidature of any person whose character and antecedents are such that his election would be contrary to the public interests. This rule was introduced in 1909 after much discussion between Lord Morley and Lord Minto's Government. Its loss may be inconvenient, but we are not disposed to press for its maintenance; we incline to regard a provision of this nature as inconsistent with the new conception of representation.

30. The committee's treatment of the question of residential qualifications has placed us in some difficulty. Their recommendations do not accord with the opinions received. Five local Governments asked for the insertion of a qualification of residence within the constituency; three did not press for it. The committee propose to adopt the qualification in three cases out of the five, but not in Madras or Bengal. The three English members of the committee with Indian experience dissent from the majority proposal and would adopt the qualification in all provinces. On the whole, amid this diversity of views, we have decided to accept the committee's proposals, mainly because we doubt the effectiveness of insistence on the residential qualification, but also because it will give us an opportunity of testing it by results in different areas. Some of the arguments that have been urged against the qualification do not appeal to us. For example, alarm has been expressed by Indian politicians at the suggestion that rural areas may return members who will only be able to follow the proceedings in the vernacular. We feel, on the contrary, that unless this result is secured the rural areas cannot be properly represented, the control of business must pass entirely into the hands of the limited English knowing classes, and the intentions of our reforms will be in serious jeopardy. As we have said, however, we are prepared to allow the experience of different provinces to show which rule has the more beneficial result.

The Indian legislature.

31. We now come to the very difficult questions connected with the composition and functions of the Indian legislature; and before we examine the committee's proposals, we would ask you to consider the main problems which must underlie all questions of detail. The principle of bifurcation in the central legislature for the sake of obtaining a better representation of interests therein, is accepted by us; though our colleague, Sir James Meston, would have frankly preferred to make no radical change in the structure of the central legislature until experience had been gained of the changes contemplated in the provinces. We all agree, however, that, be the form of the central legislature what it may, the power of the Government of India to secure the legislation which they desire in essential matters must, as stated by the authors of the Report, remain indisputable.

32. There are two ways in which a bicameral legislature can be created consistently with this cardinal requirement. The first is the method of the Report. The Council of State is there designed not primarily as a revising chamber but as the organ, when the occasion requires, of essential legislation. The idea of the authors is that the Governor General in Council should have power, by certificate, to secure legislation that he deems essential to peace, order or good government, either through the Council of State alone in the event of a sudden emergency, or by the Council of State in disregard of the wishes of the Assembly in cases where that body had taken a line which would defeat the purpose of the legislation. Under this scheme there would indeed be provision for joint sittings at which the will of the majority would prevail; but that arrangement would not be intended for Government legislation to which there was strong non-official opposition. The figures given in para. 282 of the Report make it plain that no Government Bill which did not carry with it a substantial part of the non-official vote could succeed at a joint sitting. The Report definitely relies upon the special certificate power to secure essential legislation. It follows that if the Council of State is as a matter of regular practice to serve when required as an effective legislature, it should comprise a strong elected element; and this the Report proposes (para. 277) to provide by the method of indirect election by the non-official members of provincial councils. At the same time the authors of the Report indicate that they do not look on this position as final: it is their aim that the Council of State should develop into a normal second chamber (paras. 278, 281); and they seek to give it from the outset something of this character by advising that qualifications be prescribed which will ensure a certain dignity and sobriety in its membership.

33. The other method of attaining the object in view places less reliance on the certificate power and more on the joint sitting. Its advocates doubt whether the certificate power will in practice be sufficiently elastic and durable to ensure at all times the passing of essential Government legislation. While therefore they would retain the certificate for use only in an extreme emergency, they would so constitute both chambers as to afford the Government a reasonable chance of securing enough support among the many different interests represented to carry their Bills at a joint session. So stated, the divergence of views may not appear very striking; but any departure from that part of the scheme which treats the certificate procedure as the mainstay of Government legislation at once opens the door to a very different constitutional position. There would then be good reasons for constructing India's bicameral legislature on the lines of others in the world; leaving the progressive elements to find their representation in the Assembly, and giving the Council of State the definite character of a revising chamber by making it the organ of conservative and stable opinion.

34. Between these two alternatives the main issues are fairly clear; but additional complications arise from the fact that the committee's report throws little light upon the practical possibilities of the methods of election to the Indian legislature. If the Assembly could be constituted by direct election, then the indirect election to the Council of State which the first plan involves might be accepted as no more than a minor drawback. If, however, it becomes necessary to choose the elective portion of the Assembly by indirect election, and

40. Turning to the Council of State, the committee have recommended a slight addition to its elected element, and consequently to its total strength. In this conclusion we agree, but the main argument that weighs with us is that, unless the original proportion of size is maintained between the two bodies, the Council of State may lack the authority which should attach to it in cases where its opinion is in opposition to the Assembly. We do not give the same weight as the committee have done to the need for nicely adjusting the claims of the provinces and the communities in the Council of State as well as in the lower chamber. They have here departed from the scheme of the Report as regards the special Muhammadan and landholder seats, and have proposed that these also shall be filled by the non-official members of the provincial councils, while Appendix X of the report shows that the elections are to follow class and communal lines. The proposal is in our view unworkable. It would allow nine Sikh electors to return a member to each chamber; and it would enable six landholder voters in the United Provinces to return a member to the Council of State at each election. We cannot approve of a scheme which yields such results. Our aim should be the representation of all important interests on a broad scale, and we should eschew refinements which really have the effect of destroying it.

41. Nor can we accept the proposals of the committee for the method of election to the Council. Whether direct election for the Assembly is impossible is a question on which, as we have said, we are not unanimous: but we all agree both that direct election to that body is strongly to be preferred, and that if it cannot be attained there is no alternative but to create new constituencies electing directly to the Council of State. To obtain the elected members of both chambers from the same electoral college would reduce the smaller chamber—the Council of State—to a position barely distinguishable from that of a standing grand committee of the Assembly. We are anxious that the Council should partake of the character of a hall of elder statesmen; and for that purpose we should make its membership subject to a high standard of qualification. Having gone so far, we should see no difficulty in advancing a step further and providing for each province an electorate of from 1,000 to 1,500 voters, possessed of the same qualifications as those which we should prescribe for membership of the Council of State, who should be required to elect to that body from among their own number. The details would vary between provinces, and it would of course be necessary to consult local Governments upon them. There is ample time before the first elections for these special rolls to be prepared, and we recommend that the inquiry should be to this extent reopened.

42. Assuming therefore that the Assembly is enlarged our provisional proposals as regards the Council of State would take the following form:—

Elected by restricted constituencies in :—			
Madras, Bombay, Bengal, the United Provinces and the Punjab (3 each).	15		
Bihar and Orissa, Burma and the Central Provinces (2 each).	6		
Assam	1		
Elected by Chambers of Commerce...	2		
			<hr/>
Total elected members	24		
Nominated non-official members	4		
Official members—			
Members of the Executive Council	7		
Secretaries to the Government of India	10		
Provincial and departmental officials	11		
			<hr/>
Total	28		
			<hr/>
Grand Total	56		
			<hr/>

47. Our Colleague Sir William Vincent has stated his views upon the questions of Muhammadan representation and the Indian legislature in a separate minute of dissent.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

„ C. C. MONRO.

„ C. SANKARAN NAIR.

„ G. R. LOWNDES.

„ W. H. VINCENT.

„ J. S. MESTON.

„ T. H. HOLLAND.

„ R. A. MANT.

Bengal ; and I consider that they should get representation in the Bengal Legislative Council in proportion to their population strength.

5. I accept the principles laid down in para. 22 of the despatch. They lead me to conclude that what is wanted is a sliding scale in which the weighting given to Muhammadans increases as their numerical weakness does. We have, as the despatch says, to measure the advantage to be given to them. To do so some arbitrary assumptions must obviously be made. The fewer and simpler these are, the better. Where the Muhammadans are in a census majority let them get representation in that proportion. Where they are at their weakest, let us double that proportion ; I can see no practical reason for going further than that. Between these extremes let us multiply the census ratio of the Muhammadans by a factor greater than one and less than two. I recognize that a purely mathematical treatment will not suffice ; the strength of Muhammadan interests in the United Provinces, Bombay and Bihar and Orissa calls for some further moderate adjustment ; and my final proposals would accordingly be :—

		Population percentage.		Proposed percentage of seats.
Punjab ... ..	...	54.8	...	55
Bengal ... ..	...	52.6	...	53
Bombay ... ..	...	20.4	...	28
United Provinces ...	...	14.0	...	24
Bihar and Orissa ...	...	10.5	...	20
Madras ... ..	...	6.5	...	12
Central Provinces ...	...	4.8	...	9

6. It has been said that no proposals which depend on any assumed factors can command universal assent, and it has also been implied that once arbitrary factors are introduced one set is probably as good as another. I agree that universal assent cannot be looked for, but I think that, since we are compelled to make assumptions, we should make them on a reasoned basis rather than follow the compact. I think that my proposed scale does no injustice anywhere and is defensible on reasoned grounds, and that it ought to commend itself to reasonable people. I propose therefore that it should be put out for opinion.

7. As regards the representation in the Indian legislature I would observe that on a proportion basis the Muhammadans are entitled to 23 per cent of the elected Indian seats. Some special constituencies (commerce, and as I think landholders also) cannot be suitably subdivided on a communal basis, and in these it must be expected that non-Muslims will predominate. On the whole I should be prepared to give the Muhammadans 30 per cent of the general and communal seats in the Assembly. In the Council of State there is no room for these nice adjustments, and I would secure the Muhammadans, by nomination if their representation by election is deficient.

75 Indian legislature.

8. The other two points upon which I am unable to share my Hon'ble Colleagues' views both concern the Indian legislature. I am not prepared to accept the committee's opinion that indirect elections are inevitable for the new Assembly ; and while my colleagues' proposal to institute direct elections for the Council of State is a step in the direction of my own views, it is only a partial step ; and the difference between us as to the functions and structure of that body is still wide and grave enough to leave me no choice but to explain my own position.

9. Para. 33 of the despatch is a concise presentation of the views I hold, but I desire to state them more fully. After considerable experience of the present legislature I am convinced that it would be unsafe for the Government of India to rely solely on the certificate power to pass their legislation when it is likely to provoke opposition. A scheme which purports to give the Indian legislature control over legislation, coupled with a reserve power of placing legislation in disputed cases under the control of the Government, must to my mind have this result that the use of the certificate power will be regarded as autocratic and will evoke reprisals.

I am anxious not to press the argument too far, because I have agreed to the adoption of somewhat similar arrangements in the provinces. But (as the Report points out in para. 277) the two cases can be clearly differentiated, and what may be true of one need not necessarily be true of the other. In the first place, legislation in the provincial councils is not of the same moment as legislation in the Government of India. It is in the central legislature that the ultimate issues arise; and moreover if the certificate procedure should fail to give us essential legislation in the provinces we have retained for the central legislature an overriding power of legislation for the defence of all-India interests. In the Indian legislature we have no such reserve power. There is another point of difference. The grand committee in the provincial council will have a non-official majority; and there will be more justification in the popular view for committing a Bill to such a body than for committing it to the Council of State with its official majority. I do not deny that the grand committee plan involves risks: I say only that I am prepared to run greater risks in provincial matters than I am willing to face in the affairs of the supreme Government. I feel that the result of using the certificate power, except in the plainest emergency, may be that the Assembly irritated by recourse to it will, with its large elective majority, retaliate by adopting an obstructive attitude to all government business. In the face of such tactics I regard the certificate power as difficult to use save in very exceptional circumstances and as dangerous in its consequences. I would not abandon it entirely, but believing that it should be reserved for extreme cases, I desire to see the Indian legislature so constituted as to give Government Bills a reasonable chance of being passed at a joint sitting of both houses, if a fair share of support can be secured from moderate Indian opinion. This plan would entail some reconstruction of both chambers. I need not go fully into details; but may state my opinion that the elective element in the Assembly should be decreased from 66 to 60 per cent; that the representation of the landholders and of commerce should be transferred to their appropriate place in the upper chamber, the Assembly being thereby kept at a limit of 100; while the official element in both chambers would be somewhat increased. These changes would really give the Council of State the regular character of a revising chamber. My colleagues propose to give it more of this character than the Report does by letting it be chosen by direct elections on a general but very restricted franchise. If I may say so, I think that what they thus gain in the direction of giving the Council a senatorial character, is outweighed by the difficulty of justifying their departure from the proposals of the Report as regards the structure of a chamber whose functions they would still leave as proposed in that document. Their Council will indeed escape the worst features with which the committee proposed to endow it, but it will not retain the character required in a body which they intend to serve not seldom as the sole effective legislature. They still propose to leave some conservative elements represented in the Assembly; but the resulting situation is that while these elements in both chambers will have a direct mandate, the popular and progressive elements which figure only in the Assembly will depend on indirect election. Even as a temporary expedient I think that this is wrong.

10. I believe that the key to our difficulties regarding the central legislature plainly lies in getting direct elections generally to the Assembly. My colleagues clearly realise the objections to any other course, but most of them are disposed to accept the committee's finding that no alternative is for the present possible. I cannot subscribe to this. I think that indirect elections are open to the gravest objection; that the question of direct elections has not yet been fully investigated; and that inasmuch as my colleagues propose a further reference to local Governments about the elections to the Council of State, there is no good reason for not extending the scope of that reference to the Assembly elections too. The last point seems to me to need no argument. I will briefly give my reasons as regards the other two.

11. The proposal put forward by Lord Southborough's committee is that 70 per cent of the elected members of the Assembly shall be elected by the non-official members of the provincial legislative councils voting on a communal

List of enclosures.

- I. Report of the Franchise Committee, dated February 22, 1919.
- II. Extract from a speech by H. E. the Viceroy, dated September 4, 1918.
- III. Memorandum by the Government of India on the composition of the Legislative Assembly.

APPENDIX II.

Extract from a speech by His Excellency the Viceroy, dated September 4, 1918.

"I said that I would not follow up the various criticisms which have been made on our scheme, but Hon'ble Members will probably expect something from me on the vexed question of communal representation. I cannot help thinking that much more has been read into our proposals than they were intended to convey. We wished indeed to make it clear that, in our opinion, communal electorates were to be deprecated for the reasons set out in our report. But it was in the main to the method of securing communal representation by communal electorates that we took exception, and not to communal representation itself. The careful reader of the report will see that we regard this as inevitable in India, and that we clearly contemplate the representation of those communities and classes and interests who prove their case before the committee shortly to be appointed to examine the question. I am most anxious that the fullest representation should be secured to the various classes and communities in India; but I am frankly doubtful myself whether the best method for securing that representation is through a system of separate electorates. However, I am content to leave the unravelling of this important question in the hands of the committee, who will have the fullest evidence placed before them and will be free to make such recommendations as they think right, unfettered by our report."

SEVENTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Grand Committee.)

The difficulty about this scheme is that it takes too heavy a toll of the officials; at a pinch every official member of the council in the United Provinces would have to sit on a grand committee, and every member but one in Madras, Bihar and Orissa and the Central Provinces. This is a practical objection which leads us to prefer the alternative described in the preceding paragraph.

11. The proposals in para. 9 then represent our matured recommendation. They differ from the Report in that the strength of the grand committee will vary from province to province; in the Punjab it will be 37 per cent of the strength of the new Council, in Bengal 33 per cent, in Bihar and Orissa 32 per cent, in Bombay 31 per cent, in the United and Central Provinces 30 per cent, and in Madras 28 per cent. It will be remembered that the franchise committee recommended an all round ratio of 30 per cent, so that our proposals are in this respect more liberal than theirs. What we now advise differs from the report also in giving an official element which is not strictly limited to 34 per cent of the whole strength of the committee; but it complies with the spirit of the Report in putting the relative voting power of the officials and the non-officials on precisely the same footing as in the present legislative bodies. It aims at placing the official Government in neither a better nor a worse position than it enjoys at present; and we are confident that it will not give the Government greater power than it can at any moment assume under the existing regulations. Besides our claim that our proposals carry out the definite intentions of the authors of the Report, we believe that only in this way is it possible to ensure that the grand committee will be capable of discharging the duties which are expected of it. We are fully alive to the disadvantages of the official *bloc*, but we are frankly convinced that the necessary security is not, under present conditions, to be obtained in a legislative body in which the official element is reduced to a virtual maximum of one-third. We cannot urge too earnestly that, for the discharge of his heavy responsibilities, the Governor should find in his grand committee a sure staff, and not an unstable reed, and that he should not be placed in a worse position *vis-à-vis* his grand committee of the future than that in which he is to-day *vis-à-vis* his existing council.

12. For the elective element in the grand committee we accept the proposals in the report. It will be chosen, in the case of each committee, by the elected members of the council on the system of the transferable vote.

13. Our colleague Sir Sankaran Nair has in his minute of dissent given his reasons for adhering to the proposals made by the authors of the reforms Report,

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Sd.) CHELMSFORD.

„ C. C. MONRO.

„ C. SANKARAN NAIR.

„ W. H. VINCENT.

„ J. S. MESTON.

„ T. HOLLAND.

„ R. A. MANT.

Minute of Dissent.

In my Minute of Dissent to our first Despatch, I expressed the view that the device of the Grand Committee to obtain legislation considered essential by the Governor is not really necessary in view of the fact that the Governor-General in Council will continue to have the right of concurrent legislation for the Provinces. I need not here reiterate the arguments. Recent events in the Punjab give additional strength to those arguments. Proceeding on the assumption that Grand Committees will be constituted, I am clearly of opinion that their composition should be as is laid down in the report and not as my Colleagues now suggest. In our first Despatch, they urged that in the composition of a Grand Committee there should be reproduced the proportions of elected, nominated and official members in the existing Provincial Legislative Councils. Now, after considering the recommendations of the Franchise committee on the composition of the Councils, they give up their earlier proposal and put forward other proposals which, in my view are equally unacceptable. My Colleagues would reduce the size of the Grand Committee from forty to fifty per cent as proposed in the Reforms Report to 37 per cent of the strength of the new Council in the Punjab to 33 per cent in Bengal and to a smaller proportion in the other provinces. They also propose to increase the official element. These proposals are intended to reproduce in the Grand Committee the broad relation between the official and non-official voting powers which obtains under the Regulations in our existing Councils. There were two reasons which induced the authors of the Reforms Report to discard the suggestion that the official proportion should be reproduced in the Grand Committee and that the latter should comprise any proportion less than 40 to 50 per cent of the strength of the new Councils. They found that in order to secure the due representation of the interests represented by communal and special electorates without reducing the representation of the interests represented by the general electorates, we must have a Grand Committee which must comprise 40 to 50 per cent of the strength of the new Councils and that we must also reduce the official element. This argument has not been met by my Colleagues. So far as I can see, we cannot secure the due representation of the special and communal interests and of the interests represented by the general electorates in the Grand Committee as they will be constituted by my Colleagues. Considering the importance of the legislative measures that will be placed before it, according to the Reforms Report, and, a fortiori, according to the proposals of my Colleagues in the Despatch on the Report of the Functions Committee, it seems to me essential that all such interests must be duly represented and that the Committee must consist of a number not less than 40 to 50 per cent of their strength. The Grand Committee, according to my Colleagues, will consist of a smaller number than the existing Legislative Councils with the result that the measures relating to the reserved subjects which consist of the more important subjects, will be passed by a Council which would not carry the same weight as even the existing Legislative Councils. In order to support their proposal, my Colleagues have to assume that they will not be able to make all the officials in the Councils available for the purpose of every Grand Committee, while every elected member will be so available. They assume that they will not be able to rely on what they call the more conservative elements in the community. They do not like to carry their contentious government measures by the votes of persons nominated to represent the depressed classes, Anglo Indians, Indian Christians, labour and other interests of a sectional character. They have also to assume that the elected non-officials in a body will be opposed to them. I do not think we are entitled to make any such assumptions in putting forward legislative proposals for reform. Further, they will accept the number of officials provided by the Franchise Committee, while they would reject the composition of the Grand Committee for which the Franchise Committee have provided that number.

There are further certain other assumptions underlying the proposals of my Colleagues which I am unable to accept. It is assumed that the effect of the growing influence or the control of the legislature over the Provincial Government would be a deterioration of the standards of administration. I see no reason for making any such assumption. On the other hand the past work of the elected members of legislative Councils would justify the contrary assumption. If we are not prepared to assume that Legislative Councils will bring a sense of responsibility to bear upon their public work ; if, on the contrary, we must assume that their tendency will always be in the direction of a lowering of the standards of administration and that it becomes the constant duty of the Governor to keep a vigilant watch over

such a tendency in the Council and to act on his individual responsibility as if he alone was concerned for good Government, the logical conclusion could not be resisted that it would be far better, in the interests of the country, to abolish the Councils altogether and frankly to invest the Governor with undivided power and responsibility. As no such move is contemplated, as, on the contrary, the whole purpose of the reforms is to make the Government more popular and more constitutional by making Legislative Councils larger and more representative and by endowing them with real control and greater influence over the administration in the transferred and reserved spheres respectively, we should courageously act on the footing that these Councils will be competent to discharge the duties laid upon them and will, as a rule, act with good sense and public spirit. If this is so, it must follow that the Governor should, as a rule, act with the concurrence of the Legislative Council; that he should carry even the legislation in reserved subjects, as a rule, through the Council, and that he must regard his power of certification as an exceptional power that should only be brought into play sparingly.

Meetings of Grand Committees should not be of frequent occurrence, nor is there reason why all the official members of the Council should not be available to serve on every Grand Committee. More than one committee would not be sitting at the same time. Official members are rarely absent from Council meetings. It should not be necessary to swell their number merely with a view to provide different sets of men for different Grand Committees nor out of a feeling of want of confidence in the non-official members to support the Government measure. Almost invariably a number of nominated as well as elected non-official members is found in every Council who do not go with the majority of the elected members. This will be so much more frequently in the Councils of the future. Rid of the official *bloc* and with parties among themselves, there will be much more of division of opinion among elected members and there will be no combination among them and the nominated members solidly to vote against official measures. My Colleagues have made a pointed reference to our most recent experience in the Indian Legislative Council which shows to their eye that no non-official members can be relied upon invariably to support a Government measure. A Government measure which evokes such a unanimous and concentrated opposition must be an exceptionally controversial measure, and the odds are at least even that the combined opinion of all non-officials is as sound as that of the Government which seeks to force down such a measure on an unwilling people. In this connection, I may recall the words addressed by Lord Morley to the Government of India. In his Despatch of November 1908 in which he conveyed his decision to do away with official majorities in the Provincial Councils, he pointed out that when all the non-officials are unanimously opposed to a measure, it is very likely desirable that that measure should not be proceeded with, for the time being at any rate. The wisdom of this advice will still more be apparent in future with the growing power of public opinion and the increasing necessity of Government's relying upon the support of opinion. If there is any force in this line of reasoning—and I venture to think that on any other footing there is no *raison d'être* for reforms at all—then we can easily accept the Report Scheme of the composition of Grand Committees as well as the Southborough Committee's recommendation. Given Provincial Councils constituted as the Southborough Committee have recommended, Grand Committees consisting of 40 to 50 per cent of the total strength of the Councils and including a bare majority of nominated members, can certainly be constituted. The non-official element among the nominated members need not be confined to the nominated non-official section of the Council. It is nowhere stated in the Montagu-Chelmsford Report that the Governor should not nominate elected members. The Governor would make the nomination *ad hoc* and it is reasonable to suppose that he would select for nomination such of the elected members as he may rely upon. If a legislation removed from the purview of the Council cannot be carried through a Grand Committee with the support of a very few elected members in addition to that of the officials it must be a bad measure; and I would unhesitatingly conclude that such a measure which has not a single friend among non-officials even if they have been elected to the Council had better not be enacted into law at all.

Holding these views, I am sorry I am unable to join my Colleagues in proposing the variations from the Report Scheme which they urge in the Despatch.

May 28, 1919.

C. SANKARAN NAIR.

NINTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Assam and Backward Tracts.)

have no division of subjects he would require resolutions on all subjects in the portfolios of the ministers to be accepted except for very strong reasons ; and he would make budget resolutions binding in so far as they involved only the transfer of funds between heads in charge of ministers. He proposes a legislative council with a four-fifths elected element, and for the affirmative power of legislation he would rely on the existing power of making Regulations under sec. 71 of the Government of India Act, 1915. It appears, however, to be an essential part of his proposals that the council should be divided into two portions, viz., one official, one minister, and one non-official without a portfolio for each valley. These portions would have their headquarters in their respective valleys. Each would have its own secretariat establishment. Each would in fact form the Government of its valley in all cases of minor importance. The Governor's headquarters would remain at Shillong, and only an occasional case would be sent up to him from one valley or the other.

8. This project appears to us to have great disadvantages. The first and most obvious objection is that it would give the province an extremely top-heavy administration. The Chief Commissioner himself admits that the present administration is sufficiently heavy, and to reduce the excessive top-hamper which the superimposition of a council of six would involve he proposes to convert the existing two commissioners into councillors. Even if this were done, there would still be in each valley a council of three members exclusive of the Governor, with its own secretariat, to control the destinies of a population which is less than that of some existing districts. We think that there would certainly not be work for all the members of so large an executive, and that there would be a great danger of its interfering in details of administration with which the chief executive authority should have nothing to do. Further, the estimated surplus of the province under the Report scheme is only three lakhs. The people would undoubtedly complain if this small surplus were largely swallowed up in additions to the highest posts of an administration the weight of which is already criticised.

9. There are, however, further objections to the scheme. We could not approve of the election of members of the executive for the reasons given in para. 161 of the Report, and we have already advised in para. 37 of our first despatch that the proposal to appoint additional members without portfolios should be abandoned. Details like these could perhaps have been adjusted, but the whole conception of an executive council which is divided into two portions seems to us unsound. Each committee of council would control the whole administration within its jurisdiction, and its power would only be limited by rules requiring the submission of all cases of importance to the Governor in Shillong. For all practical purposes the committee of the council for each valley would be the Government for that valley, and there would be a strong tendency for each committee to consult the Governor less and less and to act more and more on its own authority, while the meetings of the whole council, necessarily limited even in the most favourable circumstances, would be held at increasingly long intervals. The system would, it seems to us, develop a separatist tendency, and would increase rather than reduce the difficulty of bringing the two valleys under one administration.

10. Another plan which has found advocates is that of the divisional councils described in para. 243 of the Report. It is claimed that a scheme of this type, modified to meet local conditions, is eminently suited to the province, could be applied at once, and would be popular in both valleys, once the idea that Assam was receiving less generous treatment than the more advanced provinces had disappeared. The population of the sub-provinces would undoubtedly be small, but communications are bad and distances are considerable, while the fact that the provincial headquarters is situated in the hills reduces the attraction of headquarters posts to Indians. The jealousy between the two valleys might be expected to disappear in time and after a period of training on the lower plane they might join with the intervening hills in forming a single administration. While we are in full agreement with the authors of the Report in rejecting a scheme of this type for general application, we feel bound to admit that the reasons which influenced

them in their decision have less application to Assam than to almost any other area in India. The divisions in Assam would be natural and not artificial. They would certainly be small, but the range of matters which could be administered for each valley separately would not apparently be unduly limited, while the union of two divisions only would be required to raise the representative institutions to a provincial basis. Lastly, Assam is admittedly backward in its political and social development and its political needs are therefore less exacting than those of other provinces. On the whole, however, we feel that the objections to the adoption of a scheme of this type elsewhere apply also, if with lesser force, to the case of Assam, and that having rejected the scheme for general application we are unable to recommend it in the case of this one province.

11. Another suggestion is that the best arrangement would be to form an executive committee consisting of the Governor, as President, with the two commissioners and two Indians as members, the latter, of whom one would be taken from each valley, being chosen from the members of the legislative council and placed in charge of the transferred subjects. The main advantage claimed for the scheme is that it would be cheaper than that proposed in the Report. The members of such a committee, it is said, could be paid lower salaries than members of an executive council. The committee seems to us to be simply a council and ministers under another name. There is no difference in principle between this scheme and the Report scheme, and we prefer to secure the reduced cost, which we admit to be desirable, by other means than a change of name.

12. With a view to meeting the objection that the administration will be top-heavy it has also been proposed that the executive should consist of the Governor, in charge of reserved departments, assisted by two members without portfolios, and a single minister in charge of the transferred departments. This scheme approaches more nearly than any other to that which we ourselves recommend, but we feel the same objection to the *adlati* as we have already expressed in laying before you our views on the Report scheme.

13. The last constructive proposal which we shall mention is of a different type from any of the preceding. You are aware that a certain section of the inhabitants of Assam have expressed a desire for re-union with Bengal. Some of our advisers would go further on these lines: they suggest that all the plains districts of the province should be transferred to Bengal and the remainder of the province should continue to be administered on the present lines. So far as we are aware, however, such a desire for union with Bengal is confined to certain of the inhabitants of the Sylhet district, who presented an address to yourself and His Excellency in December 1917, and to other persons in the Goalpara district, regarding whose request we enclose two letters Nos. 356-W., dated March 12, 1919, and 709-W. dated May 20, 1919 from the Chief Commissioner. We have therefore no evidence, that there is any general desire for a transfer to Bengal, and we agree with the authors of the Report (para. 246) and with the Chief Commissioner that redistributions of provincial areas should not be imposed by official action, and should follow rather than either precede or accompany reform. For these reasons we do not propose to seek a solution of the problem in any territorial re-adjustments.

14. It is time now to put forward our own proposals. At the head of the province we would retain the Chief Commissioner with his present title and the emoluments proposed in para. 36 of our despatch of March 5. The retention of the title of Chief Commissioner would mark the difference between Assam and the other provinces in the matters of size, wealth, development and general importance; and for this reason it appears to us to be far more suitable than the more imposing designation of Governor which would also involve additional expenditure if the accepted status of that office is to be maintained. Under the Chief Commissioner there would be one member of council and one minister who would hold charge of the reserved and transferred departments respectively. We think that the pay of the minister should be fixed in the manner proposed in para. 41 of the despatch of March 5, and we recommend that the pay of member of council should be Rs. 3,500, which seems to us appropriate having regard to the position of the province.

and the work to be done. We realise that even this comparatively slender government will increase the cost of the administration appreciably, but this we see no way to avoid. Any form of council government must be more costly than an administration with a single head. Indian opinion is strongly in favour of council government and may be expected to acquiesce in the increased cost. We do not at present see how any economies can be effected which will counterbalance this increase, but on this point we propose to consult the local administration.

15. We propose further that the division of the province into two distinct portions, one composed of plains and the other of hill districts, should be given practical recognition in the system of government. In so far as the plains are concerned the administration should be carried on in the same way as is proposed for other provinces. In particular the relations of the Chief Commissioner and his minister would be similar to those subsisting between the Governor and his ministers in other provinces. For the hill districts some modification of this system will be necessary, and we are disposed to think that the arrangements which we propose in para. 21 below for the Chota Nagpur division of Bihar and Orissa and other similar areas would be suitable. It may be, however, that parts of these hill districts should be entirely excluded from the jurisdiction of the reformed government, and we desire to consult the Chief Commissioner further on the point.

16. In regard to the legislative arrangements also we propose certain modifications of the general scheme. A council constituted on the lines proposed by Lord Southborough's committee, subject to the modification suggested by us in para. 8 of the despatch of April 23, and any others that may result from consultation with the Chief Commissioner and local opinion in Assam, would be suitable for general legislation; but inasmuch as there exists already the power to pass regulations for Assam under sec. 71 of the Government of India Act, it is doubtful if there is any need for adopting the grand committee procedure in the case of this small province. In favour of doing so the considerations of uniformity may no doubt be urged; but we see advantages both in keeping the legislative machinery in Assam as simple as possible and also in having somewhere in actual operation an alternative method of passing laws which do not commend themselves to the provincial council. We feel also that there may be special difficulties in regard to the introduction of standing committees and council under-secretaries until the political life of the province is further developed and communications greatly improved. The local administration is, however, in the best position to judge of the advantages of introducing these refinements, and we are prepared to leave the matter in its hands on the conditions laid down in paras. 92 and 93 of our despatch of March 5. Subject to these modifications we think that the legislative arrangements proposed for other provinces may be accepted for the plains portion of Assam. For the hill districts, however, some further special arrangements will be necessary. In regard to them we would certainly retain with the Chief Commissioner the power to propose regulations under sec. 71 of the Government of India Act, and we would confer on him the further power, which we propose below should be given to the Governor in respect of certain backward areas, of excluding by notification the whole or any part of these districts from the operation of any Act or part of an Act. Apart from the exercise of either of these powers the laws in force in the hill tracts would be those passed by the provincial legislative council.

17. As the draft Bill is no doubt already undergoing changes in London, it would be a waste of time for us to indicate at this stage exactly what modifications will be required to give effect to our suggestions; but it is evident that change will be needed in clauses 2 (1) and (2) and consequential changes in other parts of the Bill.

Backward Tracts.

18. We turn now to the complex question of the treatment of the backward tracts. The authors of the Report (para. 199) observed that even in the

eight provinces, to which they proposed to apply their general scheme, there would be areas where material on which to found political institutions was lacking. They thought that the demarcation of these areas would present no difficulties, as they would generally be the tracts mentioned in the schedules and appendices to the Scheduled Districts Act, 1874, and, while proposing that the definition of these areas and the arrangements to be made for them were matters for further consideration, they suggested that the typically backward tracts should be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the province. We are not sure what construction should be placed on the phrase "exclusion from the jurisdiction of the reformed governments," and before we consider the local Governments' proposals, we desire to explain our own views on this point. We think that if any area is wholly excluded from the scope of the reforms scheme, it would inevitably follow that :—

- (i) no legislation should be enacted, no question should be asked and no resolution should be moved, affecting such area, in the legislative council. Legislation for such an area be effected, entirely by means of regulations made by the Governor General in Council under Section 71 of the Government of India Act, 1915.
- (ii) the administration of such areas, as regards both reserved and transferred subjects, should be carried on either by the Governor, as proposed in the Report, or, as we ourselves should prefer, by the Governor in Council.
- (iii) budget provision for the administration should be made separately, and should not be subjected to the scrutiny of the legislative council.

Since this is what exclusion involves, however, it seems to us to follow that the tracts excluded must be restricted to the narrowest possible limits. Such areas would in fact be those which pre-eminently deserve the description of 'typically backward tracts.' But when such territories have been excluded, there will still remain considerable tracts which in the opinion of most of us are not yet suited for the type of government which we propose for the provinces generally. The treatment of these intermediate areas presents a difficult problem. They are larger and more important than the wholly excluded areas and some of them return representatives to the existing councils. Apart from this, the actual administration of the transferred subjects within them presents practical difficulties which would not occur in the case of the smaller and wilder places. In Bihar and Orissa, for example, there are wide areas which taken as a whole are backward but yet contain towns enjoying local self-governing institutions. If such areas were wholly excluded, then any business connected with these municipalities would be transacted not by the minister but by the Governor or a Member of the Executive Council, though the same Secretary to Government would deal with all municipal administration and the same provincial inspecting agencies, such as Deputy Sanitary Commissioners, Audit officers and others, would deal with departmental questions in these just as in other municipalities : the Director of Public Instruction for instance would be under the Minister in respect of ordinary education business, but, so far as excluded areas were concerned, would be subordinate to the Governor or a Member of Council ; while officers of transferred departments whose jurisdiction extended into the excluded areas would have to serve two superior authorities, and officers required solely for excluded areas would have to be borrowed from the cadres under the Minister. Further complications would arise in regard to budget procedure. If the separate purse system is adopted, then all receipts and expenditure on account of transferred subjects in these areas would have to be separated from the departmental budgets and included in the reserved budget. These examples are sufficient to illustrate the difficulties which would be encountered. We believe therefore that the total exclusion of many so-called backward areas is not feasible, and would lead to much avoidable confusion and friction in the administration. On the other hand as we are not prepared to apply the general scheme of reforms in such areas to its full extent, we have to seek some modifications which will render

the scheme suitable for application to these areas. Our view is therefore that the backward areas should be divided into two classes, namely,

- (a) those wholly excluded, and
- (b) those in which the scheme should be introduced with modifications.

In deciding how to apply these principles we have been guided partly by the existing legal position in respect of the several areas, and partly by the recommendations of local Governments. The latter together with a brief summary of their contents are included as enclosures Nos. I(i) to (viii) and II of this despatch. The legal position is set out clearly in the statement (enclosure No. V) which has been prepared in our Legislative Department.

19. We take first the case of Bihar and Orissa, in which province the tracts proposed for special treatment are the largest and most important. The local Government have come to the same conclusion as ourselves that all the backward areas cannot be treated similarly. They propose that—

- (a) the Santhal Parganas and Angul should be wholly excluded; and
- (b) the five districts of the Chota Nagpur division and the district of Sambalpur should be included in the scheme and should be treated as ordinary districts, with this exception that the Governor in Council should have power (1) to prescribe by notification the portions of these districts to which any Act or portion of an Act shall apply, (2) to decide to what portions of these districts the jurisdiction of ministers shall extend, and (3) to exclude any such portion from the scope of any order by a minister.

20. The district of Angul is the simplest case. It consists of two separate portions embedded among the Orissa States. The headquarters of the two parts are nearly ninety miles apart and are separated by State territory. Each subdivision is a network of hills, valleys, ravines and forests, with very little cultivated land. The density of the population is less than in any other district of the province, and the inhabitants are mostly aborigines or low caste Hindus, of whom a very small percentage is literate. The district is a scheduled district and de-regulationized by the Angul Laws Regulation, 1913, that is, it is an area which is excluded from the operation of the ordinary law. Legislation is effected by Regulation and the district is unrepresented in the legislative council. We entirely agree that it should be wholly excluded from the scope of the reform scheme and should be administered by the Governor in Council.

21. The Chota Nagpur division, however, contains five districts with an area of 27,000 square miles and a population of five and a half millions. The standard of civilization varies very considerably in different parts: the wilder tracts are inhabited almost exclusively by aboriginal and semi-aboriginal tribes, while on the other hand the division contains a certain number of towns, the most important coal-fields in the whole of India, and an area round the Tata iron and steel works which bids fair to become one of the most important industrial manufacturing centres in the country. The whole division is scheduled under the Scheduled Districts Act but is not de-regulationized. Legislation cannot at present be effected by Regulation as the division, though scheduled, has not been the subject of a resolution under sec. 71 (4) of the Government of India Act, 1915, or the provision which that section re-enacted. The districts of this division are represented in the provincial legislative council, and indeed the only legislative authority at present is that council, though various enactments in force are of local application only and different in character from those in operation in other parts of the province. The administration generally is conducted on much the same lines as in other parts of the province with this exception that in certain parts of the division the same officers administer both civil and criminal justice. The ordinary Civil and Criminal Procedure Codes are in force. In view of all these facts we agree with the local Government that it is not advisable wholly to exclude this area from the scope of the reforms scheme. At the same time there are some special considerations of which account must be taken. There are in the division a large

number of ignorant and excitable aborigines, who actuated by the exactions of landlords and the oppression of money-lenders have from time to time joined in armed risings against the Government. There is also, at times, a pronounced bitterness of feeling between the aborigines and the other Indian inhabitants. For these reasons we are not prepared to recommend the inclusion of the division without some special safeguards. We agree with the Lieutenant-Governor in Council, that the Governor in Council should have power to decide what legislation shall have force in the division or any part thereof. We would give him a power by notification to exclude the whole or any part of the area from the operation of any Act or part of an Act passed by the local legislature, and also power to apply any such legislation, with any restrictions or modifications that he considers necessary, to the division or any part of it. Except for these powers of exclusion, restriction and modification, the Lieutenant-Governor in Council would have no positive power of legislating for such areas otherwise than through his legislative council and if need be his grand committee. On the administrative side we do not think that it is desirable to place in the hands of the Governor in Council the power to exclude any part of the division from the jurisdiction of ministers. This is not in our opinion a power which can advisably be vested in any local Government. We would give ministers jurisdiction throughout the whole area, but it should be understood that in the exercise of the control discussed in para. 219 of the reforms Report, the Governor would have a wider discretion in varying the orders of the ministers in these areas than he has elsewhere. Moreover as an ultimate safeguard we would permit him, with the previous sanction of the Governor General in Council, to re-transfer any transferred subject in these tracts if such an extreme measure became necessary. The Governor, thus empowered, will then be in a position to carry out the instructions with which we propose to charge him in respect of aboriginal tribes and which have been included in the draft instrument forwarded with our despatch of April 16. These proposals differ in some respects from those put forward by the local Government, and we think that the Governor in Council should be given an opportunity to examine them before they are finally adopted.

22. The Santhal Parganas is a large and comparatively densely populated district which is inhabited chiefly by aborigines, semi-Hinduised aborigines and low caste Hindus. Middle or higher castes form only a small percentage of the population, but there is a Bengali fringe on the east and south of the district where it adjoins Bengal, and the district contains several Bengali health resorts. The district resembles Chota Nagpur in respect of the danger of aboriginal risings against landlords and moneylenders and the bitterness of feeling between the aborigines and the Hindus, which is due to efforts by the Hindus to deprive the aborigines of their lands. Some collieries have recently been opened but their output is still small. The district is scheduled under the Scheduled Districts Act, is de-regulationized, and is an area in which legislation can be effected by Regulation under sec. 71 of the Government of India Act, 1915. A small number of persons entitled to vote for members of the existing legislature are resident in the district and Lord Southborough's committee have recommended that the municipalities of the district should be included in the new urban constituencies. The local Government propose that the district should be wholly excluded. For various reasons we feel that it would be hard to justify this extreme measure. We have already mentioned the proposed enfranchisement of the municipalities. Other reasons are that a considerable part of the district is no more backward than other parts of the province, which will not be excluded, and no part of the district is more backward than a large portion of Chota Nagpur. We propose therefore that the district should be treated in the same manner as Chota Nagpur.

23. Sambalpur was transferred from the Central Provinces to Bengal in 1905. Its position is much the same as that of the Chota Nagpur division and some of its inhabitants are at present enfranchised. We think that the arrangements proposed for the Chota Nagpur Division would also be suitable for this district.

24. We turn next to Madras where large and important areas are also proposed for exclusion. In regard to the Laccadive and Aminidive Islands

we agree with the local Government. The total area of these islands is only ten square miles and their population fourteen thousand. The islands lie at a distance from 125 to 250 miles from the Malabar coast and during the monsoon are entirely cut off from the mainland. They are scheduled districts and are excluded from the operation of the ordinary laws at present. Their interests are entirely distinct from those of the mainland and no advantage would accrue to them from inclusion within the scope of the reforms scheme. The Agency Tracts in the districts of Ganjam, Vizagapatam and Godavari, however, are in an entirely different position. These tracts have a total area of nearly 19,000 square miles and a population of $1\frac{1}{2}$ million. They are largely covered with jungle, sparsely provided with communications, and inhabited by tribes which are described as "most illiterate and ignorant of the ways of the world, and yet ready to go on the war path, if any of their many peculiar susceptibilities are wounded." It was owing to their increasing turbulence that they were excluded from the operation of much of the ordinary law and placed under the direct administration of the Collectors who were armed with special powers as Agents to the Governor. The limits of these tracts come under review from time to time and if any portion of them is excluded it comes automatically under the regular administration. The tracts are scheduled districts under the Scheduled Districts Act but it may be doubted whether they are properly speaking de-regulationized areas. At present legislation is effected by rules made by the local Government under an Act of 1839 and the Scheduled Districts Act, 1874. The tracts contain some large zamindars, who at present share in the election of a member of the provincial council, and other voters, and therefore we hesitate to endorse the proposals of the local Government which would result in the disenfranchisement of these persons. We are disposed to think that the arrangements proposed for the Chota Nagpur division of Bihar and Orissa would be suitable and in regard to these we desire to invite the opinion of the local Government.

25. The Government of Bengal recommend the exclusion of the Chittagong Hill Tracts and the Darjeeling district. In regard to the former we have no hesitation in endorsing their proposal. These tracts cover a wide area. They are very sparsely populated and their inhabitants belong to a variety of more or less savage tribes. The district is a mass of hill, ravine and cliff, covered with dense bamboo, tree and creeper jungle. It is a scheduled district and is also de-regulationized. Legislation is effected by Regulation and no inhabitants of the district at present have a vote in council elections. It is clearly a typically backward area which should be wholly excluded.

26. The exclusion of the Darjeeling district is a more doubtful proposal. It is entirely composed of mountains and *tarai*, and its inhabitants are mostly of Mongolian origin, among whom Nepalese, Lepchas, Bhutias and Tibetans are numerous, while in the *tarai* there are large numbers of aborigines from Chota Nagpur and the Santhal Parganas. The percentage of the literate population is well above the average for the presidency, but this is possibly due to the considerable Christian population. The district is scheduled under the Scheduled Districts Act, but is not de-regulationized and is not an area in which legislation can be effected by Regulation. Its inhabitants include a considerable number whose names appear on the electoral rolls of the existing legislative council. The case for total exclusion is strengthened by the expressed desire of the hillmen, a copy of whose representation is enclosed with the local Government's letter. On the whole, however, we should prefer to treat the district in the manner proposed for Chota Nagpur and other areas, and desire to consult the local Government before making any final recommendation.

27. The two areas proposed for exclusion in the Punjab raise no difficulties. Lahaul and Spiti are remote tracts of country lying in the heart of the Himalayas and cut off from the rest of the province for six months in every year. They are both scheduled districts and Spiti is also de-regulationized. We agree that both areas should be wholly excluded.

28. The Governments of Bombay and the United Provinces do not propose the exclusion of any areas. We accept their view. The Chief Commissioner of the Central Provinces has not suggested any area for exclusion, but proposes

that certain tracts should be represented in the legislative council by nomination rather by election. Provision for the representation of these areas by nomination has been made in the scheme suggested by Lord Southborough's committee and we do not desire to make any alternative proposals, though we think that there would be advantages in applying to these tracts the same arrangements as we propose for Chota Nagpur and other areas.

29. These then are the lines on which we propose to treat the question generally. Their precise application can only be determined after further reference to local Governments. We should not for instance be prepared to abandon the use of sec. 71, of the Government of India Act, 1915 in all the partially excluded areas where it can be employed at present without an assurance that the local Government concerned is satisfied with the arrangements proposed in lieu of it. With this reservation, however, our proposals are :—

- (i) that Angul, the Chittagong Hill Tracts, the Laccadive and Amanadive Islands, Spiti and Lahaul should be wholly excluded from the reforms scheme.
- (ii) that Chota Nagpur, the Santhal Panganas, Sambalpur, the Agency Tracts in Madras, and the Darjeeling district should be partially excluded.

We have now to indicate how we think that effect should be given to these proposals. It will be more convenient to define the excluded or partially excluded areas by rule rather than by a new schedule to the statute, both because we need time for the determination of details, and because it may hereafter be necessary to vary whatever arrangements are made at the outset. The first step therefore would be to insert in the Bill a clause empowering the Governor General in Council with the sanction of the Secretary of State in Council to make rules excluding any area within the eight provinces (or, excluding Assam, seven) to which the provisions of Part I of the Bill apply, wholly or partially from such provisions. The Bill should provide that areas wholly excluded would remain under the administration of the Governor in Council; and that legislation for them would be effected entirely by Regulations. In respect of areas partially excluded there should be no new power of making Regulations, but the Bill should confer the following powers :—

- (i) power to the Governor in Council by notification to exclude the whole or any portion of such partially excluded area from the operation of any Act or part of any Act passed by the provincial legislative council; or to apply with such restrictions, or modifications as he thinks fit, any such Act or part of such Act to the whole or any portions of such area.
- (ii) a similar power to the Governor General in Council to exclude such area or part of an area from the operation in whole or part of an all-India Act or to apply it thereto with restrictions or modifications as he thinks fit. This power is merely the necessary complement to (i).
- (iii) power to the Governor in Council, with the previous sanction of the Governor General in Council, to retransfer the administration of any given subject in respect of such areas to the hands of the Governor in Council.

We do not think that it is necessary to make specific provision for the freer exercise of the Governor's powers of intervention in transferred subjects in respect of such areas, to which point we have referred in para. 21 of this despatch. But if you consider it necessary to provide for it explicitly the appropriate means of doing so would be to include a provision in the instrument of instructions.

30. Our colleague Sir Sankaran Nair agrees with our proposals in so far as the areas to be wholly excluded are concerned, (though he would prefer that the Bill should itself specify the wholly excluded tracts) but does not agree in regard to the other areas. He does not think that the administration of minister,

in these latter areas should be subject to any greater strictness of control by the Governor than it is elsewhere. He feels that the orders of a minister in regard to such areas could not ordinarily be interfered with without affecting other territories, and he objects most strongly to the proposal that the Governor should be given the power to re-transfer any transferred subject with the sanction of the Governor General in Council. In his view all that is needed is that the Governor should be charged with the special duty of protecting the interests of all aboriginal tribes.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

„ C. C. MONRO.

„ C. SANKARAN NAIR.

„ W. H. VINCENT.

„ R. A. MANT.

„ H. F. HOWARD.

Minute of Dissent.

I accept the scheme proposed for Assam in the Despatch subject to the minutes of dissent which I have already submitted. I have to add that I do not agree with all the reasons given for rejecting the proposals of the Local Government. I approve of the election of members of the executive by the Legislative Councils.

SIMLA ; }
June 5, 1919. }

C. SANKARAN NAIR.

LIST OF ENCLOSURES.

I.—

- (i) Letter from the Government of Madras, no. 1024, dated November 9, 1918.
- (ii) Telegram from the Government of Bombay, no. 9630, dated November 6, 1918.
- (iii) Letter from the Government of Bengal, no. 6156-A., dated November 15, 1918, and enclosure.
- (iv) Letter from the Government of the United Provinces, no. 2019, dated September 23, 1918.
- (v) Telegram from the Government of the Punjab, no. 20418, dated November 17, 1918.
- (vi) Letter from the Government of Bihar and Orissa, no. 4097-P., dated November 9, 1918.
- (vii) Letter from the Chief Commissioner, Central Provinces, no. 389-A.-IV, dated November 21, 1918.
- (viii) Extract paras. 4 and 5 of a note by the Hon'ble Sir Nicholas Beatson-Bell, Chief Commissioner of Assam, dated October 24, 1918.

II. Summary of local Governments' proposals—

III. Analysis of the revenue and expenditure of the hill districts in Assam.

IV.—

- (i) Letter from the Chief Commissioner of Assam, no. 356-W., dated March 12, 1919, and enclosure.
- (ii) Letter from the Chief Commissioner of Assam, no. 709-W., dated May 20, 1919, and enclosure.

V. Statement showing the powers of legislation in the territories referred to in the despatch.

APPENDIX I.

No. 1024, dated Fort St. George, the 9th November 1918.

From—The HON'BLE MR. C. G. TODHUNTER, I.C.S., Acting Chief Secretary to the Government of Madras, Public Department,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to the Home Department telegram no. 1324-Public, dated the 3rd October 1918, in which the Government of India desire to be furnished with the recommendations of the Governor in Council as to the backward tracts in this Presidency which should be subject to special treatment with reference to paragraph 199 of the Report on Indian Constitutional Reforms.

2. In the Ganjam, Vizigapatam and Godavari districts of this Presidency there are certain special tracts known as the Agency tracts and these are described in the schedules and appendices to the Scheduled Districts Act, 1874 (XIV of 1874), and the Laws Local Extent Act 1874 (XV of 1874). These areas owing to their hilly and jungly character, the prevalence of malaria and the absence of communications, have hitherto remained almost completely undeveloped and are generally exempt from the operation of the laws in force in the plains and the jurisdiction of the ordinary courts of justice. They are administered directly by the Governor in Council who has framed for the guidance of his agents and subordinate officers a few simple and elastic rules of procedure in virtue of the powers conferred on him by Acts XXIV of 1839 and XIV of 1874. The Agency tracts are inhabited mainly by simple and ignorant jungle tribes whose education is still elementary and who retain their ancestral customs as to tenure of land, devolution of property, family or tribal organization and social observances. These tribes, are still in very early stages of civilization, use bows and arrows, wear little clothing, are timid, excitable and easily imposed upon and totally unfit for any form or degree of political advance. The Governor in Council believes that these tracts are best administered under the existing simple system of rules and should under such conditions be more capable of development on sound lines than if brought at this stage under the influence of complex codes. They are clearly areas in which material for the foundation of political institutions is at present entirely lacking. I am accordingly to recommend that the Agency tracts of this Presidency be excluded from the jurisdiction of the reformed provincial Government and continued under the present system of administration. I may add that from time to time occasion arises for the examination of the revision of the limits of the Agency tracts and if in the future any area should be excluded from such tracts, it would automatically become liable thereby to the jurisdiction of the reformed provincial Government.

3. I am also to recommend the exclusion from the jurisdiction of the reformed provincial Government of (i) the Laccadive Islands, including Minicoy, attached to the Malabar district and (ii) the Aminidivi Islands attached to the South Kanara district. The Malabar Islands are administered under a special law—The Laccadive Islands and Minicoy Regulation, 1912. The Aminidivis, or the northern group of the Laccadives, are included in the expression "Laccadive Islands and Minicoy" occurring in the first schedule, Part I of the Scheduled Districts Act XIV of 1874. These Islands are excluded from the operation of the general Acts and Regulations and the jurisdiction of the ordinary courts of judicature. The people are primitive and the administration is of a patriarchal character, the chief representative of the Government being an officer styled 'Monigar' whose court has the sanction of custom, usage and unquestioned authority.

Telegram No. 9630, dated the 6th November 1918.

From—The Secretary to the Government of Bombay, Political Department,
To—The Secretary to the Government of India, Home Department.

Reference your 1324-Public, September 3rd. Bombay Government have no recommendations regarding backward tracts.

Darjeeling. It is true that over 167,000 are aboriginals but these are mostly immigrant who have come to work on tea gardens, and, as it will be very many years before persons of this class have any voice in the working of the reformed Government, wherever they may be, His Excellency in Council does not consider that their existence alone warrants the exclusion of the district. Of the remaining three-fifths of the population the great majority are Rajbhansis and Muhammadans. The Rajbhansis are not indeed pure Bengalis, and a great many of the Muhammadans are converted Rajbhansis, but as the same conditions prevail in the adjacent districts, this cannot be accepted as a conclusive argument.

That the district borders on Bhutan is of importance if the Government of India contemplate reserving a tract along the northern or north-eastern frontier, and on this point the local Government have no information, but otherwise it is unnecessary to attach much weight to this consideration, as, if there were serious trouble at any time with Bhutan, this area would have to be occupied by a military force, whatever the form of civil government might happen to be.

8. His Excellency in Council is inclined to think that the balance of argument is in favour of including the whole of the Jalpaiguri district within the scope of the Reforms Scheme. The eastern area is too small to form a separate district by itself, and its position precludes it from being conveniently joined on to Darjeeling, which is the only alternative if it is to be accorded special treatment. The peculiar conditions of its population and land tenures do not constitute an insuperable obstacle to its coming under the reformed provincial Government; and it is a flourishing and rapidly developing tract, associated with many matters of general importance to the province, unlike Darjeeling which, from its position in the hills and the nature of its population, must always remain set apart from the main Presidency of Bengal.

9. There are indeed other backward areas, for which exclusion might be urged, such as the aboriginals in the Burdwan division, for whom special provision has already been made in the Bengal Tenancy Act, 1918; but the difficulty is that they do not occupy a compact area and it would thus be impossible to provide satisfactorily for them.

10. The Governor in Council would therefore recommend as suitable for special treatment the districts of Darjeeling and the Chittagong Hill Tracts only, but it has been impossible in the time allowed to examine the matter fully as might have been wished and the proposals must be regarded as provisional pending further examination of the nature of the treatment which will be accorded to the excluded tracts.

No. 2019, dated Naiui Tal, the 23rd September 1919.

From—The Hon'ble Mr. S. P. O'DONNELL, I.C.S., Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324-Public of the 3rd September, in which it was stated that the recommendations of the Lieutenant-Governors as to the backward tracts, if any, which should be subject to special treatment, should be communicated to the Government of India as early as possible.

2. The only areas in these provinces which have even a *prima facie* claim to the special treatment adumbrated in paragraph 199 of the Report on Indian Constitutional Reforms, are those to which the Scheduled Districts Acts of 1874 applies. There are (1) the districts of Almora and Garhwal; (2) the Tarai Pargannas; (3) Jaunsar Bawar and (4) parts of the Mirzapur district. The latter three tracts are small areas, of little importance, and it would be inconvenient, and would serve no useful purpose to exclude them from the jurisdiction of the reformed Provincial Government. The districts of Almora and Garhwal on the other hand, although hitherto little affected by recent political developments, are not in other respects backward tracts. Elementary education is more widespread in these districts than in the province as a whole, and the level of intelligence is fully as high as in the plains. Public opinion in these districts, in so far as articulate, is against their exclusion, the non-official members of Council were unanimous against it in the debate held by them on the Reforms Scheme; and the Lieutenant Governor considers that no adequate grounds for this can be adduced. I am accordingly to say that there are no tracts in these provinces which the Lieutenant Governor recommends should be subject to special treatment in connection with the constitutional reforms now under consideration.

Telegram no. 20413, dated the 17th November 1913.

From—The Additional Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department.

Your 1324-Public of 3rd September 1913. Only tracts which Lieutenant Governor recommends should be excluded from scope of reforms scheme are Lahual and Spiti in Kangra district. Recommendation based on their remote and primitive character. Owing to snow blocking passes they are inaccessible for six months in the year.

No. 497-P., dated Ranchi, the 9th November 1913.

From—The HON'BLE MR. H. McPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324, dated the 3rd September 1913, regarding the exclusion of backward tracts from the jurisdiction of the reformed Provincial Governments, and to express regret that it was not found possible to submit the recommendations of the local Government before the 1st November. The Lieutenant-Governor in Council was unable to form his conclusions on this important subject, till he had formulated his recommendations on the entire scheme of reforms and considered their bearing on the administration of the backward areas in the province.

2. The areas which would naturally fall to be excluded from the jurisdiction of the reformed local Governments and to be administered by the Head of the Province, if the spirit of the suggestion in paragraph 109 of the Report be followed, are the deregulationized districts of the Santal Parganas and Angul and the Scheduled districts which include besides the regulationized tracts the whole of the Chota Nagpur Division and a substantial portion of the Sambalpur district which was taken over from the Central Provinces in 1905.

3. The legal position in these areas is explained below :—

(1) The Santal Parganas is a deregulationized tract, that is to say, it was removed by Act XXXVII of 1855 from the operation of the general laws and regulations, and was placed under the superintendence and jurisdiction of officers to be specially appointed by the Lieutenant Governor. By resolution of the Secretary of State in Council the provision of section 71 of the Government of India Act 1915 apply to the district. Under the Santal Parganas Settlement Regulation (III of 1872), the enactments deemed to be in force in the district are, set out in a schedule, and it is provided that except in so far as concerns the trial and determination of civil suits in value over Rs. 1,000 when these are tried under the Bengal, Agra and Assam Civil Courts Act, 1887, no other enactment shall, unless the Santal Parganas be expressly mentioned therein, be deemed to apply to the said Parganas, but the local Government may by notification in the Gazette declare any other enactment to be in force, withdraw such declaration, or with the previous sanction of the Governor-General in Council declare that any enactment specified in the schedule shall cease to be in force in the district. Other regulations make provision in respect of rent (II of 1856) the administration of justice (V of 1893), and rural police (IV of 1910) and even the civil suits of the exceptional class above referred to are tried by executive officers vested with judicial powers.

The Santal Parganas district is also named in the First Schedule to Act XIV of 1874 (the Scheduled District Act) among the Scheduled Districts of Bengal, but the Act has never actually been brought into force in the district.

(2) *Angul* is both a Scheduled district and a deregulationized tract. Notifications under Act XIV of 1874 were issued for the Angul subdivision, but they have been superseded by Regulation I of 1894 which in its turn has been replaced by Regulation III of 1913 (the Angul Laws Regulation). Under this regulation the laws applicable in the district consist of the following and no others :—

(a) the enactments enumerated in the schedule to the regulation, and

(b) enactments thereafter passed which are expressed by special mention of the district or part thereof to extend thereto, and

(c) enactments declared in force or extended thereto by notification of the local Government in the provincial gazette.

(3) *Chota Nagpur* is a Scheduled District in respect of the whole of which notification under section 3 have been issued. It comprises the districts of Ranchi, Palamau, Hazaribagh, Manbhum and Singhbhum.

(4) *Sambalpur*.—The Bara Sambar, Kolabira and Rampur Zamindaris, which cover about one-third of the district, are Scheduled Districts in which the Act was brought into force in 1878.

Legislation for the Santal Parganas and Angul is ordinarily by Regulation under section 71 of the Government of India Act 1915. Only one Act of the Bihar and Orissa legislature expressly applies to them, and of the Acts of the Imperial legislature from 1913 to 1915 inclusive only thirteen are expressed to extend to the Santal Parganas and three to Angul.

The bulk of the ordinary laws are in operation in the scheduled districts of the Chota Nagpur Division.

4. The area and population of the districts concerned are shown in the table below:—

District.	Area in square miles.	Population.
1	2	3
Santal Parganas	5,463	1,832,973
Angul (including Khondmals) ..	1,681	1,99,51
Chota Nagpur—		
Ranobi	7,104	1,387,516
Palamau	4,914	887,267
Hazaribagh	7,021	1,288,609
Manbhum	4,147	1,547,576
Singhbhum	3,891	694,394
Total of Division ...	27,077	5,605,862
Sambalpur—		
Three Scheduled Zamindaris	1,268	166,572*
Rest of district	2,556	577,621
Whole district	3,824	7,44,193

* NOTE—Calculated by proportion from the 1901 figures.

5. The problem cannot be correctly appreciated unless some brief account be given of the characteristics of the country and people comprised in each district.

The Santal Parganas is the chief stronghold of the Santal race who form 35 per cent. of the total population. In 1855 their rebellion against the oppression of alien landlords and money-lenders led to the enactment of Act XXXVII of that year which removed the district from the operation of the general laws and regulations "as not adapted to the uncivilized race of people called Santals". The district has its own agrarian system which is governed by Regulations III of 1872 and II of 1886, and a distinct judicial system which is governed by Regulation V of 1893. The Santals are a primitive people with a strong tribal organization, of which the village headman system is a leading feature. The remainder of the population includes, besides aboriginal races like the Male and Mal Paharia, a large proportion of semi-Hinduized aborigines and low class Hindus, and the middle and higher Hindu castes account for only about 15 per cent of the whole. There is a Bengali fringe of about 200 square miles on the east and south of the district where it adjoins Bengal, and there are numerous Bengali colonies in the west of the district where they have settled along the line of railway which crosses the healthy uplands of the Deoghar Subdivision. These maintain constant pressure for the removal of that subdivision from the Santal Parganas system of administration, which handicaps them in their dealings with the aboriginal population. The district consists largely of hilly country and uplands with fertile valleys interspersed. It is only half cultivated and of the uncultivated portion one-half consists of hill and forest land which is permanently unfit for cultivation.

Angul is a forfeit State situated in the midst of the tributary Mahals of Orissa. Attached to it is the Khond Subdivision of the Khondmals which lies still deeper in the hills and jungles of this tract. Both tracts are inhabited by wild and primitive people, and the higher Hindu castes represent only about 5 per cent of the total population. The administration of the district has always proceeded on lines entirely distinct from that of regulation districts.

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Chota Nagpur is part of the old 'Jarkhand' which prior to the British conquest was a land beyond the Hindu pale and but little touched even by contact with the Muhammadan Government. It consists mostly of hilly country, forest and upland. Its agrarian system has always been distinct from that of the rest of the province and is now governed by the Chota Nagpur Tenancy Act, 1908. Aboriginal and semi-aboriginal tribes, such as the Mundas, Oraons, Kharias, Hos, Santals, Bhumijis, and smaller tribes of even more backward races bulk largely in the population as will be seen from the district notes below, which are based on information contained in the District Gazetteers and the Census Reports.

Apart from its special tenancy legislation, Chota Nagpur has now been brought within the ordinary laws of the province and the ordinary system of administration; and unlike the Santal Parganas and Angul, it has returned its quota of members to the Legislative Council.

The special characteristics of the component districts are briefly as follows:—

(1) *Ranchi* is the most strongly aboriginal of the Chota Nagpur districts, the three principal tribes being the Oraons, who numbered in the 1911 census 388,768, the Mundas 343,731, and the Kharias, 42,567. It is the headquarters of three important Missions, the Anglican, the Belgian and the Lutheran, which claim between them nearly 200,000 adherents, drawn almost entirely from the aboriginal population. The high caste Hindus and Muhammadans in the district who constitute only about 5 per cent. of the population are chiefly descendants, not always pure, of immigrants from Bihar, United Provinces, and Bengal who were introduced by the aboriginal, but now Hinduized, Raja and rewarded for their services by grants of land. The struggle between these aliens and the aboriginal population has been marked by at least four serious agrarian disturbances in the course of the century but has now been brought at least to a temporary close by the recent completion of the settlement record. Much of the district is still wild and uncultivated and nearly one-third of the whole area is covered with forest.

(2) *Palamu* is by far the least developed of the Chota Nagpur districts. The proportion of its population returned as Animistic at the last Census is small, but the aboriginal and semi-aboriginal population which is Hindu only in name is estimated to amount to about 300,000 of nearly 50 per cent. of the whole. The country is exceptionally wild and the subordination of the cultivators to the landlords is in many places absolute. The greater part of the district consists of broken hilly country, covered with jungle and intersected by narrow valleys. In the two small parganas to the north transferred to Chota Nagpur in 1871, the country approaches more closely to the South Bihar type. About one-eighth only of the total district area is under cultivation, and much of this is of the most primitive kind.

(3) *Hazaribagh* like Palamu has only a small section of its population returned in the census as Animistic but the so-called Hindus who account for over 90 per cent of the total district population include such aboriginal and semi-aboriginal races as the Bhuiyas, 89,622, Bhojtas, (36984), Turis (23,977), Kurmis (Not the Kurmis of Bihar—183,559), and Rajwari (9,344), Bedas (12,688), Chamars (48,503), Dosads (26955), and even Santals (15,771 portion returned as Hindi), and it may confidently be asserted that at least one-half of the whole population is drawn from aboriginal sources. The district consists of the undulating uplands of the higher and lower plateaus interspersed with river valleys. Less than one-third of the whole is cultivated and nearly one-half is permanently unfit for cultivation. The settlement has just passed over the district and placed the relations of landlord and tenant on a more stable footing than has ever before existed, but the Settlement Officer considered that the raiyats of Hazaribagh were less self-reliant and require a greater degree of protection than even their neighbours in Ranchi; and so late as 1914 the subdivision of Chatra was created with the express object of protecting the cultivator from the oppression of their landlords.

The district of Hazaribagh includes on the east the very small but valuable Karharbari coalfields in the Giridih Subdivision, and more extensive coal-bearing areas in the Damodar valley, including the Bokaro and Ramgarh fields which may prove to be of outstanding importance. It also includes in the forest tract of Kodarma perhaps the most valuable mica producing area in the world. The existence of importance and rapidly developing industries in the middle of aboriginal and backward tracts is a feature which Hazaribagh possesses in common with the districts of Singhbhum and Manbhum, and which adds greatly to the complexity and responsibilities of district administration.

(4) *Singhbhum* consists of three entirely distinct parts:—

(a) The Kolhan, which is Government Estate peopled almost wholly by aboriginal Hos, who number about 250,000 and speak their own language Ho.

(b) Porabhat, where the population is largely aboriginal (Ho and Munda) and semi-Hinduized (Bhuiya) but is also intermixed with a number of Oriya and other immigrants. About three-fourths of the headmen are aborigines. Porabhat was a Native State up till 1858, when it was sequestered owing to the rebellion of the Raja, but it was only included in British India by Act II of 1893.

(c) Dhalbhum is a portion of the Bhumij country. This tribe is almost identical with the Mundas but though still very wild and untractable has adopted a veneer of Hinduism and speaks Bengali. Many Santals are now settled in the tract. Of its aboriginal headmen many have been supplanted by Bengali and Oriya immigrants from Midnapore and adjoining districts. Tata's Iron and Steel Works have been established at Sakchi in this area, which bids fair to become one of the most important industrial tracts in India within the next few years.

The first of these three tracts is in all respects comparable with the wilder parts of the Santal Parganas, and it has always been the policy of the Government to exclude from it aliens who would deprive the aborigines of their lands. The population of Porahat is very largely aboriginal and its internal economy is on much the same footing as that of the Kolhan. There would be good grounds for treating both in the same way as the Santal Parganas and Angul and in fact the question of de-regulationizing the Kolhan was considered in the course of the pending settlement operations. The third tract Dhalbhum is more mixed and more advanced than the rest of the district.

The proportion of persons still returned as Animistic in Singhbhum is much higher than in any other district of Chota Nagpur, being well over one-half. Of the rest of the population it may be said that at least a moiety is only slightly Hinduized. Cultivated lands amount to only one-third of the total area of the district and about one-fourth of the whole is covered by the reserved and protected forests of the Kolhan and Porahat.

(5) *Manbhum* is divided into two distinct areas, the Jharia coalfields of the Dhanbad subdivision which are the most important in India, and the rest of the district which is mainly inhabited by primitive races. The four strongest races or castes are the Kurmis (not the Bihar caste of that name), who numbered at the last Census 291,671, Santals who numbered 231,672, Bhumijis 115,492, and Bauris 105,859. These are all of aboriginal descent and although the Santal is the only one of the four who has preserved more or less completely the language and faith of his race, all are alike aboriginal in essentials. Between them they account for nearly one-half of the entire population; and there are other aboriginal races. Cultivation is more advanced in Manbhum than in any other district of the division, the present proportion being 60 per cent. of the whole area.

(6) *Sambalpur* is governed by the revenue laws of the Central Provinces from which it was taken over in 1905 and its administration preserves all the features of the Central Provinces system. A large portion of the district is covered with hill and forest and it is within this tract that the three scheduled zamindaris of Barasambar, Kolabira and Rampur lie. The population is mixed, and the element returned as Animistic accounts for only 5 per cent. of the whole but at least one-third of the population is purely aboriginal, while another large section consists of low castes that are outside the Hindu pale or only slightly Hinduized. One-fifth of the district is covered with reserved forest, and of the remainder little more than one-half is cultivated. The scheduled areas are mostly inhabited by aborigines whose cultivation is very backward.

6. These being the conditions of the problem the Lieutenant-Governor in Council has no hesitation in recommending that the Santal Parganas and Angul, which are now outside the pale of the ordinary administration should be excluded altogether from the scope of the Reform Scheme and should continue to be administered by the Governor in Council. He does not suggest that they should be left under the personal control of the Governor, because he considers it desirable that the Governor, who may be unacquainted with Indian conditions, should have the benefit of the advice and experience of his two colleagues who will form the official part of the new executive Government. Neither the Legislative Council nor the Minister should have any authority over these two areas and their legislation should be conducted exclusively under the provisions of section 71 of the Government of India Act, the necessary modification being made in the Santal Parganas Settlement Regulation and the Angul Laws Regulation.

7. The problem is more difficult in the case of the scheduled districts of Chota Nagpur and Sambalpur. Both on account of the area involved, which forms a substantial proportion of the whole province, and in view of their past history, their participation in the representation of the existing Council, and their subjection to the ordinary legislation and administration of the province, His Honour in Council is reluctant to exclude them altogether from the scope of the Reform Scheme, and he has therefore considered whether certain safeguards can be provided which would permit of their inclusion. One solution would be to place them in the category of reserved subjects, so that legislation affecting them could, at the option of the Governor, be subjected to the procedure of the Grand Committee through the device of certification, while their administration would rest with the Governor in Council in respect of all subjects. There would, however, be a double inconvenience in this. In the first place it might involve an excessive resort to the device of certification, which is intended to be an exceptional procedure. In the second place it would cause a great duplication of work, through the repetition of orders relating to subjects included within the ordinary scope of the transferred sphere. The Governor in Council would have to repeat for the scheduled tracts the same orders as might be issued by the Government and his Minister for the ordinary districts of the province.

A preferable solution would appear to be to make no hard and fast distinction between ordinary districts and the scheduled districts of Chota Nagpur and Sambalpur in respect either of legislation or of administration, but to confer authority by statute on the Governor in Council—

- (1) to prescribe by notification the portions of the Scheduled districts, if any, to which any Act or portion of an act passed by the Legislative Council shall apply; and
- (2) to decide to what portions of the Scheduled districts, if any, the jurisdiction of the Minister in respect of any of the transferred subjects or any portion of them shall extend, and when such jurisdiction has been extended, to exclude any portion of the Scheduled district from the application of any order passed by the Minister.

No. 389-A.—IV., dated the 21st November 1913.

From—The Hon'ble Mr. F. S. A. SLOCOCK, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324, dated the 3rd September 1913, in which a request was made for recommendations regarding the special treatment under the reforms scheme of backward areas in the Central Provinces. An answer to this reference has already been telegraphed on the 8th instant, and I am now to explain more fully the nature of the Chief Commissioner's proposal.

2. Paragraph 199 of the Report on Indian Constitutional Reforms contemplates that selected backward areas will be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the Province. But such an arrangement would seem to be quite impracticable. For example, in a Government divided into reserved and transferred sections the minister would, it is assumed, have nothing to do with the administration of the transferred departments in the excluded areas, and every "transferred" department would be subject in these areas to the direct control of the Governor. Either the Governor would be compelled in the interests of uniformity to subordinate his individual policy in the excluded areas to that of the reformed administration in the rest of the Province, or else the departments concerned might find themselves compelled to give effect to different policies in the different areas. Similar difficulties would arise, though perhaps to a less degree, whatever shape the reformed administration might take. In fact, the suggestion in paragraph 199 appears to have been put forward with a very vague idea of what it really involved.

3. At the same time, it may be readily admitted that there are areas the inhabitants of which are at present unfit for the political franchise. Such are the areas in which the Local Self-Government Act has not yet been applied. If the people of these tracts have not yet been found fit or have not yet shown any desire to elect their local representatives on local bodies, it is obviously undesirable to force on them the privilege, which they do not desire or for which they are not ready, of electing a representative on the Provincial Legislative Council, of the very existence of which most of them have never heard. At the same time, as explained in the preceding paragraph, such areas must come into the new administrative scheme and might, where they are of sufficient importance, be represented in the new Legislative Council. Such representation should be, at the outset at any rate, by nomination by the Head of the Province. As the areas develop it will be a simple matter to form constituencies and allow them to elect their representatives in the Provincial Council or to amalgamate them with adjoining constituencies.

4. The areas to be thus treated will be:—

Firstly—All the scheduled districts of these Provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874.

Secondly—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgoan, Bilairah-Katgi, Parpori, Khujji, Devri Suarwar, Narra and Kauria (all in the Chhattisgarh Division.)

Thirdly—The Mandla district (except the Mandla town.)

Fourthly—The Sironcha Tahsil of the Chanda district, and

Fifthly—The Melghat taluq of the Amraoti district.

Note by the Honourable Sir N. D. Beatson-Bell, Chief Commissioner of Assam, dated October 21, 1918.

* * * * *

4. The first point for consideration is that raised in paragraphs 198-199 of the report, namely, whether it is wise to include the whole of Assam within the scope of any scheme of constitutional reform; and if not, what part should be included and what excluded. Much of course depends upon the nature of the scheme which may ultimately be standardised, but it may at once be granted that if in any province there are tracts which have hitherto been excluded from all constitutional experiments, and have hitherto been governed upon purely paternal principles, these tracts should either be excluded completely from the present scheme, or at least should be included subject to adequate safeguards and reservations. It has been suggested in paragraph 199 of the report that the "schedules" of the Scheduled Districts Act might form the criterion for exclusion from the scheme. I do not propose to apply this criterion to Assam, as the whole of the province has been "scheduled." Such a solution would mean that Assam, although nominally included in the scheme, was totally excluded, which is of course unthinkable. The component parts of the province must therefore be examined without reference to the Scheduled Districts Act. From such an examination we find at once that we are confronted with a problem of much difficulty and complexity. In shape and position Assam consists of an inverted triangle with its base along the north and its apex pointing south. Bengal lies on the west, Burma on the east, while along the north are Bhutias, Akahs, Daphlas, Miris, Abors and Mishmies. The whole area of the province is about 77,500 square miles and the population at last census was about 7 millions. As might be expected, every diversity of race and language is found. Aryans, Mongolians and Dravidians are found in bewildering confusion. As many as 43 different languages are spoken in the province, and if we exclude those which are spoken by less than 10,000 people we have still 32 languages, each spoken by a large section of the inhabitants. Looked at from a political point of view, this province (like Gaul) is divided into three parts. The first part consists of:—

The Garo Hills,
The Khasi and Jaintia Hills,
The Mikir Hills (in Nowgong and Sibsagar),
The North Cachar Hills (in Cachar),
The Naga Hills, with outlying tracts,
The North-East Frontier Tract, in two parts,
The Native State of Manipur,
The Lushai Hills.

This part covers nearly two-thirds of the whole province—in other words 50,500 square miles out of 77,500. Its population is roughly one million, consisting of simple hill tribes governed in patriarchal fashion. With the exception of Shillong Municipality, which joins with some other municipalities in electing a member, this vast tract is entirely unrepresented in the present Legislative Council.

The second part of the province consists of the following districts lying along the river Brahmaputra:—

Goalpara,
Kamrup,
Darrang,
Nowgong (the remainder),
Sibsagar (the remainder),
Lakhimpur.

This part, known as the Assam Valley, covers about 20,000 square miles and has a population of about 3 millions. In this part the prevailing religions are Hinduism and Animism, and the prevailing language is Assamese. The Assam Valley elects four Indian members to the present Legislative Council, including one representative of the Muhammadan minority.

The third part of the province, separated from the second part by ranges of hills, consists of a small but densely populated tract known as the Surma Valley. The districts in this part are Sylhet and Cachar (Sadr and Hailakandi subdivisions). The area is much smaller than the Assam Valley, being only 7,000 square miles. The population is, however, practically the same, namely, 3 millions. The Muhammadans form a slight majority. The Surma Valley like the Assam Valley elects four Indian members to the present Legislative Council. Of these members, two are Hindus and two are Muhammadans. Of the latter, one represents the Local Boards, while the other represents the communal electorate.

In both Valleys there are numerous tea gardens. They cover an area of 2,000 square miles and give employment to half a million Indians. The Tea Industry has three representatives in the present Legislative Council.

5. The map* which I annex to this note gives a vivid picture of the province. The large

* Not printed.

area coloured red indicates the Hill tracts which are as yet unrepresented in the Legislative Council. The two smaller areas coloured white indicate respectively the Assam Valley and the Surma Valley which each elect four Indian members and between them, three British members. It will be readily admitted that owing to the peculiar conditions of this province much could have been said for treating Assam like Burma, in other words for postponing the operation of the

new scheme until the experiment had been tested elsewhere. Much could also have been said for treating Assam somewhat on the lines of the North-West Frontier Province. For example, our Legislative Council (although enlarged and reformed) might have retained for the present its existing constitutional functions, while the only change in the executive administration might have been the association with the Chief Commissioner of an advisory council, constituted on a liberal basis. I have carefully considered both these proposals and have come to the conclusion that, whatever be their intrinsic merits, they are no longer within the sphere of practical politics. As Assam has been included in the Report along with the seven major provinces of India, Assam must stand or fall along with them. The future constitution of Assam must follow the general lines of the constitutions of the other seven provinces, although I hope I have already written enough to show that the constitution of Assam cannot be identical with those of its richer, more populous and more homogeneous neighbours. In particular, the existence of 50,000 square miles of patriarchal tracts constitutes a distinct problem which must be faced. How are we to treat the area coloured red? To frame electorates for this area and to include it in the general scheme is out of the question. It is true that the standard of education in the Khasi and Jaintia Hills is comparatively high, but the people have as yet shown no desire for political union either with the Assam Valley or with the Surma Valley, and moreover a very large proportion of them are subjects of Indian chiefs (Siems). The inhabitants of the other Hill tracts are obviously unsuited for full inclusion in the scheme. On the other hand, there are cogent arguments against complete exclusion of the "red" tract. In the first place the present Legislative Council has power to legislate for the "red" tract and has, to a limited extent, exercised that power. There is no real danger in the existence of this legislative power. It is laid down in section 14 of the Assam General Clauses Act, 1915, that "unless and until extended under the Scheduled Districts Act, or otherwise, no Act of the Assam Council, in the absence of special provisions to the contrary, shall come into force" in the Hill tracts. An additional safeguard exists in Regulation 2 of 1880 which empowers the Chief Commissioner, with the previous sanction of the Governor-General in Council, to direct that any enactment in force in the Hill tracts "shall cease to be in force therein." So far as a legislation is concerned there is therefore no real danger if the new Legislative Council, like the present Legislative Council, has nominal power to make laws for the Hill tracts. On the other hand, it makes for simplicity that the Legislative Council should have such power. There is however a more practical point. It

† Appendix I to this note.

will be seen from the accompanying table that the hills are, to a considerable extent, financed from the plains. If the hills are to be altogether excluded from the new scheme it will be necessary to arrange that the plains are to pay an annual tribute towards the administration of the hills, just as they are to pay an annual tribute to the Government of India. There are obvious practical objections to such a system. Moreover, if the plains are to supply funds for the administration of the hills it is equitable that the representatives of the plains should not be deprived of all voice in the spending of their money. At present the representatives of the plains can and do ask questions regarding the administration of the hills. They can and do discuss expenditure in the hills on the occasion of the budget debate. To deprive them of these privileges would be a step which it would be hard to justify. Seeing, then, that it is not proposed to make over to the portfolio of a "minister" any matter connected with the hills, and that, whatever may be said in debate or embodied in resolution, the Governor in the future administration will be able to ensure that the hills are sympathetically administered and adequately financed, I have come to the conclusion that the whole of the province as at present constituted can safely be placed under the new administration of a "Governor in Council."

APPENDIX I.

Statement of income and expenditure of the Hill Districts in Assam for the year 1917-18.

Name of district.	Receipts.	Total expenditure.	Deduct.		Net expenditure.
			Secretariat and Heads of Departments.	Assam Bides.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	Rs.
Garo Hills	2,25,094	2,46,723	...	...	2,46,723
Khasi and Jaintia Hills	3,53,859	24,50,651	14,27,108	...	10,23,543
Lushai Hills	1,05,424	6,53,366	...	3,53,433	2,64,578
Naga " "	1,19,859	5,97,572	...	2,56,724	3,19,543
North-East Frontier	58,362	7,85,557	...	3,01,927	4,84,000

APPENDIX II.

Summary of the replies received from local Governments
in respect of paragraph 199 of Report.

Province.	Backward areas for which special treatment is suggested.
1. Madras	<p><i>I.—Agency Tracts in the Ganjam, Vizagapatam and Godavari districts—</i></p> <p>These are occupied by ignorant jungle tribes, who are best governed under the existing simple system of rules and will gradually come under the jurisdiction of the reformed provincial government at the revision of the limits of the Agency Tracts, which takes place periodically.</p> <p><i>II.—The Laccadive Islands, including Minicoy and the Aminidivi Islands attached to South Kanara district—</i></p> <p>These are also occupied by primitive people, the administration being of a patriarchal character under an officer styled "Monegar."</p>
2. Bombay	<i>Nil.</i>
3. Bengal	<p><i>I.—Chittagong Hill Tracts—</i></p> <p>The people of this hilly tract are primitive and are accorded special treatment under section 71 of the Government of India Act, 1915.</p> <p><i>II.—Darjeeling—</i></p> <p>There are three reasons which justify the exclusion of Darjeeling from the Reforms scheme :—</p> <ol style="list-style-type: none"> 1. It is entirely a hilly district and its population have no affinity whatever with Bengal. 2. The local officers, leading associations and the hillmen themselves demand special treatment. 3. It occupies a strategic position on the frontier.
4. United Provinces	<i>Nil.</i>
5. The Punjab	<p><i>Lahaul and Spiti in the Kangra district—</i></p> <p>These two tracts are occupied by primitive people and are snow-bound for six months in the year.</p>
6. Bihar and Orissa	<p><i>I.—Santal Parganas and Angul—</i></p> <p>The people of these two districts are mostly uncivilised and primitive and are governed under special laws or on lines quite distinct from that of regulation districts.</p> <p><i>II.—Scheduled districts of Chota Nagpur and Sambalpur—</i></p> <p>(<i>Vide paragraphs 6 and 7 of the Bihar and Orissa letter.</i>)</p>

Province.	Backward areas for which special treatment is suggested.
7. Central Provinces	<p><i>Firstly.</i>—All the scheduled districts of these provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874 ;</p> <p><i>Secondly.</i>—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgaon, Bilaigarh-Katgi, Parpori, Khujji, Deori, Suarmar, Narra and Kauria (all in the Chhattisgarh Division) ;</p> <p><i>Thirdly.</i>—The Mandla district (except the Mandla Town) ;</p> <p><i>Fourthly.</i>—The Sironcha tahsil of the Chanda district ; and</p> <p><i>Fifthly.</i>—The Melghat taluq of the Amraoti district. (<i>Vide</i> paragraphs 2 and 3 of the Central Provinces letter.)</p>
8. Assam	<p><i>Nil</i>, but <i>vide</i> paragraph 5 of Chief Commissioner's minute.</p>

APPENDIX III.

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS
IN ASSAM.*Ahasi and Jaintia Hills.*

Receipts.		Expenditure.	
	Rs.		Rs.
I. Land Revenue	64,085	1. Refunds and drawback	492
II. Opium	14,810	2. Assignments	1,500
IV. Stamps	9,743	3. Land Revenue—	
V. Excise	78,743	Drawing office	74,000
VIIIA. Income-tax Recoveries by Government from salaries	31,657	Other establishments	70,067
Ordinary collections, etc.	10,960		<u>1,44,067</u>
	42,617	6. Stamps	362
IX. Forest	48,929	7. Excise	1,807
X. Registration	603	11. Forest (excluding Conservators' Office)	23,913
XI. Tributes (Ramrai)	100	12. Registration	346
XII. Interest	92	18. General Administration	6,18,373
XVIA. Law and Justice—		19A. Law and Justice—	
Courts of Law	4,323	Courts of Law—Legal	
XVIB. Law and Justice—		Remembrancer's Office	25,000
Jails	6,782	Other establishments	13,388
XVII. Police Miscellaneous receipts	1,719		<u>38,388</u>
Cost of "Audry"	67,330	19B. Law and Justice—Jails	15,631
	69,049	20. Police—	
		Inspector General of Police's	
		Office	75,839
		Criminal Investigation De-	
		partment	74,000
		Railway Police	12,000
		Passage warrants	8,700
		Civil Police	72,459
			<u>2,42,993</u>
			2,42,993
		21. Ports and Pilotage	3,600
		22. Education—	
		Director of Public In-	
		struction's office	49,411
		Inspectress's office	37,000
		Public Library	1,399
		Other establishments	1,29,507
			<u>2,15,317</u>
			2,15,317
		23. Ecclesiastical	12,722
		24B. Sanitation—Sanitary	
		Commissioner's office	26,350
		Pasteur Institute	30,835
		Bacteriological Laboratory	4,718
		Animal vaccination	7,865
		Kala-azar operations	12,020
		Other establishments	4,909
			<u>86,257</u>
			86,257
XIX. Education	24,787	Carried over	14,05,773
XXA. Medical	1,613		
XXB. Sanitation	3,180		
XXA. Agriculture	5,438		
XXB. Scientific and Miscellaneous Departments—			
Fees for registering Joint Stock Companies	2,682		
Births, deaths registration fees	170		
	2,852		
Carried over	3,77,746		

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS
IN ASSAM—contd.

Khasi and Jaintia Hills—contd.

Receipts.		Expenditure.	
	Rs.		Rs.
Brought forward	3,77,746	Brought forward	14,05,773
XX. Receipts in aid of superannuation	8,370	24A. Medical—Inspector General of Civil Hospitals' office	62,608
XXIII. Stationery and Printing	2,936	Other establishments	53,879
XXV. Miscellaneous percentage charges of capital cost of furniture	1,950		1,16,487
Miscellaneous receipts	502	25. Political	2,712
	2,452	26A. Agriculture—Deputy Director's establishments	15,000
XXXI. Civil Works—Rent of buildings occupied by local officers	2,767	Other establishments	38,556
XXXI. Ditto by other than local officers	24,013		53,556
Sale of stores, etc.	2,904	21B. Scientific and Miscellaneous Departments—Contribution to Lady Dufferin Fund.	5,200
	29,684	26B. Ditto— I. T. A.	12,000
Total Receipts	4,21,188	Miscellaneous	6,119
			13,319
<i>Deduct as Provincial—</i>		27. Territorial and political pensions	100
XVII. Police—Cost of "Audry"	67,330	29. Superannuation	56,488
XXIB. Scientific and Miscellaneous Department—Fees for registering Joint Stock Companies	2,632	30. Stationery and Printing Press	99,883
XXIII. Stationery and printing press receipts	2,936	Miscellaneous	112
XXV. Miscellaneous percentage charges	1,950		99,995
XXI. Civil Works—Rent of buildings	24,013	32. Miscellaneous Subscriptions for News Agency telegrams	5,400
Out of Rs. 31,657 recovered by Government as Income-tax from salaries a sum of Rs. 29,029 approximately represents recoveries from the Secretariat and other Heads of Departments.		Subsidy to Motor Company	74,000
VIIIA. Income-tax recoveries from provincial officers approximately (not deducted in figures previously supplied)	29,000	Secretariat hill establishment	3,144
	1,27,911	Miscellaneous	33,220
			1,15,764
Net Receipts	2,93,277	45. Civil Works—In charge of civil officers	12,173
		45. Civil Works—In charge of Public Works Officers, Public Works Secretariat	1,36,876
		Repairs to Government House	29,619
		Repairs to buildings—	
		Secretariat and Heads of Departments	10,740
		Total carried over	18,92,367

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Khasi and Jaintia Hills—concl'd.

Expenditure.	
	Rs.
Brought forward	18,92,367
Repairs to residences—	
Conservator's	596
Chief Secretary's	998
Beauchamp property	1,657
Chief Engineer's house	30,000
Taraghar	676
Nest	535
Falls view	487
Construction of stop gates on the Gauhati-Shillong road	680
Alterations to water-works	8,734
Gauhati-Shillong road repairs, etc.	1,45,600
Cherra-Shillong road	42,220
Other Public Works charges,	1,48,866
	5,58,284
Total Expenditure	24,50,651
<i>Deduct as Provincial—</i>	
18. General Administration	6,18,373
Director of Public Instruction	49,411
Inspectress	37,000
Public library	1,399
Inspector General of Police	75,839
Criminal Investigation Department	74,000
Railway Police	12,000
Passage warrants	8,700
Legal Remembrancer's Office	25,000
Drawing office	74,000
Sanitary Commissioner	26,850
Pasteur Institute	30,835
Bacteriological Laboratory	4,718
<i>Kala-azar</i> Operations	12,020
Animal vaccination	7,865
Inspector General of Civil Hospitals' Office	62,608
Deputy Director	15,000
Press	99,833
Contributions—	
Under Scientific	17,200
Subsidy to Motor office	74,000
Subscription for News Agency tele- grams	5,400
Secretariat Hill establishment	3,144
Provincial Public Works expenditure	4,09,418
	17,44,663
Ports and pilotage not deducted in figures previously supplied	3,600
	17,48,263
	17,48,263
Net Expenditure	7,02,388

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Garo Hills.

Receipts.		Expenditure.	
	Rs.	Rs.	
I.—Land Revenue—			2. Assignments and compensation (Ghulla Zemindar in Goalpara)
Permanently-settled estates	6		
Collection from Government estates	27,652		3. Land Revenue
Rents, etc., of fisheries	1,296		6. Stamps
House-tax	56,423		11. Forest
Miscellaneous	34		12. Registration
	<hr/>		13. General Administration—Pay of Local Auditors
	85,511	85,511	19A.—Law and Justice—Courts of Law
IV.—Stamps		4,248	19B.—Law and Justice—Jails
V.—Excise		2,930	20. Police—Civil Police
VIII A.—Income-tax		3,487	22. Education
IX.—Forest		1,17,698	24A.—Medical
X.—Registration		54	24B.—Sanitation
XII.—Interest		242	25. Political presents to hill tribes
XVIA.—Law and Justice—Courts of Law (Magisterial Fines 2,506)		2,888	26A.—Agriculture
XVIB.—Law and Justice—Jails		179	26B. Scientific and Miscellaneous Departments—Rewards for destruction of fish enemies
XVII.—Police—Cattle pound receipts		1,756	29. Superannuation
XIX.—Education		77	30. Stationery and Printing
XX.—Medical		33,59	32. Miscellaneous—
XXB.—Sanitation			Rewards for destruction of wild animals
XXII.—Receipts in aid of superannuation		1,180	Market establishment
XXIII.—Stationery and Printing		13	
XXV.—Miscellaneous		12	
XXXI.—Civil Works—In-charge of Civil Officers		1,826	
Public Works receipts		1,628	
		<hr/>	
Total		2,25,265	Total
			<hr/>
			216,723
			<hr/>
Figure previously reported—			
Difference of Rs. 171 in figure previously reported due to a mistake in total under XXB—Sanitation, in the Comptroller's office		171	

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Lushai Hills.

Receipts.		Expenditure.	
	Rs.		Rs.
I. Land Revenue—		1. Refunds and drawback	1
Temporarily-settled estates in the Surma Valley	535	3. Land Revenue—Charges of District Administration	57,883
Rents, etc., of fisheries	60	6. Stamps	1
Poll, capitation, house and hoe tax	25,970	11. Forest	2,763
	<u>26,565</u>	19A. Law and Justice—Courts of law	1
	26,565	19B. Law and Justice—Jails	2,683
IV. Stamps—		20. Police—Civil Police	33,387
Sale of general stamps	37	Military Police	3,83,483
„ of court-fee stamps	295		<u>4,16,875</u>
„ of plain paper	2		4,16,875
	<u>334</u>	22. Education	10,513
	334	24A. Medical	20,357
VIII A. Income-tax—		24B. Sanitation	1,164
Deductions by Government from salaries	3,435	25. Political	1,505
IX. Forest—		26A. Agriculture	2,576
Forest receipts	76,578	26. Scientific and Miscellaneous Departments	311
XII. Interest—		29. Superannuation	7,444
On advances under the Agri- culturists' Loans Act	8,149	30. Stationery and Printing— Country stationery for mili- tary police	137
XVIA. Law and Justice—		32. Miscellaneous—	
Court fees realised in cash	27	Rewards for destruction of wild animals	1,511
Magisterial fines	199	Petty establishments	264
Criminal court forfeitures	50	Coolie corps	15,075
	<u>276</u>		<u>16,850</u>
	276		16,850
XVIB. Law and Justice—		45. Civil Works—In charge of Civil Officers	163
Jails	39	45. Civil Works—In charge of Public Works Officers	84,788
XVII. Police—			<u>84,951</u>
Recoveries on account of rations	46,631		6,35,020
„ of clothing	8,672		<u>6,35,020</u>
Sale of old stores and materials	73		3,83,625
	<u>55,426</u>		<u>2,51,395</u>
	55,426		
Total carried over	<u>1,70,852</u>		
	1,70,852		
		Total Expenditure	6,35,020
		Deduct as Provincial Military Police	3,83,625
			<u>2,51,395</u>
		Net Expenditure	2,51,395
		Difference of Rs. 3,483 in net expenditure from figure previously reported due to corrections.	

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Lushai Hills—concl'd

Receipts.	Rs.	Expenditure.	Rs.
Brought forward	1,70,852		
XA. Medical—Contributions	1,703		
XXB. Sanitation—Sale of quinine	1,255		
XXIA. Agriculture—Veterinary receipts	901		
XXII. Receipts in aid of superannuation	1,483		
XXIII. Stationery and Printing—Sale of service books	2		
XXV. Miscellaneous—Miscellaneous	247		
XXXI. Civil Works—In charge of Civil Officers—Rent of buildings	3,002		
Public Works receipts—Rent of buildings and sale of store, etc.	622		
Adjusted through exchange accounts	336		
Total	1,80,404		
<i>Deduct</i> as provincial recoveries on account of rations and clothing from the Military Police (not deducted in figures previously supplied)	42,272		
Net receipts	1,38,222		

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Naga Hills.

Receipts.	Rs.	Expenditure.	Rs.	Rs.
I. Land Revenue—		3. Land Revenue		54,318
Mineral oil	112	7. Excise		13
Temporarily-settled estates	20	19A. Law and Justice—		
House-tax	80,104	Courts of Law		112
Miscellaneous	836	19B. Law and Justice—Jails		4,057
	80,572	20. Police—		
IV. Stamps	2,053	Civil Police	23,123	
V. Excise	8,156	Kuki operations	11,152	
VIII. Income-tax	5,258	Military Police	2,75,572	
XII. Interest	25		3,09,847	3,09,847
XVIA. Law and Justice—		22. Education		13,476
Courts of Law	875	24A. Medical		29,619
XVIB. Law and Justice—		24B. Sanitation		1,446
Jails	800	25. Political—		
XVIII. Police—		Entertainment of Chiefs		
Recoveries on account of clothing	10,877	and envoys	2,096	
Other items	1,034	Unusual Charges	1,000	
	11,911	Other Political Agencies	5,915	
XIX. Education	1,455		9,011	9,011
XXA. Medical . . . . .	...	26A. Agriculture		3,917
XXB. Sanitation	2,421	26B. Scientific and Miscella- neous Departments		22
XXII. Receipts in aid of superannuation	436	29. Superannuation		8,928
XXIII. Stationery and Printing	32	30. Stationery and Printing		223
XXV. Miscellaneous	517	32. Miscellaneous		3,770
XXXI. Civil works	2,945	45. Civil Works—In charge of Civil Officers		2,577
Public Works Receipts	2,233	45. Civil Works—In charge of Public Works officers		1,56,231
	1,19,689			5,97,572
<i>Deduct recoveries on account of clothing from Military Police (not deducted figures previously supplied)</i>	<i>10,877</i>	<i>Deduct as Provincial—</i>		
	1,08,812	Military Police	2,75,572	
Net Receipts	1,08,812	Kuki operations	11,152	
		Manipur-Dimapur road	1,56,231	
			4,42,955	4,42,955
		Net Expenditure	4,42,955	1,54,617

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—concl'd.

North-East Frontier,

Receipts.		Expenditure.	
	Rs.		Rs.
IX.—Forest	56,605	11. Forest	17,087
XVII.—Police recoveries on account of clothing from Military Police	6,158	25. Political	4,70,187
Public Works Receipts	1,764	Public Works	2,98,683
			<hr/>
	58,527		7,85,957
<i>Deduct</i> Military Police	6,158	Military Police	3,01,927
			<hr/>
Net Receipts	58,369		4,84,030
		<i>Deduct—</i>	
		Military Police lines	46,525
		Lohit Valley road	94,759
			<hr/>
			1,41,284
			<hr/>
		Net Expenditure	3,42,746

A. W. BOTHAM,

Second Secretary to the Chief Commissioner of Assam.

APPENDIX IV.

No. 356-W., dated Shillong, the 12th March 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department.

I am directed to submit, for the orders of the Government of India, a memorial from certain Zamindars of the district of Goalpara, in Assam, praying for their transfer to Bengal.

2. The statements in paragraphs 1-10 of the memorial are substantially correct. As regards paragraphs 11-15, it is correct that down to the year 1914, Bengali was the court language of the district and was taught as the vernacular in its schools. In that year, as the result of a resolution passed by the Goalpara Local Board that Assamese should be introduced in the primary schools in the Habraghat Pergana, an enquiry was made to ascertain what really was the vernacular of the district. It appeared that neither pure Assamese as spoken in Central and Upper Assam, nor Bengali as spoken in Nadia, was the vernacular of the district. It was found that in the Eastern part of the district most of the people spoke a form of Assamese similar to that spoken in the adjoining district of Kamrup, while in the western portions of the district the dialect in common use was more closely akin to the Rajbansi dialect of northern Bengal. The Chief Commissioner, after careful consideration, decided that the medium of instruction in all schools throughout the district should be either Assamese or Bengali, at the option of the majority of the persons interested in each case; he also made Assamese an alternative court language with Bengali.

3. As regards paragraph 16 of the memorial, it is true that historically and ethnologically Goalpara differs considerably from the rest of Assam, but the following incident shows that the people of the district are not all prepared to admit that in race and customs they are identical with the inhabitants of Cooch Behar and the adjoining Bengal districts. At a meeting of the Goalpara Association, held at Gauripur, in the Goalpara district, on the 15th December last, a resolution was moved "That this Association recommends that the following resolution be moved in the Assam Association Conference at Goalpara—" that the district of Goalpara being mainly identical in race, in social customs, and the system of land laws, with Rangpur, Jalpaiguri and Cooch Behar, this Association is of opinion that the district of Goalpara be placed under the same laws and administration with the districts of Rangpur and Jalpaiguri." The resolution was opposed, and was carried eventually after omitting the words "race" and "social customs". Soon afterwards a meeting of the Assam Association was held at Goalpara on the 28th December 1918. At this meeting the following resolution was moved:—"This conference records its emphatic protest against the movement for the transfer of Goalpara and Sylhet to Bengal, and the bulk of Goalpara's opinion also is decidedly against it". The resolution was opposed, and gave rise to a very heated debate, but in the end it was carried by a large majority.

4. It does not appear that since 1874, when the district of Goalpara was included in the newly formed Chief Commissionership of Assam, there has been such a change of conditions as to require a reconsideration of the decision then come to, and Sir Nicholas Beatson Bell does not think that either the zamindars or their tenants would be in any way benefited by the inclusion of Goalpara in the province of Bengal.

5. Finally I am to say that in dealing with this petition the Chief Commissioner has had regard to the opinion expressed in paragraph 246 of the Report on Indian Constitutional Reform. Judged by the criterion laid down in the Report this petition is altogether inopportune. Moreover, unless a complete change takes place in local opinion after the introduction of the new constitution it is impossible to contemplate the transfer of Goalpara to Bengal by any "process of consent." As things now are, the proposed transfer is extremely distasteful to a large section, probably to the majority, of the people of the district immediately concerned; while the people of other districts of the Assam Valley unanimously resent it with a vehemence which is almost startling. Sir Nicholas Beatson Bell has no reason to think that the opposition to the proposal will die down after the introduction of Council Government into Assam. On the contrary there is every reason for thinking that the opposition will harden.

To

**His Excellency the Right Hon'ble Frederic John Napier,
Baron Chelmsford, P. C., G. M. S. I., G. M. I. E., G. C. M. G., G. C. B.
E., Viceroy and Governor-General of India.**

THROUGH THE HON'BLE SIR NICHOLAS DODD BEATSON BELL, K. C. I. E., C. S. I., CHIEF
COMMISSIONER OF ASSAM.

The humble memorial of the undersigned zemindars
of Goalpara in Assam.

MOST RESPECTFULLY SHEWETH:—

That we, the zemindars in the District of Goalpara in Assam crave leave to place before Your Excellency certain facts in connection with the past history, the present position and the

probable effect of the proposed Reform Scheme on our vital interests, with the hope that Your Excellency may be graciously pleased to consider the points now raised, before the adoption of the Reform proposals in Assam and Bengal.

Before dealing with them however we respectfully beg to express our unswerving loyalty and devotion to the person and throne of His Majesty the King-Emperor and His Government and to assure Your Excellency how proud we feel for the most glorious part taken by the British Empire in achieving the present unprecedented victory. We in India have all the more reason to be grateful to our beloved King-Emperor firstly for the protection afforded to us during the War which indeed has affected us comparatively little; for having graciously permitted us—Indians—for the first time in our history to take part in active service with His Majesty's Imperial Forces in Europe and for the inauguration of the epoch making Reform proposals in India even during the most anxious time when the whole attention of His Majesty's Government was necessarily devoted to the War. We did what little lay in our power during the War, and our best services in every direction are ever ready for the cause of His Imperial Majesty. We feel that although hostilities have ceased, and deliberations for a lasting peace have but just commenced, and the time is hardly opportune for us to tax Your Excellency with a prayer for a consideration of our grievances, yet our only excuse for thus thrusting the matter on Your Excellency's attention at the present moment is that the consideration of details in connection with the Reform Scheme has not been delayed in view of the momentous questions before Government and should we hesitate to submit our prayers now, we fear we might be too late in the field and judgment might then go by default.

1. Your Memorialists venture to draw Your Excellency's attention to the fact that the Permanently Settled portion of the District of Goalpara, comprising an area of about 2900 square miles formed always, as far back as its history can be traced, part and parcel of the Province of Bengal.

2. That in the year 1765, with the accession to the Hon'ble the East India Company of the Dewani of Bengal, Bihar and Orissa, the said area, as part of the District of Rangpur in Bengal, came under the administration of the Hon'ble the East India Company.

3. That in the year 1793, the said area, as part of the Bengal District of Rangpur, came under the purview of the Permanent Settlement of Lord Cornwallis.

4. That in the year 1822, a new and separate District was formed of the said area and it received the name of Goalpara.

5. That in the year 1865, after the Bhutan War, an area of about 1600 square miles was added to the District of Goalpara. This addition being made after the Permanent Settlement, did not come under its purview and is liable to periodical settlement.

6. That in the year 1874, with the creation of Assam into a separate administration, the District of Goalpara was transferred from the Province of Bengal to the Province of Assam. This measure was then opposed by the ancestors and predecessor-in-title of your Memorialists.

7. That the permanently settled District of Goalpara, till its transference to Assam had always been subject to the same legislative enactments as the rest of Bengal.

8. That, for ten years after its severance from Bengal, the permanently-settled portion of the District of Goalpara enjoyed in the main the benefit of the same legislative enactments as the District of Bengal.

9. That in the year 1885, when the Bengal Tenancy Act introduced considerable improvements in the land tenure of the Province of Bengal, the District of Goalpara, by reason of its incorporation with Assam, was deprived of the benefit of that enactment.

10. That the Bengal Council Act VIII of 1869 is still left to regulate the land tenure of the permanently-settled portion of the District of Goalpara.

11. That the people of Goalpara, with a small exception, speak the Bengali language and their manners and customs are the same with those of the people of Northern Bengal.

12. That according to the Census figures of 1911, the population of the District is returned at 600,643 souls of which 347,772 persons speak the Bengali Language, and Assamese is the language of 85,329 persons only.

13. That the predominant written language of the District is Bengali—being used not only by the Bengali speaking population numbering 347,772 persons as aforesaid but also by the Mech people who number 92,636 souls, so that, out of a total population of 600,643 persons 440,408 persons use the Bengali language.

14. That Your Memorialists are of opinion that, since the last Census Report, there has been an increase of not less than a lakh and a quarter in the Bengali speaking population due to immigration from the adjoining Bengal Districts, with a result as Your Memorialists venture to submit that the preponderance of the Bengali speaking population of the District has been further accentuated.

15. That Bengali has always been the Court and the School language of the District, and it is only since 1914, that Assamese has been introduced as an alternative language.

16. That as regards history, tradition, social and religious custom and folk music, the people of the District of Goalpara have very little in common with the people of the other Districts in Assam.

17. That the rights created in the permanently settled area of the District of Goalpara are similar in their nature and incidents to those in the Bengal Districts, and, as such, call for similar legislative treatment and development.

18. That Your Memorialists venture to draw Your Excellency's attention to some other grievances, affecting Your Memorialists specially, arising out of the severance of the District from Bengal and its inclusion in the Assamese-speaking Khas Mahal (temporarily settled) province of Assam.

- (a) Encroachment on rights conferred by the Permanent Settlement of 1793, *viz*, the imposition of Local rate by the Assam Local Rate Regulation, III of 1879, as an assessment on land, in contradistinction to the Road Cess in Bengal which is leviable on the collections.
- (b) Loss of the distinctive character and status of Your Memorialists as "proprietors of the soil" by their inclusion in the same general electorate with the lease-holders of the Government Khas Mahal tracts.
- (c) The partial isolation at present of Your Memorialists from the rest of their class in Bengal resulting in loss of their prestige, and generally retarding their progress.
- (d) Apprehension that, in the future, this isolation will be more pronounced and complete. This is justified by the proposed Tenancy Legislation in which the Provincial Government contemplates treating Your Memorialists as a class distinct from the permanently settled Zemindars of Bengal, of whom, Your Memorialists, do, in fact, form an integral part.
- (e) Numerical inferiority of Your Memorialists in the Province,—comprising the members of six families only,—due to isolation from Bengal Zemindars, which has reduced to a minimum the chances of their securing an adequate representation of their special interests in the Provincial Legislative Council. Though they represent the largest class interest in the Province, Your Memorialists have not been able to send one of their number to the Provincial Legislative Council through any of the general electorates. For representation of their interests in the Council, Your Memorialists have always had to depend on nomination by the Government.
- (f) Insecurity of representation by nomination—Your Memorialists venture to point out the proposal, in his Note on the Introduction of Reforms in Assam, by the Hon'ble the Chief Commissioner, to nominate a member occasionally from among Your Memorialists only when an important Bill connected with the District is going to be discussed in the Council.
- (g) The inadequacy of the remedy by the provision for a special electorate for Your Memorialists—This will not afford adequate relief unless provision be made for the election of such a large number from their class as will make their presence felt in the Council.
- (h) Apprehended danger to the special rights and privileges conferred on Your Memorialists by the Permanent Settlement of 1793—This is due to the fact that the subject of Land Taxation is proposed to be transferred to the jurisdiction of the Provincial Legislative Council, the bulk of the members of which being elected from areas liable to periodical settlement, will not, Your Memorialists are afraid, be friendly towards interests created by the Permanent Settlement of 1793. Your Memorialists are afraid that in that case, they will, in time, be merged with the lease-holders of the Khas Mahal tracts, who constitute a majority in the Province of Assam.

19. That Your Memorialists venture to submit that, for the due preservation of the rights and interests conferred on Your Memorialists by the Permanent Settlement of 1793, as also of the derivative rights of the tenantry, the re-incorporation of the District of Goalpara with Bengal is essential.

20. That Your Humble Memorialists further venture to submit that on occasions when boons are conferred or administrative reforms take place special communities naturally hope for the redress of their grievances. They had hailed the present epoch making Reform proposals with joy along with all other Indians. They had hoped that their grievances would receive the special consideration which they venture to think they deserve. The Hon'ble the Chief Commissioner's note, the expressed opinion of the special conference of the Assam Legislative Council and the refusal of the Franchise Committee to give them a hearing

have cast a gloom over the minds of these few unfortunate ancient families of zemindars. They are painfully thinking of the day when amid the general rejoicing of the whole of India they must reconcile themselves with a sigh to the lot which would be in store for them if their grievances are not redressed in time.

Your Excellency's humble memorialists respectfully pray that the Goalpara Zemindars may be re-united to the great body of Zemindars of Bengal to which they belonged for a considerable period of time. The prayer is based on a community of feeling arising out of past history, traditions, ties, language, religion and land tenure—all these being substantially similar to those governing the Zemindars and people in the adjoining districts of Jalpaiguri, Rangpur, Cooch-Bihar and portions of Dinajpur and Bogra in all of which there is reciprocal sympathetic feeling. Whereas in Assam the Goalpara zemindar are isolated in a corner and have nothing in common with the rest of the people in the Assam Valley Division.

And Your Excellency's humble Memorialists, as in duty bound, shall ever pray.

We subscribe ourselves as

Your Excellency's most obedient servants,

PRABHAT CHANDRA BARMA, of Gauripur and others.

No. 709-W., dated Shillong, the 20th May 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department, Simla.

In continuation of this office letter No. 356-W., dated the 12th March 1919, I am directed to submit for the orders of the Government of India, a memorial from Babu Hari Prasad Nath and 505 other persons of the District of Goalpara, protesting against the prayer of certain Zamindars of that District for its transfer to Bengal and to say that the Chief Commissioner has nothing further to add to the remarks contained in my letter quoted above.

To

His Excellency the Right Honourable Frederic John Napier, Baron Chelmsford, P.C., G.M.S.I., G.C.M.G., G.M.I.E., Viceroy and Governor-General of India.

(THROUGH THE HONOURABLE THE CHIEF COMMISSIONER OF ASSAM, AND THE COMMISSIONER OF ASSAM VALLEY DISTRICT.)

The humble memorial of the people of the District of Goalpara in the Province of Assam most humbly and respectfully sheweth :—

1. That Your Excellency's most humble memorialists, the inhabitants of the District of Goalpara, beg most humbly and respectfully to lay before Your Excellency the following few lines with the earnest hope that they will meet with your Excellency's favourable consideration.

2. That having learnt with much concern that an agitation has been set on foot in this district by some designing persons for the transfer of this District to Bengal, and that some Zemindars of this District have also memorialised Your Excellency with the same object Your Excellency's humble memorialists beg most respectfully to put forward their most emphatic protest against such groundless and suicidal proposal.

3. That in support of their protest Your Excellency's humble memorialists beg most respectfully to submit that not only the District of Goalpara which was and still is a part of Assam but also the Districts of Jalpaiguri, Kooch Behar and Rangpur formed part of the ancient Kingdom of Kamrup for many centuries; that though the Districts of Kooch Behar, Rangpur and Jalpaiguri were separated from the Northern Kingdom of Assam under the Koch Kings, Goalpara remained a part and parcel of Assam as the Eastern Koch Kingdom and was later turned into a permanently settled District along with the Districts of Bengal; that it is needless to mention that the present Zemindaries in the District of Goalpara are but the offshoots of the said Eastern Kingdom. That for the past half a century or more, Goalpara has been treated and governed as a part of the Province of Assam.

4. That the indigenous people of this District are Assamese and have nothing in common with the Bengalis, either in religion, language, caste system or in social manners and customs; that any expert and impartial philologist will admit that the language spoken by the people of the Goalpara District is just like that spoken by the people of Lower Kamrup which is admittedly a part of Assam proper; that the social gradations and caste system in the District of Goalpara are just like those in the other Districts of the Brahmaputra Valley and quite different from those in Bengal.

5. That although Bengali was forced upon the District of Goalpara as court language and medium of Vernacular instruction for a fairly long period on a misrepresentation of facts by the illinformed Bengali officers of the Government it did not agree with the people being quite an alien tongue and that they after a hard struggle against a strong opposition put up by the Bengalis serving in the District have got their mother language Assamese introduced in Courts and Schools.

6. That so long as this District was attached to Bengal, the people of the District of Goalpara could not make any progress in any direction, partly for the indifference of the Local Zemindars and chiefly for the unjust interference of their Bengali Amlas, who tried to keep down the local people in all matters, so that their friends and kinsmen might share in the loaves and fishes of this District without any local hindrance or competition. That this state of things continued up to very recent times, now however on repeated memorials from the people, the Assam Administration have begun to see things in their true light, and are taking steps to give the down trodden people of Goalpara their due in matters of education and service; and that the people have considerably progressed ever since in those directions.

7. That in case the District of Goalpara be transferred to Bengal its 6 lacs of people will suffer from an inrush of Bengalis who, comparatively advanced, will dominate over them, and, being then of the same province, will lay claim to and monopolize all places of emoluments under the Government and the Zemindars, and their language and literature will likewise suffer for want of due encouragement.

8. That as regards the memorialist Zemindars mentioned above Your Excellency's humble memorialists beg respectfully to submit that most of them spend their time outside the Province and take little interest in their Estates and their tenants, entrusting the management of their affairs to their Bengali Officers in consequence of which one of the biggest Estates in spite of its several capable and intelligent proprietors was about to collapse when it was taken over by the Court of Wards; that the Raja of Gauripur, one of the Signatories of the memorial mentioned above, is an Assamese and his Rani Sabiba is a Scion of the great Baishnabite reformer of Assam—Sri Madhab Dev; that the Zemindars of Mechpara, though some of them have now renounced their religion, have been for generations the disciples of the family of the said Rani of Gauripur, and that the said Zemindars have to perform their religious rites in Assamese as the other Baishnabas of Assam; that originally the Zemindars of Porbatjar were Assamese "Rajbansis" although the present Zemindars of that Estate hail from Koch Bihar or Rangpur being the adopted sons of the original Assamese Zemindars; that the Zemindars of Chapar Estate, who is the only Bengali Zemindar in the Goalpara District, is still a minor and his Estate, tenanted by Assamese, is being managed by Bengali executors and officers; that the present Raja of Bijni who is a scion of the great Koch Kings of Assam, is of unsound mind; and that after the death of the late proprietress the Estate has been taken over by the Court of Wards and is being managed by a Staff composed mainly of Bengalis.

9. That as regards the prayer of the said memorialist Zemindars for the transfer of the District of Goalpara to Bengal on the ground that the Bengal Tenancy Act and other Bengal Revenue Laws are not in force in this District, Your Excellency's humble memorialists beg leave to submit that after a due consideration of the local circumstances and requirements the Assam Administration are going to introduce a Bill regarding the Goalpara tenancy system, when, if Your Excellency's humble memorialists' information is correct, discussions and free criticisms from the tenants as well as from the Zemindars will be invited in the light of which it is hoped the Bill will be finally shaped and passed into law.

10. That if the District be transferred to Bengal and the Zemindaries subjected, as desired by their proprietors, to the provisions of the Bengal Tenancy Act, the step may or may not benefit the proprietors, but there is no doubt that it will injure the interests of the tenantry as that Act was framed with a special reference to the circumstances of the Bengal tenants which are very much different from those of the Goalpara tenants.

11. That in the circumstances stated above your Excellency's humble memorialists most respectfully pray that Your Excellency will be graciously pleased to leave the District of Goalpara as part of Assam and thereby maintain the present boundaries of the Province intact, in accordance with the declaration made by His Most August and Gracious Majesty the King Emperor at the Delhi Durbar.

And for this act of kindness, statesmanship and benevolent justice, Your Excellency's humble memorialists, as in duty bound, shall ever pray.

We beg to subscribe ourselves to be your Excellency's most humble memorialists.

HARIPRASAD NATH,
and others.

APPENDIX V.

Statement showing the powers of legislation in the territories referred to in the Despatch.

1. The position with regard to the different territories referred to in this despatch is so complicated that it will probably be of assistance first to refer generally to the different provisions of the law by which legislation in them is governed, and then to tabulate the territories with a short statement of the law as applicable to each.

2. *Power to legislate by Regulation under section 71 of the Government of India Act, 1915.*—This power can be exercised in respect of any territory to which the Secretary of State has by resolution in council applied the provisions of section 71. The provisions of the section can be applied to any part of British India, but in practice power to legislate by Regulation is only given in respect of backward areas. The application of the section can also be withdrawn in the same way.

3. *Powers conferred by the Scheduled Districts Act, 1874.*

Act XIV of 1874.

(a) "Scheduled Districts" are those which are included in the first Schedule to Act XIV of 1874, and the term also includes any other territory in respect of which the power to make Regulations has since the passing of the Act been created by virtue of a resolution by the Secretary of State under s. 71 of the Government of India Act, 1915.

(b) The provisions of the Act do not apply *proprio vigore* to the Scheduled Districts, but only to such of them as have been notified under section 3.

(c) In these districts the local Government, with the previous sanction of the Governor General in Council, is empowered to declare what enactments are actually in force, or that particular enactments are not actually in force, and to extend to a scheduled district, with or without modification, any enactment which is in force in any part of British India.

4. *The Laws Local Extent Act (XV of 1874)* was passed immediately after the Scheduled Districts Act, and declared certain Acts to be in force in British India as a whole or in particular provinces, but in each case excepting the "Scheduled Districts". These were set out again in the Schedule to Act XV of 1874, and were the same as in the Scheduled Districts Act. But in as much as this Act did not contain a provision similar to that in s. 1 of the Scheduled Districts Act, by which any territory subsequently brought under s. 71 of the Government of India Act thereby also became "a Scheduled District," the field covered by the two Acts is not now identical.

5. In the case of many of the territories to which section 71 of the Government of India Act, 1915, applies, the Government of India have by Regulation declared to what extent the ordinary law shall be in force, though these enactments (which are usually spoken of as de-regulationizing enactments) vary considerably in their terms, and each of them needs to be considered. There are also in the case of some territories other enactments of a similar character which also require to be taken into account.

6. So far as concerns territories to which the Scheduled Districts Act only applies, the rule is that all laws, whether Imperial or Provincial which apply to the whole of a province are to be treated as in force in such territories unless expressly excluded.

7. The tabulated statement which follows sets out the position as accurately as is possible in the space, with regard to each of the territories referred to in the Despatch. Column 3 of the table shows the cases in which the Scheduled Districts Act, 1874, is actually in force or can be brought into force by virtue of a notification under section 3 of that Act. Column 4 refers to the Laws Local Extent Act, 1874, though it seems to have no special applicability to any of the districts referred to.

1	2	3	4	5	6	7
Territory referred to in Despatch.	Whether s. 71 of Government of India Act, 1915, applies.	Whether Scheduled Districts Act applies.	Whether scheduled under Laws Local Extent Act.	De-regionalizing Enactments (if any).	Other similar enactments (if any).	Remarks.
Assam	Yes	Yes	Yes	Reg. II of 1880 provides that in such frontier tracts as may be notified by the Governor General in Council the Local Government may bar the operation of any enactment in force. Under this Reg. various hill tracts have been notified, and in them the operation of various Acts has been barred.	Assam Act II of 1915 provides that in the absence of special provisions to the contrary no local Act shall come into force in certain specified hill districts unless extended to them under the Scheduled Districts Act or otherwise (s. 14); and this is to be deemed to apply to all local Acts whether passed before or after 1915.	
Pargannas	Yes	No (but can be applied by notification.)	Yes	Reg. III of 1872 amended by Reg. III of 1879. (1) declares the enactments in force. (2) bars other enactments not expressly applying. (3) gives power to the local Government to declare any other enactment to be in force and to withdraw the same, or with the sanction of the Governor-General in Council to withdraw the operation of any enactment declared to be in force under (1)	Act XXXVII of 1855 removed the Sonthal Pargannas from the operation of the general Bengal Code and declared that no law thereafter passed by the Governor-General in Council shall extend to any part of them unless specially named therein. Reg. III of 1872 declared this Act to be in force. See also Act X of 1857.	
... ..	Yes	Yes	Yes (excluding the Khondmals.)	Reg. III of 1913. (1) declares the enactments in force. (2) bars other enactments not expressly applying or extended. (3) gives power to Local Government subject to the control of the Governor-General in Council to withdraw operation of any enactment declared to be in force under (1) and to declare any other enactment to be in force.	.....
Chota Nagpur	No	No (but can be applied by notification.)	Yes			
Sambalpur	No	To parts only see in Col. 7 ...	As in Column 3			According to the Bihar and Orissa Government's letter the only portions of Sambalpur which are Scheduled Districts are the three zamindaris of Bara Sambar, Kolu-hira, and Rampur, forming about 1-3rd of the whole district. They have all been notified under the Act. They were transferred from the Central Provinces to Bengal in 1905 and from Bengal to Bihar and Orissa in 1912.

Andhra Islands	...	...	Yes	...	...	Yes	...	...	Yes	...	...	Reg. I of 1912 declares that the Reg. and three other enactments alone shall be in force.	.....	.....
Agency Tracts in Ganjam and Vizagapatnam.	No	...	...	Yes	...	...	...	Yes	...	...	.....	Act XXIV of 1830 suspended all existing rules for the administration of civil and criminal justice and for collection of revenue, and placed the territories under agency administration giving the Governor in Council power to make rules for their guidance.	.....	.....
Villages in the Godavari District	...	Yes but see in Column 7	...	Yes	...	...	...	Yes	...	...	.....		.....	The "Rampa Country," which is mentioned along with the rest of the Godavari villages, etc., in the Scheduled Districts Act and Laws Local Extent Act, does not appear to have been brought under section 71. The Taluks of Nugur, Albaka and Cherla are not referred to in the Despatch or in the Madras letter. They were transferred from the Central Provinces in 1909 and brought under section 71 in the same year. The Scheduled Districts Act therefore applies to them but not the Laws Local Extent Act.
... Hill	...	Yes	...	...	No (but can be applied by notification.)	Yes	...	...	Yes	...	...	Reg. I of 1900—	.....	.....
												(1) declares the law in force		
												(2) bars all other enactments		
												(3) gives power to Local Government with sanction of Governor General in Council to apply other enactments with modifications and to withdraw the operation of any enactment declared to be in force under (1).		
Barjiling District	...	No	...	...	Yes	...	...	Yes	...	...	.....		.....	.....
Spiti	...	...	Yes	...	...	Yes	...	...	Yes	...	...	Reg. I of 1873 enacts that no law thereafter passed by the Governor General in Council shall extend to Spiti unless it is specially named.	.....	.....
... abaul	...	No	...	...	Yes	...	...	Yes	...	...	.....		.....	.....