

Indian Constitutional Reforms

**Government of India's
Despatch of March 5th, 1919,
and Connected Papers**

**First Despatch on Indian
Constitutional Reforms**



CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1919

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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 Rifles.	
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	3,53,858	24,50,651	14,27,108	...	10,23,543
Lushai Hills	1,05,494	6,38,366	...	3,83,438	2,54,878
Naga Hills	1,19,689	5,97,572	...	2,86,724	3,10,848
North-East Frontier	58,369	7,85,957	...	3,01,927	4,84,030

APPENDIX II.

Additional Note on the electorates proposed for Assam.

1. In the main note I have explained the general plan on which I recommend that the electorates should be framed. The basis of my plan is the census "houses" which is thus defined:—

"A house consists of the buildings, one or many, inhabited by one family; that is, by a number of persons living and eating together in one mess, with their resident dependents, such as mother, widowed sisters, younger brothers, etc., and their servants who reside in the house. In other words the unit is the commensal family, known in some districts as the *khana*, and not the homestead or enclosure."

This conception of a house is familiar to the people, and the census has made it still more familiar. Further, each house has a recognised head commonly known as the *Karta*. My goal is the enfranchisement of all the *Kartas*, approximately 600,000 in each Valley; but for the present I must be content to take about one-quarter of this number, say 150,000 in each Valley. My predecessor proposed to bring the numbers into reasonable dimensions by a somewhat elaborate franchise, based on alternative qualifications. In raiyatwari areas he proposed that payment of Rs. 20 as land revenue should be the standard. In zamindari areas he proposed that the payment of a certain sum as chaukidari rate should be the standard—Rs. 1-5 in Sylhet and Rs. 1-12 in Goalpara. The payment of income-tax, the enjoyment of salary of Rs. 50 per month, or a pension of Rs. 25 per month, the possession of a title or decoration, and the attainment of a certain standard of education, were also to be qualifications. I determined, if possible, to get rid of all fancy franchises, and I went for light and guidance to the late Major Jack's remarkable little book "The Economic Life of a Bengal District." He has shown on the basis of house-to-house enquiries and the tabulation of most elaborate statistics that 49 per cent. (say, one-half) of the agricultural households in Faridpur are in a state of "comfort" and have an average income of Rs. 360 per annum. As this is an average figure, about one-half of those "comfortable" households may be assumed to have an income of Rs. 360 and upwards, while the other half have an income of something under Rs. 360. In other words if a line be drawn at Rs. 360, about one-quarter of all the households in the district will fall on or above the line, while three-quarters will fall below the line. It is obvious that if we were dealing with Faridpur and were in search of an electorate embracing the "comfortable quarter" of the households no better criterion could be obtained than the tables of Major Jack. I have carefully considered whether it is possible to apply a similar criterion to Assam. From my personal knowledge of Faridpur and my personal knowledge of Assam, I am convinced that the answer is in the affirmative. Seeing, however, that

jute is less prevalent in Assam than in Bengal, I would fix the criterion in Assam—subject to exceptions in poorer constituencies—at Rs 250 per annum. This criterion should apply to all classes of the population, agricultural or otherwise. In particular the labourers on tea gardens should not be excluded. In their case each “separate doorway” in the coolie lines is classed as a “house.” In a coolie family the men, the younger women, and the older children, all work. It is therefore by no means uncommon to find that a coolie family, using a separate doorway in the lines, has a joint annual income of Rs. 250. The head of such a family should not be placed in a worse position than the head of any other family, agricultural or industrial. I have already mentioned that there are half-a-million actual workers on the tea gardens. If workers and non-workers be reckoned, and if we add the population which came to Assam as labourers and afterwards settled down as independent cultivators, it may safely be estimated that $1\frac{1}{2}$ millions—say one-quarter of the population of the plains—are either labourers or ex-labourers in tea gardens. Moreover, there is no section of the population which is more vitally interested in legislation, past, present, and future. I am therefore persuaded, and I feel sure that the British non-officials will agree, that the respectable families in the coolie lines should be placed on an electoral equality with the respectable families in the villages.

2. As explained in the main note, I propose that the electoral rolls should be prepared as a “by-product” of the forthcoming census. I readily admit that it will be impossible for the supervising staff of the Census to devote the same meticulous care to the calculation of family incomes as was devoted by Major Jack’s trained staff in Faridpur. But it will be quite possible for each Deputy Commissioner to issue such instructions as will secure the desired object—the earmarking of the most comfortable quarters of the households. The statutory rules should be as simple if possible, but their working should be as elastic as possible. In each district it should be left to the Deputy Commissioner, subject to the control and advice of the Commissioner, to lay down tests in accordance with which the families of each constituency should be “deemed to possess” the necessary income. For example, the test in one place might be the cultivation of 5 acres of land; in another the payment of Rs. 15 as land revenue; in another the payment of Rs. 20 as rent to a landlord; in yet another the payment of Rs. 1-8 as chaukidari tax. My point is that none of these working tests should be embodied in the statutory rules. They should be left to the discretion of the local officers.

3. Some of my officers have represented that in certain parts of the province the general criterion of Rs. 250 per annum is too high and will not produce the necessary “quarter.” I can well believe that this is so. I therefore propose that even in the statutory rules there should be an element of elasticity. The criterion might be “an annual income of Rs. 250, or in the poorer constituencies such smaller sum as the Chief Commissioner may direct.”

4. An alternative method of reducing the electorate to reasonable dimensions would be to fix a high minimum of age. For example, it might be laid down that the head of every household is entitled to the franchise provided that his age is 50 years. This would probably give

the desired result. I admit that this scheme is attractive. It is simple, democratic and impartial; and it secures that in the initial elections the franchise is confined to the wiser and older members of the population. Moreover, the scheme can be justified by the precedent of woman-suffrage in Great Britain. The number of women-voters has been reduced, at least during the first stages of the experiment, by the simple expedient of fixing the minimum age at 35 years. As far as I am aware, all Indians who have discussed the problem of their electorates have assumed that the only possible criterion is property, or taxation, or education. Certainly the simple criterion of age had not occurred to any Indian of my acquaintance until I specifically suggested it to him. I found that the suggestion was generally received as one well worthy of consideration. For the present I only mention it as a possible, and attractive, alternative to the scheme which I propose.

5. What I have written in last paragraph reminds me that there is one point, relevant both to my main scheme and to my alternative scheme, which should not pass unnoticed. I refer to the question of votes for women. Personally I think that when the head of a duly qualified household happens to be a woman—in other words, when the *Karta* is in fact a *Kartri* or *Grihini*—that woman should be entitled to exercise the franchise. In the valleys of Assam such cases will be comparatively rare, but when the hill districts come to be included in the scheme, the matter will immediately assume great importance. Anyhow, this is a problem which may well be left to the decision of Indians themselves.

6. The accompanying table shows how I would frame the constituencies. In each Valley there will be 150,000 voters returning 15 members while the racial division will be as follows:—

	Hindos.	Muhammadans.
Surma Valley	7	8
Assam "	13	2
	<hr/>	<hr/>
Total	20	10
	<hr/>	<hr/>

As the Hindu voters (203,000) are to the Muhammadan voters (97,000) in the ratio of two to one, so also the distribution of seats has been made in the same ratio. The table, I hope, is practically self-explanatory, but I add a few notes to make it quite clear:—

- (a) The expression Hindu, for the reason given in the main note, includes not only Hindus of all castes, but also Animists, Ahoms, and Indian Christians. "Non-Muslim Indians" would have been a more accurate, though less convenient, description.
- (b) The North Cachar Hills have been excluded from Cachar, and the Mikir Hills from Nowgong and Sibsagar.
- (c) As far as possible integral districts or integral subdivisions have been taken as the electoral units. The exceptions are indicated by the absence of the words "district" or "subdivisions" in column 2 or column 5, as the case may be. For example, the Hindu constituencies of Cachar are called Sadar and Hailakandi, not Sadder Subdivision and Hailakandi Subdivision. This is because it has been found

necessary to transfer the Katigora Tahsil, for electoral purposes only, from the Sadar to Hailakandi. Even after this transfer the Hailakandi electorate is rather small; without the transfer the disparity would have been still more marked. Minor transfers of a somewhat similar nature were found necessary in the Hindu constituencies of Goalpara, Kamrup, Lakhimpur, while two of the Subdivisions of Sylhet-Sadar and Habiganj were found capable of sending two Muhammadan members each. Generally speaking, however, the ordinary administrative units have been adopted for the purpose of constituencies.

- (d) The percentages of literacy (columns 4 and 7) are approximate figures. It has been assumed that the standard of literacy among the heads of the "comfortable" households of a particular community is approximately three times as great as the general standard of literacy among adult males in the same community of the district in question.
- (e) No attempt has been made to estimate the distribution of wealth among the different classes of the electorates. The towns, as already noted, are small and unimportant. They contain some professional men, some clerks and some shopkeepers; but broadly speaking the electorates will be made up of cultivators and garden coolies. In neither of these categories is there any marked difference in the distribution of income between the various races. So far as cultivators are concerned, the various races obtain approximately similar incomes, but the Muhammadans are generally more improvident than the Hindus, and the Animists more improvident than either. The coolies as a class, being drawn from the lower strata throughout India, are seldom inclined to frugality or excessive sobriety.

N. D. BEATSON BELL.

Proposed Electorates.

District (with total population, Hindu and Muhammadan).	HINDU.			MUHAMMADAN.		
	Constituency.	ESTIMATED		Constituency.	ESTIMATED	
		Number of voters.	Percentage of literacy.		Number of voters.	Percentage of literacy.
1	2	3	4	5	6	7
CACHAB.						
Hindu 314,000	Sadar	10,000	47	Whole district	7,000	34
Muhammadan 156,000	Hailakandi	6,000	57			
Total 470,000						

District (with total population, Hindu and Muhammadan).	HINDU.			MUHAMMADAN.		
	Constituency.	ESTIMATED		Constituency.	ESTIMATED	
		Number of voters.	Percentage of literacy.		Number of voters.	Percentage of literacy.
1	2	3	4	5	6	7
SYLHET.						
Hindu 1,108,000	Sadar Subdivision	10,000	60	North Sadar	8,000	23
Muhammadan 1,305,000	Sunamganj Sub-division.	10,000	60	South Sadar	10,000	23
Total 2,473,000	Habiganj Sub-division.	13,000	60	Sunamganj Sub-division.	14,000	23
	South Sylhet Sub-divisions.	12,000	60	North Habiganj	8,000	23
	Karimganj Sub-division.	12,000	60	South Habiganj	9,000	23
				South Sylhet Sub-division.	9,000	23
				Karimganj Sub-division.	13,000	23
Total Surma Valley	7 Hindu Constituencies.	73,000	—	8 Muhammadan Constituencies.	77,000	—
GOALPARA.						
Hindu 398,000	Dhubri	11,000	39	Whole district	13,000	21
Muhammadan 313,000	Goalpara	8,000	38			
Total 610,000						
KAMRUP.						
Hindu 603,000	East Gauhati	9,000	44	Upper Assam Valley.	8,000	40
Muhammadan 65,000	West Gauhati	9,000	44			
Total 668,000	Barpeta	12,000	40			
DARRANG.						
Hindu 357,000	Tezpur Subdivision	10,000	24	Upper Assam Valley.	8,000	40
Muhammadan 30,000	Mangaldai Sub-division.	8,000	24			
Total 377,000						
NOWGONG.						
Hindu 233,000	Whole district	11,000	39	Upper Assam Valley.	8,000	40
Muhammadan 16,000						
Total 248,000						
SIBSAGAR.						
Hindu 637,000	Jorhat Subdivision	12,000	35	Upper Assam Valley.	8,000	40
Muhammadan 30,000	Sibsagar Sub-division.	11,000	35			
Total 667,000	Golaghat Sub-division.	8,000	35			
LAKHIMPUR.						
Hindu 456,000	Dibrugarh	12,000	30	Upper Assam Valley.	8,000	40
Muhammadan 13,000	North Lakhimpur	9,000	30			
Total 469,000						
Total Assam Valley	13 Hindu Constituencies.	130,000	—	8 Muhammadan Constituencies.	80,000	—
Total both Valleys	20 Hindu Constituencies.	203,000	—	10 Muhammadan Constituencies.	97,000	—

No. 7223, dated Delhi, the 14th October 1918.

From—Lieutenant-Colonel H. C. BRADON, I.A., Officiating Chief Commissioner, Delhi,

To—The Secretary to the Government of India, Home Department, Simla.

I have the honour to acknowledge your letter no. 956, dated the 15th July 1918, in which I am asked to record my views on the proposals set forth in paragraphs 212 to 295 of the Reform proposals which have been formulated by His Excellency the Viceroy and the Right Hon'ble the Secretary of State. In complying I propose to record first my remarks on such paragraphs as affect the Delhi Province and then to comment on such paragraphs as appear to me to require modification in the event of legislation on the proposed lines being undertaken.

2. The only paragraphs which seem to affect Delhi in the whole report are paragraphs 198 and 274. The former is outside the scope of this reference, but I venture to note upon it as it is analogous to the paragraphs relating to Council Government about which reference is made. I do not think that an Advisory Council to the Chief Commissioner would be advisable for the simple reason that the administrative work in so small area is almost all formal: the practice is to follow the Punjab Government in all matters as closely as possible. It must be remembered that the province is merely a nominal province, which was created in order to facilitate the Imperial Capital being built under the direct control of the Government of India: as matters stand at present the whole tract is under the immediate administration of the Municipal Committee and District Board, both of which are practically Indian in character. In paragraph 274 it is suggested that the Delhi Provinces should be given one seat in the Legislative Assembly. To this there can be no objection unless of course in any reconstitution of Provinces it is ruled that Delhi, having as a Province served its purpose, shall be merged again into the Punjab or other major Province.

3. Paragraphs 214—223. I quite agree that Council Government is a desideratum, but I think that in paragraph 218 the proposals should be amended in two respects. Firstly I do not realise why there should be any differentiation between members and ministers. I consider that the Governor's executive colleagues should all be on one footing as regards powers and position, although the system of recruitment may be different. As a corollary to this I regard it as unnecessary to definitely classify subjects as reserved and transferred: for the Governor should have the power to hand over to his councillors such departments as seemed to him to be suitable. In practice no doubt he would place his elected councillors in charge of "popular" subjects, but it would be a cramping policy to tie him down. Then I am of opinion that the Council should be decidedly larger than is proposed; the Governor having no portfolio, there would be but three or at most four councillors and ministers to carry out the administration. Such might suffice in the smaller provinces, but in the larger it would cause an undesirable collection of departments under one Member. The giving to an officer multifarious duties is a horrible Oriental habit which has been contracted through a spirit of financial economy, but it is really false economy in the end. I am sure that for any large province the Executive Council should consist of at least six members, corresponding to the

civil members now forming the Executive Council of the Governor-General.

In this connection I note that it is hardly to be expected that the Provinces will remain as they are now: India, excluding Burma and the North-West Frontier Province, ought not to contain more than six provinces when the provinces come under full Council Government. I also note that the Law and Justice Member should be in charge not only of Legislation, but should relieve the Hon'ble Judges of all administrative work. I regard this as a most important reform. The question raised in paragraph 220 of permitting a Governor to appoint Additional Council Members without portfolio seems in any case premature and is a matter which might be left for action to be taken in the light of experience.

4. Paragraph 224. I see no objection to power being taken to appoint officials to positions analogous to that of a Parliamentary Under-Secretary, but the necessity of such appointments must depend on the number of executive councillors and the volume of business which may arise.

5. Paragraphs 225—233. These paragraphs are the most important in the whole report. They form the foundation of a great superstructure which has been designed, and it will be for the special committee to find material for the construction of the foundations. If the committee can find good material the superstructure can be erected, but if they cannot this particular Reforms Scheme must be shelved until Indian education and character have reached a higher standard.

In these paragraphs it is postulated that electorates must not be communal and that there must be direct connection between members of a Legislative Council and the original voters. Such theories are based on the English conception of democratic rule and representative Government: the idea of mixed electorates is wholly opposed to Oriental ideas and their introduction will cause intense dissatisfaction in Northern India: racial and inter-creed feeling will be accentuated to such an extent that elections will be impossible. In respect to the direct elections of members of a Legislative Council by original voters, it is obvious that the preparation and maintenance of electoral rolls and the miscellaneous work attendant on elections will be so vast, that the difficulties of giving effect to the scheme will prove insuperable. I do not deem it advisable to write at length on these subjects, because there is really very little chance of mixed electorates or a system of direct elections being established with the next generation: I merely emphasise that, unless good material can be found for the foundations, the superstructure must not be built.

6. Paragraph 235. Standing Committees with advisory functions only are suggested as a regular feature of the constitution. This form of Committee has found a good deal of favour of late with Government and has been advocated for excise and other purposes. I have noticed, too, in the late Resolution on Local Self-Government that the Government of India have suggested advisory official members being attached to Municipal Committees. I must confess that I do not see the advantages of these appointments to advisory committees or posts. The average official when he wants advice asks for it from those who are likely to be able to help him, and the average individual—certainly the individual with

any personality—is not going to sit on a committee unless he is empowered to vote, nor on any committee which has no power to decide a question. A capable official will have little use for a formal advisory committee and a weak official will shelter himself behind it.

7. Paragraph 236. It is proposed that the Governor shall be President of his Legislative Council. I am very doubtful if this is a wise suggestion. It seems to me that in normal times even the Head of the Government should, from a sense of dignity, keep aloof from the actual legislative business and that it would be most unfortunate if he were in the chair when passions run high: a time must come when disgraceful scenes, similar to those which occur in the House of Commons, will occur. For this reason I should like to see the Governor not a member of his Legislative Council. It may be a narrow view to take of the question, but Government in the East rests on prestige and any weakening of the Governor's position would be calamitous. We have already seen and deplored how the Indian Press has taken to abusing the highest officials in terms highly repugnant to our finer feelings: such written ebullitions have made little headway owing to official traditions and our national character, yet no Governor could with proper dignity preside at meetings where the acts of his Government are being both adversely and eternally criticised—and as often as not in a future fashion.

8. Paragraph 252. The procedure suggested for circumventing in special cases Legislative Council does not seem sound. The idea seems to be that when any really important Bills is contemplated the Governor is invited to assume that his Legislative Council will fail him and to issue a certificate which will cause the Bill to be dealt with by a Grand Committee, or in plain language by a packed jury. Such a suggestion strikes at the very root of the principle of a responsible Legislative Council, who certainly ought to be given a chance of showing intelligence. It seems to me that the obvious way of counteracting a foolish or perverse note in a Provincial Council on a Bill of vital importance is for the *Provincial Executive Government*, who after all are responsible for the administration, to appeal to the Government of India to authorise their gazetting the Bill, modified if necessary, as an Act. Unless Legislative Councils prove to be thoroughly inefficient and prejudiced, such occasions ought to be very rare.

9. Paragraphs 273 *et seq.* I am such opposed to any immediate alteration in the existing Supreme Legislative Council, and in the system of legislation by the creation of a State Council. Firstly, the Provincial Councils will be on trial, and we ought certainly to wait and see how they work. It will be, I opine, decidedly difficult to secure the services of sufficient capable men for the Provincial Councils, and it will be a misfortune if the best are drained off and passed on to the Supreme Government. Secondly, as the Provincial Governments will be in a measure autonomous, the legislative duties of the Government of India ought to be fairly light. During the Financial year 1917-18 debates in Council on bills took place on 17 days, and 5 days were spent in discussing the financial statement: the greater part of the time of the Council was wasted over the froth of Council work—questions and academic resolutions. These statistics do not indicate that the Legis-

lative Council of the Government of India should be either increased or duplicated.

10. Paragraph 287. I do not understand what will be the functions of the Privy Council. It will in effect merely create an additional Heading for the 'Honours Gazette' through the illusion of an elastic Council with undefined duties. The Privy Council of England is needed, apart from its judicial section, as an advisory Council for His Majesty, who does not preside over Cabinet meetings: the members are, I understand, His Majesty's consultants: in the constitution of India, His Excellency the Viceroy presides over his Council meetings and consequently is more in touch with affairs. In fact in England the rule is that of the King and in India the rule is that of the Governor-General and Council.

I think that we, who are of British descent and who have always held His Majesty's Privy Council in such respect, would be sorry to see created in India, except for very strong reasons indeed, a body having the same name as one composed of the Empire's greatest statesmen. I do not recognise the reason for permitting only Indian members of the projected Privy Council to retain the title of Hon'ble for life.

11. Now the fact that I have proposed alterations must not be taken to mean that I approve of the published scheme or the paragraphs under consideration. The fact that the scheme has been propounded by such high officers of State makes it rather difficult for any Government servant to express his opinions freely, but writing with the authority of long experience and having been up to a few days ago in close touch with the masses as a District Officer, I am bound to record that I think the reforms should have been on other lines. The authors of the scheme seem to have formed the impression from the start that India is desirous of revolutionary changes, whereas in reality it is only revolutionary changes that are suitable. High officials meet only the most enlightened and most highly educated Indians and seem to forget how small a proportion of the general populace these are. In this connection I have tried to analyse the situation as regards reform in Delhi Province. In round figures the *adult* male population of the Delhi Province is 1 lakh (the total population being nearly 4½ lakhs). The Home Rule League consists of 480 persons, many of whom are merely curiosity mongers and it is fair to assume that considerably less than 5 per cent. of the male *adult* population can be described as "interested in politics." It is most improbable that more than 100 people in Delhi have digested the Report and assuming that they are all in favour of it, we can reckon that not more than one per mille of the *male adult population* are supporters of the schemes: these figures do not indicate that there is any local demand for change beyond that of gradual evolution.

It seems to me that the practical position in India is as follows:—

The politicians and educated community have really taken up the position that having become educated they must no longer be classified with the illiterate masses. They say in effect "we have educated ourselves on European lines and we want to take a full share in ruling the country." The reply of the Reforms report is to offer the politicians a partially representative Government. I am sure that it would have been much better to have maintained the present form of bureaucratic Government giving Indians better opportunities of entering such. The

educated Indians ought not to be thrust directly into high positions of State, but aspirants for office should begin at the bottom of the services like everyone else, and others should prove their worth in Rural and Urban councils.

This is the more rational course to follow and it fulfils the Queen's Proclamation of 1858 which lays down that "*so far as may be* Our subjects of whatever Race or Creed shall be freely and impartially admitted to offices in Our service, the duties of which they may be qualified by their education, ability and integrity to discharge." The words "*so far as may be*" were entered in the Proclamation purposely.