No. 21 of 1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 1st October 1908.

MY LORD,

WE have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by His Excellency the Viceroy in a minute reviewing the political situation in India. Lord Minto then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to local Governments, no. 2310-17, dated the 24th August 1907. After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

2. *Reception of the scheme.*—The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticism from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races and communities, is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantage can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the local Governments. From the landholders, whether Hindu or Muhammadan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions

which leave their principle untouched. They welcome the separate representation of the landowning interest on the Legislative Councils, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Muhammadans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Muhammadans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory; they protest against class electorates for the Legislative Councils; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more members on the Imperial Legislative Council.

3. The divergent opinions briefly summarised here bear striking testimony to the wisdom of Lord Lansdowne's Government in describing Indian society as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education, that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform, which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of the opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

Despatch of 26th October 1892.

AN IMPERIAL ADVISORY COUNCIL.

4. *Opinions on its composition.*—The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of 24th August 1907. The Council then suggested was to consist of about sixty members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal and Assam approve generally of the scheme Most of the non-officials receive with enthusiasm the general principle of

associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status; that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

5. *Criticisms on the functions of the Council.*—Apart from the qualifications of its personnel the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

6. *Recommendations of the Government of India.*—We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interest may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor General in the guardianship of common and Imperial interests.

7. *Proposal for a Council of British Indian Notables.*—The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

8. *The Council of Chiefs.*—Concerning the manner in which a Council of Chiefs should be called into existence we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

9. *Number and term of office.*—Passing now to the questions of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that His Lordship said that he could not recommend a larger number "without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office or to Chiefs not wholly fitted for the dignity of Councillors." Eventually only eight Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The members would hold office during the Viceroy's pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

10. *Subjects for discussion.*—There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative, and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request. We do not, however, think it desirable in announcing the creation of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration would, on the one hand, tend to limit consultation, while on the other it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

11. *Meetings and procedure.*—For much the same reasons it does not appear to us to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advise when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

PROVINCIAL ADVISORY COUNCILS.

12. *The Government of India's original proposal.*—In our letter of the 24th August 1907, we suggested that the various Provincial Governments should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. These Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council; and it was observed that the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. Each local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

13. *Views of local Governments.*—The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. The Government of Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of 35 nominated members, including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the province is not yet ripe for such a measure. The Lieutenant Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. He suggests a Council composed of the members of the Legislative Council and representatives of other interests, including members elected by the District Advisory Councils which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 members elected by district boards and large municipalities, 6 members nominated to represent the commercial classes and minorities, and 11 official members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of 13th March, and, instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large

Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential," while for the Punjab a small confidential Council is proposed.

14. *Views of other persons.*—The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions and retired officials, to larger bodies of 50, 60 or 80 members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same proposals as the professional class. The Maharaja of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; Sir Faiyaz Ali Khan proposes an elected Council; the Raja of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocate district representation, power of initiating questions, and publication of opinions. The Muhammadan opinions are almost unanimous in desiring a Council, but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with 25 or 30 members. Several writers suggest that religious interests should be specially represented. Among the Muhammadans of the Punjab the best opinion accepts a small Council of six or seven members as appropriate.

15. *Final recommendations of Government of India.*—The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim, but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a local Government to have a small body of Councillors to whom he could turn for advice before his policy was definitely shaped, or whom he could use as a channel of communication with the public in matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any local Government to make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard

model would not be confined to a single province, but would inevitably affect the administration of other provinces and of India as a whole. The appointment of members would naturally rest with the local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published.

THE IMPERIAL LEGISLATIVE COUNCIL.

16. The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in Sir Courtenay Ilbert's *Government of India* and need not be repeated here. Under the law and rules at present in force the Council stands thus:—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council	8

Additional.

A.—Nominated members; not more than 6 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests		11
		5
B.—Elected members		
(*a*) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces ...	4	
(*b*) by the Calcutta Chamber of Commerce ...	1	
Total ...		24
or, including His Excellency the Viceroy ...		25

17. In our letter of 24th August 1907 we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner:—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of the Executive Council	8

Additional.

A.—Nominated members; not more than 20 to be officials; of the non-officials, one to be a Ruling Chief; four to represent minorities or special interests, not less than two being Muhammadans; and two, when necessary, to be experts nominated for special purposes		27
		18
B.—Elected members		
(*a*) by the Chambers of Commerce of Calcutta and Bombay	2	
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7	
(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	7	
(*d*) by Muhammadans	2	
Total ...		53
or, including His Excellency the Viceroy ...		54

18. *Principle of representation.*—We have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In our judgment these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago, in the course of the discussions leading up to the report of Sir George Chesney's Committee, Mr. (now Lord) MacDonnell, then Home Secretary to Lord Dufferin's Government, said in a note which was forwarded to the India Office: "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities, and creeds, widely differing *inter se* in a variety of ways." On the same occasion Sir George Chesney expressed similar views, and Sir Charles Aitchison observed that "the division of the people into creeds, castes, and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in Lord Dufferin's Minute annexed to the Government of India's Despatch of the 6th November 1888 describes the population of India as "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 social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, His Highness the Aga Khan has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect of signs of the advent of that unity which is the first essential to the creation of a modern State."

19. These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law in 1892. In the Upper House Lord Ripon referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India." Lord Kimberley said—"The notion of a Parliamentary representation of so vast a country—almost as large as Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body.....the Muhammadans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." Lord Northbrook considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion Lord Kimberley agreed with Lord Northbrook, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Muhammadans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of Mr. Gladstone, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilisation, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew attention to "the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." Mr. Samuel Smith spoke of "the endless shades of caste, race, and religion in India;" Sir William Plowden and Sir Richard Temple followed in the same strain; and the latter

observed that "in fixing the ratio of members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

20. To the principle thus affirmed by both Houses of Parliament Lord Lansdowne's Government endeavoured to give as wide a scope as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to local Governments on the 15th August 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of the direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believed that the non-official members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent. have belonged to the professional middle class; the landholders have obtained 27 per cent. of the seats, and the Muhammadans only 12 per cent.; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests, and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only:—

Communities.

	Number.	Per cent.
Hindus	158,601,000	68
Muhammadans	53,804,000	23
Buddhists	9,411,000	4
Christians...	1,904,000	·81
Sikhs	1,574,000	·67
Jains	479,000	·20

Interests.

Agriculture	155,678,000	67·1
Commerce and Industry	38,302,000	16·5
Professions	3,871,000	1·6

Adult Males.

Literate in English	652,000	1
Literate in Vernacular	8,616,000	14

21. Starting from these data, and bearing in mind the principles laid down by Parliament in 1892 for the guidance of Lord Lansdowne's Government, we propose that the Imperial Legislative Council should be constituted as follows:—

A.—*Ex-officio* members	8
B.—Officials representing provinces	8
C.—Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts	18
*D.—Elected members	28
†(*a*) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces	12
(*b*) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	7
(*c*) by Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and (alternately) Madras and Bombay	5
(*d*) by Chambers of Commerce of Calcutta and Bombay ...	2
‡(*e*) by representatives of Indian commerce	2
Total ...	62
or, including His Excellency the Viceroy ...	63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of 31 officials and the same number of non-officials, so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we propose are stated in detail in the following paragraphs.

22. *Enlargement of the Council.*—In our letter of 24th August 1907 we suggested that the size of the Council should be more than doubled. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

23. *Power to create an official majority.*—The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of 24th August 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious that under existing constitutional conditions the Government cannot resign; it must be able to settle the budget and procure supplies for the service of the country: and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General, in consultation with local Governments, until a method of election can be devised.

practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the Hon'ble Mr. Gokhale, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority" of non-official members. In all provinces the opinions which carry most weight, owing to the position of the writers of their experience as members of a Legislative Council, proceed on similar lines; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognizance should be taken of the votes. We gladly recognise the moderation and good sense by which these views are inspired. At the same time, in order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding His Excellency the Viceroy) for 31 official members,—8 *ex-officio*, 8 representing provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale.

24. *Ordinary constitution of the Council.*—We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring, in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the non-official members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated members not more than 15 shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority, but to reserve power in the last resort to transform it into a majority.

25. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Muhammadan or the Sikh community.

26. *Representation of the professional middle class.*—Our proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces the Punjab, and Burma is accepted by all local Governments except the Punjab, which observes that as the number of non-official members on its Provincial

Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Impeial Council." This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional provinces to be represented) than they now possess Several suggestions are made for increasing the number by assigning two or more members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four provinces which will have comparatively large Provincial Councils, namely, Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely, the Punjab, Eastern Bengal and Assam, and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

27. *Representation of landholders.*—The proposal made in our letter of 24th August 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven members, is generally approved by the local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by associations in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. The Lieutenant-Governor of Eastern Bengal and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

28. We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, provinces will compete with each other in devising methods

of election and the best system will in the long run prevail. Meanwhile we may point out that the success of the Calcutta University in organizing the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

29. When regular electorates cannot be formed, the simplest and most convenient method of selecting members would be to recognise election by associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by associations is admitted as the standard means of giving representation to classes, it seems probable that rival associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an association may be captured by a small ring of politicians; that its original character may be transformed by changing the conditions of membership or by manupulating admissions; or again that the whole organization may exist, as the Hon'ble Malik Umar Hayat Khan has suggested, "more on paper than in practice". Lastly, where parties are formed within an association, with the result that the validity of an election is disputed and each party charges the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community have developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a member deserves special consideration; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be members of the electorate.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical; that our electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March 1890 both Lord Ripon and Lord Kimberley pointed out that when the Bengal Tenancy Act was under discussion in Lord Dufferin's Council "the only representative of the ryots was the Government". Among the official members of the Legislative Councils there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

30. *Representations of Muhammadans.*—All local Governments approve of the proposals for the special representation of Muhammadans which were made in our letter of 24th August 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Muhammadan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Muhammadan electorate, make provision in their scheme of a Council for the

election of two members by the Muhammadan community. Notwithstanding their formal protest against the principle of religious representation, the association doubtless realise that the Indian Muhammadans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming in many cases to belong to a different race from the Hindus.

The first question is how many seats should be allotted to the Muhammadan community. After carefully considering the demands of the Muhammadans themselves and the views expressed by the Hindus, we think that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Muhammadan population, namely, Bengal, Eastern Bengal and Assam, the Punjab and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Muhammadan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed.

The question of a Muhammadan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Muhammadans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Muhammadans of Bombay are said to be widely scattered over the Presidency, and at present unorganised for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Muhamman representative should be elected by the Provincial Muhammadan Association. The Lieutenant-Governor of the Punjab considers it impossible to form a Muhammadan electorate, and proposes that the Muhammadan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Muhammadan electorate is feasible, that method should be adopted; that Muhammadan association should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the local Government to determine, in consultation with the leaders of the Muhammadan community, which plan should be adopted.

31. *Representation of commerce.*—In the scheme put forward by us in August 1907 two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

(1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India;
(2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor General, in consultation with local Governments, until a method of election by commercial associations is developed.

It may be said that the first proposal excludes from representation the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures noted in the margin show how enormously the commercial interests of Bengal and Bombay preponderate over those of the other provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

Value of sea-borne trade in 1907-08.

	Rs.
Bengal	1,64,84,29,000
Bombay	1,07,53,10,000
Sind	42,65,26,000
Madras	43,70,37,000
Burma	63,55,69,000
Eastern Bengal and Assam	7,22,49,000

32. *Seats reserved for nomination.*—We have explained above our reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. We find it impossible without increasing the size of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connexion with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

PROVINCIAL LEGISLATIVE COUNCILS.

33. In our letter of the 24th August 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

34. *General remarks.*—In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated members not more than a certain number shall be officials; the non-officials being representatives of minorities or special interest, or experts. This will enable the head of the Government to dispense with an official majority in the Council as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials

requisite to secure a majority of one in the full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have made no attempt to frame regular constituencies for the election of landholders, Muhammadans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income-tax or upon the income derived from land; others may permit associations to recommend members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by us except the Council for Burma, we proceed to state our proposals for Councils of the maximum strength for each province.

MADRAS.

35. Under the rules at present in force the Madras Legislative Council stands thus:—

Ex-officio.

Members of the Executive Council	2
Advocate General	1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be zamindar paying not less than Rs. 20,000 *peshkash* annually ...		13
B.—Elected members		7
(*a*) by Corporation of Madras	1	
(*b*) by Municipalities and District Boards	4	
(*c*) by the University	1	
(*d*) by the Chamber of Commerce, or other commercial bodies	1	
Total ...		23
or, including the Governor ...		24

The statistics from 1893 to 1906 show the professional middle class, holding 66·6 of the selected seats; the landholders 5·5; European commercial members 24·1; and the representatives of Indian commerce 1·9. No Muhammadan has succeeded in obtaining a seat by election; and throughout the period the members elected by the district boards and municipalities have belonged, with one exception, to the professional middle class. The communities and

interests for which provision ought to be made in any comprehensive scheme of representation are the following:—

Communities.

	Number.	Per cent.
Hindus	34,048,000	89
Muhammadans	2,457,000	6
Christians	1,024,000	2·7

Interests.

Agriculture	26,356,000	69
Commerce and Industry	6,998,000	18
Professions	620,000	1·6

Adult Males.

Literate in English	117,000	1·2
Literate in Vernacular	1,587,000	16·5

36. In their letter of 13th March 1908, after discussing certain alternative schemes, the Madras Government proposed a Council of only 33 members, which was too small for the needs of the province, and was open to the further objections that it gave insufficient representation to the professional middle class; that it assigned no separate seats to the landholders, and only one seat to the Muhammadans; that it made no provision for Indian commerce; and that it reserved two seats for election by two General Assemblies similar to the representative assemblies of Mysore and Travancore, on a plan which the local Government have since abandoned. In their letter of the 22nd August the Government of Madras have now put forward the following plan of a Council:—

Ex-officio.

Members of the Executive Council	2
Advocate General	1

Additional.

A.—Nominated members not more than 18 to be officials: the non-officials to be representatives of special interests or minorities or experts		21
B.—Elected members		17
(*a*) by Corporation of Madras	1	
(*b*) by Municipalities and District Boards ...	8	
(*c*) by the University	1	
(*d*) by landholders	4	
(*e*) by Muhammadans	2	
(*f*) by the Chamber of Commerce	1	
Total ...		41
or, including the Governor ...		42

37. We recognise that this Council is framed on more liberal lines than that originally contemplated, but it is still defective in that it makes no provision for the representation of Indian commerce and the planting community by election. It also provides for a somewhat larger official majority than is really necessary. The Madras Government explain that they find it difficult to procure an official vote of more than 19 members including the Advocate General. They have, however, not realised that the full official majority will only be required on rare occasions, so that the inconvenience and dislocation of

public business which they anticipate will not be experienced in practice. We are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and after careful consideration of the local requirements we think that the total should be fixed at 46. We therefore recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, as shown below :—

Ex-officio.		
Members of the Executive Council		2
Advocate General		1
Additional.		
A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities or experts		24
B.—Elected members—		19
(*a*) by Corporation of Madras	1	
(*b*) by Municipalities and District Boards	8	
(*c*) by the University	1	
(*d*) by landholders	4	
(*e*) by the planting community	1	
(*f*) by Muhammadans	2	
(*g*) by the Chamber of Commerce	1	
(*h*) by the Indian commercial community	1	
Total ...		46
or, including the Governor ...		47

This scheme gives twice as many elected members as were originally proposed by the Madras Government; it raises the representation of the professional middle class from 6 to 10; it gives 5 elective seats to the landholders and planters and 2 to the Muhammadans; and it provides a separate member for the Indian commercial community.

BOMBAY.

38. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows :—

Ex-officio.		
Members of the Executive Council		2
Advocate General		1
Additional.		
A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community ...		12
B.—Elected members		8
(*a*) by Corporation of Bombay	1	
(*b*) by Municipalities*	1	
(*c*) by District Boards*	2	
(*d*) by Bombay University	1	
(*e*) by Sardars of the Deccan and Zamindars of Sind ...	2	
(*f*) by Bombay Chamber of Commerce, or other commercial bodies	1	
Total ...		23
or, including the Governor ...		24

* Voting by electoral representatives on a population scale.

Including the Governor, this provides for an official majority of 13 officials against 11 non-officials. But, as is shown in paragraph 14 of the Bombay Government's letter, the present Council consists of 10 officials (including the Governor)

and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on some non-official support. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. Writing in 1906, Lord Lamington mentioned as defects in the composition of the present Council (*a*) the over-representation of Bombay city; (*b*) the over-representation of the professional class; (*c*) the under-representation of land and agriculture; (*d*) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The local Government expressed a similar opinion in 1899 when reporting on the working of the regulations made under the Act of 1892. The statistics from 1893 to 1906 shew that the professional middle class obtained 50·7 per cent. of the elective seats; the landholders 22·6; the Muhammadans 11·3; and Indian commerce 2·8. The chief component elements of the population are as follows :—

	Number.	Per cent.
Communities.		
Hindus	14,197,000	77
Muhammadans	3,726,000	20
Christians	205,000	1
Jains	227,000	1
Interests.		
Agriculture	11,026,000	59
Commerce and Industry	3,715,000	20
Professions	323,000	1·7
Adult Males.		
Literate in English	91,000	1·8
Literate in Vernacular	747,000	14·9

39. The Government of Bombay put forward two alternative schemes, a smaller one and a larger one. The smaller, which has the support of a majority of the local Executive Council, is as follows :—

Ex-officio.		
Members of the Executive Council		2
Advocate General		1
Additional.		
A.—Nominated members; not more than 9 to be officials; the non-officials to be representatives of special interest or minorities, or experts		24
B.—Elected members		17
(*a*) by Corporation of Bombay	1	
(*b*) by Municipalities	4	
(*c*) by District Boards	4	
(*d*) by the University	1	
(*e*) by landholders	3	
(*f*) by Bombay Chamber of Commerce	1	
(*g*) by Karachi Chamber of Commerce	1	
(*h*) by Mill-owners' Associations of Bombay and Ahmedabad alternately	1	
(*i*) by Indian commercial community	1	
Total ...		44
or, including the Governor ...		45

The advantages of this scheme are :—

(1) That it gives adequate representation to European commerce, restores to the Karachi Chamber the seat taken away from it in 1896 (not, as the Bombay Government incorrectly say, in 1892), and admits the claim of the mill industry to distinct recognition.

(2) That it gives Indian commerce one member to be elected by an association of native merchants.

(3) That it assigns eight seats to the professional middle class through the district boards and municipalities, in addition to the members for the University and Corporation, so that this class will get ten out of seventeen elective seats and may get more by nomination.

(4) That it gives three seats to the landholders.

On the other hand it has two conspicuous defects :—

(*a*) It provides (including the Governor) for only 13 official members, 4 ex-officio and 9 nominated and thus leaves the Government in a substantial minority.

(*b*) It assigns no separate seats to the Muhammadans.

40. For these reasons we recommend that the Bombay scheme be modified as follows :—

Ex-officio.

Members of Executive Council	
Advocate General	1

Additional.

A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities or experts ...	23
B.—Elected members	20
(*a*) by Corporation of Bombay	1
(*b*) by Municipalities	4
(*c*) by District Boards	4
(*d*) by the University	1
(*e*) by landholders	3
(*f*) by Muhammadans	3
(*g*) by Bombay Chambers of Commerce	1
(*h*) by Karachi Chamber of Commerce	1
(*i*) by Mill-owners' Associations of Bombay and Ahmedabad alternately	1
(*j*) by Indian commercial community	1
Total ...	46
or, including the Governor ...	47

It will be observed that the provision made by us for the appointment of nominated members under head A of our scheme leaves it open to the Bombay Government to dispense with an official majority if they consider that they can carry on the business of the Council without one. As regards Muhammadans, the opinions sent up by the Bombay Government seem to indicate that nothing but separate representation will satisfy the community, and that they resent the idea of nomination. We accordingly recommend that the Muhammadans should be given three seats, as proposed above, one for Sind and two for the Presidency; and that the Bombay Government should be asked to consider whether an electorate can be formed, or if that is not possible, whether associations, can be utilised for the purpose of proposing members for nomination by the Governor. We would further observe that our proposals are more liberal than those made by the Bombay Government, since they raise the number of elected members from 17 to 20. We do not think it necessary to discuss the second Bombay scheme, which has the support of only one member of the local Government.

BENGAL.

41. The Bengal Legislative Council now stands thus :—

A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community ...	13
B.—Elected members	7
(*a*) by Corporation of Calcutta	1
(*b*) by Municipalities (by rotation)	1
(*c*) by District Boards (by rotation)	2
(*d*) by the University	1
(*e*) by Landholders' Associations	1
(*f*) by Chamber of Commerce or other commercial bodies	1
Total ...	20
or, including the Lieutenant-Governor ...	21

The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the professional middle class, 13·2 from the landholders; 5·7 from the Muhammadans; 20·8 from the European commercial community; and 3·8 from the representatives of Indian commerce. The chief elements of the population are :—

	Number.	Per cent.
Communities.		
Hindus	39,266,000	77
Muhammadans	9,027,000	18
Christians	246,000	·5
Interests.		
Agriculture	34,264,000	67
Commerce and Industry	7,048,000	13·8
Professions	856,000	1·6
Adult Males.		
Literate in English	176,000	1·4
Literate in Vernacular	1,906,000	14·9

42. The Lieutenant-Governor proposes a Council constituted as follows :—

A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts	22
B.—Elected members	14
(*a*) by Corporation of Calcutta	1
(*b*) by Municipalities and District Boards ...	7
(*c*) by the University	1
(*d*) by landholders	2
(*e*) by the Chamber of Commerce	1
(*f*) by the Calcutta Trades Association ...	1
(*g*) by the Indian commercial community ...	1
Total	36
or, including the Lieutenant-Governor ...	37

The scheme is almost identical with that propounded by the British Indian Association in their letter of 10th December 1907. Its weak points appear to us to be :—

(1) That the Council suggested is too small.

(2) That it gives insufficient representation to the educated classes.

(3) That it gives too few seats to the landholders.

(4) That it refuses separate representation to the Muhammadans.

(5) That it assigns too few seats to European commerce, and does not provide for the representation of the planting community.

43. Our Hon'ble Colleague Sir Edward Baker was in general agreement with these criticisms on the local Government's scheme. After considering the views of the Lieutenant-Governor, we propose the following constitution :—

A.—Nominated members ; not more than 23 to be officials ; the non-officials to be representatives of special interests or minorities or experts	26
B.—Elected members	20
(*a*) by Corporation of Calcutta	1
(*b*) by Municipalities	4
(*c*) by District Boards	4
(*d*) by the University	1
(*e*) by landholders	4
(*f*) by the planting community	1
(*g*) by Muhammadans	2
(*h*) by the Chamber of Commerce	1
(*i*) by the Calcutta Trades Association	1
(*j*) by the Indian commercial community	1
Total ...	46
or, including the Lieutenant-Governor ...	47

We believe this Council to be large enough to meet the requirements of the province, the population of which exceeds that of the United Provinces by only three millions. The Council suggested by us gives ten seats to the professional middle class, five to the landholders, including one for the planting community, who at the present time have vital interests at stake and cannot properly be omitted, two to the Muhammadans, and three to trade and commerce.

UNITED PROVINCES.

44. The Legislative Council of the United Provinces is at present constituted as follows :—

A.—Nominated members ; not more than 7 to be officials ; non-officials to represent different classes of the community ...	9
B.—Elected members—	6
(*a*) by groups of Municipalities 2	
(*b*) by groups of District Boards 2	
(*c*) by University of Allahabad 1	
(*d*) by Upper India Chamber of Commerce or other commercial bodies 1	
Total	15
or, including the Lieutenant-Governor ...	16

In commenting on the working of the existing regulations Sir James LaTouche observed two years ago—

(1) That municipalities had practically always elected pleaders.

(2) That District Boards do not as a rule elect great landowners. In illustration of this he pointed out that Munshis Nehal Chand and Madho Lall "belong to the English educated class and, though they hold land, are only incidentally landowners".

(3) That no Muhammadan had ever been elected by a representative group. (Since this statement was made one has been appointed.)

(4) That the professional middle class had generally secured five out of the six elective seats.

(5) That Indian commerce was unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.

(6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the professional middle class holding 50 per cent. of the elective seats, landholders 20·6; Muhammadans none ; Indian merchants none, and European commerce 20·6. The principal elements of the population are :—

	Number.	Per cent.
Communities.		
Hindus	40,757,000	85
Muhammadans	6,731,000	14
Interests.		
Agriculture	31,181,000	65
Commerce and Industry	7,500,000	16
Professions	622,000	1·3
Adult Males.		
Literate in English	65,000	·5
Literate in Vernacular	1,033,000	7·9

45. The reconstruction of the Council has been thoroughly worked out and explained in paragraphs 19 to 30 of the local Government's letter of the 16th March 1908. The Council proposed is thus constituted :—

A.—Nominated members ; not more than 22 to be officials ; the non-officials to represent special interests or minorities ...	28
B.—Elected members—	16
(*a*) by large Municipalities in rotation 2	
(*b*) by District Boards and smaller Municipalities ... 8	
(*c*) by Allahabad University 1	
(*d*) by landholders 2	
(*e*) by Muhammadans 2	
(*f*) by Upper India Chamber of Commerce ... 1	
Total ...	44
or, including the Lieutenant-Governor ...	45

46. After carefully considering all the questions raised by the local Government's letter and the opinions forwarded with it, we recommend a Council composed as follows :—

A.—Nominated members ; not more than 23 to be officials ; the non-officials to be representatives of special interests or minorities, or experts	27
B.—Elected members	19
(*a*) by large Municipalities in rotation 2	
(*b*) by District Boards and smaller Municipalities ... 8	
(*c*) by Allahabad University 1	
(*d*) by landholders 2	
(*e*) by Muhammadans 4	
(*f*) by Upper India Chamber of Commerce ... 1	
(*g*) by the Indian commercial community ... 1	
Total ...	46
or, including the Lieutenant-Governor ...	47

Our scheme does not differ materially from that proposed by the Lieutenant-Governor. The number, both of officials and non-officials, has been raised by one in order to bring the size up to that of the standard model. Provision has been made for the representation of the Muhammadans by four elected members, instead of by two elected and two nominated members, and a separate seat has been provided for the Indian commercial community, which will be filled up by election whenever a suitable constituency can be found.

EASTERN BENGAL AND ASSAM.

47. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community	...	9
B.—Elected members	...	6
(*a*) by Municipalities and District Boards	...	3
(*b*) by Associations of landholders	...	1
(*c*) by Associations of merchants	...	1
(*d*) by Commissioners of Port of Chittagong	...	1
Total	...	15
or, including the Lieutenant-Governor	...	16

The chief component elements of the population are:—

	Number	per cent.
Communities.		
Hindus	11,350,000	37
Muhammadans	17,813,000	53
Buddhists	172,000	·5
Interests.		
Agriculture	23,957,000	78
Commerce and Industry	3,377,000	11
Professions	527,000	1·7
Adult Males.		
Literate in English	62,000	·9
Literate in vernacular	965,000	12·5

48. The local Government now proposes a Council constituted as follows:—

A.—Nominated members; not more than 12 to be officials; the non-officials to be representatives of special interests or minorities	...	15
B.—Elected members	...	10
(*a*) by Municipalities	...	2
(*b*) by District and Local Boards	...	3
(*c*) by Bengal Landholders' Association	...	1
(*d*) by Provincial Muhammadan Association	...	1
(*e*) by tea interest	...	1
(*f*) by jute interest	...	1
(*g*) by Commissioners of Port of Chittagong	...	1
Total	...	25
or, including the Lieutenant-Governor	...	26

49. This scheme appears to us to be defective in the following respects:—

(1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.

(2) The representation given to the professional middle class (5 seats) is insufficient.

(3) The Muhammadans and the landholders are inadequately represented.

For these reasons we propose the following Council:—

A.—Nominated members: not more than 18 to be officials; the non-officials to be representatives of special interests or minorities or experts	...	21
B.—Elected members	...	15
*(*a*) by Municipalities and District and Local Boards	...	8
(*b*) by landholders	...	2
(*c*) by Muhammadans	...	2
(*d*) by tea interest	...	1
(*e*) by jute interest	...	1
(*f*) by Commissioners of Port of Chittagong	...	1
Total	...	36
or, including the Lieutenant-Governor	...	37

We find it impossible to enlarge the Legislative Council of Eastern Bengal and Assam up to the standard proposed for the older provinces, because it is difficult to provide more than 18 official members without unduly disturbing administrative business. But the proposals made by us appear to meet the essential requirements of the province. They give sufficient representation to the professional middle class, the landholders, and the Muhammadans, and they assign separate members to the tea and jute industries, and to the Commissioners of the growing port of Chittagong. The Assamese inhabitants of the Brahmaputtra Valley will for the first time obtain separate representation, and the reservation of three seats for nomination will place it in the power of the Lieutenant-Govefnor to meet the claims of the tenantry of the province to have an opportunity of expressing their views on the questions of the day. Although the Muhammadans form a majority of the population of the province, they are at present comparatively unorganized, and they can only be adequately represented by means of a special electorate.

PUNJAB.

50. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of—

A.—Nominated members—		
Officials	...	4
Non-officials	...	5
Total	...	9
or, including the Lieutenant-Governor	...	10

All the members are nominated. The non-officials are one Christian, two Muhammadans, one Sikh, and one Hindu. In framing a scheme of representation the following factors have to be considered:—

	Number.	Per cent.
Communities.		
Hindus	7,874,000	38
Muhammadans	10,825,000	53
Sikhs	1,517,000	7
Interests.		
Agriculture	10,998,000	54
Commerce and Industry	4,814,000	23
Professions	450,000	2·2
Adult Males.		
Literate in English	54,000	·9
Literate in vernacular	564,000	9·9

* Voting together by divisions, *viz.*, Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, Surma Valley 1.

51. In paragraphs 40 to 46 of his letter of 6th July 1908 the Lieutenant-Governor proposes a Council of the following composition :—

A.—Nominated members; not more than 10 to be officials; the non-officials to represent Muhammadans, Hindus, Sikhs and other interests			17
B.—Elected members			4
(*a*) by the Commercial community ...	1		
(*b*) by the Punjab University	1		
(*c*) by the larger cities	2		
Total ...			21
or, including the Lieutenant-Governor ...			22

52. In the Council proposed by the local Government, we find several features of which we are unable to approve. We think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. We have excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time to appoint one. No other Provincial Government contemplates the appointment of a Ruling Chief, and we are reluctant to admit this as a permanent feature of the Punjab Council. There is room for nominating a chief if desired, under the heads Muhammadans, Hindus, Sikhs, and other interests. Nor do we see any reason for the mention of a Native Christian among the commercial classes, as that electorate may be expected invariably to return a European. As regards the members for the larger cities, the Lieutenant-Governor proposes that the eleven cities mentioned by him should each nominate one representative, and that the two members of the Council should be selected by him from among these eleven nominees. In our opinion this method would be regarded as no better than nomination pure and simple. Each city, having only one chance in five of electing its nominee, would take no interest in the election, and the professional middle class would receive the proposal with great dissatisfaction.

53. We have had the advantge of discussing this objection with the Lieutenant-Governor, and with His Honour's concurrence we propose a Council constituted as follows :—

A.—Nominated members; not more than 12 to be officials; the non-officials to represents Muhamadans (2), Hindus (1), Sikhs (1) and other intesests			19
B.—Elected members			5
(*a*) by the commercial community ...	1		
(*b*) by the Punjab University	1		
(*c*) by the larger cities	3		
Total ...			24
or, including the Lieutenant-Governor ...			25

The scheme thus modified promises to give adequate representation to the Hindus of the commercial and professional classes, and to the Muhammadan, Hindu and Sikh landowners, while it reserves three nominations for other interests not specifically provided for. The city electorate will consist of three groups representing respectively the Cis-Sutlej territory, the Central Punjab with the Sikh districts, and the Western Punjab in which the population is largely Muhammadan. We believe these proposals to be as advanced as the present circumstances of the Punjab demand, and we recommend their acceptance.

BURMA.

54. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab. As at present constituted it consists of—

Nominated members—		
Officials		5
Non-officials		4
Total ...		9
or, including the Lieutenant-Governor ...		10

Two of the non-officials are Burmese. In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the Municipal Committee of Rangoon.

55. The Lieutenant-Governor proposes a Council constituted as follows :—

A.—Nominated officials			8
B.—Nominated non-officials—			6
(*a*) appointed after consultation with the Rangoon Trades' Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab	1		
(*b*) to represent Indian and Chinese trading and mercantile interests	1		
(*c*) to represent Burmese population	4		
C.—Elected by the Burma Chamber of Commerce			1
Total ...			15
or, including the Lieutenant-Governor ...			16

56. The conditions of Burma are altogether peculiar; election is foreign to the ideas of the Burmese population, and neither they nor the Indian and Chinese immigrant commercial communities can at present be represented by any other means than nomination. In fact the only body in Burma that is capable of exercising the privilege of election is the Burma Chamber of Commerce.

For these reasons we propose a Council constituted as follows :—

A.—Nominated officials			8
B.—Nominated non-officials			7
(*a*) to represent Burmese population	4		
(*b*) to represent Indian and Chinese commercial communities	2		
(*c*) to represent other interests	1		
C.—Elected by Burma Chamber of Commerce ...	1		
Total ...			16
or, including the Lieutenant-Governor ...			17

RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.

57. *Power to move Resolutions.*—By the Act of 1861, under which the present Legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues ; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private member. Such discussions would give the Government an opportunity of making their view of a question known, and of explaining the reasons which had let them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on

such questions, and to argue these in a regular debate, will be welcomed as a very great concession; that it will be resorted to freely; and that it will tend to bring about more intimate relations between the official and non-official members. We think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

58. This subject was not included among those which Your Lordship authorised us to put before local Governments, and our letter of 24th August 1907 contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by Sir George Chesney's Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the head of the Government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes; coin, bills, and notes; post office and telegraph; altering the Penal Code; religion; army and navy; patents or copyright; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the members of that Committee.

59. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seems to us, however, that the following conditions must be imposed from the first—

(1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.

(2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.

(3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.

(4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to anticipate, the decision of the Secretary of State.

(5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its limits precisely. For the present we think it sufficient to say that some subjects must be specially excluded, and that the question, which those should be, can be best settled later on when the rules of business are drawn up.

(6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

60. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

61. *The discussion of the budget.*—Under this head it was proposed in our published letter of 24th August 1907 that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling the non-official members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India the discussions in the full Council can deal only with settled facts, since no alterations can be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

62. We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain. In our letter to local Governments we did not put forward any plan by which members of Legislative Councils could vote on the budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain Your Lordship's approval.

63. *The Imperial budget.*—These being the general objects which we have in view, we believe that they may be attained in the case of the Imperial

budget by laying down that the financial statement shall be presented during the last five days in February ; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates ; and we need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This disadvantage will, in our opinion, be amply counterbalanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a committee of the whole Council, with a Member of the Government in the chair ; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit from day to day until its work is complete ; and there should be a rule requiring it to finish its business on or before the 10th of March ; since it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

64. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a resolution, in the form of a recommendation to the Government, relating to the figures in any head or group, two days' notice being given in each case. The Council would divide upon any resolutions which were pressed ; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the budget is vested, not in the Council, but in the Executive Government. This is not a mere verbal refinement ; it denotes a constitutional fact; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

65. When the Council sitting in Committee has completed its labours, it will be for the Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow ; but at this stage no further resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate ; whereupon the budget would come into effect.

66. *The Provincial budgets.*—In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is

not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence ; it will enlist some outside knowledge of local interests ; and it will give the non-official members a substantial share in the preparation of the budget.

67. What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the provincial estimates. In this the local Government would include all projects for new expenditure in excess of R5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *primâ facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It would rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide ; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure, as fixed by the Government of India would then be communicated to the local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

68. The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12 : in the smaller Councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the budget informally has been received with general approval.

69. On receipt of the Government of India's orders on its draft budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would

then vote upon them on their merits. On occasion, the Committee might decide to insert in the budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed, or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates, which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial budget.

70. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the budget, and insert any special grants for the province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial budget is opened. The local Government would at once print up its budget, and call a meeting of its Provincial Council, when the budget would be formally presented by the official in charge, with a speech describing its general purport.

71. The best method of conducting the consideration of the budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put one of the official members in charge. In committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the administrative department concerned. Any member would then be at liberty to move a resolution, in the form of a recommendation to the local Government, regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at their discretion to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the provincial figures incorporated in the Imperial budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

72. The fourth stage would commence as soon as the Council sitting in Committee had finished with the budget. The local Government would then consider what alterations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommenations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial budget would then be compiled and printed. This would be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the local Government.

A debate would follow; but no resolution or voting would be permitted.

73. *Subjects for discussion.*—In regulating the new system of discussion, whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate; and we annex to this despatch a schedule showing what heads of the Imperial and Provincial budgets we consider should be thus reserved. We desire to draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it, as far as possible, to the financial aspects of the budget. The discussion of the budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there will be no difficulty in framing a rule which will give to the chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

74. *Effect of budget proposals.*—Our proposals under this head indicate a treatment of the budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenues of India. They will confer on local Governments a larger measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And, both in the Imperial and the Provincial Councils, they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of the Government, and to exert a real influence upon the actual work of administration.

GENERAL CONCLUSIONS.

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. We readily acknowledge the value of many of the criticisms that have reached us, and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and

have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilized by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding His Excellency the Viceroy, from 24 to 62, and to increase the number of non-official members from 10 to 31, and of elected members from 5 to 28. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official members to enable us to carry on the necessary work of legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range, and have endeavoured to afford proportionate representation to all classes that have reached a sufficiently high level of education, the land-holders, the Muhammadans, the professional middle class, and the commercial community both Indian and European. To all of them, again, we propose to concede the novel right of moving resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures of the budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider overselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual every-day administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

76. In conclusion we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils, as Sir Charles Aitchison suggested in connexion with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those presidencies. But it would be premature to discuss these contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the provinces concerned.

77. We have appended schedules to this despatch to illustrate our proposals. The first of them gives in parallel columns the numbers and constitution of the existing Legislative Councils and of those now proposed. The second shows the heads of the Financial Statement in respect of which we propose that resolutions may be moved, and also those heads which we think should not form the subject of resolutions, though they would be open to discussion

in the general debate with which the budget procedure would terminate. The third states the substance of the amendments of the Act of 1892 which are necessitated by our proposals.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

C. H. SCOTT.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON.

SCHEDULE I.

IMPERIAL LEGISLATIVE COUNCIL.

EXISTING.		PROPOSED.	
Ex-officio.		*Ex-officio.*	
The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council	8	*The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council* ...	8
Additional.		*Additional.*	
A.—Nominated members; not more than 9 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests	11	*A.—Officials representing provinces*	8
		B.—Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts	18
B.—Elected members	5	**C.—Elected members* ...	28
(*a*) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces	4	*†(a) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces*	12
(*b*) by the Calcutta Chamber of Commerce ...	1	(b) *by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces* ...	7
		(c) *by Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay*	5
		(d) *by Chambers of Commerce of Calcutta and Bombay*	2
		‡(e) by representatives of Indian commerce	2
Total ...	24	*Total* ...	62
or, including His Excellency the Viceroy ...	25	*or, including His Excellency the Viceroy* ...	63

** Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.*

† Legislative Councils of Madras 2, Bombay 2, Bengal 2 United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor General in consultation with local Governments until a method of election can be devised.

PROVINCIAL LEGISLATIVE COUNCILS.

MADRAS.		*MADRAS.*	
Ex-officio.		*Ex-officio.*	
Members of the Executive Council	2	*Members of the Executive Council*	2
Advocate-General	1	*Advocate-General*	1
Additional.		*Additional.*	
A.—Nominated members; not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zemindar paying not less than R20,000 *peshkash* annually ...	13	*A.—Nominated members; not more than 20 to be officials; the non-officials to be representatives of special interests or minorities, or experts*	24
B.—Elected members	7	*B.—Elected members*	19
(*a*) by Corporation of Madras ...	1	(*a*) *by Corporation of Madras* ...	1
(*b*) by Municipalities and District Boards ...	4	**(b) by Municipalities and District Boards*	8
(*c*) by the University	1	(*c*) *by the University*	1
(*d*) by the Chamber of Commerce, or other commercial bodies	1	*†(d) by landholders*	4
		(*e*) *by the planting community*	1
		‡(f) by Muhammadans	2
		(*g*) *by the Chamber of Commerce*	1
		(*h*) *by the Indian commercial community* ...	1
Total ...	23	*Total* ...	46
or, including the Governor ...	24	*or, including the Governor* ...	47

** Voting together in eight groups of about three districts each.*

† Voting in four groups of about six districts each.

‡ Elected or nominated as may be found practicable.

EXISTING.

BOMBAY.

Ex-officio.

Members of the Executive Council	2
Advocate-General	1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community	12
B.—Elected members	8
(*a*) by Corporation of Bombay ... 1	
(*b*) by Municipalities* ... 1	
(*c*) by District Boards ... 2	
(*d*) by Bombay University ... 1	
(*e*) by Sardars of the Deccan and Zemindars of Sind 2	
(*f*) by Bombay Chamber of Commerce, or other commercial bodies ... 1	
Total ...	23
or, including the Governor ...	24

*Voting by electoral representatives on a population scale.

BENGAL.

A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community	13
B.—Elected members	7
(*a*) by Corporation of Calcutta 1	
(*b*) by Municipalities (by rotation) 1	
(*c*) by District Boards (by rotation) ... 2	
(*d*) by the University 1	
(*e*) by the Landholders' Association ... 1	
(*f*) by Chamber of Commerce or other commercial bodies 1	
Total ...	20
or, including the Lieutenant-Governor ...	21

UNITED PROVINCES.

A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community	9
B.—Elected members	6
(*a*) by groups of Municipalities 2	
(*b*) by groups of District Boards 2	
(*c*) by University of Allahabad 1	
(*d*) by Upper India Chamber of Commerce or other commercial bodies 1	
Total ...	15
or, including the Lieutenant-Governor ...	16

PROPOSED.

BOMBAY.

Ex-officio.

Members of Executive Council	2
Advocate-General	1

Additional.

A.—Nominated members; not more than 20 to be officials; the on-officials to be representatives of special interests or minorities, or experts	25
B.—Elected members	20
(*a*) *by Corporation of Bombay* 1	
(*b*) *by Municipalities* 4	
(*c*) *by District Boards* 4	
(*d*) *by the University* 1	
(*e*) *by landholders* 3	
(*f*) *by Muhammadans* 3	
(*g*) *by Bombay Chamber of Commerce* ... 1	
(*h*) *by Karachi Chamber of Commerce* ... 1	
(*i*) *by Millowners' Associations of Bombay and Ahmedabad alternately* 1	
(*j*) *by Indian commercial community* ... 1	
Total ...	46
or, including the Governor ...	47

BENGAL.

A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts ...	26
B.—Elected members	20
(*a*) *by Corporation of Calcutta* 1	
(*b*) *by Municipalities* 4	
(*c*) *by District Boards* 4	
(*d*) *by the University* 1	
(*e*) *by landholders* 4	
(*f*) *by the planting community* 1	
(*g*) *by Muhammadans* 2	
(*h*) *by the Chamber of Commerce* 1	
(*i*) *by the Calcutta Trades' Association* ... 1	
(*j*) *by the Indian commercial community* ... 1	
Total ...	46
or, including the Lieutenant-Governor ...	47

UNITED PROVINCES.

A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts ...	27
B.—Elected members	19
(*a*) *by large Municipalities* 2	
(*b*) *by District Boards and smaller Municipalities* 8	
(*c*) *by Allahabad University* 1	
(*d*) *by landholders* 2	
(*e*) *by Muhammadans* 4	
(*f*) *by Upper India Chamber of Commerce* ... 1	
(*g*) *by the Indian commercial community* 1	
Total ...	46
or, including the Lieutenant-Governor ...	47

EXISTING.

EASTERN BENGAL AND ASSAM.

—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community	9
—Elected members	6
(*a*) by Municipalities and District Boards ... 3	
(*b*) by Associations of landholders ... 1	
(*c*) by Associations of merchants ... 1	
(*d*) by Commissioners of Port of Chittagong ... 1	
Total ...	15
or, including the Lieutenant-Governor ...	16

PUNJAB.

—Nominated members:—	
Officials	4
Non-officials	5
Total ...	9
or, including the Lieutenant-Governor ...	10

BURMA.

—Nominated members:—	
Officials	5
Non-officials	4
Total ...	9
or, including the Lieutenant-Governor ...	10

PROPOSED.

EASTERN BENGAL AND ASSAM.

A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts ...	21
B.—Elected members	15
(a) by Municipalities and District and Local Boards 8	
(*b*) *by landholders* 2	
(*c*) *by Muhammadans* 2	
(*d*) *by tea interest* 1	
(*e*) *by jute interest* 1	
(*f*) *by Commissioners of Port of Chittagong* ... 1	
Total ...	36
or, including the Lieutenant-Governor ...	37

*Voting together by divisions, viz., Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, Surma Valley 1.

PUNJAB.

A.—Nominated members; not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests ...	19
B.—Elected members	5
(*a*) *by the commercial community* 1	
(*b*) *by the Punjab University* 1	
(*c*) *by the larger cities* 3	
Total ...	24
or, including the Lieutenant-Governor ...	25

BURMA.

A.—Nominated officials	8
B.—Nominated non-officials	7
(*a*) *to represent Burmese population* ... 4	
(*b*) *to represent Indian and Chinese commercial communities* 2	
(*c*) *to represent other interests* 1	
C.—Elected by Burma Chamber of Commerce ...	1
Total ...	16
or, including the Lieutenant-Governor ...	17

SCHEDULE II.

A.—The Imperial Budget.

Revenue.		Expenditure.	
Heads for debate.	*Heads excluded from debate.*	Heads for debate.	*Heads excluded from debate.*
I. Land Revenue.	*IV. Stamps.*	1. Refunds and Drawbacks.	*2. Assignments and Compensations.*
II. Opium.	*VII. Customs.*	3. Land Revenue.	*13. Interest on Debt.*
III. Salt.	*VIII. Assessed Taxes.*	4. Opium.	*23. Ecclesiastical.*
V. Excise.	*XI. Tributes from Native States.*	5. Salt.	*25. Political.*
VI. Provincial Rates.	*XVI-A. Courts of Law.**	6. Stamps.	*27. Territorial and Political Pensions.*
IX. Forest.	*XXXII. Army.*	7. Excise.	*38. State Railways.‡*
X. Registration.	*XXXIII. Marine.*	8. Provincial Rates.	*42. Major Works : Interest on Debt.*
XII. Interest.	*XXXIV. Military Works.*	9. Customs.	*46. Army.*
XIII. Post Office.	*All purely Provincial revenue.*	10. Assessed Taxes.	*46-A. Marine.*
XIV. Telegraph.		11. Forest.	*47. Military Works.*
XV. Mint.		12. Registration.	*47-A. Special Defences.*
XVI-B. Jails.		14. Interest on other Obligations.	*All Statutory chargee.*
XVII. Police.		15. Post Office.	*All purely Provincial expenditure.*
XIX. Education.		16. Telegraph.	
XX. Medical.		17. Mint.	
XXI. Scientific and other Minor Departments.		18. General Administration.†	
XXII. Receipts in aid of Superannuation.		19-A. Courts of Law.†	
XXIII. Stationery and Printing.		19-B. Jails.	
XXIV. Exchange.		20. Police.	
XXV. Miscellaneous.		22. Education.	
XXVI. State Railways.		24. Medical.	
XXVII. Guaranteed Companies.		26. Scientific and other Minor Departments.	
XXVIII. Subsidized Companies.		28. Civil furlough and Absentee Allowances.	
XXIX. Irrigation Major Works.		29. Superannuation Allowances and Pensions.	
XXX. Minor Works and Navigation.		30. Stationery and Printing.	
XXXI. Civil Works.		32. Miscellaneous.	
		33. Famine Relief.	
		34. Construction of Protective Railways.	
		35. Construction of Protective Irrigation Works.	
		36. Reduction or Avoidance of Debt.	
		39. Guaranteed Companies.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway Expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		45. Civil Works.	
		48. State Railways Capital Expenditure not charged to Revenue.	
		49. Irrigation Works : do. do.	

* Mainly Court-fees and fines.
† These heads include certain statutory charges, which will be excluded from debate.
‡ This head deals purely with interest, sinking funds and annuities.

B.—The Provincial Budgets.

Revenue.		Expenditure.	
Heads for debate.	*Heads excluded from debate.*	Heads for debate.	*Heads excluded from debate.*
I. Land Revenue.	*IV. Stamps.*	1. Refunds and Drawbacks.	*2. Assignments and Compensations.*
V. Excise.	*VI. Provincial Rates.*	3. Land Revenue.	*13. Interest on debt.*
IX. Forest.	*VIII. Assessed Taxes.*	6. Stamps.	*25. Political.*
X. Registration.	*XVI-A. Courts of Law.**	7. Excise.	*42. Major works : Interest on debt.*
XII. Interest.	*XXVI. State Railways.*	8. Provincial rates.	*All statutory charges.*
XVI-B. Jails.	*All purely Imperial revenue.†*	10. Assessed Taxes.	*All purely Imperial expenditure.§*
XVII. Police.		11. Forest.	
XVIII. Ports and Pilotage.		12. Registration.	
XIX. Education.		18. General Administration.‡	
XX. Medical.		19-A. Courts of Law.‡	
XXI. Scientific and other Minor Departments.		19-B. Jails.	
XXII. Receipts in aid of Superannuation, etc.		20. Police.	
XXIII. Stationery and Printing.		21. Ports and Pilotage.	
XXV. Miscellaneous.		22. Education.	
XXIX. Irrigation Major Works.		24. Medical.	
XXX. Minor Works and Navigation.		26. Scientific and other Minor Departments.	
XXXI. Civil Works.		29. Superannuation allowances and Pensions.	
		30. Stationery and Printing.	
		32. Miscellaneous.	
		33. Famine Relief.	
		36. Reduction or Avoidance of Debt.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		44. Construction of Railways charged to Provincial revenues.	
		45. Civil Works.	

* Mainly Court-fees and fines.
† Purely Imperial heads of account are omitted from this list—*e.g.*, II, III, XI, XIII, XIV, etc.
‡ These heads include certain statutory charges, which will be excluded from debate.
§ Purely Imperial heads of account are omitted from this list—*e.g.*, 4, 5, 9, 15, etc.

SCHEDULE III.

Amendments required in the Indian Councils Act, 1892.

1. In section 1, sub-section (1), the substitution for the words "ten" and "sixteen" of the words "forty" and "fifty-four," and for the words "eight" and "twenty" of the words "twenty" and "forty-three".

2. In the same section the substitution of the following for sub-section (2):

"(2) It shall be lawful for the Governor General in Council, by proclamation, from time to time to increase the number of the Councillors whom the Lieutenant-Governors of the Provinces named below may nominate for their assistance in making laws and regulations:

Provided always that not more than the numbers specified below shall be nominated in the case of each Province:

(i) For the Bengal Division of the Presidency of Fort William ...	forty-six.
(ii) For the United Provinces of Agra and Oudh ...	forty-six.
(iii) For Eastern Bengal and Assam	thirty-six.
(iv) For the Punjab	twenty-four.
(v) For Burma	sixteen."

3. In section 2, paragraphs one and two, the insertion after the words "the discussion," in each place in which they occur, of the words "of any matter of general public interest and".

4. In the same section the substitution for paragraph three of the following paragraph:

"Any such rules as aforesaid may provide also for the appointment of any member of any such Council to preside at any such discussion in the place of the Governor General, Governor or Lieutenant-Governor, as the case may be."

LIST OF ENCLOSURES.

I. Home Department letters to local Governments, nos. 2310—2317, dated the 24th August 1907, and nos. 210—217, dated 21st January 1908, and enclosure.

II. Memorandum from the Government of Madras, no. 3466-Public, dated the 22nd October 1907, to the Board of Revenue, and Order no. 886-Public, dated the 22nd November 1907, and annexure.

III. Resolution by the Government of Bombay, no. 6633, dated the 31st October 1907.

IV. Endorsement by the Government of Bengal, nos. 1898—1909 A. D., dated the 14th September 1907, and letters nos. 1976—85 A. D., dated the 18th September 1907, to Commissioners of Divisions, non-official gentlemen of position, and several associations.

V. Letters from the Government of the United Provinces, nos. $\frac{1514}{\text{III-416}}$ to $\frac{1520}{\text{III-416}}$, dated the 7th October 1907, and nos. $\frac{1560}{\text{III-416}}$ and $\frac{1571}{\text{III-416}}$, dated respectively the 10th and 12th October 1907, to several associations, members of the Provincial Legislative Council and other officials and non-officials.

VI. Letter from the Government of the Punjab, no. 2643-S. (Home—Leg.), dated the 27th September 1907, to Commissioners of Divisions, and enclosure.

VII. Letter from the Government of Burma, no. 429-IL-18, dated the 16th October 1907, to several associations, Commissioners of Divisions, and other officials and non-officials.

VIII. Resolution by the Government of Eastern Bengal and Assam, no. 10219-C., dated the 10th September 1907, and letters from that Government, nos. 11487—91-C., and nos. 11492-C. to 11542-C., dated, respectively, the 9th and 10th October 1907, to Commissioners of Divisions, associations, district boards, municipalities, and some official and non-official gentlemen.

IX. Letter from the Hon'ble the Chief Commissioner, Central Provinces, nos. 1928-I—15-24 and 1929-I—15-24, dated the 13th September 1907, to non-official bodies and Commissioners of Divisions.

X. Letter from the Government of Madras, no. 222-Public, dated the 13th March 1908, and enclosures, namely:—

1. Sir V. Bhashyam Aiyangar, Kt., C.I.E., Diwan Bahadur, late Officiating Advocate General, and retired Judge of the High Court of Judicature, Madras.
2. M. R. Ry. Diwan Bahadur P. Rajarathna Mudaliyar Avargal, C.I.E., retired Inspector-General of Registration.
3. The Madras Landholders' Association.
4. The Madras Chamber of Commerce.
5. The Corporation of Madras.
6. The South Indian Landholders and Trades Association, Madura.

7. The Anglo-Indian Association of Southern India.

8. The Maharaj of Bobbilia.

9. The Raja of Venkatagiri.

10. The Hon'ble Raja Vasudevaraja Valianambidi of Kollengode, Malabar.

11. The Hon'ble Nawab Muhammad Raza Khan, Khan Bahadur, retired Collector, and present Member, Legislative Council.

12. The Hon'ble Mr. M. Krishnan Nayar, High Court Vakil, Member, Legislative Council.

13. The Hon'ble Mr. V. Krishnaswami Aiyar, High Court Vakil, Member, Legislative Council.

14. M. R. Ry. Diwan Bahadur L. A. Govindaraghava Aiyar Avargal, High Court Vakil, ex-Member, Legislative Council.

15. The Hon'ble Mr. C. K. Srinivasa Rao Avargal, High Court Vakil, Member, Legislative Council.

16. M. R. Ry. C. Vijiaraghava Chariar Avargal, ex-Member, Legislative Council.

17. R. C. Dutt, Esq., C.I.E., I.C.S., retired.

18. M. R. Ry. Diwan Bahadur Raghoonatha Rao Avargal, retired Deputy Collector in the Madras Presidency, ex-Minister of Indore.

19. M. R. Ry. Diwan Bahadur A. Venkatramana Poi Avargal, retired District Judge.

20. The Board of Revenue, Madras.

21. The Hon'ble Mr. J. Twigg, I.C.S., Member, Board of Revenue.

22. The Hon'ble Mr. A. G. Bourne, D. Sc., F.R.S., Director of Public Instruction.

23. The Hon'ble Mr. J. N. Atkinson, C.S.I., I.C.S., Acting Chief Secretary to Government.

24. The Hon'ble Mr. A. G. Cardew, I.C.S., Secretary to Government, Revenue Department.

25. M. R. Ry. Diwan Bahadur N. Subramanyam, Administrator-General of Madras.

26. H. F. W. Gillman, Esq., I.C.S., Collector of Madura.

    (1) The Madura District People's Association.

    (2) R. Fischer, Esq., Proprietor, Madura.

    (3) The Rev. J. P. Jones, American Mission, Madura.

    (4) Moulvi Saiyed Abdul Khadar Ibrahim Sahib, Town Khaji, Madura.

27. L. E. Buckley, Esq., I.C.S., Collector of the Nilgiris.

28. J. G. D. Partridge, Esq., I.C.S., Collector of Ganjám.

    (1) Zamindar of Vijayanagram.

    (2) Zamindar of Serugada.

    (3) Raja of Kallekote and Attagada Estates.

    (4) Zamindar of Dharakota.

    (5) Zamindar of Bodogodo.

    (6) Zamindar of Surangai.

    (7) Parlákimedi Municipality.

    (8) M. R. Ry. J. Ramayya Pantulu Garu, Deputy Collector, Goomsur Division.

    (9) M. R. Ry. T. Venkatakrishnayya, High Court Vakil.

29. A. Butterworth, Esq., I.C.S., Collector of Trichinopoly.

    (1) M. R. Ry. A. Vadachalam Aiyar Avargal, Deputy Collector, Musiri.

    (2) M. R. Ry. T. Dasikachariar Avargal.

30. M. Aziz-ud-din, Khan Sahib, Khan Bahadur, Collector of South Canara.

    (1) M. R. Ry. Diwan Bahadur A. Pinto Avargal, retired Deputy Collector.

    (2) M. R. Ry. D. Anantayya Avargal, retired Deputy Collector.

    (3) M. R. Ry. N. C. Krishna Bhat Avargal, Vakil.

    (4) Muhammad S'Chamnad Sahib, Landholder, Kasaragode.

31. R. H. Shipley, Esq., I.C.S., Collector of Coimbatore.

32. R. A. Graham, Esq., I.C.S., Collector of Bellary.

33. S. P. Rice, Esq., I.C.S., Acting Collector of North Arcot.

    (1) Raja of Kálahasti.

    (2) Ajitaraph Kambinayani Javvaji Subbaraju Nayudu, Zamindar of Kangundi.

34. L. M. Wynch, Esq., I.C.S., Collector of Tinnevelly, and enclosure.

35. W. Francis, Esq., I.C.S., Collector of Malabar, and enclosure.

36. J. P. Bedford, Esq., I.C.S., Acting Collector of Tanjore.

    (1) G. H. B. Jackson, Esq., I.C.S., Acting Sub-Collector, Kumbakónam.

    (2) M. R. Ry. Rao Sahib T. Raghavayya Pantulu Garu, Personal Assistant, Deputy Collector, Tanjore.

    (3) M. R. Ry. R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad.

    (4) M. R. Ry. V. A. Vandyar Avargal, Pindi.

    (5) M. R. Ry. N. Krishnaswami Aiyangar Avargal, High Court Vakil, Kumbakónam.

    (6) M. R. Ry. K. Chidambaranatha Mudaliyar Avargal, Shiyali.

    (7) M. R. Ry. A. M. Periyaswami Muthia Udayar, Perumpanniyur Nannilam Taluk.

37. J. A. Cumming, Esq., I.C.S., Collector of Gódávari.

    (1) Raja of Pithápuram.

    (2) Zamindar of Kottam.

    (3) M. R. Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman, Coconada Municipality.

    (4) M. R. Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder, Rajahmundry.

    (5) M. R. Ry. G. Lakshmanna Garu, High Court Vakil and Member, District Board, Gódávari.

    (6) M. R. Ry. V. Ramachandra Rao Avargal, Treasury Deputy Collector.

38. F. C. Parsons, Esq., I.C.S., Acting Collector, Vizagapatam.

    (1) M. R. Ry. Diwan Bahadur V. Ananta Rao Pantulu Garu, Audit Officer, Vizianagram estate.

    (2) M. R. Ry. K. Ramanuja Chariar, M.A., B.L., Principal, Maharaja's College, Vizianagram.

    (3) M. R. Ry. Akella Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam.

39. Memorandum on the scheme of Advisory and Legislative Councils.

XI. Letter from the Government of Madras, no. 617-L., dated 27th April 1908.

XII. Letter from the Government of Madras, no. 357, dated 28th April 1908, and enclosures.

XIII. Letter from the Government of Madras, no. 418-Public, dated the 18th May 1908, and enclosures, namely :—

1. The Hon'ble M. R. Ry. Diwan Bahadur R. V. Srinivasiar, C.I.E., Inspector-General of Registration.

2. The Hon'ble Raja Vairicharla Virabhadra Razu Bahadur Garu, Zamindar of Kurupam.

3. Gulam Muhammad Ali Sahib Bahadur, Prince of Arcot.

4. The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, Member of the Viceregal Legislative Council.

5. Khan Bahadur Ghulam Muhammad Sahib Bahadur.

6. M. R. Ry. Diwan Bahadur C. Ramachandra Rao Sahib Avargal, High Court Vakil, Madras.

7. The Hon'ble K. R. Guruswami Aiyar, High Court Vakil and Member, Legislative Council, Madras.

8. The Hon'ble B. Narasimheswara Sarma Garu, Member, Legislative Council, Madras.

9. M. R. Ry. K. Venkata Rao, Pleader, Bellary.

10. M. R. Ry. K. P. Raman Menon, High Court Vakil, Calicut.

11. M. R. Ry. J. T. Srinivasa, Gam Pillay, Chairman, Tinnevelly District Association.

12. The President, Non-caste Dravidian Mahajana Sabha, Madras.

13. E. Scott, Esq., I.C.S., Collector of Anantapur.

    (1) M. R. Ry. K. V. Srinivasa Aiyangar, Treasury Deputy Collector, Anantapur.

    (2) Muhammad Bazlullah Sahib Bahadur, Head-quarter, Deputy Collector, Anantapur.

    (3) The Rev. W. H. Campbell, London Mission.

    (4) M. R. Ry. P. Adimurti Rao Garu, Chairman, Municipal Council, Anantapur.

    (5) M. R. Ry. Hatti Siva Rao, Pleader, Anantapur.

    (6) M. R. Ry. P. Kesava Pillai, Pleader, Gooty.

    (7) M. R. Ry. T. Sivasankaram, Pleader, Penukonda.

14. Cuddapah District—

    (1) M. R. Ry. N. Narsinga Rao Garu.

    (2) M. R. Ry. T. M. Narasimha Charlu, Vakil, District Court, Cuddapah.

    (3) The Rev. G. H. Macfarlane.

    (4) M. R. Ry. N. Venkatramana Rao Garu and M. R. Ry. R. Venkataswami Nayudu Garu, Pleaders and Landholders, Madanapalle.

    (5) M. R. Ry. T. Vasudeva Rao Garu, Tahsildar of Vayalpad.

    (6) M. R. Ry. H. Seshagiri Rao Garu, Acting Tahsildar of Jammalamadugu.

    (7) M. S. A. M. Munjun Miah.

    (8) The District Forest Officer, Cuddapah.

    (9) M. R. Ry. V. Ramaswami Aiyar, Treasury Deputy Collector, Cuddapah.

    (10) M. R. Ry. P. Doraiswami Mudaliyar Avargal, Pleader, Jammalamadugu.

    (11) M. R. Ry. T. Vijayaraghavachariar, Deputy Collector, Jammalamadugu.

    (12) M. R. Ry. T. Narayana Reddi Garu, Acting Deputy Collector, Cuddapah.

15. Khan Bahadur Muhammad Khadir Navaz Khan Sahib Bahadur, Collector of Kurnool.

16. Nellore District—

    (1) M. R. Ry. V. Parthasarathi Chetty Garu, Head-quarters, Deputy Collector, Nellore.

    (2) J. G. Burn, Esq., Acting Sub-Collector, Gudur division.

    (3) The Rev. D. Downie, American Baptist Mission, Nellore.

    (4) M. R. Ry. B. Pattabhi Rama Reddi Garu, Buchireddipallem, Nellore taluk.

    (5) Muhammad Husain Sahib Bahadur, Registrar of Nellore.

    (6) Maulvi Muhammad Assaudin Ahmed Sahib, Kazi of Nellore.

    (7) M. R. Ry. T. V. Venkatrama Aiyar, High Court Vakil and Chairman, Municipal Council, Nellore.

17. P. A. Booty, Esq., I.C.S., Collector of Chingleput.

    (1) The Rev. A. Andrew, United Free Church of Scotland Mission, Chingleput.

    (2) M. R. Ry. P. Ramanuja Chariya Avargal, Chairman, Municipal Council, Chingleput.

    (3) C. Gahan, Esq., Treasury Deputy Collector, Saidapet.

    (4) M. R. Ry. M. V. Narayanaswami Pillai, Deputy Collector, Tiruvallur.

    (5) M. R. Ry. Rao Bahadur K. Jagannadham Chetti Garu, Chairman, Municipal Council, Conjeeveram.

    (6) M. R. Ry. D. B. Venkatasubba Rao Avargal, Tashildar of Madurántakam and Zamindar of Chinnakandali, Salem district.

    (7) M. R. Ry. R. S. Visuvasam, Headmaster, United Free Church Mission High School, Conjeeveram.

    (8) The Rev. C. H. Monahan, Superintendent, Wesleyan Mission, Tiruvallur.

18. Salem District—

    (1) M. R. Ry. J. S. Sivagnanam, Deputy Collector, Námmakal.

    (2) M. R. Ry. M. Doraiswami Reddiyar Avargal, Zamindar of Namakkal Estate, Member, Taluk Board, Námakkal.

    (3) M. R. Ry. A. Lakshmayya Raju.

    (4) „ M. R. Sambiah Pant, Zamindar of Jagadebi.

    (5) „ V. Nilakanta Mudaliyar, Contractor, Hosur.

    (6) „ U. Venkata Rao, Pleader, Krishnagiri.

    (7) „ K. Seshagiri Rao, Mittadar of Kambainallur.

    (8) Rev. A. Moses, Minister, Tiruppattúr.

    (9) M. R. Ry. T. Adinarayana Chettiar.

XIV. Letter from the Government of Madras, no. 428, dated the 22nd May 1908.

XV. Letter from the Government of Madras, no. 605, dated the 28th July 1908.

XVI. Letter from the Government of Madras, no. 681, dated the 22nd August 1908.

XVII. Letter from the Government of Bombay, no. 1768, dated the 26th March 1908, and enclosures, namely :—

1. Bombay Millowners' Association.

2. Mr. B. S. Shroff, L. M. & S., Bombay.

3. Mr. Channamallappa Tenginkai, President, Lingayat Public Meeting, Dharwar.

4. Maharaj Kumar Kristo Dass Law of Calcutta.

5. Bombay Presidency National Muhammadan Association.

6 Mr. Gulam Mahomed Munshi (Rajkot).

7. Honourable Mr. Vitaldas Damodher Thakersey.

8. Chamber of Commerce, Bombay.

9. Mr. Vaman Narayen Joglekar, Pleader of Bhusawal.

10. Mr. R. P. Lambert, District Superintendent of Police, East Khándesh.

11. Certain inhabitants of Ahmednagar.

12. Anjuman-i-Islam, Bombay.

13. Certain Lingayats of Hubli.

14. Certain Lingayats of Dhárwár.

15. Mr. Kazi Kabiruddin, Barrister-at-Law.

16. Mr. Janardhan Virbhadra Pathakji, Jaghirdar of Motavarachha, Surat.

17. Gujarat Sabha, Ahmedabad.

18. City Municipality of Ahmednagar.

19. Honourable Mr. Gokuldas Kahandas Parekh, B.A., LL. B.

20. Indian Merchants' Chamber and Bureau.

21. Bombay Presidency Trades Association.

22. Mr. Bomanji Ardeshir Dalal, Panch Mahals.

23. Mr. Ram Mohunroy Jaswantrai Desai, Inamdar of Vintoj Hálol, Panch Máhals District.

24. Joint Report of the Commissioners of Divisions.

(1) Note of Dissent by the Commissioner, N. D. (Mr. Atkins).

(2) Note of Dissent by the Commissioner, C. D. (Mr. Doderet).

(3) Note of Dissent by the Commissioner, S. D. (Mr. Barrow).

25. Chamber of Commerce, Karáchi.

26. Jain Young Men's Association, Jaipur.

27. Rao Bahadur Motilal Chunilal, President, Broach City Municipality.

28. Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karáchi.

29. His Highness Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.

30. Commissioner in Sind.

31. Bombay Presidency Association.

32. Bombay Municipal Corporation.

33. Honourable Mr. Ibrahim Rahimtoola, C.I.E.

XVIII. Letter from the Government of Bengal, no. 1746-A, dated the 29th February 1908, and enclosures, namely :—

1. The Hon'ble Maharaja Dhiraj Bahadur of Burdwan.

2. The Hon'ble Nawab Bahadur of Moorshidabad.

3. The late Maharaja Sir Jotindra Mohun Tagore Bahadur, K.C.S.I.

4. His Highness the Maharaja Bahadur of Cooch Behar.

5. The Hon'ble Maharaja Bahadur of Darbhanga.

6. The Anglo-Indian Association.

7. Maharaja Sriram Chandra Bhanj Deo of Moharbhanj.

8. Nawab A. F. M. Abdur Rahman.

9. Central National Muhammadan Association.

10. Raja Peary Mohan Mukherji, C.S.I.

11. Bihar Landholders' Association.

12. Bihar Planters' Association.

13. Bengal National Chamber of Commerce.

14. Bhagalpur Landholders' Association.

15. Orissa Association.

16. British Indian Association.

17. Indian Tea Association.

18. Bengal Chamber of Commerce.

XIX. Letter from the Government of Bengal, no. 3977-A., dated the 24th, July 1908, and enclosure, namely :—

Letter from the Secretary to the Calcutta Trades Association, dated the 30th June 1908.

XX. Letter from the Government of the United Provinces, no. 447, dated the 16th March 1908, and enclosures, namely :—

1. Draft rules for the discussion of the Financial Statement.

2. Draft Regulations.

3. British Indian Association, Oudh.

4. Landholders' Association for the Province of Agra.

5. Allahabad University.

6. Upper India Chamber of Commerce.

7. Trustees, Muhammadan Anglo-Oriental College, Aligarh.

8. His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G.C.I.E., of Benares.

9. The Hon'ble Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad.

10. The Hon'ble Nawab Mumtaz-ud-Daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu.

11. The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Kila Partabgarh.

12. The Hon'ble Rai Sri Ram Bahadur, C.I.E., Lucknow.

13. The Hon'ble Rai Nihal Chand Bahadur, Landowner, Muzaffarnagar.

14. The Hon'ble Rai Sundar Lal Bahadur, C.I.E., Allahabad.

15. The Hon'ble Munshi Madho Lal, Member, Imperial Legislative Council.

16. Raja Rampal Singh, C.I.E., of Kori Sudauli, Rae Bareli.

17. The Hon'ble Mr. A. W. Cruickshank, C.S.I., Senior Member, Board of Revenue, United Provinces.

18. H. C. A. Conybeare, Esq., I.C.S., Commissioner of Meerut.

19. A. L. Saunders, Esq., I.C.S., Commissioner of Lucknow.

20. W. R. Partridge, Esq., I.C.S., Commissioner of Gorakhpur.

21. H. V. Lovett, Esq., I.C.S., Commissioner of Benares.

22. E. A. Molony, Esq., I.C.S., Collector of Gorakhpur.

23. The Hon'ble Mr. B. Lindsay, I.C.S., Secretary to the Legislative Council and Legal Remembrancer to Government, United Provinces.

24. C. E. Crawford, Esq., I.C.S., Collector of Azamgarh.

25. H. T. Morgan, Esq., I.C.S., Collector of Basti.

26. Abdullah *ibn* Khan Bahadur Yusuf Ali, Esq., Assistant Commissioner, Sultanpur.

XXI. Letter from the Government of the Punjab, no. 40 (Home-Legis.), dated the 6th July 1908, and enclosure, namely:—

1. Appendices A—C.

1(*a*). Letter no. 2643-S., dated the 27th September 1907.

2. The Hon'ble Sir W. O. Clark, Chief Judge, Chief Court, Punjab.

3. The Hon'ble Mr. Justice P. C. Chatterji, Judge, Chief Court, Punjab.

4. The Hon'ble Mr. Justice F. A. Robertson, Judge, Chief Court, Punjab.

5. Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division.

6. Major P. S. M. Burlton, Deputy Commissioner, Jullundur.

7. T. Miller, Esq., I.C.S., Deputy Commissioner, Kangra.

8. Lala Tek Chand, Deputy Commissioner, Ludhiana.

9. C. H. Atkins, Esq., Deputy Commissioner, Ferozepore.

10. Mr. Ahsan-ul-Haq, Barrister-at-Law, Jullundur City.

11. Pandit Devi Chand, Pleader, Jullundur City.

12. Pandit Amar Singh, Pleader, Jullundur City.

13. Diwan Shadi Ram, B.A., LL.B. (Cantab.), Barrister-at-Law, Ludhiana.

14. Rai Wazir Khan of Bhangala, Hoshiarpur district.

15. Mr. Bhagat Ram, Barrister-at-Law, Jullundur City.

16. Rana Lehna Singh of Manaswal, Hoshiarpur district.

17. Rai Bahadur Sham Das, Pleader, Hoshiarpur.

18. Anjuman Islamia, Ludhiana.

19. Tika Ram Narain Singh of Anandpur, Hoshiarpur district.

20. Bhai Arjan Singh, Honorary Magistrate of Bagharian, Ludhiana district.

21. Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class.

22. Chaudhri Sardar Khan, Extra Assistant Commissioner, Jhang.

23. Bahadur Chand and other Pleaders, Jhang.

24. Lieutenant-Colonel C. M. Dallas, I.A., Political Agent, Phulkian States and Bahawalpur.

25. Khalifa Syed Muhammad Hussain, Member, Council of Regency, Patiala State.

26. Rai Bahadur Ganga Ram, C.I.E., Patiala.

27. The Hon'ble Sirdar Ripudaman Singh, Tikka Sahib of Nabha.

28. M. Rahim Bakhsh, President, Council of Regency, Bahawalpur.

29. J. McC. Douie, Esq., C.S.I., Commissioner, Rawalpindi Division.

30. Major H. S. Fox-Strangways, I.A., Deputy Commissioner, Jhelum.

31. B. N. Bosworth Smith, Esq., Deputy Commissioner, Attock.

32. Diwan Narendra Nath, M.A., Deputy Commissioner, Gujrat.

33. A meeting of representative Muhammadans, Gujrat.

34. Gujrat Bar Association.

35. P. D. Agnew, Esq., I.C.S., Deputy Commissioner, Rawalpindi.

36. Baba Gurbuksh Singh, Bedi of Kallan.

37.
- C. Dhanjibhoy.
- Adamjee Mamoojee.
- Nathu Mull, Banker.
- Tansukh Rai Kedar Nath, Bankers.
- S. Lukmanji Adamji and Co.

38. Abdul Ghafur Khan of Zaida, Divisional and Sessions Judge, Jhelum.

39. D. J. Boyd, Esq. (late Deputy Commissioner of Multan).

40. Anjuman-i-Islamia, Multan.

41. Babu Mahendro Nath Banerji, Pleader, Multan.

42. Arya Samajes, Multan.

43. Sri Guru Singh Sabha, Multan.

44. Sukhdeo Bakhsh Multan Chand, Bankers.

45. Makhdum Hassan Bakhsh, Kureshi, K.B.

46. R. B. Hari Chand, Vice-President, Municipal Committee.

47. Tahsildar of Shujabad, submitting opinions in vernacular of some leading zemindars.

48. Sheikh Abdul Haq, Pleader, Vice-President, Municipal Committee, Multan.

49. Sanatan Dharam Sabha, Multán.

50. Chaudhri Narayan Singh and Sewa Ram, Zemindars of Shujabad.

51. Executive Committee of Zemindars, Shujabad.

52. G. F. deMontmorency, Esq., I.C.S., Deputy Commissioner, Lyallpur.

53. Lala Sewak Ram, Barrister-at-Law, Honorary Magistrate.

54. Lala Anant Ram, Honorary Magistrate, member of Arya Samaj.

55. Resaldar Chiragh Khan, Tiwana, Rais, Chenab Colony.

56. Kabir Khan Kharral, Honorary Magistrate, yeoman grantee, Chenab Colony.

57. Dilbagh Singh, Jat Sikh, Zailder, Chenab Colony.

58. Shahzad Khan, Kharral of Kamalia, yeoman grantee, Chenab Colony.

59. Sardar Ishar Singh, Jat Sikh, yeoman grantee, Chenab Colony.

60 Saiyid Mehdi Shah, Honorary Magistrate, Rais, Chenab Colony.

61. Sir Thomas Gordon Walker, I.C.S. (lately Officiating Lieutenant-Governor, Punjab).

62. The Anjuman Islamia, Hoshiarpur.

63. Major F. Popham Young, C.I.E., Settlement Commissioner, Patiala.

64. Muhammad Fazal Hussan, Government Pensioner and Rais.

65. H. H. the Raja of Nahan (Sirmur).

66. Major C. P. Egerton, I.A., Deputy Commissioner, Hoshiarpur.

67. H. H. the Raja of Chamba.
68. H. H. the Raja of Kapurthala.
69. H. H. the Raja of Jhind.
70. H. H. the Raja of Nabha.
71. The Hon'ble Mr. J. Wilson, C.S.I., Financial Commissioner, Punjab.
72. The Hon'ble Malik Umar Hayat Khan, C.I.E.
73. A. H. Diack, Esq., Settlement Commissioner, Punjab.
74. R. E. Younghusband, Esq., Commissioner, Lahore Division.
75. Captain C. H. Buck, officiating Deputy Commissioner, Montgomery.
76. Lala Bishen Dass, Extra Assistant Commissioner, Revenue Assistant.
77. Lala Radha Kishen, Pleader and Vice-President, Municipal Committee, Montgomery.
78. Mohammed Amin Khan, Honorary Magistrate and Zamindar.
79. Kamir, Zaildar and Zamindar of Mehrpur.
80. Lieutenant-Colonel C. G. Parsons, I.A., Deputy Commissioner, Lahore.
81. Rai Sahib K. B. Thapar, Lahore.
82. E. W. Parker, Esq., Advocate, Lahore.
83. Mian Mohammed Shah Din, K.B., Barrister-at-Law, Lahore.
84. Bhai Gurdit Singh, Lahore.
85. Rai Sahib Tilok Chand, Sub-Divisional Officer, Kasur.
86. M. Abdul Aziz, Editor, "Observer," Lahore.
87. Mian Mohamed Shafi, Barrister-at-Law, Lahore.
88. Lala Ram Saran Dass of R. B. Mela Ram and Sons, Lahore.
89. Lala Harkishen Lal, Barrister-at-Law, Lahore.
90 Lala Lal Chand, Pleader, Chief Court, Punjab, Lahore.
91. Nawab Fateh Ali Khan, C.I.E., Lahore.
92. The President, Anjuman Islamia, Punjab, Lahore.
93. Sir David Masson, C.I.E., Lahore.
94. R. S. Narayan Dass, Judge, Small Cause Court, Lahore.
95. Punjab Chamber of Commerce, Delhi.
96. Punjab Hindu Sabha, Lahore.
97. Rai Sahib Mohan Lal, Lahore.
98. Punjab Trades Association, Lahore.
99. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.
100. Lala Gopal Dass Bhandari, Pleader and Municipal Commissioner, Amritsar.
101. The Anjuman-i-Islamia, Amritsar,
102. The Chief Khalsa Diwan, Amritsar.
103. Sardar Jiwan Singh.
104. Sardar Sunder Singh.
105. Bhai Gurbaksh Singh.
106. Thakur Mahan Chand.

107. Sardar Sher Ahmad Khan, C.I.E.
108. Sardar Lachmi Sahai.
109. Sardar Arur Singh.
110. Sardar Bikram Singh.
111. Major C. Powney Thomson, I.A., Deputy Commissioner, Gurdaspur.
112. Sardar Narain Singh, Zaildar of Singhpura.
113. Anjuman Islamia, Batla, Gurdaspur and Sujanpur.
114. B. Gurdit Singh, B.A., LL.B., Pleader, Gurdaspur.
115. R. Sykes, Esq., C.S., Deputy Commissioner, Sialkot.
116. Lala Mul Chand, Public Prosecutor, Sialkot.
117. Mr. Ganda Singh, Uberoy, Sialkot.
118. Lala Gyan Chand, Honorary Magistrate, Sialkot.
119. Sirdar Shib Deo Singh, Honorary Magistrate.
120. Rai Arjan Das, Extra Assistant Commissioner.
121. Sheihk Fazal Karim, Extra Assistant Commissioner.
122. Chaudhri Sultan Mohammad, Barrister-at-Law.
123. E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala.
124. B. Gulab Singh, Arora, Vice-President, Municipal Committee, Gujranwala.
125. Rahim Bakhsh, Revenue Assistant.
126. Karam Elahi, Honorary Magistrate, Ahmadnagar.
127. Chaudhri Hayat Muhammad, Zaildar and Honorary Magistrate, Wazirabad.
128. Khan Dauran Khan, Zaildar, Gujranwala.
129. Lala Nihal Chand, Barrister-at-Law.
130. The Hon'ble Sir Partab Singh of Kapurthala.
131. Major A. E. Baron, Deputy Commissioner, Rohtak.
132. H. E. A., Wakefield. Esq., Deputy Commissioner, Gurgaon.
133. B. T. Gibson., Esq., Settlement Officer, Gurgaon.
134. G. M. Boughey, Esq., Assistant Settlement Officer, Gurgaon.
135. Members of the Bar.
136. Revd. G. W. Hale, B.M.S., Palwal.
137. Lala Ramji Dass, Tahsildar, Nuh.
138. Pundit Badri Pershad, Tahsildar, Ferozepore, and others.
139. Lala Makhan Lal, Honorary Magistrate, Rewari.
140. Muhammad Saraj-ud-din Haider Khan, Jagirdar, Farukhnagar.
141. Municipal Committee, Sohna.
142. Lala Balmokand, Member, Municipal Committee, Sohna.
143. Municipal Committee, Farukhnagar.
144. Municipal Committee, Palwal.
145. Lala Kashi Nath, Tahsildar, Rewari.
146. A. Meredith, Esq., I.C.S. Commissioner, Delhi Division.

147. Captain A. C. Elliot, Deputy Commissioner, Hissar District.

148. Q. Q. Henriques, Esq., I.C.S., Deputy Commissioner, Karnal.

149. W. Malan, Esq., C.S., Deputy Commissioner, Simla.

150. Lala Jai Lal, Pleader, Simla.

151. Khan Sahib Fakhur-ud-din.

152. Muhammad Pir Bukhsh, Barrister-at-Law.

153. Nur Muhammad Khan, Pleader, Simla.

154. Major R. M. Lowis, I. A., Deputy Commissioner, Ambala.

155. Amballa District Association.

156. Anjuman-i-Islam, Ambala.

157. S. Jiwan Singh, C.S.I., of Shazadpur.

158. S. B. Harnam Singh, Honorary Extra Assistant Commissioner, Kharar.

159. S. Miyan Anrudh Singh, Rais and Honorary Magistrate, Ramgarh.

160. Bawa Harbaksh Singh, Bedi of Rupar.

161. Lala Bishambar Dial.

162. Muhammad Mahmud Ali.

163. R. F. Mitra, Esq., Extra Assistant Commissioner.

164. R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

165. Anjuman Muayid-ul-Islam, Delhi.

166. R. B. Lala Sheo Pershad, Banker and Honorary Magistrate, Delhi.

167. R. B. Hardhian Singh.

168. Hakim Muhammed Ajmal Khan.

169. Mahomahopadhaya Pundit Banke Rai, Nawal, Goswami, Delhi.

170. K. B. Ghulam Mohamed Hasan Khan, B.A., Honorary Magistrate, Delhi.

171. Hajee Abdul Ghanee, Delhi, representing the views of the Punjab Community of Delhi.

172. R. B. Chaudhri Raghunath Singh.

173. Lala Ishri Pershad, Delhi.

174. Mr. Rajnarain, Barrister-at-Law.

175. Punjab Chamber of Commerce.

176. H. J. Maynard, Esq., I.C.S., Commissioner, Multan Division.

177. M. L. Waring, Esq., I. C.S., Deputy Commissioner, Dera Ghazi Khan.

178. Captain A. J. O'Brien, C.I.E., I.A., Deputy Commissioner, Mianwali.

179. Lala Ganga Ram, District Judge.

180. Lala Kishen Lall, Pleader.

181. M. Sultan Ahmad, Revenue Extra Assistant Commissioner.

182. Lala Barkat Ram, B.A., Delhi.

183. R. T. Clarke, Esq., I.C.S., Deputy Commissioner, Muzzafargarh.

184. Muzzafargarh Bar :—
Rajendra Prosad.
Naunehal Kishan.
Pyare Lal.

185. The Hon'ble Mr. R. E. Younghusband, Commissioner, Lahore Division.

186. Captain C. H. Buck, Deputy Commissioner, Montgomery.

187. Lieutenant-Colonel C. G. Parsons, Deputy Commissioner, Lahore.

188. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.

189. Major C. Powney Thompson, I.C.S., Deputy Commissioner, Gurdaspur.

190. E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala.

191. J. McC. Douie, Esq., C.S.I., I.C.S., Commissioner, Rawalpindi Division.

192. M. W. Fenton, Esq., I.C.S., Officiating Commissioner, Multán Division.

XXII. Letter from the Government of Burma, no. 860-1 L.-6, dated the 24th February 1908, and enclosures, namely :—

1. Letter from the Government of Burma, no. 419-1L-15, dated 16th October 1907, to the Chairman, Burma Chamber of Commerce, and certain others.

2. Sir J. George Scott, K.C.I.E., Superintendent and Political Officer, Southern Shan States.

3. The Hon'ble Maung Ba Tu, Member, Imperial Legislative Council.

4. The Hon'ble Mr. W. A. Stikeman, Vice-Chairman, Rangoon Port Commissioners and Member of Provincial Legislative Council.

5. The Hon'ble Mr. Sydney Roberts, Manager, Bombay-Burma Trading Association.

6. J. R. Haliday, Esq., Chairman, Burma Chamber of Commerce.

7. B. Houghton, Esq., B.A., C.S., Commissioner, Arakan Division.

8. Major W. R. Stone, I.A., Officiating Deputy Commissioner, Akyab.

9. Members of Akyab Municipality.
   - Htoon Chan.
   - Ulu Bu.
   - J. H. Wilson.
   - M. Ahmad.
   - W. Orr Orr.

10. The Hon'ble Mr. F. C. Gates, C.S.I., I.C.S., Financial Commissioner.

11. H. M. S. Mathews, Esq., Officiating Settlement Commissioner.

12. N. G. Cholmely, Esq., B.A., I.C.S., Commissioner, Magwe Division.

13. Port Commissioners, Rangoon.

14. Rangoon Trades' Association.

15. Mr. M. Cowasjee, K.I.H., Member, Rangoon Municipality, representing the views of the Rangoon Municipality.

16. Mr. Forbes, Rangoon Municipality.

17. Dr. Pedley, Rangoon Municipality.

18. D. H. R. Twomey, Esq., I.C.S., Commissioner, Mandalay Division.

19. G. W. Dawson, Esq., I.C.S., Deputy Commissioner, Bhamo.

20. E. C. S. George, Esq., I.C.S., Deputy Commissioner, Ruby Mines District.

21. W. A. Hertz, Esq., Deputy Commissioner, Myitkyina.

22. Major F. D. Maxwell, C.I.E., I.A., Commissioner, Irrawaddy Division.

23. H. Clayton, Esq., M.A., I.C.S., Deputy Commissioner, Maubin.

24. Lieutenant-Colonel F. H. Elliott, I.A., Deputy Commissioner, Bassein.

25. Bassein Municipality.
26. Sub-Divisional Officer, Ngathainggyaung.
27. Town Committee, Kyonpyaw.
28. The Hon'ble Mr. H. L. Eales, I.C.S., Commissioner, Pegu Division.
29. Deputy Commissioner, Tharawaddy District.
30. Deputy Commissioner, Pegu District.
31. Deputy Commissioner, Hanthawaddy District.
32. Deputy Commissioner, Rangoon.
33. Honorary Magistrates, Rangoon.
34. Collector of Rangoon.
35. B. S. Carey, Esq., C.I.E., Officiating Commissioner, Mandalay Division.
36. Major D. J. Macnab, on behalf of the leading residents of Mandalay, the Municipal Committee and Upper Burma Bar Association.
37. Statement of alterations proposed in the Regulations relating to the Burma Legislative Council.

XXIII. Letter from the Government of Eastern Bengal and Assam, no. 946-C., dated the 14th March 1908, and enclosures, namely:—

1. Eastern Bengal Landholders' Association.
2. Assam Association, Gauhati.
3. Provincial Muhammadan Association.
4. Indian Tea Association.
5. Indian Tea Association (Assam Branch).
6. „ „ (Surma Valley Branch).
7. Dooars Planters' Association.
8. Chamber of Commerce, Narayanganj.
9. „ „ Chittagong.
10. Port Commissioners, Chittagong.
11. W. B. Brown, Esq., I.C.S., Judge of the Assam Valley Districts.
12. E. G. Drake-Brockman, Esq., District Judge of Dacca.
13. A. H. Cuming, Esq., I.C.S., District and Sessions Judge, Tippera.
14. B. K. Mullick, Esq., I.C.S., District and Sessions Judge, Chittagong.
15. Abdul Majid, Esq., District and Sessions Judge, Rajshahi.
16. H. Luson, Esq., Commissioner, Chittagong Division.
17. F. C. Henniker, Esq., I.C.S., Officiating Commissioner, Rajshahi Division.
18. F. W. Strong, Esq., I.C.S., Collector, Dinajpur.
19. J. F. Gruning, Esq., I.C.S., Deputy Commissioner, Jalpaiguri.
20. S. C. Mukherjee, Esq., I.C.S., Collector, Pabna.
21. The Hon'ble Mr. J. C. Arbuthnott, C.I.E., I.C.S., Commissioner, Surma Valley and Hill Districts, and Member, Legislative Council.
22. H. A. Colquhoun, I.C.S., Deputy Commissioner, Sylhet.
23. F. C. French, I.C.S., „ „ Cachar.
24. Babu Hari Charan Dass, Government Pleader, Cachar.
25. Maulvi Syed Abdul Majid, B.L., Chairman, Sylhet Municipality.
26. Major H. W. G. Cole, Superintendent, Lushai Hills.

27. Babu Kamini Kumar Chanda, M.A., B.L., Vakil, High Court, Silchar.
28. F. J. Monahan, Esq., I.C.S., Commissioner, Assam Valley Districts.
29. Babu Manick Chandra Barua, Gauhati.
30. Major D. Herbert, I.A., Deputy Commissioner, Kamrup.
31. A. W. Botham, Esq., I.C.S., Deputy Commissioner, Sibsagar.
32. Lieutenant-Colonel Albert E. Woods, I.A., Deputy Commissioner, Lahimpur.
33. Major H. M. Halliday, I.A., Deputy Commissioner, Darrang.
34. Khan Bahadur Muhammad Ali Nawab, Zamindar, Tippera.
35. Bar Library, Barisal.
36. District Board, Dacca.
37. „ „ Mymensingh.
38. „ „ Backerganj.
39. „ „ Chittagong.
40. „ „ Noakhali.
41. „ „ Rangpur.
42. „ „ Dinajpur.
43. „ „ Tippera.
44. Rangpur Municipality.
45. Khan Bahadur Khajeh Muhammad Yusuf, Chairman, Dacca Municipality.
46. Maulvi Mahib-ud-din Ahmad and five other Municipal Commissioners.
47. Babu Sarat Chandra Chakravarti and two other Municipal Commissioners.
48. Narainganj Municipality.
49. Barisal Municipality.
50. Mymensingh Municipality.
51. Rampur Boalia Municipality.
52. Chittagong Municipality.
53. Gauhati Municipality.
54. The Hon'ble Mr. H. W. Savage, C.S.I., I.C.S., First Member, Board of Revenue.
55. The Hon'ble Mr. C. R. Marindin, I.C.S., Secretary to the Board of Revenue.
56. The Hon'ble Nawab Khwaja Salimullah Bahadur, C.S.I., of Dacca.
57. The Hon'ble Maharaja Girija Nath Roy Bahadur of Dinajpur.
58. Robert H. Henderson, Esq.
59. The Hon'ble Rai Dulal Chandra Deb, Bahadur.
60. The Hon'ble Rai Sita Nath Rai, Bahadur.
61. Syed Nawab Ali Chaudhuri.
62. The Hon'ble Khwaja Muhammad Asghar, Member of the Provincial Legislative Council.
63. The Hon'ble Mr. V. Woods, Agent, Assam-Bengal Railway.
64. The Hon'ble Mr. W. Teunon, I.C.S., Officiating Legal Remembrancer.
65. The Hon'ble Mr. W. T. Cathcart.
66. Dinajpur Municipality.
67. Bengal Chamber of Commerce.

68. J. E. Webster, Esq., I.C.S., Judicial Secretary to Government.

69. L. O. Clarke, Esq., I.C.S., Collector of Mymensingh.

70. H. LeMesurier, Esq., C.I.E., Commissioner of Dacca Division.

71. R. B. Hughes-Buller, Esq., I.C.S., Collector of Bakarganj.

72. B. C. Allen, Esq., I.C.S., Collector of Dacca.

73. J. Donald, Esq., I.C.S., Collector, Faridpur.

74. Babu Suresh Chandra Singha, Sub-Divisional Officer of Munshiganj.

75. Faridpur Municipality.

76. Bar Library, Dacca.

77. Maulvi Hemayet-ud-din Ahmed, Pleader, Barisal.

78. Rai Jogendra Kishore Rai Chaudhry, Bahadur.

79. Babu Jagat Kishore Acharjee Chaudhry, Zamindar, Muktagacha.

80. Babu Anath Bandhu Guha, B.L.

81. Rai Parvati Sankar Chaudhury of Teesta, District Dacca.

82. Maulvi Muhammad Ismail, B.L., Mymensingh.

83. Bar Library, Sylhet.

XXIV. Letter from the Hon'ble the Chief Commissioner, Central Provinces, no. $\frac{1235}{1-15-2}$, dated the 18th June 1908, and enclosures namely :—

1. Note by the Chief Commissioner on the Government of India proposals regarding the Legislative and Advisory Councils.

2. Anjuman Islamia, Jubbulpore.

3. M. W. Fox-Strangways, Esq., I.C.S., Commissioner, Jubbulpore Division.

4. H. A. Crump, Esq., I.C.S., Commissioner, Nerbudda Division.

5. Anjuman-i-Hami-e-Islam, Nagpur.

6. Rao Bahadur R. N. Mudholkar, B.A., LL.B., Advocate, Amraoti.

7. Malguzari Sabha, Jubbulpore.

8. B. Robertson, Esq., C.I.E., I.C.S., Commissioner, Berar.

9. F. A. T. Phillips, Esq., I.C.S., Commissioner, Chattisgarh Division.

10. J. Walker, Esq., C.I.E., I.C.S., Offg. Commissioner, Nagpur Division.

11. A. B. Napier, Esq., I.C.S., Deputy Commissioner, Nagpur.

XXV. Letter from the Honorary Secretaries, Mahajana Sabha, Madras, dated 25th February 1908.

XXVI. Memorandum by the All-India Muslim League, dated Aligarh, the 24th March 1908.

XXVII. Letter from Colonel Abdul Majid Khan, Honorary General Secretary, All-India Rajput Conference, dated Patiala, the 15th May 1908.

XXVIII. Resolutions passed at the second United Provinces Conference held at Lucknow on the 2nd March 1908.

XXIX. Letter from R. C. Dutt, Esq., C.I.E., Member of the Decentralization Commission, dated the 11th and 26th March 1908, and annexure.

XXX. Memorandum by the Hon'ble Mr. G. K. Gokhale, C.I.E.

No.

1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC

No. 21, DATED SIMLA, THE 1ST OCTOBER 1908.

[COPY.]

LETTER TO HIS MAJESTY'S SECRETARY OF STATE FOR INDIA.

SUBJECT.

COMMUNICATES the views of the Government of India on the subject of Councils reforms.

S. G. P. I —No. 2686 H. D.—16-12-08—1,000—H. S. D.

Confidential.

India Office, London,
27th November 1908.

Public,
No. 193.

To His Excellency the Right Honourable the Governor-General of India in Council.

MY LORD,

Proposals for constitutional reform.

I have to acknowledge the important Despatch of the 1st October 1908, in which I had submitted for approval and decision a group of constitutional reforms, framed by Your Excellency in Council in pursuance of a policy initiated more than two years ago. Your proposals, in their present shape, are the outcome of a tentative project placed in August last year in the hands of Local Governments in India, with instructions to consult important bodies and individuals representative of various classes of the community, before putting their own conclusions before the Government of India. Those instructions, as you are very evidently justified in assuring me, were carried out with great care and thoroughness. After examining, moreover, the enormous mass of material gathered together in a prolonged operation I gladly recognise the admirable industry, patience, thought, and candour, with which that material has been sifted by your Government, and worked out into practical proposals, liberal in their spirit and comprehensive in their scope. I have taken all the pains demanded by their importance to secure special consideration of them in Council. It is a sincere satisfaction to me to find myself able to accept the substantial part of Your Excellency's scheme, with such modifications as would naturally occur to different minds, in handling problems of remarkable difficulty in themselves, and reasonably open to wide variety of solution.

2. The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating Ruling Chiefs and Territorial Magnates of British India, in guardianship of common and imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable has proved adverse, and

Your Excellency in Council now considers that the project should for the present not be proceeded with.

3. You still favour an Imperial Council composed only of Ruling Chiefs. Lord Lytton made an experiment in this direction, but it remained without successful result. Lord Curzon afterwards proposed to create a Council composed exclusively of Princes contributing Imperial Service troops, and deliberating on that subject exclusively. Opinion pronounced this also likely to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients, and wider than the second. I confess that, while entirely appreciating and sympathising with your object, I judge the practical difficulties in the way of such a Council assembling under satisfactory conditions, to be considerable,—expense, precedence, housing, for instance, even if there were no others. Yet if not definitely constituted with a view to assembly, it could possess little or no reality. It would obviously be a mistake to push the project, unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success, and the opinions expressed in the replies with which you have furnished me, lead me to doubt whether that condition can be secured. But in case Your Excellency still favours this proposal, which is in itself attractive, I do not wish to express dissent at this stage, and if after consultation with the leading Chiefs you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial. And in any event the doubt I have expressed must not be taken as discouraging consultation with individual Chiefs, according to existing practice; for nobody with any part to play in Indian Government, can doubt the manifold advantages of still further developing not only amicable, but confidential relations of this kind, with the loyal rulers in Indian States, possessed as they are of such peculiar authority and experience.

4. Next, I agree with Your Excellency in the judgment that the question of a Council of Notables for British India only should not be entertained. I am inclined furthermore, for my own part, to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value. The origin of the demand for bodies of that character, whatever the strength of such a demand amounts to, is undoubtedly the desire for greater facilities in discussion of public measures. Your Excellency indicates what strikes me as pointing in a more hopeful direction, in the proposition that this claim for increased facilities of discussion should be met "rather "by extending the powers of the existing "Legislative Councils than by setting up large "rival Councils which must to some extent conflict "with them." Large or small, such rivalry would

be almost certain to spring up, and, from the first, the new species of Council would be suspected as designed to be a check upon the old. As in the case of Ruling Chiefs, or of Notables in British India, so here too informal consultation with the leading men of a locality would have most, or all, of the advantages of an Advisory Council, without the many obvious disadvantages of duplicating political machinery.

5. From these proposals I pass to what is, and what you declare to be, the pith and substance of the despatch under reply. "The "enlargement of the Legislative Councils" you say, "and the extension of their functions to the "discussion of administrative questions, are the "widest, most deep-reaching, and most substantial "features of the scheme which we now put for-"ward." This perfectly correct description evokes and justifies the close scrutiny to which these features have been subjected in my Council, and I am glad to believe that the result reveals few elements of material difference.

6. Your Government have now felt bound to deal first with the Imperial Legislative Council, and from that to work downwards to the Councils in provinces. I gather, however, from your despatch of the 21st March 1907, that you would at that time have preferred, as Lord Lansdowne had done in 1892, to build up the higher fabric on the foundation of the provincial Councils. In your circular letter of the 24th August 1907 you observed that "the most logical and convenient mode of "dealing with the question would have been first "to discuss and settle the composition, the elec-"torates, and the powers of the provincial Legis-"lative Councils, and then to build up, on the "basis of these materials, a revised constitution "for the Imperial Council." In the absence of proposals from Local Government and Administrations, you were precluded from adopting this course; and, therefore, you set tentatively before them the line on which, first, the Legislative Council of the Governor-General, and thereafter those of Governors and Lieutenant-Governors, might be constituted.

7. In your present letter you have followed the same order. But with the full materials before me, such as are now supplied by local opinions, it appears to be both more convenient and, as you said, more logical, to begin with the Provincial Councils, and afterwards to consider the constitution of the Legislative Council of the Governor-General.

8. The first question that arises touches the principle of representation. This is fully discussed in paragraphs 18 to 20, 26 to 31, and 34 of your letter. Citing previous discussions of the subject, and referring to the precedent of the measures taken to give effect to the Statute of 1892, you

adhere to the opinion that in the circumstances of India "representation by classes and interests is "the only practicable method of embodying the "elective principle in the constitution of the Indian "Legislative Councils" (paragraph 18). You justly observe that "the principle to be borne "in mind is that election by the wishes of the "people is the ultimate object to be secured, "whatever may be the actual machinery adopted "for giving effect to it" (paragraph 29). You consider that for certain limited interests (the Corporations of Presidency towns, Universities, Chambers of Commerce, Planting Communities, and the like) limited electorates must exist as at present; and you foresee no serious obstacle in carrying out arrangements for that purpose. Difficulties come into view, when you go beyond these limited electorates, and have to deal with large and widespread interests or communities, such as the land-holding and professional classes; or with important minorities, such as Muhammadans in most provinces in India, and Sikhs in the Punjab. You dwell upon the great variety of conditions in the various provinces of the Indian Empire, and the impossibility of applying any uniform system throughout; and your conclusion generally appears to be that class electorates should be framed where this is practicable and likely to lead to good results, and in their failure or defect it will be necessary to have recourse to nomination.

9. With the general principles advanced by Your Excellency in this chapter of our discussion, I am in entire accord. I agree that, to some extent, class representation must be maintained in the limited electorates to which you refer; and here, as you point out, no serious obstacle is to be anticipated. I agree, also, that the Legislative Council should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Muhammadans and the landed classes. But in examining your plans for obtaining their representation, I am struck with the difficulty of securing satisfactory electoral bodies under them, and, with the extent to which, as you expect, nomination will be demanded to supply the deficiencies of election. The same awkwardness and perplexity appear in obtaining satisfactory representation of the Indian commercial classes, where, as is found generally throughout India with very few exceptions, they have not established Associations or Chambers to represent their interests.

10. The case of landholders is discussed in paragraphs 27 to 29 of your letter, with immediate reference to the Imperial Legislative Council, and the situation is just the same—if separate representation is to be secured—for local Councils. You

"find it impossible to make any definite proposal which would admit of general application" (para-27); you see difficulties in devising a constituency that should consist only of landholders deriving a certain income from land (para. 28); and you point out with much force the objections to election by voluntary associations. In these observations I agree, and especially in your remark that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until some regular electorate can be formed.

11. The same difficulties, as you observe in paragraph 30, encounter the proposal to have a special electorate for Muhammadans. In some provinces, as in Bombay, the Muhammadans are so scattered, that common organisation for electoral purposes is thought impracticable. In other provinces it is proposed to found a scheme partly on a property qualification and partly on literary attainments. In others, again, it is suggested that recourse might be had to voluntary associations. One difficulty in regard to Muhammadans is not mentioned in your letter; for the provision in any province of a special electorate giving them a definite proportion of the seats on the Councils might involve the refusal to them in that province of a right to vote in the territorial electorates of which rural and Municipal Boards will afford the basis. If that were not done, they would evidently have a double vote, and this would probably be resented by other classes of the population.

12. Without rejecting the various expedients suggested by Your Excellency for adoption, in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might be better secured, at any rate in the more advanced provinces in India, by a modification of the system of a popular electorate, founded upon the principle of electoral colleges. The use of this method is not in itself novel; it already exists in the groups of District Boards and of Municipalities which, in several provinces, return members to the Provincial Councils. The election is not committed to the Boards or Municipalities directly; these bodies choose electors, who then proceed to elect the representative of the group. I will briefly describe the scheme that at present commends itself to me, and in order to make the method of working clear, I will assume hypothetical figures for a given province. Let it be supposed that the total population of the Province is 20 millions, of whom 15 millions are Hindus and 5 millions Muhammadans, and the number of members to be elected 12. Then, since the Hindus are to Muhammadans as three to one, nine Hindus should be elected to three Muhammadans. In order to obtain these members, divide the Province into three electoral areas, in each of which three Hindus and one Muhammadan

are to be returned. Then, in each of these areas, constitute an electoral college, consisting of, let us say, a hundred members. In order to preserve the proportion between the two religions, 75 of these should be Hindus and 25 Muhammadans. This electoral college should be obtained by calling upon the various electorates, which might be (*a*) substantial landowners paying not less than a fixed amount of land revenue; (*b*) the members of rural or sub-divisional Boards; (*c*) the members of District Boards; and (*d*) the members of municipal corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the College, and the 25 Musalmans who obtained the majority should similarly be declared elected. If the Musalmans returned did not provide 25 members for the Electoral College, the deficiency would be made good by nomination. Having thus obtained an Electoral College containing 75 Hindus and 25 Musalmans, that body would be called upon to elect three representatives for the Hindus and one for the Muhammadans; each member of the College would have only one vote, and could vote for only one candidate. In this way it is evident that it would be in the power of each section of the population to return a member in the proportion corresponding to its own proportion to the total population.

In the same way the desired proportion could be obtained of any representatives of any particular interest, as, for instance, of landowners. All that is necessary would be to constitute the electoral college in such a way that the number of electors representing the land-owning interest should bear to the total number the same proportion as the members of Council representing that interest to be elected bear to the total number to be elected.

13. In this manner minorities would be protected against exclusion by majorities, and all large and important sections of the population would have the opportunity of returning members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, that, namely, of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

14. I do not wish definitely to prescribe such a scheme for adoption whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided, and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose.

No doubt, it removes the primary voter by more than one stage from the ultimate choice; and it does not profess to be simple. I can only say that it is quite assimple as any scheme for representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors. It would have several great advantages. It would bring the classes specially concerned within the popular electorate, and so meet the criticisms of the Hindus, to which you refer in paragraph 30; second, it establishes a principle that would be an answer to further claims for representation by special classes or associations; third, it would ensure the persons chosen being actually drawn from the locality that the electoral college represents: fourth, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

15. The due representation of the Indian mercantile community, on which you touch in paragraph 31 of your letter, might be included in the scheme, if the commercial classes fail to organise themselves, as you suggest that they may arrange to do, in associations similar to the European Chamber of Commerce.

16. To meet possible objections founded on the difficulty of bringing together electoral colleges to vote in one place, I may add that this is not contemplated in the scheme. You refer, at the close of paragraph 28, to the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India. The votes of the electors in each college could, I imagine, be collected in the same manner without requiring them to assemble at a common centre.

17. From the electoral structure, I now turn to the official element in the constitution of Provincial Legislative Councils, dealt with in paragraphs 33 to 56 of your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances only the number of official members necessary for the transaction of business shall be summoned to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

18. We have before us, to begin with, the leading fact that in the important Province of Bombay there is in the Council, as at present composed, no official majority, and that the Bombay Government, even in the smaller of its

alternative schemes presented to Your Excellency in Council, is willing to dispense with such a majority. Considering the character of the legislation ordinarily coming before a Provincial Council, is it not possible, with due representation given to the various classes and interests in the community, to do without a majority of officials? After careful consideration, I have come to the conclusion that in Provincial Councils such a majority may be dispensed with, provided that a substantial official majority is permanently maintained in the Imperial Legislative Council.

19. I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the executive Government. This should be met by the exercise of the power to withhold assent, possessed by the head of the Government. Then, although the Local Legislature is vested with power to make laws for the peace and good government of the territories constituting the province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the Local Legislature may not, without the previous sanction of the Governor-General, make or take into consideration 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; or

regulating currency or postal or telegraph business; or

altering in any way the Indian Penal Code; or affecting religion or religious rites or usages; or

affecting the discipline or maintenance of naval or military forces; or

dealing with patents or copyright, or the relations of the Government with foreign princes or States.

It is difficult to see how any measure of such urgency, that delay might work serious mischief, can come before a Provincial Council; for mere opposition to a useful and beneficial project would not come within this description. On the other hand, and perhaps more often, there may be opposition on the part of the non-official members to legislation that the Government desires. With a Council, however, representing divergent interests, and realising together with its increased powers, its greater responsibility, a combination of all the non-official members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official members against the Government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection, and should not be proceeded with.

20. Your Excellency will recall, since you came into the authority of Governor-General, an Act proposed by a Local Government which a representative Legislative Council would almost certainly have rejected. Your Excellency's action in withholding assent from the Act shows that, in your judgment, it would have been an advantage if the Local Government had been induced by a hostile vote to reconsider their Bill. If, in spite of such hostile vote the comparatively rare case should arise where immediate legislation were still thought absolutely necessary, then the Constitution as it at present stands provides an adequate remedy. The Governor-General in Council to-day possesses a concurrent power to legislate for any province, and though I strongly favour a policy that would leave to each Local Legislature the duty of providing for its own requirements, still I recognize in this power an ample safeguard, should under exceptional circumstances a real demand for its exercise arise.

21. This decision will make it necessary to modify to some extent the constitution of the several Provincial Councils proposed by you, and will enable you to secure a wider representation. Subject to consideration of these details (which will not involve the postponement of the proposed parliamentary legislation for the amendment of the Indian Councils Act, 1892, and for other purposes), I am ready to accept generally the proposals for numbers and the constitution of the Councils set forth in your letter.

22. Your proposals in relation to the Imperial Legislative Council are necessarily entitled to the greatest weight. I am glad to find myself able to accept them practically in their entirety. While I desire to liberalize as far as possible the Provincial Councils, I recognise that it is an essential condition of this policy that the Imperial supremacy shall be in no degree compromised. I must therefore regard it as essential that Your Excellency'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. I see formidable drawbacks, that have certainly not escaped Your Excellency, to the expedient which you propose, and I cannot regard with favour the power of calling into play an official majority, while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen, to vote down something upon which they may or may not have heard the arguments, will prove satisfactory. To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense

an overwhelming majority, and this Your Excellency does not seek; but it must be substantial, as it is certainly desirable that the Governor-General should be removed from the conflict of the division list, and that the fate of any measure or resolution should not rest on his vote alone.

23. I have already dealt in the earlier paragraphs of this Despatch with the elective principle, and it will be for Your Excellency to consider how far the popular electorate can be utilized for the return to your Legislative Council of landholders and Muhammadans. Some modification of the scheme suggested for the Provinces will, no doubt, be necessary, and the electoral colleges would probably have to be on the basis of Province and not of Division, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a Local Legislature is provided.

24. I accept your proposals for securing the representation of Commerce both European and Indian.

25. I also agree to your proposals as to nomination, but it will be a matter for your consideration whether, to meet the requirement of a substantial official majority, the number of nominated officials should not be raised.

26. Your plan for securing occasional representation for the interest of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, meets with my entire approval, and I am in complete sympathy with your intention sometimes to appoint one or two experts in connection with legislation pending before Council.

27. I turn to the proposals contained in paragraphs 57-59 of your despatch, affording further facilities for debate. This subject, as Your Excellency remarks, was not dealt with in the earlier correspondence out of which your present proposals arise; but I am entirely in accord with Your Excellency's Government in regarding it as of cardinal importance.

28. The existing law, which confines discussion, except on the occasion of the annual financial statement, to legislative proposals actually before the Council imposes a restriction, that I am convinced is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction, and, in sanctioning it generally, I am confident that these increased facilities judiciously used will be pronounced of the greatest advantage, not only by Councils and those whom they represent, but also by Government, who will gain additional opportu-

nities both of becoming acquainted with the drift of public opinion, and of explaining their own actions.

29. Taking the proposals in detail, I agree that resolutions to be moved should take the form of recommendations to Government, having only such force and effect as Government after consideration shall deem due to them. The introduction and discussion of resolutions should not extend to subjects removed from the cognisance of the Legislative Councils by Statute, and must obviously be subject to rules and restrictions. These, as Your Excellency observes, may best be laid down in the first place when the rules of business are drawn up, and developed thereafter as experience may show to be desirable. Meanwhile, I agree generally with the conditions suggested in paragraph 59 of your Despatch. I must, however, remark upon the first of the suggested conditions, that isolated incidents of administration, or personal questions, may be, and often are, at the same time matters of public and general importance. It would in my opinion be sufficient to lay down that resolutions must relate to matters of public and general importance, inasmuch as the President of the Council will have the power of deciding finally whether any proposed resolution does or does not satisfy this condition.

30. In respect of rules on the asking of questions, I have come to the conclusion that, subject to such restrictions as may be found requisite in practice, and to the existing general powers of the President, the asking of supplementary questions should be allowed. Without these, a system of formal questions met by formal replies must inevitably tend to become unreal and ineffective, and, in an assembly in which, under proper safeguards, free discussion and debate is permitted and encouraged, there can be no sufficient reason for prohibiting that method of eliciting information and expressing indirectly the opinions and wishes of the questioners.

31. Special importance attaches to rules as to the discussion of the Imperial Budget, and I recognise with much satisfaction the liberality of the proposals that you have placed before me. The changes under this head constitute a notable step, in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year. I approve the dates suggested for the promulgation of the financial statement, and for the beginning and ending of its discussion in Committee; and I anticipate valuable results from the knowledge which your Government will acquire, in these debates, of the views of those whom the proposed measures will chiefly and directly affect; and which it will be able to utilise in shaping its final financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 64, for the regulation of discussions in Committee, and of the

moving of resolutions; and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of resolutions, do not thereby forego any part of the power and responsibility which has been, and must continue to be, in their hands.

32. Your proposals for the discussion of the Provincial Budgets seem entirely sound. As in the case of the Imperial Budget, so with respect to the Provincial finances, I observe with satisfaction that provision is made for full and free discussion, and for the consideration by Government of the results of such discussion before the final proposals for the year are framed; and I believe that, under the system suggested by you, the Local Governments will retain that ultimate control over the financial policy of their Provinces, without which not only the authority of the Government of India, but also that of the Secretary of State in Council and of Parliament, would inevitably disappear.

33. Your Excellency claims for your scheme as a whole, "that it will really and effectively "associate the people of India in the work, not "only of occasional legislation, but of actual every-"day administration." The claim is abundantly justified; yet the scheme is not, and hardly pretends to be, a complete representation of the entire body of changes and improvements in the existing system, that are evidently present to the minds of some of those whom your Government has consulted, and that, to the best of my judgment, are now demanded by the situation described in the opening words of the Despatch. It is evidently desirable, Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advance in the direction of local self-government. The principles that should inspire and regulate measures with this aim, can hardly be laid down in sounder or clearer terms than in the Resolution published by the Government of India on the 18th May 1882. I do not know where to look for a better expression of the views that should govern our policy under this important head, and I will venture to quote some passages in this memorable deliverance. Explaining the proposal for local self-government of that date, the Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improve-"ment in administration that this measure is put "forward and supported. It is chiefly desirable "as an instrument of political and popular "education." And again, "there appears to be "great force in the argument that, so long "as the chief executive officers are, as a matter "of course, Chairmen of the Municipal and Dis-"trict Committees, there is little chance of

"these committees affording any effective training "to their members in the management of local "affairs, or of the non-official members taking "any real interest in local business. The non-"official members must be led to feel that real power "is placed in their hands, and that they have "real responsibilities to discharge." This anticipation has been to some extent warranted by experience. Funds have not existed for an efficient executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take real interest in local business, because their powers and their responsibilities were not real. If local self-government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be "the true principle," that "the control should be "exercised from without rather than from within, "the Government should revise and check the "acts of local bodies, but not dictate them." I make no doubt that the Government of India to-day will affirm, and actively shape their policy upon, the principle authoritatively set forth by their predecessors in 1882:—

"It would be hopeless to expect any real development of self-government if the local bodies were subject to check and interference in matters of detail; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

Your Excellency will recall that the Resolution from which I have quoted, treats the Sub-division, Taluqa, or the Tahsil, as the smallest administrative unit. It is a question whether it would not be wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life.

34. The encouragement of local self-government being an object of this high importance in the better organisation of our Indian system, it remains to be considered how far in each province it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them, and correcting abuses, in a form analogous to the operations of the Local Government Board in this country. That, however, is a detail, though a weighty one, in a question on

which, as a whole, I confidently expect that Your Excellency will find much light in the forthcoming report of the Royal Commission on Decentralisation.

35. In the closing page of your letter, Your Excellency raises a question of a high order of importance. You recognise, as you inform me, that "the effect of our proposals will be to throw "a greater burden on the heads of local Govern- "ments, not only by reason of the actual increase "of work caused by the long sittings of the "Legislative Councils, but also because there will "be considerable responsibility in dealing with the "recommendations of those Councils." You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governors in the large provinces by the creation of Executive Councils, and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

36. I have to observe, with respect to Bombay and Madras, that the original scheme under the Act of 1833 provided for the appointment of three members to each of the Executive Councils in those Presidencies. It seems conformable to the policy of this Despatch to take power to raise to four the number of members of each of these Executive Councils, of whom one at least should be an Indian. I would not, however, propose to make this a provision of a statute, but would leave it to practice and usage growing into confirmed rule.

37. As to the creation of Executive Councils in the larger provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion, and more especially by the second of them. All will depend for the wise and efficient despatch of public business, upon right relations between the supreme head of executive power in the province and the Legislative Council. The question is whether these relations will be the more likely to adjust themselves effectively, if the judgment of the Lieutenant-Governor is fortified and enlarged by two or more competent advisers, with an official and responsible share in his deliberations.

38. Your Excellency anticipates longer sittings of the Legislative Council, with increased activity of discussion, and the effectual representation of provincial opinion and feeling, as a guide to executive authority, is the central object of the policy of Your Excellency's despatch. The aim of that policy is two-fold; at once to enable Government the better to realise the wants, interests, and sentiment of the governed, and, on the other hand, to give the governed a better chance of understanding, as occasion arises, the case for the Government, against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully

appreciates, is the foundation of the whole system in India, and all over the world, of administration and legislation either through, or subject to, the criticism of deliberative bodies whether great or small.

39. The suggestion for the establishment of Executive Councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution, is, in truth, surprisingly uncommon in the history of British rule in India, and of the political or administrative controversies connected with it. Indeed, without for an instant undervaluing the supreme necessity for caution and circumspection at every step and motion in Indian Government, it may be open to some question whether in some of these controversies before now, even an erroneous conclusion would not have been better than no conclusion at all. The issue we are now considering was much discussed in obedience to the orders of the Secretary of State in 1868, by men of the highest authority on Indian questions, and I do not conceive that after all the consideration given to the subject then and since, further consulations could be expected to bring any new arguments of weight and substance into view.

40. It has sometimes been argued that the creation of Executive Councils in the major provinces would necessarily carry with it, as in Bombay and Madras, the appointment in each case of a Governor from home. This would indeed be a "large departure from the present system of administration," almost amounting to the confusion and overthrow of that system, reposing as it does upon the presence at the head of the highest administrative posts, of officers trained and experienced in the complex requirements and diversified duties of Indian government. I take for granted, therefore, that the head of the Province will be, as now, a member of the Indian Civil Service appointed in such mode as the law prescribes.

41. I propose, therefore, to ask for power to create Executive Councils from time to time as may be found expedient. In this connection we cannot ignore the necessity of securing that a constitutional change, designed both to strengthen the authority and to lighten the labours of the head of the Province, shall not impair the prompt exercise of executive power. It will, therefore be necessary to consider most carefully what degree of authority over the members of his Council in case of dissent, should be vested in the head of a Province in which an Executive Council may be called into being. It was recognised by Parliament more than a century ago that the Governors of Madras and Bombay should be vested with a discretionary power of over-ruling these Councils "in cases of high importance, and

"essentially affecting the public interest and "welfare." A power no less than this will obviously be required in the provinces in which a Council may come to be associated with the head of the executive, and I shall be glad if you will favour me with your views upon its definition. Your Excellency will readily understand that the use of such a power, while not to be evaded in the special cases for which it is designed, is not intended for part of the ordinary mechanism of Government. Rather, in the language of the historical despatch of 1834, it is my belief that, "in a punctual, constant, and even "fastidious adherence to your ordinary rules of "practice, you will find the best security, not only "for the efficiency, and also for the despatch of "your legislative proceedings."

I have the honour to be

MY LORD,

Your Lordship's most obedient humble servant,

(Signed) MORLEY OF BLACKBURN.

PAPERS

RELATING TO

CONSTITUTIONAL REFORM

IN

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I

Extract from the Proceedings of the Government of Madras, Public Department, no. 886, Public, dated 22nd November 1907.

READ—the following papers:—

Letter from Sir Harold Stuart, K.C.V.O., C.S.I., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, no. 2310, dated Simla, the 24th August 1907.

* * * * * * * *

ENCLOSURE.

Telegram from the Secretary of State for India, to His Excellency the Viceroy, dated London, the 23rd (received 24th) August 1907.

* * * * * * * *

Memorandum no. 3466, Public, dated 22nd October 1907.

With reference to the letter from the Government of India, Home Department, no. 2310, dated the 4th August 1907, regarding the constitution of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, the Board of Revenue is requested to be good enough to favour Government with its opinion as to the property qualifications which should be adopted in this Presidency for the electorates referred to in paragraphs 14 to 18 of the letter. The question whether cesses and miscellaneous land-revenue payments should be included under the head "Land Revenue," should be considered. There are, it is observed, cases in which holders of permanently-settled estates pay only a small peshkash, but make large payments under other heads of land revenue.

2. It will be necessary for the Board to consider, with reference to (*e*) in paragraph 18 of the letter, what amount of land revenue payments should be held to indicate an income of Rs. 25,000 per annum.

3. It will also, no doubt, be necessary to cause local enquiries to be made before it can be ascertained how many persons holding land on ryotwari or inam or special tenures (as in the Agency tracts) would be qualified for the general or the special Muhammadan electorate if particular property qualifications are adopted.

4. Lists should be furnished of persons possessing the property qualifications which would be required for the electorates in the various hypothetical cases which the Board may, on consideration, select for examination and report.

5. The time allowed by the Government of India for the necessary enquiries and for consideration is short relatively to the importance of the subject and the difficulties which will doubtless be met with in obtaining complete and precise information. It will, however, be sufficient if rough lists are supplied, and, if any difficulties occur in carrying out the above orders the Board is requested to solve them, as far as possible, without making references to Government.

6. The Government will also be glad to be favoured with the opinions of the Members of the Board individually on the proposals of the Government of India as a whole. Opinions on the points noticed above together with the lists called for in paragraph 4 should, however, be forwarded independently at the earliest possible date for the consideration and information of Government and to supply a basis for any further references which the Government may decide to make.

H. BRADLEY,

Ag. Chief Secretary.

To the Board of Revenue (Land Revenue).

ORDER— No. 886, Public, dated 22nd November 1907.

In the above official memorandum the Board of Revenue were requested to furnish certain information and the Members of the Board to give their opinion individually with reference to the measures proposed by the Government of India in order to give the peoples of India wider opportunities of expressing their judgment on administrative matters. Some time must however necessarily elapse before the information called for can be collected and submitted, and meanwhile the Governor in Council desires to invite opinion on the questions raised in the appended memorandum.

2. The memorandum will accordingly be forwarded to the Board of Revenue and to all Collectors. Collectors should obtain the opinion, when possible in writing, of selected zamindars in their districts and of leading and influential persons of different castes and classes. They should also favour Government with their own opinions and those of any of their subordinates, particularly Indian subordinates, whom they may consider it advisable to consult. The opinion of the Resident in Travancore and Cochin is also invited.

3. The following letter will be addressed to the persons named below :—

All Members of the Legislative Council.
President, Corporation of Madras.
Secretary, Landholders' Association.
Chairman, Chamber of Commerce, Madras.
Secretary, United Planters' Association, Southern India.
Secretary, Trades Association, Madras.
Secretary, Eurasian and Anglo-Indian Association.
Mr. G. L. Acworth.
The Maharaja of Bobbili.
Sir A. V. Bhashyam Aiyangar, Kt., C.I.E.
Mr. J. A. Boyson.
M. R. Ry. L. A. Govindaraghava Aiyar, Diwan Bahadur.
Ghulam Muhammad Hasan Ali, Khan Bahadur.
Ghulam Muhammad, Khan Bahadur.
Ghulam Muhammad Ali Sahib Bahadur, Khan Bahadur, Prince of Arcot.
V. Krishnaswami Aiyar.
V. Muhammad Sherif, Khan Bahadur.
Nawab Muhammad Raza Khan.
M. R. Ry. Perraju Pantulu.
Mr. G. Romilly.
M. R. Ry. Diwan Bahadur R. Raghunatha Rao.
M. R. Ry. Diwan Bahadur P. Rajaratna Mudaliar, C.I.E.
M. R. Ry. Diwan Bahadur C. Ramachandra Rao Saheb.
M. R. Ry. Diwan Bahadur P. Ramaswami Chettiar.
Sir S. Subramanya Aiyar, K.C.I.E.
Nawab Saiyid Muhammad Sahib Bahadur.
M. R. Ry. G. Srinivasa Rao.
„ N. Subba Rao Pantulu.
Mr. H. Scott.
M. R. Ry. P. S. Sivaswami Aiyar.
„ N. Subramaniem.
The Raja of Venkatagiri.
M. R. Ry. G. Venkataratnam Pantulu.
„ C. Vijiaraghava Chariyar.
„ K. Venkata Rao.
„ A. Venkataramana Poi.
Mr. A. J. Yorke.

I am directed to forward a copy of a letter from the Government of India, Home Department (Public), no. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council regarding certain measures proposed with the view of giving the peoples of India wider opportunities of expressing their judgment on administrative matters. I am directed to request that you will be good enough to favour the Government with

the opinion of { the Corporation of Madras / the Landholders' Association / the Chamber of Commerce, Madras, / the United Planters' Association, Southern India / the Trades Association, Madras, / the Eurasian and Anglo-Indian Association } your opinion on the questions raised in the memorandum.

True Extract.

H. BRADLEY,
Ag. Chief Secretary.

To the Board of Revenue (Land Revenue).
„ all Collectors.
„ the Resident in Travancore and Cochin.
Gazette.
Editors' Tables.

Memorandum referred to in the Order of the Government of Madras, no. 886-Public, dated the 22nd November 1907.

MEMORANDUM.

I.—IMPERIAL AND PROVINCIAL ADVISORY COUNCILS.

1. Assuming that the establishment of Imperial and Provincial Advisory Councils of the kind described in paragraphs 4 to 7 of the letter from the Government of India is likely to be a valuable means of eliciting opinion on measures which the Government have in contemplation, as well as of diffusing correct information as to the acts, intentions and objects of Government, suggestions are invited as to the constitution of the Councils and as to the work which may be devolved upon them.

2. The constitution and functions of the proposed Provincial Advisory Council are discussed in paragraph 6 of the letter from the Government of India. The Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25. Suggestions are invited as to its constitution.

II.—IMPERIAL LEGISLATIVE COUNCIL.

3. An expression of opinion is invited on the proposals of the Government of India in paragraphs 12 to 14 of their letter regarding the constitution of the Imperial Legislative Council.

III.—PROVINCIAL LEGISLATIVE COUNCIL.

4. *Present constitution of the Council.*—Under the Indian Councils Act, 1892, section 1, sub-section (1), the number of Additional Members of Council nominated by the Governor of the Presidency of Fort St. George "shall (besides the Advocate-General of the Presidency or officer acting in that capacity) be such as to the Governor may seem from time to time expedient, but shall not be less than eight or more than twenty."

5. The regulations made by the Governor-General in Council, with the approval of the Secretary of State, under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council shall be made by the Governor of Madras for his assistance in making Laws and Regulations and the notification issued by the Government of Madras with reference to rule II of the said regulations are as follows :—

Regulation under section 1 (4) of the Indian Councils Act, 1892, for Madras.

I. Of the persons, other than the Advocate-General or officer acting in that capacity to be nominated Additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more than nine shall be officials.

II. The nomination to seven seats shall be made by the Governor on the recommendation of the following bodies and associations respectively, namely :—

A.—The corporation of Madras;

B.—Such Municipal Corporations or group or groups or Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette*;

C.—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid;

D.—Such association or associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe as aforesaid;

E.—The Senate of the University of Madras:

Provided that the bodies described above under A, B, C, D, and E, respectively, shall each (except as hereinafter provided in rule VII) have at least one person nominated upon its recommendation, and A, D and E not more than one each.

III. The Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of different classes of the community; provided that one seat shall ordinarily be held by a zamindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

IV. When a vacancy occurs or at any time within three months of the date when a vacancy will occur in the ordinary course of events and is to be filled under rule II of these regulations, the Governor shall cause the proper body or group of bodies or association or associations to be requested to recommend a person for nomination by the Governor.

V. The recommendation shall be made—

(*a*) in the case of a Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or article of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representative to be appointed, according to such scale as the Governor in Council may from time to time prescribe by the Corporations, Boards, or Associations.

VI. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

Explanation.—A person is not "resident" within the meaning of this rule unless he has a place of residence in the locality concerned and such practical connection with that locality as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this rule, the question shall be referred to and decided by the Local Government, whose decision shall be final.

VII. If within three months after receiving the request of the Governor as provided by rule IV the body or association or group or bodies or associations fails to make a recommendation, the Governor may nominate at his discretion a person belonging to the class which the body or association or group is deemed to represent.

VIII. If the Governor shall decline to nominate any person who has been, under these regulations, recommended for nomination, a fresh request shall be issued as provided in rule IV and the procedure laid down in rules V and VII shall apply.

IX. (*a*) As soon as conveniently may be after these regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in rule II, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

Notification.

The Governor in Council is pleased, with reference to rule II of the rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards, and of the following Association of Merchants:—

(i) The Municipal Councils situated in the districts of Ganjam, Vizagapatam, Godavari, Guntur, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(iii) The District Boards of Ganjam, Vizagapatam, Koraput, Godavari, Guntur, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(iv) The District Boards of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(v) The Chamber of Commerce, Madras.

6. In paragraphs 17 and 20 to 22 of the letter from the Government of India, suggestions are made regarding the enlargement and reorganization of Provincial Legislative Councils.

Remarks are invited on the following scheme which has been suggested as suitable to the Madras Presidency:—

Scheme.

(a) It is suggested that, having regard to the fact that the number of official members must have a preponderance, the number of non-officials shall be 17, to be appointed on the following lines:—

(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	Selected by Madras Chamber of Commerce	1
(*c*)	Selected by the Senate of University	1
(*d*)	Selected by barristers, Advocates, vakils or certificated pleaders ...	1
(*e*)	Selected by zamindars, proprietors of permanently-settled estates, janmis of Malabar, inamdars of wholly alienated villages and landowners [not being members of class (*d*)]	2
(*f*)	Selected by citizens of Madras [not being members of class (*d*) or (*e*)]	1
(*g*)	Selected by Brahmans	1
(*h*)	Selected by Muhammadans	1
(*i*)	Selected by Christians	1
(*j*)	Selected by all other persons	6
	Total ..	17

(b) Those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of classes (*d*), (*e*) or (*f*), that is to say, no person who is qualified to vote or be a candidate for selection in class t*dt* should vote or be a candidate for selection in any of the classes other than (*b*), (*c*), (*d*), or similarly no person qualified to vote or be a candidate for selection in class (*e*) should vote or be a candidate for selection in any classes other than (*b*), (*c*), or (*e*) and so on.

(c) The following *general conditions* are suggested in the application of the scheme:—

(1) That no person shall have more than one vote.

(2) That no person will be qualified to vote unless he is a male and has completed twenty-one years of age.

(3) That no person shall be qualified to be a candidate for selection by a body, class or caste, unless he is qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate.

(4) That a nominated or selected member of the Legislative Council shall ordinarily hold office for five years from the date on which his appointment is notified in the *St. George Gazette*, but His Excellency the Governor may declare that any member has vacated his seat—

(*a*) if he fails to attend any meeting of the Council for one year;

(*b*) if he leaves the Presidency with intent to be absent from it for a period of six months.

(5) That if one member of a Hindu joint family has a vote under any class, no other member of the same joint family shall have a vote under class (*e*), (*g*) or (*j*) with respect to the same joint family property or any share of it.

(6) That no person shall be qualified to vote for the representative of his class or caste within a specified area unless he has a residence within that area at which he resides ordinarily more than six months in a year.

(7) That no person in the service of the Crown shall be eligible for selection.

(8) That a person shall be disqualified for selection if

(*a*) he has been at any time sentenced by any Court to transportation or imprisonment for a non-bailable offence, such sentence not having been subsequently reversed or quashed; or

(*b*) at the date of selection he is an uncertificated bankrupt or an undischarged insolvent.

(d) The following *special conditions* are also suggested:—

(i) In regard to the selection from the class (*d*) barristers, etc., that no person shall be registered under this class unless he pays income-tax on an income of not less than Rs. 5,000.

(ii) In regard to the selection from the zamindari class (*e*) above that no person shall be registered under this class unless he pays peshkash or land revenue to Government amounting to Rs. 20,000 or pays land cess to local board calculated on an annual rent value of Rs. 50,000; land revenue here including water-rate paid for the irrigation of the land. Further, that for this class one respresentative shall be selected for the Northern districts of the Presidency and another for the Southern districts, the division being made so that the value of the vote may as nearly as possible be equal.

(iii) In regard to the selection by class (*f*), citizens of the Madras, that no person shall be registered as a voter, unless—

(1) he resides ordinarily for more than six months in a year in the city of Madras, and

(2) he has paid during the preceding year—

income-tax on an income of not less than Rs. 5,000, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 5,000.

(iv) In regard to selection by classes (*g*), (*h*), (*i*), (*j*) above, *viz.*, Muhammadans, Brahmans, etc., that no person shall be registered as a voter, unless—

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000, or

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land, on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000: for the purpose of this rule, the shares of the several pattadars in a joint patta being regarded as equal to the joint property of a joint Hindu family being regarded as the property of the managing member of the family; or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

(v) As regards selection by all others under class (*j*) above, that the Presidency should be divided into local areas, the limits of which march with the boundaries of districts, so that all votes in that class may have the same value as near as may be.

(e) As an alternative in the case of the representation of classes (*g*), (*h*) and (*i*), it is suggested that if the selection of one Brahman, one Muhammadan and one Christian for the whole Presidency presents objections on account of the difficulty in arranging for voting over so wide an area, power may be taken for the nomination by the Governor of three more than is proposed under class (*a*) raising nominations by the Governor to 5 in all, of whom one must be a Brahman, one a Muhammadan and one a Christian.

(*f*) No provision has been made for literate classifications as a qualification for voting, the property qualification having been made a high one. It is a question whether literate qualifications should be insisted upon.

IV.—Election of Members of Local Boards.

7. It may prove that the electorate formed for selecting members of the Legislative Council would be suitable for electing members of District and Taluk Boards, but this question may, perhaps, better be considered after the above proposals have been discussed. The electorate thus formed may possibly be found suitable as the basis of an electorate for the election of members to District and Taluk Boards, though probably in determining the qualifications for the latter it would be necessary to lower the property qualifications. Also, in regard to both District and Taluk Boards, it may prove desirable to make provision for literate as well as property qualifications (*e.g.*, all B.As. having a vote, also all Honorary Magistrates). It may, moreover, prove necessary to vary the property qualifications in various districts and to make provision for the representation of certain classes in certain districts and for the representation of important minorities.

II

Extract from the Proceedings of the Government of Bombay, General Department, no. 6633, dated Bombay Castle, the 31st October 1907.

Read—

Telegram from the Government of India, Home Department (Public), no. 2331, dated the 26th August 1907:—

"A letter regarding the enlargement of Legislative Councils and connected question is being despatched to local Governments to-day, and it will be laid before Parliament and published here this evening."

Letter * from the Government of India, Home Department (Public), No. 2311, dated the 24th August 1907, referred to in the foregoing telegram.

Resolution.—Copies of the letter* from the Government of India, should be forwarded to the Commissioner in Sind and the Commissioners of Divisions for consideration.

2. The Commissioners, N., C. and S. Divisions, should meet in the first week of January and consider these proposals, submitting a joint report to Government. Their report as well as that of the Commissioner in Sind must be in the hands of Government by January 15th, 1908. These officers as well as the Commissioner in Sind should obtain and forward with their report the opinions and suggestions of the leading Native gentlemen of the various communities, influential landholders and other persons, as well as of the local bodies, within their respective Divisions, qualified to express a useful opinion on the subject. The reports of Collectors should be forwarded to Government with the opinion of the Commissioners.

3. His Excellency the Governor in Council invites the fullest discussion of the proposals by all gentlemen, officials or non-officials or public bodies, interested, and desires to make it known that any representations on the subject received by December 15th, 1907, will be carefully considered. These may be addressed either to the Secretary to Government, General Department, or to the Commissioner of the Division in which the writer resides.

4. Separate action will be taken to elicit the views of Native States.

5. This Resolution should be placed on the Editors' Tables.

R. E. ENTHOVEN,
Acting Secretary to Government.

To

The Political Department.
[with an extract from the minute by the Honourable Sir Steyning W. Edgerley].
All other Departments of the Secretariat.
The Commissioner in Sind.
The Commissioner, N. D.
The Commissioner, C. D.
The Commissioner, S. D.
All Collectors, including the Collectors and Deputy Commissioners in Sind.
The Collector of Bombay.
The Commissioner of Police, Bombay.
The Municipal Commissioner for the City of Bombay.
The Accountant General.
The Private Secretary to His Excellency the Governor.
The Registrar, Bombay University.
The Secretary, Chamber of Commerce, Bombay.
The Secretary, Chamber of Commerce, Karachi.
All Members of the Legislative Council.
The Presidents of the City Municipalities of Ahmedabad, Broach, Surat, Belgaum, Dharwar, Hubli, Sholapur, Ahmednagar, Nasik, Poona, Karachi, Hyderabad, Shikarpur and Sukkur.
} By letter no. 6534, dated the 31st October 1907.
The Editors' Table, Bombay.
The Editors' Table, Poona.
The Editors' Table, Dharwar.
The Editors' Table, Belgaum.
The Editors' Table, Karachi.

* Appended to this Resolution.

III

9

Nos. 1898-1903-A.D.

Copy * forwarded to the Commissioner of _____ for report not later than the 1st of November. The questions raised in the Government of India letter will be discussed at the Commissioners' Conference.

*Government of India, Home Department, letter no. 2312, dated 24th August 1907.

By order, etc.,

APPOINTMENT DEPARTMENT;
Darjeeling, 14th September 1907.

(Sd.) E. A. GAIT,
Chief Secy. to the Govt. of Bengal.

Nos. 1904-1909-A.D.

*Government of India, Home Department, letter no. 2312, dated 24th August 1907.
1. Raja Peary Mohan Mukerji, C.S.I.
2. The Nawab Bahadur of Murshidabad.
3. Nawab Abdur Rahman.
4. Nawab Saiyid Amir Husain Bahadur, C.I.E.
5. Honourable Babu Bhupendra Nath Basu, M.A., B L.
6. Honourable Dr. Ashutosh Mukerji.

Copy * forwarded to (the gentlemen noted on the margin) with the request that he will favour the Lieutenant-Governor with an expression of his views on the subject not later than the 1st of November next.

By order, etc.,

APPOINTMENT DEPARTMENT;
Darjeeling, the 14th September 1907.

(Sd.) E. A. GAIT,
Chief Secy. to the Govt. of Bengal.

Nos. 1976-1985-A.D.

GOVERNMENT OF BENGAL.

Appointment Department.

FROM

E. A. GAIT, ESQ., C.I.E.,

Chief Secretary to the Government of Bengal,

To

THE SECRETARY TO THE

1. BRITISH INDIAN ASSOCIATION.
2. IMPERIAL ANGLO-INDIAN ASSOCIATION.
3. BIHAR LANDHOLDERS' ASSOCIATION.
4. INDIGO PLANTERS' ASSOCIATION.
5. BHAGALPUR LANDHOLDERS' ASSOCIATION.
6. ORISSA ASSOCIATION.
7. BENGAL CHAMBER OF COMMERCE.
8. BENGAL NATIONAL CHAMBER OF COMMERCE.
9. BENGAL LANDHOLDERS' ASSOCIATION.
10. NATIONAL MUHAMMADAN ASSOCIATION.

Darjeeling, the 18th September 1907.

SIR,

In forwarding the accompanying copy of a letter from the Government of India, no. 2312, dated the 24th August 1907, regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, I am directed by the Lieutenant-Governor to request that you will be so good as to lay the matter before the _____ and to favour His Honour with an expression of their views in regard to it.

2. I am to add that a reply should be sent not later than the 1st November next.

I have, etc.,

(Sd.) E. A. GAIT,

Chief Secretary to the Government of Bengal.

No. $\frac{1514}{\text{III}-416 \text{ of } 1907}$, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—(1) The Registrar of the Allahabad University, Allahabad.
(2) The Secretary to the Upper India Chamber of Commerce, Cawnpore.
(3) The Honourable Mr. Alexander McRobert, Cawnpore, Member of the United Provinces Legislative Council.

I am desired to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that $\frac{\text{(1) the Allahabad University}}{\text{(2) the Chamber of Commerce}}$ will favour the Government $\frac{\text{(3) you}}{}$ with $\frac{\text{(1) and (2) its}}{\text{(3) your}}$ views on the proposal. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly; two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what $\frac{\text{(1) the Allahabad University}}{\text{(2) the Chamber of Commerce}}$ consider the $\frac{\text{(3) you}}{}$ qualifications should be for (*a*) the electorate and (*b*) candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or busidess in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if (1) the Allahabad University / (2) the Chamber of Commerce / (3) you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residental qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and proprietary qualification from representatives of municipal boards on that Council.

No. 1515 / III—416 of 1907, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—(1) The Honourable Rai Sri Ram Bahadur, M.A., B.L., C.I.E., Lucknow, (2) The Honourable Raja Partab Bahadur Singh, C.I.E., Talukdar of Kila Partabgarh, Partabgarh, } Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that you will favour the Government with your views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Councils may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly : two of these towns each to have a representative for a term of two years.

Representatives of other municipal towns of over 20,000 inhabitants and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what you consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction ;

(2) a number, fixed by the Commissioner, on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representatives of the landholders in these provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for your views on this suggestion. I am also to enquire what proposals you have to make as to qualifications for the candidate to be nominated as the representatives of the landholders on the Provincial Legislative Council.

No. 1516 / III—416 of 1907, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—(1) The Secretary to the Landholders' Association for the Province of Agra, Allahabad, (2) The Honourable Rai Nihal Chand, Bahadur, Muzaffarnagar, (3) The Honourable Pandit Madan Mohan Malaviya, B.A., LL.B., Allahabad, (4) The Honourable Rai Sundar Lal, Bahadur, B.A., C.I.E., Allahabad. (5) The Honourable Munshi Madho Lal, Benares. } Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310-17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907, relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that (1) the Landholders' Association / (2) to (5) you will favour the Government

with (1) their / (2) to (5) your views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly; two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to inquire what (1) the Landholders' Association / (2) to (5) you consider the qualifications should be for (*a*) the electorate and (*b*) the seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age, and residing or owning landed property or carrying on trade or business in the tahsil selected by the District Magistrate, on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner, and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if (1) the Landholders' Association / (2) to (5) you are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial

Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representative of the landholders of these provinces on the Imperial Legislative Council should be taken alternatively from Agra and Oudh. I am to enquire what (1) the Landholders' Association / (2) to (5) you consider would be a suitable electorate to elect the representative of the landholders of the province of Agra. Possibly a condition that the elector should pay land revenue not less than Rs. 10,000 annually would be appropriate. I am also to ask if (1) the Landholders' Association / (2) to (5) you think that any qualifications for a candidate for a seat in the Provincial Legislative Council as a representative of the landholders of Agra should be prescribed.

No. 1517 / III—416 of 1907, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—The President, British Indian Association of Oudh, Lucknow.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907), relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that the British Indian Association of Oudh will favour the Government with their views, on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggests itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly: two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants, and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what the British Indian Association of Oudh consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons literate, not less than twewty-one years of age and residing or owning landed property or carrying on trade or business in the tahsil, selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if the British Indian Association of Oudh are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the board or (*b*) for the Provincial Legislative Council or (*c*) for both. A residential qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislat ive Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. The Lieutenant-Governor is inclined to think that in present circumstances the representative of the landholders of these provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for the views of the Association on this suggestion. I am also to enquire what proposals the Association have to make as to qualifications for the candidate to be nominated by the Association as the representative of the Oudh landholders on the Provincial Legislative Council.

No. $\frac{1518}{\text{III—410 of 1907}}$, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To { (1) The Secretary to the Trustees of the Muhammadan Anglo-Oriental College, Aligarh, (2) The Honourable Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad, Sitapur, (3) The Honourable Nawab Mumtaj-ud-daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu, Bulandshahr, } Members of the United Provinces Legislative Council.

I am directed to enclose a copy of the Government of India's letter no. 2310—17, dated the 24th August 1907 (published in the *United Provinces Government Gazette* of 5th October 1907) relating to the question of giving the people of India wider opportunities of expressing their views on administrative matters, and to request that $\frac{\text{(1) the Trustees of the Muhammadan Anglo-Oriental College}}{\text{(2) and (3) you}}$ will favour the Government with $\frac{\text{(1) their}}{\text{(2) and (3) your}}$ views on the proposals. I am to request that a reply to this letter may be received by this Government not later than the 1st of January 1908.

2. The Lieutenant-Governor considers that the number of the Provincial Advisory Council may suitably be fixed at 25. I am to ask for suggestions as to its constitution.

3. After a consideration of the number of official members of the requisite standing and experience who can, without detriment to the public service, be spared from their regular duties for attendance in the Provincial Legislative Council, His Honour is of opinion that the number of non-official members, both elected and nominated, should be fixed at about 17, the Council consisting of 35 or 36 members in all.

The composition of the non-official portion of the Council which suggest itself to His Honour is—

1 Member nominated by the Allahabad University.

1 Member nominated by the Chamber of Commerce, Cawnpore.

2 Representatives of the six municipal towns having a population of over 100,000, namely, Allahabad, Lucknow, Benares, Cawnpore, Agra, and Bareilly: two of these towns each to have a representative for a term of two years.

2 Representatives of other municipal towns of over 20,000 inhabitants and of the four municipal towns of over 100,000 inhabitants not represented, to be formed in two groups as at present on a consideration of the census figures.

3 Representatives of district boards—two for Agra and one for Oudh.

1 Representative of the landholders of Agra, to be elected.

1 Representative of the landholders of Oudh, to be nominated by the British Indian Association of Oudh.

4 Representatives of the Muhammadan community—two to be elected and two to be nominated by the Government.

2 Others nominated by the Government.

4. With reference to the suggestions in paragraph 22 of the letter of the Government of India, I am to enquire what $\frac{\text{(1) the Trustees of the Muhammadan Anglo-Oriental College}}{\text{(2) and (3) you}}$ consider the qualifications should be for (*a*) the electorate and (*b*) the candidates for seats both in municipal and district boards. For district boards the qualifications prescribed for electors and candidates are the same. The persons qualified to vote in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number, fixed by the Commissioner on the recommendation of the District Magistrate (25 to 100), of persons, literate, not less than twenty-one years of age and residing or owning landed property or carying on trade or business in the tahsil selected by the District Magistrate on consideration of their position, interest, or influence in the tahsil. This list of electors has to be approved by the Commissioner and remains in force without any general revision for three years.

The qualifications of electors and candidates vary for each municipal board, and the question of the municipal franchise is an intricate one. I am to ascertain if $\frac{\text{(1) The Trustees of the Muhammadan Anglo-Oriental College}}{\text{(2) and (3) you}}$ are of opinion that it and the qualifications of candidates for election to municipal and district boards should be changed, or whether it would be better to retain the existing franchise and alter the qualifications laid down for candidates (*a*) for the boards or (*b*) for the Provincial Legislative Council or (*c*) for both. A residental qualification and a proprietary qualification consisting in the payment of a substantial amount of land revenue might suitably be required from representatives of district boards on the Provincial Legislative Council, and a residential and a proprietary qualification from representatives of municipal boards on that Council.

5. In paragraph 18 of the Government of India's letter it is suggested that the two seats for Muhammadans in the Governor-General's Council should be filled by election from certain provinces in rotation. If an electorate be consti-

tuted on the lines proposed by the members of the Muhammadan deputation referred to in that paragraph, the numbers for the United Provinces would be approximately—

(*a*) Muhammadan non-official members of the Provincial Legislative Council, say	...	...	...	5
(*b*) Muhammadan fellows of the Allahabad University ...			...	20
(*c*) Muhammadans paying land revenue of Rs. 25,000 or over, say ...				31
(*d*) Muhammadans paying income-tax on Rs. 25,000 or over, say ...				28
Total		...		84

Accurate figures under (*c*) are being obtained, but are not at present available: and the number is probably smaller than that given.

If a limit of Rs. 10,000 land revenue be taken and a corresponding figure for income taxpayers, the electorate would probably be about 200 in number.

6. For the Provincial Legislative Council the Lieutenant-Governor is inclined to set aside four seats for Muhammadans—two to be filled by election and two by nomination. For the purposes of election one member might be elected from the four northern and western divisions of the province, *viz.*, Meerut, Agra, Rohilkhand, Kumaun, and the other from Oudh and the three eastern divisions of Agra, *viz.*, Allahabad, Benares, and Gorakhpur. Suggestions for a special Muhammadan electorate are contained in paragraph 17 of the letter of the Government of India. A suitable Muhammadan electorate for the United Provinces might perhaps consist of—

(*a*) Muhammadan fellows of the Allahabad University, say ...	20
(*b*) Muhammadan registered graduates of the Allahabad University of more than five years' standing	
(*c*) Muhammadans paying land revenue of Rs. 5,000 or over, say ... (This limit is probably low enough to embrace the great body of substantial landholders.)	375
(*d*) Muhammadans paying income-tax on Rs. 5,000 or over, say ...	260

Accurate figures have still to be obtained, and the electorate determined according to these lines would probably not exceed 450 or 500 in number, or 225 and 250 for each of the two portions into which the provinces would be divided.

I am to request that $\frac{\text{(1) the opinion of the Trustees}}{\text{(2) and (3) your opinion}}$ may be furnished as to the constitution of the electorate for the elected Muhammadan members of the Imperial and Provincial Legislative Councils, and the other matters discussed in this and the preceding paragraph of this letter.

7. The Lieutenant-Governor is inclined to think that in present circumstances the representatives of the landholders in these Provinces on the Imperial Legislative Council might be taken alternatively from Agra and Oudh. I am to ask for $\frac{\text{(1) the views of the Trustees}}{\text{(2) and (3) your views}}$ on this suggestion and what $\frac{\text{(1) they}}{\text{(2) and (3) you}}$ consider would be a suitable electorate to elect the representative of the landholders of the province of Agra. I am also to enquire what proposals $\frac{\text{(1) the Trustees}}{\text{(2) and (3) you}}$ have to make as to qualifications for the candidates to be nominated as the representative of the landholders on the Provincial Legislative Council.

No. $\frac{1519}{\text{III—416 of 1907}}$, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—The Honourable Mr. A. R. Sutherland.
The Honourable Mr. A. W. Cruickshank, C.S.I.
The Honourable Colonel R. D. Murray, M.B., I.M.S.
The Honourable Mr. D. C. Baillie.
The Honourable Mr. B. Lindsay.

I am directed to forward a copy of the letter from the Government of India, Home Department, no. 2310—2317, dated the 24th August 1907, and of

my letters to certain gentlemen and public bodies in this province, and to request that you will submit your opinion to the Government on the proposals made in the Government of India's letter, and in my letters, not later than 1st January 1908.

No. $\frac{1520}{\text{III—416 of 1907}}$, dated Naini Tal, the 7th October 1907.

From—The Honourable Mr. J. M. Holms, C.S.I., Chief Secretary to the Government of the United Provinces,

To—The Commissioners of Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow, and Fyzabad Divisions.

I am directed to forward a copy of the letter from the Government of India, Home Department, no. 2310—2317, dated the 24th August 1907, and of my letters to certain gentlemen and public bodies in this province, and to request that you will, after consulting such district officers as you think fit, submit your opinion to the Government on the proposals made in the Government of India's letter, and in my letters, not later than 1st January 1908.

No. $\frac{1560}{\text{III—416 of 1907}}$, dated Naini Tal, the 10th October 1907.

From—The Chief Secretary to the Government of the United Provinces,

To—The Commissioner and Agent to the Governor General for Benares.

I am directed to forward a copy of the letter of the Government of India, no. 2310—2317, dated the 24th August 1907, on the subject of the Imperial and Provincial Advisory Councils and other matters, and to request that you will obtain and submit for the information of Government the opinion of His Highness the Maharaja of Benares on the subject of these Councils as well as any other matter dealt with in the letter regarding which he may desire to express an opinion.

No. $\frac{1571}{\text{III—416 of 1907}}$, dated Naini Tal, the 12th October 1907.

From—The Chief Secretary to the Government of the United Provinces,

To—(1) The Honourable Rai Sri Ram Bahadur, C.I.E., Lucknow.
(2) The Honourable Raja Partab Bahadur Singh, C.I.E., Talukdar of Kila Partabgarh, Partabgarh.

In continuation of my letter no. 1515, dated the 7th October 1907, I am directed to enquire what you consider would be a suitable electorate to elect the representative of the landholders of the province of Agra. Possibly a condition that the elector should pay land revenue not less than Rs. 10,000 annually would be appropriate. As stated in my letter to the President of the British Indian Association of Oudh, the representative of the Oudh landholders in the Provincial Legislative Council would be nominated by the Association.

I am to ask if you think that any qualifications for a candidate for a seat in the Provincial Legislative Council as a representative either of the landholders of Agra or of Oudh should be prescribed.

V

No. 2643-S. (Home—Legislative), dated Simla, the 27th September 1907.

From—The Honourable Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab,

To—All Commissioners of Divisions in the Punjab.

I am directed to forward a copy of a letter no. 2310—2317, dated the 24th of August 1907, from the Secretary to the Government of India in the Home Department, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I am to request that you will be good enough to forward your opinion on these proposals to the local Government by the 1st of December next, after having consulted the Deputy Commissioners of your division and other selected officers whose opinion you think would be of value and also such individuals or bodies in each district as may be taken as representatives of the various classes of the native community. Translations into Urdu of this letter and its enclosure will shortly appear in the Government Gazette, and copies can be obtained on application to the Superintendent, Punjab Government Press, Lahore.

2. It will be convenient if in replying to this letter you would be good enough to put your opinion in the form of answers to the series of questions which form an enclosure to this letter, and it is requested that the persons consulted by you should in the same way put forward their opinions in this form. This suggestion only applies to the arrangement of the subject-matter of the opinions, and is in no way intended to prevent the fullest discussion of the points which emerge from the Government of India letter.

3. With reference to the proposals made in paragraphs 4 to 5 of the Government of India letter regarding the constitution of an *Imperial Advisory Council* the Lieutenant-Governor has no special remarks at this stage to communicate.

4. The *Provincial Advisory Councils* are discussed in paragraphs 6 and 7 of the Government of India letter. If such a Council is to be constituted for the Punjab, it might perhaps consist of a nominated Council of some 20 members, of whom perhaps six or seven, including one or two Ruling Chiefs, would be members of the Imperial Advisory Council and the rest would be nominated (but not necessarily in any fixed proportion) to represent the landed and other interests mentioned in the Government of India letter.

5. With reference to the proposed enlargement of the *Imperial Legislative Council* (paragraphs 11 to 19 of the Government of India letter), it may be useful for you and the gentlemen whom you may consult to read the following description of the constitution of the present Imperial Legislative Council as described in volume IV, chapter V, of the new Imperial Gazetteer:—

"The Executive Council of the Governor-General at present (1906) consists—besides the Governor-General himself and the Commander-in-Chief, who is usually appointed by the Secretary of State to be an Extraordinary Member—of six Ordinary Members, of whom one must be an English or Irish Barrister or Scottish Advocate of not less than five years' standing. For the purposes of legislation, it is provided by the Indian Councils Acts of 1861 and 1892 that the Governor-General shall summon as an Additional Member the Lieutenant-Governor or Chief Commissioner of the Province in which the Council is assembled, and shall also nominate such other persons, not less than ten nor more than sixteen, as he may think fit. Of these Additional Members, who are appointed for two years at a time, one-half at least must be non-officials :* and, in order to give the Council an elective as well as a representative character, statutory rules now require the nominations to five seats to be made on the recommendation of the Calcutta Chamber of Commerce, and the non-official members of the local Legislative Councils at Madras, Bombay, Calcutta and Allahabad. The remaining seats may be filled in such manner as appears to the Governor-General most suitable, regard being had to the business in hand and the different classes of the community to be represented . . . ."

* Under the existing statutory rules not more than six of the nominated Additional Members may be officials.

The maximum number of members therefore is at present 24 excluding the Viceroy, and it is now proposed to raise this figure to 53 in the manner outlined in paragraph 12 oft he Government of India letter, the number of

elected members being at the same time raised from 5 to 18. In dealing with the constitution of the proposed Council the chief points for consideration are—

(1) The general representation of classes and interests which the composition of the Council affords.

(2) The method of election by the Provincial Councils (paragraph 13 of the Government of India letter).

(3) The method of selection from the great landowners of this province to one seat on the Imperial Council (paragraphs 14 and 15).

(4) The method of selection from the Muhammadans of this province to Muhammadan seats on the Imperial and Provincial Councils (paragraphs 16 to 18).

As regards the third of these questions, it may be noted that from enquiries made in May last it was ascertained that there were in this province 52 landowners paying a land revenue of Rs. 5,000 and over, distributed as follows :—

Class.		*Hindus.*	*Muhammadans.*	*Christians.*	*Total.*
I.—Paying land revenue...	Rs. 5,000 to Rs. 10,000	13	22	7	42
II.— „ „ „ ...	10,000 „ 15,000	3	2	...	5
III.— „ „ „ ...	15,000 „ 20,000	...	1	...	1
IV.— „ „ „ ...	20,000 „ 25,000	...	...	1	1
V.— „ „ „ ...	25,000 „ 50,000	2	1	...	3
		18	26	8	52

As regards the fourth question, enquiries have been instituted with a view to obtaining statistics of the classes of possible Muhammadan electors referred to in paragraph 18 of the Government of India letter, and these will be forwarded when obtained. It will be noticed that paragraph 17 refers to election for the *Provincial* Council only : see also paragraph 8 of this letter. In discussing the constitution of a special Muhammadan electorate the question whether its members should or should not be allowed to vote in the open elections also must be considered.

6. As regards the *Provincial Legislative Councils*, which form the subject of paragraphs 17 and 20 to 22 of the Government of India letter, the general system now in force in India is described as follows in the Gazetteer:—

"The subordinate Legislative Councils are constituted on the same lines generally as the superior legislature of the Governor-General. In Madras and Bombay the Governor is assisted by an Executive Council of two Ordinary Members and these three form the nucleus of the larger Legislative Council; but in each of the other provinces the Lieutenant-Governor stands alone at the head of the local administration. The Acts of 1861 and 1892 provide that the Governor or Lieutenant-Governor, as the case may be, shall nominate as members, for two years at a time, the Advocate-General of the province or other officer acting in that capacity and—subject, save in Madras and Bombay, to the sanction of the Governor-General —such other persons, not less than eight nor more than twenty,* as he may think expedient, at least one-half being non-officials. In Madras, Bombay, Bengal, and the United Provinces some of these members are appointed on the recommendation of groups of municipalities and district boards, Universities, Chambers of Commerce and the like, and the elective principle is thus to some extent recognised.

*These are the maximum and minimum numbers fixed by the statute for Madras and Bombay. As regards the other provinces, the statute fixes a maximum of 20 for Bengal and 15 for the United Provinces, but otherwise leaves the numbers to be determined by the Governor-General.

The Government of India in their letter now forwarded have chiefly in view the case of provinces where a Legislative Council is of some standing and a certain number of its members are elected. In the Punjab a Legislative Council was first constituted in 1897, and it consists of not more than nine members in addition to the Lieutenant-Governor. The members are all nominated and at least one-third of them must be non-officials.

7. In considering the future constitution of the Punjab Council, the necessity of maintaining an official majority, and the limitation which this necessity imposes upon the total number (pardgraph 10 of Government of India letter) must be borne in mind.

8. It is for consideration whether the province is as yet sufficiently advanced for the introduction of a system of election for the Legislative Council. The results of the present system of nomination have been that on an average the Council has contained five non-official members, of whom one has been a Hindu, one a Sikh, two Muhammadans and one a Christian. Of 19 such members appointed since the Council was initiated, five have been Ruling Princes or their near relatives, five have been landowners, five have been distinguished officials of Native States or retired officials of Government, three were lawyers and one was a banker. In considering how far the Council as thus constituted has been representative of the different classes of the people and in what manner representation should be insured if the system of appointment is altered, it may be convenient to have before you the statistics of the last census, which show that the percentage of the agricultural to the total population in the British districts of the province is 54 per cent., the Government officials, etc., constitute 1·8 per cent., the landholders and tenants 52 per cent., the landholders alone 34 per cent., the commercial classes 5 per cent., the literate population 3·8 per cent., those literate in English ·4 per cent., the population of the towns 1·1 per cent., the Hindus 38·8 per cent., Sikhs 7·5 per cent., and Muhammadans 53·3 per cent. At the same time, too much importance must not be attached to the statistics, as the interests represented by a given class are often important out of all proportion to its mere numerical weight. It has in this connection been suggested that even if the present system of nomination is otherwise maintained, the Senate of the University might be asked to elect one member for the Council, and there are of course advantages in this method of receiving a representative of the educated classes, but there is, on the other hand, a certain inconvenience attending the introduction of a political element into a body, which is constituted for purely educational objects. The Lieutenant-Governor would be glad if this suggestion would be considered.

As regards the possible constitution of a Muhammadan electorate for the selection of special Muhammadan members such as is suggested in paragraph 17 of the Government of India letter, I am to say that statistics relating to the classes of electors suggested in that paragraph have been called for and will be forwarded on receipt (see also the end of paragraph 5 above).

9. As regards the proposed discussion of the Budget in the Legislative Council, it will be observed that the system of discussion of the Provincial Budget has not yet been introduced into the Punjab Provincial Council ; but it is possible to introduce the system without difficulty if its results are thought likely to be useful. Should the Provincial Budget be brought before the Council in the near future, it may be that, for some time at least, a general debate on the whole Budget would suffice for its proper discussion, but the Lieutenant-Governor would be glad to have opinions on this point, as well as on the advisability of permitting discussion.

10. The Lieutenant-Governor is sure that the officers consulted will recognize the very great importance of the questions now referred to them for opinion, and will give them their best consideration. It is especially desirable that the opinions of natives of all classes should be represented. The number of associations or individuals from whom formal written opinions will be obtained must necessarily be limited ; but opportunity should be freely taken to discuss the matter verbally with as many as possible of all classes who are capable of forming an intelligent opinion upon it, and the general trend of the opinions thus elicited should be reported to Government. The officers consulted should give their opinions upon each of the questions referred to them. For instance, an officer who does not think that election should be allowed, should nevertheless give his opinion as to the best method of election, if that system is decided upon. In the Government of India letter the separate representation of Muhammadans only is considered ; and the questions attached to this letter follow

it. But in the Punjab Sikh community also is of the greatest importance; and it should be considered whether any, and what, measures are necessary to ensure its adequate representation.

Questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907,

I.—(1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

II.—(2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

III.—(3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

(5) Do you approve of the selection of one of the great landowners of this province to the Imperial Council, and if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council, 2 by election and 2 at least by nomination as suggested under heads D (*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

IV.—(7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members and if so, to what figure?

(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class [paragraph 22 (*a*) of the Government of India letter], and if so, what classes do you consider should be represented and in what proportions?

(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorates would you suggest.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

V.—(13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

(15) Do you advocate the introducation into the Punjab Legislative Council of the power of interpellation by members.

VI

From the Honourable W. F. RICE, I.C.S., Chief Secretary to the Government of Burma, to (1) the Chairman, Burma Chamber of Commerce; (2) the Chairman, Rangoon Trades Association; (3) the President, Rangoon Municipal Committee; (4) the Chairman, Rangoon Port Commissioners; (5) the Financial Commissioner; (6) the Commissioner, Pegu Division; (7) the Commissioner, Mandalay Division; (8) the Commissioner, Magwe Division; (9) the Commissioner, Arakan Division; (10) the Commissioner, Irrawaddy Division; (11) the Superintendent and Political Officer, Southern Shan States; (12) the Honourable W. R. STIKEMAN; (13) the Honourable S. ROBERTS; (14) the Honourable MAUNG BA TU, K.S.M.,—No. 429—IL.-18, dated the 16th October 1907.

I am directed to forward a copy of a letter, no. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils. The measures which are brought under discussion are of much importance, and the Lieutenant-Governor will be glad to be favoured with

the views of the { 1. Burma Chamber of Commerce / 2. Rangoon Trades Association / 3. Rangoon Municipal Committee / 4. Rangoon Port Commissioners } with regard to them. I am to offer the following
5—14. your views

remarks on certain points which immediately concern this Province.

2. The first proposal dealt with by the Government of India relates to the establishment of Advisory Councils as a means of free and intimate consultation between Government and the community. If a Provincial Advisory Council is constituted for Burma in the manner proposed, the Lieutenant-Governor suggests that twenty would perhaps be a suitable number of Councillors to be appointed. His Honour is also disposed to think that the best plan will be for all the members of the Advisory Council to be nominated, but if any practicable scheme for the election of the Advisory Councillors can be devised, His Honour will be glad to consider it. This question, as well as the number of Advisory Councillors to be appointed, are matters on which the Lieutenant-Governor desires to

receive the advice of the { Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee. / Rangoon Port Commissioners }
your advice

3. With regard to the proposals for the enlargement of the Imperial and Provincial Legislative Councils, I am to explain that the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. Under section 45 of the Indian Councils Act, 1861, not less than one-third of the members so nominated shall be non-officials. The Council, as at present constituted, consists of five official and four non-official members. No regulations have as yet been made by the Governor General in Council under section 1 of the Indian Councils Act, 1892, as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice certain of the non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners and the Municipal Committee of Rangoon. In the Legislative Councils of most other Provinces in India the annual financial statement of the Local Government is brought under discussion, and the asking of questions on matters of public interest is permitted. This is not the case at present in Burma, because these privileges only arise when rules authorising them have been made under section 2 of the Indian Councils Act, 1892, and no such rules have as yet been framed for the Legislative Council of Burma. In dealing with the proposals of the Government of India with regard to the Provincial Legislative Councils, the Lieutenant-Governor will be glad to be favoured with

the advice of the { Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners } as to whether an annual discussion of the
your advice

Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province. Another point on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} your advice is as to what increase, if any, in the membership of the Burma Legislative Council is desirable, and in what manner it can best be effected. His Honour is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of the Council. As at present advised, however, he doubts whether the elective system could usefully be introduced to any great extent. He suggests for consideration that the Burma Chamber of Commerce might suitably elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association might, in combination, elect another. The members of the Provincial Advisory Council, when constituted, might elect one or two more. Apart from these members who might be appointed by election, it would probably be necessary for the remaining non-official members of the Burma Legislative Council to be nominated as at present, and it might perhaps at the same time be laid down that not less than two of the elected members should be natives of Burma. If the number of non-official members of the Legislative Council of the Province is increased as suggested, His Honour will welcome the proposal of the Government of India that they should elect one non-official member of the Imperial Legislative Council.

4. The above are certain points on which the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} your advice is sought, but the Lieutenant-Governor hopes at the same time to receive a full expression of opinion on the proposals as a whole and on all the aspects of the subject.

I am to ask you to be so good as to submit your matured conclusions, after consulting, as far as possible, representatives of all important interests in your charge.

To nos. (5)—(11) only.

The suggestions on certain points which are put forward in the foregoing paragraphs are, I am to explain, tentative and provisional only. They indicate the views which the Lieutenant-Governor is, as at present advised, disposed to hold, but they do not represent His Honour's final conclusions, and they are put forward at this stage merely in order to afford a basis of discussion.

5. As the Government of India have desired to receive a reply from the Local Government not later than the 1st March 1908, the Lieutenant-Governor will be glad to have a reply to this letter at as early a date as possible.

VII

33

Formation of Advisory Councils and enlargement of Legislative Councils.

No, 10219-C., dated Shillong, the 10th September 1907.

RESOLUTION.

The following communication received from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets, is republished for general information.

2. In accordance with the orders of the Government of India the Lieutenant-Governor is circulating the letter to various selected Associations and persons of the Province for favour of an expression of their opinion on the points raised therein. His Honor will also record due weight to any criticism which other Associations or persons may desire to put forward in this connection. It is requested that such opinions may be addressed to the Chief Secretary to Government and despatched in time to reach the Secretariat before the 15th November 1907.

By order of the Lieutenant-Governor,

H. LEMESURIER,

Offg. Chief Secretary to the Government of Eastern Bengal and Assam.

No. 2316, dated Simla, the 24th August 1907.

From—SIR HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Offg. Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of Eastern Bengal and Assam.

* * * * * * * * * *

No 11487-91-C., dated the 9th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—All Commissioners of Divisions.

I am directed to forward a copy of the communication noted in the margin* from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to say that the Lieutenant-Governor will be glad to be favoured with an expression of your opinion on the points raised therein, after a careful consideration on the important issues involved. I am to request that you will consult selected District Officers in your Division on the question.

* No. 2316 (Public), dated the 24th August 1907.

2. I am to add that the marginally † named gentlemen and public bodies and Associations in your Division have been consulted direct by Government on the subject, and that you may, if you so desire, ask Government for a copy of their reply, but that your reply to Government should not be delayed for this. You should also consult such other persons or bodies in your Division as you may consider expedient.

† See the list annexed.

3. I am to request that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

Dacca Division.

1. The Honourable Nawab Khwaja Salimulla Bahadur of Dacca, C.S.I.
2. „ Rai Sita Nath Ray Bahadur.
3. „ Khan Bahadur Saiyid Nawab Ali Chaudhuri.
4. „ Khwaja Muhammad Ashghar.
5. „ Mr. E. G. Drake-Brockman.
6. „ Eastern Bengal and Assam Landholders' Association.
7. „ Provincial Muhammadan Association.
8. Chamber of Commerce, Narainganj.
9. The District Boards of Dacca, Mymensingh and Bakarganj.
10. The Municipalities of Dacca, Narainganj, Barisal and Mymensingh.
11. The Bar Libraries of Dacca and Barisal.

Chittagong Division.

1. Mr. B. K. Mallik, I.C.S.
2. Mr. A. H. Cuming, I.C.S.
3. The Honourable Mr. Vernon Woods.
4. Chamber of Commerce, Chittagong.
5. Port Commissioners, Chittagong.
6. The District Boards of Chittagong, Tippera and Noakhali.
7. Municipality of Chittagong.

Rajshahi Division.

1. The Honourable Maharaja Girija Nath Ray Bahadur.
2. Mr. Abdul Majid.
3. The District Boards of Rangpur and Dinajpur.
4. The Municipalities of Rampur-Boalia.

5. The Dooars Branch, Indian Tea Association.
6. The Bar Library, Rajshahi.

Assam Valley Districts.

1. Mr. W. B. Brown,
2. The Assam Association.
3. Gauhati Municipality.
4. Assam Branch, Indian Tea Association.

Surma Valley and Hill Districts.

1. The Honourable Mr. R. H. Henderson, C.I.E.
2. The Honourable Rai Dulal Chandra Deb Bahadur.
3. The Honourable Mr. W. T. Cathcart.
4. The Bar Library, Sylhet.
5. The Surma Valley Branch, Indian Tea Association.

No. 11492-95-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the Bar Library, Dacca / Barisal / Sylhet / Rajshahi.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Dacca / Barisal / Sylhet / Rajshahi Bar on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

8. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11496-11500-C., dated the 10th October 1907.

From—The Chief Secretary to Government of Eastern Bengal and Assam,

To—W. B. Brown, Esq., I.C.S., Judge, Assam Valley District; E. G. Drake-Brockman, Esq., I.C.S., District and Sessions Judge, Dacca; A. H. Cuming, Esq., I.C.S., District and Sessions Judge, Tippera; B. K. Mallik, Esq., I.C.S., District and Sessions Judge, Chittagong; Abdul Majid, Esq., District and Sessions Judge, Rajshahi.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of your opinion on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11501-11515-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—All Members of the Provincial Legislative Council, Eastern Bengal and Assam.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets, and to request that the Lieutenant-Governor may be favoured with an expression of your opinion on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time of reach the Secretariat before the 1st December 1907.

No. 11516-11533-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Chairmen of the District Boards of Dacca, Mymensingh, Bakarganj, Chittagong, Tippera, Noakhali, Rangpur, and Dinajpur, and to the Chairmen of the Municipalities of Dacca, Narainganj, Barisal, Mymensingh, Chittagong, Rampur-Boalia, Dinajpur, Rangpur, Jalpaiguri and Gauhati.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Commissioners / the Board on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

2. I am to ask that your reply may be despatched in time to reach the Secretariat before the 1st December 1907.

No. 11534-42-C., dated the 10th October 1907.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the (1) Eastern Bengal and Assam Landholders' Association, Dacca; (2) Assam Association, Gauhati; (3) Provincial Muhammadan Association, Dacca; (4) Assam Branch, Indian Tea Association; (5) Surma Valley Branch, Indian Tea Association; (6) Dooars Branch, Indian Tea Association; (7) The Chamber of Commerce, Chittagong; (8) The Chamber of Commerce, Narainganj; (9) The Port Commissioners, Chittagong.

I am directed to forward a copy of the communication noted in the margin from the Government of India in the Home Department on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and to request that the Lieutenant-Governor may be favoured with an expression of the opinion of your Association / your Chamber / the Port Commissioners on the points raised therein, after a careful consideration of the important issues involved.

No. 2316 (Public), dated the 24th August 1907.

9. I am to ask that your reply may despatched in time to reach the Secretariat before the 1st December 1907.

No. 1928-I-15-24, dated the 13th September 1907.

From—F. S. A. Slocock, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—Rao Bahadur R. M. Mudholkar, President of the Central Provinces and Berar Provincial Conference, the Presidents of the Malguzar Sabhas, Nagpur, and Jubbulpore, and the Presidents of the Anjuman Islamia, Nagpur and Jubbulpore.

I am directed to forward a copy of a letter from the Government of India Home Department, no. 2317, dated the 24th August 1907, together with its enclosure, regarding the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets. I am to request that you will be good enough to favour the Chief Commissioner with an expression of the opinion of your Committee on the matter more specially with reference to the following points :—

(1) The formation of an Advisory Council for the Central Provinces and Berar (paragraph 6).

(2) The election of a Central Provinces and Berar member of the Viceroy's Council, the basis for qualification for vote and membership, and method of election (paragraph 12 to 14).

2. I am to ask that a reply to this letter may be sent not later than the 15th January 1908.

No. 1929-I-15-24, dated Nagpur, the 13th September 1907.

From—F. S. A. Slocock, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Commissioner, { Nagpur / Jubbulpore. / Nurbudda / Chhattisgarh / Berar } Division.

I am directed to forward a copy of a letter from the Government of India, Home Department, no. 2317, dated the 24th August 1907, together with its enclosure, regarding the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and procedure to be adopted in discussing the Imperial and Provincial Budgets.

2. I am to request that you will be good enough to favour the Chief Commissioner with an expression of your opinion on the folloing points :—

(1) The scheme in general more especially from a Central Provinces and Berar point of view.

(2) The formation of an Advisory Council for the Central Provinces and Berar (paragraph 6).

(3) The election of Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership, and method of elections (paragraphs 12 to 14).

3. The Chief Commissioner leaves it to you to consult officers, or private persons and bodies at your discretion, but you should incorporate their opinions in your own reply, and not forward any such opinions unless they are specially noteworthy.

4 I am to request that a reply to this letter may be sent not later than the 15th January 1908.

IX

41

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 222.

From

THE HON'BLE MR. J. N. ATKINSON, C.S.I., I.C.S.,
Acting Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Fort St. George, the 13th March 1908.

SIR,

I am directed to reply to the letter from the Government of India, Home Department, No. 2310, dated the 4th August 1907, regarding the formation of Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets.

2. The subject has aroused widespread interest in this Presidency and has been freely discussed in the public press. The Government have received directly and through district officers a very large number of communications on the subject. Conferences, formal and informal, have been held with a number of the leading and best informed men of Southern India, and in short advise and assistance have been obtained from every possible source. A selection of the communications received accompanies this letter, and a further selection will be forwarded as soon as possible.

3. In order to focus on specific points a discussion which seemed likely to lose value if allowed to spread over too wide a field, a memorandum was drawn up by the Madras Government, and circulated among bodies and individuals from whom they hoped to obtain valuable criticisms or suggestions. In this memorandum, of which a copy is enclosed, the eventual establishment of Advisory Councils was assumed and suggestions were invited as to the constitution alone of the Provincial Advisory Councils while in regard to the Imperial Legislative Council the discussion was restricted to a portion only of the passages in Sir Harold Stuart's letter which referred to the proposed enlargement of the Imperial Legislative Council. In connection with the question of the enlargement of the Provincial Legislative Councils the Government of India appeared frankly to recommend the adoption of the principle of class, as opposed to territorial representation. A scheme was accordingly drawn up in which the principle of class representation was worked out rigorously, perhaps more rigorously than the Government of India contemplated, and opinions were invited on it. It must however be at once stated that some of the fundamental generalisations in Sir Harold Stuart's letter were from the first regarded by the articulate public as neither in themselves altogether acceptable, nor entirely applicable at any rate to this Presidency. It was accordingly not found possible to confine the discussion to the best methods of applying the principles laid down by the Government of India and public opinion, as represented in both official and non-official comments has rapidly crystallised into distinctly adverse criticism of the principles themselves which, it is urged, must be very largely modified before they could be acceptable.

The Government of India describe their proposals as "tentative and provisional," and desire that the Government of Madras should submit the matured conclusions reached after consultation with important bodies and individuals. His Excellency the Governor in Council understands that it is open to him to suggest modifications which in his opinion are better adapted to the present conditions of the country. The Government of Madras have arrived at the conclusion that it is undesirable to establish Advisory Councils with the constitution, functions and procedure suggested by the Government of India, and to apply a principle of racial, caste and religious representation in the election of members of the Provincial Legislative Council. I am directed to summarise very briefly the main objections that have been urged to the proposals outlined in the Home Department letter, so far as they appear to the Madras Government to have force or to be supported by any considerable body of intelligent opinion, and to propound certain proposals for this Presidency which this Government think on the whole better adapted to its circumstances. These proposals took definite shape after a conference with representative South Indian gentlemen held at Government House on the 10th of last month.

4. *Advisory Councils in general.*—It appears to be the general opinion that Advisory Councils constituted as suggested by the Government of India would serve no useful purpose. The Government can now to some extent gauge public opinion and diffuse information through the non-official members of the Legislative Councils and District Officials in respect not only of Legislative measures which may be under consideration but also of any matter affecting the administration in general. For the diffusion of information they have also the debates on the budget estimates and the replies to interpellations. The Financial Statement necessarily deals with the various branches of the Imperial or Provincial Administration as the case may be and in this Presidency the Governor has in recent years in the course of the debate on the budget estimates taken the opportunity to review the leading features of the administration during the past year and to explain the progress made in maturing or carrying out important schemes in which the public are interested. It is doubted whether the proposed Advisory Councils would be of much value as an additional means to the same ends. It appears to be considered by the public that the proposed Councils, being composed of nominated members, would be unlikely to show independence and that their opinion would consequently carry little weight.. Objection has been taken in particular to the various aspects of indefiniteness considered to be presented by Councils not recognised by the law, which may be consulted or not consulted, may be consulted in a body or individually, whose conferences may be public or private, whose proceedings may be published or not published at the discretion of the Government, and it has been concluded that bodies undefined by law and with no definite powers, functions or procedure would neither command respect nor feel responsibility. It is further objected that the personal equation of the Viceroy or Governor for the time being would count for too much in the working of the Councils. It is thought that there would be a tendency on the part of the Viceroy or Governor to nominate chiefly persons holding his own views, and it is objected that it would be open to him not to summon an Advisory Council or to lay before it only matters in respect of which he could be sure of securing a vote of confidence. It is necessary to state these views as they appear to be, as far as can be ascertained, those prevailing among the educated class in Southern India.

5. *Imperial Advisory Council.*—The Governor in Council considers that an Imperial Advisory Council will be extremely difficult to establish, and that even if established, it will be extremely difficult to work. It is possible that the position which membership of the Imperial Council would confer would be so eminent and such important questions would be referred to it that the highest rank and the most brilliant intellect in India would feel honoured by selection for membership. But without some definite functions, and without regular periods of meeting, it seems doubtful whether it would be able to take any real responsibility. Doubts have been expressed as to whether ruling chiefs whose splendour, it is stated, lies in their isolation, would wish to be nominated, whether they are competent to speak on the problems of British India, and whether the expression of an opinion on an administrative question in the Imperial Council might not be found to embarrass a native

chief in the administration of his own State. It has been suggested that it would be unfair to burden the subjects of native chiefs with the great expenditure that might be entailed by the attendence of the chiefs at annual or more frequent meetings. Objection has also been taken to the proposed constitution of the council. The Madras Chamber of Commerce, for instance, "regrets that no provision has been made for the representation thereon of commerce and industry," and the Raja of Venkatagiri, himself an important territorial magnate, avails himself of the "permission signified in the terms of reference to suggest as the result of a strong conviction that this council might advantageously include on its rolls, besides ruling chiefs and important landholders, men of proved and conspicuous merit and established character and experience, who will be able to render material help to the Government in deciding on questoins of reform or legislation by reason of their closer touch with the people, their needs, aspirations and even prejudices." The Government of India had however doubtless fully considered these and similar points before formulating their proposals. I am merely directed to say that His Excellency in Council fears that difficulties would arise in respect of those ruling chiefs with whom he is in direct relation. His Excellency in Council would moreover find some difficulty in nominating more than a very small number of territorial magnates in the Presidency whose position and authority is such as to fit them for membership of the proposed assembly.

6. *Provincial Advisory Councils.*—It is believed that the establishment in this Presidency of the Provincial Advisory Council sketched in paragraph 6 of the Home Department letter has never before been suggested or advocated, the present proposal has been received coldly by the police, and His Excellency in Council on the whole strongly endorses the public view. The general object of the proposals of the Government of India is to bring all classes of the people into closer relation with the Government in order that—

(1) they may have wider opportunies of making known their feelings and wishes on administrative and legislative questions and so take a more effective part in shaping the action of Government, and

(2) the motives and measures of Government may be more generally understood and erroneous and mischievous impressions corrected.

His Excellency in Council doubts whether the proposed Provincial Advisory Council, if it is constituted as suggested by the Government of India, would either voice the aspirations of more than a few classes of the people or to be of any great use in correcting popular misapprehensions. It is already the practice, as is recognised by the Government of India, to consult Indians whose advice may be of value; in proposing the constitution of the new advisory bodies the object is to give clearer definition and continuity to methods already partially and occasionally adopted. The question then naturally follows whether a consultative body of the small numercial strength contemplated, with a somewhat indefinate constitution and with very indefinate functions, is likely to furnish the Government with more valuable advice than that now obtained informally, according to circumstances, from every quarter. It is true that, unless the sources from which and the mode in which advice is obtained are regulated, the discretion now exercised by the Governor in Council in seeking advice may be represented as capricious and the advice given may be decried as self-seeking or subservient. But His Excellency in Council doubts whether any plan for obtaining the advice so necessary to the successful conduct of the administration can be devised which would really have the effect of making such advice more representative of Indian opinion and more authoritative. This Presidency is so large, the spread of civilization and education is so partial, and ethnical and social barriers are so many and strong that the proposed council of less than sixty members would certainly not be representative of all classes of the people. The Government of India suggest that it should be large enough to embrace all interests of sufficient importance to claim representation on such a body. His Excellency in Council however feels that, even among those classes whose position might obtain for them representation in the Council, there is so many diverse interests that representation would be partial and inadequate. From certain passages in the Home Department letter it would appear that the Government of

India perhaps expect much from the presence on the Advisory Councils of territorial magnates who would form the nucleus of the Provincial Council. In the opinion of the Government of India the great landholders "not only constitute the aristocratic and stable elements in Indian society but also represent the interests of the landlords, great and small," and they consider that they have now become qualified to take a more prominent part in public life and to render a large measure of assistance to the Executive Government. This view appears to the Government of Madras to be somewhat optimistic so far as this Presidency is concerned. Although a certain proportion of the landholders in this Presidency are distinguished by education, intelligence and capacity for affairs, yet His Excellency in Council doubts whether as a class they could be accepted to supply such a preponderating influence in the Advisory Council as the Government of India appear to anticipate. In this Presidency the great landholders are not generally the acknowledged leaders of the people. His Excellency in Council further doubts whether representatives of the small landholders, of industry, commerce, capital, and the professions, who would under the scheme sketched by the Government of India be members of the Provincial Advisory Council could be trusted to be indifferent to press and platform cristicism, and he believes that if the deliberations were confidential, fear of unauthorised revelations would act as a restraint, while public conferences would generally produce opinions designed mainly to secure the approval of the Press. It is the common experience of His Excellency in Council to receive in confidence most valuable opinions and advice which would not be given if there were any danger of their being made public, and he doubts whether a Provincial Advisory Council would venture to advocate, even in conferences nominally secret, action which they imagined the public press would denounce. The Government of Madras accordingly doubt whether such a Council could be expected to give the best advice. They further think it would be likely to disappoint the expectations of the Government of India in its capacity as a publishing and explanatory agency. Popular measures require no special supporters, unpopular ones will find none in such an assembly, and it is to be feared that if, as might happen, a line of action were decided upon by Government in opposition to the advice of the council, their sense of loyalty would be insufficient to deter some of the members from repudiating responsibility, and thus casting on the Government the double odium of rejected counsel and unpopular measures. The Government of Madras indeed think that in course of time the council might adopt an attitude of habitual opposition and give only unacceptable advice—a course which would place the Government in the false and invidious position of apparently rejecting all advice tendered to them. Moreover it may be doubted whether the combined advocacy of all the members of the council would avail to counteract misinterpretations in the press or the more dangerous misinterpretation by the spoken word which the extreme opposition carries on in town and country independently of press campaigns. Misrepresentation of the former class is the more noisy, but has, it is believed, no great effect; the latter is far more difficult to meet and is beyond the reach of correction at the hands of such a council as the Government of India propose. It would not be possible for members of the Advisory Council to go from village to village and explain to credulous villagers that plague, famine, cholera and high prices are not due to the malignant efforts of Government. In fine the Government of Madras are decidedly of the opinion which has been widely expressed that the Provincial Advisory Council would be radically unsuited to the end which the Government of India have in view.

His Excellency in Council does not consider that any new machinery is really required for making known to Government and their officers the wishes and aspirations of the people. Although much has been recently said to this effect in evidence before the Royal Commission on Decentralization and some sections of the public hold this view. His Excellency in Council is not of opinion that any new gulf has opened between officials and the public. The opportunities for ascertaining the sentiments of all classes interested in the work of the administration are unlimited and after making every allowance for personal idiosyncrasies and other disturbing factors, the Governor in Council is still of opinion that all grades of officers and more particularly those at the head of district and departmental administration are

fully informed as to the trend of public feeling. In order, however, to secure to a greater extent the second object contemplated by the Government of India, the diffusion of correct information and the contradiction of mischievous reports, the Government of Madras would be glad of the assistance of a new body or assembly of the men, not constituted as an Advisory Council, but in some sort representative of the whole Presidency and more especially of the masses of the people, by which the views and interests of all sections of the population might also, to some extent, be ascertained and signified on a formal and regular plan. But before outlining the proposals of this Government, I am directed to discuss another suggestion that has been put forward.

There appears to be a considerable current of opinion among the educated professional class in this Presidency in favour of converting the Advisory Council sketched by the Government of India into a sort of House of Commons, without the power, but with some of the influence of the British House of Commons and it seems to be considered that this might be done, without any transfer of sovereign power from the Government as at present constituted to the people, by giving this Council statutory recognition together with the right to offer advice unsought and to initiate or prepare legislation without any power of passing enactments, of censure, of financial control or of veto, all executive power remaining as now in the hands of the existing Executive Council and all legislative power in the hands of the existing Legislative Council. Sir V. Bhashyam Aiyangar, C.I.E., a former Judge of the Madras High Court, for instance, who argues with some pertinence that the changes of 1892 have created an opposition and have not achieved that unity in the Legislative Council which the British Legislature contemplated, and that the existing system will do great harm if it is perpetuated, has worked out an ingenious scheme on these lines. The Advisory Council would form a Lower House, the existing Legislative Council being retained as an Upper House. The Advisory Council would be entirely non-official, though Sir V. Bhashyam Aiyangar would not strongly object to an admixture of the official element. It would represent, as far as possible, all races, nationalities and creeds, number 50 to 100 members and be partly nominated and partly elected. The Chairman would be an officer of high rank, preferably a Judge of the High Court accustomed to and capable of maintaining order. Some political questions such as the relations of the Government with Foreign States and also certain administrative matters would be placed by Statute outside the scope of discussion; on the other hand it would be obligatory for the Government to refer to the Advisory Council all Bills introduced in the Legislative Council and to place certain administrative matters, such as proposals for the redistribution of districts, before the Council. The deliberations of the Council on administrative matters would be secret. The Council would have power itself to frame Bills and would depute one of its members to introduce them in the Upper House or Legislative Assembly, but the Upper House alone would have powers of legislation. The Advisory Council, as thus modified, bears a curious resemblance to the assembly known as the "Tribunat,*" which existed in France under the Consulate and the Empire; a body which, devoid as it was of all power and consequently of all feeling of responsibility, developed a factious and revolutionary spirit, was always in opposition to the Government and was in consequence eventually suppressed. The Government think it quite possible that a similar assembly constituted in this Presidency would develop a similar spirit and they do not think, for the reasons given in discussing the proposal of the Government of India, that it would be representative of the masses of the people. It would really represent only the educated class, and eventually probably only the small portion of that class which holds extreme political views, but would claim to represent the people of the Presidency and soon demand the rights and powers of lower houses in the Parliaments of the West. In the opinion of His Excellency in Council Sir V. Bhashyam

* Thiers, Le Consulat et l'Empire, Vol. I., "Book I. Un corps de 100 (reduced to 50 "in 1802) membres, appelé Tribunat, chargé "de représénter dans cette constitution "l'esprit libéral, novateur, contradicteur, "recevait communication des lois, les discu- "tait en public, et émettait un vote, "uniquement pour savoir s'il en poursuivrait "devant le Corps legislatif l'adoption ou le "rejet. Il nommait ensuite trois de ses "membres pour aller soutenir devant le "Corps législatif l'avis qui avait prevalu "dans son propre sein."

Aiyangar's and similar schemes are altogether premature. This Presidency has not advanced far enough in civilisation to render it possible to consider for a very long time to come the establishment of any institution of the sort contemplated.

7. *Constructive Proposals—General Assembly.*—As the Government of India are aware a popular assembly known as the "Assembly of Representative Raiyats and Merchants from all Taluks", or, more shortly as "The Representative Assembly" has existed in Mysore for over a quarter of a century and similar institutions have been introduced in recent years in two other South Indian States, Travancore and Pudukkóttai. The Governor in Council has watched the working of these institutions with great interest. Their usefulness has been questioned in some quarters but the better opinion appears to be that they serve sufficiently the limited purposes for which they were created and do something to popularise the administration. They are not representative in the sense in which that term is commonly used in political discussion. They do not represent a sovereign people nor exercise directly or indirectly any sovereign right or any controlling power. They have been contemptuously referred to as "Glorified Jamabandis", but this nickname, while it signifies the annual meeting of Revenue officials and villagers for the settlement of rent or revenue demand, only emphasises the fact that these assemblies have grown naturally out of an indigenous institution and have their roots in the soil. His Excellency in Council would be in favour of introducing something of the kind in this Presidency in preference to the Advisory Council sketched by the Government of India.

These institutions have not developed in imitation of the institutions of the West, they represent the masses rather than the classes or any particular class, and they are understood and appreciated by the people in Mysore, Travancore and Pudukkóttai. They are well calculated to interpret the people to Government and the Government to the people. Their introduction requiries no legislation and the elective principal can be applied without elaborating complicated schemes of class representation. In Mysore the representatives were at first selected from each taluk or district by district officers or from among themselves by Local Fund Boards. Gradually a system of election was introduced, the qualifications of voters and of candidates were laid down, and some general rules of procedure are now observed. The members have no official status though some concessions are made to them as members, such as a right to obtain official information and the privilege of exemption from the liability to take out a license under the Arms Regulation. Every attempt of the assembly to usurp the powers of the Government as, for instance, by requiring that the Government should make it a rule to lay their legislative measures before the assembly, has been resisted and the functions of the assembly are restricted to submitting observations and suggestions in the public interest, bringing forward all general, as opposed to individual, grievances in order to assist the Government, watching and criticising the working of the administration, and hearing and publishing what the Government may have to say in support of unpopular measures, in defence of their action, and by way of answer to their traducers. The property qualification of an elector and member varies according to his taluk; the land revenue assessment entitling to a vote is Rs. 50 to Rs. 150; for membership the qualification is a payment of Rs. 100 to Rs. 300 land revenue; and graduates of any Indian University are entitled to a vote. Each taluk is represented by from two to four members and district boards, municipalities and certain associations are separately represented. Members hold their seats for three years. The number of representatives for a population of five or six millions is at present 275, of whom 113 are landholders, 72 hereditary village officers, 47 bankers and merchants, and 22 lawyers. The assembly meets once a year. Long notice is given of all questions proposed for discussion in order that reports may be obtained from local officers, who preside at a preliminary district conference of the members for each district, and all matters that can be settled to the satisfaction of the member putting them forward are disposed of by the district authorities before the meeting of the full assembly takes place. The matters eventually discussed at this meeting are commonly such as are not of mere local interest, but relate to questions of some importance requiring to be decided or discussed by the Central Government. The members for such district serve in this way as an Advisory

Council for the head of the district, while the assembly is the Advisory Council of the Central Government. The discussions in Mysore are partly in English, partly in the vernacular; but perhaps half the members know no English.

The Travancore Assembly entitled the "Sri Mulam Popular Assembly" is of very similar character. Territorial representatives are elected for each taluk and local bodies and associations are also represented. Every person who pays land revenue of not less than Rs. 50 or whose income is not less than Rs. 1,000 or who is a graduate is entitled to vote. The taluk members meet first at the taluk head-quarters and prepare in consultation a memorandum which is forwarded to the head of the district, who forwards it with his observations to the Diwan.

In the Pudukkottai State each Revenue Inspector's firka (a sub-division of the taluk) is divided into three groups and a committee of ten persons which may be entrusted with the supervision of education, etc., is formed by appointment. The committees choose a delegate each. The delegates meet at the taluk head-quarters and elect by ballot five from their own number to sit on the Representative Assembly for three years. Three associations in the State also elect representatives and a few representatives are nominated. Graduates, persons paying Rs. 50 land revenue and persons with an income of Rs. 1,000 are qualified to be delegates or members; illiteracy is a disqualification.

The population of this Presidency is very much larger than that of any of the three States mentioned, and His Excellency in Council does not disguise from himself that there may be considerable practical difficulties in the way of introducing a similar institution in this Presidency. But he is of opinion that such an assembly or assemblies would better carry out the objects stated in the Home Department letter than the Advisory Council proposed by the Government of India, and if the Government of India are inclined to accept this suggestion, a scheme will be worked out in detail. As at present advised His Excellency in Council thinks it might be necessary, as discussion would have to be conducted to some extent in the vernacular, to have two assemblies, one for the northern part of the Presidency in which the prevailing vernacular is Telugu, and one for the south where Tamil is generally spoken. He is inclined to think that the basis of representation should be mainly territorial and that two members might be allotted to each taluk. He would be disposed to introduce at once a system of election by electors with a property qualification which would not be pitched so high as to exclude the common ryot. Separate representation would be given to certain associations and local bodies. Preliminary district conferences to settle subjects for discussion at a General Assembly would be held by Collectors of districts or Divisional officers, and the General Assembly or Assemblies would be presided over by high officials who would receive from Government special instructions on each point to be discussed. It would perhaps be found possible to give the General Assembly or Assemblies the privilege of nominating one or more members for appointment to an enlarged Legislative Council.

The electorate for the Assembly or Assemblies might be utilized for the elective system of District and Taluk Boards, which it is proposed to introduce, and regarding which a further communication will shortly be submitted to the Government of India.

8. *Enlargement of the Imperial Legislative Council.*—The Government of Madras have little to say regarding the scheme laid down in the Home Department letter for the enlargement of the Imperial Legislative Council. It has been somewhat freely criticised by the educated class in this Presidency, who are generally in favour of a larger elected element and generally opposed to the inclusion of a Ruling Chief, but the local Government do not endorse these criticisms.

The Government of Madras are not sure that a system of election by an electorate extending over the whole Presidency would operate satisfactorily in the case either of the great landholders or of the Muhammadans of the Presidency, but they consider that the experiment may be tried. Lists showing the number of persons that would be entitled to vote if different qualifications are laid down are being prepared. The statistics are not yet complete, and I am directed to say that a further communication will be make on the subject as soon as possible. But it may be stated at once that in eighteen of the twenty-three Madras districts there

are 858 persons whose income derived from land is estimated at Rs. 3,000 per annum or more, and 184 persons, including 118 Zamindars, twenty-five Inamdars, forty ryotwari holders and one zamindari tenant whose income derived from land is estimated at Rs. 10,000 or more. The criterion of the amount of land revenue paid can scarcely be applied in this Presidency for reasons which will be explained in the promised further communication. The number of Muhammadans whose income derived from land is estimated at Rs. 25,000 or more is only three in the eighteen districts, while there are thirty-three Muhammadans landholders with an estimated income of Rs. 3,000 or more. In the eighteen districts and excluding the Presidency town there are seven Muhammadans who pay income-tax on an income of Rs. 25,000 or more and forty-one who pay on an income of Rs. 10,000 or more. In the Presidency town 64 Muhammadans are taxed on an income of Rs. 10,000, in the eighteen districts forty-one more. The number of Muhammadan Fellows of the University is at present eight.

9. *Provincial Legislative Council.*—In dealing with the reform of the existing Legislative Councils the Government of India briefly review the object and effect of the enlargement of the Councils and the introduction of the elective system under the Indian Councils Act, 1892: they conclude that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to secure due representation of other important elements of the community. The Government of India therefore desire that the Councils should be enlarged to the fullest extent compatible with the necessary authority of Government (which is to be maintained by an absolute numerical majority sufficeintly strong to be independent of minor fluctuations that may be caused by the occasional absence of an official member) and that due and ample representation should be given to the different classes and interests of the community through the non-official members.

The present Legislative Councils in the exercise of their primary functions of legislation have materially aided the Government and His Excelleney in Council gladly and fully recognises that the general effect of the advice received from the non-official members has been to assist in harmonizing the legislation with the actual conditions of the country. If illustration be needed it is unnecessary to look beyond the present year and the Madras Estates Land Bill, the discussion of which measure was distinguished by the cordial and invaluable help rendered by the non-official members both in Select Committee and in debate. His Excellency in Council however agrees that under the present system due representation has not been given to all clasees of the community. Another defect of the present system is that, while some of the non-official members have realized the responsibilities of their position as members of the Council, others have appeared desirous to embarrass rather than assist the Government; their criticisms of the administration in the debates on the budget estimates have at times been ill considered and unstatesmanlike and have not appeared to be genuine attempts to represent the feelings of the masses and to help the Government to ascertain and remove or prevent real hardships or otherwise to improve the administration.

With regard to the proposed enlargement of the councils it is alleged that since their enlargement in 1892 there has been a distinct cleavage of parties. Prior to that date votes were recorded for or against any question before the council by each member whether official or non-official according to his own individual judgment; since then however all the official members have voted as the Government party while the non-official Indian members have usually voted solidly as the opposition. This is matter for regret and the only possible remedy would seem to be a reduction in the size of the Legislative Council; but His Excellency in Council considers that such a proposal could not be entertained now even if such a measure would mitigate this alleged evil.

His Excellency in Council agrees with the Government of India that, in order to increase the representative character of the Legislative Council, it should be enlarged to the fullest extent compatible with the maintenance of the official majority. After careful consideration the Government have arrived at the conclusion that, in addition to the Governor, the members of the Executive Council and the Advocate-General, it is possible without detriment to the public service to

spare only fourteen officials of the requisite standing and experience from their regular duties for attendance in the Legislative Council. The number of non-official members cannot therefore be raised above sixteen.

As regards the problem how to obtain due and ample representation of the different classes and interests of the community, His Excellency in Council finds himself unable to accept the solution proposed by the Government of India. That Government state that they "do not wish to impose upon Provincial Governments any special line of action in making proposals", so long as the object is kept in view that the representation of classes now liable to be crowded out by a dominant section of the population should be provided for. The Government of India however suggest that the Local Government should "determine how many seats are to be filled by elected representatives of the most important classes into which the population of the Presidency is divided by *race, Caste or religion*" and should cause electorates to be formed for each such class. No part of the Government of India's proposals has been received with more general and decided disapprobation than this last suggestion. Apart from the very great practical difficulty of forming class electorates the proposal to introduce the principle of race, caste and religious representation has been almost universally condemned as likely to perpetuate differences and to strengthen barriers which the growth of civilization is gradually removing. It has been contended that even now with the exception of the Muhammadans, no religion or caste has any special interests of its own. On the Legislative Council, of which the number of members is necessarily limited, there would not be room for the representation even of the larger communities, and even among those whose position might obtain for them representation in the Council divergences of interest are so great that in the absence of provision for eliciting the opinions of sub-castes and sub-sections of communities absolute equality of treatment could not be secured. The Mappillas have nothing but their religion in common with the Lubbays. The social barrier between the Uriya Brahman and the Nambudri Brahman of the West Coast is more formidable than the continent which separates them geographically.

The Government consider that there is force in these objections. But the fatal defect of any scheme of class representation that may be devised appears to them to be the practical difficulty of arranging for a class vote all over the Presidency or other large area and of canvassing over such large areas. The candidates would be mere names to most of the voters and the interest of the electors in the election would probably be very small. It appears to the Governor in Council that some of the defects of the existing Legislative Council are due to the great size of the constituencies, and that class representation which would appear to necessitate the creation of more constituencies of the same exaggerated dimensions is not well calculated to remedy those defects. When the election of a member has to be made by a constituency extending over a dozen districts no candidates can succeed unless he is widely known and can afford to canvass from district to district. As a rule only lawyers are able to fulfil these requirements and this is one of the reasons why elected members have in the past almost always been lawyers. In revising the constitution of the Legislative Council and expanding it the Governor in Council would desire, if these were practicable, to reduce the size of the electoral areas.

A sheme on the lines of the suggestions of the Government of India was, as already stated, drawn up and submitted to the public for consideration. In this scheme it was proposed that class electorates should be formed which would extend over the whole Presidency, but I am directed not to dwell upon those proposals as they have not proved acceptable. Two of the many other schemes put forward will now be briefly described and the proposals which His Excellency in Council wishes to make will then be sketched.

10. *Provincial Legislative Council.—Proposals of Diwan Bahadur Rajaratna Mudaliyar, C.I.E., of the Hon'ble Mr. P. S. Sivaswami Aiyar, C.I.E., and the Local Government.*—Diwan Bahadur Rajaratna Mudaliyar' formerly Inspector-General of Registration, Madras, proposes to divide the Presidency into four or five circles,

each of which would elect three members to represent the following interests, land, commerce and industry, and the liberal professions. The electors would be the members of District Boards and Municipal Councils. Every elector would have three votes, one for each interest. Candidates must represent the interests for which they seek election, that is to say, a candidate for the landed interest must be a landholder, for the commercial interest a trader or manufacturer, and only professional men could represent the professions.

The Government find this proposal not altogether unattractive. If it were adopted, there could not be more than four circles as they do not consider that more than twelve of the sixteen available seats should in any circumstances be elective; at least four must be reserved for nomination in order that particular interests may not be left unrepresented. The main objections to the proposal are in their view the size of the constituencies which would comprise five or six of the large districts of this Presidency and the intricate manner of voting.

The Hon'ble Mr. P. S. Sivaswami Aiyar, Advocate-General, Madras, proposes to divide the Presidency into eleven circles. The electors would be the non-official members of District Boards and Municipal Councils. He would give one seat to the planting interest, one to the mercantile interest to be elected by the Madras Chamber of Commerce or other institution, one to the University and one to the Corporation of Madras, one to a Landholders' Association and one to a Muhammadan Association. He would reserve five seats for nominated members and make the total number of non-official members 22. The Government of Madras consider that the size of this body is an almost insuperable objection to the proposal, as there would be great difficulty in providing an official vote to balance 22 non-officials on the Council.

On the whole the Government of Madras are of opinion that if additional seats are provided to which representatives of special classes and interests may be nominated by His Excellency the Governor, there is no necessity at present to vary the existing constitution of the Council to any great extent. The additional seats to be provided by nomination would not ordinarily be assigned to lawyers and the present preponderance of that class would accordingly be reduced. At present four seats in the Council are filled on the recommendation of two groups of Municipal Councils and two groups of District Boards, one on the recommendation of the Madras Chamber of Commerce, one on the recommendation of the University, and a seventh on the recommendation of the Corporation of Madras. Other members are usually appointed to represent the planting interest and the great landholders. In view of the diverse interests now represented and that must continue to be represented, it would be impossible even with an enlarged Council to throw open many more seats to election and so reduce substantially the size of the constituencies. Their size could be reduced by introducing a system of rotation, but there are obvious objections to such a plan. The Governor in Council has accordingly reluctantly abandoned the proposal to form a larger number of smaller territorial constituencies. While he welcomes the proposal to enlarge the existing Council for the reason given in the Home Department letter, he would retain the four members now nominated on the recommendation of the groups of District Boards and Municipalities, as also the three members recommended by the Chamber of Commerce, the University and the Corporation of Madras, he would be prepared to propose the assignment by statutory regulation of one seat to the Muhammadan community, he would recommend that if his proposal to organise a General Popular Assembly or Assemblies is approved, the Assembly or Assemblies should be permitted to recommend two members for nomination to the Legislative Council, and he would reserve six seats to which representatives of classes or interests not otherwise represented or insufficiently represented could be nominated by His Excellency the Governor. The further communication promised in paragraph 8 *supra* will contain a discussion of the proposals of the Government of India that a Muhammadan or Muhammadans should be appointed to the Provincial Legislative Council on the recommendation of a body of Muhammadan electors—a subject which His Excellency in Council desires to consider further. Complete statistics which have been called for to serve as a basis for consideration

have not yet been received, but I am directed to state, for the information of the Government of India, that in 18 of the 23 districts of the Presidency there are—

(*a*) 355 Muhammadans whose income from land is estimated at Rs. 500 or more;

(*b*) 601 Muhammadans who pay income-tax on incomes of or exceeding Rs. 1,000 per anuum;

(*c*) 523 Muhammadans who pay income-tax on Rs. 2,000 or more per annum;

(*d*) 64 Muhammadan graduates of the Madras University.

It is not expected that the figures will be much raised by the inclusion of the statistics of the remaining five districts, and it would appear that the Muhammadan community in this Presidency is not of sufficient importance to warrant the reservation for it of any large number of seats on the local Legislative Council.

11. *Amendment of Council Regulations.*—With reference to the last clause of paragraph 24 of Sir Harold Stuart's letter, I am directed to observe that the amendment of the Regulations made under section 1, sub-section (4), of the Indian Councils Act, 1892, which the Madras Government's proposals would necessitate, if they are accepted, is of a very simple character. As at present advised, His Excellency in Council considers that the only amendments required are—

(1) that the word "nine" in rule I be altered into "fourteen";

(2) that in rule III there should be substituted for the present proviso "provided that two seats shall ordinarily be held by large landholders and one by a Muhammadan."

The number "fourteen" is suggested to provide for additions to the number of non-official members up to a limit of sixteen and the amendment of sub-section (1) of section 1 of the Indian Councils Act, 1892, is also involved in these proposals. Under that provision of law, the maximum number of additional members of the Legislative Council is twenty. The Governor in Council would suggest that the maximum should be raised to thirty, to provide for the enlargement of the Council now proposed.

12. *Reform of the system of election and nomination to Municipal and Local Boards.*—If the proposals made in the last paragraph but one are accepted, the composition of mufassal Municipal and Local Boards will re-act only on the selection of four out of sixteen non-official members of the Legislative Council. His Excellency in Council has still under consideration the suggestions made in clause (*c*) of paragraph 22 of the Home Department letter. A separate communication on the subject will be submitted to the Government of India at an early date.

13. *Discussion of the budget.*—The Government of India suggest that the discussion of the budget in the Provincial as well as in the Imperial Council should be more detailed, and that more time should be devoted to it. But the Governor in Council doubts whether this would, to any considerable extent, have the effect of making "the debates less unreal" or giving them a less "discursive and unfruitful character," while it would involve a considerable expenditure of valuable time. The objection to the unfruitful debate in open Council, which takes place after the budget is settled, and when it is too late to alter it, is, in the opinion of His Excellency in Council, inherent in the conditions under which the debate takes places, but the Government of Madras decided this year to follow the example already set by the Government of Bengal and to invite the non-official members of the Legislative Council to an informal conference to consider the budget while there was yet time to alter it. The Government secured in this manner intelligent and valuable criticisms of their first draft of the budget and propose to continue the experiment which, it is understood, gave satisfaction to the non-official members of the Legislative Council.

14. I am directed to add that the communication urging the claims of Eurasians to representation on the Legislative or other Councils in India and on the Council of the Secretary of State, which was forwarded with Home Department letter No. 210, dated 21st/22nd January 1908, has been duly considered by His

Excellency the Governor in Council, and to say that, while His Excellency in Council is not in favour of specially reserving for the Eurasian community a seat on an expanded Provincial Legislative Council, he would be prepared to request the Madras Eurasian and Anglo-Indian Association to nominate a member or members of the general assembly proposed in paragraph 7 of this letter. There would of course be no reason why an Eurasian should not be nominated by His Excellency the Governor to one of the six seats reserved for nomination.

I have the honour to be,

SIR,

Your most obidient servant,

J. N. ATKINSON,
Ag. Chief Secretary.

ANNEXURE A

TO

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I

Letter—from Sir V. Bhashyam Aiyangar, *Kt.*, C.I.E., Diwan Bahadur, late Officiating Advocate-General and retired Judge of the High Court of Judicature, Madras.

To—the Acting Chief Secretary to Government.

Dated—the 15th February 1908.

I have the honour to acknowledge the receipt of your letter, dated 22nd November 1907, regarding the proposed establishment of Advisory Councils and enlargement of Legislative Councils and to forward herewith enclosed my note on the subject.

Enclosure.

Note by Sir V. Bhashyam Aiyangar on the proposed enlargement of the Legislative Councils and establishment of Imperial and Provincial Advisory Councils.

In my opinion the enlargement of the Legislative Councils subject to the condition that it shall be "essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by occasional absence of an official Member" will be a step much to be deprecated. Nor is it desirable that in advanced Provinces of British India, Advisory Councils should be formed without any statutory basis, the members of which are to be consulted by Government either individually or collectively or by means of Committee appointed from amongst their number.

Both under the Indian Councils Act of 1861 and under the Indian Councils Act of 1892, the Governor-General in Council and the Governors in Council of Fort St. George and Bombay, in exercising the power of making laws and regulations vested in such Councils, respectively, are to consist not only of the Governor-General, the Governor of Fort St. George or the Governor of Bombay as the case may be and the ordinary Members of his Council but also of certain additional Members whether in the service of the Crown inI ndia or not, the minimum and the maximum numbers of such additional Members having been originally prescribed by the Act of 1861 and since raised by the Act of 1892. The functions of a Government are both executive and legislative and the power of making laws and regulations is no less an important function of Government than its executive functions, and the fundamental principle of the British Indian constitution is, that the Indian Government in exercising its important function of legislation should consist not only of the individuals in whom the executive functions of Government are vested but of a certain number of additional individuals who, in so far as the passing of laws and regulations is concerned, form as much a component part of Government as the former body of individuals. The only difference between ordinary Members and the additional Members is that the former form a component part of Government not only when the Government is discharging its legislative functions, but also when the Government is engaged in discharging its executive functions, whereas the additional Members form a component part of Government only when the Government is engaged in exercising its legislative jurisuiction. It is therefore opposed to the very constitution of Indian Government that at meetings of the Council for the purpose of making laws and regulations, the individuals composing the executive Government should be regarded, or that they should assert themselves, as *the* Government, or as a component part of the Council separate and distinct from the additional Members of the Council.

Up to 1834, the executive and legislative functions of each province were vested in one and the same body of individuals constituting the respective Governments and by 3 and 4 William IV, chapter 85, the Governments of Madras and Bombay were substantially divested of their legislative functions and the Governor-General and his Councillors were empowered as the central legislative authority to legislate for the whole of British India, the duty of one of such Councillors, namely, the fourth ordinary Member, being confined entirely to the subject of legislation with no power to sit or vote except at meetings for the purpose of making laws and regulations.

Thus for the first time the principle was introduced of enlarging the Council of the Governor-General by the addition of a Member, a paid official, who formed a part of Government for purposes of making laws and regulations only. This principle was further developed by 16 and 17 Vic, c. 95, by which, the Chief Justice and a Puisne Judge of the Supreme Court of Calcutta, as well as four official representative Members chosen by the Governments of Bengal, Madras, Bombay and the North-Western Provinces formed additional Members of the Governor-General's Council for the purpose of making laws and regulations only, and the fourth ordinary Member of the Governor-General's Council was, like the other ordinary Members, given a right to sit and vote at executive meetings. Under the Indian Councils Act of 1861, legislative powers were restored to the provincial Governments and it was provided that for purposes of making laws and regulations the Councils of the Governor-General, as well as of the Governors of Madras and Bombay were to be re-inforced by the appointment of certain additional Members, officials and non-officials. It will thus be seen that from 1833 to 1853 there was one additional

official Member in the Governor-General's Council and from 1853 to 1861 there were six additional Members in that Council, who were all officials, such additional Members were undoubtedly, for purposes of legislation, as much a part of Government as the ordinary Members of the Council, and it was only under the Indian Councils Act of 1861 that provision was made for the appointment as additional Members of non-official persons also, and under the Indian Councils Act of 1892 not only was the number of additional Members increased, but provision was also made for the introduction of an elective or quasi-elective principle in the nomination of such additional Members. But the introduction into *the* Council of non-official Members either by direct nomination, or by election under statutory rules subject to the approval of the Governor-General or Governor as the case may be, can in no way affect the constitutional aspect of the question, namely, that all additional Members, whether official or non-official, whether nominated or elected, are the colleagues of the Governor-General or the Governor and of the ordinary Members of his Council and as such form a component part of the Government in the exercise of its legislative functions, and there is nothing in either of the said statutes affecting the status of the Legislative Council as *the* Government for the purpose of making laws and regulations.

Another cardinal principle of the Constitution is that not less than one-half of the persons nominated as additional Members of the Council including the Advocate-General for the time being shall be non-official persons and that the seat in Council of a non-official Member accepting office under Government should be vacated on such acceptance, there being however no corresponding provision that an official additional Member vacates his seat on ceasing to be an official. Notwithstanding the provision of the law that not less than one-half of the additional Members shall be non-official persons, it is no doubt possible for the Governor-General or the Governor as the case may be to secure, as has almost invariably been the practice, an official numerical majority in the composition of the Council by appointing only the minimum proportion prescribed by law of additional non-official Members, with the result that an official majority can be ensured by reckoning upon the additional official Members voting with the ordinary Members of the Council. The principle, however, of the Constitution is not that there *need* be a "numerical official majority" in the Council as now proposed, but that the numerical majority *may* be on the side of non-official Members. So far as the relative proportion of non-officials to officials is prescribed by law, it is as already stated that the number of non-official additional Members should be at least one-half of the additional Members. I may also beg leave to assert emphatically that the notion of an official majority in the Legislative Council, or the notion that the additional official Members should vote with the ordinary Members of the Council, or that the ordinary Members of the Council and the President should vote alike, is entirely opposed to the fundamental principle of the Constitution as stated above, namely, that so far as legislation is concerned, the Government consists of the Governor-General or Governor, his ordinary Members *and* the additional Members whether nominated by him or elected, subject to his approval, and all form but one component and indivisible part of Government for the purpose of making laws and regulations: and the division of this body into the Executive Government supported by an official majority and a non-official minority corresponding to an opposition to Government is the introduction of a principle which, in British India, is as unconstitutional as it would be mischievous in the result. Until the enlargement of, and the introduction of a quasi-elective principle into, to the Indian Legislative Councils by the Indian Councils Act of 1892, the fundamental principle of the Constitution as settled by the Indian Councils Act of 1861 was not departed from, the official and the non-official Members of the Councils co-operating as Members of one body and there was no feeling that the non-official Members were in the opposition or that the official Members should vote together any more than they should in executive or other matters outside the Legislative Council. Neither when the Legislative Council and the Executive Council were identical, nor, later on, when the Governor-General's Council was for the purpose of making laws and regulations reinforced by the addition of certain official Members only, was there or could have been any theory or notion that all the individuals composing the Council should vote unanimously on every measure before it. A reference to the reports in the official gazette of the proceedings of the Legislative Councils as constituted under the Councils Act of 1861 and especially to the proceedings of the Viceregal Legislature would show that, when divisions in the Councils were recorded, it was by no means unusual that official Members were as much divided among themselves as the non-officials were. If, in the deliberations of the Executive Council or of the Board of Revenue, the Members are expected to, and do in fact, express and assert their individual views if they are unable to agree after consultation and discussion, it seems strange that in deliberations on legislative measures at meetings of the Legislative Council a different theory or practice should prevail by reason of the enlargement of the Council and the presence therein of elected members, and that officials should all vote together irrespective of their individual, deliberate and mature opinions. According to the principle of the Constitution of the Legislative Councils in India, there is no difference between officials and non-official Members, and it is because of the importance attached to the Legislative function of Government that in addition to the ordinary Members a certain number of additional Members are associated with the Governor-General or Governor and the policy of the Act is that legislative measures should be publicly discussed and passed at meetings of such bodies in accordance with the views of the majority and it is a distinct violation of this principle that under the sanction of an unwritten law a theory should prevail and assert itself that officials should all vote solidly irrespective of their convictions and opinions and that non-official Members, and the elected Members, in particular, should be regarded

and treated as being in the opposition to Government. Though in regard to unessential matters where there is a difference of opinion, it is a matter of comparative indifference if all the officials should vote together by their deferring to the judgment of the ordinary member in charge of the Bill, yet in controversial matters affecting the principles of the Bill, it will be a distinct violation of the constitutional principle that they should do so. I do not at all consider this matter from the standpoint of the moral philosopher but purely from the standpoint of an Indian constitutional lawyer and politician who is convinced of the wisdom of the constitutional principle in question and apprehends the evil political consequences of ignoring this principle and substituting therefor the principle of a standing official majority accompanied by the creation in the Council of an irresponsible opposition. Such has been the unfortunate and unexpected result of the operation of the Indian Councils Act of 1892 and it is a matter for extreme regret that the Government of India should now explicitly declare in writing that "they consider it essential that the Government should always be able to reckon on a numerical majority and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. The principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinon, that does not dispute the legitimacy of the paramount power itself. That is not an open question and if two men are not able to wield one sceptre it is idle to dissemble that fact in constructing political machinery. I am however not surprised at this and nothing can be a greater condemnation, by the highest authority in India, of the practical working of the Indian Councils Act of 1892 than that it should publicly declare that the *legislative* function of Government cannot be safely and satisfactorily discharged unless a standing and decisive majority of official votes in the Council can always be reckoned upon. This necessarily implies not only that there should be a numerical official majority in the Council, but that they should all vote together. I was a member of the local Legislative Council for several years prior to 1892 and for several years subsequent thereto, and my humble opinion is that the working of the enlarged Legislative Council has by no means been satisfactory in a political point of view. An opposition has unconsciously been created and the relations between the official members and the non-official members and in particular the elected members are far from being cordial. There is no doubt that legislative measures are debated upon and criticised more ably and freely by the non-official members than was the case prior to 1892, but so far as official members are concerned, though their number has been increased, fewer of them take part in the debates and the theory, unwritten though it be, that they should all vote solidly with the ordinary member of Council in charge of the Bill has a most demoralising effect. As a general rule, with the exception of one or occasionally two official members who actively assist the member in charge, the other official members pay little or no attention to the debates in Council and when meetings of the Council are sometimes protracted, they attend the Council much to the detriment of their other duties. Of course, if the theory is that an official member is to vote with the member in charge of the Bill and not according to the opinion which he may form by attending to and following the debate, it is no matter for surprise, that instead of paying close attention to the debates in Council he should, while the debate is going on, prefer to attend to his own office work. Since the enlargement of the Legislative Councils in 1892 there has been a preponderance of leading vakils amongst the non-officials who, by their training at the bar, have a decided advantage over their official colleagues, most of whom belong to the Indian Civil Service the members of which have proved themselves remarkably successful as administrators by reason of the fact that their policy hitherto has been one of decisive action and discreet silence while their official training is not such as to qualify them to make ex tempore speeches or to meet debates in Council. Of course, I am far from suggesting that a strong legal element in the Legislative Council is not desirable. In the House of Commons the legal element has always been strong, but it should be borne in mind that the lawyers are generally equally divided between the parties composing the House. The non-official members as a class, and in particular the elected members, are either prominent members of the Congress or active sympathisers with that body and they will naturally feel themselves bound to further, in the Council, the policy which the Congress advocates and the chances of re-election of the elected Members will, in no shall degree, depend upon their attitude in the Legislative Council towards the executive Government in relation to matters in which the interests of Government and, in particular, of a foreign Government are supposed to be antagonistic to those of the people. Under the elected system, candidates whose character and antecedents would render it unlikely that they should be chosen under a system of domination and with whom, their fellow-countrymen with self-respect, would not wish either to compete or to be associated as colleagues occasionally succeed in being returned at the head of the poll by their constituencies. Another objectionable feature which has crept into the Legislative Council, since its enlargement, is the liberty which some of the non-official members take in Council of lavishing their encomiums upon the President or an ordinary member of Council in connection with particular measures before the Council, and, in particular, on the occasion of the presentation of the Financial Statement and the discussion thereon. This is reciprocated, frequently enough, by the member in charge of the Bill acknowledging the very valuable services rendered by non-official members on Select Committees or in the Council and also by the member who presents the Financial Statement acknowledging the valuable and moderate criticisms offered by the non-official members. In this country, such

mutual adulations and congratulations, though they may be sincere, are apt to be mistaken for flattery, and the prestige of the highest officials will, in no small degree, suffer in the eye of the public. The Government of India advert to the shortcomings of the elective system as introduced in the enlarged Council and suggest a still further enlargement in view to remedy such shortcomings. In my opinion, a further enlargement of the Legislative Council will be a serious blunder and the introduction of the elective system on the lines indicative by the Government of India and the Government of Madras will, in no way, remedy the evil. Both the official element and the non-official element will have to be increased and the quality of both will considerably deteriorate. Any system of election based upon the representation of castes, creeds and races will have very injurious effects and will be calculated to accentuate racial and caste feelings where they exist and engender such feelings even where they do not exist. With all the care taken under the proposed system the legal element is sure to assert itself strongly, and it should also be borne in mind that under the impetus which has recently been given to the cultivation of public speaking by the Indians, even non-official members who are not lawyers will contrast favourably with the official members is debates in Council, and the various evils, the principal of which alone, I have above indicated, as having crept into the existing enlarged Councils, will develop further and appear in a more pronounced and objectionable form if the Councils should be further enlarged, and in course of time not only will the prestige of the executive Government be greatly impaired but the highest officials as a class will forfeit public esteem and regard.

I fully concur in the view that the shortcomings of the Councils as tkey how exist since their enlargement require to be remedied, and the proposal I would make is to restore the Legislative Councils to the basis on which they stood under the Act of 1861 with the additional functions assigned thereto by section 2 of the Act of 1892 and to place the proposed Advisory Council on a statutory basis and utilise it is as an advising body both in regard to administrative measures and legislative measures. The Advisory Council, whether Imperial or provincial, should, if possible, be a purely non-official body and the idea of nominating some of the ruling native chiefs as members of the Imperial Advisory Council or even one of them as a member of Imperial Legislative Council, will not, I am sure, commend itself to them and, in my opinion, it is quite derogatory to their status as sovereigns. I would repeal section 1 of the India Council Act of 1892 and in lieu thereof provide for the establishment of Advisory Councils. The statute, should fix and declare the minimum and maximum number of the members of such Councils Imperial and Provincial, and the nomination of such members should vest in the Governor-General or Governor or Lieutenant-Governor as the case may be, and the present section 1 (4) of the India Councils Act of 1892 may be substantially retained with the necessary modifications in view to the Governor-General with approval of the Secretary of State in Council, making regulations as to the conditions under which the nomination of the members of the Advisory Council is to be made whether by election or otherwise and the manner in which the regulations are to be carried into effect. Though the body is to be only an Advisory Body the statute should invest it with certain defined powers. The deliberations of the Advisory Council in regard to legislative measures should be public. It should be competent to the Advisory Council to initiate a legislative measure subject to the same restrictions as are contained in the Indian Councils Act of 1861 and recommend the same to the Legislative Council. The measure will be introduced into the Advisory Council, considered, referred to a Select Committee of the Advisory Council, debated upon and passed or rejected by it and the procedure in relation thereto will be substantially the same as that which obtains in the Legislative Council. If the Bill is passed by the Advisory Council it will be forwarded with its recommendation to the Legislative Council to be dealt with as Bill before it. Of course it will be open to the Legislative Council to refer back the Bill or any portion thereof for reconsideration or further remarks of the Advisory Council and it will rest entirely with the Legislative Council to reject the Bill or pass it with or without amendments. It should also be provided that any Bill originally introduced in the Legislative Council shall be taken into consideration by it only after the same has been referred to the Advisory Council and reported upon by it within a time to be limited. Any Bill so referred to the Advisory Council should be dealt with by the Advisory Council in the same manner as any Bill originally introduced in that Council. As, however, certain measures introduced into the Legislative Council will be of an urgent character it may be provided that any measure may be passed into law by the Legislative Council before the same is referred to the Advisory Council with a proviso that any measure so passed shall expire at the end of one year from the date of its passing. Provision may also be made or the Advisory Council electing one of its members as an extraordinary member of the Legislative Council, who will be entitled to attend the meetings of the Legislative Council and take part in its debates with power to vote only in connection with a particular legislative measure referred to the Advisory Council by the Legislative Council and reported thereon or originated in the Advisory Council and recommended to the Legislative Council for consideration and also with power to introduce into the Legislative Council any Bill recommended to it by the Advisory Council. It should also be provided that on the occasion of the presentation of the Financial Statement, before the Legislative Council, the Governor-General, Governor or the Lieutenant-Governor as the case may be, shall summon the members of the Advisory Council to be present on the occasion, and they shall be entitled to take part in the discussion of the statement, as if they were additional members of the Legislative Council. An alternative provision may also be made that instead of

summoning every member of the Advisory Council, a requisition may be sent to the Advisory Council to send a deputation of its members not exceeding a specified number.

Under this proposal the passing or rejection of every legislative measure will rest absolutely with the Legislative Council as constituted under the Act of 1861 as the paramount legislative authority. But every measure, before it is passed into law or rejected by such power, will have been fully discussed and criticised by the Advisory Council, which will be essentially a non-official body representing as far as possible the various classes of people and interests and subsequently by the paramount legislative authority constituted under the Councils Act of 1861 with the addition of an extraordinary member elected by the Advisory Council with reference to each measure.

Under section 29 of the Act of 1861 the Government of Madras in exercising its legislative functions will consist of the Governor, the two ordinary members of Council, the Advocate-General for the time being (who may well be constituted by the Statute itself an additional member ex-officio, instead of being nominated every two years as an additional member by the Governor) and not less than four nor more than eight other persons to be nominated additional members by the Governor. The best constitution for the local legislature would be when the additional members excluding the Advocate-General are six, in which case the minimum non-official members including the extraordinary member will be four and the official members inclusive of the Governor would be seven. The three non-official members would be purely nominated by the Government, and as was usually the case formerly for many years before 1892, the non-official member will be either a prominent vakil of the High Court or a non-official European or zamindar or a Muhammadan gentleman. In a Council so constituted there will be nothing like factious or opposition spirit and every member may be safely left fully at liberty to give his vote according to the best of his judgment and if a measure introduced by an ordinary member of Council is lost by reason of one or more officials not voting with him, the result should not be deplored but should be welcomed. In the composition of a body so constituted there will be a decided numerical official majority and if there should be a division among themselves notwithstanding that the natural inclination on the part of the official members will be to agree if possible, such difference of opinion, when it does exist, should not be discouraged and it is equally certain, as proved by past experience prior to 1892, that whatever may be the character of a particular legislative measure, the non-official members chosen and nominated by the Governor are not likely to be actuated by any sprit of combination against official members. Having regard also to the additional work that may devolve on Government by the establishment of the Advisory Council it may not be out of place that I should here suggest the desirability of having a third ordinary member of Council in order that Government may be able to cope with the work which has increased by leaps and bounds within the last two decades and in order that the Governor and the Councillors may have more time than they can possibly spare under the existing pressure of work for the consideration and settling of important questions of administrative changes and reforms. Moreover the several matters which cannot be regarded as mere routine and which formerly used to be dealt with by at least two members have of late, owing to pressure of work, come to be disposed of by a single member. Until 1833, there were three ordinary members of Council, which number appears to have been reduced to two under the power vested in the Court of Directors by section 57 of 3 and 4 William IV, C. 85, and the original number should, I think, be now restored and on the distinct understanding that this additional seat in the Executive Council is not reserved exclusively for Indians, it will be of the greatest benefit to Government and the public if, whenever an Indian of exceptional merit and ability is available, he is appointed to the seat.

As regards the functions of the Advisory Councils in the matter of administrative questions or measures, the statute need only empower the Governor General in Council to make regulations with the sanction of the Secretary of State in Council as to the conditions subject to which the Governor General in Council or the local Government may invite the opinion of the Advisory Council in regard to any administrative or executive measure or summon a committee of the Advisory Council for a conference with the Government in regard to any such measure. I would strongly deprecate members of the Advisory Council being consulted individually on particular questions in the sense of one or a few of them *only* being consulted, though of course there is no objection to any member being consulted unofficially like any private individual. The Governor General in Council may similarly be empowered to make regulations prescribing the conditions subject to which it shall be competent to the Advisory Council of its own accord to recommend to Government any administrative or executive measure of general importance.

The deliberations of the Advisory Council in the matter of any administrative or executive measure should be in camera and neither open to the public nor published. As regards the President or Chairman of the Council, the best plan will be that, at any rate for a few years at the outset, an official of high position such as an ordinary member of Council or a Judge of the High Court should be appointed as such by the Government. His function, however, would be only to preside at meetings without taking any part in the discussion. The Advisory Council will be a large one consisting of non-official Europeans, Eurasians, Native Christians, Hindus and Muhammadans and the President ought to be strong enough to preserve order and regulate the proceedings of the meetings, which will be conducted in accordance with rules to be framed by the Executive Government. As I propose that the Governor General in Council should

make rules fixing the proportion of members to be nominated by Government and the proportion of members to be elected, as well as the conditions of election, I do not at present make any suggestion in the matter. Even assuming that a representative form of Government is the best type of Government suitable for India, I am decidedly of opinion that for a long time to come it will not be safe to try such an experiment in this country. To say nothing of the diversity of castes, races, nationalities, having regard to the diversity of the vernacular languages even in one and the same province, any representative or quasi-representative political institution that may be established in India cannot have a common vernacular language and the only common language that will be possible is English. This, therefore, practically deprives the bulk of the population who have no knowledge of English from being elected as members of the institution, though they might otherwise be fit and proper representatives. In my opinion the various classes and nationalities in this country can be properly represented, in a quasi-representative institution only by a system of nomination wisely and discreetly exercised by the highest executive authority. But the exercise of such discretion by the head of the Government, who is a foreigner is necessarily attended with certain difficulties and disadvantages and if it is desired that a certain proportion at least of the members of the Advisory Council should be nominated by election, there is no objection to it, but the constituencies should not be formed on distinctions of caste or race. It is not uncommon that as between sub-sections of one and the same caste or race, the feeling of animosity is even stronger than as between different races and castes, and if any system of election is to proceed on the basis of nationality or caste, different sub-sections thereof will also have to be ere long constituted into different electorates.

As regards the establishment of a Provincial Advisory Council on the basis of the representative assembly in Mysore or Travancore, it may be that in the Native States the aspirations of the people, at any rate for some time to come, are satisfied by such institutions, but I must say that at any rate in the more advanced provinces in British India, the aspirations of the people will not be sufficiently met by a representative assembly on such lines, which is to meet once a year and merely bring to the notice of the head of the Government, the wants and grievances of the people. Though it is to be only an Advisory Council, yet unless it has a statutory basis with certain defined powers and functions, the institution will not command public approval or respect, and I may also say that the diwan of a Native State presiding over such an assembly is in a position quite different from the heads of Government in British India. An Advisory Council invested with certain defined powers and functions will of course be a compact body, but a representative assembly for the Presidency of Madras will necessarily have to be a large and unwieldy body.

II.

Letter—from M.R.Ry. Diwan Bahadur P. RAJARATNA MUDALIYAR Avargal, C.I.E., retired Inspector-General of Registration.

To—the Chief Secretery to Government,

Dated—Madras, the 10th February 1908.

I have the honour to submit the following remarks in reply to your letter of 22nd November 1907, regarding the reforms suggested by the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils.

2. An Imperial Advisory Council, constituted as proposed by the Government of India and possessing a sort of official "recognition," without any legal status or powers, would be unworkable and is not likely to lead to any useful results. Ruling chiefs would not like to be associated with others who do not occupy the same status as themselves, as independent chiefs. No advantage would be gained by forming them into a separate body, as even there, there would be petty jealousies between them. After all, there are not very many chiefs who are capable of giving really valuable advice on important questions connected with "Common and Imperial interests," on which their opinion would be sought. The objects aimed at by the Government of India could be much better attained by the head of the Imperial Government placing himself in direct communication with such chiefs and territorial magnates as he may see fit to consult on any important matter. Such un-official communications and personal interviews would bring about a more cordial and freeer interchange of views than could be obtained otherwise.

3. The same objections do not apply to the Provincial Advisory Councils. These, if properly constituted and sympathetically worked, would be productive of far-reaching advantages both to the Government and the people by promoting closer relations, and "a better understanding" between them, and by tending to "clear

away on both sides injurious prejudices and misconception." But to bring about such a desirable consummation, it is essential that all important interests,—the land-holders, traders, merchants, artizans and the professional classes—should be properly represented on the Council. They should be selected from every district of the Presidency and from persons paying a certain amount of land revenue or income-tax which should be fixed, with reference to varying local conditions. There should not be less than two men from each district. Important districts like Gódávari, Kistna, Tanjore, Madura and Tinnevelly might send three or even four. The Presidency town might send at least six persons. I would fix the total number of members at not less than eighty. I would even raise the number to one hundred, seeing that in the much smaller State of Mysore, the representative assembly or more correctly, "the assembly of representative ryots and merchants", as it is appropriately called, consists of 275 members. The limitation of the members to 20 or 25 as proposed by the Madras Government would seriously impair the usefulness of this Council and defeat the objects aimed at by the Government of India. I would in fact constitute Provincial Advisory Council somewhat on the lines of the Mysore representative assembly and follow the system adopted there with such modifications as may be found necessary. The Council should assemble at least once a year at the head-quarters of Government, preferably during the Christmas vacation, and hold its meetings for three or four days, at the Government House, at which there should be a free and cordial interchange of views between the Advisory Body and the Head of the Government and the Executive Members of Council, on all questions of public interest affecting Administration, the wants and requirements of different districts and other matters of importance. The Government of India rightly attach the highest importance to collective deliberations on such occasions, and the conclusions arrived at at such deliberations should be published for the information of the general public. The Council need not be given a legal status at present and will have no special powers. Its functions would be confined to representing the wants and grievances of the people generally (not their own individual interests); offering opinions on questions of public importance which may be placed before them, including the budget, and seeking information on points on which elucidation might be deemed necessary in the public interests.

I feel that it would be impossible to overrate the importance and advantages of such annual gatherings at which the Executive officers of Government would be brought into full touch with the people. I take it for granted that similar Advisory Councils would be formed in each district of the Presidency, where the members will be given full opportunities to meet the local Executive officers at stated periods and exchange views. One great defect of the present Administration that forms the keynote of the reform proposals now put forward by the Government of India is the difficulty that is encountered "in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imputed to them." This state of things is due mainly, if not entirely, to the growing absence of touch between the officers and the people and the consequent prevalence of corruption that is observable in all departments of the service.

I am confident that the establishment of Provincial Advisory Councils on the lines suggested above, supplemented by similar District Councils, would provide an effectual remedy, if they are worked with a whole-hearted sympathy and free access is given to all classes of the people to represent their wants and difficulties. All official restraints should be set aside and free discussion should be encouraged at these meetings.

4. *Imperial Legislative Council.*—I accept the scheme detailed in paragraph 12 of the Government of India letter with the following reservations and suggestions.

I do not see that any advantage would be gained by nominating a single ruling chief to the Council. Such a course might lead to misconceptions and heart burnings on the part of the chiefs generally. Moreover, I do not think that the great ruling chiefs would care to sit on the Legislative Councils, and it would be worse than useless to nominate any of the lesser chiefs.

I would allow the Madras Chamber of Commerce to send a nominee, like the Chambers of Calcutta and Bombay.

I observe that as regards Muhammadans, they are allowed to nominate two members of their community, and I fail to see the propriety of making it *obligatory* on the Viceroy to reserve for them, in addition, " not less than two " out of the four seats allowed for non-officials to be nominated by the Viceroy " to represent minorities or special interests."

5. *Provincial Legislative Councils.*—I would raise the number of non-official members to 24, including three to be nominated by His Excellency the Governor and fix the number of official members at 26. So long as the power of vetoing any measure is retained in the hands of His Excellency the Governor and His Excellency the Viceroy, it seems unnecessary to retain a large official majority. I do not consider it right in principle to form an electorate based on distinctions of caste or creed, but at the same time, I am decidedly of opinion that provision should be made for the proper representation of different interests or occupations, such as the landed interests, the interests of trade and commerce and the like. It can make no difference to what particular caste or creed a candidate may belong, provided he is competent to represent the particular interest or occupation for which he is selected. For an efficient electorate, I consider that territorial representation is necessary and I would divide the Presidency into five circles and allow the District Boards and District Municipalities of each circle to return three candidates each, one to represent commerce and industries, one to represent the landed interests, and one the other professions. The non-official members of the Council will then be constituted as follows :—

(*a*)	To be nominated by His Excellency the Governor	3
(*b*)	The Chamber of Commerce	1
(*c*)	The Senate	1
(*d*)	Landholders' Association composed of zamindars, etc.	1
(*e*)	Citizens of Madras	1
(*f*)	District Boards including District Municipalities—	
	(1) Landed classes	5
	(2) Commerce and industries	5
	(3) Other professions	5
(*g*)	Muhammadan Association	1
(*h*)	Eurasian and Anglo-Indian Association	1
	Total	24

I think the candidates selected should possess certain qualifications which should be fixed sufficiently high. I accept the Government's proposals on this point. If experience shows that the qualifications are too high, the limit can be lowered at the next election at the end of three or five years, whichever term is adopted.

[*P. S.*—Since the above was written, I had the honour of attending the meeting at Government House when a suggestion was made as to the expediency of forming two Provincial Advisory Councils, one for the Telugu and Canarese and another for the Tamil and Malayalam districts. The object was said to be to give fuller representation to the people by enabling them to send one or two members from each taluk. I cordially approve of this proposal.]

III

Letter—from the President, Madras Landholders' Association.
To—the Chief Secretary to Government.
Dated—Venkatagiri Town, the 23rd January 1908.

In reply to your communication, dated 22nd November 1907, forwarding a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a copy of the memorandum of

the Government of Madras in reference thereto, inviting the opinion of the Madras Landholders' Association on the questions raised in the said memorandum, I have the honour to state as follows :—

I. Imperial and Provincial Advisory Councils.—The association heartily endorses the principle which underlies the Government of India's proposals regarding the formation of Advisory Councils of the type explained in their letter. There can be no doubt that the association of Ruling Chiefs and the landholding and commercial classes possessing a material stake in the country and representing the most powerful and stable elements of Indian society in the guardianship of common and Imperial interests, and determination of administrative measures and proposals affecting the welfare of the people on their advice and opinion would be a marked step in constitutional progress and would afford a valuable aid to the orderly and efficient working of Government. The association is of opinion that the utility of these bodies will be considerably enhanced if, in addition to the powers proposed to be conferred upon them, they are invested with the power to intimate, within certain defined limits, proposals and suggestions for the consideration of Government on important matters with which they are specially conversant and in which they are specially interested.

II. Imperial Legislative Council.—The proposal to give a substantial representation to the landholding community on the Imperial Legislative Council is a step in the right direction. In paragraph 12 of the Government of India's letter in which the future constitution of the Imperial Legislative Council is laid down, it is suggested that each province should be allowed to furnish one representative elected by the nobles and great landholders of that province. It is presumed that by the term "nobles and great landholders," zamindars, great and small, of settled estates are meant. If, however, it is intended to include under this term ryotwari landholders, whether paying revenue to Government or rent to the zamindar, the association would submit that zamindars proper as distinguished from *ryotwari* landholders should have a special representative of their own in the Imperial Council, as the interests of these two classes are not always identical and may oftentimes be conflicting. Zamindars form an important part of the body politic, and it is but reasonable that their interests should be specially represented in the Imperial Council.

As regards the qualifications of electors in the zamindar class, the association recommends that persons paying a peshkash of not less than Rs. 10,000 a year or land-cess calculated on an annual rent value of Rs. 25,000 should have the right to vote. As regards the person qualified to be a candidate for election, the property qualification may ordinarily be the same as that of the person qualified to vote, but this property qualification should not be insisted on as a hard-and-fast rule, inasmuch as the most capable men of the class may in that case have to be passed over in some instances, which would not be a very desirable thing. The candidate should of course be a member of the zamindar class and should be elected direct by the whole body of zamindars.

III. Provincial Legislative Council.—The necessity for a special representation of zamindars as distinguished from ryotwari landholders in the Provincial Legislative Council is greater than in the case of Imperial Legislative Council, inasmuch as the questions affecting the special interests of the zamindars arise much more often in the Provincial than in the Imperial Legislative Council. In view of the vast and varied character of the interests of landed aristocracy of this Presidency, the association is of opinion that they should have two representatives on the local Legislative Council, one to be elected by the zamindars in general of the prescribed qualifications and the other to be elected by the Madras Landholders' Association. It need hardly to be pointed out that election is better than nomination, if the representative has to discharge his functions with justice to the class he represents. And an election by a representative body like the Madras Landholders' Association which counts among its members almost all the leading zamindars of the Presidency would obviously be a great advantage, seeing that, while a choice by the whole body of zamindars will no doubt afford a guarantee

of a certain measure of fiftness, a selection by the association would ensure a better result from the certainty of its nominee having been chosen with reference to his merit and character.

As regards the qualifications of voters and candidates for the Provincial Legislative Council, the association suggests that they should be the same as those mentioned above in respect of voters and candidates for election to the Imperial Legislative Council, namely, payment of a minimum *peshkash* of Rs. 10,000 or land-cess calculated on an annual rent value of Rs. 25,000. The qualifications proposed by the Government of Madras in paragraph 6 (*d*) (ii) of their memorandum are far too high and would unduly limit the strength of the electorate. In the case of election to the Provincial Legislative Council, too, the association would recommend a relaxation of the rule in regard to the property qualification of the member to be elected so as to make it possible for the fittest and most capable person to come in.

IV. General.—The association ventures to point out that the principle of representation of castes and creeds which stands out as one of the prominent features of the proposed scheme is, in its humble opinion, open to grave objection, in that it is calculated to accentuate differences which are fast losing their importance in secular affairs and interfere with the growth of a sentiment of unity among the people which is a necessary condition of progress. Further, this principle will be attended with great many difficulties in its application in practice.

In conclusion, the association begs to express its grateful acknowledgments for the sympathetic and appreciative sentiments regarding the landed aristocracy which find place in the letter of the Government of India.

IV

Letter—from the Chairman, Chamber of Commerce, Madras.
To—the Chief Secretary to Government.
Dated—the 11th January 1908.

I have the honour to acknowledge receipt of your letter, dated the 22nd November 1907, inviting an expression of the Chamber's views regarding the proposals for giving the peoples of India wider opportunities of expressing their opinion on administrative matters contained in the letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, and in the Madras Government's memorandum which accompanied it.

2. The Chamber is of opinion that the creation of an Imperial Advisory Council will be beneficial to the country, but regrets that no provision has been made for the representation thereon of Commerce and Industry. This defect might be remedied ether by altering the constitution of the Council in such a way as to admit representatives of all the important interests and representatives of Commerce and Industry among it or by merely adding to the Ruling Chiefs and territorial magnates composing that body certain members qualified to advise the Government of India on commercial questions. The inclusion of Europeans in the Imperial Advisory Council is not contemplated by the Government of India, but the Chamber is of opinion that Commerce and Industry ought to be represented by both Indians and Europeans. The Chamber observes with satisfaction that Commerce and Industry are to be represented in the Provincial Advisory Councils, but there is not less need for such representation in the Imperial Advisory Council, for commercial and industrial questions are not necessarily or usually merely local. The Government of India are as likely to require advise from experts on such question as the Local Governments. Indeed, the graver commercial problems will be subjects for the consideration of the Imperial rather than the Provincial Government.

3. The constitution of the Provincial Advisory Councils is, in the Chamber's opinion, satisfactory.

4. While approving of the constitution of the Imperial Legislative Council on the whole as likely to secure equitable representation for Indians of all classes and

to diminish the undue predominance of the legal and scholastic classes, the Chamber would urge the advisability of more extensive representation of the non-official European community. The Chamber is further of opinion that the privilege of electing representatives of commerce and industry should not be confined to the Calcutta and Bombay Chambers of Commerce, but should be extended to some at least of the other important commercial bodies in the country.

5. As regards the Provincial Legislative Council in this Presidency, the Chamber would suggest that special representation by one elected member might be given to Nattu Kottai Chetties, the principal trading class. The Chamber also considers that the increase in the number of official members necessitated by the increase of non-official members ought to be effected by selection from among senior district officials, so as to counterbalance the members drawn from the Secretariat.

V

Letter—from the President, Corporation of Madras.
To—The Chief Secretary to Government.
Dated—the 29th January 1908.
No.—G. 1865.

Replying to your letter, dated 22nd November 1907, forwarding copy of a letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council and requesting the opinion of the Corporation of Madras on the questions raised in the memorandum, I have the honour to inform you that the Corporation at an adjourned general meeting held on the 28th January passed the following resolutions :—

"That in the opinion of the Corporation while the system of representation by classes may be suitable for the Provisional Advisory Council it is not suitable for the Provincial Legislative Council.

"That as regards the Provincial Legislative Council, the corporation would recommend the extension of the present system of territorial representation by means of elections by Municipalities and District Boards.

"That the functions of the Provincial Legislative Council being primarily confined to dealing with measures of legislation laid before it, there seems to be no reason to restrict the number of members of the legal profession who may be elected to serve upon it. The Corporation would therefore deprecate any measure having that effect.

"That as regards the representation of the City of Madras on the Provincial Legislative Council the Corporation is of opinion that the present system of election by itself of one of its own members should be continued. Should, however, the Government insist on a wider electorate, the Corporation would see no objection to the same being formed of the whole body of persons qualified to be elected as Municipal Commissioners under section 33, Act III of 1904, to whom should be added all holders of two degrees of the same faculty and also graduates of 20 years' standing.

"That the Corporation view with approval the proposal of Government to nominate to the Provincial Legislative Council members for the representation of particular classes and minorities.

"That if Government desires the formation of primary electorates in the districts, the qualification for voters should be payment of income-tax on an annual income of not less than Rs. 2,500 or payment of Rs. 100 shist or of Rs. 50 municipal taxes ; the qualification for election being fixed on the basis described in paragraph (*d*) (iv) of the scheme explained in the Government memorandum."

VI

Petition—From the President, South Indian Landholders' and Traders' Association, Madura.
To—His Excellency the Governor in Council, Fort St. George.
Dated—the 3rd February 1908.

On the question of the establishment of Advisory Councils and the enlargement of Legislative Councils, I have the honour to offer the following suggestions on behalf of "The South Indian Landholders' and Traders' Association" recently established at Madura. But before doing so, a statement of reasons that led to the

formation of an association of this kind, and the submission of a separate representation may not be out of place. The Madura District People's Association which was started at Madura in November 1904, and to which the Government circular was referred, has made certain incorrect and unwarranted allegations in paragraph 7 of its reply, dated the 18th December 1907. The opinions expressed by the People's Association are only those of a particular class and of a particular profession, and cannot at all be regarded as representative in their character, the more so as even the few members of the zamindari class who are members of the People's Association, and against whom these remarks are directed, were not given due norice, and were not allowed any opportunity to express their views on the subject. Lest the opinions, therefore, of such a body should mislead Government, "The South Indian Landholders' and Traders' Association", Madura, which has been brought into existence to protect and promote the interests of the purely landholding and commercial classes, begs to submit its unbiassed views on the question now under consideration.

2. This association wishes to place on record its grateful appreciation of the policy now initiated by Government of associating with them in the administration of the country the ruling chiefs, zamindars, landholders and traders, and of giving separate representation to them. In their advancement lies the permanence of the paramount power, and in their contentment lies the security of the Empire. The inauguration of this scheme has, in the present state of the country, come not a day too soon.

3. The establishment of Advisory Councils is a step in the right direction. This association, while agreeing with the Government that the Advisory Councils might be merely a consultative body, that they could meet occasionally, and that their opinions need not be binding on the Goverament, begs to offer the following suggestions: (*a*) The Councils should receive a statutory recognition so that their existence might be legalised; (*b*) the discussions in such Councils need not be open to be public, but the decisions finally arrived at should be published; (*c*) every new Bill, regulation or measure proposed to be introduced by Government should be first referred to the Advisory Councils for their opinions thereon either collectively or individually; (*d*) the members should be given the right to offer their opinions either individually or collectively on all questions affecting the interests of the public.

4. The association further begs to suggest that the creation of District Advisory Councils not contemp'ated in the Government memorandum will be an inestimable blessing to the country, and will bring the rulers and the ruled into closer touch with each other. These District Councils which will form the nucleus of the Provincial and Imperial Advisory Councils should be recruited half by nomination and half by election, taluks and groups of villages electing the latter. They might be 20 to 30 strong, according to the different conditions and requirements of each district. They should be consulted on all matters of administration, such as questions regarding settlement, remission of land revenue, irrigation, famine, epidemic, local riots, etc. In cases of differences of opinion between the District Officer who presides and the majority of the District Councillors (the proceedings being always in the vernacular), the matter should be referred to the Revenue Board or Government whose decision thereon shall be final. The Collector against whom a reproach is now cast that he does not come in contact with the people, and that, therefore, he is not in a position to know local needs and requirements will thus be able to rule his district with better understanding and greater sympathy. The administrative blunders that now and then characterise the district administration might be a thing of the past.

5. The association, while also gratefully acknowledging the spirit which has actuated the Government in inaugurating the new scheme of representation in the Legislative Councils, begs to suggest the following modification. It is a fact that needs no demonstration that conditions and circumstances radically vary in different provinces. The fixing, therefore, of a minimum qualification of the payment of Rs. 10,000 as giving the right to vote for the Imperial Council, and Rs 20,000 as proposed by the Madras Government for the Provincial Council, will be felt as a great hardship in this Presidency, and will practically exclude a

large number of zamindars and great landowners who are not a whit behind their more fortunate brethren in intelligence and public spirit. The proper standard would, in the opinion of this association, taking local needs and conditions into consideration, be the payment of land revenue of Rs. 4,000, or land-cess calculated on an annual rental of Rs. 20,000. The representative to the Imperial Legislative Council should be either a member of their own class, or a qualified member of their class outside the Council. Under no circumstances, should the Government have recourse to the system of nomination. This same qualification would, in the opinion of the association, suffice to give the right of nomination to the Advisory Councils, Imperial and Provincial.

6. The association cannot sufficiently thank the Government for the concession of separate class representation granted to Muhammadans, Christians and other classes, among whom there is surely not a dearth of talent and intellect. The plea for national unity is times out of mind put forth both on the platform and in the press. This association has certainly that ideal in view, but in practical every day life, whatever may be the case in other parts of the Empire, in this Presidency at least, one class and one professson have had hitherto the virtual monopoly of the non-official loaves and fishes of the Government. It is high time that such an undesirable state of affairs ceases to exist.

7. The system of grouping the districts as now proposed by the Government for the election of six members by "other classes" is not likely to bring about adequate representation. If the number of seats could not be increased by allotting one seat to each district, this association would suggest that the city of Madras could be satisfied with one seat as at present, and that the Government would be pleased to allot that seat to the "other classes" of Malabar and South Canara who are separated from others by geographical distinctions and by social usages and customs. The six seats could then be distributed, three for the Southern districts and three for the Northern districts, by maintaining the division of districts that now exists for purposes of election to the Legislative Council.

VII

Letter—from A. E. Rencontre, Esq., Acting President, Anglo-Indian Association of Southern India (Limited).

To—the Chief Secretary to Government.

Dated—the 12th February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd November 1907, enclosing a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a memorandum regarding certain measures proposed with the view of giving the peoples of India wider opportunities of expressing their views on administrative matters.

I am directed by the Council of this Association to say that, with regard to the question raised in the memorandum, the Council of this Association notices that the claim of the domiciled Anglo-Indian community has apparently been overlooked. In enlarging the Legislative Councils, it is submitted that their composition should be determined with due regard to the claims of all classes, not neglecting important minorities. In the scheme as framed, no provision is made for safeguarding the interests of the domiciled Anglo-Indian community. It is submitted that this community, including as it does all persons of European, Colonial or American descent domiciled in India, has a distinct claim to be regarded as an important factor in the body of politic. It forms an important link between Great Britain and India, and its loyalty is, and has been proved to be, unquestionable. The bulk of the Volunteer Force in India consists of members of this community and thus it deserves special consideration at the hands of the Government.

While the Brahman, the Muhammadan and the Christian communities (which latter is mainly Indian) are to be represented in the proposed scheme, the Council of this Association respectfully suggests that such an important body as the

domiciled Anglo-Indian community ought most decidedly to be represented. If per chance, any member of the community is elected under the scheme so framed, it will be an accident and not as a precedent, and it is submitted he cannot be considered as a representative of the domiciled Anglo-Indian community. He would represent the interests of the body that elected him, *e.g.*, the Chamber of Commerce, or the citizens of Madras, and would not consistently be able to protect the interests of this community which are in many ways distinct from those of the other peoples of India.

I am to submit that representation for our community is absolutely necessary in view of the fact that the change now proposed after so many years, since the passing of the Councils Act in 1892 is called for by the measures then introduced being found inadequate to meet present conditions, and that possibly further change may be required within a short period, but in the meantime this community, which though small now will in a few years grow larger, will still, if left without representation, labour under disabilities for the next fifteen years.

The Council of this Association therefore strongly urges that the scheme should be so framed as to give this community a representative on the Legislative Councils or at least for the local council, and that such representative for the local council should be nominated by this association which is recognized by the Government as the proper representative of the community.

VIII

Letter—from the Maharaja of Bobbili.
To—the Chief Secretary to Government.
Dated—Bobbili, the 10th December 1907.

I beg to acknowledge, with thanks, your letter of the 22nd ultimo with its enclosures, which contain proposals for the organisation of the Imperial and Provincial Advisory Councils and for the enlargement of the Legislative Councils, the object of the proposals being the promotion of the more intimate relation and better understanding between the Government and its peoples.

2. I have nothing to suggest in regard to the constitution of the Imperial Council as set forth in paragraph 5 (3) of the letter of the Government of India. It leaves nothing to be desired.

3. As regards the constitution of the Provincial Advisory Council, I think that it may consist of the Provincial members who serve on the Imperial Advisory Council and of members selected after the manner of the scheme proposed for the selection of non-official members for the Provincial Legislative Council.

4. The work of these Advisory Councils should not be exclusively advisory as is stated in paragraph 5 (6) of the letter of the Government of India, but as the object of the Government is to give the people of India wider opportunities of expressing their judgment on administrative matters, it is advisable that the members of the Advisory Councils should also be allowed to represent to His Excellency the Viceroy or the Provincial Governor, as the case may be, any grievances of the people and any suggestions by way of advice : sufficient notice being given in writing signed by at least a fixed proportion of the members.

5. The constitution of the Imperial Legislative Council as set out in paragraph 12 of the letter of the Government of India is sufficiently wide and representative, and I thank the Government of India very much for their suggestion in paragraph 14 of forming a Provincial electorate of landholders.

6. The scheme put forward for the constituency of non-official members of the Provincial Councils is very well devised, and I have nothing to add by way of suggestions except that the zamindari class (*e*) of the scheme should, instead of being divided between the northern and southern districts, be divided into those forming the Madras Landholders' Association and those that do not belong to it.

IX

Letter—from the Raja of Venkatagiri.
To—the Chief Secretary to Government.
Dated—Venkatagiri Town, the 15th January 1908.

I have the honour to acknowledge receipt of your circular letter, dated 22nd November 1907, giving cover to a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated 24th August 1907, together with a copy of the memorandum of the Government of Madras in reference thereto, inviting my opinion on the question raised, *viz.*, the constitution and functions of the proposed Imperial and Provincial Advisory Councils and the proposed constitution of the Imperial and Provincial Legislative Councils. My views briefly are as follows :

Imperial Advisory Council.—While bearing in mind that the Government of India contemplates the institution of this Council as a first step in reform of the kind and have naturally and rightly taken their own Council as to what is fit and expedient and evolved a scheme, I feel tempted, however, to avail myself of the permission signified in the terms of reference to suggest as the result of a strong conviction that this Council might advantageously include on its rolls, besides Ruling Chiefs and important landholders, men of proved and conspicuous merit and established character and experience who will be able to render material help to the Government in deciding on questions of reform or legislation by reason of their closer touch with the people, their needs, aspirations and even prejudices. I am disposed to think that while it will not be difficult to find men of the status and qualifications indicated, such men will cordially place their services at the disposal of the Government for the benefit of the country. I should also think that some suitable provision might be made enabling the councillors to initiate proposals in important and pressing matters for the consideration of the Government.

Provincial Advisory Councils.—The councillors in this body too, I think, might have the power to initiate proposals as suggested above. As regards its constitution, the needful appears to have been provided for in the Government of India's letter, seeing that it is proposed to associate with the landholders in the Council representatives of the other interests, such as industry, commerce, capital and professional classes. These representatives should include Europeans and Indians, their proved merit being the criterion for choice. The functions and procedure prescribed for this Council would appear to indicate a fair beginning.

Imperial Legislative Council.—I venture to speak of only head E (*c*). In the proposed constitution of this Council each province is allowed to furnish one representative chosen by the nobles and great landowners. I presume zamindars and landholders are intended by this description as is gatherable from paragraph 14 of the Government of India's letter under reference. If, however, landowners other than landholders proper be also intended, I must submit that the electorate be expressly restricted to the latter class alone as otherwise conflicting interests would not infrequently have to be represented by the same councillor, the former class including ryots as opposed to landholders. I have nothing to say to the qualification proposed for the voters, *viz.*, payment of the minimum peshkash of Rs. 10,000, etc. But as regards the member to be elected though his property qualification may ordinarily be the same as that of the voters it need not be insisted on as a hard-and-fast rule, inasmuch as the most capable of the class may in that event have to be passed over in some instances which would not be a desirable result. Provision should be made for a relaxation of the test on proper cause being shown. The nominee will of course belong to the class of the electorate.

Provincial Legislative Council.—On this last subject, I would give myself a larger liberty of opinion as I understand the Government to rather invite it. Speaking first of my own class, I would say that the Council must reserve two seats for its representatives—one to be chosen by an electorate formed out of it and the other by the Madras Landholders' Association. Considering the importance and magnitude of their stake in the country as well as their reliability for legal

advice in all emergencies, it will not, I trust, be considered, too much to allow the landholders the number of representatives suggested. While the general body of them with a prescribed property qualification must commend themselves as an electorate by their characteristics indicated above, the association in question affords the particular guarantee of returning a nominee who has made a special study of all complicate and complex questions relating to the interests involved. As regards the property qualification of the voters among the general body, I think it should be fixed at a minimum peshkash of Rs. 10,000 which is the figure desiderated by the Government of India in respect of the Supreme Council, or payment of land-cess calculated on an annual rent value of Rs. 25,000. The figures proposed by the Madras Government are far too high and would unduly limit the strength of the electorate. In this case, too, I would recommend a relaxation of the rule in regard to the property qualification of the number to be elected so as to make possible the election of the fittest and most capable person. As to the rest of the proposed scheme of the Government, I feel constrained to remark that, so far as I am able to gather, public sentiment appears to view with disfavour the elective franchise being divided between classes and creeds and more so between sections of one creed. While substantial interests have necessarily to be cared for in the apportionment of representation, mere sentimental considerations which must largely partake of prejudices are generally deemed to be out of place as likely to run counter to the unifying influences now at work in the country which ought rather to be welcomed and fostered. The distinction made between Brahmans and non-Brahmans seems to go farthest in this obnoxious respect. Objections like these which are generally urged do not appear to be altogether devoid of force.

Again, one cannot, with complacency, as it seems to me, witness any practical elimination of the franchise now enjoyed by the District Municipalities and Boards. Nor does such consummation appear to be in the contemplation of the Government of India (see paragraph 11 of their letter). I would recommend as the result of my study of the question that the Presidency be divided into groups of two, or three or even four districts and that the Municipalities and District Boards of each group may be empowered to elect one representative.

It will be seen from the foregoing remarks that I have addressed myself only to portions of the several schemes referred.

I cannot close my brief observations without expressing my grateful acknowledgment for the kind and appreciative sentiments regarding landholders that find place in the letter of the Government of India.

X

Letter—from the Hon'ble Raja VASUDEVA RAJA, Valia Nambidi of Kollengode, Malabar district.

To—the Chief Secretary to Government.

Dated—Madras, the 14th January 1908.

I have the honour to acknowledge the receipt of your letter, dated 22nd November 1907, asking for my opinion regarding certain measures proposed with a view to giving the people of British India wider opportunities of expressing their judgment on administrative matters, etc. I beg to tender my hearty thanks to Government for having done me the honour of asking for my opinion in regard to such momentous questions as have been raised in the papers forwarded to me.

2. The objects of the Government of India are stated in detail in paragraphs 1 to 3 of their circular letter, dated 24th August 1907. Those objects appear to be, firstly and mainly, to bring all classes of the people into closer relations with Government and their officers, and to give to the former wider opportunities of making their feelings and wishes known in respect of administrative and legislative questions. Secondly, the Government of India contemplate, as a necessary outcome of the measures they have in view, the association of the people, to a larger extent than hitherto, in the actual work of administration and also their

more extensive employment in the higher offices of the State. A third object appears to be to enable Government to make themselves better understood and to correct erroneous and often mischievous statements of facts and intentions.

3. The attainment of all the above objects is to be achieved subject to the essential condition that the executive authority of Government is maintained in undiminished strength. I may at once say that this is a condition with which I most heartily concur. Unfortunate as is the state of the country in many respects, and urgent as is the need for administrative reforms, to prevent the widening of the gulf between the rulers and the ruled, it would be disastrous to take any steps just now which might have even the appearance of weakening the authority of Government. I believe that I am voicing the feelings of almost every body with a stake in the country when I say that the greatest evil which could now happen to us would be the creation of an impression that the British Government is vacillating or weak.

4. Subject to this essential condition, I am of opinion that the time has come when Government should go as far as they can, by way of associating the people with themselves in the administration of the country. It would be better in this matter to err, if at all, on the side of undue liberality than on that of insufficiency. It is unfortunate that, whenever reforms, large or small, have come in recent times, they have apparently come a little too late. The result has been that concessions granted by Government freely and of their own accord have been believed by large numbers of people to be due to agitation—sometimes mischievous agitation. For example, in the case now before us, though the Government of India have pointed out that the action taken by them has been so taken of their own initiative, there is a widespread feeling that this action has been taken as the result of the agitation which has been kept up in India—especially Northern India —during the last two or three years and to the pressure brought to bear on a Liberal Secretary of State by a few Members of Parliament. The concessions now contemplated, if they had come three years earlier, would have been received with enthusiasm all over the country and would probably have been substantially in advance of what the people were themselves anticipating. But the earnest attempts which are now being made to popularise the administration have been received by large numbers of people with coolness, and, what is worse, with mistrust. I say all this to enforce my view that, in dealing with the questions now before Government, it would be better in every way to deal liberally with the people *at the very outset* than to create the impression that Government will not move forward except under compulsion, and that, when they do move forward, they will not go further than they can absolutely help.

5. I will now submit my opinions in detail on the measures suggested by the Governments of India and Madras. In regard to the Advisory Councils, both Imperial and Provincial, I confess that I have grave doubts, firstly, about the expediency, and, secondly, about the utility of the proposed institutions. Taking the Imperial Council first, I fear that the proposal that the Ruling Chiefs of the Empire should sit at the same table with the landed aristocracy of British India will not be welcome to the former. Ordinarily, a Ruling Chief of even a small Native State is looked upon by people—both in British India as well as in Native States—as occupying a decidedly higher position than a zamindar in British India, however eminent the latter may be. Such being the case, I fear that the Ruling Chiefs invited to sit on the Advisory Council will not care to bend, or to move on those terms of equality with their fellow members which is probably essential to make the proposed Council a success. It is not clear, from the papers communicated to me, what exactly are the questions which will be dealt with by the proposed Imperial Advisory Council. It is stated in a general way, in paragraph 4 of the Government of India's letter, that the idea is to associate the great Ruling Chiefs of the Empire and the territorial magnates of British India with the Governor-General in the guardianship of common and Imperial interest. So far as Imperial interests are concerned, it seems to me that the kind of association that is required and that would be unobjectionable from every point of view is that of the Ruling Chiefs with the heads of British provinces. The creation of a body, consisting, for example, of the Governors, Lieutenant-Governors, and Chief

Commissioners, as well as a select number of Ruling Chiefs, and entrusted with the responsible duty of advising the Government of India in matters of Imperial concern, would, I believe, be a very popular measure. But, with the utmost deference to the Ruling Chiefs of the Empire—among whom it is my privilege to know several—I must say that the attempt to import them into the administration of British India will create difficulties. The Ruling Chiefs of the Empire know little of and careless for the administration of the British provinces. They cannot, in dealing with a British Indian question, have that first-hand knowledge of the subject which is essential to make their opinion valuable. Further, should the opinion given by a Ruling Chief on a British Indian question be found to be at variance with that of the people of the province concerned, the cry would be raised that the Chief had given his opinion without adequately realising his responsibility. To proceed to specific instances, if His Highness the Maharaja of Travancore or His Highness the Raja of Cochin should give an opinion on any burning question relating to the Madras Presidency, what would be the result? Presumably, the opinion will be asked only when the question admits of a conflict of views. Probably, the conflict of views will be between the Government and the people. Should the opinion be in favour of the Governmental view, it would be alleged by the people that the opinion had been given out of deference to the Paramount Power. Should the opinion be against the Governmental view of the matter, the result would be embarrassment. I think that on the whole it will be inexpedient to mix up the Ruling Chiefs of the Empire with the administration of British provinces.

6. Should it be conceded that the Ruling Chiefs may be left out, the further question will then arise, why not have Imperial and Provincial Advisory Councils for British India composed of the landed aristocracy and of representatives of industry, commerce, capital and the professions? The chief objection that I have to these Councils is that they will duplicate the machinery of Government needlessly. It is proposed to enlarge the Imperial and Provincial Legislative Councils, to increase the number of members of those Councils, and to widen their functions. Would it not be better, when dealing with those Councils, to organise them on such lines that they would also serve the purposes contemplated by the proposed Advisory Councils? I make this suggestion with some diffidence. I do not see what exactly is the objection to the more stable elements of Indian society being given once for all a preponderating voice in the legislative bodies. If that were done, the objects contemplated by the Imperial and Provincial Advisory Councils would probably be achieved without the creation of a second set of Councils.

7. If the idea is that the Advisory Councils will, on account of the want of a definite constitution, be more easily manageable institutions than the legislative bodies, I venture respectfully to submit that this want of a definite constitution will, in the long run, instead of being an advantage, probably prove a serious disadvantage. To go into details, it is stated, as a point in favour of the proposed Advisory Councils, that their members could be consulted either individually or collectively. I should not be at all surprised if, after a time, the practice springs up that whenever an Advisory Council is consulted individually, the allegation will be made and believed that Government were afraid to consult them collectively. Again, Government propose to reserve to themselves the right to publish the opinions of the Advisory Councils on such occasions and in such form as they may consider expedient. The result will probably be that, whenever the proceedings of an Advisory Council are not published, the allegation will be made that, if they had been published, they would have been against Government. Nothing is a more lamentable feature of the present situation than the distrust of Government and the persistent misrepresentation of their intentions. It is stated as one of the objects of the proposed Advisory Councils that they are to diffuse correct information in regard to the acts, intentions and objects of Government. It will be unfortunate if, in attempting to prevent misapprehension, Government end in creating a larger volume of misapprehension than had existed before.

8. Probably the idea is that, whatever safeguards may be adopted in the development of the legislative bodies, such bodies are bound, in the present conditions of India, to be governed by democratic tendencies and that another set of

Councils, parallel to the House of Lords, is necessary to preserve the equilibrium. If that be so, it is necessary that the latter should have as rigid a constitution as the former. Otherwise they may not serve the purpose. I would therefore suggest that, if Government decide on the creation of Advisory Councils, those Councils be organised by statute, that their meetings be held at regulated intervals, that their discussions be open to the public, and that their place in the constitution of the Empire be sufficiently well defined to make them command public confidence. From this standpoint, I am against the proposal to fill up *all* appointments in the Advisory Councils by nomination. I consider it necessary that, *even at the outset*, the majority of the members of the Advisory bodies should occupy positions practically independent of Government. Either let the members be for life, or let them be elected periodically by the suffrages of the classes they represent. If the Advisory Councils are to represent landholders, merchants and other well-to-do people, industrial, professional or otherwise, an electorate might be formed on the basis of the land revenue paid to Government as well as of the income-tax, and it might be left to this electorate to choose the men. Government need not at the outset go in for election wholesale, but unless a substantial number come in by election, I fear that the Advisory Councils will not command the confidence even of the classes from whom they are recruited. Should Government accept the principle of election for Provincial Advisory Councils, I take it that there will be no objection to the recruitment of the Imperial Council by election from among the Provincial bodies.

9. I will now deal with the proposals for the enlargement of the Provincial Legislative Councils. The Madras Government propose to raise the number of non-official seats of the Local Council to 17. This appears to be quite liberal. In regard to the method suggested for filling up the seats, I fear that the proposals made by Government are not quite practicable. The cry has already been raised that Government, for political reasons, are attempting to accentuate caste differences at a time when, on account of the spread of Western education, such differences are becoming every day of less importance. The policy hitherto has been for Government to reserve in their hands a certain number of the non-official seats to be filled up by nomination. I would suggest that this policy be adhered to and, if possible, be adopted to an even larger extent than hitherto. Out of the 17 proposed non-official seats, I think that 5 might be reserved, to be filled up by nomination by Government. The nominations might be made *after* the election of the remaining 12. The discretion of Government with regard to these 5 seats might be left absolutely unfettered, so that the nominations might be so made as to provide for the representation of such castes or professions as fail to obtain adequate representation at the elections. Subject to this safeguard, I would throw open the remaining 12 seats freely to election, adopting areas and not castes as the general basis. The areas would have to be made sufficiently small to arouse adequate local interest and give local men a reasonable chance of success. My idea is somewhat as follows:—

(1)	To be elected by the Chamber of Commerce, the person elected being a member of that body	1
(2)	To be elected by the Senate of the Madras University, the person elected being a past or present Fellow of the University	1
(3)	To be elected by the planters of Southern India, the person elected being himself a planter	1
(4)	To be elected by the Madras Corporation or by the citizens of Madras, the person elected being a resident of Madras City	1
(5)	To be elected by the Circar districts	1
(6)	To be elected by the Ceded districts	1
(7)	To be elected by Nellore, Chingleput, North and South Arcot	1
(8)	To be elected by Salem, Coimbatore and the Nilgiris	1
(9)	To be elected by Malabar	1
(10)	To be elected by South Canara	1
(11)	To be elected by Tanjore and Trichinopoly	1
(12)	To be elected by Madura and Tinnevelly	1
(13)	To be nominated by Government	5
	Total	17

(5)–(12): The persons elected to be residents of the areas concerned.

10

If the qualification is fixed sufficiently high, both for being elected as well as for electing, there can be no difficulty in securing for the time seats assigned for the representation of the city as well as of the districts, men of position and local influence, who can be trusted to take a sober and practical view of the questions coming before the Council. Government appear to view with disapproval the entry into the Council of a large number of the members of the legal profession. I share the disapproval of a state of affairs which gives undue prominence to a single profession. At the same time, I would venture respectfully to deprecate any public enunciation of a policy of distrust in any one profession or class of the people. It should not be difficult to devise a scheme for the electorate which, while lessening the chances of any particular section, would not openly display either preference for or antipathy to any caste or profession. Further, I would respectfully enquire, if it is advisable that Government should appear to restrict the choice of the electorate in regard to the persons whom it wishes to send as its representatives. If the franchise is fixed sufficiently high and if the areas are not made unduly large, I feel sanguine that representatives of the landed classes will find their way into the Council in larger numbers than hitherto. Take, for instance, the Circar districts—if the franchise for a voter were put at, say, the payment of a land revenue of not less than Rs. 2,000 or an income-tax of not less than Rs. 505, the result would be that the electorate formed would very adequately represent the zamindari and mercantile classes of that tract of the country. I would leave each electoral body to choose the best man from among its members. If the best man chosen by them happens to be also a pleader, he should not be objected to on that account. So also, in regard to Malabar, if the franchise is put sufficiently high, the interests of the janmis in that district will be absolutely safe.

10. In regard to the Imperial Legislative Council, I have no remarks to offer. Its constitution will depend to a great extent upon the constitution adopted for the Local Councils. I venture to submit in this connection that a Ruling Chief of the Empire can have no *locus standi* on a Council whose laws will not affect him.

11. I note that it is intended to give the enlarged Legislative Council wider powers of debate. I confess to a feeling of scepticism as to the good which this change is likely to produce. At present, what makes the Councils disappointing in the public estimation is that it is all talk; and, so far as the public see, very little else besides. Under the present constitution of the country, the Executive Government is bound to remain supreme and the legislative body is bound in the end to be completely subordinate to the Executive Government. That being so, the sense of unreality in the debates of the Legislative Council felt by the people and recognised by Government themselves, is bound to remain, even though the members of the Council may increase and even though the debates may be longer. This, however, is an evil which cannot be helped. It is inherent in the problem under consideration. I mention it, because it is almost certain, after a few years, for the cry again to be raised that the reformed Councils are as ineffective as the old ones which they superseded.

12. And this brings me to the last aspect of the administrative problems under consideration. I think that, for the present state of affairs, for the feeling of soreness and disappointment felt all over the country, for the widening gulf between the rulers and the ruled, the proper course of action lies, not so much in enlarging the legislative bodies or in organising new bodies as in associating the natives of the country in a larger measure than hitherto with the Government in the higher offices of the State. I make no apology for referring to this matter, because I find it stated by the Government of India that, as a necessary outcome of the measures now in contemplation, they look forward to giving the people a larger share in the actual work of the administration and more extensive employment in the higher offices of the State. It is not, however, quite clear how the larger employment of the natives of India in the higher offices of the state is to come about as the result of the organisation of the Advisory Councils or the enlargement of the Legislative Councils. I beg leave in this connection to quote from the evidence which I gave the other day before the Decentralization Commission:—

"Executive officers are not in adequate contact with the people. The chief obstacle is that the higher ranks are almost wholly European; and even with the best of Europeans, the average native of India finds it difficult to get into personal contact sufficiently close to enable the officer to know what exactly the people think and want. The people are also to blame, as they do not always fully and freely tell their European officers what they feel and think. The difficulty will remain till a larger native element is introduced into the higher ranks of the administrative services. In Native States, even when the Executive Government is inefficient and below the mark, there is seldom any complaint of want of touch between the executive and the people. I know both Travancore and Cochin and have the privilege of also knowing the rulers of these States in addition to a larger number of officers of both Darbars, some of whom I know very intimately. My impression is that, though the administrative machinery may not work as vigorously and efficiently in Native States as in British India, the higher officers in those States appear to be much more in touch with the people than in British territory. This is due almost wholly to the fact that the higher ranks in the executive service in a Native State are almost wholly native."

13. The appointment of Indian Judges to the High Court Bench has admittedly strengthened the administration of justice, so that at present the one branch of the public administration which is least assailed is the judicial. I cannot help feeling that if natives of India are associated in a larger measure in the executive administration the latter will be more in touch with the people, it will be less liable to be assailed, there will be less chance for the allegation of racial feelings being made against it, and Government will gain in their hold on the people, even though at some sacrifice of executive efficiency. From this point of view, I consider the recent appointment of two natives of India to the Secretary of State's Council to be a more important step than any reorganisation of legislative bodies, which, under present conditions and for several generations to come, must remain under the complete control of the Executive Government.

XI

Letter—from the Hon'ble Nawab MUHAMMAD RAZA KHAN, Khan Bahadur, M.C.S. (retired Collector and present Member, Legislative Council).

To—the Chief Secretary to Government.

Dated—Saidapet, the 31st January 1908.

I have the honour to acknowledge the receipt of your letter, dated the 22nd November 1907, forwarding copy of the letter of the Government of India and the memorandum drawn up by the Madras Government on the subject of Advisory Councils and the reorganization of the Imperial and Provincial Legislative Councils.

2. Before making any comments on the details of the scheme, I will premise by stating that I am strongly of opinion that the institution of Advisory Councils is not likely to prove of any real benefit or value for the purpose of eliciting opinion on measures which the Sircar has in contemplation of diffusing correct information as to the acts and intentions of Government. On the other hand, they may prove to be a great drag on the good government of the country. Had there been available in the country proper material for the formation of the Councils in question, it might have proved advantageous, but from my long official experience of the capacity and temperament of the people and my knowledge of their ways of thoughts and sentiments, I am convinced that there is not at present in the country men who might properly constitute members of Advisory Councils. If the Sircar form a Council from out of men available better competent to discharge their functions or not, it will be taking a leap in the dark, from which it may be difficult to turn back without raising a storm of agitation by those who have made it their business to criticise Government whether such criticism is justified or not. It must be remembered that there are three classes to be dealt with—the aristocracy or landlord class, the educated or professional class, and the great mass of the people. None of these

classes are in touch with one another. The landlords have always directed their efforts to filling their coffers, if necessary, even by oppressing the common folk and the professional or educated class has never been deterred by scruples from exploiting both the other two classes. As a matter of fact there is no love lost between the various classes adverted to above. There is, however, much truth in the impression that the professional class exercises a great deal of influence on the landholders and the consequence of forming Advisory Councils will indirectly be to strengthen the hands of the former for working mischief. Utterly selfish motives underlie the action of most of the so-called educated and professional class, and I therefore apprehend that the proposed Advisory Council will be made a convenient vehicle to misrepresent to the Sircar the wishes of the people through the landlordial class. Between these two classes, the common people will be the sufferers and since they form the bulk of the population, I think it but right that, in the interests of the majority, the scheme should be dropped. District officers have at present every means of correctly gauging the feelings of the people, and themselves have no other personal motive in the matter than that of holding the balance evenly between the interests involved ; they are more fitted to advise the Government than those who will be dominated by personal considerations in expressing their opinion or giving advice to Sircar on its projected measures. One other object that the Government has in view by the formation of these Councils is the dissemination of correct information as to the acts and intentions of Government. If Government thinks that this object may be attained through these Councils it is based on the assumption that the aristocracy commands the confidence of the people. The fact, however, is not so. I shall certainly be slow to believe that a community whose sole aim has all along been to rack-rent and oppress the tenantry will be taken at their word by the the latter. These Councils will therefore only help to hamper the Government without in anywise assisting it or the people.

3. I am equally opposed to the enlargement of the Legislative Councils, both Imperial and Provincial. I am not satisfied that a case has been made out for its expansion. Already much valuable time is wasted by my country non-official members in traversing over again the same grounds with eloquent speeches plausible to a degree and I cannot contemplate without a qualm of conscience the prolonged sitting of the Council after its expansion without any material benefit to any one. The Sircar has, in my judgment, gone far enough and we have at present a workable body. If it is desirable to provide for the representation of minorities, I have no objection to augmenting the present number by one or two and reserving them for such representation. Beyond that, I cannot see any need for the contemplated expansion.

4. From the foregoing remarks, it will be seen that I am not in favour of the institution of Advisory Council or of the expansion of Legislative Councils. I have no hope that these views will be found acceptable, but I, nevertheless, record them as they may be of interests at some future time when the projected reforms have proved futile.

5. Regarding the details of the scheme, I wish to make the following comment:—

The object sought to be attained by Advisory Councils is to know the real wants and grievances of the people and to shape the administration as far as possible in conformity therewith as well as to interpret accurately the acts and intentions of the Sircar in order to prevent their actions and motives being misinterpreted and misunderstood. For this purpose, it is proposed to constitute an Advisory Provincial Council of about 20 or 25 members. The condition of each district in our Presidency is of so varying a nature that it would be well to select two representatives for each Revenue district. The possible objection to the adoption of this proposal may be that the Council might become unwieldy, but since it is quite optional with the Sircar to consult all or any of them or only such of them as the Sircar deems necessary, it appears to me that there can be no harm in adopting my suggestion. I agree with the Government in thinking that the landed and monied or commercial classes have the largest stake in the country and must therefore have the largest voice in the Councils of the Empire. But I am,

at the same time, by no means certain that they will in any sense represent the interests of the common people. It is true that the well-being of the poor may be safely left to the care of Government, but at the same time it seems to me necessary merely as a matter of expediency that the Sircar should nominate a certain number to represent the interests of the common people.

6. Concerning the Imperial Legislative Council, four seats have been reserved for the Muhammadan community, two to be filled by election and two by nomination. In view of the backward condition of that community, the reservation is not, in my opinion, uncalled for. The generality of Muhammadans being comparatively poor, the property qualification suggested is too high and requires to be reduced.

7. Regarding the Provincial Legislative Councils, it is superfluous to grant to the Brahman community a separate seat. The elective seats on the present Legislative Council are held by the Brahmans save in the case of the Honourable Mr. Krishnan Nair, and there is no reason to suppose that they will not continue to be returned in large numbers when the new expanded Councils come into existence. There is, therefore, no justification for reserving a separate seat for them. I would therefore alter Brahman into Hindu.

8. There is a general opinion, and I think there is some truth in it, that the property qualifications of a vote are too high. I quite realize that in a vast electorate like this Presidency, it is desirable to put the qualification as high as possible, as otherwise the voters' list will be unduly large. I would, therefore, let the voters' qualification remain as it is, but I would not insist upon the same qualification as provided for in the case of candidates eligible for election. Educational qualifications may in the case of such men be insisted upon, but the effect of providing for a high property qualification in regard to them would be to exclude those who are otherwise competent and well fitted to represent the electors from being returned.

9. I think that the several provisions by which it is sought to prevent one class, profession, or caste predominating in the Council are absolutely necessary and have my cordial approval. I would wish that facilities were given to retired public servants drawing a pension of not less than Rs. 3,000 per annum being returned to the Council. Their practical experience in administration and their acquaintance with the actual conditions in various districts are likely to be of great value and their entry into the Legislative Councils deserves to be encouraged.

10. Ere subscribing to his letter, I wish again to add that I am not in favour of either the constitution of Advisory Councils or the expansion of Legislative Councils.

XII

Letter—From the Honourable Mr. M. KRISHNAN NAIR, Member, Legislative Council, Madras.

To—the Chief Secretary to Government.

Dated—Calicut, the 7th January 1908.

I enclose herein a note containing my opinion on the scheme and memorandum for the establishment of the Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils.

ENCLOSURE.

Observations and suggestions by the Hon'ble Mr. M. Krishnan Nair regarding the scheme proposed by the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, as also the memorandum drawn up by the Government of Madras with reference to the scheme.

Imperial Advisory Councils.—The establishment of an Imperial Advisory Council is intended for the purpose of eliciting the opinions and advice on administrative measures and proposals of

the Government of India of those qualified to express such opinions and give such advice in all ranks of society. The idea of an Imperial Advisory Council is a good one. But it is doubtful whether this idea will be realised in practice by means of the constitution of the Council as suggested in the scheme issued by the Government of India. In the first place the Council receives no legislative recognition and is not to be vested with formal powers of any sort. Its functions are purely advisory and it is to deal only with such matters as may be specifically referred to it from time to time. The councillors are not to be always consulted collectively. The Government may consult them individually or collectively according as it may seem fit to them. The individual councillors have no right to be consulted. The Government have the right of publishing the proceedings of the Council if it suits them. The councillors collectively or individually have no right to request the Governmrut to publish the proceedings. These, I think, are serious defects in the scheme. The proceedings of the Council are, as a rule, to be private, informal and confidential. Unless legislative recognition be granted to this Council and it be invested with formal powers of some sort, it is not likely that the councillors will feel any sense of responsibility in giving their opinions. If the Council is to be established at all, the councillors must have the right of being consulted on matters which are to be placed before them. It should not be left to the Government to choose what councillors they think fit in a large body for consultation. The proceedings of the deliberations of the Council must also be published. The private, informal and confidential nature of the proceedings invest the meetings of the Council with the character of a secret conclave. No doubt, it is not always desirable that the opinions of the Government on administrative measures and proposals for action should be published : but the necessity of keeping the intentions of the Government a secret cannot from the nature of things apply to such administrative measures and proposals as are likely to be placed for their opinions before a large number of persons. Then again, the provision that the Government of India are at liberty to publish the result of the deliberations of this Council when they think fit to do so, without giving the councillors the right to have it published when they think it desirable is, it is submitted, not quite fair to the councillors.

The provision that the Ruling Chiefs are to be members of this Council is, I venture to think, not quite sound and of doubtful utility. In the first place it may be doubted whether the Ruling Chiefs like His Highness the Gaekwar of Baroda, His Highness the Maharaja of Mysore, His Highness the Maharaja of Travancore, will relish the idea of sitting round the same table as councillors with men who are not themselves Ruling Sovereigns. The general principles and methods of administration in many of the Native States are different from those adopted in the British territory. The subjects of the Native States have, generally speaking, nothing in common with the subjects of the British territory. The topics that are likely to be placed for discussion before the members of the Advisory Council either individually or collectively are matters bearing on the administration of the Government of India. The Ruling Princes are not likely to give out their opinions freely on such topics and very often it will be embarrassing to them if they are called upon to express their opinions. In many cases they are also not likely to have opinions on such topics. The cost of travelling that will be incurred by the Ruling Princes, when they are to attend meetings at Calcutta or Simla, is also a thing to be taken into account. Very often this cost is likely to be excessive. Who is to bear it ? Is it fair to these princes themselves to require them to meet the cost out of their State funds ? and will it be fair to the tax-payers of British India if the Goverenment of India is to meet this cost ? The proposed number of Ruling Chiefs, namely, 20 out of a total of 60, that constitute the total number of the Advisory Council seems also to be excessive.

The term "Territorial Magnate" used by the Government of India in this connection is vague and has not been defined. Its import is not clear. What the qualifications of a Territorial Magnate" are for the purposes of the Imperial Advisory Council, is nowhere stated. If the qualifications fixed by the Madras Government for the purpose of electing a zamindari member to the Madras Legislative Council, namely, that he should be paying annually a peshkash of Rs. 20,000 to the Government be taken as the qualification of a "Territorial Magnate to entitle him to a seat in the Imperial Advisory Council, then there are only 36 "Territorial" Magnates" in this presidency. If only such "Territorial Magnates" are eligible for nomination to the Imperial Advisory Council, then by far a large portion of the landed interests in this presidency will go unrepresented in the Imperial Advisory Council. I venture to think that it is essential that the smaller landholders, industry, commerce, capital and other interests should, as they are proposed to be included in the Provincial Advisory Council, be represented in the Imperial Advisory Council also, so that the most important landed and other interests in the country may not go unrepresented in the Imperial Council. It is also very doubtful whether among the zamindars in this presidency there are many who by means of education and other qualifications are competent to give advice to the Government of India on administrative and other measures.

It is also desirable that a certain portion of the members of the Council should be elected by the different provinces.

Even with all the defects pointed out above in the proposed scheme, the establishment of an Imperial Advisory Council will be a step in the right direction and a decided improvement on the existing system of administration. It is likely to do good both to the Government and the people and will have the effect of bringing them nearer each other. But much will depend upon the proper choice of men as councillors.

Suggestions.—(1) Legislative recognition should be granted to this Council.

(2) It must be vested with powers of some sort.

(3) All the councillors must have the right of being consulted.

(4) The proceedings of the Council should be published.

(5) The provision relating to the inclusion of Ruling Chiefs in this Council should be omitted.

(6) If they are to be included, the number must be reduced.

(7) The qualifications of the "Territorial Magnates" should be defined.

(8) The smaller landholders, industry, commerce, capital and the other interests should be represented in the Council.

(9) Some elective element should be introduced into the constitution of this Council.

A separate Advisory Council consisting exclusively of Ruling Chiefs may be formed for purposes of consultation with reference to the affairs of Native States. This Advisory Council should have nothing to do with the Imperial Advisory Council intended for consultation with reference to matters relating exclusively to administration in British India.

Provincial Advisory Councils.—All the remarks submitted above with reference to Imperial Advisory Council apply *mutatis mutandis* to Provincial Advisory Councils also. It is desirable that each district in the province should be separately represented in the Provincial Advisory Councils.

Imperial Legislative Council.—The proposed enlargement of the Imperial Legislative Council is stated to be with the express object of giving the people of India wider opportunities of expressing their views on administrative matters. The reforms introduced in 1893 after the passing of the Councils Act of 1892, comprising the enlargement of the Legislative Councils, the recognition of the elective principle, the admission of interpellations and the discussion of the budget, were held, it is admitted, to be justified by the spread of English education and by the indubitable proof which the native of the soil had given of their intellectual fitness for their increased employment in the actual administration of the country. Since then, education has made considerable progress amongst the people. It is admitted that the number of pupils studying English language annually has been almost doubled. The number of students passing the annual Matriculation Examination of the Indian Universities has also increased, roughly speaking, in the same proportion. The number of those who take Degree of Bachelor of Arts annually has more than doubled during this interval. The resolve therefore of the Government to afford wider opportunities to the people for expressing their views on administrative measures is, it is submitted, wise and statesmanlike. But, here again, I venture to think that the proposed changes in the constitution and functions of the Imperial Legislative Council will fail to secure the end in view. In the first place the strength of the Council as suggested in the scheme is not sufficiently high. The maximum strength of the Council according to the scheme is only 54 including His Excellency the Viceroy and all the other official and non-official members. The official members themselves including a Ruling Chief to be nominated by His Excellency the Viceroy make up the number 30. There remain then only 24 members including all the nominated and elected non-official members. Two of these are experts to be nominated by His Excellency the Viceroy when necessary for special purposes. Thus, in reality there are only 21 members who represent the whole of the people of India. This, it is submitted, is quite insufficient for anything like an adequate representation of the people of this country.

Emphasis is laid more than once in the scheme upon the necessity of keeping the authority of the Government supreme. Notody doubts the legitimacy, desirability or necessity of maintaining the authority of the Government. The authority of the Government must, in the existing circumstances of the country, be supreme. But this, it is submitted, is true only of the executive authority of the Government. It is not always necessary for the safety of the country that the Government should be able to carry out its wishes in the Legislative Council also. Having regard to the spread of English education among the people, it is, I think, necessary that the number of non-official members in the Imperial Legislative Council must be at least as large as that of the official members. The possible danger of a non-official majority passing in the Council a resolution or a measure which the Government thinks ought not to be in the interest of the country given effect to, can be prevented by investing His Excellency the Viceroy with the power of vetoing any resolution or measure passed by the Council.

It seems to me that a contrast is made in the scheme between the landholding and commercial classes and professional classes. The landholding and commercial classes are said to possess a "material stake" in the country. It seems to be implied that the professional classes do not possess a material stake in the country. It is again assumed that it is only the great landholders that constitute the "stable elements" in Indian society. The professional classes and especially the lawyers are assumed not to be stable elements in Indian society. If my interpretation be correct, then, I respectfully submit, that the Government do a serious injustice to the educated classes generally and the lawyers and professional classes in particular. Nobody denies that the landholders and the commercial classes have material stake in the country and form stable elements in Indian society. But it does not follow that others also do not possess material stake in the country and form stable elements of society. The educated classes including lawyers and other professional men form as stable an element of society as any that can be found in the

country. Educated Indians generally have nothing to gain and everything to lose by a change in the Government of the country. They are able more than others to understand the benefits that the country enjoys under the rule of Great Britain. They can compare the systems of administration obtaining in British territories with those obtaining in other parts of the world. They are thus in a position to appreciate the blessings of British rule. They owe the position and the influence which they possess in the land to their English education. No doubt some of them sometimes criticise the acts and measures of the Government sharply and severely and even intemperately and violently. But that is not inconsistent with a sincere desire to maintain the authority of the Government intact.

It is stated that the lawyers possess a prominence in the Legislative Council which they do not deserve, and suggestions are accordingly made in the scheme to deprive them of this prominence. I venture to think that the Government have overlooked many considerations which have given this prominence to the legal profession in the Legislative Councils. In the first place, it is a mistake to make such a sharp distinction between lawyers and land-owning classes as is made in the scheme. Many of the lawyers are also land-owners. Thus the influence possessed by the lawyers in the Legislative Councils is also an influence possessed by land-owners. Secondly, the most important work that is done in the Legislative Councils is in connection with legislation. That is a technical subject and naturally lawyers by their training and habits are best fitted to take part in such work. It is for this reason that the electorate returns lawyers to the Legislative Council. Moreover lawyers have at all times and in all countries taken a prominent part in all legislative assemblies. Even in the British House of Commons there is a strong element of lawyers. In the present cabinet, too, there are several lawyers. It is not surprising therefore that in India the legal element should have a prominence in the Legislative Councils. There is also a third reason why the legal profession should have considerable influence in the Legislative Councils. It is this. It is only men of education that can take part in the work of Legislative Councils. Among the educated men in India a small number takes to journalism as a profession. Some others adopt Engineering, Medicine and other professions. But the great bulk of English-educated men in this country are absorbed either by the public service or by the Bar. Those who enter the Government service are, for obvious reasons, not elected to Legislative Councils. Their mouths are necessarily closed. The only men therefore available for the electorate to be returned to the Legislative Councils are, broadly speaking, lawyers. Therefore it is that the lawyers possess a prominence in the Councils. It is respectfully submitted that an attempt of the Government of India to deprive the lawyers and "schoolmasters" of their present influence in Legislative Councils is to deprive the Government of valuable assistance which they now have. I venture to think that it will be difficult for the Government to find a substitute for the help which they now receive from lawyers in the Legislative Councils.

It has been already pointed out above that the proposed maximum strength of the Council, including His Excellency the Viceroy, is only 54, and that this number is quite inadequate. Out of this 54, the number of elected members is only 18. Out of this 18 again two are chosen by the Chambers of Commerce of Calcutta and Bombay, two by Muhammadans and seven by the nobles and the great land-owners of the different provinces of India. There thus remain only seven members to represent the smaller landholders, industry, capital and other interests in the country and the people generally. I respectfully submit that it is quite unreasonable to say that seven members can adequately represent the many millions of people and a variety of interests in this vast continent. It is absolutely necessary that, if any real living representative element is to be introduced into the Council, the number of msmbers to be elected by the masses or by their representatives like the non-official members of the Provincial Legislative Councils must be many times seven. Of these seven, even according to the system now in vogue, four are elected by the non-official members of the Councils of Bombay, Madras, Bengal and the United Provinces. Under the scheme three more are to be elected by the Councils of Eastern Bengal and Assam, the Punjab and Burma. These Provincial Councils should be invested with the power of returning several members for each of the provinces respectively. An alternative suggestion that I have to make in connection with this is that the whole country may be divided territorially into groups and each group may be allowed to send one or more members direct to the Imperial Legislative Council.

The nobles and the great land-owners of the seven provinces which have Legislative Councils are allowed to have seven representatives, one for each province, in the Imperial Legislative Council. One suggestion made in the scheme for creating an electorate in each province is to give the right of voting to those who pay a land revenue of not less then Rs. 10,000 a year. It is submitted that, so far as this presidency is concerned, this suggestion will not bring into existence a sufficiently large number of electors. There are only about 80 zamindars in the whole of this presidency paying a peshkash of Rs. 10,000 a year to the Government, and these eighty reside in twelve districts of the presidency. The ryotwari landholders who pay direct to the Government an annual revenue of Rs. 10,000 are not many in this presidency. The result, therefore, of fixing the qualifications for voting at so high a figure as Rs. 10,000 is that there will be only a comparatively small number of voters in the presidency and that parts of the presidency are likely to go unrepresented. It is desirable therefore that the pecuniary qualifications for voting should be considerably reduced. The alternative suggestion made in the scheme

that in some province a representative of this class, whether in the Provincial or in the Imperial Council can be obtained by a system of nomination is also, I think, not a sound one. Nomination can never be a good substitute for election.

Of the non-official members in the Imperial Legislative Council, two are specially reserved to be elected by the Muhammadans. In addition to these two Muhammadan representatives, two non-official Muhammadans are also to be nominated by the Government. Thus out of the small number of the non-official members allowed in the Imperial Legislative Council four are to be exclusively Muhammadans. In addition to these four it is also likely that a certain number of Muhammadans may be returned directly to the Imperial Council by election by the non-official members of the Provincial Councils. The non-official members of the Madras Legislative Council have in fact for the last six years been returning a Muhammadan gentleman to the Imperial Legislative Council. It is stated in the scheme itself that in two of the provinces which have Legislative Councils, namely, Eastern Bengal and Assam, and the Punjab, the followers of this religion constitute the majority of the population, and it is therefore possible that a certain number of Muhammadans may be returned to the Council directly by election by the non-officia members of the Legislative Councils of these two provinces. It is submitted that this principle of reserving seats separately for one community and of fixing the number of these seats at so high a figure as four in a Council containing only a limited number of non-officials is not a sound one. Let me not be misunderstood. No community in the country has any interest adverse to the interests of the Muhammadans. The prosperity and well-being of the Muhammadan community will also tend indirectly to advance the prosperity and well-being of the members of the other communities.

As has already been pointed out the non-official members of the Madras Legislative Council have for the last three terms been successively returning a Muhammadan gentleman to the Imperial Legislative Council. What is submitted is that the principle of religious representation in Legislative Councils ought not to be maintained and perpetuated. In this connection, I wish also respectfully to take objection to the distinction which is recommended by the Government of India for adoption by the Local Governments in the qualification of the Muhammadan and the other electors. It is suggested that for the purpose of creating a special Muhammadan electorate for returning members to seats which are reserved exclusively for Muhammadans, all who pay a land revenue which should be sufficiently low to embrace the great body of substantial landholders, all payers of income-tax and all registered graduates of an Indian University of more than five years' standing should be given the power of voting. Similar concessions are not granted to the members of other communities. This distinction is, I submit, invidious. The better course will be to reduce the qualifications for voting of all electors irrespective of creed to those that are now recommended for adoption for Muhammadan electors.

Suggestions.—The total number of councillors should be raised to a much higher figure than 54.

(2) The number of non-official members must be at least as large as that of the official members, His Exellency the Viceroy being invested with the power of vetoing any resolution or measure passed in the Council.

(3) The number of elected members must be considerably increased.

(4) Special seats ought not to be reserved for any particular creed.

(5) Even if special seats are to be reserved for Muhammadans, they ought not to be so high as four.

(6) The qualifications of voting for the landowning classes must be reduced to a much lower figure than Rs. 10,000 per annum.

(7) The qualifications suggested for Muhammadan voters must be extended to all voters.

Provincial Legislative Councils.—If the proposed changes with reference to the Imperial Legislative Council are unsatisfactory, the alterations proposed in respect of the Provincial Legislative Council are highly disappointing. In the first place, though the Government of India specifically say that they do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years the Government of Madras have according to the memorandum which they have prepared withdrawn this privilege from the District Boards and Municipal Councils of this presidency. This, it seems to me, is a retrograde step. A redistribution of the franchise is undoubtedly necessary in this presidency as well as in other parts of India. But no class of persons now entitled to exercise it should be deprived of it unless it be shown that they deliberately misused it. No one says that the privilege which District Boards and the Municipalities of this presidency enjoy has been misused. On the other hand the Government themselves have more than once expressed the opinion that the system under which non-official members are at present elected to the local Legislative Council has worked satisfactorily. The *Madras Mail* and other papers edited by Englishmen, not to speak of the Indian papers, have also, notwithstanding the criticism which they have sometimes made with reference to individual actions of members, expressed the same opinion. In these circumstances, I venture to think that no necessity has been shown for depriving the District Boards and Municipal Councils of the privilege which they now enjoy.

As stated above with reference to the Imperial Legislative Council, it is necessary that in the local Legislative Councils also, the number of non-official members must be at least as large as that of the official members including His Excellency the Governor. Here again as was suggested with reference to the Imperial Legislative Council His Excellency the Governor may be vested with the power of vetoing any resolution or measure passed by a majority in the Council. The power of vetoing will sufficiently prevent the danger of the majority in the Council passing any resolution or measure which, in the opinion of the Government, is injurious to the interests of the country. To maintain the executive authority of the Government in undiminished strength which is undoubtedly necessary in the interest of the people at large, it is not necessary that the Government should have preponderence of official members in the Legislative Council also. The power of veto suggested above will secure to the Government the necessary power.

According to the scheme of the Government the number of non-official members inclusive of those elected and nominated is fixed at 17. This number, it is submitted, is too low. In addition to the number that may be nominated by His Excellency for the protection of special interests and minorities and those that may be selected by special bodies such as the Madras Chamber of Commerce, the Senate of the University and the zamindars, there must be at least one member representing each district in the presidency. These district representatives should be allowed to be chosen by the people themselves. Territorial representation seems to me to be best suited to the circumstances of the country.

Under the scheme special representatives are allotted to Lawyers, Brahmans, Muhammadans and Christians. It is difficult to understand why a separate seat is allotted to "Barristers, Advocates, Vakils and certificated pleaders." These members of the legal profession have as such no special interest to represent in the Legislative Council. Lawyers, if they happen to be members of the Legislative Council, will represent the landed, commercial or their interests. In any case there is no necessity for allotting a separate seat to the profession of law. It is respectfully submitted that the division of people by castes and creeds for the purpose of representation in the Legislative Council is highly objectionable in principle. There are no caste and religious interests in the Legislative Council. The whole trend of education imparted in English schools and colleges and the general policy that has hitherto been pursued by the Government has been to ignore distinctions of caste and creed and to teach the people to ignore them. There are no separate schools and colleges for Brahmans and non-Brahmans, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu which described different punishments for the same offence according to the caste to which the offender belonged. It is too late in the day now to ask the people to go back to their caste organisations or to reconstruct them for the purpose of electing members to the Legislative Council. Unfortunately there are many disintegrating forces in India and caste is probably the most powerful of them. The most potent force that has been working in the country for several generations past against the caste and other disintegrating forces has been the healthy unifying influence of the policy that has been followed by the British Government. That policy has apparently been reversed in the memorandum under consideration. Sectional schism and division which are kept under control under wise policy of the British administration till now will appear with renewed vigour under the conditions laid down in the scheme. Caste is already a very rigid institution in the country. Anything calculated to afford further rigidity to the caste system must be carefully eschewed by all and especially by the Government. To make caste system the basis of political franchise is, I submit, a grave blunder. Then again six seats are allotted to "all other persons" together. Apparently what is meant by "all other persons" in the scheme is the non-Brahman Hindus of this presidency. If this be the correct interpretation of the expression "all other persons," then the principle underlying the grouping of all non-Brahman elements in the presidency which are divided and sub-divided into numerous sects and sub-sects under one head is not clear. These sects and sub-sects are as widely apart from one another as the Brahman and the Muhammadan or the Christian. According to the reasoning adopted in the scheme, each caste of non-Brahman community is entitled to separate representation. In fact the principle adopted in the scheme for separate representation of castes and creeds is highly unsound and leads to all sorts of untenable positions. There is also considerable practical difficulty in working out the scheme. To group all members of a caste throughout the presidency in one electorate will be highly unsatisfactory. That all the members of a caste from the northernmost limits of Ganjám to the southernmost limits of Tinnevelly can be represented by one gentleman will be still more unsatisfactory.

If however the Government ultimately resolve to have caste representation in the Legislative Council, then, I submit that it is essential that the Nayars should have a special representative of their own in the Legislative Council. They are a class found only in the district of Malabar and in the southern half of the South Canara district. (The Nairs of Cochin and Travancore are for obvious seasons not referred to here.) Their customs and manners are different from the customs and manners of the other castes in the presidency. If caste representation is to prevail one of the six seats allotted to non-Brahman Hindus or any other that may be specially reserved for the purpose may be given to the Nayars.

The suggestion that no person shall be qualified to be a candidate for election by a body, class or caste unless he be a member of that body, class or caste is, I think, also not a good one. It may be that a particular community may not be able to find within its own fold one who is sufficiently competent to represent it. In such circumstances it must be left to the members of that community to chose any one who is competent to represent them and in whom they have confidence.

The pecuniary qualifications giving a person the right of voting are fixed too high. It is only those that pay a peshkash or land revenue of Rs. 20,000 to the Government annually that are entitled to vote for the selection of the zamindari representative. As has been already stated there are only 36 zamindars in the whole presidency paying an annual peshkash of Rs. 20,000 to the Government and among the ryotwari holders who pay land revenue direct to the Government the number of those that pay a revenue of Rs. 20,000 will be very few. Thus the number of electors for the zamindari group will be comparatively small, and among the members of this class who are competent to vote and be candidates for selection there are only very few who possess the other qualifications necessary for a member of the Legislative Council. Some of them do not know English. Some others may be able to read and write English but are not able to understand the proceedings that take place in the Legislative Council. There are only very few who possess all the qualifications necessary for membership in the Legislative Council. The consequence therefore of fixing the qualifications of voting at so high a figure as Rs. 20,000 is that considerable difficulty will be felt in finding a proper person to represent the zamindars in the Council.

The pecuniary qualifications fixed to entitle a person to vote for representatives of the other classes are stated to be an annual income of Rs. 5,000 or the payment of an annual revenue of Rs. 2,000 to the Government. This limit is also very high. It will have the practical effect of excluding from the Council men of light and leading among the middle classes who are thoroughly able and willing to serve in the Legislative Council. A very large majority of the people in this presidency who are qualified by their education to exercise the right of voting do not come up to the property limit fixed above. It has been stated and that with reason that according to the property qualification Mr. Gokhale if he were in this presidency would not be eligible either to vote or be a candidate to the Legislative Council. Unfortunately, education, intellectual capacity and other qualifications necessary for a member of the Legislative Council do not always go hand in hand with wealth. It is, therefore, I venture to think, highly desirable that the property qualifications for voters and candidates among what for want of a better term, may be called the middle classes should be considerably reduced. The qualifications suggested by the Government of India for Muhammadan electors may, I think, be adopted for all electors and candidates to the local Legislative Council. The Government of India say, as has been already stated above, that for the purpose of forming the Muhammadan electorate all who pay a land revenue in excess of a certain amount which should in all cases be sufficiently low to embrace the great body of substantial landholders, may be given the franchise. This amount, I think, may reasonably be fixed at Rs. 500. The Government of India further observe that for the purpose of the Muhammadan electorate all payers of income-tax, that is, all those who receive annual income of Rs. 1,000 a year may also be given the right of voting. This qualification may also be fixed for the purpose of electors in general, irrespective of caste or creed. The third suggestion of the Government of India with reference to Muhammadan electors, namely, that all graduates of an Indian University of a particular standing, say, five years, should also be given the right of voting may be made applicable to voters and candidates of all classes.

It is a matter for deep regret that the Madras Government have not made literate qualification a qualification for voting or standing as a candidate for the Legislative Council. The Government observe: "It is a question whether literate qualification should be insisted upon." They are further of opinion that the property qualification having been made a high one it is not necessary to make any provision for literate qualifications as a qualification for voting. As stated above, wealth and intellectual qualifications do not always go hand in hand. I do not think that it can be reasonably stated that wealth alone entitles a person to a seat in the Legislative Council. It may be that a person possessing the requisite property qualifications is not able to understand anything that takes place around him in the Legislative Council. It may be mentioned here that the Government of India themselves suggest in their scheme that literate qualifications may be made a basis for franchise.

As stated above, it is necessary that graduates of a stated standing though they may not possess the requisite property qualifications should be rendered eligible both as voters and as candidates.

The alternative suggestion put forward by the Government of filling up some of the seats proposed to be reserved for election by nomination to get rid of the difficulty in arranging for voting for a wide area is also not a sound one. Nomination as has been already stated can never be a good substitute for election.

Suggestions.—(1) The number of non-official members must be raised to more than seventeen. (2) The number of non-officials must be at least as large as the number of officials, His Excellency the Governor being vested with the power of vetoing. (3) Each district should be allowed at least one representative. (4) Territorial representation should be granted. (5) The qualifications for voting must be considerably reduced both in the cases of zamindars and large landholders as well as in the cases of others. (6) In the case of these others the qualification for voting and standing

as candidates may be fixed on an annual income of Rs. 1,000 or a revenue of Rs. 500. (7) All graduates of a particular standing should be given the power of voting and standing as candidates. (8) Seats should not be reserved for castes and creeds.

Discussion of the Budget in the Legislative Council.—The non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget. Here again as a safeguard the head of the Governments may be invested with the power of veto in cases of necessity.

Ultimately, whatever reforms the Government may finally resolve to adopt, it is necessary that they should be such as to be suitable not only to the present circumstances of the country but also for at least some years to come. The reforms that were introduced only some fifteen years ago are already found unsuitable to the existing circumstances of the country. Education is rapidly advancing and it is therefore necessary that the changes which may ultimately be introduced should be rendered suitable at least for the next thirty years.

XIII.

Letter—from the Hon'ble V. KRISHNASWAMI AIYAR, High Court Vakil and Member, Legislative Council.

To—the Chief Secretary to the Government.

Dated—Mylapore, Madras, the 3rd February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd of November 1907, with its enclosures and annexure.

The first of the proposals contained in the papers under reference is the formation of an Imperial Advisory Council and of a Provincial Advisory Council. I do not think these Councils can serve any useful purpose. The Legislative Councils of the day are little better than advisory—and the constitution of a new body with no statutory recognition is, to say the least, a superfluity. The idea of the Executive Government consulting the leaders of the people whether they are hereditary territorial magnates or merchant princes or the rulers of Native States is not new. Imperial and Local Governments have often consulted such men and Viceroys and Governors, in their various tours throughout the country, grant special interviews to them and ascertain their views in an informal way upon the pressing questions of the day. I believe they are sometimes guided to the conclusions at which they arrive by the opinions informally expressed by the class of persons referred to. The present proposal is apparently an extension of that idea. No statutory rights and privileges are intended to be conferred. It is not in contemplation to constitute these advisers or councillors into a body entitled to express their views to the authorities. The new body has no right to be consulted, has not the privilege of meeting and discussing questions among its own members though if the Government pleases it may invite them to do so, its proceedings are to be private and confidential, Government is to be at liberty to make any use of its opinion or opinions while the members of the body will not enjoy the privilege of publication, and in fact it is to have no legislative recognition. It seems to me that the above statement of its character carries its condemnation on the face of it. The members will have to bear all the odium of an unpopular opinion if it happens to meet with the approval of the Government which will then have the inducement of publication to strengthen its own position. They will never get the credit of furthering popular interests or demands if their views do not obtain the sanction of the authorities, for it is certain that the confidential character of the communications will then be strictly maintained. The system advocated will lead to selection of particular individuals known to possess illiberal views according to the particular occasion. It is at all events certain that the suspicion of such an invidious selection cannot easily be avoided by the Government. It is exceedingly desirable that the members of Government should be in personal touch with the leaders of the people. It is a mistake to suppose, however, that such leaders are generally to be found in the territorial magnates and merchant princes. The men of this class are not generally remarkable for their intelligence or education or their study of the political and economic conditions of the country. A body composed of such people will easily become the subject of popular ridicule, if not of

popular hatred. While it is desirable that among the informal advisers of Government there should be a sprinkling of such men, more at present with a view to their being educated to an adequate sense of their responsibilities than for the benefit to be derived from their advice, I am decidedly of opinion that the position of Government will not in any way be strengthened in the affection and attachment of the people by the constitution of the proposed Councils. Nor do I think that the Government will succeed in securing the love and attachment of the class itself that is proposed to be invited to the Council, for, in its general lack of intellectuality the inevitable distinctions in the bestowal of Viceregal or gubernatorial favours and the marked differences in the customary styles of courtesy will engender heart-burnings and jealousies calculated to create dissatisfaction with the ways and methods of Government. As regards the constitution of this body, it appears to me to be a great mistake to include ruling chiefs among their number. It is an open secret which Viceroys have sometimes failed to realize and appreciate that Imperial Darbars intended to impress foreign powers with the might of the Indian Empire and to overawe malcontents with the Empire itself have left the native rulers sulky, many of them discontented with what they have regarded as their humiliation and most of them troubled by the differences in precedence in connection with the elaborate ceremonial observed. Membership of the Advisory Council will not in the opinion of the native rulers add to their dignity. A frank expression of their views on any question is not to be expected. Nor are they likely to be credited with independence in the expression of their opinions regarding British Indian affairs when many of them have not even the courage to assert their individuality before the Political Agents in connection with their own States. They are certain to suffer in the estimation of their own subjects. The English theory that the king can do no wrong is a wholesome principle applicable to Indian princes as well, whom convention allows to speak only through the mouths of their diwans or ministers. If they express unpopular opinions, they are sure to be criticised in the Press and on the platform and it will interfere with the smooth administration of their own States if they are subjected to such public criticism. The scheme of an Advisory Council has nowhere been received with enthusiasm, not even by the class whose vanity it may be supposed to appeal to. If native rulers, territorial magnates and merchant princes are invited to meet upon a common platform of equality when the Government chooses to consult them in meeting assembled, no harmonious results can be looked forward to. While therefore fully appreciating the desire of the Government of India individually and collectively to be in larger touch with the aristocracy of the land, I cannot but deprecate the artificial creation of a body of men bearing the label of Imperial Councillors. All men of note and of light and leading whether they belong to the aristocracy of wealth or of rank or intellect should be equally sought after by the authorities by the occasions for mutual intercourse being largely multiplied and by the development of a spirit of sympathetic intercourse and respectful attention to representations on all subjects of imperial and local interest.

The above remarks are generally applicable to the Provincial Advisory Councils as they are to the Imperial Advisory Council with only such modifications as the absence of the element of the native rulers in the Provincial Councils may require. There are plenty of men of all ranks whom the Provincial Governors are in the habit of meeting in the Presidency towns and in their tours through the country. Instead of the visits being merely ceremonial and liable to the suspicion that they are devised oftentimes to impress the visitor with the inferiority of his station, if advantage be taken of them to develop a spirit of friendly frankness, a great deal can be achieved in the way of bringing the authorities into closer relations of mutual confidence, which after all will prove the strongest bonds calculated to knit the Empire together.

In case the views above explained do not find acceptance in their entirety and it is decided to form Advisory Councils—Imperial and Provincial—I would still urge the inexpediency of including ruling chiefs among the members of the Imperial Council. It is a point worth considering whether membership of the Council should then be confined to the territorial magnates and merchant princes. I believe the men who

have far greater influence with the people and command their respect and admiration will be found among the high native officials who have retired from actual service, like High Court Judges, and among the men who have been honoured by Government with the Commandership of the Star of India or the Companionship of the Indian Empire for distinguished public services rendered. It seems to me that a proportion of the members of the Advisory Council may belong to this class which may be said to correspond to the peers newly created in England in recognition of their literary, scientific or political eminence. The Councils will then acquire some measure of popular esteem, for however much the democratic leaders of the people may differ from the intellectual celebrities who belong to the Advisory Councils, the opinions of the latter cannot be easily discounted as partaking of invertebrate assent to the behests of Government.

The enlargement of the Legislative Councils is the next and perhaps the most important item in the proposals of the Government of India. The first point in this connection is the question of maintaining an official majority. I do not think the discussion of this is profitable. Arrangements may be suggested which without maintaining an official majority may still give the Government an absolute power of final decision. I do not think it possible to persuade the Government at the present moment to frame the new constitution except upon the basis of a standing official majority. Certain statements are to be found here and there in the course of the despatch under consideration which are open to serious question. It is stated that territorial representation is unsuited to India, and that the professional classes exercise an excessive (and presumably undesirable) influence in the Council and so on. The Government of India cannot but be aware that in all legislative assemblies in Europe and in America, the professional element by reason of its high culture, its independence, practice in debate and familiarity with the forms and language of legislation largely preponderates over the representatives of other sections of the people and is bound to enjoy that pre-eminence in the future. The experience of Local Governments in India cannot but endorse the value of the assistance derived in legislation from the ability and experience of the professional element. Any large measure calculated to materially minimise that influence is certain to tend to the weakning of the Councils. While agreeing with the Government of India in their desire to secure the larger co-operation of the landed and mercantile interests in the task of legislation, I cannot but regret the serious misconception of the conditions of this country which are bound more largely than in other places to enhance the representative character of lawyers and schoolmasters that are practically the sole exponents of independent opinion.

I next address myself to the number and distribution of the seats in the Imperial Legislative Council. I would fix the official proportion exactly at one-half including the Viceroy. The Viceroy has his casting vote and there is therefore no danger of the Government being defeated. There is of course the possibility of the occasional absence of individual official members against which must be set off the similar possibility in the case of the non-official members. There is a further safeguard in the variety of classes and interests representing the non-official group rendering a wholesale combination against Government a practical impossibility. There are the European representatives and the members nominated to non-official seats. It is almost chimerical to suppose that all these will combine to a man with the elected Hindu, Muhammadan and Zamindar representatives to defeat the Government on any measure. If such a combination should ever take place one may venture to think that the Government must be hopelessly in the wrong; and even in that event there is a reserve of power in the casting vote of the Viceroy, not to speak of the veto. Starting therefore with the number 54 as the strength of the Council including the Viceroy and deducting 27 for the official half, we have 27 left for non-official seats.

I would have no ruling chief in the Legislative Council for the reasons I have already explained. I agree to two seats being assigned to each of the Chambers of Commerce in Calcutta and Bombay. I also accept the principle of special representation of Muhammadans by giving them two seats to be filled up by election. It is a difficult task to create a new constituency on any kind of qualification. I

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would for the present select two Muhammadan associations sufficiently representative and registered under the law—one in Calcutta and another in the United Provinces—to exercise the franchise. I do not think it necessary to have seven elected representatives of the great landowners. I would assign four seats to them—one to the nobles of Madras, one to those of Bombay and Central Provinces together, one to those of Bengal, Eastern Bengal and Assam together, and one to those of the United Provinces and the Punjab together. I would reduce the number of seats to be filled up by nomination to five of whom one or two may be Muhammadans selected from Madras, Bombay or the Punjab by rotation and the rest representatives of Universities or experts skilled in any particular department of knowledge. This leaves fourteen seats to be competed for by the non-official members of the seven Provincial Councils named at the rate of two for each province, not an undue representation when it is remembered that those Councils themselves should be considerably enlarged. It may perhaps be desirable to have a new Legislative Council constituted for the Central Provinces. In the event of that suggestion meeting with approval each of the eight Councils will have one representative while the six extra seats will be distributed among the more important of the Councils. The scheme of the Government of India is open to serious objections in so far as it practically confines the popular representation to seven seats out of a total of 54 and gives much exaggerated importance to the value of zamindari representation. While securing to Muhammadans the minimum representation of two seats, I would leave it to their self exertion to secure a larger representation by competing with other communities through the regular channels, it being always open to the Viceroy to recognise distinguished merit or the need for special interests at particular times in the exercise of his power of nomination. I have made the foregoing observations with reference to the constitution of the Imperial Legislative Council merely apportioning the seats on the assumption that the number is not to exceed 54. It will be readily apparent that if the number should be fixed at a higher figure, new constituencies will have to be found for allotment of the extra seats. The non-official members of Indian Universities may then be constituted into electorates for the purpose of filling the additional non-official seats.

I pass now to the consideration of the Provincial Legislative Council of Madras; and here I would *in limine* raise the question whether the Provincial Legislative Council is to be constituted on the same model as the Imperial with the statutory preponderance of the official element. The system is subject to the obvious disadvantage of the officials voting by mandate in accordance with the view of the Executive Government, notwithstanding their individual differences of opinion. It is difficult to find a justification for this exceedingly embarrassing position for the official member except on the theory that he should not be burdened with anything but an official conscience but should hold his office by a tenure which involves the subordination of individuality. The undignified spectacle is often presented of the Executive Government naturally changing its attitude in the course of a debate with reference to particular motions before the Council followed by the official voters from side to side to the amusement of their non-official colleagues. The analogy of party voting in European countries does not hold good for the voter has the choice of his party with which he is in general agreement and is not forced to seek it for his livelihood. If any plan can be devised which will save the official from the humiliating position to which he is consigned and which he realises more than others, maintaining at the same time the authority of the Government in the matter of legislation, it ought to be welcome to the Local Governments and the Government of India. The theory of the existing statute does not involve the enunciation of the principle that officials shall preponderate in the Council. Section 29 of 24 and 25 Vic., ch. 67, declares that the non-official additional members of Council shall be not less than one half, thereby allowing the theoretical possibility of a larger proportion even up to the whole number being non officials. It is much to be regretted that this theoretical foundation should be shifted by an avowed change in favour of the preponderance of the official element. I have no desire that in practice the constitution should be otherwise than calculated to ensure the final control of legislation in the hands of the Executive Government at present. But if we can combine this principle with some measure of independence to the official vote, there must be distinct advantages in

favour of the change. It occurs to me, therefore, that the Provincial Council should be altogether free from the Executive Government. I would constitute a Council consisting of 48 members for the Presidency of Madras. I would assign 30 seats for election, 6 non-official seats to be filled up by nomination by the Government and the remaining 12 to officials selected by the Government.

I would constitute an electorate in each district consisting of all the Municipal Commissioners and Members of the District Board in the district. This would assign 23 seats to the 23 districts. The Senate of the Madras University, the Municipal Corporation of Madras and the Chamber of Commerce will continue to send their representatives as now. I would give the Muhammadan community an electoral representation to two seats in the Council. Having regard to the difficulty of constituting a new electorate based upon any property qualification, I would allow the registered Muhammadan graduates of the University to elect one Muhammadan member and some recognized Mussalman Association, the other. I would allow one seat to a recognized Planters' Association and one to the Eurasian and Anglo-Indian Association. His Excellency the Governor will have at his disposal six seats to be filled up by nomination which will enable him to provide for the due representation of interests or communities which may otherwise remain unrepresented. A Legislative Council so constituted should be given powers of initiating legislation which after it passes this Lower House may be accepted or modified by the Governor and his Council who will form a kind of Upper House, strengthened and popularised by the addition of an Indian member. It will be the duty of the Legislative Council to consider all legislative measures initiated by the Government and placed in charge of any member of the Lower House. Every official member should be free to vote according to his conscience. A measure sent up to Government with practical unanimity will have little chance of being rejected by the Government, while any modification in principle or detail by the Government when finally passing the law will be on the responsibility of four members of the Government, including the Governor and the Indian member which will possess sufficient authority to command the respectful attention of the country.

The power of veto possessed by the Governor of the Presidency desirable in old days when communication was difficult may safely be taken away confining it only to the Viceroy and the Secretary of State for India.

In the event of there being no chance of this radical change in the constitution of the Provincial Councils being accepted, I have thought it necessary to make my observations on the scheme propounded by the Government of Madras. I do not think that the Government is right in supposing that the number of non-officials should be limited to 17 on the ground that it is difficult to secure an equal number of officials. I think it easy to find 20 official representatives exclusive of the members of the Executive Government to match an equal number with one or two members in excess, of non-officials. The four members of the Board of Revenue, the four Secretaries of Government and the five heads of the Jail, Police, Registration, Education and Medical departments, the Advocate-General, the Sanitary Commissioner, the Collector of Madras, the President of the Madras Municipality, the Collector of Sea Customs, the Administrator-General and the Director of Industries. Coming to the non-official section of the Legislative Council one feels considerable difficulty in reconciling oneself to the scheme suggested. It seems extraordinary that the Government should think of caste representation. No more objectionable plan calculated to promote caste jealousies can well be devised. Christian Missionaries and Hindu social reformers, whose efforts have lain in counteracting the exclusiveness and dissolving the prejudices of a social system which has long outlived its usefulness must stand aghast at the countenance which the scheme affords for its perpetuation. If on the other hand, the scheme is intended to destroy the ascendancy of the Brahmin community under the guise of special representation followed by ineligibility to be returned by the other electorates, it is highly objectionable as a forced plan to minimise the natural influence which culture and intellectual leadership and long hereditary attachment have conferred upon that community. There is no other class or community in the country with the doubtful exception of Muhammadans in the case of Southern

India, that has ever solicited dissociation from other classes and separate representation on the ground of racial or religious differences: and it appears to me that Government will be making a fatal blunder in offering a premium to claims to exclusiveness based on whatever considerations of racial or religious idiosyncracies. I would, therefore, do away with all representation based on distinctions of caste or creed, except perhaps in the case of Muhammandans who may be given a special representative selected by a registered Muhammadan Association named from time to time. I would again strongly deprecate any special representation by a lawyer electorate which could only have recommended itself to the framers of the scheme on the ground of a desire to exclude professional men from the possibility of being returned by any other constituency. I have already explained the serious objections to the handicapping of the legal element in this manner. It seems almost a ludicrous combination to make, to gather all the first and second grade pleaders, the barristers and High Court vakils to nominate a representative, notwithstanding the limiting qualification of the payment of income-tax on Rs. 5,000 per annum. I would therefore remodel the entire scheme as follows.

I would, in the first place, allot ten seats to the members of municipalities and district boards in the Presidency by mixing them together and dividing the country into ten local areas, two or three adjoining districts as a rule returning one member. I approve of the nomination of one member each by the Chamber of Commerce, the Senate of the University, the Municipal Corporation of Madras, the citizens of Madras, and the registered graduates of the University. I would assign two members as proposed in the scheme to landed proprietors, whether their estates are permanently settled or not, paying to the Government, an annual revenue of Rs. 5,000 or upwards, divided into two groups, one in the north and the other in the south of the Presidency. As already stated, a named Muhammadan association will return one member to the Council. His Excellency the Governor will have the power of nominating two or three members to the Council for the representation of special interests or communities which might not otherwise be represented, with liberty to vary the character of the representation according to the needs of the particular occasion. This gives a total of 20 or 21 non-official representatives, the bulk of them elected and a few nominated who can be outvoted by the official majority when the Government so desires. I have not thought it necessary to express my opinion on minor details of the scheme. I should, however, point out that the property qualification is, in my opinion, too high, and is calculated to exclude intelligent classes of the population from the franchise. Especially is this the case with reference to the city electorate and the landed proprietors. An annual income of Rs. 1,000 for the citizen voters and a payment of assessment of Rs. 5,000 per annum in the case of landed proprietors seems to me as high as the circumstances of the country require. I do not think it necessary to raise the qualification of voters in the case of municipalities and local boards.

The suggestions that are now made about the discussion of the budget under separate heads appear to me of no particular consequence. The only real improvement that can be thought of in connection with the budget is the concession of liberty to divide upon it. It does not appear to me to be attended with any risks to sound administration; and until Parliament can see its way to recognize the right of the Indian tax-payer to vote upon the collection and appropriation of the revenues of the country, even though the vote may not be allowed to defeat the Government, all proposals for the fuller discussion of the budget must be weak palliatives which cannot result in any definite advantage.

XIV

Letter—from M. R. Ry. Diwan Bahadur, L. A. GOVINDARAGHAVA AIYAR Avargal, High Court Vakil, Madras,

To—The Chief Secretary to Government.

Dated—Madras, the 11th February 1908.

In reply to your letter, dated 22nd November 1907, asking for my opinion on the questions raised in the memorandum drawn up by the order of the Governor

in Council regarding the "Reform proposals," I have the honour to make the following observations.

2. I shall first offer my remarks on the proposals suggested in the letter of the Government of India and then on the memorandum of the Madras Government sent to me.

3. I thankfully recognise the evident anxiety on the part of the Government of India and the Local Government to give the people of India wider opportunities to express their views on administrative matters and to thus help to some extent to shape the policy of the administration itself. But I regret that the proposals as suggested by the Government of India and by the Local Government will not fulfil or effectuate that object to any considerable extent.

4. I may at once state that my object is not that the scheme that may be ultimately accepted should be such as may weaken the executive authority of the Government. But what appears to me is that the proposals as at present made will hit hard those whose advancement during the last twenty years in education and ability to take part in the administration of their country is acknowledged and their capacity for usefulness will be less availed of as their circle widens.

5. Although at first sight the scheme of an Imperial Advisory Council as suggested by the Government of India appears one of great promise, on closer examination it will be found disappointing. This scheme, I understand, is not to do away with the practice which at present obtains of the heads of Government consulting privately various individuals whose opinion is worth having on matters of administrative importance. It is said that the merit of the Advisory Council consists in its being an informal body, having no recognised duties to discharge or recognised rights to claim. These features constitute, in my humble opinion, the chief source of their inutility.

6. The proposal to associate the ruling chiefs with the territorial magnates in the Imperial Council is in the first place impracticable and even if practicable, it is not likely to be of much benefit. The chief function of the Advisory Council is, I understand, to give advice on any matter when called upon to do so, and to make known to the people the real intention of the Government whenever the necessity arises for the people to be so informed. For the advice to be of any use, it must be *responsible, well-informed* and *independent*. The political relations of the ruling chiefs with the Government do not allow of their freely expressing their views on matters referred to them when those views happen not to be quite in agreement with what they may believe to be the views of the Government; nor can it be said that the majority of the ruling chiefs in India take such interest in and are so well acquainted with the considerations of the people in British India as to be in a position to give really intelligent and useful advice on matters referred to them. The fact that the Government is not bound to follow the advice or to give any weight to it takes away from the advisors any sense of responsibility without which no advice can be expected to be sound. The fact that the deliberations of these councils are to be conducted in *secres* is another circumstance which will diminish their usefulness. Again, it cannot be denied that many, if not all, the ruling chiefs whose presence in the Advisory Council is worth having will think it inconsistent with their position and status to sit on the same table with others who are not rulers like themselves; and they will not, therefore, care to enter into any full or free discussion with such others, taking the risk of their views being strongly criticised and sometimes even overruled. If the views put forward by them happen to be inconsistent with the views of the Government their position becomes one of delicacy when they seek to enforce such views in their own States. The large number of ruling chiefs to be appointed according to the Government of India to the Imperial Council must of necessity lead to their being selected from various parts of India. The trouble, inconvenience and expense to which they will be put in having to go to a common meeting place is sure not to be altogether ignored by them especially when they recognise the restrictions placed on them in the expression of their views. In these circumstances I am of opinion that it is impossible to expect the ruling chiefs to play that part as members of the Imperial Council that the Government desires. As for their being in a position to freely make known to the people of British India the intentions of the Government, I do not believe that the Government itself thinks much of this.

7. As to the territorial magnates the case is somewhat different. It is, however, somewhat doubtful whether the territorial magnates have so far fitted themselves to satisfactorily discharge the functions to be assigned to them under the scheme in question.

8. If it be considered that an Imperial Advisory Council should be established I would suggest that their duties and rights should be strictly defined and that their meetings should be held *publicly* except where reasons of State, as for instance, where the relations of Government with a Foreign Power have to be discussed—a matter I am really certain the Imperial Advisory Council is not going to be consulted on—require that the proceedings should be conducted in camera. I would also suggest that the other interests as well should be represented in this Council; and instead of the ruling chiefs, their diwans or chief ministers might be made to sit on the Council. Retired Government officials who filled high and important offices in the State as Judges, Members of the Board of Revenue, Commissioners of Division, etc., and acknowledged leaders of the people commanding the respect and confidence of both the people and the Government and persons fitted to represent the great commercial and industrial interests may well be given seats in the Imperial Advisory Council.

9. I have to offer similar observations with respect to the Provincial Advisory Councils. The members representing the particular interests in the Provincial Advisory Councils may well be enabled to elect suitable men to represent such interests in the Imperial Council.

10. In regard to the Imperial Legislative Council my opinion is invited on the proposals of the Government of India contained in paragraphs 12 to 14 of their letter.

11. I think it may be stated that the elected members of the Imperial and Provincial Legislative Councils after the new Councils Act of 1892 came into force, have on the whole discharged their duties with ability and fidelity to the interests which they have been supposed to represent.

12. There are one or two principles underlying the proposals of the Government of India to which I cannot help taking objection. It is insisted that there should be an official majority as it is said "if two men are not able to wield one sceptre it is idle to conceal that fact in constructing Political Machinery." I do not want that two men should wield one sceptre or that that principle should be forgotten in constructing the political machinery. But what I venture to insist upon is that the maintenance of the official majority either in the Imperial or the Provincial Legislative Council is not a necessary corrollary of that principle. Whatever may be the scheme for the appointment of non-official members that has so far been suggested, provision has always been made in it for the nomination of some of them by the Government. The various interests that the elected members are supposed to represent are not necessarily the same, and there is no inherent reason why the non-official members should oppose themselves as a body or even the greater number of them, to the Government on any measures submitted for their consideration. The head of the Government has also always the power of "veto". With these safeguards and the experience that has so far been gathered of the ways and conditions in which non-official members have exercised such powers as they possess as members of the Legislative Council, it appears to me to be unnecessary to insist upon an official majority. The practice has been for the official members to solidly vote with the Government except where they are expressly allowed to vote according to their own judgment. The proposal to have always an official majority as at present obtains, overlooks the very important fact that non-official members always feel themselves helpless in any proposals that they may bring forward for the consideration of the Government and that the situation that the members of the Council finds themselves in, whether official, or non-official, is unfavourable to the ensuring and development of that sense of responsibility that ought to inspire them, to give real value of their deliberations in Council and to enable them to duly discharge their functions. There is always a sense of unreality which makes itself felt in the debates of the Legislative Council due to the fact of this official majority.

13. With respect to the number of members of the Imperial Legislative Council, I think 54 or 55 is enough. I would suggest that 27 of them be non-officials and for the reasons mentioned already no ruling chiefs need be a member.

14. As to the selection of these 27, the principles enunciated by the Government of India appear to me to be open to question.

15. It is stated that the lawyer element has been unduly predominant to the exclusion of landholders and others. It is also said that the various classes, castes and creeds have not had due representation. In the proposals made by the Government of India, I fear that the fact rightly insisted upon in paragraph 2 of the Government of India's letter that "the needs and sentiments of the masses of the people must find expression through those whether officials or non-officials who are acquainted with their daily life and are qualified to speak with authority on their behalf," has been to some extent ignored. It appears to have also been forgotten that the lawyers are not only lawyers but in many instances landowners as well, that they are of the people and move with them and have special opportunities and aptitude to understand their needs and interpret their sentiments and wishes. They are in a position to give expression to their views boldly and with independence and perhaps it is not unfortunate that in a Council whose main function is the making of laws, the lawyer element should be stronger than the rest. The experience of other countries also shows that in such institutions as the one in question the lawyer element is stronger than the rest. I may also mention that during the period in which the new Councils Act has been in force there was no occasion when it was even suggested that any interests had been neglected or had not been properly taken care of in consequence of the lawyers being in the Council in large numbers.

16. The teacher element so far as I am able to see has not had any predominant share. I do not think it has had even its due share.

17. The conditions of the country require that those who represent the various interests in it, are such as are able to represent them and can afford to be independent and fearless in the discharge of their duties. It may be regrettable but it cannot be denied that for the present and perhaps for a good length of time to come it will be the lawyer and teacher elements alone that largely satisfy these indispensable conditions. I should not be understood to say that any conditions should be introduced likely to encourage the introduction of lawyers and teachers at the expense of others into the Council. All that I claim is that the fact that a person is a lawyer or a teacher ought to be no obstacle to his becoming a representative if he be found otherwise properly qualified.

18. The other principle underlying the proposals of the Government of India, namely, that the classes, castes and creeds should have separate representation is, I think, one frought with serious consequences to the well-being and advancement of the country. I am not for ignoring differences where they exist or class interests where they need special protection. But what I am against is that any policy should be adopted whose tendency will be to excite, accentuate and widen differences instead of minimising and gradually extinguishing them.

19. I do recognise that our Muhammadan fellow subjects who form a large portion of the population are anxious to have special representatives of their own; and out of deference to their views I would not object to special representatives being appointed for them, but the Brahman and other castes inclusive of Indian Christians do not stand in need of any such special privilege.

20. Perhaps the interests of landholders by which I mean the zamindars and holders of estates like them require that they should have a special representative also. Short of this I would deprecate any considerations of class or caste being had in view in the selection of representatives.

21. It is said that territorial representation is unsuited to India. It may be that the country is not yet ripe for the exact type of territorial representation that obtains in western countries, but the representation that so far has been had, has been more territorial than otherwise and as already submitted it has not been attended with undersirable results.

22. On the above lines I would suggest that out of the 27 non-official members 22 be elected and 5 be nominated by His Excellency the Viceroy. The 22 elected members are to consist of 15 members representing the various provinces each of which except Burma is to have two, Burma having one. Of the remaining seven, the Chambers of Commerce of Calcutta and Bombay may elect one each, two leading Associations of Muhammadans may elect two members one each, the various associations in India doing so by rotation, the landholders may elect the other three, the election being by three of the leading landholders' association, the various associations electing by rotation. Except in the case of the representatives of the landholders and the commercial interests I would insist upon *no* property qualification, and the various electorates may well be trusted to return persons of sufficient responsibility and influence. I would suggest that the choice of the candidate should not be restricted to the class or body which is to make the election. The non-official members of the Legislative Council of the various Provinces will elect the representatives of the provinces. As for the Central Provinces until a Legislative Council is formed for them, the District Boards and Municipalities and the leading associations in them may elect the representatives for those provinces.

23. As for the Provincial Legislative Councils the difficulty in the way of having an increase of the non-official members is said to be due to the necessity of having the counter-balancing official increase.

24. So far as Madras is concerned the number may well be 45, of whom 23 will be officials inclusive of His Excellency the Governor and 22 non-officials.

25. The 23 officials will be His Excellency the Governor, the two Members of Council, the Advocate-General, the four Secretaries to Government, the four Members of the Board of Revenue, the Surgeon-General, the Postmaster-General, the Inspector-General of Police, the Inspector-General of Jails, the Sanitary Commissioner, the Director of Public Instruction, the Director of Agriculture or of Industries, the Collector of Madras, the Inspector-General of Registration, one Conservator of Forests and one senior Collector.

26. The non-officials will be 11 for the districts, one for the Madras University, one for the Chamber of Commerce, one for the Corporation of Madras, one for the Muhammadans, two for the landholders, one for the planters and four to be nominated by His Excellency the Governor. The districts may be divided into 11 electoral districts and the election will be by the non-official members of the District Boards and Municipalities and the Madras University and the Chamber of Commerce, and the Corporation of Madras may elect members as at present. The leading Muhammadan landholders and Planters' Associations will each elect their respective representatives.

27. In the scheme as above suggested the official majority is maintained. The representatives of the district will be one-fourth of the total number. The territorial representation will be more effective than it is now, but not unduly large so as to encumber the political machinery or to prove obstructive. There is ample provision for the representation of institutions and classes and castes wherever necessary and the seats at the disposal of His Excellency the Governor are sufficient to secure the representation of minorities and special interests if they are not otherwise suitably represented.

28. I would place no restrictions on the field of choice for the candidates to be elected except perhaps a property qualification of an income of Rs. 5,000 a year in the cases of the landholders and planters.

29. As for the discussion on the budget I approve of the various heads of the budget being separately discussed, but I would suggest that the division of the Council be allowed on the budget except perhaps on certain specified heads. The system inaugurated by the Madras Government this year of having a conference of some of the members of the Council on the budget before it comes up for debate in the Council is, I think, a most useful one, but for the debate to be really effective, I know of nothing more indispensable as the division of the Council on the budget except perhaps on certain specified heads of it.

XV

Letter—from the Hon'ble Mr. C. K. Srinivasa Rao, Additional Member, Madras Legislative Council.

To—the Chief Secretary to Government.

Dated—Madras, the 13th February 1908.

I have the honour to submit the following observations on the questions raised in the memorandum forwarded to me for my opinion on the 22nd November 1907.

Imperial Advisory Council.—When no demand has been made by the people or the rulers of Native States for the formation of such a body as the Imperial Advisory Council, it is more than doubtful if the latter would take such interest in their working as would ensure the success of the experiment. At the same time, it cannot be gainsaid that some method by which the Ruling Chiefs can be regularly associated with the Government of India in giving them their advice and assistance will prove in the long run a source of strength and benefit to the country and the Government alike. The possible success, therefore, of Imperial and Provincial Advisory Councils will depend on their constitution and the powers with which they might be invested. But the scheme as suggested by the Government of India gives too poor a promise of its subserving the end in view. I agree that it need not receive legislative recognition and may be purely consultative in its character, but in every other respect I have respectfully to differ from the proposals set forth in this connection.

I would suggest in the first place that all the Ruling Chiefs of States, whose gross annual revenue is not less than 10 lakhs of rupees, may form an electorate for nominating one-half their number to the Imperial Advisory Council. I find from a reference to the Imperial Gazetteer that the total number of States whose annual income is not less than 10 lakhs is apparently thirty-two. The Viceroy may nominate additional members to the same, from among other chiefs and territorial magnates, whose number may not exceed one-half the number, returned by the electorate mentioned above. Such a Council consisting thus of 48 members in all will practically owe its existence to the Ruling Chiefs as a class, will feel its responsibility to it as the body from which it derives its standing, and will consequently have a fixity of character so essential in an institution from which continuity of thought and policy are to be expected. Further, this will secure the association of the Ruling Chiefs of India *as a class* in the Government of the country, and will bind them, as a class, to those who are responsible for the Imperial administration. The members of the Imperial Advisory Council will not be there if thus composed merely in their individual capacity as they would be, if nominated by the Viceroy, but will possess a representative character being chosen by Indian rulers themselves; and their association with the Government will therefore be the association of the class they represent.

In regard to the powers that may be entrusted to the Council, it will be a regrettable curtailment of its utility to withhold from it the privilege of communicating its views on questions of its own choice (besides those which may be referred to it). If the Council should realise its responsibility, as a power of good, it must be accorded the right to make any representation, it may feel called upon to make in the interests of the public, or in the interests of the Ruling Chiefs or territorial magnates, as a class, without any reference from the Government, provided that not less than three-fourths of the number of members on the Council agree in making such representations. As regards the publication of the proceedings of the Council, it must be left to the decision of the Council itself. This right should be accorded to a body of responsible advisers in the position of rulers of vast territories, whose opinion may not be acted upon, but who are asked to furnish the Government of India with the result of their deliberations. Without these minimum rights as set forth above, the Imperial Advisory Council cannot be expected to act efficiently and willingly "as an agency for the diffusion of correct information upon the acts, intentions and objects of Government". The duration of a Council, thus elected and constituted, may synchronise with the duration of a Viceroyalty.

Provincial Advisory Councils.—The Provincial Advisory Councils stand somewhat on a different footing from Imperial Advisory Councils, both in regard to *status*, and the questions they may be called upon to consider. It will be too mechanical a conception to entertain, that a Provincial Advisory Council is for a Province, what the Imperial Council is for the whole of India. The difference between them is not merely one of territorial extent, but it is a difference in character that distinguishes the one from the other, inasmuch as among the questions with which the Imperial Advisory Council may be called upon to deal, may be those affecting the basic principles of Government and administration, financial, executive or legislative, whereas Provincial Advisory Councils will, for a long time to come, have mainly to deal with the application of these principles to their own provinces. The electorate for Provincial Advisory Councils may therefore consist, chiefly, of all territorial magnates of a certain standing, excluding *Ruling Chiefs*, and they may be called upon to elect a *third* of their number, to constitute the Provincial Advisory Council. In other respects they may be subject to the same provisions as suggested above for the *Imperial Advisory Council*. The reason for excluding Ruling Chiefs from Provincial Advisory Councils is that any Council having for its members the Ruling Chiefs should stand on an Imperial footing and should be associated only with those who are entrusted with the supreme government of the country, to be consistent with their own status and with the nature and magnitude of the subjects likely to interest them.

The Imperial Legislative Council.—The proposals made in regard to the enlargement of the Imperial Legislative Council contemplate a radical departure from the principles in vogue inasmuch as they introduce for the first time representation on the basis of religion. The proposals contained in the Government of India's letter calling into existence electoral bodies for Muhammadans as a community seem to be a highly injurious and impolitic innovation. In a country where the disintegrating influences of religion and caste have been too many and have wrought and *are still working* incalculable mischief, it will be a lamentable political blunder to give further fixity to these differences, by making them the basis of political representation as well. The advent of the British in India has been rightly looked upon as a dispensation of providence, in uplifting the country from sectional animosities and religious differences, and I cannot help feeling that the proposal of the Government of India to give recognition to religion as a basis of political representation is one calculated to destroy this faith. Nor are the Muhammadans in the country or even in the same province so homogeneous as a community as the Government of India's letter seems to imply. For instance, the Moplas of Malabar, the Lubbays of the South, the Pinjaris of the Ceded Districts, the Pathans, the Boras and Kojahs of Bombay and the Muhammadans of Northern India all these are so divided by differences of custom, language, and notions of racial and sectional superiority, that a representative of one of their classes will hardly be looked upon as a representative of the rest. To provide satisfactorily for the efficient representation of the followers of Islam, will mean separate representation for these various classes of Muhammadans, which is of course impossible. I may state in passing that there are about 73 sects of Muhammadans in India, as I was informed by a highly respectable Muhammadan gentleman, who added that Muhammad himself foresaw these differences. Once this principle is admitted in regard to Muhammadans, the same will have to be recognised in the case of Hindus as well, among whom the divisions are innumerable and thus there will be no end to representation on the basis of religion or caste. It is also difficult to see how if representation on a religious basis is provided for, in the case of Legislative Councils, the same can be excluded from Municipal Councils and Local Boards. After all, be it remembered that the interests of Muhammadan and Hindu ryots, Muhammadan or Hindu zamindars and Muhammadan or Hindu merchants are the same, quite irrespective of the fact that they are Hindus or Muhammadans. As ryots, merchants and zamindars, they are all subject to the same laws, rules and regulations, and they would like the ablest of them to represent their interests irrespective of their religion. I am painfully aware that public interests may suffer seriously by men of mere intellect with narrow sectarian or sectional sympathies being placed in situations where largeness of vision and

casteless sympathy are needed, but the way to mend this narrowness of ages is certainly not to give it the sanction of political *status* in any form or shape, but to ignore it as much at possible, and encourage breadth of vision and largeness of heart wherever found : and base the political up-building of the country on non-religious principles. What I respectfully maintain is that the Government ought not to give any countenance to representation on the basis of religion.

As regards the constitution of the Imperial Legislative Council, I would submit in the first place that a mere addition to the number of non-official seats without enlarging the powers of the Council will be of little value. As at present constituted, it is merely a Council the non-official members of which are allowed to interpellate the Government and make general observations on the budget. The powers now vested in the non-official members fall far short of the powers of a legislature entrusted with at least partial control over the executive. The perpetual minority of the non-official members in the Council, and the absence of all provisions enabling it to exercise control over the executive have been too serious defects in its present constitution. Even if the non-official members are to be kept in a minority for the time being, there is no need to keep the Council on the footing of a mere law committee. What I would suggest is that the non-official members be given the right of moving resolutions in regard to such matters as may concern the internal administration of the country in open Council. The official members may have the right of speaking on these resolutions, but the right of voting on them should be confined to the non-official members alone, so that the attitude of the non-official members as a body in regard to these resolutions may be ascertained. To give the power of voting to the officials also would render the right practically inoperative since they always command a majority. These resolutions will not be binding on the Government but will enable them to have at first hand an expression of responsible, representative, non-official opinion, formulated in the presence of members of Government and with the benefit of their views thereon. Another right that may be extended to non-official members is that of moving amendments in regard to the provisions of the budget. Since the Government always commands a majority, there need be no objection to this change.

Without materially enlarging the powers of the non-official members, to add merely to their numerical strength will be little benefit ; but in case the Government would extend to non-official members the powers as suggested above, the importance now attached to an increase of mere numerical strength of the non-official members in the Council may be given up. I consider that even a smaller number of representatives in the Council with substantially more powers than they posses at present will alone meet the requirements of the present situation.

I would therefore have the number of non-official seats as 18 and the official seats 24, and would allot the former as follows :—

Non-official Members.

To be elected—	
(1) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7
(2) By the Planters' Associations all over India	1
(3) By all the Chambers of Commerce in India	1
(4) By the Zamindars	2
(5) By the Central Provinces	1
	12
To be nominated—	
(6) By the Viceroy	6
Three of whom shall be Muhammadans, one representative of the Indian Mill Industry and the other two for representing other special interests as may be deemed fit.	
Total	18

The official members will be nine *ex-officio* including the Viceroy, and fifteen additional officials to be nominated by the Government. Besides these, provision may be made for the nomination of a Ruling Chief and if necessary for the nomination of experts who will hold their seats so long as it might be necessary for the purposes for which they are nominated. The normal strength of the council will thus be forty-two and may not exceed in any case forty-five, of whom eighteen will be non-official and twenty-seven official ; twelve elected and thirty-three nominated.

Provincial Legislative Councils.—I regret to have to express my dissent from some of the features of the scheme as formulated in the referendum for the election of non-official members to the local Legislative Council. Not to express my dissent would be to ignore the best interests of the people and the Government alike. I feel compelled to make these remarks regarding the proposal for representation by class or caste in the local Legislative Council. The arguments I have urged above against representation on the basis of religion regarding the Government of India's proposal apply with infinitely more force to the separate representation of Brahmans, Christians and all other persons *as such*, and I would only add that this part of the scheme should be wholly abandoned. The conflict is between what is and what ought to be. The Government is doubtless anxious to secure the fullest possible representation of all the various interests of the country, and think that in a province where caste divisions and religious difference play their part actively, a scheme of representation that does not provide for various class interests is likely to be inadequate and unsatisfactory : but it must be remembered that the Government should do nothing calculated in its result to arrest the progressive forces that have been called into existence by the British Government, and that constitute the greatest justification for the ascendancy of Great Britain over India. We have to look not simply to what the country is, but also to what it ought to be in the future, and nothing can be more disastrous to all the good work till now done in the direction of wiping out our class and sectional differences than to impart to them permanence by making them the basis for political representation. I for one would rather have no political privileges at all than have them on the basis of these distinctions and differences which will have the practical effect of bidding them stay with us for ever as if they were right, true or just. Nothing can be more incongruous than that a Christian or casteless Government should have their political machinery on the basis of caste or class. This will be undoing the good work till now done by the Government, by English education, by social reform, by Christian missions in the country—in fact by the whole trend of the spirit of the times in the direction of minimising the pernicious influence of caste and class distinctions.

Turning to the constructive aspect of the question, I would strongly urge the need for a continuity of policy in regard to the selection of non-official members to the council (with the necessary modifications) and I would earnestly press for more powers to the non-official members on the lines I have advocated in regard to the non-official members of the Imperial Legislative Council. They must have the power of dividing the council over the budget, and of moving resolutions in regard to questions pertaining to the administration of the presidency as suggested above. The policy of recognising institutions as electoral units like Municipalities, District Boards or Chamber of Commerce should be adhered to for a long time to come in preference to that of instituting direct popular representation or, as is now suggested, separate class representation. I have arrived at this conclusion after the most careful consideration. The modification in the existing system is called for only in regard to the division of the Presidency into electoral groups, and in regard to the choice of the institution situated within these groups which should enjoy the privilege of representation. In regard to the former, the present division into groups is exceedingly unwieldy and unsatisfactory, and brings districts which stand sharply divided from one another into one group for which there is no reason except the fact that there is not an adequate number of seats thrown open for the representation of popular interests. This is a point which needs no elaboration, and I trust the Government would find no difficulty in concurring with this view.

As regards the institutions which should possess the privilege of representation, it will be admitted on all hands that the Corporation of Madras, the Senate of Madras University and the Chamber of Commerce should continue to possess it, and to these may be added the Planters' Associations in the Presidency, and any association that may be formed for the interests of permanently-settled estate holders as a body. The other institutions that at present enjoy the privilege are mufassal Municipalities and District Boards. In the absence of direct popular representation, the institutions possessing the privilege must be in as close touch with the people as may be found practicable. For all institutional representation, the Taluk Boards will be the body nearest the people excepting village unions. The time has not yet come for considering the utility of village unions in this connection. As between direct popular representation and representation by institution, the latter seems to be more suited to the present state of the country than the former. The question, therefore, is, what is the form of representation by institutions which will have the nearest approach to direct popular representation? In this view the District Boards as at present constituted are too far from the people *as such*, and village unions are yet in far too infantile a state to serve any practical or useful purpose. As a safe practical course, I would strongly urge that Taluk Boards and Municipal Councils should have the privilege of representation and District Boards may be relieved of it altogether. For planting a system of popular representation, at least so far as this Presidency is concerned, no better soil can be thought of than Municipal Councils and Taluk Boards. This means, of course, that the constitution of the latter should be changed and that the elective principle should be largely infused into it. All persons in the taluk paying a certain kist should have the power of directly electing the majority of members of the Taluk Board, *if not all of them*, and they must be given the power of electing their own President subject to the same provisions as apply to Municipal Councils. Taluk Boards and Municipal Councils must be assimilated to each other in their privileges and constitution, the only difference between them being that the former should have control over rural and the latter over urban interests. In passing, I may add that the majority of members of the District Boards must be elected by Taluk Boards. If these views are accepted, Municipal Councils and Taluk Boards will be the institutions in each group vested with the privilege of representation. Since the object of such a scheme will be *territorial* representation, the groups must be formed in view to common territorial characteristics as far as possible and I would recommend the following divisions :—

(1) South Canara and Malabar.

(2) Coimbatore, Nilgiris and Salem.

(3) Chingleput, North Arcot and Nellore.

(4) Cuddapah, Kurnool, Anantapur and Bellary.

(5) Kistna, Guntúr and Gódávari.

(6) Ganjám and Vizagapatam.

(7) South Arcot, Tanjore and Trichinopoly.

(8) Madura and Tinnevelly.

There will be, according to this group, sixteen members—eight elected by the Municipal Councils and eight by the Taluk Boards in each group. Since especially in a Provincial Council territorial representation must be full and adequate, the allotment of sixteen seats to represent the administrative needs and requirements of the people inhabiting the same can by no means be considered too liberal a distribution. When the variety of interests involved and the well-marked differences between groups of districts and the extent of the area and the vastness of the population are considered, sixteen seats cannot be too many and the division of the districts into eight groups cannot be considered extravagant. I would lay particular emphasis on the need to inaugurate effective territorial representation

on the above lines. Under the scheme, the non-official members of Madras Legislative Council will consist of these who are elected by—

(1)	Madras Municipal Corporation	1
(2)	Madras Senate	1
(3)	Chamber of Commerce	1
(4)	Planters' Association	1
(5)	Permanently-settled estate holders	1
(6)	Mufassal Municipalities	8
(7)	Taluk Boards	8
(8)	Nominated by Government (of whom not less than one will be a Muhammadan and the other two representatives of special interests as occasion may demand)	3
	Total	24

Perhaps the objection may be raised that, as against twenty-four non-officials, provision cannot be made for an official majority. But this difficulty can be got over by the following nominations to the official seats which gives a total of thirty and a majority of six over the non-officials :—

(1)	President and Members of Council	3
(2)	Members of the Board of Revenue	4
(3)	Chief Secretary to Government	1
(4)	Revenue Secretary	1
(5)	British Resident, Travancore and Cochin	1
(6)	Secretary to Government, Public Works Department	1
(7)	Conservator of Forests	1
(8)	Joint Secretary to Government, Public Works Department (Irrigation Branch)	1
(9)	Inspector-General of Police	1
(10)	Director of Public Instruction	1
(11)	Surgeon-General with the Government of Madras	1
(12)	Inspector-General of Registration	1
(13)	Inspector-General of Prisons	1
(14)	Advocate-General	1
(15)	Sanitary Commissioner	1
(16)	Administrator-General	1
(17)	President, Municipal Corporation of Madras	1
(18)	Eight Collectors representing the eight groups	8
	Total	30

The proposed period of five years as a tenure of the term of a non-official member is too long, just as two years at present is too short. It will be safer to restrict the period at present to four years.

I would omit the disqualifying condition laid down in clause B under the main clause C (4) regarding the power to remove the non-official members who may be absent from the Presidency for a period of six months.

XVI.

Letter—from M. R. Ry. C. VIJIARAGHAVACHARIYAR Avargal, Ex-Member, Legislative Council.

To—the Chief Secretary to Government.

Dated—Salem, the 15th February 1908.

In compliance with your letter, dated the 22nd November 1907, forwarding to me a copy of the letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of His Excellency the Governor in Council and asking me to submit my opinion on the questions raised therein, I have the honour to enclose a statement of my views. I regret there has been delay in submitting my opinion, but I am now in a position to offer my views with less diffidence than I should have done two months ago as, during this time, I was able to gauge the views of the public generally and to consult and ascertain the opinions of several competent persons.

Memorandum on the Reform Proposals of Government, 1907.

1. It is hardly necessary for me to say that the reforms which Government has in contemplation are of the most vital importance to the people of India. It is matter for thankfulness that the proposals outlined by Government have been authoritatively pronounced to be provisional and tentative merely. Great freedom is thus allowed to the public and to the individuals, whom Government has done the honour of inviting to express their opinions, both in the way of examining those proposals and of modifying them and submitting fresh suggestions.

2. The aims and objects of Government in initiating these reforms are easily gathered from the letter of Government of India. They are in view "of satisfying the constitutional requirements of the Indian Empire" and "to move gradually *forward* towards the fulfilment, *in no grudging spirit*, of a pledge which the people of India are entitled to regard as inviolable." The italics are mine. Thus the intentions of Government are set out in words worthy of the occasion and it is not easy to improve the language employed.

3. The one question is, whether the proposals contemplated by the Government are in any way adequate for the noble purposes it has so unequivocally expressed. These proposals are two-fold in character—being the establishment of Advisory Council for occasional and informal consultation by the Imperial and Provincial Governments and the enlargement of the existing Legislative Councils.

4. The lines on which the Imperial Advisory Council is to be constituted are set out in paragraph 5 of the letter of Government of India. The Government of India says that "possibly" the objects it has in view might be attained by such a Council.

5. It is not clear that the necessity for such an Advisory Council has been made out. At the same time I see no harm in the establishment of Advisory Councils, Imperial and Provincial as a step towards the formation of permanent second and Upper Chambers of Legislature both for the whole country and for the Provinces, provided, however small the beginning might be, these institutions are started on lines that are capable of healthy development both as to their structure and functions.

6. I think it most undesirable that the Ruling Princes should be invited to become member of the Imperial Advisory Council. The relations of the Sovereign Princes of India with the British Government are regulated and determined by treaties, and though they are in a sense subordinate to His Majesty the King-Emperor of the British Indian Empire, yet they are independent Sovereigns. To ask them to become members of an assembly for consultation by the Viceroy and that in matters quite unconnected with the administration of their own States would degrade them in the eyes of their own subjects as well as the whole world. Natives of India, whether subjects of these Sovereign Princes or not, regard them with feelings of awe, respect and affection which would receive a rude shock if the proposal in contemplation is carried out. On the other hand, these Sovereign Princes are not the most competent to represent the wants and grievances of the people of British India. It is wholly unnecessary to allude to exceptions. Naturally proud of their origin and position, what they do known of their own subjects is, in the main, derived from their diwans and other officials. While of the people of British India they cannot be said to have even this knowledge. Indeed, the direct and personal knowledge of the vast majority of them even of their own subjects is, naturally enough, much less extensive and precise than the personal knowledge which Viceroys and Governors possess of the British subjects of India. There is also the fact that the expense and the inconvenience of bringing these Sovereigns to the seat of the Government of India for consultation, whether it be Calcutta or Simla, would be enormous. Their own treasuries could ill-afford to bear the frequent expenses that would have to be incurred while it would be obviously unfair too. On the other hand, it would be equally unfair to the British Indian tax-payer if Government is to bear the expense. I venture to state that this part of the measure in contemplation would meet with universal disapproval both among the people of the States concerned and in British India.

7. I regard then that the Imperial Advisory Council should be the germ of the future second and Upper Chamber of the Indian Legislature. This Council should receive a statutory recognition, its members must be recruited one half by nomination by the Viceroy and the other half by election either directly by the people under rules and regulations framed for the purpose or by the elected members of the Legislative Councils. Qualifications for membership of such Council may be fixed by rules and these qualifications might include an age limit, say 45, below which no one should be competent to enter the Council. Members of this Council whether nominated or elected might be recruited from distinguished ex-Diwans of Native States, enlightened zamindars and merchants, Government pensioners who have distinguished themselves in the service and Government in the Judicial, Executive and Educational departments and distinguished lawyers and Members of Legislative Councils of a certain standing.

8. The Advisory Council should have the power of initiation, of voting and moving resolutions and the proceedings should be public. This need not interfere with Government occasionally consulting them informally and secretly as to measures which the Government might consider as unsuitable for publication or for immediate publication. Such matters must be extremely few and far between. And when secrecy is no longer required in the interest of the State, the advice tendered by the members might with advantage be published.

9. To create an Advisory Council purely for informal purposes and for secret consultation merely would be attended with great disadvantages to all concerned. The Legislative Council and the Advisory Council should be both competent, representative and responsible in view to voice the people of the country and also they should be a check upon each other and correct the mistakes of each other. So that the Government might the more readily act and adopt the measures when the two Councils concur while where they do differ the powers of veto by the Government and the Crown might be the more easily and the more popularly employed. The existence of two such Councils would do away with any necessity there might be for an official majority in the Legislative Councils and for "the mandate theory" as to official votes as to both of which I shall have to say a few words later on. It is obviously necessary that one should not be a member of the Advisory and Legislative Councils at the same time. What I have said above as to the constitution and functions of the Imperial Advisory Council would apply to the constitution of Provincial Advisory Councils.

10. I am aware of the disadvantages that would attend the creation of two Chambers of Legislature in India in its present circumstances. One obvious disadvantage would be that the best men available for service of the Government and the country in the Legislative Councils would be drawn away to the more fascinating functions of the upper chamber. There might also be occasionally conflicts and jealousies between the two, especially if there is much difference in the personal composition of the two assemblies. If the Advisory Council is recruited so as to make the members the real representatives of the people and the whole people of the country, and if their conduct is subjected to public opinion, the advantages of erecting a second chamber would be far greater than the disadvantages, especially if two such chambers both more or less co-ordinate would make the Government do away either immediately or in the near future with official majorities without independence to vote according to their judgments and conscience. I must beg leave to state that the creation of Advisory Councils on lines sketched out by Government would be a costly and pompous bugbear and would by no means tend to make Government measures more understood and more popular.

11. Next as to the Legislative Councils, I should like to make a few general remarks both as to the Imperial and Provincial Legislative Councils. In paragraph 10 of its letter the Government of India finds it way to make the following pronouncement in regard to maintaining an official majority in the Indian Legislatures. It says "the principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question, and if two men are not able to wield one sceptre, it is idle to dissemble that fact in constructing political machinery." This statement is a most startling one. As a loyal subject of the British Raj loyal in every sense of the word, loyal in the sense that the connection between England and India should be everlasting and should be for the political, industrial and social elevation of India to as high a degree as the glorious constitution of England would allow it and for the benefit and glory of both, I venture to raise my humble but emphatic protest against this extraordinary statement. It is worthy of remark that the Government makes the statement as if it were a political axiom and it does not find its way to state its evidence or authority in support of this novel statement. On the other hand, that which would make for the strengthening and popularising more and more the paramount power in India is a complete trust by the British Raj in the people and their representatives, at least to the extent, begin with, to which Emperor Akbar trusted them. A sympathetic Famine Commissioner of Madras wrote some time ago that the "people are the Government and the Government is the people." If doubts are entertained as to the exact soundness of this statement regard being had to the state of things as it is, yet every British statesman and every loyal Indian subject of His Imperial Majesty the King-Emperor should make it their sacred duty to say or do nothing which does not make for that end.

12. It is needless to state that the insistence of an official majority involves the "mandate theory" as to official votes, *viz.*, that every official member of the Council, whatever his judgment or conscientious scruples, is bound, by virtue of his position as an official, to vote with the Executive Government. This is almost unfortunate doctrine, especially in the special circumstances of India where the system of party Government does not prevail and the non-officials are ever bound to be in opposition. It must be remembered that the expansion of the Executive Council for making laws and regulations was first started by the Charter Act of 1853. Under that Act, the additional members were also officials. The doctrine that officials were bound to vote according to the wishes of the Executive Government was unknown in those days. Under the Indian Councils Act, 1861, non-officials were first appointed as additional members. For the next 22 years either the doctrine that official members were bound to vote according to the wishes of the Executive Government was not heard of. It was only about a quarter of a century ago, this doctrine was started but with objects very different from those which now obtain. It is well known that it is now considered that it would constitute misconduct on the part of an official member to vote against a Government measure or to take, ar at least to express, a different view from the Government on any matter that might be discussed in the Council. In these circumstances, whatever be the strength of the non-officials and whether they are nominated or elected, they occupy a very inferior position, inferior to the position of pleaders in a court of justice.

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The consciousness of the inferiority and consequent helplessness deters, on the one hand, able and public spirited men from entering the Indian Legislative Councils and on the other fails to serve as a motive on the part of non-official members for enthusiastic industry and research, for there is no chance of a non-official member or all of them put together winning a majority of votes by merely convincing the majority unless the Government expressly says in the Council and this it very seldom does say that it is prepared to accept the non-official view in the particular instance or at least to say expressly that the Government as Government is not interested in the particular motion. This aspect of the functions of the Legislative Councils has in all but name made the non-official additional members a useless appendage of the Councils and the expanded Legislative Councils of India are now and would be, on long as an official majority with the mandate theory is kept up, in the same position as the Executive Government was before the Charter Act of 1853 when it made laws for the country.

13. This is not a state of things of which British statesmanship can be proud or as to which the people of this country could feel thankful. I respectfully submit the time has come for reviewing the whole position, It is hardly conceivable why an official majority in the Indian Legislatures is needed at all. Without an official majority, the Government has ample statutory powers to enforce its own views in the matter of legislation. In the first place, no member can introduce any measure affecting the revenues and the public debts of India or the religious rights of the people or the relations of the Government with the foreign Princes and States or concerning the army and the navy except with the previous sanction of the Governor-General. In the next place, no law has validity until the assent of the Governor-General or where the law has been passed by a subordinate legislature, until the assent of the Governor or Lieutenant-Governor as the case may be and the Governor-General as well has been obtained; and the Crown has the power of disallowing any law passed by any Indian Legislature. Besides, the Governor-General has the power of reserving for the signification of the pleasure of His Majesty any law passed and unless and until His Majesty shall have signified his assent, no such law or regulation shall have validity. These powers of Government are ample and it is impossible to conceive that a non-official majority would persistently and perversely act so as to provoke the exercise of these powers on the part of the Government frequently. They are thus of immense educative value. On the other hand, it must not be forgotten that increased powers necessarily bring with them a sense of increased responsibility. No educated man and no patriot of India would be long party to an attitude hostile for the sake of hostility and because the Government has no official majority. Such an attitude on the part of the non-official members would not make for attaining a higher representative position in the Legislative Councils of India and for obtaining larger and larger share in the administration of the country. In the case of a subordinate Indian Legislature, the excuse for maintaining a large official majority is far less, for the powers of a member of such a Council are hedged round with far greater restrictions.

14. The position in a few words is this. The experiment of an official minority and a non-official majority in a Legislative Council has nowhere been tried in India and therefore all fears entertained as to the risk of such a majority are purely speculative. On the other hand, the position of the non-official member in the Indian Legislative Councils, whether his powers and privileges continue as at present or are greatly increased, is and would continue practically feeble and useless so long as an official majority is maintained. Such a state of things is obviously undesirable and would defeat the objects the Government has in view, *viz.*, to receive real assistance from the trusted representatives of the people that would make at once for the efficiency of Government and popularity of its views and measures, and the only remedy that suggests itself to me is to do away with the official majorities, under additional safeguards, statutory and otherwise, if the Government thinks it necessary. Till then, I venture to submit that the Indian Legislative Councils would not possess charms enough to invite the service of the very best talents of the country. Till then popular representation in this Council would only be nominal.

15. A very important question is what is the method of recruitment of the non-official members of the Legislative Councils. The Indian Government and the Government of Madras seem to think that representation should not be territorial but should be in the main by caste, creeds and classes. I would beg leave to state that the view is wholly erroneous. Representation on the lines sugggested by the two Governments would be productive of the greatest mischief both to the Government and the people of the country, and it would be wholly inconsistent with the political and industrial advancement of the country. It is impossible to conceive what caste, creed, or race has to do with the political and material progress of the country and with measures, legislative and otherwise, making for such progress. It may be that occasionally the Legislature may have to discuss and pass a measure specially affecting the religious rites and usages of a section only of His Majesty's subjects. But in such cases no measure would ever be introduced into a Council unless it had been previously discussed threadbare and given the required shape by the people specially concerned. If additional assistance be needed for rare and special legislation one or two experts might be either made members of Council or under appropriate rules be made to address and otherwise assist meetings of Select Committees and of Councils, but nothing would weaken the hands of Government and injure alike the interests of Government and people, more than a system of representation in the Councils of India based

by statute and rules upon castes, creeds and races. This is not the place to enter into a discussion as to the so-called races of India. It is certainly inaccurate to call the Muhammadans or Native Christians a different race from the Hindus. The foreign elements in the race of India are infinitesimal and few and have long ago blended with it. The Hindus, the very vast majority of Muhammadans, the Native Christians, the Jains, and the Sikhs and others are substantially all of one race. The idea of introducing representatives of the so-called races because of creeds and castes in the Legislative Councils is fraught with danger to the Raj and the people alike. These representatives in the Councils would hardly be knit together in harmony for purposes of serving the country or assisting the Government. There would be seen, too, in these Councils the very melancholy spectacle of several independent units, among the non-officials, or, several scattered groups of units, each animated with its own separate motives and acting with mutual jealousies and distrust. Often, too, would be seen two or more units or groups intriguing together to the prejudice of a third. Comment on such a state of things is hardly called for. I think it was Lord Dufferin as Viceroy of India who said in one of his speeches (which I am unable to reach) that he should like to see all classes and creeds of India united and, in harmony combined, criticising the actions of the Government rather than that there should be jealousies and disgraceful quarrels among themselves. Such an assemblage of non-officials is not a representative assembly long looked for by the people of India and whose hopes and expectations had been fed and raised by statesmen in England and India. When the Right Honourable Mr. Wilson, in his speech on Indian Finances on the 18th February 1860, said "Sir, it is true we have no representative assembly to satisfy and it would be only idle to speculate upon the time when India might have such institutions," he certainly was not thinking of such representative institutions as the Governments of India and Madras now propose to erect. He was thinking and was promising to the people of India in so far as it lay in him to promise, such representative assemblies as exist in the civilised countries of the world and of which political philosophers and statesmen have been singing the praises. It is to be hoped that the very idea and the whole idea would be abandoned by Government. It must not be forgotten that very few countries contain all the elements which concur in making their inhabitants a perfect nation. Italy which makes the nearest approach to one nation in every sense of the word is not of one race. While of England a witty French traveller exclaimed "Behold a land with forty religions but with only one sauce." On the other hand, the conditions which have been dividing the people of India are fast dwindling in number and in significance. Adventious importance attached to such conditions does lasting injury to the people of India. I beg and pray Government not to be tempted into countenancing any such attempts, however indirectly.

16. The letter of Government of India discloses a partiality for territorial magnates as the true representatives of the country. Within this category would come hardly any but the zamindars. The zamindars throughout the country are generally either the descendants of ancient Sovereign Princes or of those who held the high office, under former Governments, of Collectors and farmers of the land revenue in large areas, with a few added as middlemen at the time of the Permanent Settlement by the British Government. That there are men of enlightenment and wealth among them cannot be denied but I emphatically deny that they are leaders and representatives of the people of India. The persistent fight and agitation which they have throughout kept up in every part of India against any and every measure introduced by the Government for the amelioration of the wretched agricultural condition of the ancient peasant proprietors in their zamindaris, is proof sufficient that they cannot be accepted, in fairness to the vast mass of their ryots, as their representatives. Naturally enough, they are the representatives of none but themselves. The long and chequered history of the Madras Estates Land Bill passed into law, after all, last week, would support my statement. By the persistent agitation of the Madras zamindars both in India and in London several vital portions of this measure beneficial to the ryot had to be abandoned by Government. The Hon'ble Mr. Forbes, C.S.I., who was in charge of the Bill and to whom the zamirdari ryots and the province at large are beholden for his strenuous efforts to carry this measure successfully through, stated only last week "Not only here but in very province of India, in which similar legislation has been introduced, the zamindars have made the same lamentation that their rights, their privileges and their prestige would suffer; that the legislation would introduce distrust and foster litigation. The Honourable Members have only to turn to the debates of the Bengal Act of 1885 and on the successive amending Acts, and to the debates on the North-West Provinces Act to verify my statement". If the zamindars cannot be trusted as custodians of the rights of their own ryots, much less can they be trustees and guardians of the vast agricultural population outside their zamindaris whose agricultural position and status they would have a natural tendency and interest in bringing down to the level of their own ryots. I distinctly guard myself against any implied statement that they do so maliciously or perversely. There are several honourable and enlightened men among them but owing to lapse of time they have forgotten their high origin and ancient illustrious history and are now competing for landed rights with their own ancient peasant proprietors whom they have gradually reduced to the position of mere tenants in spite of the vigilance of the Governments and Government officers.

17. If then we exclude all claims based on distinctions of caste, creeds, races or classes and of the territorial magnates as such from all special consideration in connection with the reforms in contemplation, the question is what is the best method of recruitment for the enlarged Councils?

My answer is territorial representation and a suffrage on educational qualifications and moderate property qualifications. No other scheme would meet with general satisfaction or satisfy the requirements of Government. I am aware that in a system of territorial representation there is the fear that minorities would not be represented. In the first place, I respectfully protest against the view that any section of the people of India should be called a minority merely because their religious and social customs are somewhat different from the vast bulk of the Hindus. As a matter of fact, they all belong substantially to the same race and their ideas and customs are substantially the same. The famous Tippoo Sultan of Mysore, a most bigoted Mussulman, was consulting Brahman astrologers when the English and their allies had surrounded his fort. The Mussulman founder of the Brahmani Kingdom honoured his Brahman friend who had by examining his horoscope foretold his future greatness by making him his Diwan and naming the kingdom after him. Native Christians marry during auspicious hours fixed by Brahmans and very many of them continue to wear the sacred thread and very many of the women wear the sacred tali, the emblem of Hindu wifehood; while the great Hindu doctrine of Karma pervades Buddhism and all other religious systems of India and Burma. Native Christians and even Muhammadans more or less believe in it. It is well known that the Hindu Law of property prevails among several non-Hindu sections of people including Muhammadans. In one word throughout the length and breadth of India, Hindu ideas and customs predominate and if there be any differences to be taken into consideration at all and the people marked off accordingly into different sections, Hindus themselves would cease to be one people. It is not suggested that the Hindus admitted into the Legislative Councils have acted otherwise than as the most impartial custodians of the rights of all in India.

On the other hand, the fear that minorities would be without their own representatives is a groundless one. Indeed able and enlightened men among the miscalled minorities in India have, other things equal, greater chances of receiving national confidence and national distinction than such men among the Hindus. A reference to the list of Presidents of the Indian National Congress shows that among the nineteen persons who presided over its deliberations there were seven Hindus, four Englishmen, three Parsis, two Muhammadans and three Brahmos. Two Mussulman gentlemen have been elected as members of the Viceroy's Legislative Council by Bombay and Madras. Madras elected another illustrious Mussulman gentleman to the same high office which honour he declined owing to ill-health. I would call the attention of Government to a widespread and growing desire among the Hindus devoted to the public cause, to do every thing in their power in view to get the harmonious co-operation of the minorities in all matters affecting the well-being of the country. The Hindus are thus entitled to ask Government to trust them with the franchise and to watch its exercise and the working of the system for some years. In the meanwhile the Imperial and Provincial Governments might reserve a few seats to be filled up by nomination if and whenever necessary.

18. I would therefore suggest, whether or not the Government continues to maintain an official majority, that almost all the non-official seats may be filled up by election. It is but fair, especially if the Government intends to continue the official majority, that the election should be entirely free of all official influence, directly or indirectly, to however slight a degree. I am not therefore for continuing the privilege of election to Local Boards, Corporations of the City and the Universities whose members are but partially elected by the people themselves. They are all more or less semi-official bodies. Neither am I for Chambers of Commerce being allowed to return a member each. It is true that these last are purely non-official bodies but they do not represent the vast trading interests of the country. Occasionally, too, their interests are commercially opposed to the interests of both India and England alike as is evident from their attitude to the proposed value-payable system direct from England to India. If the trading interests have to be guarded by special representation, the necessity as to which I beg to deny, then all traders who have a stake in the country's trade and who pay a certain amount of tax ought to be given a vote each and these voters may be grouped by territorial areas either corresponding to the revenue districts or specially marked for the purpose.

19. Then the only feasible scheme that remains is representation by territorial areas as it obtains in all the advanced countries. The cry everywhere is for universal manhood suffrage. It would be absolutely unfair to the millions of the tax-payers of India that a high property qualification, determined by the amount of tax paid, should be demanded of voters, while I do not suggest that every adult male in the country should be enfranchised. I do claim that the property qualification should be sufficiently low, having due regard to the admitted poverty of the country.

I notice the expression "stable elements" in more than one place in the letter of the Government of India. I do not know if more is expressed than what is meant by the phrase. Be it as it may, I venture to submit that a low suffrage rather than a high one is calculated best to achieve the object implied by the phrase. Lecky on Democracy and Liberty says, "It has been the opinion of some of the ablest and most successful politicians of our time, that by adopting a very low suffrage, it would be possible to penetrate below the region where crotchets and experiments crude Utopias and habitual restlessness prevail and to reach the strong settled habits, the enduring tendencies, the *deep conservative* instincts of the nation. Such an idea was evidently present in the minds both of Louis Napoleon and of Lord Beaconsfield and it probably largely influenced the great statesman who based the German Constitution on universal

suffrage." Apart from the stake and interest of every tax-payer, the franchise if it is fairly widespread would serve as a powerful instrument of national education. The various and often conflicting influences to which the voters as well as their relatives and friends would be subjected by the canvassers of votes would make them more and more reflective and would increase their self-respect and elevate them socially. In reforming the Legislative Councils, the Government might seize the opportunity to confer this indirect but great blessing on the people of the country by creating territorial electorates, and by fixing a moderately low qualification for the franchise.

20. It is often asserted that representative institutions are foreign to India. It may be conceded that in the highly developed form reached in England, America or Switzerland, it did not exist in India and in this sense and in this sense only the assertion is true. If it is true, in a larger sense, then there is an implied inconsistency in devising a scheme of representation in which people who have received a western education and who have absorbed western ideas and modes of thinking should be the persons who would most be excluded as voters and members as well from the proposed Advisory Councils and the reformed Legislative Councils as they certainly would be if the reform is carried out on the lines outlined by Government. It seems to me that it is obviously unjust and unstatesmanlike to try to exclude or minimise the influence and active participation of the "Lawyers or the School master" by laws and rules.

21. My humble suggestion, therefore, is that every person above a particular age, say 25, who pays a tax or taxes to Government or Local Boards or both, in all amounting to Rs. 50 and who is able to read and write, should be entitled to vote and also all persons who have passed any university examination and all retired Government officers who received a pension of not less than Rs. 35 a month should be allowed a vote. There ought of course to be a list of disqualifications. Persons who have been declared insolvents or who have been convicted of degrading offences under the Indian Penal Code and persons more or less insane should be excluded from voting or becoming members of councils. I should perhaps suggest an age limit below which no one ought to be allowed to become a member of the Legislative Council, say 35, and I should also insist on candidates possessing a fair knowledge of English so as to be able to speak it and write it with ordinary fluency and fair accuracy. I would not subject them to any disqualifications based on caste, creed, class or occupation. If Government thinks fit, a territorial residential qualification within the electorate for a definite time may be demanded.

22. The reforms contemplated by Government do not in words include an addition to the functions of the Legislative Councils. A mere increase in the size of the institutions without an increase in their functions is hardly a great reform or calculated to satisfy popular aspiration and expectations not to speak of the requirements of Government. It is believed in many well-informed circles that it is in contemplation of Government to add to the functions as well as of the Lagislative Councils. This addition may be made in two ways. When questions are asked, the questioning member may be allowed to make a statement in support of his question. Answers may be accompanied by explanatory statement and members might be given the power to put supplemental and consequential questions on the spot without previous notice. The next direction is members may be made competent to move resolutions on any subject unconnected with a measure of legislation pending or in contemplation. These powers are incapable of being abused while explanatory statements accompanying questions and answers would not only tend to greater mutual understanding and harmony between the Executive Government and the members but would also take away the effect of short questions and answers under strict rules from being misunderstood by the public generally and the information obtained from the Government or the refusal to afford any would be better understood and appreciated. The annual debate on the budget is now admittedly academical merely while power to move resolutions and divide the Council on particular items of the budget and on the principles underlying them would be most healthy and would infuse correct and widespread information among the people of the country.

23. In making this appeal for grant of increased functions to Indian Legislative Councils it is worth while stating that such powers, if granted, would not be altogether new. Under the Charter Act of 1853 (16 and 17 Vict., C. 95) and under the rules and standing orders made thereunder, the members of the Legislative Council of India exercised such powers for eight years until they lost them under the Indian Councils Act of 1861. I beg permission to quote a few instances when such powers were exercised. At the meeting of the Council held on the 16th April 1859, Sir Charles Jackson put the following question: "Whether the Government have taken any and what steps for the erection of a jail in a suitable climate for the reception of European or American convicts sentenced to terms of penal servitude under Act XXIV of 1855"? In support of the question, he made a long statement giving his reasons for his inquiry; and the answer was also accompanied by a statement at some length.

On September 6, 1859, the Vice-President (Sir Barnes Peacock) called the attention of the Council to certain observations made by the Madras Supreme Court in the matter of an application by one Gunshamdoss which observations were considered by Sir Barnes Peacock as a reflection on the Legislative Council. Then on the 4th February 1860, the matter was by a motion referred to a select committee and the report of the committee was presented on the 25th February 1860, when Sir Barnes Peacock moved the following resolution thereon, *viz.* "the remarks

of the learned Judges of the Supreme Court of Madras on Act XVI of 1859 in delivering judgment on the 8th August 1859 on the case of Gunshamdoss were unwarranted by the facts and were wholly unjustifiable." In moving the resolution Sir Barnes Peacock made a very long and interesting speech in the course of which he said that the members of the Legislative Council were as independent as the learned Judges of the Supreme Court of Madras and generally defended the conduct of the Legislative Council against the attacks of the Supreme Court. Mr. Sconce, Sir Charles Jackson and Sir Bartle Frere and the Right Honourable Mr. Wilson all took part in the debate. The original motion was eventually withdrawn and a resolution that a report of the Select Committee be adopted and transmitted to the Secretary of State for India was unanimously agreed to.

On the 18th August 1860, the record of the proceedings of the Legislative Council begins as follows:—"The order of the day being read for Sir Mordaunt Wells to call the attention of the Council to the evidence given before the Indigo Commission by the Hon'ble Mr. Eden, a member of the Bengal Civil Service, so far as his evidence referred to the administration of criminal justice in Her Majesty's Supreme Court." In thus calling the attention of the Council to the subject Sir Mordaunt Wells made an elaborate speech quoting facts and figures in defence of the Supreme Court of Calcutta against the charge made by the Hon'ble Mr. Ashly Eden that the Supreme Court and the Calcutta Jury were partial to Europeans accused of offences. Sir Bartle Frere, Mr. Forbes, Member for Madras, Sir Barness Peacock and Mr. Sconce, all spoke on the subject.

On the 15th December 1860, Sir Barnes Peacock moved that Government be requested to furnish several items of information specified in the notice of motion in respect to certain grant by the Government to the descendants of Tippu Sultan of Mysore. The Vice-President made a most vehement and eloquent speech in support of his motion. He closed his speech declaiming "*Fiat justitia ruat cælum.*" The motion was opposed most vigorously by Sir Bartle Frere and others on behalf of the Executive Government. The Council was divided and the votes were equal in number. Sir Barnes Peacock in the chair as Vice-President gave a casting vote in favour of his motion which was carried.

The information asked for by the resolution was substantially given by the Government on the 22nd December 1860 when Sir Charles Jackson in the absence of Sir Barnes Peacock expressed his gratification and said that the message granting the information "would increase that confidence which the Council had in the Executive Government and would promote that harmonious action between the Executive Government and the Council which was so greatly to be desired."

24. I believe that if similar powers are by statute bestowed upon the members of the reformed Legislative Councils the concessions would increase the confidence and harmonious relations between the Executive Government on the one hand and the elected members of the Legislative Councils and the people on the other.

These powers were taken away expressly by section 19 of the Indian Councils Act, 1861 (24 & 25 Vict., C. 67), which confines the business of the Legislative Councils to laws and regulations actually introduced before the Council or to be introduced and makes it unlawful for any member to make any motion or for the Council to entertain any unless it is connected with such laws and regulations. In his despatch accompanying the transmission of the Indian Councils Act of 1861 to the Government of India, Sir Charles Wood says, "I may frankly state to Your Lordship in Council that one object of section 19 is to prevent the Legislature from interfering with the functions of the Executive Government". The despatch nowhere contains reasons why the power previously exercised was taken away; much less is there any suggestion in it that the power was in any way abused. In his speech in Parliament on the first reading of the Indian Councils Act, 1861, Sir Charles Wood doubted if the practice was intended by the Act 1853. But the Act of 1853 and the rules and standing orders made thereunder were in force for eight years and a practice which had the active approval of Sir Barnes Peacock under the Presidency of Lord Dalhousie and Lord Canning cannot easily be said to be *ultra vires* of the Indian Legislature. Whether strictly within the letter of the Act or not, the practice itself existed under the rules and standing orders and the able and distinguished members of the Council who exercised the power cannot be said and are not as a matter of fact said to have abused that power.

The Indian Councils Act, 1892, restored part of these privileges. I humbly venture to submit that the time has come for the full restoration of these privileges with great advantage to Government and to the people.

25. I should like to say a few words about the recruitment of non-official additional members to the Madras Legislative Council. Instead of 17, the number of non-official members may be raised to 25, of whom from 3 to 5 may be reserved to be nominated by His Excellency the Governor. The rest may be elected directly by voters. The present Revenue districts with some re-adjustment, if necessary, may serve as electoral areas. I have already suggested what qualifications for voters and candidates may be demanded. If an official majority is to be continued, it might be urged there may be considerable difficulty in finding so many suitable officials without inconvenience to service; but I do not think this difficulty is great. In addition to the officials now ordinarily appointed to the council from within the city of Madras, Collectors

and senior Deputy Collectors from throughout the Province may be appointed. It would no doubt be necessary to draw them away frequently from their work. But the advantages would be great. Apart from the varied experience which the official members from the mofussil would be able to place at the disposal of the Council and Select Committees, it would be of very great advantage to place so many officials and non-officials frequently together at meetings of Councils and of Select Committees.

26. Then as regards the Imperial Legislative Council I notice that the maximum strength of the council suggested by Government is 54, a number less than the number for the Imperial Advisory Council which is 60. I think the strength of the Imperial Legislature may be about 70. If the official majority is to be kept up, that majority might be from 35 to 38, the remaining non-official seats to be distributed among the seven provinces at the rate of three each. The old and distant Provinces of Madras and Bombay might have 4 to 5 each. The remaining members might be nominated by the Viceroy to represent, if necessary, minorities or special interests or as experts for special purposes. The members allotted to each province may be elected by the same voters that elect the members to the provincial councils; the electorate being marked into as many groups as there are members to be elected. I prefer this to election by non-official members of the Provincial Legislative Councils which I would suggest only as an alternative.

I venture to submit that one member each to be elected by the provinces for the enlarged Council of India is totally inadequate. The reasons which I have already given why Ruling Chiefs should not be appointed to the Imperial Advisory Council hold also in the case of the Imperial Legislative Council.

In conclusion, I desire to state that on the one hand a crisis, a very acute crisis, has been reached in the natural development of things arising under the system of administration inaugurated and built up by the wise and far-seeing statemanship of the makers of the British Indian Empire and arising agreeably to the hopes and aspirations flowing from the great Proclamation and, on the other hand, Government has, of its own initiative and with full knowledge of the general discontent in the country, if not by reason of it, at least in part, started an issue great in conception and far reaching in consequences; while the proposals which it has outlined though tentatively and provisionally have caused alarm throughout the country, as involving new and startling administrative principles. In these circumstances a very heavy responsibility rests upon Government. In so far as any responsibility has been brought upon the people by the wise action of the Government in inviting co-operation in the discussion of the great question, they have almost with one voice answered it unmistakably. The final discussion and ultimate decision rests with Government and its responsibility is as great as it is exclusive. Not only is the issue before the Government great but also the time is most opportune. But if the issue is great and the time opportune, I fear that the temptations calculated to induce Government officers and others who have influence enough to mar the beauty and usefulness of the important measure are also great. I must not omit mention of the fact that both the general tone of the letter of Government of India and the nature of the proposals which it has outlined for carrying out the great measure of reform it has initiated have the ring of the sinister influence of alarmists that have newly risen in India and have even secured converts in England. The statesmen into whose hands the destinies of this great empire are placed by Providence at this serious crisis are under the most solemn obligations to rise equal to the occasion and to rise superior not only to all influence but also superior to the suspicion of all influence of "certain passing events" in India, events the colour and significance of which rest upon secret information and excathedra views which have not been subjected to the test of publicity and calm inquiry and of the application of the golden rule *audi alteram partem*. The whole situation calls for all the courage, statesmanship and resources of Government both in India and in England. The wise policy of a century and great and solemn pledges repeatedly affirmed are upon their trial at this moment. The earnest and prayerful hope and trust of the people of India whom the Divine Providence has committed to the care of the greatest nation in the world are that the great issue would be decided by Government so as to calm fears and compose agitation, so as to secure the confidence, contentment and happiness of the vast millions of India and so as to make no small addition to the name and fame of England for courageous justice.

XVII.

Letter—from R. C. DUTT, Esq., C.I.E., Member of the Royal Commission on Decentralization, and retired Member of the Indian Civil Service.
To—the Private Secretary to His Excellency the Governor of Madras.
Dated—Madras, the 1st December 1907.

Not being a resident of Madras, I feel I have no right to address the Government on the subject of the scheme recently published for the expansion of the Madras Legislative Council. But as an Indian now staying at Madras, and having had recent opportunities of knowing a great deal of the people and the administration of this province, I take the liberty of submitting my views on the subject.

And I beg that His Excellency the Governor in Council may be pleased to take these views into his consideration along with the opinions of other officers and public bodies which have been invited.

2. From the scheme set forth, it seems that Government has some doubts whether the election of one Brahman or one Muhammadan or one Christian in such a large province is possible. And it therefore proposes to take power (as an alternative) to nominate members from those communities, instead of permitting elections.

3. Is it too late to withdraw from the idea of elections by classes, castes and creeds altogether? The only objection to the present system of elections according to territorial limits is that some classes are over-represented, and others under-represented. But this defect can be corrected by Government taking large powers to nominate members from the under-represented classes, after the elections are over. The people will be satisfied with this arrangement; and the adequate representation of all classes will be secured without recourse to the invidious plan of election by castes and creeds.

4. There are 23 or 24 districts in this province. Allowing one member for every two districts (formed into a group), eleven or twelve members might be elected by the districts under the present system of election by Local Boards and Municipalities. Two members may be returned by the Chambers of Commerce and the Senate, and Government may take power to appoint six or seven members from classes not adequately represented by election. The total number of non-official members need not exceed twenty.

5. England has ruled India for a century and a half without making any distinctions based on caste and creed. The new proposal of creating electorates according to caste and creeds is attended with danger. It will foment jealousies and hatreds, accentuate differences in daily life, and will be fruitful of local disturbances in the future. It will create aspirations among separate communities and guilds which can never be satisfied, spread discontent, and foster unfavourable impressions about the fairness and justice of the ruling power. European Governments do not accentuate religious differences in these days by creating separate electorates for Protestants and Roman Catholics. The same wise impartiality can be pursued in India; and the rights of the less advanced classes can be safeguarded in the way indicated above.

6. His Excellency will graciously permit me to add one word more in this connection. Much attention has been attracted by the present unrest in Bengal and in other parts of India. I speak with some knowledge of facts when I state that the unrest is not in any way serious. All the influential leaders of the people, —all who have some position and some stake in the country and some influence with their countrymen,—are moderate sensible men, thoroughly and honestly loyal to the British rule. But these very leaders of the people desire and expect at the present juncture some real extension of popular powers, and a larger share in the administration of their concerns, from the Legislative Council down to Local Boards and Municipalities. If this is denied to them at the present juncture, their influence with their countrymen will be gone, and the discontented party will prevail. A wave of real unrest, attended with increase of crime, will spread over this peaceful country as it was so often done in Ireland. It would be true statesmanship at the present moment to prevent this, and to stifle discontent and help moderate men by some real concession to the people.

XVIII.

Letter—from M. R. Ry. Diwan Bahadur R. RAGHUNATHA RAO, retired Deputy Collector in the Madras Presidency, and Ex-Minister of Indore.
To—The Chief Secretary to Government.
Dated—Kumbakonam, the 15th December 1907.
No.—824.

I have the honour to acknowledge the receipt of your letter of the 22nd November 1907, on the 3rd instant, requesting me to furnish the Government with my opinion on the questions raised in the memorandum drawn up by order of the

Governor in Council regarding certain measures proposed with the view of giving the people of India wider opportunities of expressing their judgment on administrative matters.

2. In the letter from Sir Harold Stuart, K.C.V.O., C.S.I., Officiating Secretary to the Government of India, which accompanied the said memorandum, paragraph 2, it is stated that "the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with the daily life and are qualified to speak with authority on their behalf." I entirely agree with this view.

3. At present, the Government of India have great difficulty in making their measures and motives generally understood and in correcting erroneous opinions of people thereon, a fact well known to the people as well as to the rulers. It is absolutely necessary that this difficulty should be removed as speedily as possible. The best means to remove it is, no doubt, to obtain the opinions on administrative measures and proposals for action of those qualified to advise Government. Government used to do so invariably about 30 years ago. This process has fallen into disuse of late. The formality of this process may have continued partially, but the weight which used to be attached to the opinions elicited has been vanishing. Hence the difficulty above referred to has been on the increase. I entirely agree with the sentiment expressed in paragraph 4 of the said letter, *viz.*, "such advice and opinion as are thus obtained are the indispensable foundation upon which good administration is built up, and the regular consultation of persons qualified to give them is part of the necessary procedure of Government." This is no new idea. It was the principle of the ancient Hindu rulers, well known to the people and fully appreciated by both the rulers and the ruled. With the crusade against the village governments, systematically commenced a generation ago, and against the Merasi, the tie which used to bind the ruled and the rulers has been loosened and they now do not know each other.

4. The Government of India now proposes to bring about an "Imperial Advisory Council". If its members be real representatives of British subjects in India, such an assembly may be of some use to the country. The scheme proposed seems to me too bulky and not very practical in the long run. It will certainly do no harm and may do some good.

5. Another measure proposed is to establish "Provincial Advisory Councils". It is to consist of a select body of advisers, chosen upon a wide basis, to be consulted upon all measures of importance affecting the population of the province. In this Council, smaller landholders, Industry, Commerce, Capital, and the professional classes should also be included. This scheme is unobjectionable. It seems to me less impracticable than the Imperial one.

6. The procedure proposed in paragraph 6 for dealing with this Council is practicable and sound. I agree also in the remark that the opinions fairly and correctly obtained by collective deliberations are more valuable than those elicited by individual consultation.

7. The Secretary of State is said to have observed in 1892 (*vide* paragraph 8) that it might be "possible to give representation to the views of different races, classes and localities, through the medium of corporations vested with definite powers upon a recognized administrative basis, or of associations formed upon a substantail community of legitimate interests, professional, commercial and territorial."

8. The view is very sound. To obtain the desired end, the Government of India proposes, in paragraph 12, that the Governor-General's Legislative Council might in future be constituted on the following lines:—

The maximum strength of the Council might be 54, thus:—

(A) Ex-officio ...	... 9	The elected being one-third of the whole.
(B, C, E) Nominated	... 27	
(D) Elected ...	... 18	

The total number is sufficiently large, but the number of the elected may be increased, reducing that of the nominated.

9. In paragraphs 17, 20, 21 and 22 of the letter from the Government of India suggestions are made about the enlargement of the Provincial Legislative Councils In paragraph 6 of the Memorandum of the Madras Government, a scheme is suggested.

10. In the aforesaid paragraph 17, the Government of India suggests that a certain number of seats should be assigned exclusively to Muhammadans and a special Muhammadan electorate might be constituted and that a proportion of the seats for Indian gentlemen of position to be filled, as at present, by nomination. These suggestions are, in the existing circumstannces, unobjectionable.

11. In paragraph 20 of the Secretary's letter the view of the Government of India is expressed, and it is that " the general principle to be borne in mind is, as already stated, that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained."

12. I am unable to understand the principle, the necessity, and the wisdom of the official majority in the Legislative Councils. Rather than maintain it and make the Council a farce, it is better to make a rule that in cases in which the Government may not have a majority of votes, it shall carry out the views of the minority on the responsibility of the Head of Government. Such a rule would be a valuable one, releasing several important officers of Government from attendance at the Council, neglecting their own duties for which the people pay them handsome remunerations, and sitting in the Council room, imprisoned and directed to hold up their hands when called upon by the Government to do so. We have no party Government in India. The majority do not get the plums of service. The declaration now made that a law was passed by the Legislature is a misnomer and is really not true.

13. In paragraph 22, it is suggested that Local Governments should introduce into their system of election and nomination for these Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and permitting the members of that class to select its own representative. " . . . . In each case the electors ought to be literate and they should be required to elect from among their own group."

The Madras Government in paragraph 6 of their order invite remarks on the following scheme suggested; in which the number of non-official is fixed at 17, to be appointed on the following lines:—

(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	Selected by the Madras Chamber of Commerce	1
(*c*)	Do. by the University	1
(*d*)	Do. by the Bar	1
(*e*)	Do. by landholders and landowners [none being members of class (*d*)]	2
(*f*)	Do. by the Madras City [not being (*d*) or (*e*)]	1
(*g*)	Do. by Brahmans	1
(*h*)	Do. by Muhammadans	1
(*i*)	Do. by Christains	1
(*j*)	Do. by all other persons	6
	Total	17

etc. etc. etc.

14. The scheme looks almost impracticable. My opinion is that, in the present state of the country, the qualification of the electors should be high in property, while that of the elected similarly high in property and specially literate. The population of our Presidency is 382 lakhs of people, of whom—

	Lakhs.
Muhammadans	25
Christians	10
Hindus	340
The rest	7
Total	382

To allow one million of people of one community to send one man to Government as their representive, is not granting too large a representation to the people. The people may be divided into Muhamadans, Christians, Hindus and others into each of the 22 districts of this Presidency. According to this rate and making liberal concessions to Muhammadans and Christians, there would be 32 Hindus, 8 Muhammadans and 4 Christians, as particularised in the schedule annexed. These should be allowed to sit in the Legislative Council as representative members in addition to those elected by corporations. These with officials should complete the Council.

The Governor may have the option to adopt the views of the majority or of the minority as he thinks fit. In this scheme, the contrivance for having an official majority disappears and the stigma that Legislative Councils are nothing but a farce will disappear.

15. Those to be elected may be divided into landowners and followers of professions. The constituency should vote for one of each when it has the privilege of electing two members and the constituency entitled to elect only one may elect one person who possesses both or either of them. The minimum qualifications of the elected should be fixed so high that really useful and important persons are elected. When the qualifications fixed are too high in any section of the people, it may be lowered temporarily till they are reached by the people concerned.

16. In the scheme (*a*) of paragraph 6 of the Government proposal, the number of non-official members for the Legislative Council is stated thus: that His Excellency the Governor nominates 2 (*a*) and 15 will be selected by others. Of these 15—

(*b*) Madras Chamber of Commerce selects 1

(*c*) Senate 1

(*h*) Muhammadans 1

(*i*) Christians 1

To this there is no objection.

(*d*) Selection by Barristers, etc., appears needless, as the Advocate-General is a member of the Council.

(*e*) Selection from zamindars, etc., looks impracticable as electors are scattered over the whole Presidency.

(*f*) In the place of citizens of Madras, the Municipality of Madras.

(*g*) For Brahmans, Hindus should be substituted.

A graduate of any university should be declared qualified for voting, irrespective of property qualification.

17. If it be possible to conceive any system to carry out the object of Government other than the above, which may be simpler, more permanent, more effective, more practical, and better known to the people, it may be taken into consideration so far as this Presidency is concerned. I submit the following.

18. Merasi pangoos or shares are still known in many villages. With this system, other property qualifications may be utilized to form village communities. The shares and others who may be payers of Government revenue above Rs. 10 may be allowed to form village associations, either for a single village, or, if it be too small for two or more villages combined; these associations to be presided by a president elected or selected. Such associations or panchayats may elect members for a Taluk Association, one or more according to the importance of their village, either from among themselves or others, provided the elected is literate and possessed of other qualifications prescribed. These Taluk Associations or Boards shall be elected by the Village Boards and the Taluk Boards may perform the work of the present Taluk Boards and other works—Revenue, Judicial, Sanitation, Municipal, etc., works such as may be entrusted to them.

19. These Taluke Boards may elect members for the District Boards, persons of prescribed qualification of classes, *viz.*, landowners, heads of industries, of capital and of professions, according to the proportion of the population of the taluk. The

District Boards or Associations thus formed may be declared competent to do the work of the existing District Local Boards and other works delegated to them by the Government, and may be styled the Advisory District Councils. Their elected Presidents or such persons as the said District Boards may elect may form the Provincial Advisory Board, whom the Board of Revenue may summon to meet at Madras for consultation. This Provincial Council shall be the Advisory Council of the Government also. It may be consulted by correspondence or in a meeting convened by Government. The Taluk, District and the Provincial Boards' or Councils' members may hold their posts for five years and may be eligible for re-election.

20. Their numbers may vary as population and prescribed qualifications vary among the people once in five years or three years.

Such a scheme may prove more than tentative and may become a national and permanent one.

Care should be taken in prescribing the qualifications of the elected.

The Collectors, the Divisional and Taluk heads may be declared ex-officio Joint Presidents of their respective Boards with the Police, Engineering, Sanitation departmental heads as members having no votes.

21. Such a system may be more in accordance with the idea, predilection and wish of the people and will not be subject to the flaw that the officials have all the power really in their hands.

22. The manner of working a system is more important than the system itself. The systems and rules now existing are in many cases excellent. A scheme like the one above described may and can be established and carried out, if a commission for each district consisting chiefly of non-officials and retired officials be appointed with directions to introduce the village associations within three months receiving good aid from the Collector of the district. The rest will at once follow.

23. The Municipalities should be formed on the same principle of election, raising the qualification of the elected and electors. They should have members of different sections of the people in them, so that all sections of people are represented.

24. They may stand in the place of Taluk Boards, having the privilege of electing members for the District Boards, they themselves managing their affairs without material interference of the officials, their Presidents being some of the people appointed by the Government and their Vice-Presidents always elected by the members with no secretaries.

25. The rules of the Petition department should be thoroughly and radically changed. The proceedings of this department create great dissatisfaction. Petitioners should be heard orally. Their written petitions to the executive departments of Government should be promptly disposed of. On the receipt of petitions, the law governing the case should be, whenever possible, very briefly noted by the receiving officer on the petitions and they should be referred for ascertaining the facts involved. The taking of evidence to ascertain facts must be open and in the presence of parties concerned and in the localities, which are the seats of the cause of action, by the Village or Taluk Boards or Associations when formed. Time should be fixed for the submission of reports on petitions and remissness should be promptly noticed with the displeasure of superior authorities. As it is now, it takes considerable time to obtain any final or any order from the Revenue Department. Parties should be encouraged to represent their cases in person. When they are represented by a member of the bar, the law involved should be at once decided after hearing the Counsel, so that his presence may not be necessary any longer. If the law laid down be not acquiesced as correct by the Party's Counsel, he may at once appeal against the dictum to appellate authority.

26. If the scheme I have above suggested be adopted and the enquiries of such cases be delegated to the Taluk or District Boards or Associations, the Government officials will be greatly relieved of work, the unsatisfactory mode of doing which has been the primary cause of discontent in the country.

ENCLOSURE.

Schedule referred to in paragraph 14.

These live in twenty-two districts as follows :—

Names of the districts.	Hindus.	Muhammadans.	Christians.	In lakhs. Hindus.	Muhammadans.	Christians.
Ganjám	17	...	...	2	...	...
Vizagapatam	26	...	...	2	..	...
Gódávari	21	..	...	2	...	...
Kistna	19	1	1	2	1	1
Nellore	13	...	...	1	...	...
Cuddapah	11	1	...	1	1	1
Kurnool	7	1	...	1	...	...
Bellary	8	1	...	...	...	...
Anantapur	7	...	...	1	...	...
Madras	4	...	...	1	...	...
Chingleput	12	...	...	...	...	...
North Arcot	2	1	...	2	1	...
Salem	21	...	...	2	...	...
Coimbatore	21	...	...	2	...	..
Nilgiris	8	...	...	1	...	...
South Arcot	22	...	...	2	...	...
Tanjore	20	1	...	2	1	...
Trichinopoly	13	...	...	1	...	...
Madura	25	1	1	2	1	1
Tinnevelly	18	1	1	2	1	1
Malabar	19	8	...	2	1	...
South Canara	9	1	...	1	1	...
Total ...	...	...	...	...	32	8	4

XIX.

Letter—From M. R. Ry. Diwan Bahadur A. VENKATARAMANA PAI, Retired District and Sessions Judge.

To—The Chief Secretary to Government.

Dated—Kasaragod, the 15th January 1908.

I have the honour to submit my opinion called for in your circular, dated 22nd November 1907, on the questions raised in the memorandum annexed thereto.

2. Opinions are invited on certain specified points relating to the scheme of the proposed Advisory Councils and the expansion of the existing Legislative Councils.

3. The Government of India suggest that the Imperial Advisory Council may be so constituted as to include a proportion of (*a*) the great Ruling Chiefs and (*b*) Territorial Magnates of British India.

It seems to me to be more than doubtful if many of "the Great Ruling Chiefs" would care to be associated with the Indian subjects of the British Government. The time has not yet arrived, in India, when the Ruling Princes would deem it a privilege to be admitted as members of such Councils, even when they will have no legislative recognition and their proceedings will be treated as "private, informal and confidential". I venture to think that the opinions of the Ruling Chiefs on any questions may, as hitherto, be obtained confidentially through the Political Agents.

5. "Territorial Magnates" are undoubtedly an important class, but they have not yet made sufficient progress educationally, and although a small proportion of the members of Advisory Councils may be taken from the great zamindars, a larger proportion of useful members will necessarily have to be taken from the intellectual classes who have on the whole proved to be worthy of the position. If as individuals they are useful as members of Councils I think their education and their independent professions may add to their usefulness as councillors. As members of Councils their interests will remain unaffected.

6. The statistics given in paragraph 9 of the letter from the Government of India no doubt show that the legal profession has contributed a preponderating number of members to the Legislative Councils, but this very result shows that even with the

exercise by the Government of the power of nomination reserved for redressing any inequalities in the due representation of classes and interests it has not been possible to summon more members from the purely landed classes. The fact seems to be that these classes and "special interests" have not found it possible to present a larger number of qualified representatives, whether for election or nomination, and it would, I think, be futile, for a considerable period of time, at all events, to attempt to secure an appreciably larger number than hitherto of useful members of Councils from the landed classes or the special interests.

7. In regard to the proposed representation of castes and races—I think that the scheme is not sound in principle, while the practical carrying out of it would involve serious inconveniences.

8. In the first place the measure is by no means calculated to foster that growth of unity among the different castes and sections of the community in regard to their common interests affecting the administration, which is and has all along been the generous policy of the Government to foster. The whole tendency of the British Administration has been to reduce the racial and class differences so far as they might affect the common interests of the community to a minimum. The introduction of sectional electorates would seriously affect the measure of unity now existing in the community as a whole and check its future growth.

9. As regards the working of the scheme, racial and caste differences, wherever they exist, relate mainly to religious matters such as places of public workship and religious processions, and do not, generally speaking, affect the spirit of union happily created and gradually growing among the community as a whole in matters of general public interest. On the introduction of the proposed scheme, racial and class jealousies, wherever they exist, are likely to be accentuated. Such differences as do exist are scarcely more formidable in the case of non-Christian races and castes than among the different sections of the Christian population of the country. It is not difficult to foresee, for instance, a powerful demand on the part of each of the two great Christian sects, *viz.*, Protestants and Roman Catholics, for the privilege of returning the sole Christian member of the Madras Legislative Council and I do not think the Government may find it easy to satisfy either section without causing dissatisfaction to the other.

10. I do not think that the Government of India intend to disenfranchise any existing electorates. In this Presidency the Local Boards and Municipalities have been electing four members for the Provincial Legislative Council. I do not know that the exercise of this right has produced any unsatisfactory results, at any rate, to such an extent as to justify its withdrawal, unless the Government think that the preponderant lawyer element is an evil in itself.

11. As regards the work to be devolved on the Advisory Councils, the Government of India declare their intention to accord no legislative recognition to these Councils, to treat their proceedings as "informal, private and confidential", and to call for the opinions of members individually or collectively and necessarily refrain from stating what specific classes of questions will be submitted for their opinion. As to "imperial questions" and "questions of common interest" between the British and Native Administrations, I feel I am not in a position to offer any useful or definite suggestions.

XX.

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 466 (Confdl. No. 22), dated 11th February 1908.

The Hon'ble Mr. J. N. Atkinson (Commissioner of Revenue Settlement, etc.)

The Hon'ble Mr. C. J. Weir (Commissioner of Land Revenue).

The Hon'ble Mr. J. Twigg (Commissioner of Salt, Abkári and Separate Revenue).

The Hon'ble Mr. J. Andrew (Commissioner of Land Revenue).

The Board begs to submit its reply to the question raised by Government in the memorandum annexed to G. O., No. 886, Public, dated 22nd November 1907, on the subject of the proposed Imperial and Provincial Advisory Councils and enlargement of the existing Legislative Councils, Imperial and Provincial.

2. The Board may state at the outset that it feels a certain measure of doubt whether the establishment of the proposed Provincial Advisory Councils is altogether necessary, and whether the object which it is hoped to attain thereby could not be secured by adaptation and improvement of existing machinery alone without incurring certain risks which it is inclined to think that the proposal involves.

But Government have postulated that the establishment of the Advisory Councils is likely to be a valuable measure. The Board will not dwell, therefore, on an aspect of the matter which is outside the scope of the reference to it, but proceed at once to deal in order with the points on which its suggestions are invited.

3. *Imperial and Advisory Councils*—(1) *Its constitution.*—Paragraph 5 of Sir Harold Stuart's letter Nos. 2310—2317, dated 24th August 1907, contains a rough sketch of the constitution of the proposed Council. It states that the Council will consist of about 60 members for the whole of India including about 20 ruling chiefs "and a suitable number of the territorial magnates of every province where landholders of sufficient dignity and status are to be found." The Board understands this to mean that 40 of the members will be territorial magnates, each province contributing a number proportionate to its importance so far as it is able to furnish suitable persons.

4. The territorial magnates will, the Board presumes, be nominated by the Governors and Lieutenant-Governors of the several provinces. Turning to the proportion to be furnished by the various provinces, the Board observes that in Burma there are stated to be few large landholders outside the primitive Shan States. Bombay, like Madras, is mainly ryotwari, and these presidencies are likely to be able to furnish, in proportion to their size and importance, fewer large landholders of the stamp required than the remaining provinces. Accordingly the distribution of the forty seats may be roughly estimated as follows:—

Bengal	7
Eastern Bengal and Assam	4
United Provinces	6
Punjab	6
Central Provinces	5
Bombay	5
Madras	5
Burma	2
Total	40

It thus appears that Madras is likely to be called on to furnish five members to the Council once in five years. The Board presumes that the field of selection will comprise the zamindars, mittadars and jagirdars, the hereditary Rajas of Malabar, and any persons on whom Government may have conferred the title of Raja as a personal distinction who, though not members of the classes just mentioned, may deserve the appellation of "territorial magnate." The acting Fourth Member of the Board is strongly opposed to the inclusion of ruling chiefs in this Council for reasons similar to those indicated in paragraph 10 below in connection with their inclusion in the Legislative Councils.

5. It is perhaps hardly necessary to say that the Board would deprecate the application, whether in defining the field or in making the selection, of any hard-and-fast mathematical criterion based on figures of peshkash (which is of course by no means always proportionate to the importance of an estate) or even of rent-roll

(since the nominal owners of large rent-rolls are sometimes practically paupers). The principle followed would no doubt be that which is at present observed in selecting from these same classes Additional Members of the Legislative Council. Regard would be had to character, influence, ability and actual substance. Some minimum property qualification would be necessary, but on this point the Board is unable to make a definite recommendation until it is in possession of statistics which it has called on Collectors to furnish, which will alone enable it to propose a standard suited to the conditions of the Presidency.

6. (2) *Its work.*—The Council will be a purely consultative body without legislative recognition or formal powers of initiative. It would be consulted individually by the Viceroy, and occasionally called together either in whole or in part for the purpose of collective deliberation, when its members would be entitled to "offer their counsel on matters affecting the welfare of the people."

Government invite suggestions as to "the work which may be devolved upon them." The Board understands that it is requested to indicate the classes of questions on which such a Council might usefully be consulted. It would reply that it is neither necessary nor easy to lay down any hard-and-fast rule on this point. Assuming that the advice of such a Council will be of value at all, it will be of value on all large questions with which the Government of India may have to deal, though naturally it would be restricted in the main to questions of internal administration.

Its advice and its support might be expected to be of use wherever the prejudices of the people are likely to come into conflict with proposed measures (for example in such a matter as plague policy), wherever Government have to address themselves to the difficult and delicate task of assimilating what is best in indigenous culture and civilisation, combining it with suitable accidental elements, and adopting it to modern ideas and requirements (for example, educational policy may be cited). The treatment of sedition is another specific matter on which Government might feel that the advice of the Council would be likely to strengthen their hands.

But the Council is not merely to interpret the people to Government. It is also to interpret Government to the people, to remove misunderstanding and combat misrepresentation. In exercising this function and thus popularising the measures and policy of Government, the sphere of its *possible* usefulness would be wide as the possibilities of misunderstanding and misrepresentation themselves.

7. *Provincial Advisory Council*—(1) *Its constitution.*—The suggestions of the Government of India on this point are contained in paragraphs 6 and 7 of Sir Harold Stuart's letter. They consider that the membership of these Councils should be smaller than that of the Imperial Advisory Council, but large enough to ensure the representation of all important interests. The nucleus would be formed by the Imperial Advisory Councillors, representing the great landholders, but the Council should also include representatives of "the smaller landholders, industry, commerce, capital and the professional classes." The members are to be nominated by the Governor or Lieutenant-Governor of the Province.

8. The Board would suggest that the nucleus of the Advisory Council should be formed by the non-official additional members of the Provincial Legislative Council. It is true that the Government of India have stated that the new councils are to be altogether distinct from the existing Legislative Councils, but they also remark that it may happen that members of the Advisory Councils sit on the Legislative Council, Provincial or Imperial or both, so that the Board's suggestion is not strictly speaking in conflict with their suggestion. On the other hand it has this advantage that it would obviate to a considerable extent at all events the danger that any sort of antagonism might in time develop between the Advisory Council and the Legislative Council, the latter being regarded (in the persons of its elected members) as the democratic body representing the people and safeguarding their interests, and the former as an aristocratic body devoted rather to defending the interests of the Government and the large landholders against the attacks of the popular party.

9. It will be seen below that if the proposals of the Board as to the constitution of the reformed Legislative Council were adopted the non-official additional members of that body would consist of six representatives of the landed interest, three of commerce, four (probably) of the professional classes, two Muhammadans and two other nominated members.

To these would be added those members of the Imperial Advisory Council who were not members of the Legislative Council and a sufficient number of nominated members to bring the total up to 25. Of the eight members of the Advisory Council who were not members of the Legislative Council (irrespective of the question how many of them happened to belong to the Imperial Advisory Council from time to time, in which respect there would be variations), six should in the Board's opinion represent landed interests while the principle to be followed in nominating the members required to make up the total should be to secure the representation of local areas or interests which would otherwise be represented inadequately.

10. *Enlargement of the Legislative Councils.*—(1) *Imperial.*—Government invite opinions on the proposals contained in paragraphs 12 to 14 of Sir Harold Stuart's letter. These are that the council should consist of 45 members in addition to the nine *ex-officio* members, made up as follows:—

Officials	20
A Ruling Chief	1
Elected by—	
Chambers of Commerce	2
Non-official Members of Provincial Legislative Councils	7
Nobles and great landowners	7
Muhammadans	2
Nominated to represent minorities, not less than two to be Muhammadans	4
Experts	2
TOTAL	45

and (2) that the members representing the landowners should be elected by and from an electorate to be specially formed for each province consisting of persons paying not less than Rs. 10,000 land revenue.

As to the proposed distribution of the seats the only criticism which the Board has to offer is to observe that the inclusion of a Ruling Chief, whose territories lie outside British India, in a body which is to legislate for British India, and whose enactments will not extend to his territories, seems extremely anomalous. In addition to this it has been freely asserted in the Press that Ruling Chiefs would consider it derogatory to their dignity to sit even on the proposed Advisory Councils. The composition of the latter will be extremely select and the majority of the Board does not anticipate that chiefs will object to sitting on them on the comparatively rare occasions on which they are actually convened. The case of the Legislative Councils is different, and moreover the Board considers that it would be extremely undesirable to introduce Ruling Chiefs into a political arena in which the conflicts are only too likely to become sharper as time goes off, and to impose on them the invidious task of declaring for one side or the other in the controversies which rage round an Official Secrets Bill, or an Education Bill. In place of the Ruling Chief the Board will like to have another representative of the commercial interests which, with the industrial awakening of India, must grow yearly more important.

As to the proposed property qualification of the electorate the Board is not in a position to offer an opinion till it has before it the statistics to which reference has already been made.

(2) *Provincial.*—Government propose that the non-official seats on the reformed Council in this Presidency shall be distributed as follows :—

Nominated	2
Elected by—	
Chamber of Commerce	1
University	1
District Municipalities	...
District Boards	...
Madras Corporation	1
Landholders	2
Barristers, Vakils, etc.	1
Citizens of Madras	1
Brahmans	1
Muhammadans	1
Christians	1
Other persons	6
	18

Various property qualifications (the land revenue paid on ryotwari lands the rent-value assessed to land-cess in the case of permanently-settled estates, and the full assessment on inams being adopted as indicative of such qualifications) are suggested for the various electorates, while somewhat elaborate rules, which the Board does not feel confident of having altogether understood, are proposed as to the mutual exclusiveness of these electorates.

As to the proposed property qualifications, the Board has again to state that it is not yet prepared to express an opinion.

As to the proposed electorates it has first to observe that the Government of India definitely state in paragraph 21 of their letter that they "do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils." The Government proposals involve such a withdrawal.

The proposals have been framed with a view to secure that "widest representation of classes, races and interests" which the Government of India have mentioned as a guiding principle.

11. The Board regrets that it is obliged to express its respectful but emphatic dissent from this portion of the Government's scheme. The proposals now under discussion were intended to no small extent as measures of conciliation, designed to pour oil on the troubled waters of Indian unrest and partially satisfy the reasonable aspirations of those Indians who desire increased political opportunities and privileges.

The suggestion under immediate consideration certainly does not seem likely to be accepted with gratitude by those whom it was intended to placate. On the contrary it is already viewed with intense and universal suspicion as a Machiavellian device intended to widen existing lines of cleavage, to check the supposed growing sense of nationality and to secure the position of the British Government by the application of the maxim "divide and rule".

12. The Board cannot say that these suspicions are altogether unnatural. It recognises that in the case of Muhammadans there are reasons for taking special steps to secure adequate representation of a special class, though rather on racial than on religious grounds, for the Muhammadans whatever they may be historically are practically a race. In regard to other castes or religions whom it is proposed to represent separately the same necessity does not seem to exist.

13. Apart from this, and apart from the odium which Government mill incur by seeming to set caste against caste and to foster for selfish motives differences which they have always professed to be anxious to see obliterated, there seem to the Board to be insuperable difficulties in the working of the proposed scheme. Any body which is to elect a representative must be to some extent homogeneous with a more or less defined identity of interest which that representative is to safeguard. It cannot be said that the Brahmans of the Presidency or the Christians of the Presidency or indeed even the Muhammadans of the Presidency constitute such bodies.

It is inconceivable that such widely different communities as the Brahmans of Kumbakonam, the Uriya Brahmans of Ganjam and the Nambudris of Malabar would ever agree on a single representative. The same is true of the Christians, including as they do numerous Protestant sects, the Roman Catholics, and the Syrian Christians of Malabar; and it is true to some extent of the Muhammadans including the Mappillas of the West Coast, the Lubbais and Rowttans of the South, and the very distinct Muhammadans of other parts of the Presidency.

14. The Board would therefore propose that, as the Government of India has laid down, the Local Boards and Municipalities should continue to elect representatives to the Legislative Councils.

It would propose to have 17 non-official members of whom two should be nominated by His Excellency the Governor, one each should be elected by the Chamber of Commerce, the Corporation of Madras, and the Senate of Madras University, two each (one for the Northern and one for the Southern district) should be elected by (*a*) the zamindars and big landholders, and (*b*) Muhammadans, and eight by Local Boards and Municipalities.

In order to secure representation of different interests as desired by the Government of India, by these eight latter, the Board would divide the Presidency into two groups of districts, Northern and Southern, as at present and would assign to each two members representing land, and one each representing (*a*) commerce and (*b*) the professional classes. The representatives should be the members of the classes represented, but the electorates should consist of the entire body of members of District and Taluk Boards and Municipalities. A larger number of electoral areas would be preferable, provision for which could only be arranged by proportionately increasing the number of non-official members.

The Board has included Taluk Boards as otherwise the District Boards would be swamped by the Municipalities. This would be particularly undesirable as the District and Taluk Board members are generally speaking men of far higher position and influence than the members of Municipal Councils, and represent the landed classes whom it is the desire of the Government of India to encourage; whereas the Municipal Councillors represent rather the professional classes whose influence is at present both disproportionate and not entirely wholesome. Moreover undesirable political movements have far more vogue in the towns than in the country.

15. At the same time the Board would, as suggested by the Government of India, raise the qualification for the Municipal franchise considerably. It does not feel qualified to make a definite proposal on the point. It would also abolish the ward system for electoral purposes, which though theoretically advantageous does not in reality seem to be productive of much practical benefit, and would substitute for it a system under which the seats should be distributed amongst representatives of the three occupational groups already referred to, land-owners, members of the commercial and business classes generally, and the professions. Thus the Municipalities would be qualified to assist in electing representatives of those three classes to the Legislative Councils.

16. In the proposals in the last two paragraphs the Board has proceeded on the assumption that the Government of India will adhere to their view that District Boards and Municipalities should retain their privilege of electing members to the Legislative Council.

But if this is not to be regarded as a closed question it recognises that there would be great advantages in the constitution of separate special electorates.

The quilification for inclusion in these electorates it is not in a position to discuss at present. There should be a separate list of voters for each of the occupational classes already referred to in each group of districts. The qualifications for franchise should be fairly high, and the Board considers that the same electorates might, in time, serve for electing members of the Local Boards—an advance which the Board presumes will come in the not distant future.

17. The Board's Acting Fourth Member is opposed to any system according to which the choice of a mixed electorate would be restricted as the classes from which its representatives should be drawn and as the number which should be

drawn from each class. He would propose the following constitution for the Provincial Legislative Council:—

Nominated by His Excellency the Governor	4
Elected by Chamber of Commerce, Senate and Corporation of Madras	1 each
Elected by District Boards and Municipalities (as at present)	4
„ by Landholders	4
„ by Muhammadans	4
	19

18. The Board has only to add that it fully recognises the importance of putting an end to the disproportionate influence of the vakil class, amounting almost to a monopoly of "political" life. The Board's proposals would have the effect of destroying their predominant position and would ensure due representation of classes whose influence derived from worthier and more permanent causes, and who as they have greater interests at stake are less likely to embark upon an irresponsible campaign against Government from the mere desire to gain notoriety or satisfy intellectual vanity.

19. The Board's reply to paragraphs 1 to 4 of Government Memorandum No. 3466, (Public). dated 2nd October 1907, will be submitted as soon as the Board is in possession of the statistics which it has called on Collectors to furnish.

XXI.

Letter—from the Hon'ble Mr. J. TWIGG, I.C.S., Acting Third Member, Board of Revenue, and Commissioner of Salt, Abkari and Separate Revenue, Madras.

To—the Chief Secretary to Government.

Dated—Madras, the 10th February 1908.

I have the honour to forward the following remarks on the points raised in the memorandum which accompanied your letter of the 22nd November 1907.

I.—Imperial and Provincial Advisory Councils.

2. Assuming the utility of such councils the memorandum invites suggestions as to their constitution and the work to be devolved upon them.

3. The objects, the Imperial Advisory Council is intended to serve, appear to be mainly political and what is required in its members is not individual knowledge and experience, but that they should represent large tracts and populations, be able to give responsible opinions on questions affecting those under their rule or control and to do something towards forming and guiding public opinion. Status and influence, hereditary and territorial, are the necessary qualifications for membership, and I am unable to suggest any modification of the constitution proposed which appears to be the only one likely to secure what I understand to be the ends in view.

4. In the case of Provincial Advisory Councils on the other hand what is required is members who by personal knowledge and experience are qualified to speak for the various interests—land, commerce, capital, industry and the professions—which they represent. The existing Legislative Council cannot fulfil the functions designed for the Advisory Council because it meets at too infrequent intervals and the non-official members are too few in number and too little representative of the various interests indicated above. The formation of a distinct body of Councillors is therefore contemplated, but it is open to question whether the plan of having two distinct bodies side by side—one of nominated members holding the position as it were of confidential advisers of the Government, and one of members elected by the people but confined to the exercise of the formal functions of the Legislative Council.—is likely to work well A preferable arrangement would seem to be to form the Advisory Council by adding to the non-official members of the

enlarged and reformed Legislative Council a suitable number of members nominated with the view of securing a fuller representation of the various interests in the Presidency.

5. If a district body is to be appointed, I would suggest that the Council should consist of 20 members exclusive of members of the Imperial Advisory Council who according to the view of the Government of India should form its nucleus. The districts might be formed into ten groups from each of which a member representing the landed interest would be selected; and in selecting other members the existing division into two groups, north and south, might be maintained. The constitution of the Council would be as follows :—

Imperial Advisory Councillors from	1 to 5
Representatives of landed interests (one from each group of districts)	10
Representatives of Commerce, etc. (Madras one and Northern and Southern groups two each)	5
Muhammadans	2
Representatives of Planting interest, Professions, etc.	3
TOTAL	21 to 25

6. The proposals made below for the constitution of the Legislative Council would yield representatives of the various interests as follows :—

Land	6
Commerce, etc.	3
Others—Professional, etc.	2
Doubtful (those selected by the Senate, Madras, Muhammadans and by nomination)	6
TOTAL	17

To these 17 members ten more might be added, the balance of whom after supplying a representative in the landed interest to such of the ten groups of districts as may not have already a representative on the Legislative Council might be allotted to other interests.

7. As regards the work to be devoted upon the Advisory Councils, both Provincial and Imperial, it is difficult to draw up any general list in advance.

II.—Imperial Legislative Council (paragraphs 12 to 14 of the letter of the Government of India).

8. As to the proposals contained in these paragraphs, it appears to me that commerce is inadequately represented and—speaking here with diffidence as not being aware of the reasons that may have prompted the suggestion—it is not apparent what advantage can be gained from the presence on the Council of a Ruling Chief. It is suggested that this seat might be given to a member elected by the Madras Chamber of Commerce.

9. There would be no great difficulty in compiling suitable registers of voters for the greater landowners and the Muhammadans, respectively, but in my opinion a system of nomination would be the most satisfactory at all events at first.

III.—Provincial Legislative Councils.

10. The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election they have hitherto enjoyed though considering that special qualifications for members of Council might be introduced, but suggest the creation of an additional electorate recruited from the landed and monied classes. The scheme put forward in the memorandum abolishes election by District Boards and Municipalities and constitutes another electorate divided according to occupations and religions.

11. At present seven members are selected by the following bodies:—

Chamber of Commerce	1
Senate	1
Corporation of Madras	1
District Boards	2
District Municipalities	2
Total	7

According to the scheme fifteen members will be selected by the following bodies:—

Chamber of Commerce		1
Senate		1
An electorate composed of citizens of Madras		1
An electorate composed of zamindars and large landholders		2
Total		5
A general electorate divided according to occupation and religion.	Vakils, etc.	1
	Brahmins	1
	Muhammadans	1
	Christians	1
	Others	6
Total		10
Grand Total		15

Besides being extremely complicated the scheme appears to be open to objection in several other respects. It is conceded on all sides that special representation is necessary in the case of Muhammadans, but rather as being of a different race than as of a different religion from the Hindus, I venture to think that it is undesirable to have special representation for particular religions. Moreover, Brahmins and Christians consist of widely different and often not harmonious sects, and it would be extremely difficult to select a satisfactory single representative for either religion. In the next place though it is certainly necessary to reduce the predominance of vakils in the Council, it seems somewhat invidious to limit the selection of vakils in the manner proposed. The rules are not quite clear, but it is apparently intended to exclude all vakils (even those who are qualified otherwise than in virtue of their profession) from the Council with the exception of a single representative of the class unless the choice of the Chamber of Commerce or the Senate should happen to fall on a member of the profession. An instruction to a mixed electorate of the citizens of Madras that they were at liberty to choose any representative but a vakil or a zamindar would probably be deeply resented.

12. I venture to suggest a somewhat different scheme as follows:—

(*a*)	Nominated by His Excellency the Governor	2
(*b*)	Elected by the Chamber of Commerce	1
(*c*)	Elected by the Senate	1
(*d*)	Elected by the citizens of Madras	1
(*e*)	Elected by the zamindars and large landholders	2
(*f*)	Elected by the Muhammadans	2
(*g*)	Elected by an electorate composed of members of District and Taluk Boards and Municipalities (or by a newly-formed electorate in lieu of the above)	8
	Total	17

In cases (*e*), (*f*) and (*g*) the electorates should be divided into two—Northern and Southern—as at present, and in case (*g*) the electorate should be divided further into three classes according to occupation, *viz.*—

(i) Interested in land	returning	4	members (North 2, South 2)
(ii) Interested in commerce, etc.	,,	2	,, (North 1, South 1)
(iii) Others, professional, etc.	,,	2	,, (North 1, South 1)

Each class should vote only for its own representatives; persons qualified to vote in more than one class (*e.g.*, a vakil who is also qualified as a landholder) should be allowed to choose in which class they will be registered; the qualifications for each class should be distinct, *i.e.*, the adding together of proportional qualifications as contemplated in (*d*) (iv) (*c*) of the scheme set forth in the memorandum should not be allowed. As to the composition of the electorate—

(*g*) two alternatives present themselves—

(i) It may consist of members of District Boards and Municipalities which would involve little departure from present arrangements. A difficulty would be that the members of the District Boards would be swamped by the members of Municipalities who are more numerous and often of inferior qualifications, though this might be remedied by including members of Taluk Boards in the electorate, and a further remedy would be supplied by the adoption of the system of voting in classes according to occupation. A special qualification would have to be introduced for members of Council, who would not necessarily belong to the electorate, and the somewhat anomalous result would follow that those qualified to be elected would be much more numerous than those qualified to elect them.

(ii) The other alternative is to create a special electorate on the basis of rental, land assessment or income. This would have many advantages and as most of the members of District Boards and Municipalities would be on the new electorate its substitution for the present electorates could not be regarded as a serious grievance. If thought advisable, however, it might be provided that all members of Municipalities or District Boards for the time being should be entitled to vote.

13. As to the general conditions suggested, I have only a few observations to make. I would suggest that the term of office should be three years instead of five; and that a knowledge of English should be a necessary qualification for a member of Council. As already mentioned, I would leave out condition (*d*) (iv) (*c*) as being unnecessary and certain to lead to great complications especially if voting according to occupation is adopted. It seems probable that the proposed property and income qualifications might be somewhat reduced, but this point cannot well be dealt with in the absence of lists showing what the numbers of the electorate are likely to be.

IV.—Election of Members of Local Boards.

14. The special electorate formed for selecting members of the Legislative Council, would, if enlarged by the lowering of the qualifications, be a suitable basis for the election of members of Local Boards, but as suggested in the memorandum it is premature to discuss the details at the present time.

XXII.

Letter—from the Hon'ble MR. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras.

To—the Chief Secretary to Government.

Dated—the 21st January 1908.

In reply to your letter, dated 22nd November 1907, asking for my opinion on the questions raised in the memorandum annexed thereto, the only conclusion at which I have been able to arrive is that the proposals are radically unsuited to the attainment of the end in view.

2. The main function of the Legislative Council is obviously to make laws and regulations.

Two privileges have been added to this function, (1) what is termed an opportunity for an annual review of the financial situation of the country or province, (2) the right of addressing questions to the Government on matters of public interest.

Both these privileges afford a means of criticizing the administration, the one direct, the other indirect.

The results of the combination have been disappointing to the administrators on the one hand and to the public on the other.

3. The fact that radical changes are proposed may, I presume, be taken to indicate that the Legislative Councils, as at present constituted and with their existing functions, have not fulfilled the expectations with which they were established and to which they gave rise.

As legislative bodies they have however served their purpose and non-official members both in Select Committee and in open Council have materially assisted the Government and have so modified many a Bill as to bring it more into harmony with the conditions of the country.

4. In so far as the Councils have failed it has, I suggest, been in respect of their other—the critical—function. Two causes of failure are put forward: (1) that the members represent one class to the exclusion, to a large extent, of many important interests; (2) that the formal procedure of a meeting of a Legislative Council and, I would add, the system of interpellation automatically tend to make the criticism destructive rather than constructive. The name "Advisory" proposed for the new and additional Council gives support to my view that advice rather than complaint is sought in the future.

5. If I have correctly diagnosed the disease, I venture to suggest that the remedy proposed is not the one which the symptoms indicate.

The proposed change in the constitution of the Legislative Councils is not likely to improve their legislative power, the great increase in number will prove positively detrimental to this end: while, on the other hand, there is no proposal to put those Councils in a better position to offer constructive criticism.

XXIII.

Note on the Government of India's proposals for the establishment of Advisory, and enlargement of Legislative, Councils, by the Hon'ble Mr. J. N. Atkinson, C.S.I., Acting Chief Secretary to Government.

The general object in view is to bring all classes of the people into closer relations with the Government and their officers in order that—

(i) they may have wider opportunities of making known their feelings and wishes on administrative and legislative questions, and so, take a more effective part in shaping the action of Government, and

(ii) they may aid in making the motives and measures of Government generally understood, and in correcting erroneous and mischievous impressions. These objects it is hoped to attain by—

(*a*) the institution of Advisory Councils, and

(*b*) the enlargement of the Legislative Councils.

The Government of India confine their proposals in regard to Advisory Councils to the establishment of two bodies only, Imperial and Provincial. These will resemble each other—

(i) in functions, which will be those purely of advice and exposition, without any administrative or legislative powers; and

(ii) in operation, being consulted sometimes publicly, sometimes confidentially, sometimes collectively, at others individually.

But there is an important difference in their composition, the Imperial Council consisting of members drawn only from those whose status is territorial, while the Provincial Councils will embrace, in addition, representatives of industry, commerce, capital and the professional classes.

2. In so far as the Advisory Councils are concerned, the only novelty in the Government of India's proposals is that they will systematise what is now done informally. It is the practice of all administrative officers to consult those whose advice may be of value, and the Government of India recognise the fact. "This—they say—is in fact the process now followed, and the object of the Government of India in proposing the constitution of the new advisory bodies is to give clearer definition and continuity to methods already partially and occasionally adopted." The question then naturally follows, whether the creation of such a consultative body with definite constitution and functions is likely to enhance the value of the advice now obtained informally from any quarter which may seem to serve. Is it likely that a body of fifty or sixty persons specially selected and publicly appointed, will be of more assistance than—to adopt in modified form the language of the Collector of South Canara—the whole Presidency? Postulating what

could scarcely be questioned in any country, least of all in India with its peculiar social organization and its present foreign rule, the necessity for advice, we must admit the *prima facie* desirability of regularising the sources from which and the mode in which such advice should be obtained. If regulation be dispensed with, and these matters be left to the uncontrolled discretion either of an individual official, or of a collective body, such as the Governor in Council, discretion is likely to become or at least to be represented as synonymous with caprice, and the advice given to be decried as self-seeking or subservient.

3. But while the foregoing considerations lead to the conclusion that, in the utilisation of non-official agencies for keeping touch with public opinion, a systematised procedure is desirable, it is at the same time undeniable that no procedure, that can be devised, can insure full attainment of the object sought. The country is so large, the spread of civilisation and education so partial and ethnical and social barriers so many and so strong that complete acquaintance with public opinion is impossible. No Advisory Council conceivable under existing conditions could adequately represent the views of all the different communities of this Presidency, the jungle and hill tribes and the backward classes, representing though they do a very large proportion of the total population, while even among those whose position might obtain for them representation in the Council divergences of interest are so great that fairness and equality of treatment could only be secured by making provision for eliciting the opinions of sub-caste as sections of communities. The Mappillas have nothing except their religious designation in common with the Lubbays: the social division between Ooriya Brahmans and those of the West Coast is as great as their geographical separation. It is unnecessary to multiply instances; the question indeed arises whether caste, religious and social differences such as those between Shanars and Maravars, Tengkalais and Vadakalais; Goldsmiths, Chetties and Brahmins, and those which split every village into parties do not so completely engross popular interest as to preclude the formation of anything that can be called genuine public opinion, except it may be on questions in connection with which opposition against the Government has been formented for political reasons.

4. Admitting, therefore, the obvious advantages of regularising the procedure for ascertaining public feeling, I venture to doubt whether any Council that can be got togther will always satisfactorily reflect such feeling. This, however, is not a serious objection to the proposed formation of Advisory Councils, but rather by way of *caveat* that too much be not expected of them, and that for the proper understanding of popular wishes and feelings, it will still be necessary to have recourse to all possible sources of information outside the Councils. Regarded from this aspect, the Provincial Councils will be of greater assistance than the Imperial Council in proportion to the wider and more popular area from which they will be recruited. On the other hand, it seems certain that the introduction of the popular element into the Provincial Councils will detract from the spontaneity and disinterestedness of their recommendations. Ruling Chiefs and territorial magnates pay little or no attention to press and platform criticism, but the same cannot be said of the classes—small landholders, industry, commerce, capital and professional—from which the Provincial Councils will be drawn. Even when the deliberations of these Councils are confidential, fear of unauthorised revelations will act as a restraint on absolute frankness, while public conferences will produce opinions designed only to secure popular applause.

5. But it is in their capacity as a publishing and explanatory agency of the measures and intentions of Government that Advisory Councils are most likely to disappoint the expectations of the Government of India. Popular measures require no *claque*, unpopular will find none. And it is to be feared that if as must inevitably often happen, line of action is sanctioned by Government in opposition to the advice of the Council, their sense of loyalty will be insufficient to deter all members from repudiating responsibility, and thus casting on Government the double odium of rejected counsel and unpopular measures. Indeed, there is a very real danger that in course of time the Council might adopt an attitude of habitual opposition to Government, and might seek to force them into the false and invidious position of rejecting all advice tendered. Nor would the combined advocacy of all the members of the Council avail to counteract misrepresentation in the press, or the propagandism of discontent which, there is reason to belive, is now spreading in so many rural tracts. Of these, the former is the more noisy, the latter probably the more dangerous; and both of them are beyond the reach of correction at the hands of the Council. Newspaper editors are averse from explanation. Still less possible is it for members of the Advisery Council, or indeed for any agent of Government, to stump the country, and explain to credulous villagers that they should not believe that plague, famine, cholera, high prices and all other ills are due to the malignant contriving of Government. The greatest danger that can ever threaten the Indian Government will be when the loyalty of the cultivators is undermined; that result can only be effected by sedition burrowing underground, which no force of official apologists fighting in the open will be able to destroy.

6. It appears then that no very solid advantage is likely to accrue from the establishment of Imperial or Provincial Advisory Councils. They will minister to the *amour propre* of those privileged to sit on them, and to this extent will be as effective as guns and orders and other marks of official favour in maintaining the loyalty of a section of the aristocracy: the value of their advice will be discounted in the one case by lack of knowledge, in the other by divided inclination; while as official interpreters, they can hardly serve any useful purpose. On the other hand, I do not think the Imperial Advisory Council is likely to do much harm, and knowing little of the classes from which it will be drawn, its sphere of work or aptitude therefor,

I should be unwilling to express any decided opinion for or against its creation. But Provincial Councils would be unnecessary and possibly dangerous. Whatever services they might be expected to perform could as well be rendered by the members of the Legislative Councils; and it would therefore, in my opinion, be preferable so to reform the constitution of the latter that they may, whenever occasion requires, be used for advisory purposes; rather than to set up a second chamber, which, if in opposition to the Legislative Council, would be represented as a Government Junto, and if, in alliance with it against Government, would more than double the difficulties of the situation.

7. Turning to the Legislative Councils, I have little to say in regard to the suggested reforms of the Imperial Council. The proposals seem judicious with the exception of that for the inclusion of a ruling chief. The only points that appear to call for discussion being those connected with the qualifications for electors and candidates, and these will not be ripe for consideration till the information called for in the Madras Government's memorandum No. 3466, Public, dated 2nd October 1907, has been compiled.

8. The suggestions for reform of the Provincial Legislative Council are extremely complicated and contentious, while the proposals formulated by the Madras Government in the annexure to G.O., No. 886, Public, dated 22nd November 1907, seem, in at least one important respect, to depart from the general principles laid down in the Government of India's letter. Thus, in paragraph 21 of that letter, it is stated that the privilege of election to the Provincial Councils is not to be withdrawn from District Boards and Municipalities, yet the scheme of the Madras Government comtemplates election to the Council direct by the voters, and not *via* local bodies. And therefore, while the Government of India propose to give opportunities for the representation of races, castes and religions by reserving seats for them in Local Boards and Municipalities, whence they might, if they could win the favour of these bodies, obtain entrance to the Legislative Council by the ordinary process of election, the Local Government have propounded what seems to me a cumbrous and unworkable system for securing them direct election to the Council, thus bringing into much greater prominence the serious objections to class representation of this sort. It may be assumed at once, I think, that the proposal to earmark a seat for Brahmins and one for Christians will be abandoned, the conditions of those two classes being totally different from that of Muhammadans.

9. I do not feel sure that the question, whether direct election or mediate through local bodies should be adopted, is one open to discussion, the Government of India having in paragraph 21 of their letter indicated their determination to adhere to the latter, *i.e.*, the existing system. Yet there seem to me certain obvious objections to it arising generally rom the facilities it offers for Caucus methods. It must, moreover, be remembered that there is no real representative system in the case of Local Boards, all members of Taluk Boards being nominated. It will be necessary, therefore, to form an electoral body with appropriate franchise for areas not included in municipal limits, and since, as I think, the present extremely low municipal franchise is an insufficient qualification for the purpose of electing either direct or mediately to the Legislative Council, it will be necessary to reform the mode of election in Municipalities. It seems to me, therefore, that it will be a mistake to postpone, as suggested in paragraph 7 of the annexure to the Government Order, the consideration of the electorates to be formed for Local Boards and that that subject as well as the amendment of the municipal electoral rules, and of those for the Legislative Council, should be taken up and considered simultaneously.

10. The general question of the system to be followed in reforming the Provincial Legislative Council has been very fully considered by the Board of Revenue and the views expressed in its Resolution No. 466 Mis. Confdl. No. 22, dated 11th February 1908, are substantially in accordance with my own.

11. The two reforms proposed by the Government of India are intended to be steps in the direction of a more representative form of Government, and the remarks which I have offered have been dictated by a consideration of those proposals alone without reference to any larger scheme of which they may be expected ultimately to form parts. But recognising, as we must, that whatever changes have been introduced during the period of British rule, in the form of Indian Government, have been towards constitutional, and in however small degree, towards representative Government, and assuming that the movement must continue in the same direction, it is worth while to consider whether these proposed reforms are likely to prove steps in advance or otherwise.

12. From time immemorial up to the present day, two forms of Government have existed side by side in India, autocracy in regard to all the greater concerns of State, and something very nearly approaching democracy in the village communes. The English people are no friends of absolutism as a form of polity and consciously of unconsciously would always seek to thrust something in the nature of parliamentary institutions on every country with whose economy chance may give them an opportunity of interfering. And so, for nearly half a century now, there has been a continued effort to get India to assimilate what were thought to be the elementary ingredients of representative institutions. The most robust optimism can scarcely say that the effort has yet been successful; the wonder is that any one should ever have expected a satisfactory result. You cannot graft an apple on a mango tree, nor does house construction commence at the middle storey. And yet the true foundations of autonomy that are to be found in the village

communal system have been —perhaps fortunately—ignored, while with our usual blind English enthusiasm we have been toiling to erect, on Heaven knows what airy foundation, a whimsical sort of middle storey which we call Local self-Government.

13. There is an article *in the January number of the *Edinburgh Review*, which is in parts so apposite to the subject now under discussion, that I venture to transcribe from it at some length. (See Appendix.) The article only repeats what has often been said before of the danger of all political innovations, with special reference to the danger of introducing the exotic ferment of Western liberalism into the intense conservatism of Oriental countries. If definite steps are to be taken to develop the capacity of self-government in India, the most hopeful—perhaps the only hopeful—method will be, to start from the bottom with the old established village communal system. I believe that, on this basis, by exercise of the utmost care and with unlimited patience, it might be posseible to build up a solid superstructure of self-government; but only, if all contact with Legislative Councils and Advisory Councils and similar imitation of parliamentary institutions be absolutely frustrated. The latter may please those who prefer European to indigenous articles, but are not likely to have any permanent effect in the constitutional development of the country.

* "The Government of subject races,"

APPENDIX.

Extract from "Edinburgh Review," January 1908.

"The Government of subject races."

Englishmen are less imitative than most Europeans in this sense, that they are less disposed to apply the administrative and political systems of their own country to the Government of backward populations; but in spite of their relatively high degree of political elasticity, they cannot shake themselves altogether free from political conventionalities. Moreover, the experienced minority is constantly being pressed by the inexperienced majority in the direction of imitation. Knowing the somewhat excessive degree of adulation which some sections of the British public are disposed to pay to their special idol, Lord Dufferin, in 1883, was almost apologetic to his countrymen for abstaining from an act of political folly. He pleaded strenuously for delay in the introduction of Parliamentary institutions into Egypt, on the ground that our attempts "to mitigate predominant absolutism" in India had been slow, hesitating, and tentative. He brought poetic metaphor to his aid. He deprecated paying too much attention to the "murmuring leaves," in other words, imagining that the establishment of a Chamber of Notables implied constitutional freedom, and he exhorted his countrymen "to seek for the roots" that is to say, to allow each Egyptian village to elect its own mayor (Sheikh).

It cannot be too clearly understood that whether we deal with the roots, or the trunk, or the branches, or the leaves, free institutions in the full sense of the term must for generations to come be wholly unsuitable to countries such as India and Egypt. If the use of a metaphor, though of a less polished type, be allowed, it may be said that it will probably never be possible to make a Western silk purse out of an Eastern sow's ear; at all events, if the impossibility of the task be called in question, it should be recognised that the process of manufacture will be extremely lengthy and tedious.

But it is often urged that, although no rational persons would wish to advocate the premature creation of ultra-liberal institutions in backward countries, at the same time that (*sic*) for several reasons it is desirable to move gradually in this direction. The adoption of this method is, it is said, the only way to remedy the evils attendant on a system of personal Government in an extreme form; it enables us to learn the views of the natives of the country, even although we may not accord to the latter full power of deciding whether or not those views should be put in practice; lastly, it constitutes a means of political education, though the agency of which the subject race will gradually acquire the qualities necessary to autonomy.

The force of these arguments cannot be denied, but there should be no delusion as to the weight which should be attached to them. It has been very truly remarked by a writer, who has dealt with the idiosyncrasies of a singularly versatile nation, whose genius presented in every respect a marked contrast to that of Eastern races, that from the dawn of history Eastern politics have been "stricken with a fatal simplicity. Do not let us for one moment imagine that the fatally simple idea of despotic rule will readily give way to the far more complex conception of ordered liberty. The transformation, if it ever takes place at all, will probably be the work, not of generations, but of centuries.

So limited is the stock of political ideas in the world that some modified copy of Parliamentary institutions is without doubt, the only method which has yet been invented for mitigating the evils attendant on the personal system of Government. But it is a method which is thoroughly uncongenial to oriental habits of thought. It may be doubted whether, by the adoption of this exotic system, we gain any real insight into native aspirations and opinions. As to the educational process, the experience of India is not very encouraging. The good Government of most Indian towns depends to this day mainly not on the Municipal Commissioners, who are generally natives, but on the influence of the President, who is usually an Englishman.

A further condition in consideration with this point is also of some importance. It is that British officials in Eastern countries should be encouraged by all possible means to learn the views and the requirements of the native population. The establishment of mock Parliaments tends rather in the opposite direction, for the official on the spot sees through the mockery and is not unfrequently disposed to abandon any attempt to ascertain real native opinion, through disgust at the unreality, crudity, or folly of the views set forth by the putative representatives of native society.

For these reasons, it is important that, in our well-intentioned endeavours to impregnate the oriental mind with our insular habits of thought, we should proceed with the utmost caution, and that we should remember that our primary duty is not to introduce a system which under the specious cloak of free institutions, will enable a small minority of natives to misgovern their countrymen, but to establish one which will enable the mass of the population to be governed according to the code of Christian morality. A freely elected Egyptian Parliament, supposing such a thing to be possible, would not improbably legislate for the protection of the slave owner if not the slave dealer, and no assurance can be felt that the electors of Rajputana, if they had their own way, would not re-establish uttee. Good Government has the merit of presenting a more or less attainable ideal. Before orientals can attain anything approaching to the British ideal of self-government they will have to undergo very numerous transmigrations of political thought.

XXIV.

Letter—from the Hon'ble Mr. A. G. CARDEW, I.C.S., Acting Secretary to Government, Revenue Department.

To—The Chief Secretary to Government.

Dated—Fort St. George, the 7th February 1908.

I have the honour to submit the following reply to your letter, dated 22nd November 1907, and reminder of 5th instant.

2. I doubt whether it can be assumed that the proposed Advisory Councils will possess much value as a means either of eliciting opinion or of diffusing information. Being entirely nominated, they may be expected to approximate to the style of the old Legislative Councils (prior to 1892), and no one who remembers those Councils will expect much intelligence, independence or usefulness from the Advisory Councils. Possibly however they may possess some small degree of usefulness in supplying official recognition and an honorary rank to men who cannot or will not enter the Legislative Council, retired officials and the like. As the Advisory Council is to be purely consultative, no work can be devolved upon it, but the subjects to be placed before it will naturally include all proposed legislative measures, before introduction into the Legislative Council, and possibly the Annual Budget.

3. The real opinion of the people, so far as it can be got at from any Council, will still be obtained from the Legislative Council. The evil of the present constitution of that Council is the great size of the constituencies. When the election of a member has to be made by the representatives of a dozen districts, no candidate can succeed unless he is widely known and can afford to canvass from district to district. As a rule, only vakils are able to fulfil these requirements, and hence all elected members are vakils. The object that should be kept in view in revising the constitution is so to limit the size of the constituencies as to give local men a chance. Then the well-to-do landowner or trader may be elected.

4. The scheme suggested in paragraph 6 of the memorandum does not fulfil this requirement and is, I think, unworkable. The proposed constituencies would be even more scattered and less definite than at present. A constituency composed of all the lawyers, all the Brahmans, all the Muhammadans, all the Christians, or all other classes in the Presidency would be a mere inchoate mass. It would involve more canvassing even than at present and if a seat in the Council were of sufficient value it would lead straight to a caucus. The principle of caste representation is also, I think, objectionable. It is not, I submit, desirable to accentuate differences of caste or religion. The proposal in rule (*b*) that only a single Brahman should be allowed to sit under clauses (*d*) to (*j*) would give inadequate representation to the ablest and best educated class in the country. Similarly the proposal that only one lawyer should sit would go much too far in the direction of limiting the one

learned profession in which Indians have achieved success. Even in Great Britain, with enormously influential industrial and landowning classes, the preponderance of lawyers in the House of Commons is very great.

5. As, in order to retain an official majority, the number of non-official members must be limited to a number insufficient to give adequate representation to all parts of the country simultaneously, and as the retention of a territorial method is not only advocated by the Government of India but is essential to any sound system of constituting contituencies, the only plan is to have recourse to a system of rotation. Six members might be allotted to the District Boards, and six to the Municipalities, excluding the smaller ones, say with less than 25,000 inhabitants. The several District Boards and Municipalities would then take it in turns to elect representatives to the Legislative Council. The turns should be arranged so as not to give the choice to local bodies in one part of the Presidency at the same time. Thus for the first period of two years, the electing District Boards might be Ganjam, Chingleput, Bellary, Salem, Tinnenelly and South Canara. For the second period of two years, the erection might be by the District Boards of Vizagapatam, Nellore, Kurnool, Madura, South Arcot and Malabar. In a four-term rotation, each District Board would thus get the right to elect once. The Municipalities might be similarly arranged so as to give each the right to elect in rotation. In order to exclude the "carpet-bag politician," the candidate for election must always be a member of the electing District Board or Municipality. There would thus be some chance of getting local men into the Legislative Council and in time local merchants or local landowners would almost certainly be elected. Canvassing and caucuses would not be encouraged. The District Board should itself be composed partly of elected members, and some measure of representation would thus be achieved.

6. After allowing twelve members of local bodies, there would be another five or six non-official seats to be filled. These would be distributed as at present among the Chambers of Commerce, the Senate of the University, the Planters' Associations and so on, any balance being filled by nomination by His Excellency the Governor.

XXV.

Letter—from M. R. Ry. Diwan Bahadur N. SUBRAHMANYAM Avargal, Administrator-General of Madras.

To—the Chief Secretary to Government.

Dated—the 17th February 1908.

I have the honour to acknowledge receipt of your letter, dated 22nd November last.

Advisory Councils.—The proposed creation of Advisory Councils, Imperial and Provincial, is, as suggested by the Government of India, very much in the nature of an experiment; and it is not easy to say how far they will fulfil the expectations formed of them by Government. In my opinion no useful purpose is likely to be served by their creation. The Government of India as well as the Local Governments, I believe, have now ample opportunities of consulting any individual members of the community for their opinion on any question and such opinion is and will always be readily given. Secondly, there is a powerful press throughout the country, English and Vernacular, from which Government can easily ascertain the views of the different sections of the community on the several questions that the Government have to deal with. Moreover there are associations formed to watch the interests of the different sections, and these associations are always ready to place before Government their views as to the wants of the people and the grievances under which they labour, and as to the propriety or otherwise of any measure which the Government may have under contemplation. Further, people are always ready to express their views on any questions affecting them by means of public meetings and memorials. If an Imperial Council is constituted consisting of ruling chiefs and territorial magnates as suggested by the Government, I doubt very much if a ruling chief would care to sit in Council with a number of people whom he would naturally consider his inferiors; and he would probably either decline the honour

of being appointed to such a Council or if he consents to be appointed he will find the discharge of his duties very irksome.

The enlargement of the Provincial Legislative Councils.—I am of opinion that the Senate of the University of Madras and the Corporation of Madras should each be allowed to nominate one member. The Madras Chamber of Commerce and the Madras Trades Association should also be entitled each to nominate one member; or if that is considered too many for the mercantile community of Madras, each of them should be entitled to nominate a member alternately. As to the election of other members, I am not in favour of the scheme set forth in the memorandum that Brahmans, Muhammadans and Christians should each nominate one, and the other classes nominate six, etc. In my opinion, all the districts of the Presidency except Madras should be divided into four groups and each of these groups should be allowed to nominate three members, of whom one should be a representative of the landed interest and one a representative of trade. The nomination may be made either by all the members of the Municipalities and District Boards in that group or by a special electorate to be constituted by Government within that group. In this connection I wish to say that the property qualification proposed by Government for a voter is too high, and that an annual income of Rs. 2,500 should be deemed sufficient to entitle a person to vote.

If the nomination to the Legislative Council be made in the above manner, it will generally be found that members of the Muhammadan and Native Christain communities which form minorities and are nevertheless entitled to be represented on the Council are not elected. In such a case the Governor, in the exercise of the powers of nominating additional members, should take care that he appoints a Muhammadan and a Native Christian to the Council. It is a question for Government to consider whether the Eurasians as a class are not entitled to separate representation. If it should happen that the proposal of Government to constitute the Christians a separate electorate is finally adopted, I will suggest that the term "Christians" should be restricted to mean Native Christians only, as otherwise a European is sure to be elected.

XXVI

Letter—from H. F. W. GILLMAN, I.C.S., Esq., Collector of Madura.
To—the Chief Secretary to Government.
Dated—the 7th January 1908.
No.—R. Dis. 16-Rev.

In reference to G.O., No. 886., Public, dated 22nd November 1907, I have the honour to report that I sought the opinion of the following representative bodies and persons in the Madura district:—

(1) Madura District People's Association, } Associations.
(2) „ Bar „ }
(3) Sourastra Sabha,
(4) M.R.Ry. Rao Bahadur V. Ramabhadra Nayudu Garu, } Proprietors.
(5) „ G. Srinivasa Rao Avargal, Chairman. M.M., }
(6) „ P. Panditharey Tevar Avergal, }
(7) „ A. L. A. R. Arunachalam Chetti Avargal, }
(8) Mr. R. Fischer, }
(9) „ E. F. Stranack, }
(10) Moulvi Syed Abdul Kahadir Ibrahim Sahib, Town Khaji of Madura.
(11) Rev. Mr. Jones, American Mission, Madura, } Christian Missionaries.
(12) „ Father Pages, SJ., Madura, }
(13) „ Mr. Desikachar, S.P.G., Ramnad, }
(14) M.R.Ry. V. Srinivasa Chariar Avargal, Deputy Collector.

No replies were received from Nos. (3), (4), (6), (12) and (13). Number (5) said that his opinion was the same as that of No. (1), and the replies of Nos. (7) and (9) are little more than general acquiescence. Intelligent criticisms of the proposals have been received from Nos. (1), (2), (8), (10), (11) and (14) and their replies are herewith submitted. I attach the greatest value to the opinions expressed by Mr. Fischer and the Rev. Mr. Jones. Both are able, thoughtful men, with no

political bias, who have lived among the people and been of the people—Mr. Fischer for about a century and Mr. Jones for thirty years.

2. The opinions expressed may be thus summarised:—

Imperial Advisory Council.—The idea is approved and the suggestion made are in the direction of making the Councils more representative and useful bodies. Membership, it is proposed, should not be confined to ruling chiefs and territorial magnates, *i.e.*, property qualifications alone should not be made the basis of appointment, but men possessing large administrative experience, or high educational or professional attainments should also be chosen. Mr. Jones suggests the addition of a few retired Civilians or High Court Judges, the Deputy Collector favours retired Diwans and so on. The Viceroy cannot be expected to make a judicious selection of members without assistance. Presumably, the members will be selectad from the various provinces of Empire and it seems advisable that the Viceroy should appoint a large proportion of the Council upon the nomination of Provincial Governments. The members of the Council should be highly educated and possess a good knowledge of English and should give their opinions collectively rather than individually.

Principal Advisory Councils—are approved except by Mr. Jones who regards them as "unwieldy, bothersome and useless". The suggestion is unanimous that every district should be represented by a member.

Provincial Legislative Councils.—Territorial representation is generally recommended and not representation by race and creed. Mr. Fischer says: "The formation of electorates on the basis of caste, race and religion is a retro-"grade step that will tend to emphasise and perpetuate racial distinctions and "antipathies, which are detrimental to the progress of all the communities of the "country, and are gradually being effaced as a result of English education and "Government." Mr. Jones while favouring proportion in class representation, so that no one class may have an undue preponderance as at present, questions "whether it is wise by legislation to restrict the natural right which certain "classes in the land have proved themselves to be possessed of for many centuries "to direct the affairs of the multitude." The remarks of both gentlemen deserve attention. The District and Bar Associations assert that the lawyers who have hitherto been elected to the Councils have also been landholders, and they point out that the adoption of a high property qualification will give one or two districts (especially Tanjore) a monopoly of the privilege of election.

3. I now beg to give my own opinion. In regard to the composition of the Imperial and Provincial Advisory Councils, I am in general agreement with the opinions expressed above. I think that the former Council, if constituted as proposed, will satisfy nobody. If it is to be of any real use to be able to reflect contemporary opinion adequately, its members should possess brains as well as birth or lands. As many classes and interests as possible should be represented on this Council—though chiefs and magnates may be allowed to preponderate—Provincial Advisory Councils may consist of district representatives as also territorial magnates—all nominated. Estimating (very roughly) one representative for a population of two millions, every district would be entitled to a representative except Cuddapah-Kurnool and Bellary-Anantapur which may be given one representative per pair and Nilgiris which need not be given any. The total number of such members will be 20 (including one for the Presidency town). Five more may be nominated to represent class interests. There should be at least three magnates and two Muhammadans on the Council.

4. The change in the system of election to the Provincial Legislative Council is admittedly levelled against the vakil and the schoolmaster. The election of the members of a representative assembly according to their caste, creed or race is a new departure for which it will, I think, be difficult to find a precedent in history. And it is particularly unfortunate that the proposal should be made at a time when racial passions in India are unduly excited. On the precise scheme suggested by Government in paragaph 6 (*a*) of its memorandum, I can only say that if selection of a single representative by Brahmans, Muhammadans and Christians be adhered to, then the system should be by nomination and not by election. The Mappilla.

has no sympathy with the Lubbay of the East Coast or the purer Muhammadan of Kurnool. They are different races, and not likely to combine upon a single representative. Similarly the interests of the various Christian communities are widely different, and the same may be said of the numerous sects of Brahmans. Lawyers only represent their clients, and *qua* lawyers, there is no call to give them a representative.

5. A fact that should not be lost sight of is that the success of the lawyer at elections hitherto has been largely due to the extensiveness of the constituency. No one but a lawyer has the "pushfulness" to canvass over half the Presidency. A local magnate is known in his own and perhaps the adjoining districts and would probably stand for election, if they alone represented the constituency. But he has not the nerve to go farther afield. It seems to me therefore that by reducing the area of the constituency and by imposing a high property qualification for a member, it will be possible to secure representative who will not be all lawyers and will possess an intimate knowledge of the areas they represent. I propose therefore that the Presidency should be divided into electoral districts and a member be elected from each by direct voting of an electorate possessing special qualifications. The following division appears to be satisfactory:—

(1) Ganjam, Vizagapatam, Godavari.

(2) Kistna, Guntur, Nellore.

(3) Cuddapah, Kurnool, Bellary, Anantapur.

(4) North Arcot, Chingleput.

(5) South Arcot, Tanjore, Trichinopoly.

(6) Salem, Coimbatore.

(7) Madura, Tinnevelly.

(8) Malabar, South Canara, Nilgiris.

To these eight territorial members may be added one each for the Madras Municipality, Chamber of Commerce and Senate. Muhammadans may be given two representatives (nominated) and magnates two (also nominated), and His Excellency the Governor may have the privilege of nominating two more to redress what he may consider to be inadequate representation of minorities. This will make seventeen non-official members in all which is the number proposed by Government. Nominations of Muhammadans and magnates may be made by His Excellency the Governor with the assistance of confidential lists furnished by Collectors.

6. Eight members representing limited constituencies will more efficaciously voice the grievances of the people than the present representatives of District Boards and Municipalities, each of whom feels himself to be responsible for about half the presidency. The two methods of representation cannot well co-exist and the latter may be abolished in favour of the former.

7. The property qualification to be required of candidates for the elective seats of the electorate may vary in different groups of districts. So far Madura is concerned, a representative electorate numbering about 115 can be formed from those persons deriving an income of Rs. 3,000 or over from real property. A good knowledge of English seems to be an essential qualification for a candidate. An electric member ignorant or possessing an imperfect knowledge of English would tend to bring the Council into contempt.

8. With regard to the last paragraph of the memorandum, I doubt if the above electorate will be suitable for electing members of district and taluk boards. The electorate for the latter may, as suggested by Government, be on a wider basis and the property qualification may be lower. The system of election may be by direct voting within local areas to the taluk boards and by the taluk board to the district board. It is most advisable that a knowledge of English should be required of taluk and district board members. The whole question of taluk and district board representation may be treated independently of the representation on the Legislative Council.

ENCLOSURE No. (1).

[*Views of the Madura District People's Association.*]

Letter—From the Secretaries of District People's Association, Madura.

To—the Collector of Madura.

Dated—the 18th December 1907.

With reference to your letter, dated 3rd December 1907, we have the honour to furnish the opinion of the Madura District People's Association on the proposed scheme for the establishment of Advisory Councils and the enlargement of the Legislative Councils as follows.

2. The association approves of the contemplated establishment of Advisory Councils, both Imperial and Provincial, and submits that it is desirable to establish District Advisory Councils also, in which the Collector may be associated with non-official Indians in such matters as the administration of Income-tax, Forest, Irrigation, Famine, Plague, etc.

3. *Imperial Advisory Council.*—With reference to the constitution of the Imperial Advisory Council, the association notes that the proposal is to set up a council of about 20 ruling chiefs and 40 "territorial magnates."

4. The association is not in favour of the proposal to have ruling chiefs in the council. They are not likely to be in a position to advise Government on matters pertaining to the administration of British India and may even find their position in the council delicate and embarrassing. The association thinks that the opinion of the ruling chiefs themselves should be consulted as to whether they would like to sit in such an Advisory Council and tender advice regarding matters pertaining to British Indian administration. There is no objection, of course, to the ruling chiefs being consulted on matters pertaining to the administration of the Native States.

5. With reference to the "territorial magnates" the expression is rather vague and the Government of India themselves, in paragraph 5 (3) of their letter, seem to doubt the existence of such "territorial magnates" in some provinces. So far as the Madras Presidency is concerned, if the standard fixed by the Madras Government of the payment of a peshkash or land revenue of about Rs. 20,000 to Government be taken to indicate the class of territorial magnates contemplated by the proposed scheme, the association finds that are only 36 zamindars paying such peshkash out of a total of over 900, and the association doubts whether there are any such territorial magnates among the ryotwari landholders in the presidency, as the figures in paragraph 15 below will demonstrate.

6. The Government of India in paragraph 2 of their letter rightly base their recognition of the essential justice of the claim of the people to a larger share in the actual work of administration "upon the advance that has been made in education in the country" and the association takes it to be an essential condition of membership in the Advisory Councils, that the members should be able to form definite and well-thought-out views on the important questions of the day and express themselves clearly in English.

7. Whatever may be the case in the North, it is a question for consideration whether the zamindars in this presidency have made sufficient progress in education to take an active and effective part in the proposed Advisory Councils. The facts that most of the zamindars in this presidency are heavily indebted, that it was necessary to pass the Impartible Estates Act to prevent alienation and dismemberment of their estates and that, when evidence was given before the Decentralization Commission, not more than one zamindar was selected for the purpose, are not without their significance in this connection.

8. The permanently-settled estates are confined to 15 districts in this presidency and pay only 8·6 per cent. of the land revenue in the Presidency, and if the Imperial Advisory Council is to consist only of ruling chiefs and "territorial magnates," by far the largest and the most important portion of the landed interest in this presidency will be left unrepresented therein. The association is of opinion that it is as "essential that the smaller landholders, industry, commerce, professional classes should be included" in the Imperial Advisory Council, as it is admitted to be in the case of Provincial Advisory Councils.

9. The association therefore begs to submit that from presidencies like Madras, where the ryotwari system prevails, a certain number of capable and highly educated gentlemen well qualified by their past training, where in administration or in the professions, should be chosen to serve in the Imperial Advisory Council.

10. With regard to paragraph 5 (7) of the Government of India's letter, the association submits that the council ought to give its opinion only at meetings convened for particular purposes and after interchange of ideas and free discussion among the members. The Government may be at liberty to ask for the views of individuals, whether members of the council or others, on any question, as at present, but those views will have no right to be called the views of the Imperial Councillors or acted upon as much. The association also submits that, if and when, action is taken upon subjects referred to the Advisory Council, the minutes and proceedings should invariably be published, so that the public may be in a position to know the views given by the council on such matters.

11. *Provincial Advisory Council.*—With regard to the Provincial Advisory Councils, the association agrees with the proposal that the Provincial members of the Imperial Advisory Council should form part of them. With reference to the other members, the association is of opinion that, as a rule, one member should be elected from each district in the Presidency and five more members may be nominated by the Government to represent special classes or interests, which may be deemed not to have been sufficiently represented by the District representation and the Provincial members of the Imperial Advisory Council.

12. The association wishes to lay great stress upon each district being represensented as it is essential for the Government to know how particular measures will affect each district and it is desirable that they know it first hand from members intimately acquainted with its affairs.

13. The members may be consulted by letter only in regard to matters affecting their particular districts and in other cases by calling them together at a meeting. The association is glad to find that the Government of India attach the highest importance to collective deliberation.

14. The association also submits that, if, and when, action is taken upon subjects referred to the Provincial Advisory Councils, the minutes and proceedings should invariably be published, so that the public may be in a position to know the view given by the Council on such matters.

15. *Legislative Councils—Territorial Representation.*—With regard to the constitution of the Legislative Councils, the association is unable to agree with the view that territorial representation is unsuited to India and submit that any other method of representation will be practically unworkable and injurious in its effects. With reference to the observation that a large number of members in the Councils are either lawyers or schoolmasters and that the landholding interest is not sufficiently represented, it is respectfully submitted that the Government have overlooked the fact that the lawyers and schoolmasters in the Council have also landed property. The principle enunciated in paragraph 14 of the Government of India's letter, that an electorate from 100 to 150 may be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year, is quite unworkable in this presidency. There are about 80 zamindars paying a peshkash of Rs. 10,000 a year out of a total of 920 zamindars who are owners of both partible and impartible estates and these 80 are distributed only among 12 districts in the presidency. The ryotwari landlords paying Rs. 10,000 a year can be counted on one's fingers and probably are confined to the district of Tanjore. The following table, taken from the last jamabandi report, of single pattadars paying a kist of Rs. 1,000 a year and upwards, shows that, even if the standard of payment of land revenue be fixed so low as Rs. 1,000, there are several districts in which such pattadars do not exist and that the privilege of election will be monopolized by the landlords of one district, *viz.*, Tanjore :—

EXTRACT from statement showing the rent-roll in the several districts of the Madras Presidency for fasli 1315 (1905-1906).

Districts.	Ryots paying over Rs. 1,000.				
	Single patta.		Joint pattas.		
	Number of pattas.	Assessment.	Number of pattas.	Number of share-holders.	Assessment.
		Rs.			Rs.
1. Ganjam	1	1,142	2	90	2,361
2. Vizagapatam	...	...	...	...	...
3. Godavari	14	20,918	14	73	27,240
4. Kistna	10	14,039	6	61	9,364
5. Guntur	6	5,477	5	91	15,630
6. Nellore	14	15,466	13	151	13,491
7. Cuddapah	1	1,380	2	10	2,172
8. Anantapur	1	1,077	1	5	2,150
9. Bellary	1	1,442	...	...	...
10. Kurnool	...	...	1	6	1,107
11. Madras	...	...	...	...	...
12. Chingleput	5	5,704	4	148	8,650
13. North Arcot	...	...	...	...	...
14. South Arcot	2	2,583	1	3	1,521
15. Tanjore	323	5,54,684	97	1,444	1,80,122
16. Trichinopoly	27	51,482	20	904	38,062
17. Madura	3	4,584	1	2	1,221
18. Tinnevelly	17	26,857	10	272	13,341
19. Coimbatore	...	...	3	11	7,470
20. Nilgiris	7	16,727	1	5	1,082
21. Salem	...	...	...	...	...
22. South Canara	61	94,416	8	31	13,261
23. Malabar	173	2,82,407	10	29	28,369
Total	665	11,00,385	199	3,335	3,66,614

16. The association therefore submits that an electorate formed of persons paying a large land revenue to Government will leave many districts unrepresented and is quite unsuited to this presidency.

17. *Imperial Legislative Council.*—According to the proposal contained in paragraph 12 of the letter of the Government of India, only one-third of the Imperial Legislative Council is to be elected by the Chambers of Commerce, non-official members of Provincial Councils and Muhammadans, together with the nobles and the great landlords. The association begs to submit that the proportion of elected members may be raised to nearer half by allowing seven more members to be elected, one by each of the provinces. If a Government measure elicits the unanimous disapproval of a body elected by so many divergent elements, it may be expedient to drop it and, in any case, His Excellency the Viceroy and the Secretary of State possess ample powers in cases of emergency. At all events one more representative may be given to some of the provinces with reference to their area and population and progress of education therein. The association submits that the election of two members by Muhammadans as a class is unworkable, as it will be difficult to form electorates and inexpedient, as tending to countenance and emphasise race prejudices. The association submits that, whenever the Government feel that a particular class is not sufficiently represented, it should exercise its powers of nomination to make up such insufficiency.

18. The association suggests that the provinces may be divided into two or three groups of districts, according as two or three members are to be elected and that the District Boards and Municipalities may elect the required number of representatives in the same manner as they elect representatives to the Provincial Legislative Council at present.

19. *Provincial Legislative Council.*—With regard to the Provincial Legislative Council, the association regrets that it is quite unable to accept the scheme suggested by the Government of Madras. The scheme provides for the election of a pleader from among all the pleaders in the Presidency, of a Brahman from all the Brahmans, and a Muhammadan from all the Muhammadans, and a Native Christian from among all the Christians in the Presidency. Territorial representation is given only to non-Brahman Hindus and animists, the Presidency being divided into six groups of districts and each group electing a non-Brahman Hindu or animist. The association respectfully submits that representation by castes and creeds, even if workable, is quite uncalled for and calculated to intensify and perpetuate prejudices and differences that may now exist in the population of India and to throw powerful artificial barriers in the way of the natural growth of solidarity, unity, peace and contentment. It will also be difficult to constitute an electorate for each of the classes for the whole of the Presidency as is admitted in paragraph 6 (*e*) of the Government of Madras memorandum. The alternative course suggested in the same sub-paragraph cannot, the association submits, be entertained seriously. The association submits that the interests of Brahmans, Christians and Muhammadans do not conflict with each other so far as general legislation and general administration go, and that the experience of the past fourteen years since the institution of Indian Councils shows that non-official members have discharged their duties conscientiously and well and to the satisfaction of the people at large. It is difficult to see what particular interest the pleaders are expected to serve apart from the interests of the landlords and others who resort to courts, nor what particular class or religious questions a Brahman, Christian, or non-Brahman as such is expected to promote from his place in the Legislative Council. It is also difficult to see why a Brahman, Muhammadan or Christian should cease to vote for a member of his class or be eligible to be returned as a member by his class, simply because he is in addition a pleader or zamindar. The object of the rules seems to be that there should be one and *no more than one* pleader, zamindar, Brahman or Muhammadan or Christian in the Legislative Council. The object of such a restriction is not intelligible. Above all, the Madras scheme completely throws overboard the present electorates, *viz.*, the Local Boards and Municipalities, and overlooks the statement in paragraph 21 of the Government of India's letter that "the Government of India do not propose to withdraw from the District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the past fourteen years." The absence of any educational qualification is also surprising in the face of the premises with which the Government of India's letter starts and their special direction in paragraph 22 that in each case the electorate ought to be literate.

20. Coming to the qualification suggested for Brahmans, Muhammadans, etc.—clauses (*g*) to (*j*)—an annual income of Rs. 5,000 or a payment of kist of Rs. 2,000 is obviously a very high qualification, as shown in paragraph 15 above. The latter qualification will give a virtual monopoly in the election to one or two districts in the Presidency.

21. The association respectfully submits that territorial representation has worked well so far, that elections by Local Boards and Municipalities have resulted in the return of non-Brahmans as well as Brahmans and that the repeated election of a Muhammadan gentleman to the Imperial Legislative Council by the members of the Madras Council is additional proof that there is very little force in the plea for separate creed or class representation.

22. The association agrees that election by District Boards and Municipalities separately is not useful, but submits that each district should have a separate representative elected by the members of the District Boards and Municipalities together of that district. The association would point out in this connection that the qualifications for voters and members of Municipalities are very much higher in this Presidency than those mentioned in paragraph 21 of the

Government of India's letter for the mufassal towns of Bengal and that in this Presidency there is no qualification fixed for members of District and Taluk Boards, that the members of the Taluk Boards are all nominated and that members of the District Boards are only partly elected by the Taluk Boards. If a separate electorate is sought, the qualifications must vary with reference to each district, as a uniformly high property qualification will as shown above unduly favour Tanjore at the expense of the other districts and a uniformly high income-tax qualification will probably favour Madura at the expense of other districts.

23. The association notes with satisfaction that the Government of India propose to include all graduates of five years' standing in the Muhammadan electorate (paragraph 17) and submits that a similar privilege may be given to all graduates of five years' standing, irrespective of race or creed, to vote for the members of the Provincial Legislative Councils.

24. *Budget.*—The association notes with thankfulness that His Excellency the Governor's recent speech indicates that non-official members of the Legislative Council would be previously consulted in the preparation of the budget. The association is of opinion that the time has come when non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget.

25. In a minute of 1868 Sir Alexander Arbuthnot wrote: "With the view of establishing a thoroughly effective check over the expenditure of the Local Government, each Local Government should be required to submit annually to the Local Legislative Council a budget estimate exhibiting the probable amount of revenue which under the orders of the Government of India will be at its disposal and the expenditure which it is proposed to incur. The votes of the Council should be taken on the budget, section by section or item by item, it being open to any member to move the omission or reduction of any particular item of expenditure which he might deem unnecessary or unduly high, or an increase of charge when he might regard the budget provision too low, or the insertion of any new charges which he might deem called for. On all such amendments the votes of the Council should be taken and the budget should be finally passed and embodied in the Appropriation Act as voted by a majority of the Council."

The association respectfully submits that what Sir Alexander Arbuthnot said in 1868 applies with tenfold force now and that the powers of the Legislative Councils should be enlarged in the directions indicated above.

26. *Resumé.*—The important points that the association wishes to press for consideration are—

(1) That a very high property qualification for the membership or electorate of the Imperial Advisory and Legislative Councils is quite unsuited to the conditions of this Presidency which consists of a large number of small landholders of the ryotwari class.

(2) That separate representation of classes and creeds is impracticable, uncalled for, and injurious to the best interests of the country.

(3) That territorial representation, district by district, is necessary in the Provincial Advisory and Legislative Councils, for the due representation of grievances and wants of each district.

(4) That District Advisory Councils should also be established.

(5) That the opinions of all Advisory Councils should ordinarily be taken collectively at meetings instead of individually, and published when action is taken.

(6) That the District Boards and Municipalities ought not to be disfranchised and that, if an additional electorate is deemed necessary, the qualifications of the electors will have to be decided with reference to each district separately and graduates of five years' standing should form part of the electorate.

ENCLOSURE No. (2).

Letter—from R. FISCHER, Esq., Proprietor.
To—the Collector of Madura.
Date—the 19th December 1907.

From the point of view of a selfish English statesman whose tenets I hold, and from my intimate knowledge of the natives, I am entirely opposed to giving them political rights or privileges of any kind, especially at this juncture, much as I like them. They have been given too many already and more than is good for them. Any concessions the Government may now have deemed it expedient to make might have been postponed to a convenient season, but not so soon after the disturbances in the North. The present proposals look as if they were extorted from Government. But as these ideas of mine at this time of day are likely to be laughed at, I, as a friend of the natives, enclose my opinion on some of the points raised in G. O. No. 886, in obedience to the request contained in yours of the 3rd instant.

I am sending you the Hindustan Review, in which there is an article, No. 5, which you may like to read. Please return it after you have done with it.

The Government should introduce more Muhammadans into the services for their own sake.

OPINION.

IMPERIAL ADVISORY COUNCIL.

Paragraph 5, clause 2.

All the members should not be chosen by the Viceroy. At least thirty should be allowed to be chosen by the Provincial Governments, the number being distributed according to the population, area and importance of each province. The Provincial Governments having an intimate knowledge of the qualifications of individuals in the locality and of the peculiarities of each province are likely to make a better choice than the Viceroy.

Clause 3.

I doubt whether the Ruling Chiefs would consider the membership of such a Council an honour. It looks like a sop thrown to Cerberus.

They will most likely decline it, but without being members of the Council their opinions may be sought and obtained whenever it is thought necessary or profitable.

The members should all be highly educated men and have a good knowledge of English.

PROVINCIAL ADVISORY COUNCILS.

Paragraphs 6 and 7.

The number of this Council for Madras should be one for each district and one more for each of the cities having a population of 80,000 and more. No Imperial Councillor of a province should be a member of this body.

Whenever any measure is published for the information of the public, it should be stated whether the Advisory Councillors had been either individually or collectively consulted and how far the measure is in accordance with their views. If any matter of importance is referred for sanction, approval or information to the Secretary of State by the Viceroy or the Local Government or to the Viceroy by the Local Government, the results of the consultation with the Advisory Councillors should also be communicated.

The main functions of the Advisory Councils are said to be the ascertainment of the views of the people and the diffusion of correct information among them of the intentions of Government. These functions are in some measure now, and will be in a greater measure in future as education spreads, discharged by the public press. All legislative measures and important administrative Acts which do not require any secrecy before promulgation should be placed at the disposal of this body as it is recognised as a necessary factor in the administration of every civilized and progressive country.

LEGISLATIVE COUNCILS.

Paragraphs 8, 9 and 10.

The existing system of territorial representation in the election of members of the Legislative Councils is objected to on the ground that there is a preponderance of members of the legal profession in the Council; and that there are not so many zamindars or members of the landed aristocracy in the Councils as there ought to be.

The remedy suggested is that there should be a full representation of all races, castes and religions. Many of the lawyers are themselves landed proprietors. Having no special interest to represent as a class, they are in fact representing the various material interests of the other classes of the community such as landholders, merchants, etc., by whom they are elected on account of their superior capacity for discharging the high functions attached to the office of the legislator.

The Madras Presidency being a ryotwari province, the few zamindars therein cannot be considered as representatives of the whole body of landholders. At last they represent only half the landed interest in their own estates; while the tenants who own the other half cannot be said to be truly represented by their landlords.

There should be three representatives of the landed interest in this province—one for zamindars and two for ryotwari landholders under Government and the ryots under the zamindars.

The property qualification with regard to the ryotwari landholders and the ryots under the zamindars should be fixed at Rs. 1,000 rent or revenue a year.

The formation of electorates on the basis of caste, race and religion is (1) impracticable and attended with a degree of labour and cost quite incommensurate with any resulting advantage; (2) a retrograde step that will tend to emphasize and perpetuate racial distinctions and antipathies which are detrimental to the progress of all the communities of the country, and which are gradually be effaced as a result of English education and Government; and (3) tends to retard the unification of Indian nationality.

The tendency of civilization is never to base political and social organisations upon purely religious and racial considerations. The proposed distribution of the political and municipal franchise according to race, caste and religion is opposed to the well-recognised principle of religious neutrality hitherto adopted by the British Government.

Distinctions of race and caste are nominal and found only in unessential forms and are confined to religious worship, if at all, and to domestic relations. They do not represent as they did in the past the different occupations or trades, nor do they form a true criterion for the division of various interests in the country.

Any division based upon ethnological principles which was possible in the old cities of Greece and of Europe in the dark ages must be utterly unsuited to the Government of a vast country like India.

The only distribution of franchise both for Imperial and Provincial Legislative Councils should be one based on territorial divisions, suitable provision being made for adequate representation of occupational groups such as landholders, cultivators, trader and professional men.

IMPERIAL LEGISLATIVE COUNCIL.

Paragraph 12, clause 2, sub-clause (c).

A Ruling Chief is unnecessary even if he agrees to be appointed. No benefit will accrue to either side.

Clause D, sub-clause (c).

There will be much difficulty in forming an electoral body of individuals scattered over various parts of India and even over a Presidency where every elector must necessarily be ignorant of more than 90 per cent. of his companions.

PROVINCIAL LEGISLATIVE COUNCILS.

Paragraph 22, clauses (a) and (b).

The classification based upon race, caste or religion will be impracticable. "Race" is too vague a term for consideration in actual division and each caste has so many sub-divisions that it will be extremly difficult to define their limits; the claims of some communities that they belong to a certain caste are disputed by others, *e.g.*, Shanars claiming, but not admitted to be Kshatriyas and Sourashtras claiming but not admitted to be Brahmans and so on. Castes cannot now be distinguished by their callings.

Paragraph 22, clause (c).

The old system of election by Municipal and Local Boards should be retained. These bodies should consist of elected member chiefly. Election should be introduced for the Taluk Boards also. It is in forming electorates for these bodies trial must be made, if at all, of election on the basis of race, caste or religion.

When property qualification is applied there must be a distinction between the candidates and the electors, the lower minimum being of course sufficient in the case of electors.

Paragraph 23.

Powers should be given to members of the Legislative Councils to initiate legislation by introducing Bills, to put further questions upon the answers given to original interpellations in the same meeting, and to call for division upon any matter raised in the discussion of the budget.

Paragraph 6, clause (a).

Sub-clause (*d*) is not advisable. Lawyers as such do not represent any interest except those of their clients.

In sub-clause (*e*) the qualification within brackets is unnecessary.

In sub-clause (*f*) the qualification within brackets is unnecessary; because the citizens have a right to vote according to the rent value of their property or the amount of the income-tax they pay.

Sub-clauses (*g*) to (*j*) should be omitted altogether; for they form electorates based on caste, race or religion.

The ten seats secured by the elimination of the above may be reserved for election by Municipalities and District Boards forming electorates by territorial division of the province. No distinction should be made between members of Municipalities and those of Local Boards.

Electoral divisions for the Madras Presidency may be as follows:—

Ganjam, Vizagapatam, Godavari, Kistna and Guntur	2
Cuddapah, Kurnool, Bellary, Anantapur and Nellore	2
Chingleput, North Arcot, Salem, Coimbatore and Nilgiris	2
South Arcot, Tanjore, Trichinopoly, Madura and Tinnevelly	2
Malabar	1
South Canara	1
	10

If there are not sufficient representatives of the Muhammadans, Christians or non-official Europeans they may be nominated under sub-clause (*a*). In sub-clause (*a*) there may be four instead of two (two Muhammadans, one Native Christian and one non-official European). If these communities do not get representatives in the election, they may under other sub-clauses.

Paragraph 6, clause (b).

The restrictions with regard to qualifications may be modified in this way:—

The candidate under sub-clause (*b*) will be a merchant; under sub-clause (*c*) an educationist; under sub-clause (*c*) a zamindar.

With regard to election under other clauses there should be no restriction as to the calling of the candidate.

Paragraph 6 clause (a).

The property qualification should be an annual income of not less than Rs. 5,000; or payment of assessment to Government of not less than Rs. 1,000 a year; or the possession of landed or house property whose rent value is not less than Rs. 5,000; or payment of Government revenue or rent of not less than Rs. 500 a year.

With regard to candidates under sub-clause (*e*), payment of land revenue of not less than Rs. 10,000 a year or possession of land of the annual rent value of Rs. 20,000.

Paragraph 6, clause (e).

This should be omitted.

Paragraph 6, clause (f).

There should be educational qualifications only for candidates and not for voters.

Page 17, paragraph 7.

The constitution of the Local Boards should be first settled before the formation of the electorate for the Councils. If the Local Boards are properly constituted a better representation of all communities and interests will be found in the Legislative Councils.

One-half of the members of the Taluk Boards—three-fourths of the members of the District Boards and of the bigger Municipalities and one-half of the members of the smaller Municipalities also should be elected.

The property qualification of the members of the Municipalities and Local Boards should be raised and no educational qualification need be insisted upon.

The property qualification for members of Local Boards and Municipalities should be payment of house-tax of Rs. 100 a year or land revenue of Rs. 200 a year or the possession of lands, the rent value of which is Rs. 500 a year or the payment of an income-tax of Rs. 50 a year.

Property and other qualifications in case of electors—

(1) All graduates of universities.
(2) Payment of income-tax.
(3) Getting a monthly salary of Rs. 50 or more.
(4) Payment of land revenue of Rs. 25 and upwards.
(5) Payment of a house and other tax of not less than Rs. 10 a year.

ENCLOSURE No. (3).

Letter—from the Rev. J. P. JONES of the American Madura Mission.
To—the Collector of Madura.
Dated—Pasumalai, the 13th December 1907.

Referring to your favour of the 3rd instant asking me to furnish my opinion concerning the G.O., No. 886, Public, of the 22nd November, I have the honour to submit the following suggestions:

1. The Imperial Advisory Council is an excellent idea, for it will help to create Imperial sympathies and interests among the ruling princes of India. The only thing I would suggest is that in addition to these princes a small number (say 12) of retired Indian Civil Servants and High Court Judges be nominated by the Viceroy as members of this Council. Their wide experience and thorough training would lend much value to the Council itself in all its deliberations.

2. I do not believe that Provincial Advisory Councils have the same reason for existence as the Imperial one. Indeed I believe that they will be an encumbrance, not only unwieldy and bothersome in their nature, but also largely useless so far as any aid to legislation is concerned.

3. I doubt the wisdom of adding to our Legislative bodies a large proportion of elected and unofficial members. The Government wisely, and, as a matter of course, reserves to itself a majority and a paramountcy in all its Legislative bodies. It will only add exasperation to the native, elected, members of these Councils to find themselves so nearly equal in voting power to the Government and yet always in a hopeless minority.

I sometimes question whether it would not be better, because more in consonance with the real desire of Government and with popular need and ambition, to make it possible, through added members, for native members to be able to out-vote the Government on certain defined lines of legislation only; but always reserving to the Viceroy and to the Governor in Council the right of veto. At the present time the Government has reached an *impasse* with the people. It is willing to give them almost anything but the right to legislate and to administer. The people, on the other hand, are to-day unwilling to be satisfied with anything else. Could not therefore a limited legislative power be granted to them under proper safeguards and within definite limits? It will be a difficult thing to do satisfactorily; but it will be less difficult than to give them even a small modicum of satisfaction in the proposed scheme.

4. I doubt the wisdom of the power of interpellation given in our present Legislative Councils. I know that this question is not one at issue at present; and yet in the present state of tension between the elected and the official members of the Council, interpellation, which would otherwise be of considerable value, is utilized only to render articulate both real and supposed grievances against the State and to accentuate the antagonism between the two elements in the Councils. Interpellation is an opportunity furnished by the State to its critics to emphasize all its failings. It is a most serious weapon of destruction and, so far as my reading informs me, is only used for destructive criticism. It is never used constructively with a view to improving legislation. In this way the State furnishes to those who are not at present most friendly to its methods and effords the best weapon of abuse that I know of. And I am confident that much of the recent sedition and disloyalty has drawn its strength from and found its method and motive in our legislative halls.

5. I favour giving to certain classes definite proportions of representation, so that no one class or professsion shall, as at present, have a representation which is far beyond its rights and legitimate claim in the community. And yet on the other hand, I question whether it is wise by legislation to restrict the natural right which certain classes in the land have proved themselves to be possessed of for many centuries to direct the affairs of the multitude.

I hardly think it will be wise to withdraw from the Municipalities and the District Boards the franchise. They may not have exercised their rights wisely in the past; and yet I see no better way of electing a certain number of men to the Councils than through these well-known agencies. It will certainly be very difficult to create, at the present time, better agencies for the exercise of this right.

ENCLOSURE No. (4).

Letter—from MOULVI SAIYID ABDUL KHADAR IBRAHIM SAHIB, Town Qazi, Madura.

To—the Collector of Madura.

Dated—the 2nd January 1908.

With reference to your R.O.C. No. 1632-B.G., dated 3rd December 1907, forwarding a copy of G.O., No. 886, Public, dated 22nd November 1907, embodying in it a memorandum drawn up in pursuance of an order of the Governor in Council regarding certain measures proposed for the purpose of giving the people of India wider opportunities of ventilating their opinions on administrative problems and inviting the written opinion thereon of the leading members of the Muhammadan community on the questions raised in the aforesaid memorandum, I think it my duty in their name and on their behalf, to thank you, in the first instance, for your kindness, courtesy and sagacity in having thought of them in connection with thematter.

The following are the remarks which in consultation with them I have to offer under each head.

Imperial Advisory Council.—It is not clear from paragraph 5 (2) how the members of this Council will be appointed by the Viceroy. It is, however, taken for granted that the Viceroy will be pleased to consult the various Provincial Governors, who will in their turn consult the district officers. It would be better that the mode of appointment is definitely laid down, the Viceroy being at a considerable distance from and consequently beyond the easy reach of and out of touch with the bulk of the inhabitants of India.

It is not known on what data the strength of the council has been fixed at about 60 in paragraph 5 (3). The interests of the people cannot, it is feared, be properly safeguarded unless there is at least a member to represent each district of the various provinces either as a Ruling Chief or as a territorial magnate. The strength may be adjusted according as circumstances may require. The term "territorial magnates" is vague and it is, therefore, respectfully suggested that they may be exactly defined in order that the class of persons from whom the councils are proposed to be recruited may be induced to have the same in their minds' eye to come up to

the level thereof if they are below it and that thus there may be a healthy stimulus to the due growth and development of the aristocracy and the landed interest of the country. The seats should not be confined to the above two classes of people only but should be thrown open also to others who, by their eminent talents, professional status or educational attainments, may be deemed worthy of them. Such a course will result in fit members being selected from other classes in the absence in any district of either the ruling chiefs or the territorial magnates of the required standard. In this connection it is devoutly hoped that only such qualifications will be prescribed by the Government that without much difficulty candidates may in the light thereof be found available here, there and everywhere.

Provincial Advisory Councils.—These Councils may be Imperial Councils in miniature, being constituted in the same manner but with two members in each district, one of whom being the member of the Imperial Advisory Council or not. The advantage of having two members will be that at least one of them may always be expected to be at hand and the two sides of a question may at times be brought out to the benefit of the public and the Government. Besides these two members themselves would be in a position to consult with each other and approach a district officer with a settled view whenever their advice is sought.

In both the above Councils in case the Muhammadan element is found wanting or in a helpless minority, provision for its fair and adequate representation may be made in whatever manner it may appear fit.

Imperial Legislative Council.—Words fail with my frail tongue to appropriately express the thanks of my community for the solicitude of the Government to protect the interests of the Muhammadans.

Provincial Legislative Councils.—It is proposed to select one Brahman, six other Hindus, one Muhammadan and one Christian. As practically the Brahmans and the other Hindus are one and the same, it amounts to making a distinction in a case where there is no difference and so, a more judicious arrangement seems to be to allot three seats for the Muhammadans and one for the Christians, reserving the other five for the Hindus—be they Brahmans or other Hindus. The qualifications for the voters generally and for the Muhammadans in particular, must be lowered according to the conditions obtained in the different degrees of Indian society. As in the matter of the Imperial Advisory Council, it is believed that the Government will not frame any hard-and-fast rules in this respect, in order that the supply may be always equal to the demand.

The amount of property qualifications for the Muhammadans may be fixed at one-quarter of what may happen to be fixed for the Hindus. Our community is in entire accord with the views of the Government in other respects.

XXVII

Letter—from L. E. BUCKLEY, Esq., I.C.S., Collector of the Nilgiris.
To—the Chief Secretary to Government.
Dated—the 11th January 1908.
No.—R. Dis 34.

I have the honour to reply to G.O., No. 886 Public, dated 22nd November 1907.

2. I enclose copies of written replies from some of the gentlemen to whom I circulated the Government Order for an expression of opinion.

3. My own opinion is that with a Legislative Council which is truly representative an Advisory Council should be unnecessary. The present elected members of the Council are not representative of all interests. They represent a class which is comparatively small. A native gentleman whom I consulted, who has a large stake in the country as an agriculturist, as an owner of house property, and as a commercial man remarked to me that most of the elected members represented no one but themselves, and sought election for the purpose of their own advancement.

4. Turning to the proposals for the enlargement of the Provincial Legislative Council, I think there is no doubt that while suitable representatives may be found by election for classes (*b*), (*c*), (*d*) and (*e*) and possibly (*f*), where the electorates will be comparatively small, and possessed of some cohesion, the elective system may not bring to the front representative men in the other classes. There are various reasons for this. One is already stated by the Government of India, *viz.*, "Indian gentlemen of position sometimes 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". An elected member of the Legislative Council once expressed to a mutual friend his contempt of the methods which an electioneering

campaign necessitates. Another reason is that some of the proposed electorates are composed of sections of as widely differing interests as the classes themselves. Will a member of the Carnatic family, a Mappilla of the West Coast or a Ravuttan of the South adequately represent the interests of the other two classes of Muhammadans? Will a C.M.S. Christian, an S.P.G. Christian, an Jesuit, a Baptist Christian or a Syrian Christian satisfactorily represent the other sections of Christianity? Is it possible with widely scattered electorates possessing such varying interests, to secure representatives of value? If the elective principle is adhered to the only alternative is territorial representation, which will fail to an equal or probably to an even greater extent in securing really representative men. I am therefore led to the conclusion that except for classes (*b*), (*c*), (*d*), (*e*), (*f*) and for four seats out of the six allotted for class (*j*) (which I would retain for representatives of Municipal Councils and District Boards), appointment to the Council should be by nomination. I realise that a nomination system is not perfect but I believe it open to less objections than election on the proposed lines. My proposal would place seven seats at the disposal of His Excellency the Governor, and in allotting them, the cultivator, the commercial man and the tradesman should not be overlooked.

5. I offer a few criticisms on the details of the present proposals—

(*a*) It is not clear why solicitors and attorneys are omitted from class (*d*).

(*b*) If the payment of income-tax upon a certain sum gives a vote, persons will purchase votes by returning an income which they do not derive.

(*c*) Property qualifications should carry more weight than literary attainments, and literate qualifications should not be insisted on in the case of persons representing cultivation, commerce or trade.

XXVIII

Letter—from J. G. D. PARTRIDGE, Esq., I.C.S., Collector of Ganjam.
To—the Chief Secretary to Government.
Dated—Chatrapur, the 17th January 1900.
No—D. Dis. 178-Ver.

I have the honour to state that, as directed in G.O. No. 886, dated 22nd November 1907, I have consulted the following zamindars and other leading persons in this district as to the proposals contained in the Memorandum attached to that order :—

1. The Raja of Kallikota and Atagada.
2. The Zamindar of Dhárákóta.
3. ,, of Peddákimedi.
4. ,, of Serugada.
5. ,, of Bodogodo.
6. ,, of Surangi.
7. M.R.Ry. Rao Bahadur T. V. Sivarao Pantulu Garu.
8. ,, Tadepalli Venkatakrishnayya Pantulu Garu.
9. ,, G. V. Raghavarao Pantulu Garu.
10. ,, T. V. Kondalarao Pantulu Garu.
11. ,, N. V. Ranganadham Pantulu Garu.
12. ,, D. V. Ramayya Pantulu Garu.
13. ,, William Venkataramiah Garu.
14. ,, Nalam Bhimaraju Setti Garu.
15. ,, Hari Hara Panda Garu, Pleader at Aska.
16. ,, Abd-ul-ghafúr Sáhib Garu.
17. ,, J. Ramayya Pantulu Garu.
18. ,, A. Gurumurti Nayudu Garu (retired Deputy Collector).
19. ,, E. Seetharamarao Nayudu Garu, Deputy Collector.
20. F. J. V. Minchin, Esq., Aska.
21. Chairman, Municipal Council, Chicacole.
22. ,, ,, Parlákimedi.
23. M.R.Ry. A. Parusarama Patro Garu,

2. Replies have been received from all the gentlemen referred to except two (Nos. 12 and 19) and I have the honour to forward them.

3. Referring to paragraph 1 of the memorandum, I have great doubts whether an Imperial Advisory Council consisting of about 60 members, of whom twenty are ruling chiefs, could be consulted by the Government of India collectively in the manner described in paragraphs 4 and 5 of the Home Secretary's letter, dated 24th August 1907.

4. I do not understand why some of the ruling chiefs should be consulted on measures which the Government of India may think of introducing, or if it is desired that their personal opinions and advice should be obtained, why it is necessary to include them in the Council for the whole of India.

5. The object of the Government of India, as detailed in paragraph 5 of the letter in stipulating that the proceedings of the Council should be private, informal and confidential, is that there should be a frank interchange of opinion between the members, but I venture to think that this is opposed to the spirit of the times, that the discussion could hardly be practically kept secret, and that the members of the Council would prefer that their meetings should be public. In addition to this I consider that it would be very inconvenient for a large number of leading men to assemble at one place even once a year, and that there is no necessity for a meeting, if the Government's object is to obtain the individual opinions of the members.

6. I consider that the members of the Imperial Council might be consulted confidentially in writing and that they may be selected for a period of five years.

7. With regard to the selection of members for this body, which will be of the highest rank, it would, at first, I believe, be desirable that gentlemen of good education and position should be selected by the Government in each province according to the population. For instance, Bengal might furnish six members. Madras four, and so on, and that if possible some of the members should be retired Judges or executive officers who would be most willing to devote their time to the service.

It would be impossible to define the subjects which might be referred to this body, but if any subjects of great importance are likely to be brought forward before the Legislative Councils, the members of the Imperial Advisory Council may be first consulted. I think that a title should be bestowed on the members, perhaps after a certain period of membership, as the appointment will be of course honorary.

8. Regarding a Provincial Advisory Council, I beg to observe that it would be advisable that if their opinion is sought collectively the meeting should be open to the public. The members could at any time be consulted confidentially in writing, and I see no reason why a meeting should be held privately. The members may be selected by Government from the leading members of society in all branches.

Five landholders with an income of Rs. 5,000.
Five traders paying income-tax on an income of Rs. 10,000 and upwards.
Five professional men.
Five retired Judges or Pleaders.
Three retired officers.
Two Presidents or Vice-Presidents of District Boards.

9. I think that the appointment of members should be for a period of three years, and that they should be eligible for renomination for a period not exceeding nine years altogether.

10. With regard to their functions, I have no suggestions to offer, but I think that no important State measures should be formulated, except in the case of great emergency, without consulting the members of this Council.

11. *Paragraph 3 of the Memorandum.*—In the scheme outlined in paragraph 12 of the Government of India's letter, the Government suggest that Imperial Legislative Council should consist of 18 elected members out of 53. It is clear that the provision of seven elected members of the land-owing class is intended to counterbalance the preponderance of legal members which might ensue if the non-official members of each of the Provincial Councils elected two instead of one

member. I fully agree with the principle that the land-owners should be represented in the Imperial Council. But I think that this could be effected more easily and safely by permitting the local Legislative Council (non-official) to elect a land-owner, who should have a fair income, but not necessarily Rs. 10,000 a year and upwards.

In some districts there are, I believe, highly educated and capable land-owners who would be excluded from the Imperial Council, merely by the accident of birth. One man might have an income of Rs. 7,000 a year and be in every way suitable while another with a lakh income might be undesirable. I would therefore venture to suggest that the local Legislative Council members may be given the option to elect two members, one of whom should be a land-owner with a rental of Rs. 5,000 per annum. If the basis of representation is broadened, I consider that a larger number of well-qualified men would have seats on the Imperial Council than if the proposal contained in paragraph 12(2) were adopted.

12. I consider that all the Chambers of Commerce might be represented in turns if two members are selected biennially in the method suggested.

13. As to the election of two members by Muhammadans who will be granted votes—and the qualification for voting—I think it would be preferable to select Muhammadans of good status, and that an electoral body for the whole of the Madras Presidency would not form a good constituency.

14. *Paragraph 6 of the Memorandum.*—A radical change has been proposed in the selection of representatives for the Provincial Legislative Council. Instead of representation by territorial divisions a system of representation by class or caste has been suggested with the object of avoiding the undue preponderance of any class. I find that amongst the non-official gentlemen and others who have been consulted there are extremely strong objections to this classification. Apart from the objections which are most forcibly expressed, I think that there is not the least necessity to reserve electoral seats for—

(1) The Senate of the University.
(2) Barristers.
(3) Zamindars and Proprietors.
(4) People of Madras.
(5) Brahmans.
(6) Muhammadans.
(7) Christians.
(8) Other persons.

15. What is required is that the Government should nominate a certain number to represent minorities, after districts, or towns have elected members. It will be always easy to prevent undue representation of one class by not allowing a group of districts to elect more than a certain proportion of one class. If the four north districts in Madras had the right of electing two members, the Government could decide that not more than one of the two seats could be held by a lawyer.

I think that electoral bodies formed of voters living in Ganjam, Nellore, Tinnevelly and Malabar would be utterly unwieldy and that an immense amount of labour would be involved in devising an impracticable electorate.

16. (*a*) I consider that all graduates of five years' standing should be entitled to a vote.

(*b*) All retired officers drawing a pension of not less than Rs. 50.
(*c*) All persons paying income-tax on Rs. 2,000 and upwards.
(*d*) All Government officials with salaries of Rs. 100 and upwards.
(*e*) All land-owners and tenants paying Rs. 250 and upwards either to Government or a landlord.

To prevent the possibility of persons of inferior rank or position being elected as members, the qualification for a member should be an income of at least Rs. 4,000 per annum and should own a certain amount of land. The liberal professions and landlords will be fully represented in this manner and there will be no complaint whatever from any section of the community.

17. In order to prevent delay or excessive trouble to Land Revenue officers in preparing voters' lists, special officers should be appointed to investigate claims for votes in each taluk—and all those who wish to be registered as voters should do so in one month in a year. In this way I think those who desire the privilege of electing a member, who must be a resident of the district or local area represented, will be enabled to register their names easily and the elections should also be held at the same centres.

ENCLOSURE No. (1).

Letter—from the Zamindar of Vizianagram *alias* Bodakimidy.
To—the Collector of Ganjam.
Dated—Digupudi, the 12th January 1908.
No.—B. 18.

With reference to the copy of G. O., No. 886, Public, dated 22nd November 1907, forwarded with your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to state that the scheme suggested by Government for Provincial Legislative Council gives 17 members instead of 11 now existing and gives representation to certain castes, religions and professions in addition to votes for the University, Madras citizens and Chambers of Commerce. As the people of 22 districts which are to be increased to 24 in the near future consisting of a population of nearly 38 millions are to be represented I would suggest that every district should be represented by one selected member and the zamindars by five, the Chambers of Commerce and the City of Madras, each by one. And as for the minorities such as Muhammadans, Indian Christians, and other religious or interests, the Government might reserve to itself the power to nominate six members, of whom there must necessarily be a Muhammadan, an Indian Christian and an Uriya, The official members including the Governor and two members of the Executive Council may be increased to 37. If it inconveniences and hampers the work of Government to spare a large number of officials from outside the Presidency town, as per the above proposal, I would suggest that this difficulty may be overcome by increasing the number of official members from 13 to 19 and giving each vote of an official the value of two votes. If the Government is not prepared to give one member for each district, I suggest that one at least for each of two adjoining districts may be given for the present, as each district has its own peculiarities, diversity of thoughts and feelings, customs and habits, and as it is impossible for a handful of representatives to make an adequate and careful study of the multiplicity of the conditions that exist in each of the districts. I need give here no reasons for suggesting five seats for the zamindars as the Government themselves recognized the importance of their presence in larger numbers on the Council.

2. As for the Imperial Legislative Council I would suggest as follows :—

(*a*) The maximum strength of the Council might be 53 or including the Viceroy 54.
(*b*) This number might be made up thus—

(1) *Ex-officio* the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla). The Commander-in-Chief and the Members of the Executive Council . . .	8
(2) Additional officials to be nominated not exceeding . . .	18
(3) Elected members—	
(i) By Chambers of Commerce of Calcutta and Bombay .	2
(ii) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma . .	14
(iii) By the nobles and great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces the Punjab and the Central Provinces . .	7
(iv) Non-officials nominated by the Viceroy to represent minorities or special interests, etc.	4
Total .	53
Or including Presidency of the Viceroy	1
	54

3. As for the Advisory Councils I think that unless some legislative recognition is given they will not be of much use. I suggest that the function of consultative bodies be added to the Legislative Councils and the members thereof be consulted on all important matters on which it is now proposed, in order to take the position of the Advisory Boards.

I further suggest that in the first instance persons who have got both literate and property qualifications should be selected to be registered as voters. And if this cannot be found practicable I would like to suggest that at least a minority of the members ought to be literate.

ENCLOSURE No. (2)

Letter—from the Zamindar of Serugada.
To—the Collector of Ganjam.
Dated—the 11th January 1908.

I have the honour to state hereunder my view in regard to G.O., No. 886, dated 22nd November 1907.

I must thank the Government for recognizing the zamindars and other landholders as a body representing the landed interests. One seat is hardly sufficient; I should like one seat to be given to the Landholders' Association which is an important body and deserves recognition similar to the Chamber of Commerce Two seats should be allotted to the landholding class so as to secure representation of inam and other landed tenures.

2. The division based on race or caste is very undesirable. I think, on the whole, one member should be allowed for every two districts.

ENCLOSURE No. (3).

Letter—from the Raja of Kallikote and Atagada estates.
To—The Collector of Ganjam.
Dated—the 9th January 1908.
No.—62.

With reference to the referendum of the Government of Madras regarding the Government of India's proposals for the formation of Advisory Councils and the enlargement of the Legislative Councils sent me with your R.G.B. No. 1119-Ver., dated the 12th December 1907, for my opinion on certain points raised therein, I have the honour to state as follows :—

(1) That the policy of the Government in the formation of Advisory Councils consisting of the ruling chiefs, landholding and commercial classes, representing as they do the most stable element of Indian society, is a very sound one, and will undoubtedly popularise the administration and be a medium for diffusing correct information regarding the measures and motives of Government, which at times are likely to be viewed with suspicion, and very often misunderstood.

(2) There is nothing much to say with regard to the constitution of the Imperial and Provincial Advisory Councils as laid down in Government of India's circular, I would however suggest that the members of these Councils should not only be asked to give their opinion when required, but should also be empowered to initiate suggestions of their own on important question of public interest; (*b*) moreover I would suggest that eventually if these Councils are found to fulfil what they are intended to be, mediums for obtaining and diffusing correct information, they may, with proper safeguards, be given some legal constitution; (*c*) the Councils should meet as a body once or more in the year, not only with the object of discussing important subjects, but to be in touch with one another, and at these meetings any proposed reform or measure that does not meet with the approval of the majority of the members, should either be dropped or postponed for further consideration, as it will not create confidence if the Council is consulted and its advice flouted; (*d*) a certain proportion of the members should be elected by the different provinces.

(3) The Imperial and Local Legislative Councils should have the representatives of zamindars proper, as apart from ryots and landowners, and they should be chosen by election, it is obvious that the land-owners contemplated must include ryots under Government, and these cannot but look at things from a standpoint dissimilar to landholders.

(4) That the Imperial Legislative Council should have one zamindari representative for the Presidency elected from amongst the landholders of prescribed qualifications, and the local Legislative Council should have two representatives, one elected by the whole body of landholders and the other by the Landholders' Association, as a selection by this latter body, representing as they do the landed aristocracy, will ensure the best qualified member being chosen.

(5) That the qualification for persons entitled to vote for the zamindari representative in the Imperial as well as the local Legislative Council should be a payment of peishkash of Rs. 10,000 or land-cess calculated on an annual rent value of Rs. 25,000.

(6) That the representation of castes and creeds, that stands out as one of the most prominent features of the scheme is objectionable in principle, should however it be adopted I should like to represent that one seat should specially be reserved for Uriyas, who form a majority in this district, besides occupying a portion of the Vizagapatam district, and numbering nearly two millions. If it is found that the Muhammadans who are scattered over the Presidency and forming only a minority deserve special consideration, the Uriyas, who occupy a defined portion of the Presidency and are a race distinct in themselves and differ in many ways from the Telugus and Tamilians, who form the major portion of the Presidency, certainly deserve more consideration.

ENCLOSURE No. (4).

Letter—from the Zaminder of Dhárákóta.
To—the Collecter of Ganjám.
Dated—the 3rd January 1908.
No.—B. 1.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, forwarding a copy of G.O., No. 886 Public, dated 22nd November 1907, for my opinion on the proposed scheme of Advisory Councils, I have the honour to state as follows.

In clause (*c*), paragraph 22, of the circular letter of the Government of India, No. 2310, dated 24th August 1907, and in proposed scheme of the local Government regarding the formation of Advisory Councils and enlargement of Legislative Councils, it is wisely suggested by the Government of India that minorities are often crowded out by the predominent section of the population and that, therefore, electorates should be formed by the principle of racial representation. With this object in view the Government of India and the local Government have specified the Muhammadans as deserving special nomination. The reasons which have induced the Government to grant a special franchise to the Muhammadans apply equally if not with greater force to the Uriya-speaking race, living in the northern portion of the Presidency, occupying nearly three-fourths of Ganjám and the Jeypore Agency of the Vizagapatam district, numbering in all 17 lakhs and standing out as a distinct factor in the population of the province. But, nevertheless, they form only an important minority, liable to be crowded out by the predominant races, *i.e.*, the Tamilians and the Telugus, and also liable to be neglected as a foreign unit. Considering the nature of the conditions prevalent in the Uria-speaking tracts of the Presidency regarding their social, linguistic and ethnological peculiarities, it is absolutely necessary that the Urias may be accorded the same treatment as the Muhammadans in matter of granting franchise. If Muhammadans, scattered over the whole Presidency, are allowed a seat in the Council, the Uriyas who occupy a definite portion of the Presidency deserve at least one seat reserved from them.

In paragraph 22, the Government of India observe: "It would be well to consider whether in view of the constitution of Indian society it would not be advisable to introduce a system for the representation of classes now liable to be crowded out by any predominant section of the population as in the case of Muhammadans." This principle does not seem to have been taken into account by the local Government while proposing the scheme, as it has not taken the ethnological principle in dividing the population.

Referring to Paragraph 2 of your letter quoted above, asking my opinion on clause (*c*) of the scheme, I have the honour to suggest that the Zamindari class should, instead of being divided between the northern and the southern districts, be divided into those forming the Madras Landholders' Association and those that belong to it.

With regard to the other clauses of the letter and the scheme I have nothing to add.

ENCLOSURE No. (5).

Letter—from the Zamindar of Bodogodo.
To—the Collector of Ganjám.
Dated—the 12th January 1908.
No.—B. 7.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to inform you that I have no special suggestions to make excepting the following few lines :—

(1) In my opinion there should be only one Provincial Advisory Council for the whole Presidency composed of one member from each district. Separate Advisory Council for each district not necessary as the Collector can gather all the necessary information concerning his district during his tour from the largest landlord to the smallest ryot.

(2) It will be advisable to select two members from the landed aristocracy, than to get them to select two members by votes, to the Legislative Council.

(3) If it is decided to select members for both the Advisory Council and the Legislative Council by votes, I have no objection.

(4) I have no intention of standing for either of the Councils for a period of five years.

ENCLOSURE No. (6).

Letter—from the Zamindar of Surangi.
To—the Collector of Ganjám.
Dated—Ichchhápuram the 15th January 1908.
No.—4.

With reference to your letter R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to submit the following opinion on the Government referendum regarding the Advisory Councils and enlargement of Legislative Councils. I am fully in accord with the idea that the landed aristocracy of India who possess stable interests in the country and who are leaders and heads of vast populations under the British suzerainty should be called together in times of need to advise the Government on important administrative questions. The formation of Imperial and Provincial Advisory Councils is a step in the right direction and infuses confidence into the people and secures the co-operation of the more important classes. While acknowledging the benefit that is likely to accrue, by the formation of these Councils, I may be permitted to observe that these Councils would be more beneficial and fruitful if the Government should invest them with some powers and status and accord legislative sanction to them. As regards the Provincial Legislative Council I am of opinion that the number of seats for landholders and zamindars may be raised from two or four and that the property qualification may be reduced from Rs. 20,000 to Rs. 10,000 in the case of zamindars paying peshkash or land revenue inclusive of land-cess which is recoverable by Government as land revenue. In that case, a large number of landholdars and zamindars will be eligible for election. I am not in favour of allotting a separate seat for Brahmans as they do not form a separate class with separate interests. Their interests are identical with those of other Hindus and there is no reason why they should be treated as a separate class. So far as this district goes, I may suggest that the Uriyas may be provided with a seat as their interests cannot adequately be safeguarded by the other communities of this Presidency.

With regard to clause (*e*) to which special attention is drawn in your letter, I see no reason to apprehend that the difficulties in arranging for voting would be insurmountable.

ENCLOSURE No. (7).

Letter—from the Chairman, Municipal Council, Parlákimedi.
To—the Collector of Ganjam.
Dated—January 1908.
No.—25.

With reference to your R.G.B. No. 1119/1907, dated 12th December 1907, I have the honour to submit herewith the following my free and candid opinion in regard to certain important points raised in the letter of the Government of India and the memorandum of the Madras Government.

Imperial Advisory Council.—If the object of Government in establishing an Imperial Advisory Council be to secure opinion on measures in contemplation and to diffuse correct information upon the acts, intentions and objects of Government, it is highly doubtful if an advisory body consisting chiefly of chiefs and territorial magnates can in any way help in the realization of this object. The education which most of them have received is generally not of a standard as to render them fit to act as Councillors of the Empire. The exalted position which they occupy in society will inevitably stand in their way of being useful interpreters of the Government and real representatives of the people. Of course, I do not, for a moment, mean that there should be no ruling chiefs and territorial magnates in the Council. What I wish to urge is that the Council, in order to be a healthy useful body, must be made up largely of educated men who enjoy the confidence of the Government and have credit with the people.

Provincial Advisory Council.—As to Provincial Advisory Councils, the scheme as outlined by the Government of India leaves little or nothing to be desired. There is indeed ample scope to make them sufficiently representative. Only the Provincial Governments will have to select the best men available, that is to say, in other words, they should not allow themselves to be in any way influenced by the hollow professions of loyalty and the mad howlings of "swaraj," which have been so much in evidence of late.

Coming to Madras, I am inclined to think that the suggestion of the Local Government to fix the number of their advisors at 25 is a reasonable one; and I would have the Council constituted thus:—

Zamindars	4	An Uriya, a Telugu, a Tamil zamindar and one of Malabar.
Landed proprietors	3	
Pleaders	5	Such as Mr. Nayapati Subba Row Pantulu of Rajahmundry and Digumurti Venkata Ramayya Pantulu of Berhampur.
Medical profession	2	
Estate Diwans or Managers (retired or still in service.)	3	Such as Diwan Bahadur R. Raghunatha Row, etc.
Non-official Europeans	2	
Muhammadans	2	
Mercantile and industrial classes	2	
Missionaries	2	
Total	25	

Imperial Legislative Council.—One thing that calls for remark in this connection is the proposed creation of a separate electorate for the landed aristocracy of the country. It is highly doubtful if a separate constituency would be feasible or rather possible at all. If fair and reasonable representation for them is thought necessary, the best way of ensuring it would be by *nomination*. Another point which deserves more than passing notice is this:

When two seats have been exclusively allotted to the Muhammadans and when there is every likelihood of the Provincial Councils returning one or two Muhammadan representatives, I do not quite see why not less than two of the non-officials to be nominated by the Viceroy to represent minorities and special interests, should be Muhammadans again.

Madras Legislative Council.—Of all the proposals embodied in the Government Order under reference, what appears to me to be most curious is the scheme suggested by the Madras Government for the expansion of their Legislative Council. The first question I feel inclined to ask is, why the existing electorates are proposed to be abolished. If the object be to exclude lawyers in pursuance of the remarks contained in paragraph 9 of the letter of the Government of India, a more unwise policy cannot be conceived. It is admitted on all hands that besides the schoolmasters, the lawyers alone can offer independent and intelligent advice on all legislative matters. It is simply preposterous to expect such useful advice from members with high property qualifications. I may observe here parenthetically that if the District Boards and Municipalities have failed to return landholders to the Legislative Council, it was not the fault of these local bodies nor of the elective system either. In matters of such grave importance, the question ought to be not "*who* will enjoy the privilege" but "how real representation can be obtained."

The next question is why the Barristers, Advocates, etc., should be given a separate seat on the Council. They do not represent a class of interests distinct from those of other elements of the community.

The third question is why Government should seek to base representation on caste and religion. So far I can see, there is no likelihood of any caste or religious questions ever coming up for discussion in the Legislative Council. I do not grudge Government providing special representation for the Muhammadans. But the allotment of seats to Brahmans and Christians is what passes my comprehension.

As to the formation of a separate constituency of the landholders of the Presidency, the less said about it, the better.

If the Government really want to expand their Legislative Council to ensure proper representation, the best thing that they can do is to leave the existing electorates as they are, not to insist on property qualification and to constitute the Council in somewhat the following manner:—

The Mofussil Municipalities	2
The District Boards	2
Madras Corporation	1
The Chamber of Commerce	1
The Senate of the University	1
Muhammadans	1
The Landholders' Association	1
Nominated Non-officials.	
Uriya, Telugu, Tamil zamindars and janmis of Malabar	4
Planters	1
Native industries and commerce	1
Minorities	2
	17

A Council thus made up will not only represent the best interests of the country but also provide a suitable counterpoise to the probable influence of the lawyers—a result which the Government are so anxious to secure by depriving the mufassal Municipalities and District Boards of their long enjoyed privilege.

ENCLOSURE No. (8).

Letter—from M. R. Ry. JAYANTI RAMAYYA PANTULU GARU, B.A., B.L., General Deputy Collector, Goomsur division.

To—the Collector of Ganjám.

Dated—Russelkonda, the 14th January 1908.

In reference to your R.G.B. No. 1119-Ver., dated 12th December 1907, I have the honour to submit my opinion on the Madras scheme for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. *Provincial Advisory Council.*—This is intended to be a sort of Privy Council on which the Government can rely for an intelligent and sober expression of public opinion regarding important measures of administration and also to correctly interpret to the people the aims and intentions to Government in regard to those measures. The members of this Council should be well educated and in touch with the people.

Special interests such as those of large landholders and mercantile classes will have also to be provided for. Exclusive of members representing special interests, there may be one member for each district. The appointment should be by selection on the recommendation of local officers and of such associations or other public bodies as the Government may consider fit to consult. In making the selection care will have to be taken that all important shades of public opinion are represented in the Council. Members should, I think, hold office for three years and be eligible for re-appointment.

3. *Imperial Advisory Council.*—I do not feel competent to offer any suggestions on this point.

4. *Provincial Legislative Council.*—I approve of giving special representation to the following communities and institutions, *viz.*, the zamindars, the Madras Chamber of Commerce, the Senate of the Madras University, the City of Madras, the Muhammadans and the Native Christians; but I think the last two communities should have two representatives each instead of one provided for in the Government memorandum. Excluding these special seats, I am of opinion that there should be one seat for each district and, if it be impossible to provide so many, at least one seat for every two districts. Considering the largeness of the Madras districts I am strongly of opinion that one seat for a whole district is not too much. I think these seats should be thrown open to general election. There is a strong feeling among educated classes against election by castes and classes and such a system cannot, it seems to me, be worked satisfactorily. No doubt caste rules in religious and also to some extent in social matters, but it ought not to be allowed to invade the province of public administration. Moreover, the tendency of the times is to loosen the bonds of caste. The caste of Muhammadans and Christians stands apart. It may be that, for some time to come, some classes of persons will be returned to the Council in large numbers than their numerical proportion to the entire community entitles them to, but the disproportion will disappear as education spreads and the people understand their rights. For this purpose it is desirable that the territorial unit of the electorate should be small so that the electorates may take an intelligent interest in the elections and have some personal knowledge of the candidates. A smaller electorate will induce more candidates to complete than a larger one. Considering all things, I think the district may be constituted the unit for elections.

5. As regards the qualifications of electors, I think the property qualification may be fixed at an annual income of Rs. 2,000 from land or a profession. If the electorals is to consist of two districts, this limit will have to be doubled. All electors should be able to read and write in the vernacular. I think all graduates of not less than five years' standing may be allowed to vote irrespective of the property qualification. Retired gazetted officers should be eligible to vote as well as to be elected. This class of persons occupy a unique position. They have acquired great experience in the service of Government and are well acquainted with the intentions and methods of Government. At the same time, they are of the people and understand them. They are, therefore, peculiarly fitted to act as interpreters between the people and the Government. Subject to these views, I generally approve of the conditions laid down in clauses (*c*) and (*d*) of the Government memorandum.

6. In the case of Muhammadans and Christians whose electorates are spread over the whole Presidency, it will, I think, be desirable to divide the Presidency into a northern and a southern section, each section returning a member. Considering the smallness of the number of seats allotted to these two communities, I think they should be allowed to take part in the general elections along with the other communities.

7. To make up for inequalities arising under this system of election, the Governor in Council may reserve to himself the power of nominating five members without reference to caste or creed.

8. I consider it desirable to throw open a certain proportion of seats on the District and Taluk Boards for election, according to rules to be hereafter prescribed.

ENCLOSURE No. (9).

Letter—from M.R. Ry. T. VENKATAKRISHNAIYA, B.A., B.L., High Court Vakil, and landholder.

To—the Collector of Ganjam.

Dated—Berhampur, the 9th January 1908.

With reference to your letter no. 1119-Ver. of 1907, dated the 12th December 1907, I have the honour to report as follows:—

(i) I have been asked to express my free and candid opinion on the several points and questions raised in the enclosed G. O., no. 886, dated 22nd November 1907. I presume that what is required from me is that I am to state my opinion, not only upon the proposals of the Government of India, considered with the memorandum of the Government of Madras, but also as to what they should be in my view, for the achievement of the purpose mentioned, *viz.*, "giving the people of India wider opportunities of expressing their views on administrative matters." It therefore becomes necessary that my opinion should include constructive as well as destructive criticism.

2. These proposals seem to have been framed mainly with a view to make adequate provision for the representation of classes which a generation ago had hardly been affected by the influence of education, but now have become qualified to take a more prominent part in public life by reason of the fact that during the last twenty years, they have profited greatly by the educational advantages offered under British rule. The object of the Government in taking this matter into their consideration, is indeed, highly laudable, and I think that any provision for satisfying the requirements of these classes will be a distinct step forward in the way of constitutional progress, so long as the other interests and obligations involved are not thereby allowed to suffer and the best interest of the country jeopardised.

3. It seems to me, therefore, that in judging these or any other proposals on the subject, three facts should be constantly borne in mind:—

(i) The privilege of representation should be extended only to those classes that have, by the advantages of higher education, become competent to express their views on matters of practical administration. The fact that those classes possess a "material stake in the country and represent the most powerful and stable elements" of Indian society, is, undoubtedly, a great qualification in itself, but that does not, to my mind, materially affect the question; for, these merits they possessed half a century ago as now. Whether education has enabled them to exercise their powers of judgment, with insight and independence, on complicated matters of politics and administration is, in my opinion, the main test for determining whether they are fit to find a place in the Councils of the Empire.

(ii) Any provision for the safeguarding of these interests will be most unobjectionable, provided that thereby the legitimate power and influence of classes that were educated for over half a century, is not reduced or neglected. The representation, in fact, should be measured proportionately to the intelligence and training the classes possessed.

(iii) The representation of all the various classes should be so brought about as not to injure the true interests of the country as a whole. Every care being taken that no arrangement entered upon will have the effect, however remote, of retarding its progress.

4. There are two main proposals underlying the scheme. The creation of Advisory Councils and the enlargement of the existing Legislative Councils, each proposal being capable of sub-division, according, as it deals with the central or the provincial Government. There is also a third proposal concerning the discussion of the budget in the Legislative Council.

5. *Advisory Councils.*—These Councils should, in the opinion of the Government of India be organised with the principle object of supplying a means of free and close consultation for the purpose of "making their measures and motives generally understood and correcting erroneous and often mischievous statements of fact or purpose imputed to them." I may be permitted, before considering the organization and functions of these bodies, to refer to the statement with which paragraph 4 of the letter of the Government of India begins. "All Indian Governments and Administrative officers will continue the process of seeking the advice and eliciting the opinion on adminstrative measures and proposals for action, of those qualified to advise them." They say this "regular consultation" is the "indispensable foundation" upon which good administration is built up and is part of the necessary procedure of Government. It is indeed gratifying that the Government sets a high value on the opinions of qualified persons in all ranks of society and were it not that I feel that this apparent high regard and solicitude for public opinion is not everywhere translated into action and that what is here taken for granted, dose not exist in fact in any large measure at any rate at certain local centres of administration, I should not refer to this subjct at all. I am not competent to speak of what the Indian Governments have been doing in this direction; but with my experience of what is practised in a limited part of the mufassal, experience gained personally as well as on information, I must say that consultation by administrative officers of non-official persons is neither regularly nor widely done. I do not mean that these officers have not done what they *could* do. This is a different question, whether they could, under existing conditions, command the opportunities of seeking the advice and eliciting the opinions of the people's representatives.

I am only stating what is a fact. That which is considered the "indispensable foundation for good administration" is conspicuous by its absence; and I cannot help thinking that the Government might well have begun to lay, in the districts and taluks which form the floor and the first storey of the administrative edifice, the foundation which is "indispensable" for good administration by establishing and defining the methods which would ensure a regular, systematic and continued consultation of qualified persons on all important administrative matters.

6. The important points to be noted in the proposals on the subject of the Advisory Councils are these—

(i) The Imperial Council of about sixty members should include twenty ruling chiefs and a suitable number of territorial magnates, all to be appointed by the Viceroy.

(ii) They should receive no legislative recognition and should not be vested with formal powers.

(iii) Their functions should be purely advisory and they should deal only with such matters as may be specifically referred to them.

(iv) Their proceedings should be private, informal and confidential.

7. *Point* (i) (*a*).—I am strongly of opinion that no Ruling Chief should be made a member of the Advisory Council—which may or may not be consulted on all important matters which may "occasionally" be called together "in whole or in part"—which possess no formal powers of initiative and whose opinions the Government will be at liberty to make any use of that it thought proper. My reasons are these: It is not consistent with the dignity of a ruling chief to be asked to take part in an assembly practically with no powers and whose importance and weight will be what the individual Viceroy for the time being may choose to invest it with.

(*b*) It will be inconvenient and impolitic that Ruling Chiefs, with great responsibilities to the vast populations under their charge, should be called away from their States for consultative purposes at the behest of the Government of India. It should be unwise to place them on a par with the British subjects either for the purpose of consultation by letter, or during meetings held for the purpose of collective deliberation. It is also possible under this arrangement that among other members of the Council may be found a ruler and a subject of the same Native State. If so, to treat them or their opinions on equal terms may not exactly be gratifying to the sense of respect and regard which the ruler may feel is his due.

(*c*) Though it is a fact that there are measures which call for co-operation between the Native States and the British Government, such as famine-relief and education, on which the opinions of the rulers of the States may be valuable there are numerous other administrative matters fit to be placed before the Councils on which the opinions of the ruling chiefs may not have the same or any value, such as, the military question, the suppression of sedition, the budget and so forth. Of course, on matters on which common interests exist, the ruling chiefs may and ought to be consulted with all the respect to which their opinion is entitled, but not, in my view, as members of an Advisory Council. Mr. Morley recently said that he contemplated taking such steps as would improve the position and enlarge the powers of the great ruling chiefs of India: and this object is not likely to be furthered by their being made members of a body with these extremely limited powers and depending upon the pleasure of the Government of India for opportunities to exercise them. Unless I am mistaken, the rulers are bound to resent this step which proceeds on a misconception of their high position as allies of the Government.

(*d*) Besides the Ruling Chiefs, the Imperial Advisory Council, according to Government, is only to consist of the territorial magnates of the provinces. I am inclined to think that from a body, such as this, weighty opinions, the result of independent thought, combined with large experience, cannot always be had. They will form a dull and inert body unless the Council is leavened by the presence therein of members representative of the different interests of the community, namely, commerce and industry, the other landholders and the professional classes. If, as seems the intention of the Government, the Council is to consist of a *select* body, then, the fixing of a fairly high qualification would, by admitting only men of status and position, produce the desired effect. Another point to be considered under this head is, that the members of this body are all to be nominated by the Viceroy. I am of opinion that if it is the object of the Government of India that their measures and motives should be understood by the people and erroneous statements of fact or purpose imputed to them corrected, then, that object can be attained only, if the representatives of the people are permitted to associate with the Government for purposes of consultation or deliberation, that is to say, the people should be given the power of electing their men to represent them on the Council. Among big landowner there would be few educated enough to understand political questions of real importance and fewer still independent enough to oppose the official policy on behalf of the people. It is, moreover, a fact to be reckoned with that nominated persons generally feel that their power and prestige will be lost the moment they cease to be nominated and therefore put forth every effort to please the man who has the power to nominate them to continue being nominated. His advice is, therefore, likely to be more often than not, a mere confirmation of the official view. The Government have stated as one of the merits of this step that it is in accordance with the best traditions of oriental polity. May I remind them that it would more strictly accord with those traditions, if provision were made for more of the educated and learned classes being consulted. The oriental Sovereign respected, may,

worshipped, more than any territorial magnate, the man who, poor in worldy goods, was rich in learning and wisdom. I think, therefore, that the people should be given the privilege of electing half the members on a fairly high franchise.

8. *Points* (ii) *and* (iii) (*a*).—These two may be considered together. I do not see what harm can result by recognising these bodies by legislation. Such recognition would invest them with a dignity and status which the Government could not, with levity, ignore, while certainly it would fill, with a greater sense of responsibility, those whose advice is sought.

(*b*) The Government propose that these bodies should not be vested with any formal powers, that their functions should be purely advisory and that they should deal only with matters specifically referred to them. I quite agree that their functions should be merely advisory, for, to arm them with any other powers, may involve the risk of weakening the paramount British power in India, which the scheme does not contemplate; but without the smallest danger of diminishing the strength of the executive authority, I consider that these privileges may be extended to them—

(1) When two-thirds or more of the members propose a subject as one fit for the consideration of the Government, the Government should be bound to consider it.

(2) When three-fourths or more of the members are opposed to a measure, tha Government must postpone putting it into operation for a period of six months to give the country an opportunity of expressing its views upon it.

(*c*) There should be some definition of the subjects to be laid before the Council.

(*d*) The Council should meet a fixed number of times yearly and every one of the members should be asked to state his opinion upon every subject brought up for consideration.

9. *Point* (iv) (*a*).—The proceedings of the Council should be "private, informal and confidential." The proceedings may be all this, while matters are being discussed and threshed out and no definite conclusion has been arrived at, then, however, the consideration of the subject has been concluded and a definite result arrived at, I think, the Government owe it to the country that the opinions of its leaders should invariably be published. There can be no excuse then after the deliberative stages are over for keeping them away from the public knowledge.

(*b*) I am not disposed to agree that only confidential communications will secure frank interchange of opinion. Where the advisors know that their opinions are not to be subjected to public criticism, their views will always tend to be such as would find favour with the Government, a feeling of answerability to whom alone will be developed, while the knowledge that their opinion will be judged and scrutinised by the public will induce greater care in its formation and lead to a fuller consideration of all the sides to a question. Personally, I hold the view that an opinion that cannot bear the light of day is not worth much.

(*c*) The Government provide for public conferences to make its motives, etc., better known but we have been told that this is the principle object in creating these bodies. Public conferences may, therefore, invariably succeed private conclaves.

(*d*) My opinion on this point, therefore, is that though privacy may be necessary during the progress of deliberation, the public are entitled to know the individual opinion expressed after conclusions have been arrived at.

10. To the organization and function of the Provincial Advisory Councils the same considerations should apply. I quite agree that small landholders, industry and commerce and professional classes should be represented, only the property qualification should be fixed at a moderate level, for, among the big landholders and wealthy classes in India, the advantages of liberal education are still not adequately appreciated. Taking the number of Provincial Advisory Councillors to be twenty-five and the great landholders therein to number five, I would suggest that the smaller landholders whose income, I would fix at about Rs. 1,000 per annum, should have five seats, the professional classes not more than eight, and the industry, commerce and capital seven seats, of which not less than three should be reserved for Indians.

11. Unless some of the privileges to which I referred are vested in these bodies, I am afraid their creation would hardly deserve to be described "as a marked step in constitutional progress", (*vide* paragraph 4 of the Government of India's letter). It may amount to giving "clearer definition and continuity to methods already partially and occasionally adopted" which is entirely a different matter, though how far these methods have been already in use is a question on which there is likely to be a disparity of opinion.

12. To sum up my opinion on the constitution and work of the Advisory Councils—

(i) Government should define the methods which would ensure a regular and systematic consultation of qualified persons of all classes in the mufassal districts on all important administrative matters.

(ii) Ruling Chiefs should not be made members of any Advisory Councils and consulted as such.

(iii) Advisory Councils should be recognized by legislation, should be given privileges of initiative and the weight of their collective opinion formally recognized.

(iv) There should be some definition of the subject to be laid before these bodies.

(v) The Council should meet a fixed number of times a year the minimum to be fixed and every member should be consulted on all matters.

(vi) Though their proceedings may be private and informal, the opinions of the individual member should invariably be published after the deliberative stages are concluded.

(vii) Half the number of the members should be elected and in addition to territorial magnates, other interests should be represented.

13. *The Legislative Councils.*—In framing proposals for the enlargement of the Legislative Councils, the Government of India seem to have proceeded so as to give effect to three of their views—

(1) An official majority must be maintained.

(2) The "requisite counterpoise" should be supplied to the "excessive influence" of the professional classes, who, the Government think, are having a "virtual monopoly" of the power exercised by the Councils, by the creation of an additional electorate, recruited from the landed and monied classes.

(3) Territorial representation is unsuited to India where electorates must be so constituted as to make them representative of the different "classes and interests" of the community. With regard to the Provincial Councils, they say that the principle to be borne in mind is that the widest representation should be given to "classes, races and interests" while they suggest that the local Governments should introduce into their systems of election and nomination, for the Municipal and Local Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided "by race, caste or religion".

14. I proceed to consider these views in their order.

(i) "The official majority must be maintained". Rather than this, I should have the Government express its view in the words "in legislation the official view must prevail". In effect, both come to the same thing but the amount of inconvenience and expense is immense indeed which is a direct consequence of the notion that the official majority must be maintained. Now, where it is accepted by all and prearranged that the official view must prevail to provide for a majority of official votes, by making the number of official members preponderate over that of the other members is nothing more or less than contributing to a farce; as Dewan Bahadur R. Raghunadha Rao says, "no principle, wisdom or necessity is involved in the cry for official majority." It is accepted by all that the official view should prevail; well then, why not make other provisions for bringing about that end than the costly and inconvenient formality of the official majority. Why should not, in cases where the Government fail, to command a majority power be taken to carry out the views of the minority, the responsibility for the procedure being placed on Government? or as some one else suggested, why not voting be dispensed with altogether? I think that, in the name of commonsense and business, either of the courses may be adopted. It would result in considerable saving of expenditure to the country. It would relieve important officers of Government from attendance at the Council, where they are to sit ready to perform the function of holding up hands, when called upon by Government to do so. It would relieve the people and the administration from the dislocation of public business which is the necessary consequence of the frequent absence for more or less long periods of permanent officers from their place of business. I say, therefore, there is no need to maintain the official majority and if this is recognized, the limits would become wide within which due representation to all interests could be provided for.

(ii) "The requisite counterpoise should be supplied to the excessive influence of the professional classes by the creation of an additional electorate recruited from the monied and landed classes." No one would, I take it, object to a measure of representation for the landed and monied, interests proportioned to their education, trained intelligence and capacity to advocate the cause of their class; and I truly wish that the Government had proceeded in that direction without casting unnecessary and unfounded reflections on the professional classes, who, to be sure, deserved better at their hands. Time and again, the meritorious work of the representatives of these classes, who formed and still form the bulk of the educated community in this country was recognised by successive Viceroys and Provincial Governors. These classes were the first to imbibe the fruits of western learning and art, therefore, the first non-officials to enter the field of legislation, where to the best of their lights, they espoused the cause not only of the classes to which they belong but also to the monied and landed classes, if indeed, the two are different. I am sure, the latter classes themselves will be the first to testify to the good work done by their educated countrymen. During the last generation, the Governments of the country had on the legislative anvil bills of which, I think, more than half the number were those that affected the rights and interests of these classes. Can the Government or the people say that the non-official members then failed to adequately discharge the trust reposed in them? The Government of India's letter speaks of the virtual monopoly and excessive influence of these men. What is there to support these accusations? An array of figures is quoted. Figures may, to a superficial observer, be made to prove anything. Considering the comparative advance education has made in the various classes the figures, to my mind, prove and conclusively prove, that far from exercising a monopoly or anything of the sort, they obtained no more places than was their due and wielded no other influence than that what they were legitimately entitled to. It seems to me somewhat odd, that the educated classes, who had proved true to their trust at a time when the Government set itself to depress the landowners, should now be revived by the Government, as having enjoyed excessive influence. The reasons, perhaps, are not far to seek. Is it because the educated classes are more insistent in their demands for political rights? Is it because they prove rather troublesome with their western notions of liberty, which notions they threaten to put into the heads of their less educated countrymen? I believe it is the case in every Government that the educated classes are given wide representation and I do not suppose that there was a cry elsewhere, that their influence had been excessive, for, who also are fit to help the people than the lawyers, who are most free to express their opinion, and by virtue of their

knowledge of law are best qualified to take part in legislation; and the schoolmasters, who have received the benefit of liberal education. It cannot also be overlooked that in India, most of the lawyers and many of the schoolmasters are themselves fairly good landholders or monied men, and there is not therefore the absence of a community of interests between the educated and landed and monied classes here that may exist elsewhere. My opinion, therefore, is, that while there can be no objection to giving the landed and monied classes the measure of representation that is now there due, the Government is ill-advised in imagining that a conflict of interests exists between them and the professional classes and that an attempt should be made to put down the influence of the latter, which has never been other than wholesome and legitimate and intelligently and faithfully exercised on behalf of all.

(iii) I come now to deal with the last of the three views of the Government of India on which are constructed their proposals for the enlargement of the Legislative Councils, *viz.*, "territorial representation being unsuited to India electorates must be so constituted as to make them representative of the different classes and interests of the community."

15. This expression of opinion opens up a question on which much might be written. It deals with a matter which is fraught with the most far-reaching consequences to the country. The Government speaks of "classes and interests" in one place, of "classes, races and interests" in another, and "race, caste and religion" in the third. I cannot help feeling that there had been greater uniformity of expression used, unless indeed the words were advisedly used. In framing proposals for the creation of electorates to the Legislative Council, and other bodies exercising the functions of local self-government, the Government desirous that classes, interests, races, castes and religion should be recognised. Why should all these, I beg to ask, be represented unless for the purpose of public work, they are separated by different and conflicting interests requiring separate advocacy and support. What matters it whether a man is a Brahmin or non-Brahmin so long as, for the purpose of public functions he is to discharge, he is not divided in interest from members of the classes other than his own?

16. It is, I believe, confirmed by every body's experience that where separate representatives are provided for classes which are all but identical in interests, that very fact is certain to bring about a conflict of interests be they real or be they imaginary; it is a case of the devil in the man thirsting for some work for idle hands to do. Where there is union and no division, divided interests will be created and fostered for, how else are these representatives, supposed to stand for different interests, to justify their existence.

17. The feeling of dividedness that has of late come into prominance, between the Hindus and the Muhammadans is a case in point, and if a similar policy is pursued in respect to other classes as outlined in the scheme of the Madras Government, we shall soon have the demon of racial animosity between Brahmins and non-Brahmins, between Hindus and Christians, now happily lulled to sleep, all awake and alert.

18. The principle to be recognized in my opinion is: territorial representation when you can have it, and class representation when you must have it, but adequate and true representation of the people always. I firmly believe that the Government of the country must in the interests of the people and of good Government do their utmost to teach the people to accustom and adopt themselves to territorial representation, nor do I think that it will prove such a hard task after all, for it cannot be denied that there always has existed in the minds of the masses a spirit of attachment to the locality, a feeling of local patriotism, far stronger and more highly developed, if you come to look into it deeply than the racial, caste or class spirit. The village panchayet system was an instance of an institution capable of serving the interests of people, uninfluenced by considerations of caste or race, and there are traces of similar other instances of village corporate life which, alas, has been almost smothered out of existence under the weight of western methods of administration.

19. Sir Bampfylde Fuller has recently referred, in his article in the Nineteenth Century, to what is really the feeling of nationality existing in the minds of people, capable in the hands of sympathetic rulers, of being turned to good account. "Generally," he says, "it may be taken that a spirit of local catholicism is alive and increasing:" and he is very right. I can only pray that the Government will realise its heavy responsibility in this matter, and that they will take no step likely to have the effect of choking or killing this spirit. To use Sir Bampfylde's words again: "The problem before us is to invigorate the character of the people and stimulate the growth of a collective spirit, which would gradually dissolve the antipathies of caste and animate social reform." And surely, you cannot, remaining true and faithful to your trust, approach the solution of this momentous problem, by the creation of representation based on the differences of caste, race and religion—difference which, as far as may be, ought to be kept out of sight in the conduct of public affairs.

20. I shall now refer to a few of the outstanding features of these proposals on Legislative Councils—

(i) (*a*) In paragraph 14 of their letter, the Government of India propose that the revenue giving the right to vote should not be less than Rs. 10,000 a year; and the Government of Madras in their Memorandum, paragraph 6, clause (*d*) (ii), suggest that no person should be registered under class (*e*) of their scheme unless he pays peshkash or land revenue to the Government amounting to Rs. 20,000 or pays land cess to local boards calculated on an annual rent of Rs. 50,000. I am of opinion that these property qualifications are unduly high. In a country where the average annual income per head on the most optimistic official estimate is not more than Rs. 30, to fix the income which would entitle landholders to take part in voting

or as members of the Councils at such high figures, will have the effect of shutting out almost all the richer middle classes from sharing in these privileges. Proposals which, at this time of the day, do not include even the richer middle classes can hardly be said to be reforming; they become retrograde. Furthermore, the Government owes it to the middle class landholders to give them a fairly substantial representation in all Councils, considering that a large amount of the land revenue of the Government is derived from the whole village Inamdars and Jeroyati ryots.

(*b*) It is also necessary here to controvert the correctness of the surmise of the Government of India that the great landholders would also represent the interest of the small landholders. I am inclined to the view that the converse proposition would be nearer the truth. It is still the case that generally the great landholders are the least educated. It would be idle to expect them to represent others, who very often, will be more highly educated than themselves. My opinion, therefore, is—

(*a*) the right of voting should be extended to all landholders with an annual income of Rs. 5,000;
(*b*) that in Madras, the zamindari class should have only one representative;
(*c*) a fresh class of middle class landholders should be created to include all with an income of Rs. 10,000 and upwards.

With regard to the difficulty of voting for members of class (*c*) to which particular attention was drawn in your letter, paragraph 2, I do not suppose the difficulty will be very great, for the men possessing the high property qualifications fixed by the Government will be only a few in number. An alternative would be to confine the power of voting to the zamindari members of the several District Boards of the northern and southern groups of the Presidency, respectively. They could, of course, vote for one of their number, or for one of their class.

(ii) the representation of the Muhammadan community :—

We have now, from various causes, arrived at a stage at which it is perhaps necessary that the Muhammadan community should have a separate representation. The Government of India allot two seats in the supreme Legislative Council to be filled by election and two more by nomination in addition to the number of Muhammadans who will be able to secure election in the ordinary manner. It is wellk nown that, without any special facilities, as are now proposed to be created, some of the provinces have heretofore been returning Muhammadan gentlemen. Where they could command the confidence of the people they did not shrink from electing them on the ground that they were Muhammadans. I have a suspicion that the special provisions now made will have effect of reducing the chances of Muhammadan gentlemen being returned in the ordinary manner; to prevent this, I think, the number of Muhammadans to be nominated may be reduced to *one*.

(iii) In paragraph 22 (*c*) of the Government of India's letter, they explain how, in the case of District and Local Boards, seats may be distributed among occupational groups, such as landholders, cultivators, traders, etc., and suggest that certain castes may be selected as representing each group. It is not clear what is here meant, but if they intend to identify each of the existing castes with one or other of the occupations mentioned, I believe that even the Government of India is bound to fail in its attempt. It can no more prolong the life of an anachronism than it can succeed in bringing a fossil to life. The alternative suggestion made towards the end of the paragraph, that the electoral groups may be formed on the basis of these occupations only, is, at any rate, more intelligible.

(iv) *Paragraph (d) (i) of the scheme of the Government of Madras.*—The property qualification applicable to class (*d*), *viz.*, Barristers, Vakils, etc., I would fix no income as entitling a person of this profession to come under this class. The electorate is sufficiently intelligent and can be trusted to do its duty and select the proper men. Moreover, the property qualification, if imposed, will debar many worthy persons from serving the public through the Councils, for no greater sin than that their income is below Rs. 5,000. It is not always true, especially in this profession, that the larger the income the greater the merit.

(v) I am opposed to having a ruling chief on these Councils also, for reasons mentioned in paragraph 7.

He cannot afford to be outspoken and oppose the Government policy whenever needed without running the risk of becoming a "marked" man in the eyes of the Government. It would detract from the stately decorum which ought to characterise the relations between the Government of India and a ruling chief.

(vi) *The scheme of the Madras Government.*—With all respect to the framers of this scheme, I must characterise it as defective, impracticable, retrograde and mischievous. Towards the end of paragraph 21 in their letter, the Government of India distinctly give their assurance that they do not propose to withdraw from the district boards and municipalities the privilege of election to the Provincial Councils, which they have enjoyed for the last fourteen years; and His Excellency the Viceroy Lord Minto, in his reply to the Muhammadan deputation in 1906, laid special emphasis on the importance of the work to be done in the District and Local Boards which he described as the "initial rungs in the ladder of self-government." Yet we find the Government of Madras drawing up a scheme in which these bodies are given no place. To my mind there can be no excuse for ignoring them in the face of these explicit assurances.

21. Representation based on distinction of caste, suggested by the Government of India, is evidently sought to be perfected by the Government of Madras in their scheme for this Presidency. I, for one, cannot see the *raison d'être* for this policy. It only lends colour for the accusation

now often made, that the Government of the country is becoming an adherent to the ignoble policy of "divide and rule". No one asked for these representations. In short, such attempts to divide the people against themselves should at once be abandoned.

22. Again, the proposal that Brahmans, however high their standard of income, scattered over a province like Madras, should elect a representative of their own, is meaningless to the point of being absurd. He will serve no good purpose. If he represents any interests at all, they will be his own. Last of all, six seats are reserved to be "selected by all other persons". Who these persons are to be we are not told. Let us only hope that they are not to represent the castes and sub-castes of the Indian peoples. If such a proposal did not emanate from the Government of a vast province, assuredly, it should not be worth consideration at all.

23. Where minorities or special interests require representation, I would recommend that the Government should exercise its power of nomination for the purpose.

24. To sum up my opinion on the subject of the enlargement of the Legislative Councils—

(i) Instead of the cumbrous method of maintaining an official majority, steps should be taken to provide for the official view to prevail even when it is in the minority.

(ii) While the proposal to give the landed and monied classes their due measure of representation is unobjectionable, no attempt should be made to reduce the influence of the professional classes, which is neither excessive nor unwholesome.

(iii) Territorial representation is always the best except when a conflict of interests renders necessary the representation by classes.

(iv) Property qualifications fixed for landholders in the letter of the Government of India and in the memorandum of the Government of Madras are excessively high and must be reduced.

(v) It is not correct to say that the great landlords would represent the smaller landholders.

The middle class landholders should have substantial representation.

(vi) Muhammadans may have special representation, but the number of members to be nominated by the Viceroy should be one.

(vii) The scheme of the Government of Madras is most ill-conceived and must be materially altered. The Local and Municipal Boards should be given larger powers of election to the Councils. The attempted representation by castes is absolutely unnecessary and deserves to be highly deprecated.

25. A few suggestions regarding the constitution and electorate for Taluk Boards—

(*a*) Each group of about ten to fifteen villages to have one representative on the Board.
(*b*) Each of the unions to have one representative.
(*c*) Each of the municipal towns to have two to three representatives for separate interests, such as trade and industry, landholders and professional classes.
(*d*) Every pattadar, house-owner and graduate of five years' standing to have power to vote.
(*e*) Three-fourths of the members to be elected and the rest to be nominated by Government.
(*f*) Men with incomes of Rs. 1,000 per annum and able to read and write alone to be eligible for membership.
(*g*) The Board to be presided over by a non-official Vice-President, with wide executive powers and responsibilities. He is always to be elected.

Suggestions regarding District Boards—

(*a*) Three-fourths of the members to be elected by the Taluk Boards, the rest to be nominated.
(*b*) Certain proportion of seats to be set apart for each of the different interests.
(*c*) To be presided over always by an elected non-official Vice-President with wide executive powers and responsibilities.

Similar suggestions for Municipal Boards.

Their existing powers must be considerably added to and decentralised—

Provincial Legislative Council.

To be nominated by	His Excellency the Governor	2
„ selected by	the Chamber of Commerce	1
„ „	by the Senate of University	1
„ „	by the Municipality of Madras	1
„ „	by members of the District and Municipal Boards of eleven groups of districts	11
„ „	by middle class landholders of five groups of districts in the Presidency	5
„ „	by the zamindars	1
„ „	by Muhammadans	1
		23

Imperial Legislative Council.

No ruling chief.

Elected Members.

By Chambers of Commerce of Calcutta and Bombay	2
,, non-official members of Provincial Councils	7
,, electorates formed from the combination of all the District Boards in the provinces including Burma to represent middle class landholders	8
,, Muhammadans	2

Nominated Members.

Of whom, *one* to be Muhammadan, *one* to represent Central Provinces and not less than *three* to be nobles or zamindars	6
Experts	2
	27

26. It only remains for me to consider the third and last proposal of the Government of India "the discussion of the budget in the Councils." I think nothing but good will result from this step of discussing the budget under separate heads.

27. I may perhaps be permitted to add one word. The Lieutenant-Governor of Bengal and the Governor of Madras have recently inaugurated a silent but useful reform in the way in which the budgets are prepared. They have appointed conferences of members, official and non-official, to consider the budget while under preparation. This is useful, inasmuch as it gives the non-official members opportunities of suggesting changes and urging modifications while there is yet time to consider them. This would also save fruitless discussion in the Council at the time of its presentation. The Government of India might well have done something to systematise this method and ensure its continuity.

28. The enlargement of the Legislative Councils is a step which, however good in itself, can hardly, it seems to me, be called a real reform. Beyond giving a larger number of members occasions to express their views in the Council Chambers, it does nothing. Not an iota of power is placed in the hands of non-official members beyond what they already possess. I am disposed to think that without weakening the executive authority, it should be possible to strengthen their position. To give them some small powers of initiative, to formerly recognize the force of their collective opinion, to allow them a more real hand in the budget, would probably be steps in the right direction.

29. We are assured that the Government of India's proposals are "provisional and tentative", and this leads me to hope that during the process of revision in the light of public opinion they will be shorn of most of their objectionable features and undergo substantial improvement.

30. In conclusion, I beg to thank you for referring the Government Order to me for opinion.

XXIX

Letter—from A. Butterworth, Esq., I.C.S., Collector of Trinchinopoly.
To—the Chief Secretary to Government.
Dated—the 24th January 1908.
No.—R. Dis. 70-Rev.

I consulted eighteen persons (three officials and fifteen non-officials) on the schemes dealt with in G.O., No. 886 Public, dated 22nd November 1907. Only two officials and seven non-officials have expressed any opinion. It is characteristic that three (one of these, indeed, has been unwell which may account for his failure to reply) of the four big zamindars have not furnished their views. I say it is characteristic because it has been my experience that there are few classes in the country more apathetic and ignorant than the hereditary landholders to whose opinion the Government of India attaches, apparently, such great importance.

2. I send on the replies which I have received from persons consulted. It will be seen that the scheme of Advisory Councils is not greeted with enthusiasm on the whole. It would have been strange if it had been. I have my own views as to the lines in which the reform of the constitution should be arranged, but I need not trouble Government with them. They certainly are not those suggested by the Government of India. If it were not that I regard the scheme of Advisory

Councils as doomed to failure from the outset, I should take strong objections to the proposed constitution of the Imperial Advisory Council. It is to be representative of two sections only, the Rajas and the big landholders. As to the former, the Government of India are doubtless the best judges of the value of their opinion on matters affecting British India. But, as to the latter, I have had some experience of the class in the South and I have no hesitation in saying that they are, as a rule, wholly unfitted to be councillors of the Government of India in matters affecting the common weal. I agree with what Mr. Desikachari says on this point. The zamindar is not often distinguished by an interest in public affairs. On the contrary he not unseldom seems to take a pride in ignorance of even his own affairs and he rarely shows any zeal for the improvement of his estate or the welfare of his ryots. He is in no wise representative of, or fitted to represent, the interests of the great mass of landowners and is entirely dissociated from the aspirations of the more progressive classes and from everything connected with the industrial development of the country. Even if it were otherwise, I doubt whether men whose opinion is of any value would be ready to accept, or rather, to retain after the novelty had worn off, a position which does not even afford the gratification of making public announcement of their views. It will be seen that several of the gentlemen consulted take exception to the general rule that consultation should be private and confidential.

3. The Provincial Advisory Councils are not to be cast in so illiberal a mould as the Imperial Advisory Council, but even in their case the nucleus is to consist of the big landholders whose value as an advisor I have ventured to doubt. That, however, is unimportant, if adequate provision be made for the representation of other interests. I have already expressed the opinion that the whole scheme of Advisory Councils is futile, but, if it is to be tried, I would leave the nomination of the members of the Provincial Advisory Councils entirely in the hands of His Excellency the Governor who has the best means of selecting men whose opinions will be of value. I see no need to fix any limit of numbers. The main object is to secure due representation, not of all castes, but of all the principal interests of the country and, with this object in view, it is perhaps better not to tie the hands of the Governor by imposing a limit on the number of men who can be appointed.

4. The reconstitution of the Legislative Councils is a matter of more importance than the scheme of Advisory Councils. As regards the Imperial Legislative Council, I agree with those who consider that a ruling chief has no place in a Legislative Council for British India. It appears to me, too, to be impracticable to arrange for election of members by such electorates as—

(1) nobles and great landholders, and

(2) Muhammadans.

The electorate in each case will be so disunited and scattered over such a large area of territory as to render any real representation of interests impossible. I dissent entirely from the view that the great landholders, in the South at least, represent in any way the great mass of landholders, but, if they and the Muhammadans need speciel representatives, I would leave them to be nominated by His Excellency the Viceroy on the advice of the Governor or Lieutenant Governor of the province. I am inclined to agree that there ought to be special representation of big landholders and Muhammadans on the Imperial Legislative Council, but I do not think that such representation can be based on the elective principle.

5. The present method of election to the Provincial (Madras) Legislative Council appears to me defective. There is no need why Municipal Councils and District Boards should have different nominees. Their interests are not diverse. What we want is representation of local interests and that is not sufficiently secured at present. The interests of Trichinopoly are different from those of South Canara and it is manifest that two members for the whole southern group and two for the northern do not secure adequate representation. The district is the natural unit and, if the number of non-official member is to be raised to 17, we can nearly arrange for district representation. Putting aside two members to be nominated by His

Excellency the Governor, one to be selected by the Chamber of Commerce, one by the Senate and one by the Madras Corporation (or the citizens of Madras) we should have twelve seats to fill. I would divide the districts into twelve groups and allot one member to each group to be selected on the *combined* vote of the District Boards and Municipal Councils situated in that group. The scheme adumbrated by Government is, however, quite different from this. It is the representation of *classes* instead of *localities*. This plan has been generally disapproved by those consulted by me and I also hold the view that it is both questionable in principle and exceedingly difficult of accomplishment. We have with us the District Boards and Municipal Councils. Both are recognised institutions, are not unimportant means of representing the people and can, and will, no doubt, be made hereafter more representative than they are at present. Their importance is enhanced by their being at present the electoral bodies for the Legislative Council and I should be sorry to see them shorn of such prestige as attaches to them on this account. If the number of Legislative Councillors selected by them is increased as proposed by me, their importance will be enhanced and we have in them ready to hand the means of securing real local representation on the Legislative Council. Government suggest that the electorate for the Legislative Council may serve as the electorate for the District and Taluk Boards. I view the matter from the other side and suggest that the Municipal Councils and the District and Taluka Boards (and thus the electorates, if any, appointing those bodies) may serve as the electorate for the Legislative Councils. I have expressed the opinion that what we principally want is increased *local* representation. The matters which concern a Brahman in Tinnevelly are not likely to materially concern a Brahman in Ganjam, but the matters which concern a Brahman in Tinnevelly are very likely to concern the other castes of that district. No doubt an increase in the number of elected Legislative Councillors, if they are elected on the present system, means an increase in the already undue proportion of Brahmans and vakils. But, so long as the community finds most satisfaction in such representation as indicated by the voting, such unequal representation among the elected members can only, I think, be balanced by the *nomination* by members of other classes and professions. This balance is easy of attainment, for the Governor is at liberty to select a few non-official members and can also, in selecting officials, take precautions to see that the predominance of the Brahman element among elected members is compensated for by the selection of non-Brahman officials. In this way adequate representation of all classes can, in fact, be secured without adopting the plan of *election* by castes and religions—a plan which is open to the objection that it seems to recognize and encourage differences which it is our object to obliterate. Even were there no objection of principle to the scheme of class representation there are difficulties in the way of introducing it which seem to me to be insuperable. I can think of no means whereby the votes of whole classes throughout the Presidency could be secured, but, assuming that arrangements could be made to hold such elections, the voting would be a farce, for to nine-tenths of the voters the candidates must be mere names. They would represent no general interests and the elections would be a mere matter of wire-pulling.

As to Muhammadans, they occupy in this Presidency a position of comparative unimportance and, though they should be always represented on the Council, I think this can be adequately secured by leaving certain direct nominations in the hands of His Excellency the Governor. But what I regard as the fatal defect the scheme of representation by classes is the apparent impossibility of arranging for class voting over the whole Presidency. Even if this could be secured, the voting would be a farce, for to nine-tenths of the voters the candidates must be mere names. They would represent no general interests and the elections would be a mere matter of wire-pulling.

6. As to the revision of the system of securing members for Taluk and District Boards, that is a matter on which I need not say anything at present. It would involve a good deal of discussion and is not immediately in issue here, but I may say that, though the principle of election is valued and understood in Municipalities, it is doubtful whether the time has yet come for placing Taluk Boards, and through them District Boards, on a basis of popular representation.

ENCLOSURE No. (1)

Letter—from M. R. Ry. A. VEDACHALAM AIYAR Avargal, B.A., Deputy Collector, Musiri division.

To—the Collector of Trichinopoly.

Dated—the 17th December 1907.

No.—R. Dis. 412.

In reply to R. C. No. 1153/B. & G., dated 4th December 1907, I have the honour to offer my remarks on the questions about the election of members to the Provincial Advisory and Legislative Councils.

2. As I take it, the Provincial Advisory Council has to be composed of members who can be expected to give information as to how far measures of importance are likely to affect the population. These persons should be capable of studying the wants of the population, how far the remedial measures adopted by the existing rules in force are sufficient to remedy the defect, and what the members would propose from a practical point of view leaving Government to work out the remedy with reference to the finances at the disposal, and with reference to the legal manner of the measures to be taken. Different tracts of country require different treatment and each similarly circumstanced area has to secure a representative to voice forth the opinion of the people of that part which he represents. It seems to me that the Provincial Advisory Council must be made up of representatives of different parts of the country recruited from the agriculturists mainly. If practicable, I would propose having one for each district. But if the number is considered rather unwieldy, the districts can be grouped with reference to similarity of tracts and the number of representatives reduced. The qualifications of the representative may be prescribed with reference to the largest interest to be served by his representation. For example, for Madras district, there should be more than one representative to represent the trading, the municipal and other interests. Such districts as Wynaad and Nilgiris require representatives of planting industry. Such districts, Malabar and South Canara require representatives both from landlords and tenants. Such districts as Madura, Salem, Tinnevelly, North Arcot, which have a number of zamindaris and also ryotwari tracts, require a representative—one from the zamindari class and another from the ryotwari class. Taking the southern districts of which I have some knowledge, I should allot representatives as under—

(1) Tinnevelly	1	seat for the zamindar.
	1	do. for ryotwari.
(2) Madura	1	do. for zamindari.
	1	do. for ryotwari.
(3) Trichinopoly	1	do. do.
(4) Tanjore	1	do. do.
(5) South Arcot	1	do. do.
(6) Chingleput	1	do. do.
(7) North Arcot	1	do. do.
	1	do. for zamindar
	1	do. do.
(8) Salem	1	do. for ryotwari.
(9) Coimbatore	1	do. do.

and so on.

I beg to propose the adoption of the following principles in the selection or election of members for the proposed Advisory Council :—

(1) Each district should at least have one representative to represent the agricultural interest except Madras and planting districts.

(2) Where in any district there are other large interests than the agricultural interest, such interests should have a representative.

3. The representative should belong to the class of interest he represents. If, by this arrangement, the number of members is large, we can reduce the number by clubbing the representatives under (1) so as to represent two or three districts similar in character as regards agricultural interests.

4. The question of constituting a District and Taluk Advisory Councils is under consideration and if this should become a possibility, then such councils would form proper electorates to send forth the representatives to the Provincial Advisory Council. The representative for the district will then be in a fair position to consult the members of the District Council before he ventures an opinion on any measure in the Provincial Advisory Councils. I do not think that the present method of nominating or electing members to the Taluk or District Board is carried on in a suitable manner so as to get representatives from different parts of the country. For some reason or other, the members chosen happen to come from district or taluk centres with not much knowledge of the interior of the district and with very little chance of the members itinerating in the district except the official members. It is on account of this reason chiefly that the importance or urgency of schemes put forward in the boards has to be mostly judged by the official members, and the non-officials are not in a position to offer their views after proper consideration of the

wants of the people whom such measures are intended to benefit. I would therefore propose (1) to enlarge the scope of the usefulness of these two institutions—Taluk Board and District Board—and thereby educate the agriculturists as to how local funds can be administered by themselves under the guidance of officials who have been trained for years in the art of managing such funds. The direction in which I would propose expansion of these institutions is given below.

A taluk can be divided into a number of groups of villages for purposes of representation on the board suitable to the size of each taluk and to the varieties of agricultural or other interests in different parts. Each equally important group will have a representative on the Taluk Board either by nomination or by election. The number of members on the rolls can be increased irrespective of the result leading to an official minority and there is not much likelihood of the non-official majority taking a wrong course so as to abuse their power with reference to the limited funds at their disposal. In the event of such a contingency, powers can be taken under the Act to veto their action. The number of groups of villages to be formed in each taluk can at present be regulated by forming two groups in each Revenue Inspector's firka and the representatives might be nominated for the present. This system would make the people understand how the local funds can be administered by them without party faction and personal feeling and how it is possible for people to be friends and to maintain difference of opinion. This education is sadly wanting in the country among rich, the poor and even among the English educated people in the mofussil.

From among Taluk Boards so constituted, representatives can be chosen by election for the District Board. Some seats can be reserved in the District Board to appoint by nomination of the classes which fail to get representation by election from the District Boards.

5. If the Taluk and District Boards are enlarged in the direction proposed or in some more suitable direction so as to get representatives from different parts of the country, these Boards can serve as Advisory Councils in matters other than local funds. The groups of villages which are proposed to be formed can get eventually the elective franchise and can be constituted as village panchayats. The work of union panchayats at present is not satisfactory.

To put the views in a concrete form, I would note below my proposals so far as it appertains to Musiri and Kulitalai taluks:—

Musiri taluk.

Uppiliapuram firka	2 groups.
Turayur	2 „
Turayur Union Town	1 group.
Edumalai firka	2 groups.
Musiri Cusba firka	2 „
Musiri Union Town	1 group.
Thottiam firka	2 groups.
	12
Classes representation in the minority	3
	15

Kulitalai taluk.

Kulitalai Cusba firka	2 groups.
Kulitalai Union Town	1 group.
Krishnapuram firka	2 groups
Kadavur zamin	1 group.
Thogamalai firka	2 groups.
Manapparai firka	2 „
Marungapuri zamindari	2 „
	12
Classes in minority	3
	15 seats.

Thus there will be 30 seats besides the usual complement of officials on the Taluk Board.

I would only place the following conditions for election or selection—

(1) that the representative should be literate,

(2) that his property qualification is pretty decent, (3) that his antecedents are not such as to make the public lose confidence in him as a representative of the public.

6. As regards the Legislative Council seats, and electorates, I have no remarks to offer.

ENCLOSURE No. (2).

Letter—from M.R. Ry. T. DESIKA CHARI, Cantonment, Trichinopoly.
To—the Collector of Trichinopoly.
Dated—the 20th January 1908.

I have the honour to submit the following suggestions regarding the points raised in the memorandum forming the annexure to G.O., No. 886, Public, dated 22nd November 1907.

I.—Imperial and Provincial Advisory Councils.

1. The object of establishing Imperial and Provincial Advisory Councils being to afford wider opportunities to the people of India of expressing their views on administrative matters, it is essentially sound in principle to afford the landholding classes an opportunity of expressing their views on matters of practical administration. It is, however, questionable whether these classes have become qualified to take a more prominent part in public life or render a larger measure of assistance than now to the Executive Government. It is fairly accurate to say that in this Presidency they are not yet fitted to form almost the sole components of the proposed Advisory Councils and have so far evinced neither to desire nor the capacity, except in rare instances, to interpret the wants, hopes and aspirations of their fellow subjects. The amount of interest (or the want of it) which has been displayed by such of the members of the Local Boards as have been selected from these classes is a fair indication of the apathy displayed by them in matters relating to the administration of local affairs.

2. It is objectionable to give too much prominence in their present state to "territorial magnates" who are generally out of touch and sympathy with the people at large. But it would be an experiment in the right direction to associate them in Councils like those now proposed, if only to educate them how to help the Government in matters in which their help might be sought. Having in view, however, the objects with which the Advisory Councils are proposed to be formed, it would be necessary to have on them a fair proportion of men with literary qualifications, who could gauge aright and accurately read the sentiments of the small landlords, ryots, artisans, merchants and the masses of poor people that form the major portion of India. To prevent, however, irresponsible people with no status attaining an influence detrimental to the rulers and the ruled alike these men with literary qualifications ought to satisfy certain property qualifications, the most important of which would be that they should have an annual income of not less than Rs. 15,000.

3 The association of a large number of ruling chiefs with territorial magnates is not likely to conduce to the exposition of popular opinion. They are as far removed from the people as the Government which seeks their advice, by reason of very few opportunities which hereditary Rajas have of moving closely with the common people. Moreover these princes could hardly be familiar with the wants of the people in British India. If the presence on the Council were necessary because of the existence of certain interests common to the paramount power and the Native States, it would be enough if two ruling chiefs from each province were selected.

4. Regarding the consideration of the Imperial Council, therefore, it is humbly suggested that 15 ruling chiefs, 15 territorial magnates, 30 members representing the professional, commercial and other classes having educational qualifications and in the receipt of an income of not less than Rs. 15,000 a year, should constitute the Imperial Advisory Council.

5. With regard to the work to be done by the Council, I would suggest that collective and public deliberation should be the rule and individual and confidential communications the exception. Confidential communications would, in some cases, evoke frank interchange of opinion, but very often result in erroneous and misleading estimates of the problems on which such opinions are offered, unchallenged by the wholesome influence of public criticism.

6. *Provincial Advisory Councils.*—Besides the Imperial Councillors who should form the nucleus of the Provincial Advisory Council, it is advisable to have one member in each district. Here again I would suggest that no undue prominence should be given to wealth alienated from education, bearing in mind particularly that in this country, more than in any other, learning is respected above wealth. The selection should be made as far as possible from the educated classes as the landlords would be adequately represented by the nucleus above referred to. This selection should be irrespective of caste, class or creed, due regard being had however to commerce, industry and professional interests being adequately represented. The qualification might be fixed at an annual income of not less than Rs. 10,000 a year. The idea of dissociating the educated classes from the administration, creating a separation between them and the rich landlords or introducing distinctions based on caste or creed, is certainly foreign to the genius of British Government and anything which is calculated to create a notion that such a dissociation, separation or distinction is intended, may be avoided.

II.—Imperial Legislative Council.

7. On the proposals regarding constitution of the Imperial Legislative Council I venture to express the opinion that the creation of electorates such as are referred to in clauses C and D is objectionable. Without any such clause as clause D a Muhammadan gentleman elected by the Madras Legislative Council served on the Imperial Legislative Council for a number of years.

Whatever it might be in other provinces there is no necessity to introduce a distinction so far as this Presidency is concerned which is based upon a difference in creed. Nor is it necessary to treat the big landlords as possessing interests different from those who do not pay any land revenue to Government but whose income and influence are much greater than those of such landlords. It is also not right, in principle, to make it appear that one portion of His Majesty's subjects have a preferential claim for representation. Instead of creating such electorates it would be better by far to have more non-officials nominated to represent special interests if any. Instead of clauses C and D a clause may be introduced having the effect of forming an electorate composed of individuals having an annual income of Rs. 15,000, provided that in the case of Muhammadans an income of Rs. 5,000 should be deemed a sufficient qualification.

III.—Provincial Legislative Council.

8. It is not advisable to have clause D, E, G, H and I in the proposed scheme for the selection of non-official members. I need not repeat the reasons already given, for what I humbly think is an objection to the creation of such a division. I beg to suggest a literate and property qualification combined for voters and members standing for election. The special conditions in clause D of the scheme seem to be all right so far as the qualifications prescribed are concerned.

IV.—Elections of Members of Taluk and District Boards.

9. The electorate for the District and Taluk Boards might be formed in such a manner as to return really representative members to these Local Boards. If this is satisfactorily arranged for, the Taluk Boards might send representatives to District Boards and the election by District Boards of members to the Provincial Legislative Council would, it is submitted, be far more satisfactory than having members of different classes elected by different electorates. And the District Boards themselves would in time form District Advisory Councils. Thus the electorate formed of District Boards would be really representative and avoid all difficulties based upon different conditions prevailing in different local areas. Army minority not still adequately represented might be provided for by a larger number of seats which could be filled by nomination by His Excellency the Governor.

Letter—from M. AZIZ-UD-DIN, Khan Sahib, Khan Bahadur, Collector of South Canara.
To—the Chief Secretary to Government.
Dated—Camp Kasaragod, the 7th February 1908.
No.—Dis. 17 R./Ver.

With reference to G.O., No. 886, Public, dated 22nd November 1907, I have the honour to submit, herewith, the opinion in writing of the leading and influential persons in the district, whose names appear on the margin, with regard to the proposed Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils. As these writings speak for themselves, I think it unnecessary to comment upon them. It may be observed, in passing, that there is almost a consensus of opinion that the Advisory Councils would not be of much use, in case they are chiefly made up of the ruling chiefs and the territorial magnates and that the enlargement of the Legislative Councils, if effected on the lines indicated by the Government of India, will hamper the growth of unity among the people and give rise to sectional and caste differences.

1. W. A. Doig, Esq., I.C.S., Head Assistant Collector.
2. M. R. Ry. P. Narayana Menon Avargal, Head-quarters Deputy Collector.
3. M. R. Ry. R. Rama Rao Avargal, General Duty Deputy Collector.
4. M.R. Ry. K. Vasantha Rao Garu, Treasury Deputy Collector.
5. M.R.Ry. A. Devappa Punjab Avargal, B.A., B L., Tahsildar of Udipa.
6. M.R Ry. M. Panduranga Kini Avargal, Tahsildar, Mangalore.
7. M.R.Ry. Diwan Bahadur A. Pinto, Avargal, Retired Deputy Collector.
8. M.R.Ry. D. Ananthayya Avargal, Retired Deputy Collector.
9. M.R.Ry. Rao Sabib N. Subba Rao Avargal, Chairman, Municipal Council, Mangalore.
10. M.R.Ry. U. C. Krishna Bhat Avargal, B.A., B.L., Vakil.
11. Abdulla Haji Kasim Sahib Bahadur, Merchant and Landholder, Udipi.
12. Muhammad S'chamnad Sahib, Landholder, Kasaragod.
13. M.R.Ry. B. Venkataramana Holla Avargal, B.A., Baindur.
14. H. R. Morgan, Esq., Coffee Planter,

2. As to myself, I venture to think that the formation of the Imperial and Provincial Advisory Councils is not a step in the right direction and that it is more than probable that, in practice, they will be found unsatisfactory alike to the

rulers and the ruled. Their advice will not command, in the eyes of the Indian public the respect and weight which the Government of India is disposed to think it will, and in case in which such advice is not accepted and acted upon by the Government of India or the Local Governments it is more than likely that it will give room to dissatisfaction and disaffection which, on administrative grounds, I need scarcely say, is altogether desirable to avoid. It is unlikely that these Advisory Councils will be a valuable means of eliciting opinion on measures which the Government may have in contemplation and it is equally unlikely that they will be found useful in diffusing correct information as to the acts, intensions and objects of Government. The Government of India and the Local Governments are more in touch with the public thought than the ruling chiefs and the territorial magnates, and as it is, the former are better placed than the latter in the matter of the diffusion of correct information as to the acts, intentions and objects of Government. Such Advisory Constitutions have never been known in the annals of this country and the scheme in contemplation is, I feel constrained to submit, an application of a Western method to an Eastern society. From an Eastern point of view, it is essential that a ruling chief should in the interest of his prestige be exclusive, that he should not, except on rare occasions, expose himself to public view and that he should, under no circumstances whatever, associate himself with one inferior to himself in rank, even though he may be a territorial magnate: the more exclusive the Indian Chief is, the more he is reverenced by the people. By way of illustration, it may be mentioned that an Indian gentleman from Atur, in Salem district, went all the way to Mysore, enduring the fatigues of the road journey, for in those days there was no railway communication, with the sole object of catching a glimpse of the countenance of the then ruler of Mysore, Maharaja Krishna Odyar, the grandfather of the present Maharaja and with considerable difficulty gained admittance into his presence, under the long-established belief that the sight of a ruling chief, which was rarely available, contributed to one's good luck. I am also aware that a certain Prince of Arcot was most unwilling to accept a seat in the Local Legislative Council. It is very doubtful that any of the great Indian Chiefs would condescend to be associated with British subjects and territorial magnates as, according to Eastern notion, their splendour lies in their isolation. For more than one reason, I am not in favour of the Advisory Councils and as such do not feel myself competent to offer suggestions as to their constitution and as to the work which may be devolved upon them.

2. As to the enlargement of the Imperial and the Provincial Legislative Councils, I consider that the proposed measure is a step in the right direction. The number of the people who have received Western education has considerably increased and as a natural consequence of such education they desire to have a wider share in the administrative matters of the country: the aspiration is legitimate and deserves to be met to a reasonable extent. In introducing the measure, care has to be taken, as observed by the India Government, to provide for the adequate representation of the different classes of people, races and interests in the vast Indian Empire. Most of the Hindu gentlemen consulted are against racial electorates and racial representation, on the ground that such an arrangement will interfere with the consolidation of the people and check the growth of the Indian nationality now in its embryonic state: the sentiment is very pleasing indeed, but if truth were to be told, national growth should spring from within and not from without: the effects of the internal growth will be healthy, while those of external will be suicidal to the development of the nationality in view. The Indian Society owing to the diversity of religious and social prejudices stands divided into so many communal entities, each of which has to safeguard its own rights and requirements. Any measure inaugurated by Government should have the excellence of providing the needs of the society of the present day and not those of an ideal society of the future which, despite the ardent desire of the educated classes, is not likely to see the light of the day for centuries to come. I am decidedly of opinion that territorial representation is unsuited to present requirements and the constitution of elaborates is absolutely necessary to secure on the Imperial and the Provincial Legislative Councils the representation of minor communities and of important interests. That territorial representation has been a distinct failure is more than amply borne out by the fact that since the passing of the Councils Act of 1892 not a single Christian or

a Muhammadan has been returned to the Local Legislative Council, either by the northern or the southern territorial electorates, which are almost exclusively composed of non-Mussalman and non-Christian voters. As things now stand there is little or no likelihood of either of the local territorial electorates returning a Mussalman or a Christian to the Provincial Legislative Council and as a matter of fact, a few years ago, when a native Christian stood as a candidate for a seat in the Council, his attempt resulted in a signal failure. On occasions when important questions of the kind under reference arise there is an expression of much sobriety of thought by the educated gentlemen of the Hindu community but man is man after all, the same thoughts do not influence the voters at the time of the election season. The result has been unfortunate to the development of the national growth—if Christians, Mussalmans and other minor communities are to be reckoned as component parts of the Indian nationality—for these minor communities have been practically denied the political privileges to which they were justly entitled; and while the major communities have had the opportunities of participating in political franchise and undergoing political education, the minor communities had to lag behind and to remain dormant, a thing to be deplored from the stand point of a genuine nationalist.

The Imperial and the Provincial Councils should, in theory and practice, be real miniature national assemblies and I would strongly urge for the favourable consideration of those in authority, the absolute importance of having in these assemblies a representative of the depressed classes also. The national problem will then be practically solved and the foundation of a healthy Indian Society will be truly laid.

The apprehension, that the displacement of territorial representation by class representation will engender communal differences passes my comprehension: as far as I can see the election by each community of its own chosen representative cannot possibly produce that effect. The elected representatives will still be Indians and, while safeguarding the interests of their community in particular, will not naturally fail to safeguard in all reasonable matters in general the interests of the Indian community as a whole.

4. Now proceeding to the details, I consider the constitution proposed by the India Government for the Imperial Legislative Council to be sound. I concur in the views expressed by the Government of India that the great landholders who form the aristocracy of the Indian society should have representatives of their own on the Council. At the commencement, it is possible, mistakes may be committed in the election of apt representatives but, in course of time, the landed aristocracy will be able to safeguard its own interests by a proper choice of the representatives. I consider that, as far as the Madras Presidency is concerned, the appointment of representatives by nomination will not give satisfaction to the landed aristocracy and should therefore be avoided.

5. I do not share the opinion expressed in some quarters that two elected and two nominated Muhammadan members will be too many for the Imperial Legislative Council. The past history, the political importance and the numerical strength of the Mussalman nationality in India, is such as to necessitate its adequate representation on the Council. A special Muhammadan electorate should be constituted and it should consist of the following five classes, as far as the Presidency is concerned, instead of three proposed by the Government of India, *viz.*:—

(1) all Mussalman Members of the Provincial Council;
(2) all Mussalman Fellows of the local University;
(3) all who pay land revenue in excess of Rs. 1,000 a year;
(4) all payers of income-tax exceeding Rs. 500 a year; and
(5) all registered graduates of an Indian University of more than ten years' standing.

It is very desirable that all the few seats on the Imperial Council should not be filled up by election and that two of the four, should, as proposed by the India Government, be filled up by nomination. I do not think that it would be impracticable in this Presidency to compile a registrar of voters and it will be altogether undesirable that the electorate should be limited to the Muhammadan non-official members of the Provincial Council. Their number will be too small to form an electorate and election by them will not find favour with the community at large.

6. As to the scheme relating to the Provincial Council, it has to be observed that only one seat is to be reserved for the Muhammadans. This means no improvement upon the present state of things and the representation will not be commensurate with the importance of the community as in the Presidency as in the past, so in the future, it will not be possible for any Muhammadan to secure election in the ordinary manner by any electorates other than the special Mussalman electorate.

Under the proposed scheme there will probably be as many as ten or eleven elected Hindu members, in addition to at least two or three Hindu official members, though belonging to the different sects of the Hindu community, as it is more than probable that Hindu gentlemen will be returned by classes and bodies mentioned under C, D, E, F, G, and J and under the circumstances, it is only fair that at least two seats should be thrown open to the Mussalman community, one to be filled up by election and the other, by nomination by His Excellency the Governor. With this object in view, I propose that the number of non-official members may be raised from 17 to 18 unless one of the two seats mentioned under (*a*) is to be reserved for a Mussalman.

7. The restriction laid down in clause (*b*) of the scheme with regard to voters and candidates is sound and calls for no remarks, as also the conditions in clause (*c*) thereof.

Clause (*e*) of the scheme should not, I think, be given effect to, as it will not find favour with the communities concerned. The system of nomination now in vogue, at least in the case of the Mussalman community, has generally failed to secure, as observed by the Government of India, the appointment of Muhammadans of the class by which the community would desire to be represented.

Clause (f) of the scheme.—I think it is unnecessary to insist upon literate qualifications.

ENCLOSURE No. (1.)

Letter—From Diwan Bahadur A. PINTO Avargal, retired Deputy Collector.
To—the Collector of South Canara.
Dated—Mangalore, the 9th January 1908.

With reference to your letter no. Ref. G. B. on 1351, dated 9th December 1907, calling for opinion on the suggestions contained in the memorandum annexed to G.O., no. 886, Public, dated 22nd November 1907, I have the honour to submit the following remarks.

2. *Imperial Advisory Council—As to the constitution of the Imperial Advisory Council and as to the work which may be developed upon it.*—The Council is proposed to comprise Ruling Chiefs and large landed proprietors. First and foremost, the possession of property of this sort is not synonymous to the possession of intellectual ability. Such proprietors are, as a rule, inheritors of fortunes amassed by their more intelligent and shrewd ancestors, and are themselves neither cultured nor possessed of much ability. The remark may also apply to some of the Ruling Chiefs who, in governing their dominions, are assisted by their Diwans and the British Residents. However well governed their territories might be, the administration in them cannot come to the high level of efficiency attained in the British possessions. Seeking their advice in ruling British India, therefore, will have a pulling down tendency. What we want is an opposite or upward tendency. In any case, their advice will represent the best mind of the people of British India. I do not therefore think than an Imperial Advisory Council composed entirely of Ruling Chiefs and territorial magnates will be an improvement. If anything, it will not prove even commensurate to the additional scriptory and other labour involved and the expense entailed.

3. Supposing its number to be 60 as proposed, and 20 Ruling Chiefs to be among them, it will want 40 places to be filled up by other landholders. This would give 6 or 7 to the Madras Presidency if a fair distribution among the several provinces is to take place. In such a case, one representative for about three districts should be elected, in order to make the representation extend to every part of the Presidency. In such a case, for instance, one landholder will have to represent South Canara, Malabar and Coimbatore. A man selected from one of these districts will not be in touch with the other two. The same will be the case in the other districts Moreover, in some of the districts, no landlord of sufficient status will be found, or if found, he will not be fit either by his intelligence or culture to grasp the position of the district he represents and advice the Viceroy, in the manner desired.

4. If, however, an Imperial Advisory Council is nevertheless to be formed, I think that it should be composed of good practical men of business in British India, and should not be limited to landholders. Its number may be 60 and it may include a few capable Ruling Chiefs and such large landholders as are intelligent and educated. If it is to represent every part of

the country at least one man for each group of two districts should be selected whether he be a landholder or other important business man. I fear that such an Advisory Council would be too unwieldy and impracticable and entail much unnecessary labour.

5. The work developing on the Council would be opinion or advice on (1) matters likely to be brought before the Legislative Council, (2) all proposals regarding relief of famine or distress, (3) education, (4) Land Revenue Settlement, (5) forests and other management, and (6) any unrest and other matters of public importance.

6. *Provincial Advisory Council.*—As regards Provincial Advisory Councils, any members of the Imperial Advisory Council would be *ex officio* members also of the Provincial Advisory Council. Omitting the districts rom which these members come, the rest should supply one member each. This would give 23members on the whole, 3 more appointments may be reserved for special classes such as Christians and Muhammadans, if they have not already furnished a sufficient number by the districtward selection, raising the total number to 26. Their functions would be limited to giving counsel on matters of public importance referred to them for opinion or advice.

7. The proposal is to give these councils no legislative recognition nor any formal powers. This means that they are to be consulted in the same way as private individuals are at pre-ent consulted, the only difference being the councillors would be a body of men selected beforehand and named as councillors while the private individuals are at present selected each time their opinion is wanted. When a duty is imposed, some right or privilege should be annexed to it in order to evoke interest in the performance of the duty. I therefore think it would be advisable to give these councils the powe of interpellation which the non-official members of the Legislative Council now enjoy. By doing so, the work of the latter might be lightened and that of the former would become the more consistent with their position as advisers.

8. *Enlargement of the Imperial Legislative Council.*—The proposal for the constitution of the Imperial Legislative Council contained in paragraph 12 of the India Government's letter contemplate the forming of two electorates, the one for selecting a member from the nobles and great landowners of each province and the other for selecting a Muhammadan member from his own community; and it is suggested that a Provincial electorate for the former of from 100 to 150 should be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year. Looking at the list of zamindars and such like proprietors of the Madras Presidency, we find that out of 23 districts, seven have no such proprietors; five more have none paying Rs. 10,000 and more a year, in eleven other there are 2 to 16 proprietors of this class in each paying Rs. 10,000 and more a year. So far as zamindars, etc., are concerned, therefore, an electorate of the nature suggested will not represent twelve whole districts, including such as Tanjore, Coimbatore, South Arcot, Bellary, Cuddapah, South Canara, etc. I have no means of ascertaining how many pattadars paying Rs. 10,000 and more a year there are in each district. These will be very few and far between, and if these be not forthcoming in any of the said twelve districts, they will go absolutely unrepresented. A landholder of substance in one district may be paying a revenue of only Rs. 1,000 a year while another equally substantial may not be in another district amongst those paying five times that amount. An electorate may therefore be chosen and property qualification fixed for each district separately so as to bring representation home to all parts of the country. The same may be done as regards the Muhammadan electorate, the property qualification being fixed with reference to the condition of each district in which there are Muhammadans in considerable number.

9. *Enlargement of the Provincial Legislative Council.*—As to the scheme for the enlargement and reorganization of the Provincial Legislative Council, it indeed raises the number of elective seats from seven to sixteen, but reduces the chances of the Vakil class to a single seat. If the requisite talent can be found outside the legal profession the proposed scheme will be an improvement.

10. Under (*d*) (*i*) of the Government memorandum the property qualification prescribed is payment of land revenue of Rs. 20,000 and above or owning a rent-roll of Rs. 50,000 and above a year. This is far in excess of the property qualification required for the Imperial Legislative Council—*vide* paragraph 14 of the India Government's letter and which itself I have shown in paragraph 8 of my letter to be excessive.

11. I think also that for classes (*e*), (*f*), (*g*), (*h*), (*i*), (*j*) under (*a*) of the Government, memorandum, *viz.*, the zamindar class, the citizens of Madras, Brahmans, Muhammadans Christians and all other persons, in addition to the property qualification, a literate qualification up to the B.A. degree or other equal educational qualification should be required. Without a literate qualification a man will not be able to cope with the matters before him in the Legislative Council.

12. On the whole, the constitution of the Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils are commendable measures and if properly carried out will afford great gratification to the British subjects in India, provided the masses are reached.

19. *Suggestions as to how the masses can be reached.*—The populations of India, apart from the officials, can be classed as (1) landholders, (2) the legal profession and schoolmasters, (3) traders and merchants, (4) owners of industries, and (5) others. If electorates be formed for

each district under each of these sub-heads with a moderate property qualification, they can elect Taluk and District Board members and Municipal Commissioners to represent these various classes. The members of the Local Boards and Municipalities can then elect members of Provincial Legislative Councils and also members of Provincial Advisory Councils. The members of these Councils can again elect members for the Imperial Legislative and Advisory Councils. The distribution of members of the Imperial and Provincial Councils as shown in paragraph 12 of the Government of India's letter and paragraph 6 of the Madras Government's memorandum will answer; only the class (*d*) at the latter page might include schoolmasters also and the number allotted to this class be increased to two by reducing the number under (*j*) "all other persons" from six to five. Under this scheme, the Advisory Councils both Imperial and Provincial would be representative, and they should be given some such privilege or power as mentioned in paragraph 7 above in order to make their task agreeable and interesting to themselves and important in the eyes of the public.

ENCLOSURE No. (2).

Letter—from M. R. Ry. D. ANANTHAYYA Avargal, retired Deputy Collector.

To—the Collector of South Canara.

Dated—Mangalore, the 27th January 1908.

In compliance with your letter, dated the 9th December 1907, inviting my opinion as to the proposed scheme for the constitution of the enlarged Imperial and Provincial Legislative Councils, I beg to state the following :—

(1) The principle of election for the Imperial and Provincial Legislative Councils was recognised by the Indian Councils Act of 1892 and the right of nomination for the Madras Provincial Legislative Council was vested in seven public bodies, of which four were the Municipal Councils and the District Boards situated all over the Presidency. From the limited number of seats allowed for these Municipal Councils and the District Boards, these had to be grouped into the northern and Southern groups. The consequence was that so many as eleven or twelve districts had to be grouped together in order to elect one individual and it so happened that some of them had not even one common language, *e.g.*, South Canara and Malabar and Tanjore. The districts therefore could hardly be said to have been fully represented in the Legislative Council and the member for those districts could hardly have studied the wants of the people whom he represented. This was the state of things which was confounding in the extreme and it was expected that the right of franchise for election to the Madras Legislative Council would be most freely extended to the same districts as before, but only on a wider basis, say, one for each district. But instead of this extending the franchise on a *territorial basis*, the enlargement of the Councils is sought to be made on a *class basis* which is a highly objectionable course. In the draft scheme for the constitution of the Madras Legislative Council, the number of non-official members has no doubt been increased to seventeen but the right of representation has been denied to the District Boards and the Municipal Councils as heretofore unless they can be said to come in the last class (*j*) of the revised scheme which includes those selected by all other persons. This change in the constitution cannot be said to be for the better. Excluding the first three classes (*a*), (*b*) and (*c*), the remaining classes (*d*) to (*j*) of the scheme provides for representation of lawyers, of landed proprietors of Madras citizens, Brahmans, Muhammadans and other persons. The functions of the members of the Legislative Council do not seem to me to require such class representation. The Acts and Enactments passed by the Madras Legislative Council since 1892 were such as did not require special representation in Council by particular classes as lawyers, landed proprietors, Brahmans or Muhammadans. Except in very rare cases and of which the occasions are few when the legislation for a particular class of people is undertaken as for instance in the case of Hindu Gains of Learning Bill, which would affect Hindus alone, the Legislature concerns itself with all classes of people, and a landed proprietor, a Brahman or a Christian is as much interested in a Bill before the Council as a lawyer, Muhammadan or a Sudra. The public sentiments and feelings would be as much voiced and grievances as strongly laid, before the Council, without any distinction of classes when the Bill affects all classes alike. The measure of representation does not depend upon the classes of people but on the people as a whole. In the next place, the draft scheme seeks to draw a hard and first line between one class and another, the provision being that one selected for the one class cannot represent the other class. Such a sharp distinction between class and class cannot be made in the present circumstances of the country and the distinction sought to be made between classes of persons under (*e*) and other classes and the qualification required to represent the class (*e*) would well nigh make the scheme unworkable so far as the Madras Presidency is concerned. This presidency is mostly ryotwari and the zamindari tracts are few and far between and permanent settlement does not obtain in Madras. The zamindars who pay a Government revenue of Rs. 20,000 a year and landowners who belong to this class of possessing an annual income of Rs. 50,000 can be counted on fingers' ends. The jenmis of Malabar cannot be included in this class because though the indivisability of family property is the rule in Marumakkataya system, yet there is nothing to prevent a division of such family property with the consent of all and moreover the family members become so many distinct tavazis in course of time, that though in theory the karnavan is the manager of the family, yet practically the family lives in so many distinct portions of family property and therefore the jenmis of Malabar cannot

be said to differ very materially from other classes of landowners to entitle them for a classification with zamindars. Besides the family property can be alienated for proper family purposes. To form therefore a separate class under clause (*e*) to represent the landed aristocracy of the presidency is practically of no value and the two seats given for such landed aristocracy, which may not consist after all of more than 25 families will be out of proportion of their numerical strength, having regard to the interests of other classes concerned. More than all, there is the strong objection that the landed aristocracy in general will not be an aristocracy of talent which is necessary for the efficient administration of a country. Being content with what they possess and engrossed with their own affairs and management of vast estates, their mental horizon will be very limited and they cannot be excepted to possess broad views on questions of public importance or to give valuable and competent advice to Government. If there are individuals who are exceptions to the general rule, the Governor in Council has the right to nominate such individuals and the power is already being exercised by Government in favour of such individuals. Clause (*e*) therefore need not be formed into a separate class by itself. Similarly persons mentioned in clauses (*d*), (*f*), (*g*) and (*h*) to (*j*) connot be so sharply distinguished, one from the other inasmuch as the persons belonging to each class, belong to one or more of the said classes. The work of classifying the people under one or more of the said classes will be difficult in the extreme and the selection of Brahmans for example will all be the greater. The census reports will show that the classes calling themselves Brahmans increase year after year and it is s most difficult problem as to who should be classed as such and who not, notwithstanding the property qualifications. This difficulty is also anticipated by Government in its remarks paragraph (*e*) of the printed memorandum which provides in cases of difficulties, power may be taken of nomination of the said classes and the number under clause (*a*) be increased to five one of whom should be a Brahman, the remaining two being Muhammadans and Christians. Even assuming such distinctions as between class and class should be maintained, the qualifications for voting are unreasonably high. If the qualification of requiring an income of Rs. 5,000 a year in respect of classes (*f*) to (*j*) be invariably insisted upon for a vote and for a seat in the Council, a large number who are in other respects fully able to represent the people and voice their feelings will be debarred from the Council and the Government would lose their help. Moreover too much importance will be given to the several classes of people mentioned in the said clauses which may not be very desirable. It is not known why the literate qualifications are not so much insisted upon as the property qualifications. Seeing that both these qualifications rarely combine in one and the same individual, it is doubtful if the Government was well advised in insisting upon the property qualification of the expense of the literate qualifications, as it will defeat the very object which the Government has in view of enlarging the Councils, *viz.*, of enabling the masses to ventilate their wants and grievances through those who can sympathise with them and give expression to them in proper quarters. By not making the literate qualifications a test and setting up the property qualifications as high as possible, the enlargement of the Madras Legislative Council will not remove any of the defects that at present exist in the Council but on the other hand will greatly tend to weaken the efficiency of administration and the change will not be felt as a boon by the people.

The result of the above discussion will show that the proposed line of enlargement of the Madras Legislative Council is not an improvement upon the old rules of selection and rather a retrograde step. If however it is considered by Government to be the right step then the classes under (*d*) to (*j*) may be abolished and the powers of the Municipal Councils and District Boards extended so that, instead of four seats being available as now, twelve seats may be reserved for the said bodies, the grouping of the districts being made accordingly. If this procedure too does not commend itself to Government, then as an other alternative, I would suggest that the property qualifications of classes mentioned in (*d*) and (*f*) to (*j*) may be reduced to Rs. 1,200 a year, if any increase is considered necessary or they may be left as they are now.

(2) With regard to the Imperial Legislative Council, a change of the lines indicated by me above with regard to Madras Legislative Council will, I think, be considered welcome by their public. Under clause (*d*), sub-clause (*c*), the right of electing seven individuals is given to the nobles and the great landowners of the several provinces in India. The non-official members of the Provincial Councils of the several provinces mentioned in sub-clause (*b*) of clause (*d*) would be the most competent persons to nominate to the Viceroy's Council and the votes of nobles and landowners may safely be entrusted to the said non-official members, without splitting the number of seats between the two. The same remarks apply also to clause (*e*) as there cannot be any special interests which are not represented by the Provincial non-official members.

As regards the Imperial and Provincial Advisory Councils which are mainly intended for diffusing correct information as to the acts and objects of Government and of eliciting opinion on measures contemplated by Government, I am of opinion that the institution of such Advisory Councils is not at present required. The objects which such Councils are intended to serve are already served by the public press in the country and by the speeches of the official members in the Legislative Councils of Viceroy and of the Governors in Council. Moreover the members of the proposed Advisory Councils may not willingly become instruments of diffusion of such knowledge and may often prove to be mischievous source of information to Government of the sentiments and feelings of the masses whom they are asked to represent. It will have the effect of setting one class against another and amidst the rival and conflicting interests the opinion they represent may not be the genuine sentiment of the people. I have therefore no suggestions to make for their constitution.

ENCLOSURE No. (3).

Letter—from M. R. Ry. N. C. KRISHNA BHAT Avargal, B.A., B.L., Vakil.

To—the Collector of South Canara.

Dated—the 20th December 1907.

I have the honour to submit the following opinion and suggestions regarding the constitution and work of the proposed Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils as set out in G.O. No. 886, Public, dated 22nd November 1907.

2. The present proposals are made *to give the people of India* wider opportunities of expressing their views on administrative measures through classes, who will now be enabled to take a more effective part in shaping the action of Government, who may reasonably look forward, as the necessary outcome of that measure, to a larger share in the actual work of administration and more extensive employment in the higher offices of State, who can make Government measures and motives generally understood, who can correct erroneous and often mischievous statements of facts or purposes imputed to them and who can confidentially, intimately and privately be consulted by Government.

3. The proposal further lays down as a key-note of the principle of conduct of Government that the Sovereign's duty, however absolute, is *to consult competent advisers* and exercise his will in accordance with, what after such consultation, he deems *to be the best mind of the people.*

4. As to finding out the best mind of the people, besides the business of the Government and officers of eliciting opinions as is at present done, certain further steps are to be taken under the present proposal *to associate the ruling chiefs and territorial magnates* to guard the common interest as also the Imperial and as they might give weighty opinions and promote more *intimate relations between the component parts of India* by means of individual or joint consultation on *matters affecting the welfare of the people, i.e.,* this is to be done by evoking stable forces existing in India, *i.e.,* by getting the *views of the hereditary bodies of people* concerning future measures and by making them diffuse correct information on the acts, intentions and objects of Government.

5. To carry out the above object, the Government proposes to have two advisory Boards—Imperial and Provincial, and two Legislative Councils—also Imperial and Provincial.

6. Now, I take the liberty to respectfully submit that in matters like these, the past history, the present state and future goal, together with all shades of possibilities and views for and against the previous declarations of the Government and Sovereign including the noble Queen's Proclamation of 1858 should be considered in order to bring about the best results.

7. The present ruling power in India and the present time are very peculiar. It is the noblest of Western nations—the British—a highly advanced and most free nation fighting for the powers of the vast British people as against the so-called too conservative habits of the landed interest of Great Britain, with a noble and genuinely great literature and noble history which would and must influence the Indian readers in the same way as themselves, that, by divine grace, rules India now.

8. The previous native rulers themselves governed it with the help of the then most civilized, self-sacrificing and never well-to-do portion of the people and looked to Brahmans or other intellectual people and moulvies who were ever indifferent to wealth but all attention to the welfare of the people; as would be clear from their literature and history.

9. The people of India consist of the (1) semi-independent ruling chiefs, (2) the territorial magnates, and (3) millions upon millions of smaller landholders who under the ryotwari system form the very backbone of India and Indian Government, and (4) millions upon millions of industrial population, the first two classes having however nothing to do with the others and not knowing each other or dealing with each other or in any way influencing the others except their own subjects.

10. If the Government is in any way now directly administering the affairs of any body it is of the vast millions of the last two classes—the ryotwari and industrial people.

11. The ruling chiefs are feudatory sovereigns under State treaties and the territorial magnates hold their lands under sanads. These are few, very few, and form nothing but an infinitesimal portion of the great Indian people and the interest of these two classes—the peasant proprietors and the industrial community, as far as the Indian Government is concerned, is as stable as of the first two classes, namely, the ruling chiefs and the territorial magnates.

12. Again, the status and position of the Advisory Councils is different from that of the Legislative Councils.

13. The former is purely private. It is left to the sovereign to consult anybody it likes. Nobody can question but its rule will be successful and popular and bestowing of peace and prosperity and raising the people higher or otherwise according to the importance and correctness of the advice taken or the reverse. But the latter, *i.e.,* status of the Legislative Councils, is of quite a different kind, as it controls and affects the actions of all the minor landholders as well as the territorial magnates and all other subjects of the Government. No useful section of the people can be avoided. One man has no right to legislate over another unless the right is given by the sovereign, who, when assigning his power, shall make it as excellent and as representative as possible.

14. Keeping the above considerations in mind, I proceed to say a few words first on the Imperial Advisory Board, then on the Provincial Advisory Board, then on the Imperial Legislative Council and lastly on the Provincial Legislative Council.

As to the Imperial Advisory Board.—I think that to know the best mind of the people in order to arrive at the best results, for the attainment of which the benevolent British Government is in divine charge of India, the most competent and discerning heads who would give this independent and free opinions most unreservedly should form a portion of the advisers, besides some of the smaller landholders or independent classes, so that it may represent a miniature India by itself; or else the advice taken will be partial and not complete and hence useless for the above-mentioned noble object in view.

15. As at present known, the ruling chiefs and territorial magnates cannot administer their own affairs without the help of others who are intellectually much better than themselves subject of course to a few—very few—noble exceptions. Even these few noble exceptions cannot be expected to know much about the infinitely larger portion of the Indian British subjects.

16. In these circumstances to omit the landholders under ryotwari systems who really form the real assets of the Indian Government and other most competent and best heads of the intellectual and industrial classes from the highest council from which the subordinate councils are to get the noble inspirations as regards the whole of India will make the whole scheme imperfect and defective, and the better administration aimed thereby will be proportionately rendered defective; and might, if the present newspapers correctly represent the real feelings of the majority of people, enable a certain section of people to say, though wrongly, yet with great show of reason, that the Government wants to avoid the intellectual and other people who supply a good deal of advice at present, and to make the proceedings of the Advisory Board private and confidential and that Government counts upon the fact that the magnates are not likely to move with the others largely. This might defeat the very object of the measure which is to very correctly explain the good motives of the Government. I fear that attempts might be made more and more with great chance of success to throw all others into one party, excepting the few representatives, especially as promise is held out of giving such classes only substantial share in the actual administration and higher offices in the State. Besides, this would be against the principles adopted both in the East and in the West as detailed above. I am also afraid that this measure would be against the spirit of the noble Queen Victoria's proclamation of 1858, and might tend to unsettle men's minds and beliefs as to the declarations of the Government. I shall however be glad if my fears turn out to be unfounded. If correct, there would be great dissatisfaction which of course ought to be avoided in a good and noble administration.

17. Besides, the Government would not lose much, but on the other hand would gain much and would remove the effect of the secrecy of the Advisory Board's proceeding by having all shades of opinions and suggestions in its administration which is in fact the best means of securing the happiness of the varied Indian people.

If you shut out, there is the danger of misrepresentation and of having only partial light; if you admit you get full light and give satisfaction.

Therefore, I am of opinion that most competent of the smaller landholders, of the industrial and intellectual classes should also be taken into the Imperial Advisory Council. Even as to the ruling chiefs, I am not quite certain whether everything being informal, confidential and private, and the term being only for five years and without any legal status, they would willingly accept the office and would not view it as derogatory to and against their treaties and whether this measure would not create heart-burning among them. There may be misconception that they are being lowered to the position of territorial magnates. Instead of the present measure, I humbly suggest that a list of the ruling chiefs fit to be consulted, to be modified from time to time by additions, may be kept for consultation purposes without saying that it is for such a term or for ever and they may be consulted either individually or together without assigning any name to the body or if necessary to give a name, to call it "A Ruling Chiefs' Council." They may be consulted, if necessary, on matters touching the relations between themselves and the Government and such like things. But as far as the Indian territories are concerned they will not be of much use or their ignorant views might be viewed with suspicion and might confuse the question considered.

18. *As regards the Provincial Advisory Council.*—I think that the same remarks apply to these subordinate councils also and the proposal seems to meet the aforesaid remarks half-way. My suggestion is that the council must be also a miniature province in itself and must represent the best interest of all. But the full success depends upon the right selection of the right men, *i.e.*, of the most competent and most qualified men that are available among the community and that would carefully weigh and give their opinion unreservedly. These opinions alone will be of real use to the sovereign.

19. Now, as to the Legislative Councils. As I have already submitted in paragraph 13 above this is not a matter of a private kind but is of a more public and of a legal character. The sovereign, if at all, must be prepared to assign the right of legislation or sharing in legislation to most competent, civilized and independent and well-trained representative men of all interests. In legal matters certain qualifications are required. The legislator, to discharge his duties most

excellently, must know the history of law, Indian and otherwise, especially as now India is being dragged outside into world politics. He must know the technicalities of the law, and as unfortunately the law is to be framed not in the Indian's own language but in the English language, which is foreign to him, he must be a thorough master of the English language. If not he may not know to what exactly he is assenting. If reference is made to the Indian law reports, it is seen that the simple language of the legislators is being interpreted by the several High Courts and often by the two Benches of the same High Court differently, and sometimes all these decisions are being overruled by the Privy Council. The law is becoming more and more complicated. So, the legislator must be chiefly persons who actually work in the administration and application of law, knowing and practising the same. Besides, the majority of the Council being highly civilized officials, well intentioned but being of foreign ways and thoughts, before whom men of ordinary education feel shy and cannot be ordinarily expected to be unreserved and acute, there must be clever and highly-educated Indians to put their views of the Indians so clearly and forcibly that the official gentlemen forming the majority might pay deference, and give weight to their arguments and reasons, especially when there is a difference of opinion and then decide. Legislation is besides one which affects all, both the rich and the poor, and especially, as though the interest of the poor is small, yet it is extensive and requires more protection than that of the rich. I think that care should be taken not to see only for the wealth of the men which generally in India any how cannot be tekan to be co-existent with all that is noble and requisite in a legislator.

From the beginning I believe that in the East it was the Moulvies and Brahmins who were indifferent to wealth but who cared for the treasure of knowledge and had good wishes for all that really helped the sovereign in the matter of law-giving. In the physical body the nervous system controls and guides the body; so in the political body intellects must guide mere wealth. Therefore in the selection of councillors intellectual qualification of the highest order cannot and ought not to be omitted but should be taken in to make the administration successful.

I therefore think that selection must be so made that there may be more of the gentlemen of the highest intellectual qualifications and of unreserved type than of mere silent wealthy members.

20. The law made should further be such as to possibly affect the maker and should know and move with the people whom it is to affect. Certainly if it is not to affect himself, then he might assent to any law blindly without knowing the real diseases or appropriate cures.

21. Applying these tests, I respectfully submit that a ruling chief is out of place in such an assembly. The law is to affect the pure Indian subjects with whom he does not move, of whom he does not know and in whom he has no direct interest, while there is not the guarantee of the law controlling and affecting him. Why should, it may be asked, a gentleman of this sort interfere in the legislation of utter strangers. Our rulers and ruling officials though from outside India and not Indians are greatly interested in our well-being and only require to be informed of the real grievances and real progress and other circumstances by weighty and independent reasons unreservedly given. The ruling chiefs would have neither right nor be under obligation, but on the other hand be mere agents.

As to class D.—All that has been urged as to Advisory Board and other remarks made apply here with great force. Here we are dealing with legislation for the whole of India, consisting of millions upon millions of subjects who are not nobles or great landowners, such as ryotwari holders, industrial people and multifarious men of other communities. How are their views to be represented? Are laws affecting them to be made, ignoring them. Do the nobles and great zamindars moving with them, knowing their grievances, do they possess the several qualifications mentioned above, to oust other classes? Are they fully fitted to represent and apply the laws which they may join in passing? I fear not. When one portion, Muhammadans, nobles or not, can elect their representatives, why should not other Indians who form great majority, have their choice? Would not this be put forward as a partial thing, and create dissention? In the selection under class (*c*), Muhammadans also take part and of course rightly and still they come under sub-class (*d*), and get the benefit of class (*c*).

I therefore think that, to do justice to all communities in a matter of legislation, the best intellects of all communities should be allowed to come in, and considering that when Muhammadans have two seats, other Indians should have at least four seats, for their representatives who should be the representatives of the qualifications set out above, or else men of Dr. Rash Behari Ghose's, Mr. Gokhale's stamp who have served the sovereign for half a century will be shut out.

22. Now, as to the Provinicial Legislative Council, I think it would be just to apply the very same reasons to the Provinal Councils also.

23. I think that the people as a whole do not like to have class representations based on caste or religion, but like to put forward their best and highly educated representives either lawyers or others, from any community they like; excepting the Muhammands if at all, the present proposal is therefore likely to breed unnecessary ill-feeling among them, now generally united people. As to Muhammedans I am not certain as to how far they have expressed their desire to have a separate exclusive seat. But seeing that they are backward in education, generally, and granting that they want to have a separate seat, they may be given one under class (*b*). As to the rest, classes (*a*), (*b*), (*c*), (*e*) and (*f*) there can be no objection; but as to classes

(*d*), (*g*), (*i*) and (*j*), why should there be any distinction; people do not desire to have separate representations; they only desire to have voice in electing. As submitted above the legislator is required, more or less, to know the history of the law, making of the law and applying of the law. This is therefore the peculiar province of the educated men. A Christian lawyer, or a Brahmin lawyer, or any other Indian lawyer might represent his community much better than an ordinary Christain or Brahmin or any other Indian. Similarly there are other educated men of the highest order among them. These may consult their interests and put forward their best representative of any community whom they think qualified to represent their interests, knowing their grievances and the mode of their cures and expressing their views clearly and unreservedly, so as to convince the official majority, for which the latter would be thankful. I therefore think that these distinctions which would bring into existence race or caste ill-feelings, which are not existing now in any appreciable degree should not be introduced.

Considering that the sovereign authority in India is very peculiar as set out in the outset and seeing that the middle and not the upper or the lower class, that has imbibed the western knowledge or methods of western Government under the enlightened rule of the British Government and seeing that the Government intends to give larger and wider opportunities to the people to help in the Government and eventually to bring up the Indian nation, as a great and enlightened and sympathetic father brings up his child to make him great and renowned in the world by giving him education and every other opportunity, so, I view the present enlightened and benevolent Government which has been charged by the Almighty and benevolent God with the trust and mission of nobly bringing the once great but now fallen Indian people—who are in childhood as it were in their growth as a nation, and if it should eventually in the fulness of time succeed, what a great and noble and divine work never heard of among other nations will have been done by our noble, great and world-protecting British sovereign and nation.

The standard for the class E is very high—there would be very few people who would be coming under this class either as voters or candidates. In the present circumstances of the Province my opinion is the higher one goes up for property qualification, the less educated and useful, one finds among them. Therefore, the property and income qualification must be reduced to about one-fourth of its present standard. Even the Muhammadans should be allowed to select the most intellectual men among them.

I therefore think that, instead of, (*d*), (*g*), (*i*) and (*j*), all the seats may be given to other Indians generally instead of by class or caste divisions including lawyers and graduates of the universities, to be elected by the voters as they pleased, the voting qualifications being reduced.

In conclusion, I respectfully beg to submit that if I have put forward any view which will help my noble sovereign authority in arriving at a correct appreciation of the real position and arrive at truth in order to bring about peace, happiness and good relations among all, Europeans and Indians and among Indians *inter se*, as truth, love and justice are the foundations of peace and prosperity of an empire, I shall have done justice to the call made on me.

ENCLOSURE No. (4).

Letter—from MAHMUD S'CHAMNAD SAHIB, Landholder, Kasaragod.
To—the Collector of South Canara.
Dated—the 28th December 1907.

With reference to your Ref. on G. B. R. no. 1351 of 1907, I beg to submit may humble opinion on the suggestions contained in the memorandum annexed to the G. O., No. 886 Public, dated 22nd November 1907, communicating Government of India's letter No. 2310, Home Department, dated 4th August 1907, regarding the constitution of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, as follows.

2. *I. Imperial and Provincial Advisory Councils.*—(i) Initiative powers may be vested in the Advisory Councils so that they might deal not only with matters specially referred to them but they may also meet and discuss matters they think necessary to bring to the notice of Government, and make proposals and submit them to Government for consideration, although their functions might be purely advisory and their proceedings strictly confidential.

(ii) The number of members for the Provincial Advisory Council may not be less than 80, as otherwise the Council will not be sufficiently representative and as the members are to come from different districts, it will be difficult to have a quorum when collective deliberation is required.

3. *II. Imperial Legislative Council.*—(i) The total strength of the Imperial Legislative Council according to the proposals in the letter from the Government of India, will be only 53. This may be increased in order to enable all sections of the people to be properly represented in the Council.

(ii) According to the proposals contained in paragraph 12 of the letter out of 25 non-official seats in the Council only four (seats) will be secured to Muhammadans. This number will not be sufficient to represent the Muhammadan community and their wide interests throughout the whole of India.

4. *III. Provincial Legislative Council.*—According to the scheme suggested as suitable to the Madras Presidency, the number of non-officials in the Provincial Legislative Council will be 17. This number may be raised to at least 20, raising proportionately the total strength of the Council.

5. The scheme provides only one seat for the Muhammadans. This is too insufficient to represent such an important class. Even according to the present constitution of the Council one seat is set apart for the Muhammadans; but that the present representation of Muhammadan interests in the Provincial Legislative Council is quite inadequate is acknowledged in paragraph 16 of the letter from the Government of India: "The Government of India concur with the representers of the address, that neither on the Provincial nor in the Imperial Legislative Councils has the Muhammadan community hitherto received a measure of representative commensurate with its numbers and political and historical importance; and they desire to lay stress upon His Excellency's observation that 'any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisment regardless of the beliefs and traditions of the communities composing the population of this continent'. Under the system of election hitherto in force, Hindus largely predominate in all or almost all electorates, with the result that comparatively few Muhammadan members have been elected. These have been supplemented by nominations made by Government. But the total representation thus effected has not been commeasurate with weight to which the Muhammadan community is entitled." Moreover the scheme provides one seat to each of the communities of Brahmans and Christians, while the Brahmans are not even one-half of the Muhammadans and the Christians are only one-third of them. In consideration of all these facts the Muhammadan community may be represented in the Provincial Legislative Council for this Presidency by at least three members; and in view of the peculiar customs and habits and the extreme backwardness of the Muhammadans of the western districts and in consideration of their large proportion, those in Malabar alone forming more than one-third of the entire Muhammadan population of the Madras Presidency, it may be expedient to allow them for a fixed period at least to select their own representative, although they might be permitted to select their member from any of the districts in the Presidency.

6. As English education is quite necessary for a member and as there are not many educated among the Muhammadans, it may be better, in their case, if Muhammadans in the service of the Crown also are made eligible for selection until they have a sufficient number educated amongst them.

7. As the Muhammadans have no joint family system and their properties are subject to constant divisions and sub-divisions according to the Muhammadan law, the amount of land revenue giving the right to vote may, in the case of Muhammadans, be fixed as low as will be necessary to secure a large and representative electorate.

8. In the case of Muhammadans all payers of income-tax and all registered graduates of any Indian University of more than about five years' standing may be registered as voters for the Muhammadan electorate.

9. No person who had not got a thorough knowledge of the English language may be considered eligible for selection.

10. In the scheme no provision, however, seems to have been made for giving representation to the great body of cultivators and labourers who form the major portion of the population of this vast continent of India and upon whose labours and exertion the whole of India depends for its staple food. The landholders are not, however, the cultivators, but their lands are tilled by their tenants, the ryots who are the actual cultivators and those whose interests are generally opposed to those of the landholders who get sufficient representation in all the Councils. It may be expedient, therefore, to consider the claims of farmers and labourers to give them a voice in deliberations, whose consequences effect them vitally.

11. As suggestions made in paragraphs 17 and 20 to 22 of the Government of India's letter are more suitable to the conditions of this Presidency, they may be followed more closely.

12. *IV. Election of members of Local Boards.*—Both in the Municipal and in the Local Boards representation of classes is better adapted to the requirements of the country, and the suggestions contained in (*c*) of the scheme in paragraph 22 of the letter from the Government of India are very appropriate and are quite applicable to this part of India also. As the question, however, of election of members to the Local Boards will have to be considered again with regard to each district, I have not discussed it in detail here.

XXXI.

Letter—from R. H. SHIPLEY, Esq., I.C.S., Collector of Coimbatore,
To—the Chief Secretary to Government.
Dated—the 8th February 1908.
No.—R. Dis. 50/Rev.

I have the honour to reply to G.O. No. 886, Public, dated 22nd November 1907, on the subject of Advisory and Legislative Councils.

Briefly put the intention of these proposals is to take from the lawyer class of Indians certain places and privileges the practical monopoly of which they have long enjoyed, and to transfer them to the classes "possessing a material stake in the country, and representing the most powerful and stable elements of Indian society". They therefore suggest the formation of Advisory Councils, and extension of the existing Legislative Councils.

2. I think the argument which lies at the bottom of these proposals may be summed up as follows :

Under existing conditions, the only critics and advisers of the Government are lawyers, and of these the great majority are Brahmans. It is clearly undesirable that this should be so, and this may be admitted without casting any slur upon either that profession or that caste. As a matter of fact, the lawyer, occasionally eked out by the journalist and the schoolmaster, has so long sat in the seat of the superior, that he looks upon that eminence as his right, by prescription ; and, if only as a check on this arrogance, an admixture of saner elements is clearly an advantage to the State. It would be undesirable that judicial and executive powers should be in the main exercised by one class ; and it is consequently undesirable that one class should be the only critics and advisers of those who wield those powers, especially as there are others fitted for such a task, by their moral and material, as well as by their mental, qualities. For it is chiefly by his acute intellect that the lawyer has obtained his predominance. The Government of India lay stress on the "intellectual fitness" of the Indian literati for administrative employment, and this may be freely admitted. Their wonderful memory, their quickness and amazing fluency, their showy qualities of brain generally, have long been the admiration of the examiner. On the other hand, their inability properly to apply their knowledge is the despair of the Government. "Knowledge comes, but wisdom lingers." It is high time that the Government should seek other counsellors, and from the point of view of the Indians themselves it is also time that the people realized that there are amongst them other classes of men able to do good work on the Councils.

3. For my part, I am in agreement with this view. But the Indian gentlemen whom I have consulted do not all accept it. Naturally no legal gentleman accepts it. They argue that the reason that the law is so strongly represented on the Councils is because lawyers are the most fitted for such a position by virtue of their culture, their knowledge and their public spirit. They point out that in America and other Western Countries a very large proportion of administrators belong to that profession, and they argue thence that it would be a retrograde step to restrict the opportunities of Indian lawyers in the manner contemplated. This reasoning by analogy, at all times dangerous, is especially fallacious in this case; for it omits among other considerations that of the basic difference in the early training between the lawyers of East and West. Moreover, I have yet to learn that the administration of public affairs in America is worthy of being held up as a good example to ambitious Indian politicians. Their reasoning, further, is fallacious in that it takes no notice of the essential difference between India where the overwhelming majority of the population is uneducated, and indifferent to matters political, and the West, where the majority of educated and interested people is equally predominant. We have lately been told on high authority that minorities must suffer, but with eastern paradox the Indian lawyer's reading is that majorities must suffer.

4. But while agreeing with the view of the Government of India that the present constitution of our Councils should be altered and widened, I venture with all due deference and diffidence, to doubt whether the proposed measures are altogether desirable and whether the object aimed at cannot be attained by other and better means.

5. The scheme has two aspects, the one political and the other administrative.

Political.—I submit that it is contrary to our policy and traditions to recognize—and by such recognition to encourage—the manifold caste and religious divisions of the population. To grant a separate representation to Brahmans and other Hindus, to Muhammadans and Christians, as well to lawyers, landholders and traders is surely to carry the policy *divide et impera* somewhat far. It is reactionary and I submit unnecessary. It will, of course, be very unpopular with the progressive portion of the

Indian polity, and though that of itself is no argument against it, yet it is a good reason why the scheme should be closely examined, and carefully compared with alternative schemes aiming at the same object.

6. But apart from this general objection on the score of policy there is this particular objection that a system of election such as is adumbrated in the resolution would be far too cumbrous, and would by its very unwieldiness defeat the objects which the Government of India has in view. It is too extensive territorially—and it is too complicated individually. What we aim at is to bring the candidates in touch with the electors, and this is clearly impossible when the electorate and the Presidency are co-extensive. The probable result of the proposed scheme would be that the successful candidates would all come from the Presidency town and their representative character would be a mere shadow. It would surely be far better to make the representation territorial, as is suggested by nearly all the Indian gentlemen I have consulted, as well as by my Divisional officers.

7. *Administrative.*—From this point of view, I take leave to doubt whether much good will come of the change, at least for some time. The scheme strikes me as being far more educative in its present shape than effective and practical. I think its chief utility will be found to lie in the awakening among the other classes of a desire to share in the political life of India rather than in any immediate advantage to the administration. For it must be confessed that "the other classes" take at present little interest in such matters. They are seemingly content to be governed, without having a voice in the policy of the Government, and I fancy that we shall find them at first without any fixed ideas or principles on many important questions. They will therefore as advisers be a failure.

8. The Government of India say that the classes which will be enabled, under the present scheme, to take a more effective part in shaping the action of Government may reasonably look forward as the necessary outcome of the measures now in contemplation, to a larger share in the actual work of administration and more extensive employment in the higher offices of State. But I venture to think this doubtful. For what are these classes? They are the noble, the landed and the commercial classes. To all of these the Government services are now open. Yet few avail themselves of their opportunities in this direction. It is not that they do not desire to serve the Government ; it is that under our present rules (strict rules strictly enforced) they either are incapable of passing the tests, or, being capable, are unwilling to serve a long and often humiliating apprenticeship on low pay. And though I welcome the proposal to call these classes into our Councils, though I think such a policy will attach many to our Government, and detach many from the ranks of the Immoderates, yet I fail to see how it will enlarge our area of enlistment ; for *ex hypothesi*, these councillors will be men of mature age and experience, and past the age for entering into the public service.

9. *Advisory Councils* would no doubt if properly constituted and utilized be a very valuable aid to the Administration. I am not qualified to criticise very closely the proposals of the Government of India on the subject of Imperial Advisory Councils ; but I venture to submit that there is a real danger in drawing Ruling Chiefs into the vortex of modern Indian political agitation. Also I doubt whether some of the higher Ruling Chiefs would consider it consistent with their dignity to be associated with and to sit in conclave with less distinguished individuals ; and there would be probably a great risk of offending them by first asking for their advice and then not following it. Further, the omission of a Commercial member from the Council strikes me as peculiar and undesirable. I need say no more on these points which have doubtless been duly considered by the Government of India.

10. *Provincial Advisory Councils.*—It is objected in some quarters that with a properly constituted Legislative Council the Government would have no use for an Advisory Council. I think this is a mistaken criticism; for it does not take into due consideration the difference in position and duties of the two Councils. The one is consultative and the other deliberative, and it is clearly a gain to keep them distinct. One is nominated and the other largely elected. It is within the experience of every District officer that there are very many men, excellently fitted by position, education and temperament to be councillors, who will not put themselves forward as candidates for an elective office. They are willing, nay eager, to

be nominated by the Government (nomination is usually considered a greater honour than election), but they hate the indignities of canvassing and the trouble and expense of an electoral campaign.

11. Such a Council would consist of the Provincial members of the Imperial Advisory Council, of the chief zamindars and landowners, two Diwans of Native States, two or three notable Indian gentlemen, two leaders of the Muhammadan community, a couple of eminent merchants, English and Indian, one or two notable retired officials, an unofficial dignitary of a Christian church or a leading Missionary, and perhaps an expert in education, if such there be among the non-official community. They would be nominated for a term of 3 years, independently of their tenure of office as Legislative Councillors, supposing they combined in any case the two offices. Their functions would be to give their opinion, individual and collective, on any subject referred to them. The only limit to the range of such subjects would be the limits of their understanding or experience. It would, I submit, be advisable for these Councils to meet several times a year, else there would arise a spirit of discouragement and indifference, and the Councils will atrophy. The Government of India lays stress on the advantage to be gained from collective deliberation, and I agree that mere consultation by correspondence is inadvisable, as it will be uncertain whether the opinion given is the councillor's own individual opinion or one adopted from somebody else *ad hoc*.

12. It has been suggested to me by some Indian gentlemen that Advisory Councillors should be chosen by election. This is, however, quite contrary to the intention of the Government and would frustrate the object for which they are formed.

13. Finally, there is a strong feeling against what is called the one-sided arrangement whereby the Government of India can publish certain opinions and withhold others. I observe that no such reservation is made in the case of Provincial Advisory Councils. Such powers are inherent in every Government, and it is, in my opinion, justified in making use of them. But they should be sparingly resorted to.

14. *Legislative Councils.*—I have no suggestions to offer on the proposals for the constitution of the Imperial Legislative Council; but as regards the Madras Legislative Council, I would point out that an electorate formed out of landholders paying a revenue of Rs. 10,000 would be numerically weak, and it would be advisable to lower the franchise. A high literary qualification should be insisted on from candidates. There is a feeling among my Indian correspondents that there should be more elected and fewer nominated members, and this is not unreasonable, especially if Advisory Councils are formed.

15. There is a universal and very strong feeling against the proposal to vote by castes, classes and professions. This feeling obtains among English officers as well as among Indians. I have already criticized this proposal and need only quote Mr. K. Narayana Sastriar's remarks on this point as being typical of the opinion held by the Bar on this point :—

"It will take long to show the difficulty in working and the unsuitability as "a representative basis of the scheme suggested in paragraph 22 of the letter. If the "Hindus are of one race, then the Muhammadans and Native Christians belong to "it. If they are of different races, then they are too many to allow of anything "like an equal treatment on a race basis.

"As to caste: The Brahman is only one of numerous castes, with numerous "sub-divisions, each as distinct from others as from the non-Brahman. The Brahman "never asked for separate representation, and it will not satisfy any non-Brahman. "No caste interest has to be pressed before the Council nor that of any particular "religion. Native Christians have the same disabilities as Hindus and Muham-"madans.

"The Muhammadans ask for a separate representation on the ground of 'histori-"cal and political importance', but no other class. Somewhat similar grounds, with "a view to raise a decaying community, have led to two seats for the zamindars; but "there is no rhyme or reason in perpetuating meaningless and needless distinctions "among a people whose progress requires unification and who are rapidly making for

"unity. Nor do the lawyers ask for a representative. If it is intended to draw into "public life other classes on the ground of fitness it may be indicated by a high "literary and property qualification. But there is no provision in the scheme for "insuring capacity.

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"I wish to submit that lawyers, as lawyers, have no right to a seat on the "Council, and as legislative duties are very taxing and interfere with the exercise of "their profession, no lawyer will care to exercise it as a right.

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"As in the Legislative Council, so in every other department of public life, it is the "lawyer that most appreciates the benefits of British rule and is keenly alive to "the immense possibilities of improvement therein.

* * * * *

"None will be happier than lawyers to be replaced by others in honorary "public offices; but from the standpoint of the people whose interests are the first "consideration in any scheme of good Government, it is a suicidal and retrograde "step to arrest the display of public spirit among lawyers. It is a very poor "recognition of the disinterested services of lawyers—not more than half a dozen "for each province—to characterize it as an attempt 'to monopolize power'. I "wish to make it as clear as I possibly can, that the services of Dr. Rash Behari "Ghose in Calcutta, of Sir P. M. Mehta in Bombay, of Sir V. Bhashyam Aiyangar "in Madras, would not have been available to the Government or the people but "for an exalted sense of public duty that they owed them to the country of their "birth. And no landowner, artisan or trader feels jealous of any influence that "they have exercised in the public cause. As lawyers themselves own lands and "money, I fail to see how the wealthy ryot will make a better legislator because he "is ignorant of law. A solution which will secure for public life capable men of "other classes is to fix a high property qualification combined with a literary "test that the electorate can choose a proper candidate without reference to class or "occupation."

16. The territorial system of voting is far the easier, and, if I may say so, the more rational, and I venture to submit the following scheme of representation. Assuming that there are seventeen non-official members of whom two will be nominated by His Excellency the Governor, and one each by the Senate, the Chamber of Commerce and the Muhammadan community, there remain twelve seats. I would divide the districts of the Presidency into eleven groups, each of which would return one member, and the remaining seat I would give to the city of Madras. No provision is made for a member of the Planting community under this scheme; and I think it might be advisable either to increase the number of non-official members by one, to provide for this; or else to reduce the number of His Excellency's nominees by one, and give the seat thus set free to the European Planter community. The districts would fall into the following groups:—

(1) South Canara and Malabar.
(2) Nilgiris and Coimbatore.
(3) Salem and North Arcot.
(4) Trichinopoly and Tanjore.
(5) Madura and Tinnevelly.
(6) South Arcot and Chingleput.
(7) Cuddapah, Bellary and Anantapur.
(8) Kurnool, Guntúr and Nellore.
(9) Kistna.
(10) Ganjám and Vizagapatam.
(11) Gódávari.

17. I would suggest that for the purpose of electing the member a district council should be formed, comprising the Municipal councillors, the District and Taluk Board members, Honorary Magistrates, and all persons paying a revenue of Rs. 500; an income-tax of Rs. 250; or combined revenue and tax amounting to Rs. 300. This payment would also be the property qualification of the candidates. Apart from this property qualification, I would allow all B.A.'s a vote; as also all pensioners drawing a pension of Rs. 50 and more. Dismissal from the Government service and conviction by a Court of Justice for a heinous offence would disfranchise an otherwise qualified voter. It must be an essential condition that the candidate should be a permanent resident of the group for which he stands. Muhammadans would be excluded, as they would have their own electorate, and

one man should have only one vote. It has been suggested to me in some quarters that some Government officials other than those already on these bodies should be nominated as electors. But so far from agreeing to this, I would even exclude Government officials from the electorate altogether. The Government is sufficiently represented on the Council, without being re-inforced by members elected by official votes, and further I think it undesirable to expose our officials to the discomfort and temptations of the canvas.

18. The general elections should not occur more frequently than once in three years. The District Councils of each group should of course meet on the date of the election, the meeting place being alternately in the head-quarters of each district of the group. Voting should be in person and not by proxy. This or some similar system would, I am convinced, be not only more popular, but also more effective in producing the desired class of councillor. Mr. Hemingway thinks that election by District Councils would result in the election of many landowners, and I think this probable. At all events it must result in the election of persons more in touch with mufassal questions and therefore of persons more likely to be of use as councillors than a Council composed as is the present one of Madras lawyers, who are also absentee landlords.

19. In conclusion I trust I may be pardoned for repeating my strong conviction that representation by class or profession is impolitic and uncalled for. I may also add that the work of preparing the lists will be enormous, will probably result in corrupt practices, and will prove a very heavy burden to the district officials.

20. As regards Muhammadans it is probably necessary that an exception should be made in their favour at present. Even in their case I think that in the course of a few years they may be merged in the general electorate—not only as electors but also as candidates.

21. I much regret the delay in submitting this report. It is due to the late receipt of many of the reports from my officers as well as from my Indian correspondents.

XXXII.

Letter—from R. A. Graham, Esq., I.C.S., Collector of Bellary,
To—the Chief Secretary to Government.
Dated—the 11th February 1908.
No.—R. Dis. 48.

I have the honour to submit my reply to Government memorandum No. 886, Public, dated 22nd November 1907. I have consulted 16 gentlemen, official and non-official, and attached their replies. Some of them deal with only a comparatively local aspect of the proposals and one or two do not seem to have entirely understood the reference; but some of the letters contain, I think, useful suggestions.

2. With regard to the Imperial Advisory Council, suggestions have been made that it should have legislative powers, that it should at least receive legislative recognition, that some of its members should be elected and that a literary qualification should be exacted of its members. So long as the members are nominated the last suggestion is superfluous; the first and third are out of the question, and the second appears unnecessary in view of the functions which the Council will be expected to perform. There seems to be some doubt whether any Ruling Chiefs of the first class will care to sit upon a Council in which they will be more or less on an equality with persons whom they regard as their inferiors, and this seems to be the only probable defect in the scheme put forward by the Government of India. If the Council were never called upon to meet and it was understood that members would only be consulted individually, selection for membership might be regarded as an honour by any Ruling Chief, but the actual selection might cause heart-burnings and jealousies. It is possible that the fact of the Council having no powers of legislation or initiation might deprive it of interest for the people generally, but I am not sure that this is of much importance.

3. Few suggestions have been made with regard to the Provincial Advisory Councils. The Government memorandum begins with an assumption that the establishment of Councils is likely to be valuable, or I should be inclined to agree

with those who cannot imagine what such Councils can be called upon to do which cannot be done better by the Legislative Councils collectively or their members individually. Proceeding on the above assumption, however, I am inclined to think that the constitution of the Council should be on a territorial basis rather than on one of occupation. Matters which affect commercial communities and bodies are generally matters of legislation and on the Legislative Councils such bodies can make their voices heard. The chief purpose, I gather, which the Advisory Councils will serve, in contradistinction to the Legislative Councils, will be to make the wishes and intentions of Government known to the people, and this purpose will best be served if the members are representative of classes and sects numerically important in individual localities. I would instance the Lingayats in the Ceded Districts and the Native Christians on the West Coast and the Mappilahs as sects among whom influential people of the right type might be found without difficulty. There would in addition to the Provincial members of the Imperial Council and there should be a few representative ryotwari landholders.

4. The chief criticisms of the scheme for the Imperial Legislative Council are with regard to the inclusion of a ruling chief and there appears to be a good deal in the objections raised to this proposal. Apart from the possibility that the important ruling chiefs would think it derogatory to their dignity to become members, and the probability that, if they did not, the selection of one would cause jealousy, there seems no particular reason why a ruling chief should take any part in legislating for British India. On the other hand there seems to be no reason why the commercial community elsewhere than at Bombay or Calcutta should not be represented. I am inclined to doubt whether any system of election by the Muhammadan community as a whole could be worked and would suggest instead of providing for such election it would be better to make a rule that not less than four members of the Council should be Muhammadans, this number to be made up by nomination if none or only one obtains a seat by election.

5. With one or two exceptions, all the gentlemen I have consulted take exception to the proposal that the elected members of the Provincial Legislative Council shall be elected by separate castes and religions. Their argument generally is that anything which tends to emphasise or perpetuate class and cast distinctions is to be avoided, and in this I agree; but I would go further and urge that a satisfactory application of the principle of election to members of a particular class scattered over the whole Presidency is practically impossible. Any single Muhammaden or Christian must be absolutely unknown to three-fourths of the electorate and will probably know nothing of the wants of his co-religionists elsewhere than in his own district and could not represent his community in the manner in which representations is ordinarily understood. Similarly it would be difficult to find two persons to represent all the zaminders and proprietors, and I do not think that barristers and vakils as a class of Brahmins as a caste need special representation. The scheme proposed is further complicated by the cross restrictions which no doubt would be necessary under it to prevent plurality of votes. It appears to me that, assuming that the number of non-official members is retained at 17, to ensure the Muhammadans and Christians shall be represented the number to be nominated by His Excellency should be raised in four. The Madras Chamber of Commerce and the senate of the Madras University might be allowed to nominate one member each, but the basis of election of the rest should be territorial. One of the electoral areas should be Madras town and the remaining ten seats should be divided among the rest of the Presidency. It is true that in the past an unduly large number of the gentlemen elected to the Council have been lawyers; but it must be remembered that there has been a tendency among all the best of the educated classes to take to the law as a profession, and there are still comparatively few in any other walk of life who have the leisure as well as the means required firstly to go round canvassing for election and secondly to attend the meetings of the Council or the ability to make themselves useful in discussion. Some after election have perhaps given themselves up to captious criticism of the actions of Government and have sought only notoriety, but many have done useful work. I observe that in the letter of the Government of India it is remarked that the district boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interest, and this remark seems to offer a clue to an alternative scheme of reform. I would suggest that the Presidency should be divided, for the

purpose of electing representatives on the Council, into five areas instead of two as at present; that for each of these areas there should be a representative of the municipal council and a representative of the district boards; and that the representatives of the district boards should be in all cases landowners, that is to say, persons whose primary interest is in the land and who pay a certain minimum amount in cesses on land within the area for which they are to be elected. A power of veto on any election should be reserved to Government.

6. I do not think that at present there should be any system of direct election other than by municipalities and district boards. If any such system is to be introduced it should begin with the election of members to serve on taluk boards, a question which I understand the Government has under consideration. I have therefore not dealt with the question of property qualification; but, generally speaking, I consider the property qualifications proposed too high for the mufassal. I do not think that any literate qualification is necessary either for voting or for candidature. There is no reason why only those who have attained a certain arbitary standard of education should have a voice in selecting their representatives and there is no likelihood of any but an educated man standing for election.

XXXIII.

Letter—from S. P. RICE, I.C.S., Acting Collector of North Arcot.
To—the Chief Secretary to Government.
Dated—Chittoor, the 12th February 1908.
No.—Dis. 49-R. Ver.

I have the honour to reply to G. O. No. 886 Public, dated 22nd November 1907.

2. It is proposed to have two Imperial and two Provincial Councils, and the Government of India points out that, as the functions of the Legislative Councils are regulated by statute, the Advisory Council's work cannot be performed by the Legislative Council. I cannot view with any favour the multiplication of these consultative bodies. It seems to me that if the Legislative Council is enlarged so as to admit of adequate representation of classes and beliefs, the same body might in another capacity do all the work that it is proposed to give to the Advisory Council.

3. Such a scheme would have at least two advantages. I can hardly bring myself to believe that the Viceroy's Council of ruling chiefs and magnates will be easily assembled. It is not quite clear what is meant by a ruling chief nor do I know exactly the position of such States as Idar, Patiala or Gwalior. But if "Ruling chiefs" includes such potentates as the Maharajas of Travancore or Mysore, these rulers cannot have much interest in the internal administration of British India. They may no doubt pick up some crumbs for home consumption, but that is not the object of the Advisory Council. Suppose it is a question of frontier policy; is it likely that the Raja of Travancore will travel to Simla or Calcutta in order to give advice which may or may not be taken on a subject of which he can know nothing? The Legislative Councils can, on the contrary very easily be consulted *qua* Advisory Councils when they meet for legislative business. Secondly, what is recommended by the Advisory Council might conceivably be opposed by the Legislative Council should the matter come to legislation, and since both bodies would claim to be representative of India the Government of India would be very much in the position of the old man and the donkey in the fable.

4. Assuming, however, that these Advisory Councils will really be of so me use, the question of their constitution remains. I have only a very few criticisms of detail which may be left to the end of this letter. What chiefly concerns us is the constitution of the Provincial Councils. Turning first to the Legislative Council, I do not altogether understand why it is necessary to abandon so completely the territorial system and it is not at all unlikely that the distribution proposed by the Government might result in uneven representation over the Presidency. It seems to me quite possible to combine territorial with class representation somewhat on the following lines:—

Landholders 5; Professional classes 5; Mercantile 5.

Divisions—		
Northern Circars	Ganjám. Vizagapatam. Gódávari. Kistna. Guntúr.	5
Centre	Nellore. Chingleput. North Arcot. Salem. Coimbatore.	5
South	Tanjore. South Arcot. Madura. Tinnevelly. Trichinopoly.	5
West Coast	South Canara. Malabar. Nilgiris.	3
Ceded Districts	Bellary. Anantapur. Kurnool. Cuddapah.	4
Madras University		1
Chamber of Commerce		1
		17

In order to secure fair representation to Muhammadans or other classes which might be crowded out, I would allow His Excellency the Governor to nominate three of these, one from each class taking the divisions in rotation and arranging that no division shall remain with less than two elected representatives. It may be objected that in practice this will give a preponderance to the mercantile and professional classes, for the Chamber of Commerce is represented by a merchant and the University by a professional man, probably a lawyer, so that the virtual composition of the Council would be—

Landholders	5
Lawyers and publicists who alone are likely to be elected	6
Merchants	6
	17

It would be a sufficient safeguard if the names of candidates selected were sent for acceptance by Government, so that lawyers could not come in as landholders, or these latter as merchants. I do not altogether understand why class representation need be confined to classes and why the whole electorate cannot be allowed to vote in each of the classes. This might of course result in a trader getting in through the canvassing of his lawyer friends who nevertheless was distasteful to the trading community, but on the other side must be put the accentuation of divisions among the people.

5. As regards the Advisory Council and the rules which Government has promulgated, I have no wish to embarrass the Government by adding to the wealth of detailed criticism with which no doubt they have already been favoured. In my opinion with a Legislative Council framed on the above lines no Advisory Council is necessary at all. Assuming that the Provincial Advisory Council is formed much on the lines suggested, the distribution might roughly be made on the lines of class representation:—

Viceroy's Council	5
Small landholders	5
Madras City	1
Mufassal trade and commerce	4
Professional classes	4
Non-official Europeans and retired servants of Government	3
	22

These should be nominated by His Excellency the Governor. Frankly, however, I do not believe in this or any other Council with advisory functions alone, and I adhere to my opinion that the seventeen members of the Legislative Council can very well form the Advisory Council also. If they are representative of the country, they are fitted for the duties. If they are not, they should not form the Legislative Council.

6. The principles suggested by the Government of India for the constitution of the electorate seem well considered, but the electoral franchise has been fixed too high for the province. The franchise should be fixed in the case of landholders rather on income than on land revenue, because peishcush varies very greatly. In this district the petty estate of Thumba pays about three-fifths of the amount paid by the jaghir of Arni with about fifty times the revenue. It will be difficult to find an electorate of 100 to 150 members paying R10,000 to Government or possessing an equivalent income. Similarly there are very few Muhammadans (exclusive of firms) who have an income of R25,000 or who pay land revenue of R7,000 to R8,000 which I consider to be about the equivalent.

7. I append a few criticisms on the details of the scheme—

Viceroy's Legislative Council, E.—I see no reason to fetter the discretion of the Viceroy by prescribing that two members should be Muhammadans.

F.—As experts are to be nominated for special purposes only, they are practically official members and this raises the proportion of officials to 31 out of 54.

D (a).—The Madras Chamber should also be represented.

Government memorandum, paragraph 1.—Land-cess should be included but not miscellaneous revenue which is very fluctuating.

Annexure, paragraph 7.—Some sort of literate qualification is necessary. The experience of District Boards is that members who do not understand the proceedings are not of great value.

8. These remarks are necessarily crude as the time allowed for discussion is so short. They are purposely general as I do not want to add to the detailed criticism with which the Government is probably overwhelmed. Enclosed are the opinions of local men whom I have consulted.

ENCLOSURE No. (1).

Letter—from the Raja of Kalahasti.
To—the Collector of North Arcot.
Dated—the 20th January 1908.
No.—Dis. 69.

In acknowledging receipt of your reference on No. 562-B. & G. of 1907, dated 6th December last, calling for my opinion on the establishment of Imperial and Provincial Advisory Councils, and the enlargement of the existing Legislative Councils, as directed in G.O. (Public Department), No. 886, dated 22nd November 1907, I beg to thank you, in the first place, for inviting my opinion as one of the "Selected Zamindars" in this district and thus giving me an opportunity of stating my views on the matters referred to.

2. Perhaps it is needless for me to recount the loyal traditions of the ancient house to which I have the honour to belong, traditions which happily are mixed up with the very foundations of the British Empire in India and in which I, as representing the Kalahasti family, take a justifiable pride. I would only trouble you with two short extracts here, taken from recognised publications:—

At page 216 of the North Arcot District Manual, it is stated: "In the middle of the seventeenth century, the Kalahasti Poligars had possession of the country as far as Madras and Conjeeveram on the east and Wandiwash in the south and from one of them named Damerla Venkatadri Naidu, Mr. Day in 1639 obtained the grant of Chennakuppam, a small fishing village north of Mylapore, where, after obtaining a sannad from the Rajah of Chendragiri he built Fort St. George. Part of the agreement with the Poligar was that the new settlement should be called Chennapatnam after his father Chennappa Naidu. The earliest sannad produced by the Poligars at the cession was one granted by the Emperor Aurangazib which showed that they held their estate upon a military tenure, being immediately subordinate to the Arcot Nabob and bound at his summons to appear in the field with 5,000 armed footmen. Their military power was always considerable."

Again, we find in the District Manual of Nellore (page 441):—

"Mr. Francis Day, who was then chief of the factory, proposed a move to the south of the Dutch Settlement of Pulicat and in 1639 A.D. an amicable arrangement was made with the local Naick or Chieftain, Damerla Venkatadri Naidu, Raja of Kalahasti, by which the English were allowed a small settlement at a Kuppam or fishing village, which became Madras."

3. It is therefore with particular pride and gratitude that I recognise in the resolution of the Government of India, their declaration to associate with themselves and with the Provincial Governments, in their deliberations for the common welfare of the country, the landed aristocracy of India, composed of ruling chiefs and territorial magnates. The Imperial and Provincial Advisory Councils suggested for the purpose have, accordingly, my warm support and I have no doubt that when they are duly established their utility would be at once made manifest. Regarding their constitution and functions, the general scheme now prepared therefore by the Government of India seems to be the best suited in the present interests of the country and I am of opinion that, after some experience is gained of the actual working of these Advisory Councils any changes that may be considered necessary may be made in them.

4. I may, however, state here that I fail to see any real distinction between ruling chiefs and territorial magnates for purposes of the said Advisory Councils, though much has been made of it recently in the press. A close examination of the past history of India will show that many of these territorial magnates who mostly belong to the zamindari class, were once ruling chiefs within their own spheres under previous Governments, and for a considerable period under the British Government also. Any changes caused in their status and position for political reasons, ought not, in my opinion, to weigh against them as a class, as against ruling chiefs. If the avowed policy of the present the Right Honourable the Secretary of State for India to give greater freedom to Native States be extended to its logical conclusion, there may be a time when several competent zamindars may get restored to them the powers which they have once lost, nor is it to be imagined that ruling chiefs will continue as ruling chiefs for ever, as it will rest with the paramount power to deal with them, as it thinks proper, as occasion arises. In the domestic economy of the Hindus, as a whole, it is a significant fact that however much their, present status as ruling chiefs or zamindars may differ, their style of address is the same, their regal accompaniments the same (in however small a degree) and even the rituals performed the same. The Government of India having wisely determined upon a property qualification as a basis of the scheme, it seems to me that no real distinction need be drawn between ruling chiefs and territorial magnates.

5. In one way, it even appears to me that the zamindars, as a class, are better exponents of the people than the ruling chiefs themselves. Born with true instincts of a Raj, and in no way inferior to the mental capacities of rulings chiefs, they move in a humbler sphere and are therefore in greater touch with the people. They can alike sit with the ruling chiefs in the Imperial Council and with the lesser folk proposed for the Provincial Councils and make themselves useful in a double capacity.

6. I cannot refrain from observing here that the so-called educated middle class who have no permanent stake in the country and no property qualification to boast of, are neither the exponents of the landed aristocracy or of the masses in general. It pains me to think what all they have done in recent years to estrange the rulers from the ruled and though, as a growing body, they may be entitled to representation on the Councils of the Empire, they cannot, in my opinion, be considered to have that prestige of leadership and the soundness of views affecting the general welfare of the country as the landed aristocracy can be expected to have.

7. I venture to express the hope that knowledge of English is not considered a necessary qualification for nomination to the Imperial or Provincial Advisory Councils. The landed aristocracy of India is literate in its own way, though as a body it has not come up to modern ideals. But as the object aimed is the eliciting of opinion and advice on the proposed measures of Government, as also the diffusing of correct information regarding their acts, intentions and objects, I consider that the want of a common language, however useful for the transaction of business, should not be held as an impediment to fully utilize the services of the big land-owning classes. The Government have only to consider what familiarity the rulers have acquired of the vernaculars of the country, during their long rule, before they can point their finger at a non-English knowing aristocrat. It seems to me further, that as the Advisory Councils are, for the present at any rate, required to be "private, informal and confidential," there would be no difficulty whatever in the transaction of business, if only such aristocratic members are allowed to have their Private Secretaries or other confidential assistants with them, through whom to express their views. Indeed, I fail to see how a common language is, at any time, a desideratum for the said Council, as in the Continental Councils representatives of different nations and speaking different languages meet on a common platform and conduct their deliberations.

8. The next point upon which my opinion is invited is with reference to the enlargement of the existing Legislative Councils in India, both Imperial and Provincial. I may say at once that I am not particularly enamoured of these proposals, as in my opinion, the proposed Advisory Councils will do more good to the country than these Legislative bodies. The true functions of the former lie in persuading the Government to do what is in the best interests of the country and the Government, though absolute, is always beneficent and tries to remove real evils

pointed out. In the Legislative Councils, on the other hand, the non-official members may make a show of their statutory rights, but are powerless to carry any point against the Government. Often the feelings between the rulers and the ruled get embittered by such assemblies. I may also state that the Indian polity knew of no Legislative Councils in its time. It was no doubt the duty of the people to advise the king and of the king, to seek the advice of his people, but the king was left unfettered in the promulgation of his laws. I therefore maintain that these Legislative Councils are of doubtful utility.

9. But the Legislative Councils having become an accompaniment of modern civilization, the Government, sympathetic as it is, is doubtless justified in seeking to improve their working. I am inclined to think that the programme sketched by the Government of India for the Imperial Legislative Council, as also the programme sketched by the Madras Government for the local Legislative Council, is more than ample for the present needs of the country, and I have no special remarks to offer under these heads.

10. Once more thanking you for the opportunity you have given me for expressing my views on the above matter.

ENCLOSURE No. (2).

Letter—from AJITARAPH KAMBINAYANI JAVVAJI SUBBARAJU NAYUDU, Samastanam Kangundi Varu Sallamula Huthalla, Kangundi Zamindar's office, North Arcot district, Pannagasayana Buildings.
To—the Collector of North Arcot.
Dated—Camp Kuppam, the 3rd February 1908.
No.—G. 53.

In reply to your letter No. 562, dated 6th December 1907, inviting my suggestions on the several questions raised in G.O., No. 886, dated 22nd November 1907, I have the honour to submit as follows:—

I understand the matters upon which such suggestions are invited to be—

(*a*) The constitution and working of the Imperial Advisory Council,
(*b*) The constitution of the Provincial Advisory Councils,
(*c*) The constitution of the Imperial Legislative Council, and
(*d*) The constitution of the Provincial Legislative Councils.

Constitution and working of Imperial Advisory Council.

2. Every subject living in India must be grateful to the Government which has proposed the establishment of such a Council. The great difficulty which the Government of India has been undergoing in making their measures and motives understood and in correcting erroneous opinions formed, by their subjects, will be removed by the establishment of the proposed Council.

3. As regards the constitution of this Council, I beg to state that according to paragraph 5, clause (3) of the letter from the Government of India quoted in the Government Order under reference, this Council should consist of about 60 members, including 20 ruling chiefs and a suitable number of territorial magnates of different provinces. I presume it is not intended to exclude from the Council representatives from the mercantile and industrial classes and the great body of eminent men of high culture in whom both people and Government keep confidence and who, in my opinion, ought also to be included in this Council. This presumption is based upon the statement made in paragraph 2 of the letter from the Government of India which runs thus: "no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of moderate men who under existing conditions have no sufficient inducement to enter public life and find but little scope for the exercise of their legitimate influence." I would suggest that out of 60 members that constitute the Council, 10 to 15 may be from among the class of eminent men of high culture whose position in life and strength of character befit them to a place in the Council apart from those that represent the landed aristocracy or the mercantile or industrial classes.

4. I presume also that the Government of India reserves to itself the power of removing any member whom it has once nominated before the period of his nomination expires. This reservation of power is, in my opinion, absolutely necessary.

Constitution of Provincial Advisory Councils.

5. As regards the constitution of Provincial Advisory Councils it is stated in paragraph 6 of the letter from the Government of India that besides the great landholders who are the Provincial members of the Imperial Advisory Council, the Council should consist of representatives of the smaller landholders, industry, commerce, capital and the professional class. The Government of Madras in paragraph 2 of the annexure suggest that the Council may consist of 20 or 25 members. Taking the number of representatives from each province in the Imperial

Council who will necessarily be members of the Provincial Council to be 5, the remaining 15 or 20 will have to be appointed by His Excellency the Viceroy on the recommendation of the local Government. The total population of Madras Presidency is about 38 millions and of these about 2½ millions are Muhammadans and about 1½ millions are Native Christians. In order to represent the interest of these classes one member for the Muhammadans, one for Native Christians and three for Hindus (one being a Brahman) might be nominated. Out of the remaining 10 or 15 members, an equal number might be nominated to represent (1) the smaller land-holding class, (2) the commercial, the industrial, the moneyed classes, and (3) the professional classes.

Constitution of Imperial Legislative Council.

6. As regards the constitution of this Council, I submit that the proposal in paragraph 12 of the letter of the Government of India is calculated to lead to great dissatisfaction and is liable to be misconstrued as favouring one class of His Majesty's subjects at the expense of others. There are, under the proposal, four seats given for Muhammadans, two by election and two by nomination. While the privilege of class representation is thus expressly conferred upon the Muhammadans, no such privilege is conferred upon the other classes of the subjects. It is also stated in paragraph 19 of the Government of India's letter that a certain number of Muhammadan may also be returned under clause (*b*) of head D of paragraph 12. Taking such number to be two there will thus be at any rate not less than six Muhammadan non-official members who will have seats in the Imperial Legislative Council out of 22 members representing heads D and E. If to this is added the Muhammadan member who may be returned under clause (*c*) of head D, the Muhammadan representation comes to a third nearly of the heads D and E, not to speak of any officials that may be nominated. The Muhammadan population in India is only about 55 millions, while the other classes come to about 180 millions. When the Government is solicitous about the representation of the Muhammadans, no efforts are made that the other classes should be sufficiently represented.

7. Further, while the Government recognise that the privilege of election should be conferred upon the trading and professional classes with incomes exceeding Rs. 1,000 a year and the registered graduates among the Muhammadans, the trading and professional classes among other classes of the population, notwithstanding they form the largest contributors to the Government treasury in the spape of income-tax, have not similar privilege of election. Of course, as will be observed, no privilege is conferred upon the registered graduates among other classes. In my humble opinion, the separation of Hindus and Muhammadans by classes and the special treatment of the latter by legislative recognition will not be in the interests of good government.

8. In clause (*a*) of head D the Chamber of Commerce, Madras, and planting interests are excluded.

9. In the light of the above observations, I beg to suggest the following arrangement of heads D, E, and F of clause (1) of paragraph 12 of the Government of India letter:—

D. Elected members—

(*a*) by the Chambers of Commerce, Calcutta, Bombay and Madras, and the planting interests in difference provinces	3
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7
(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	7
(*d*) by persons whose incomes are not less than Rs. 10,000 a year and by the registered graduates of the different Universities of India, provided that in case of Muhammadans the income is not less than Rs. 1,000 a year, and provided also that not less than two elected by these are Muhammadans	6
(*e*) Experts or persons to represent minorities or special interests to be nominated by the Viceroy in special cases	2

Constitution of Provincial Legislative Councils.

10. As regards the constitution of these Councils, the scheme suggested by local Government proceeds upon caste distinctions which the Government should avoid. The scheme should also, in my humble opinion, proceed upon a more liberal policy than at present proposed to be adopted, and must suit the advancing requirements of the time. The qualifications and restrictions suggested in clauses (*b*), (*c*) and (*d*) of the annexure to the Government Order under reference are, in my humble opinion, calculated to unduly restrict the free exercise of the privilege which the people of this Presidency have been accustomed to exercise in other cases and are further not calculated to prepetuate the good policy of Government.

11. With regard to clause (*f*) of paragraph 6 of the annexure, it is necessary, I beg to submit, that the elected members should be literate and should possess a knowledge of English as an essential qualification.

12. I submit that the election of non-officials may be in the following manner :—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) Selected by the registered graduates of the University	1
(*d*) Selected by the Barristers, Advocates, Vakils and certificated Pleaders .	1
(*e*) Selected by zamindars, proprietors of permanently-settled estates, Jannis of Malabar, inamdars of wholly alienated villages and land owners, not being members of class (*d*)	2
(*f*) Selected by Muhammadans who are either graduates of five years' standing or pay a sum of Rs. 50 revenue to Government for land held by them or paying an income-tax	1
(*g*) Selected by Christians	1
(*h*) Selected by all other classes of persons paying an income-tax to the Government on an income of not less than Rs. 3,000 or paying taxes to a municipality of not less than Rs. 150 a year	8

I request in conclusion that the delay in the submission of the reply will be excused.

XXXIV.

Letter—from L. M. WYNCH, Esq., C.I.E., I.C.S., Collector of Tinnevelly,
To—the Chief Secretary to Government.
Dated—the 13th February 1908.
No.—R. O. C. 529-G. B.-Ver.

I have the honour to submit my reply to G. O. No. 886, Public, dated 22nd November 1907.

2. Before expressing my Opinion on the proposals put forward in the Government Order, I should like to offer a few remarks on paragraph 10 of the letter of the Government of India read therein. The Government of India lays down the proposition that the principle of a standing majority is not an open question and that it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. The enquiries I have been making confirm that conclusion but they have raised in my mind a question as to whether a standing majority is the best and only possible means of securing the object which is admittedly right and fundamental. It seems to me that the appointment of a numerical majority of officials tends to the creation of an erroneous public opinion as to the position and functions of the non-official members and to foster the idea that the latter form a sort of permanent opposition.

The maxim, one vote one value, can scarcely be held to apply in the Council Chamber wherein the votes of the non-official members cannot represent in the majority of instances a range of experience or a minuteness of study of conflicting interests comparable to that of the official members. In the ideal chamber in which every interest is duly and proportionately represented the decision of a question by the process of counting heads must be final and conclusive, but the Legislative Council is not constituted in the fashion.

The non-official members are there to represent particular classes and interests, the official members are representatives of the whole official machinery of Government. Is there no other way of asserting this fact than the appointment of a majority of officials ?

In paragraph (*d*) (*v*) of the notification, Government appear to have accepted the idea of representation by electoral areas. Suppose six non-official members to be returned accordingly, must seven officials be summoned from the same areas to out-vote them ? The officials from the same areas would really represent a larger number of the inhabitants by virtue of the machinery which the official has at his command for collecting opinions from all classes from the highest to the lowest.

The opinions of these officials would be known to the members of Government and the members of Government should, so to say, be considered the proxies of these officials.

The maintenance of the principle of the numerical majority imposes too narrow a limitation on the representation of the vast diversity of classes, races and interests in the empire or the province. The demand for increased representations is bound

to grow and will probably have to be admitted, and it seems to me exceedingly doubtful if the numerical majority can be extended in proportion and that the time must therefore come when it will have to be abandoned.

The question I would ask therefore is this, would it not be the part of wisdom to try and devise now some other method of securing the essential condition of the maintenance of the executive authority of Government—which would not be hampered by any such artificial limit as that of the possibility of providing an official vote to counterbalance every additional non-official vote admitted.

With the enlargement of the councils a defect which I have heard mentioned seems likely to become still further accentuated, and that is the predominance of debating and oratorial power on the side of the non-officials—which results in this that the educated native when he comes to read in his paper the reports of debates in council finds as he thinks all the eloquence and all the weight of argument on the one side and on the other merely the brute force of the official majority.

His Excellency the Governor already possesses the power of veto, the necessity for which is recognised and admitted, and it has within recent memory been exercised in this Presidency. Would it not be possible to extend that principle to the earlier stages of debate in council and rule that Government should have the power of rejecting a partisan vote in council ?

The absence of a partisan spirit and of partisan voting has been conspicuous in the recent debates in the Madras Legislative Council, and I am strongly inclined to believe that that desirable attitude on the part of the members of the council would be encouraged rather than jeopardised if it were seen that Government did not rely on an official majority to enforce its views.

The extended application of the power of veto would emphasize more strongly the fact of the ultimate responsibility of Government. It would maintain the authority of Government as effectually as the numerical majority. It would serve to define more clearly the functions of the Legislative Council as an advisory body and it would render possible the grant of a wider representation to the people.

The increase of the number of non-officials on the Madras Legislative Council to 17 as proposed in the scheme is not, I take it, recognised as adequate for the Presidency, but yet it seems to be very nearly if not quite the maximum increase that can be granted subject to the limitation that there must be a preponderance of officials.

Coming now to the consideration of the question how the increased number of seats whatever that may be can best be allocated so as to provide for the due representation of the diverse classes, races and interests, I think it should not be too readily admitted that the large majority of non-official seats should be filled by election.

The elective principle is the fetish and the shibboleth of the educated classes but in its practical working it does not command very much respect. The district association is not based on it, and it has not hitherto been systematically employed as the means of selecting delegates to Congress. It is not regarded as having been a great success as applied to Municipal elections. The arts of self-advertisement, wire-pulling misrepresentations and canvassing, which are the attendant evils on the elective method, find many and apt pupils and tales are told even of elections held by the Senate and the District Boards and Municipal Councils for the Legislative Council. It is not only amongst the Muhammadans that men are to be found whose self-respect would not allow them to offer themselves to the suffrages of electors.

I find no difficulty in ascertaining the names of men of weight and influence with their respective communities who could be replied upon to give sound advice, but when I ask the further question would these men come forward and stand for election, the answer is a decided negative or only a very hesitating affirmative.

The big landlords and territorial magnates have taken very little part in political life. They have not, so far as I am aware, raised any objection to the present system under which their representative is nominated by His Excellency the

Governor. Nomination is far more in consonance with their traditions of dignity and self-respect and of the proper attitude towards them of the paramount power. They are not in the habit of associating with one another. A remarkable feature of the gathering of notables on the occasion of the visit of His Royal Highness the Prince of Wales to Madras was their ignorance of each other. His Excellency the Governor held two small receptions for the purpose of making their acquaintance. It was the first time many of them had ever met together and the services of the interpreters present were required almost as much by the zamindars between themselves as by His Excellency.

Similar remarks would apply, I think, to the case of the Muhammadans. They are not a large or influential community in this district, and I have had no opportunity of discussing the question with men whose opinion might be expected to carry weight, but as in this district so in the Presidency they are pretty sharply divided into Mussalmans of foreign extraction and Hindu converted to the faith of Islam. There is very little cohesion or general public spirit amongst them, and I am very doubtful if a constituency could be formed of Mussalmans scattered throughout the Presidency which could be expected to cast a vote based on any real knowledge of the character and attainments of the candidates.

The Muhammadans have not yet taken in this country to any great extent to the art of canvassing with all its concomitant evils. Is it advisable or necessary to encourage them to do so?

As with the zamindars so with the Muhammadans at present a seat on the Legislative Council is valued for the prestige and the dignity thereby conferred on the recipient of the honour of nomination rather than for any purpose of advantage to the community at large, and it seems to me that a larger public spirit and deeper interest in political affairs would be promoted to a greater extent by fostering associations to which His Excellency the Governor might eventually turn for advice as to a suitable candidate than by giving votes to a very scattered body of electors, who would have few, if any, opportunities of meeting together and exchanging their views.

I am of opinion that it is not necessary or even feasible to give an elected seat to the Christian community. It would scarcely be possible for all the various sects amongst them to agree upon a representative and no single person could adequately represent the various Christian communities scattered throughout the Presidency.

The idea of constituting separate electorates to return representatives of (*a*) Brahmins, (*b*) other castes, is not, I believe, generally acceptable.

Members of the non-Brahman castes would undoubtedly like to have more seats on the Council, but the idea of giving them a separate electorate for the purpose is unpalatable to the predominant element in educated Indian opinion. To my mind the main objection is the practical one. The proposed constituency is far too large for candidates and the majority of electors to have any chance of really knowing one another. And the inevitable result would be to drive would-be candidates to seek newspaper notoriety, to put a premium on the acts of the agitator and to necessitate the employment of election agents and canvassers which should be discouraged in this country by every possible means.

Applying the general principles enunciated in the foregoing paragraphs to the detailed scheme for an enlarged Legislative Council as suggested in paragraph 6 (*a*) of the Government Order should keep—

	Seats.	
For His Excellency's nomination	2	
For His Excellency's nomination out of the class of zamindars.	2	
For His Excellency's nomination from amongst Muhammadans.	2	
For the Senate	2	(One European).
For Citizens of Madras	1	
For election by the following electoral areas	8	
Total ..	17	

NOTE.—I have given two seats to the Senate in preference to one to the vakil class. This extra vakil is unnecessary and I would suggest that one of the two University seats should be for a European non-official.

	Electoral areas.		
A.	Ganjám, Vizagapatam, Gódávari, Kistna, Guntúr	1	A landholder.
		1	A pleader.
B.	Bellary, Kurnool, Anantapur, Cuddapah	1	A landholder.
	Nellore, Chingleput, Madras, North Arcot	1	A pleader.
C.	Salem, Coimbatore	1	A landholder.
	South Canara, Malabar	1	A pleader.
D.	South Arcot, Trichinopoly	1	A pleader.
	Tanjore, Tinnevelly, Madura	1	A landholder.
		8	

As far as I can gather the desired result could be obtained without splitting up the electorate by simply requiring that the candidate elected should represent the non-Brahman-non-practising pleader community. This suggestion was made to me by a Brahman pleader after consultation with some of his friends. I believe that the best way of securing a due proportion between pleaders on one side and landholders and other professional classes on the other would be to require the electorate of the areas I have specified to elect them in rotation, the areas being grouped for this purpose as I have indicated by the letters A, B, C, D, the minor groups returning landlords and pleaders alternately.

Election for the major groups might be made synchronous as far as possible, and a retiring councillor of one minor group should be eligible for election by the other minor groups so as to preserve, as far as possible, equality between landlords and pleaders and at the same time admit the possibility of a councillor being re-elected.

The papers which I forward herewith indicate *passim* the difficulties of securing that each individual vote should be an equal value throughout the Presidency or even that the numbers of votes in each electoral area should be equal. It has been represented to me that it is by no means essential to attempt to secure this. What is wanted is a fair representation of all parts of the Presidency. The view of the people of Madura, for instance, can as well be represented by one man as two. The question only becomes of importance when the question of voting power in the Legislative Council is imported into the discussion and I have already expressed my opinion that partisan voting should be repressed by the power of veto to be vested in the Governor instead of being counteracted by the appointment of an official majority.

What should be the qualification for an elector is a very difficult question. The simplest solution of the matter would, I think, be to lay down certain broad qualifications which should *ipso facto* entitle to a vote and for the rest to empower Collectors within certain limits to nominate additional voters :—

E.g. Graduates over 5 years' standing.
Members of District Boards.
Members of the Municipal Council.
All zamindars paying peshkash of over Rs. 5,000.
All income-tax assesses.
All Honorary Magistrates.
Retired Government officials of and above the rank of Deputy Tahsildars.

Ryots and landlords not included in any of the above classes would have to be nominated by Collectors. I do not see any way of fixing a limit of payment of land revenue or income-tax which could be applied to all districts. An electorate so

constituted may be thought too unwieldy. I have not had sufficient leisure to spare to go into this question more thoroughly. It will be found discussed at greater length and supported by figures to a certain extent in the note of Mr. Mascarenhas, my Personal Assistant.

The question whether officials should be allowed to vote is not raised in the papers under reference. It seems to me that it would have to be settled, and I see no adequate reason why they should not vote.

Finally, I believe it would be a wise plan to increase the number of seats to be filled by nomination by his Excellency the Governor, if necessary at the expense of some of the official seats. I would not reserve these seats for any special class, caste or minority but simply for the best men His Excellency could find, in view of the fact to which I have already alluded that there are many such who would be useful Members of the Legislative Council but who would not employ the arts necessary to secure their return by election.

The influence of the pleader is growing day by day and must continue to do so. As the ryot class become educated and frequent the towns and send their sons to schools and colleges they necessarily tend to fall more and more under their influence. It is much the same with the traders. The only antidote that I can suggest is to seek out and bring to the front the best men in other walks of life whose professions do not attract naturally so much notoriety and I would welcome the proposal to form an Advisory Council as a valuable means to this end.

Appointments to the Advisory Council should be made exclusively by nomination and to enable His Excellency the Governor to do this, I would require Collectors to nominate for his selection the best men they could find in their districts. This would of itself have a good effect in stimulating Collectors to find out the men of influence who do not naturally seek to obtain notoriety.

I would not be in a hurry to lay down any definite lines for the employment of this Advisory Council. I believe that His Excellency Lord Ampthill derived considerable benefit from the small informal gatherings of Indian gentlemen whom he invited to Government House from time to time. The selection of individuals to have the honour of such invitations was not always an easy task, but the appointment of an Advisory Council would remove all such difficulties, it would probably be quite feasible to summon them for an informal meeting with His Excellency and the Members of Government, say twice, during the cold weather residence of the Government in Madras. Such informal gatherings to be followed, if occasion required, by a formal meeting and I imagine it would not be long before His Excellency would find occasion for such meetings.

Then from amongst the Members of this Advisory Council, His Excellency would probably find little difficulty in selecting men to fill (nominated) vacancies on his Legislative Council.

The prospect of ultimate nomination to the Legislative Council would make the position of Advisory Councillor attractive, apart from any formal meetings and publication of proceedings. Without some such prospect the Advisory Council would not, I fear, attain much prestige or respect. The formal business and procedure and sphere of influence of the Advisory Council are questions which might very well be postponed, till some experience has been gained.

I should not make Members of the Legislative Council Ex-officio Members of the Advisory Council. And the proceedings of a formal gathering should, I consider, be made public.

I forward herewith theopinions of my Divisional Officers together with those of the gentlemen, official and non-official, who have been consulted by them and myself.

The Zamindars of Ettiyapuram and Singampatti have not yet replied to my invitation to favour me with their views.

Besides perusing the opinions herewith submitted, I have discussed the question with several Indian gentlemen, notably—The Hon'ble Mr. Gurusawmi Aiyar, Mr. Sundara Sastri (Public Prosecutor), Mr. Varada Rao (Sub-Judge, Tuticorin), Mr. Doraiswami Aiyangar (Estate Collector, Uttumalai), Mr. P. Aiyaswami Mudaliyar

(District Munsif, Ambasamudram), Mr. Paul Appaswami Pillai (Native Christian Bar.-at-Law), Mr. P. M. Kailasam Pillai (late Chairman, Tinnevelly Municipality).

There are many points on which I feel that more time for thought and discussion would have enabled me to offer a sounder opinion and my Divisional Officers all say the same. The daily duties of a District Officer nowadays impose very narrow limits on the time available for the proper discussion and consideration of so important a set of questions as those submitted in the papers under reference.

Letter—from L. M. WYNCH, Esq., C.I.E., I.C.S., Collector of Tinnevelly.
To—the Chief Secretary to Government.
Dated—the 17th February 1908.
No.—D. Dis. 238-Ver.

In continuation of my letter No. 529-G.B./Ver. of 1907, dated the 13th February 1908, I have the honour to forward herewith, in original, the opinions of certain gentlemen on the question of Advisory and Legislative Councils together with a précis.

ENCLOSURE.

Abstract of opinions on Advisory and Legislative Councils.

The proposed reforms are generally welcomed but are considered by a few (*a*) to go not far enough. A suspicion however is reported from (*b*) one quarter that they are not *bonâ fide* and are only an attempt to shelve indefinitely the grant of representative Government.

(*a*) Mr. Rangaswami Aiyangar.
„ Sundaraparipurna Aiyar.
(*b*) Report from Mr. Bracken.
(*c*) Mr. Sundara Sastri.
„ Mascarenhas.
„ Paul Appaswami.
„ Muhi-ud-din Kadiresa Marakkayar.
„ Ponnambalanatha Mudali.
(*d*) Mr. Somasundara Sastri.
„ Mascarenhas.
„ Ramachandra Aiyar.
„ Velayadum Pillai.
„ Srinivasa Aiyangar.
„ Rangaswami Aiyangar.
„ Cruz Fernandez.
„ Sankaranarayana Pillai.
„ Muhi-ud-din Kadiresa Marakkayai.
„ Ponnambalanatha Mudaliyar.
(*e*) Mr. Mascarenhas.
„ Ramachandra Aiyar.
Rev. Canon Margöschis.
Mr. Rangaswami Aiyangar.
„ Kuttalam Pillai.
(*f*) Mr. Edgington.
„ Somasundara Sastri.
„ Ramachandra Aiyar.
„ Raghunatha Rao.
(*g*) Mr. Mascarenhas.
„ Paul Appaswami.
(*h*) Mr. Edgington.
„ Bryant.
„ Somasundara Sastri.
„ S. Rangaswami Aiyangar.
„ Muhi-ud-din Khan Lodi.
„ Srinivasa Aiyangar.

2. It is the general opinion of those consulted that the Advisory Councils should be given the privilege of (*c*) initiative; that they should give collective opinions (*c*); that their proceedings or at least their conclusions should be made (*d*) public so that they may not be suspected to be a secret intelligence department; that ruling chiefs (*e*), assuming that they do not consider it derogatory to their dignity to sit in the Councils, are not sufficiently acquainted with the details and needs of Indian administration to be of any practical use as Councillors; and that in their place, room may be found for retired (*f*) High Court Judges and other high officials, and distinguished Indians of experience and knowledge of public affairs.

3. As regards the work of these Councils, it is suggested that they may be availed of to explain the policy of Government, to discuss the budget and to answer interpellations, so that the Legislative Councils may be restricted to purely legislative business. Among subjects upon which they may be consulted are the following (*h*) :—

(*a*) prospective legislative enactments,
(*b*) plague and famine administration,
(*c*) forest administration,
(*d*) reforms in education and agriculture,
(*e*) development of new industries,
(*f*) separation of judicial and executive functions,
(*g*) extension of railways and irrigation works,
(*h*) working of District Municipalities and Local Boards,
(*i*) revision of Revenue Settlement.

4. The system of representation according to castes and classes is condemned (*i*) by almost every one as being inexpedient, mischievous and impracticable. Election by districts (*i*) or homogeneous tracts is preferred. The property qualifications proposed by the Government are (*i*) considered to be too high and in fact are

(*i*) Mr. Bryant.
„ Bracken.
„ Somasundara Sastri.
„ Mascarenhas.
„ S. Rangaswami Aiyangar.

(i) Mr. Ramachandra Aiyar.
„ Paul Appaswami.
Srinivasa Aiyangar.
„ K. Rangaswami Aiyangar.
„ Sankaranarayana Pillai.
„ K. Raghunatha Rao.
„ Kuttalam Pillai.
„ Subba Naicker.
„ K. Ramachandra Aiyar.
„ Kadiresa Marakkayar.
„ Ponnambalanatha Pillai.
„ J. Dharmaranga Raju.

shown by means of (*k*) figures to be unworkable in the Madras Presidency. Some point out the necessity for (*i*) reducing these property qualifications and combining them with (*i*) educational qualifications, and some urge that interests and occupations should be represented, whilst (*l*) others lay stress on the fact that it is the ryot and small land-owner who requires to be represented and is ignored altogether in the scheme. The (*m*) zamindars cannot manage their own estates properly and stand low in popular esteem. Even (*n*) lawyers represent the ryots better than these territorial magnates by reason of their high attainments, their training in public life and their daily conduct with the people in the exercise of their profession. Attention is drawn to the circumstances that contrary to the wishes of the Government of India, the Madras scheme (*o*) deprives local boards and municipalities of their right of returning certain members to the Legislative Council. Various (*p*) suggestions are accordingly made for the redistribution of the non-official seats. Since the Governor, the Viceroy and the Secretary of State possess the right of (*q*) veto, there can be no harm in allowing three-fourths of the members to be non-officials and two-thirds to be elected.

(k) Mr. Mascarenhas.
„ N. S. Ramachandra Aiyar.
„ Ramanujulu Nayudu.

(l) Mr. Bracken.
„ Mascarenhas.
„ Muhi-ud-din Khan Lodi.
„ Srinivasa Aiyangar.

(m) Mr. Ramachandra Aiyar.

(n) Mr. Bracken.
„ Mascarenhas.
„ Ramachandra Aiyar.

(o) Mr. Edgington.
„ Ramachandra Aiyar.
„ Srinivasa Aiyangar.

(p) Mr. Edgington.
„ Somasundara Sastri.
„ K. Ramachandra Aiyar.
„ Dharmaranga Raju.

(q) Mr. Subba Naicker, zamindar.

(r) Mr. Edgington.
„ Bryant.
„ Bracken.
„ Mascarenhas.
„ Muhi-ud-din Khan Lodi.
Rev. Canon Margöschis.
Mr. Srinivasa Aiyangar.

5. Gentlemen (*r*) whose opinions are entitled to weight are inclined to think that nominations by Government will give better results than election by the people in the existing circumstances of India. The population of the country is varied and heterogeneous, and the persons elected do not really represent the classes whom they profess to represent. It is urged that so long as the only political organization is in the hands of the Brahmans, the (*s*) creation of new electorates would produce candidates who though nominally belonging to other castes would really be adherents of the same political party and pledged to the same course of action, and that it will only serve to widen the field of the professional agitator, increase the political unrest —that is the inevitable outcome of all elections—and poison the minds of the landholding and other classes hitherto free from contamination. Reference (*t*) is made to the general lack of interest in public affairs amongst the masses, the power of the purse, and the willing subjection of the majority to a few shrewd and masterful men. The principle (*u*) ought to be that the Councillors should be selected by the ruler who seeks advice. Retired officials (*u*) and ex-Diwans of Native States are preferable as they know better the interests of both the Government and the people.

(s) Mr. Bryant.
Rev. Canon Margöschis.
„ W. T. Rewell.
„ A. Young.

(t) Rev. Canon Margöschis.

(u) Mr. Edgington.
„ Sundaraparipurna Aiyar.

6. The existing local boards (*v*) serve as district advisory councils but require to be made more representative of the several classes and interests. The demand for direct representation may be met (*w*) by developing the elective principle in the existing local bodies, giving an opportunity to all aspirants to political fame to work and make a name as members of these bodies, and to secure their loyalty and co-operation by holding before them the prospect of being *elected* as members of the Provincial Advisory Council and thence promoted *by nomination* by Government according to their merit to the Provincial Legislative Council and the Imperial Advisory and Legislative Councils.

(v) Mr. Mascarenhas.
„ Muhi-ud-din Khan Lodi.
„ Ramachandra Aiyar.
„ Kuttalam Pillai.
„ Ponnambalanatha Pillai.

(w) Mr. Bryant.
„ Mascarenhas.

7. It is incidentally (*x*) pointed out that the present system of the election by delegates or what comes to the same thing aggregate voting by each separate municipality or district board forming part of an electorate is liable to great abuse and is objectionable. It does not represent the result of an independent direct voting by the members of those bodies and under it, almost the whole number of qualified citizens lose their right of voting. A large electorate is more desirable than a restricted one and is less responsible to wire-pulling. Direct independent voting by members should be provided for and the votes may be counted either at the Secretariat or be the Collector and the total votes collated at the Secretariat.

(x) Mr. K. Raghunatha Rao.

XXXV.

Letter—From W. FRANCIS, Esq., I.C.S., Acting Collector of Malabar.
To—the Chief Secretary to Government.
Dated—Calicut, the 14th February 1908.
No.—D. 248-Public.

I have the honour to reply to G. O., No. 886, Public, dated 22nd November 1907, regarding the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. The Government Order was forwarded for opinion to the officials and leading and influential gentlemen named in the margin. Of these numbers (9),(13),(17),(18), (19), (20) and (21) have not replied. The opinions received,excepting those of the Hon'ble Raja Vasudeva, Raja Avargal and the Hon'ble Mr. M. Krishnan Nayar,are herewith submitted together with a précis of them. I have not included the opinions of the above two gentlemen as these have apparently been already submitted to Government in reply to a reference made to them direct on the subject.

3. I regret that I have had so much other work lately that I have had no time to give this important subject the attention it deserves. Government will have no lack of other opinions before them and I therefore beg that I may be excused from the necessity of hazarding hasty views.

Officials.

(1) R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry,
(2) M. R. Ry., Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.
(3) M. R. Ry. C. Gopalan Nayar Avargal, Head-quarters Deputy Collector.
(4) M. R. Ry. P. Kunhayan Avargal, Additional Deputy Collector, Calicut, now in South Arcot district, a Mappilla by caste.
(5) M. R. Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnáni, the senior Tahsildar in this district.
(6) M. R. Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat, the next senior Tahsildar.
(7) M. R. Ry. P. A. Ammu Avargal, Huzur Treasurer, Calicut, a Mappilla and a Municipal Councillor.

Leading and influential non-officials.

(8) M. R. Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade, Pleader, Calicut.
(9) M. R. Ry. O. Krishnan Avargal, B.A. B.L., High Court Vakil, Calicut, a Tiyyan.
(10) M. R. Ry. K. Govinda Menon Avargal, B.A., retired Tahsildar and an influential jenmi.
(11) The Hon'ble Mr. M. Krishnan Nayar, B.A. BL., High Court Vakil Additional Member of the Legislative Council.
(12) M. R. Ry., K. Ramanunni Nayar Avargal (Mannarghat Muppil Nayar), an influential Jenmi.
(13) M. R. Ry. T. M. Appu Nedungadi Avargal, B.A. B.L., Government Pleader, Calicut.
(14) The Hon'ble Raja Vasudeva Raja Avargal, Valiya Nambidi of Kollengode.
(15) M. R. Ry. K. C. Manavikraman Raja Avargal, a member of the Zamorin's family and Honorary Secretary, Jenmi Sabha.
(16) M. R. Ry. K. M. Raichan Muppan Avargal, an influential Jenmi and leader among the Tiyyans.
(17) H. Waddington, Esq., Honorary Secretary, Wynaad Planter's Association.
(18) M. R. Ry. Valiya Jarathinhgal Kunhi Seethi Koya, Valiya (Mappilla) Tangal Avargal of Ponnáni.
(19) M. R. Ry. Nilambur Elaya Tirumulpad Avargal, an influential jenmi of South Malabar.
(20) M. R. Ry. Vengayil Kunhiraman Nayar Avargal, an influential jenmi of North Malabar.
(21) M. R. Ry. Pumulli Manakkal Nambudiripad Avargal, an influential jenmi of South Malabar, one of the most advanced of the Nambudris.
(22) M. R. Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal, late Chairman, Palghat Municipality, and now Vice-President, Palghat Taluk Board.
(23) Khan Bahadur P. Muthu Koya Tangal, Honorary Magistrate, Calicut, and a leading Mappilla of the town.

ENCLOSURE.

ABSTRACT OF OPINIONS ON THE ESTABLISHMENT OF IMPERIAL AND PROVINCIAL ADVISORY COUNCILS AND THE ENLARGEMENT OF THE EXISTING IMPERIAL AND PROVINCIAL LEGISLATIVE COUNCILS.

SUGGESTIONS AS TO THE CONSTITUTION AND WORK OF THE IMPERIAL ADVISORY COUNCIL.

Officials.

R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.—The Council may preferably be called the Imperial Privy Council and meet at stated intervals. It should have power to pass and draft Bills on matters referred to it or, with Government sanction, on its own motion. This

would give it responsibility. If it is merely consultative, it is almost certain to offer opinions which are impracticable and to drift into opposition to Government when such opinions are ignored. The individual powers of the Councillors should therefore be developed, representation by districts and castes arranged and definite work assigned. A merely advisory body will either usurp other functions or die.

M.R.Ry. Rao Bahadur G. T. Vurgese Avargal, B. A. Treasury Deputy Collector.—Non-official Europeans representing the industrial, commercial, educational and other interests and men of light and leading, the intellectual magnates among Indians, should also be represented in the Council.

Ruling Chiefs may object to sit with the other Councillors and it will be necessary to constitute an Upper House for them and a Lower House for the others. The Council is likely to overstep its limits, as in Mysore and Travancore, and cause administrative inconvenience or political difficulty.

M. R. Ry. C. Gopalan Nayar Avargal, Deputy Collector.—The deliberations should not be confidential. Nominated Councillors will not speak freely. The Council should be elected and have legal recognition. But with legal recognition it may be dangerous. The existing Legislative Council may be expanded so as to serve the purpose of the Advisory Council also.

M. R. Ry. P. Kunhayan Avargal, Additional Deputy Collector, Calicut, now Acting Deputy Collector, South Arcot.—Speaking as a Muhammadan and in the interests of Muhammadans, it would be safer to have the administration in the hands of Europeans than in those of any Council which will of necessity contain an overwhelming majority of non-Muhammadans. No change is called for in the present constitution of the Councils.

M. R. Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsilaar of Ponnáni—Territorial magnates are frequently insufficiently intelligent and in touch with the people to make good Councillors, so the Council should contain other classes also.

M. R. Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—An Advisory Council which has no legal recognition and no powers of any sort and which is bound to give individual opinions confidentially does not seem to be worth calling into existence.

P. A. Ammu Sahib, Huzur Treasurer.—As the Muhammadan population is much smaller than the Hindu population, the majority of opinions will always be in favour of the latter and Government should not be influenced by such majority in special matters, such as the question whether high appointments should be made by nomination or by selection by competitive examination.

The Ruling Chiefs may object to sit with the other Councillors and a distinction will have to be made between the two. The proportion of Muhammadan members should be maintained.

Non-officials.

M. R. Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade Pleader, Calicut.—There should be one member for each district in each province, nominated by the Viceroy on the recommendation of the Local Governments. About 75 per cent. of the members should be members of the Provincial Advisory Councils. The remainder may be outsiders and some of them may be Ruling Chiefs. The term of office may be reduced to three years.

M. R. Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The Council should have legislative recognition and meet at stated periods. Its collective opinion should be obtained and published for general information. A certain proportion of the members should be nominated by the Provincial administrations.

M. R. Ry. K. C. Manavikraman Raja Avargal, Kottakkal.—The Council should have legislative recognition and should also be given power to make representations. The Council should be representative of different interests, just as the Provincial Advisory Councils are, and not be all territorial magnates.

M. R. Ry. C. M. Rarichan Muppan Avargal, Calicut.—Territorial magnates are not the best guardians of the public weal. Only actual tillers of the soil should have the right of being registered as electors or being elected, those who actually cultivate a given extent of land being recognised. Like the Muhammadans, the Shanars of Tinnevelly and the Tiyyas of Malabar should be allowed special representatives. Representation by districts or groups of districts will not benefit such backward classes as these.

Rao Bahadur P. I. Chinnaswami Pillai Avargal, Palghat.—The Council should have legislative recognition and be invested with formal powers. It should be consulted correctively and at fixed intervals. One-half of the Councillors should be elected, and should represent all classes. If the privilege of election is accorded, the Council will be similar to the Privy Council in England. It is undesirable to include Ruling Chiefs among the members as they would take no interest in British India.

M. R. Ry. P. Muthu Koya Tangal Avargal, Calicut.—Councillors should be selected from each district.

SUGGESTIONS TTO CONSTITUTION AND WORK OF THE PROVINCIAL ADVISORY COUNCIL.

Officials.

R. B. Woods, Esq., I.C.S., Sub-Collector, Tellicherry.—The Council may be called the Provincial Privy Council. As to its powers, etc., see above under Imperial Advisory Council. The Council should consist of one member from each district in addition to the Imperial Councillors. Of the former, half should be elected and half nominated, the member from each district being elected and nominated in rotation. The electorate should consist of the full district electorate having votes in the legislative elections. No one should be qualified for election or nomination unless he is one of the electorate.

M. R. Ry. Rao Bahadur G. T. Vurgese, Avargal, B.A., Treasury Deputy Collector.—Tenants as well as landlords should be represented. The introduction of the elective principle is not advisable in the beginning. The councillors should be appointed on nominations made by Collectors.

M. R. Ry. C. Gopalan Nayar Avargal, Deputy Collector.—See under Imperial Advisory Council above.

M. R. Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnani.—Would prefer rritorial distribution of seats.

M. R. Ry. S. Ramachandra Aiyar Avargal, Tahsildar of Palghat.—The deliberations ould not be confidential. The Council should receive legislative recognition. Otherwise few ersons would care to serve. The number of councillors is insufficient to secure the representa- ion of all interests. Each district should have a representative from the landholding class and here should also be an equal number of representatives from the Chambers of Commerce, planting ommunities, capitalists and the professional classes.

P. A. Ammu Sahib, Huzur Treasurer.—Please see above under Imperial Advisory Council.

Non-officials.

M. R. Ry. Rao Bahadur S. Ramakrishna Aiyar Avargal, First-grade pleader.—The total number of members should be about 60 giving two or three members for each district. About 75 per cent. of these should be members of District Advisory Councils (to be constituted) and be appointed by the Local Government on the recommendation of Collectors. The remaining members may be outsiders including ruling chiefs. The period of office may be reduced to three years.

The District Advisory Councils should consist of about 20 members, or an average of two for each taluk, the members being appointed by collectors and serving for three years.

M. R. Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The Council should have legal recognition. Its collective opinion should be obtained and published for general information.

M. R. Ry. K. C. Manavikraman Raja Avargal, Kottakal.—The Council should have legal recognition and should also be given powers to make representations.

M. R. Ry. P. Muthu Koya Tangel Avargal, Calicut. Councillors should be selected from each taluk. There should be District Advisory Councils.

SUGGESTIONS AS TO THE CONSTITUTION OF THE IMPERIAL LEGISLATIVE COUNCIL.

Officials.

M. R. Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—The assessment qualification of Rs. 10,000 a year for the electorate of nobles and great landowners is too high. The Muhammadan non-official to be nominated by the Viceroy may be reduced from two to one, as Muhammadans may also be selected by the non-official members of the Provincial Legislative Councils.

M. R. Ry. C. Gopalan Nayar Avargal, Deputy Collector.—The Madras Chamber of Commerce may be allowed a representative. Out of the four non-officials to be nominated by the Viceroy to represent minorities or special interests, the number of Mahammadans to be nominated may be not *more* than two instead of not *less* than two.

M. R. Ry. Rai Sahib A, Chandu Nambiyar Avargal, Tahsildar of Ponnani.—The members of the Council, may be appointed as follows:—

By election by the Provincial Legislative Councils	.. .. ..	7
Do. by District Boards	.. ..	7
Do. by Municipalities	.. ..	7
By nomination by the Viceroy from among officials and non-officials	..	39
	Total ..	60
		40

The nomination by the Viceroy may be made by castes to represent minorities or special interests.

M. R. Ry. S. Ramachandra Aiyar Avargal, B.A., Tahsildar of Palghat.—The Ruling Chief proposed may be eliminated as he would have no sympathy with, or knowledge of, British territory. The Madras Chamber of Commerce should have a seat. In addition to the two elective seats allowed for Muhammadans, it is proposed to allow two more seats to be nominated by the Viceroy to represent minorities or special interests. This number may be reduced to one and the remaining three seats distributed among Hindus, Christians and Sikhs. Mining and railway should also have a seat each and District Boards, Municipalities, planting communities, the Universities and legal profession. It will be difficult to form an electorate for the landholding classes. It will be best to nominate a member from the landholding class who is an educated person and pays an assessment of not less than Rs. 25,000 a year. In the case of Muhammadans, persons paying tax on an income of Rs. 5,000 and upwards alone need be included.

P. A. Ammu Sahib, Huzur Treasurer.—The number of Muhammadan representatives is small, seeing that the Muhammadans make up one-fifth of the whole population. The number may be raised to six by reducing the number of non-officials to be nominated by the Viceroy to represent minorities or special interests from four to one, and the number of experts from two to one, or by reducing the number of additional officials to be nominated by the Viceroy by one or two. All the six members may be returned by election at one for each province. The electorate should have the qualifications proposed by the deputation referred to in paragraph 18 of the Government of India's letter except that both officials and non-officials should be eligible to vote and be voted for, as almost all the best educated Mussalmans are officials.

Non-officials.

M. R. Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral Walavanad.—The number of members to be elected by the non-official members of the Provincial Councils should be raised from seven to fourteen.

M. R. Ry. K. C. Manavikraman Raja Avargal, Kottakal—The assessment qualification of the electors may be reduced if, without doing so, the required number of electors (150) cannot be secured. The election should be direct and not through the landholding members of the Provincial Council. The property qualification of the Muhammadan electorate for the Imperial Legislative Council should not be lower than that for the Provincial Council, as the proposals make it. It may be fixed as follows :—

(1) Proprietors who pay land-cess on an annual rental of not less than Rs. 5,000.

(2) All pattadars and inamdars whose assessment, including water-rate, is not less than Rs. 2,000.

(3) All those who have paid income-tax in the preceding year on incomes not less than Rs. 10,000.

(4) All registered graduates of not less than five years' standing.

M. R. Ry. K. Ramanunni alias *Mannarghat Mupil Nayar Avargal.*—The assessment qualification of voters should be Rs. 2,000 and that of candidates Rs. 5,000.

M. R. Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal, Palghat.—The number of Councillors to be appointed by the Provincial Councils should be raised to 14 at least. The formation of electorates for landholders or classes such as Muhammadans would not be practicable and Government may nominate persons to secure a fair representation of classes not represented by election.

SUGGESTIONS AS TO THE CONSTITUTION OF THE PROVINCIAL LEGISLATIVE COUNCIL.

Officials.

R. B. Wood, Esq., I.C.S., Sub-Collector, Tellicherry.—Muhammadans should select two members instead of one. Brahmans and Christians need not be given special representatives. The number selected by "all other persons" may be raised from six to eight, District Boards and Municipalities selecting two each.

M. R. Ry. Rao Bahadur G. T. Vurgese Avargal, B.A., Treasury Deputy Collector.—Among the non-official members there should be a representative of the cultivating classes of the planters and of the registered graduates of University. Reserving seats for Brahmans, Muhammadans and Christians perpetuates undesirable distinctions. It would be better to raise the number nominated by the Governor to five, of whom one shall be a Brahman, one a Muhammadan and one a Christian. The age of electors should be raised from 21 to 30. The tenure of office should be reduced from five to three years. The peshkash or land revenue qualification of a zamindar or janmi voter should be reduced from Rs. 20,000 to Rs. 5,000.

M. R. Ry. C. Gopalan Nayar Avargal, Deputy Collector.—Caste distinctions should not be recognised in selecting representatives. Lawyers should not be so much discouraged ; they are useful. District Boards and Municipalities should not be denied the privilege of selecting representatives. The number selected by zamindars, etc., should be raised from two to three. Suggests the following distribution :—

Selected by the	Municipal Corporation of Madras	1
Do.	Northern group of Municipalities	2
Do.	Southern do.	2
Do.	Northern group of District Boards	2
Do.	Southern do.	2

A retired public servant whose salary was not less than Rs. 500 a month should be included among men qualified for election even though he may not have the required property qualification.

M. R. Ry. Rai Sahib A. Chandu Nambiyar Avargal, Tahsildar of Ponnani.—The Council may be constituted as follows :—

By nomination by the Governor in consultation with collectors	21
By election by Districts Board of five areas specified	5
Do. by Municipalities of do.	5
Do. by the public by votes irrespective of caste or creed	5
Total	36

Details for the electorate of these last are sketched out. Nominated members should be chosen on a territorial basis.

M. R. Ry. S. Ramchandra Aiyar Avaryal, B.A., Tahsildar of Palghat.—The three elective seats allowed to Brahmans, Muhammadans and Christians may be filled up by nomination by the Governor as it will be difficult to constitute electorates for these classes and the introduction of caste distinctions is undesirable. The number of members to be elected by "all other persons" may be raised from six to seven and distributed among seven divisions into which the Presidency may be divided for this purpose. The planting communities should be represented. The privilege of election should be continued to District Boards and Municipalities with the restriction that no election should be made from the Barrister or Vakil class, which predominates everywhere. It will be difficult to form a landlord electorate in Malabar, as the janmis are, as a rule, backward and uneducated. In Malabar, tenants whose income comes up to the prescribed limit may be included in the electorate. The income qualification of Barristers should be reduced from Rs. 5,000 to Rs. 3,000 and the assessment qualification of landholders should be reduced from Rs. 20,000 to Rs. 10,000. The qualifications of electors under "all other persons" may be as shown below :—

Land owners—Rs. 1,000 and above.
Income-tax assessees—Rs. 2,000 and above.
All graduates of ten years' standing.
Government pensioners drawing Rs. 100 and above.
The voters should be residents of the district, except graduates.

P. A. Ammu Sahib, Huzur Treasurer.—In addition to the one member to be selected by Muhammadans, two more seats should be provided for them, (1) by reducing the number of Councillors to be selected by "all other persons" from six to five and (2) by reducing the number of Councillors to be nominated by the Governor from two to one. Of the three seats thus set apart, one should be reserved for Mappillas, who form one-third of the Muhammadan population of the Presidency and whose customs and manners are different from those of the other classes of Muhammadans. The period of tenure of office may be reduced from five to three years. The condition that no person in the service of the Crown shall be eligible for selection may be relaxed in the case of Muhammadans, the best educated of whom are officials. A distinction should be made between the qualifications of voters and of candidates for selection by lowering the qualifications of the former at least in the case of the Muhammadans. All payers of Income-tax and of land revenue in excess of Rs. 500 and all cultivators who hold lands whose land revenue is Rs. 1,000 and upwards should be eligible to vote. The alternative suggestion that the Governor should nominate to the three seats provided for Brahmans, Muhammadans and Christians is not in accordance with the principles of the rest of the scheme.

Non-officials.

M. R. Ry. Rao Bahadur S. Ramkrishna Aiyar Avargal, First grade Pleader.—About half the non-official members should be selected from the legal profession. The present scheme would probably give only one among all the seventeen non-officials. Lawyers are best fitted to advise Government on legal matters. The period of office should be three years, not five, with privileges of re-election and re-nomination. The perpetuation of caste distinctions is inadvisable. The alternative suggestion regarding nomination by the Governor of persons to

represent Brahmans, Muhammadans and Christians is preferable. Literate qualifications should be insisted on in the case of voters.

M. R. Ry. K. Govinda Menon Avargal, Retired Tahsildar, Paral, Walavanad.—The number of members to be elected is not sufficient. There should be at least as many members as there are districts. The property qualifications of the candidates for election should be higher than those of the electors. Both the electors and the candidates for election should be literate. The election should be made without distinction of caste. The preponderance of the number of official members is objectionable and unnecessary, as Government can always carry out its proposals; in the rare cases in which they do not get a majority in favour of their measures, can accept the minority and overrule the majority.

M. R. Ry. K. C. Manavikraman Raja Avargal, Kottakal.—The property qualification for zamindars, etc., should be reduced to Rs. 10,000 in the case of assessment or Rs. 25,000 in the case of annual rent. Registered Muhammadan graduates of five years' standing should be allowed to vote for the Muhammadan members.

M. R. Ry. K. Ramanunni alias *Mannarghat Mupil Nayar Avargal.*—Property qualification of zamindars should be Rs. 5,000 assessment, and Rs. 10,000 (annual rent for purposes of land-cess).

M. R. Ry. C. M. Raichan Muppan Avargal Calicut.—The standard of property qualification of Rs. 20,000 assessment and Rs. 5,000 (rent for purposes of land-cess) is too high for the circumstances of Malabar.

M. R. Ry. Rao Bahadur P. I. Chinnaswami Pillai Avargal Palghat.—Representation by castes should be avoided. The Council should be enlarged, each district should send a member and Government should nominate persons as representatives of classes not represented by election.

XXXVI.

Letter—from J. P. BEDFORD, Esq., I.C.S., Acting Collector of Tanjore.
To—the Chief Secretary to Government.
Dated—the 18th February 1908.
No.—R. Dis. 213-Rev.

With reference to G. O. No. 886, Public, dated 22nd November 1907, I have the honour to report that the exceptional pressure of work to which I have been subjected during the last two months has prevented me from giving that degree of thought and labour to the subject which would be necessary if my opinion were to be of any value.

2. *Advisory Councils.*—Thirty-one gentlemen have favoured me with their opinions on the scheme as a whole. I submit their replies with a list. In regard to the Advisory Councils, they may be divided into four classes: (1) those who regard the creation of such Councils as more or less useless, (2) those who suggest amendments in regard to the function and position to be assigned to them, (3) those who misunderstand the position of these bodies as finally laid down (some gentlemen, for example, speak of the members as being responsible to the public), and (4) those who ignore them altogether or restrict themselves to detailed criticism.

3. The *functions* of Provincial and Imperial Advisory Councils alike are defined in paragraph 5 of the Home Department letter which heads the Government Order. On this matter, I am not asked for an opinion. It is, however, difficult to criticize the constitution of such a body, without reference to its functions. Moreover, I cannot think that its functions, as now defined, will not be liable to some modification either now or at some future date.

4. Taking them as they stand, some officers have proposed that they be wholly or partially recruited by election. I cannot agree and would myself advocate the view suggested in paragraph 6 of the Home Department letter that the members should be *nominated*. The chief responsibility which these bodies have, as at present constituted, is to preserve the secrecy of their deliberations. This direct attitude can hardly be expected from persons who are *elected* and who therefore represent a constituency which may require an account of their actions. Moreover, the position now assigned to a Provincial councillor is not one which would attract much competition or interest from an electioneering point of view. Perhaps, it might also be well that the members of the Council should be 45 years of age or more. The virtues proper to such an assembly would be those of majority rather than youth,

5. My chief fear is, I confess, that these bodies, if constituted, may eventually get definite powers, not only through representations on their own part, but also as a logical result of their having been called into being. If this were so, their position would seem to indicate for them the rôle played by the Upper House in English politics. In view of such a contingency it would be as well that the element of election should not be introduced.

6. *Imperial Legislative Council.*—I am respectfully opposed to the proposals contained in paragraph 12 of the Home department letter, so far as clauses D (*b*), (*c*), (*d*) are concerned. The electorates as regards D (*c*) and D (*d*) would, I think, constitute a very unwieldy and incoherent body; nor would they be representative of any body except themselves.

7. That popular and enlightened landholders exist in this Presidency is undeniable; but, as a class, I would not describe big landholders as specially popular or enlightened.

8. A trader in this Presidency is allowed every possible facility in doing business; a landholder is restricted in every possible way in dealing with his tenants; the tendency of the Bill recently under discussion is to reduce the power of a landholder to those of a rent-collecting machine. This shows what opinion is held of landowner as a class, when it comes to a matter of business.

9. If landholders as a class cannot be trusted to deal freely with their tenants, it seems inconsistent to repose *special* confidence in their ability to represent sympathetically the interests of their tenants and, let me add, of the rest of the population, with whom they have (I might say, admittedly) no connection or association of interest whatever.

10. The landholder, as the British Government *found* him, was perhaps in the nature of a feudal chief; *now*, his public duties and responsibilities have been long reduced to a minimum; he is only *a rich man*, like a successful lawyer or trader, and his position brings him far less into touch with the people as a whole than theirs.

11. In short, I do not consider the landholder in this Presidency to be a specially representative person; nor do the electorate hold this view; hence the comparatively large number of vakils elected under the present system. This may be deplorable, but I submit that to pack the electorate is not the proper remedy.

12. My own suggestion would be to fuse the classes D (*b*) and D (*c*) into one class, which would give two elective vacancies to each Presidency. For the purposes of filling them up, I would have an electoral body, constituted like that which now exists for the election of members of the Provincial Legislative Council. There would, however, be one difference, namely, that there would be only *one* member for each group (Northern and Southern), the electorate including District Boards and Municipalities (each of course in its corporate capacity).

13. Incidentally, I would do away with the rule prescribing the attendance of assemblies of voting delegates at Trichinopoly and Bezwada. The delegates have no personal voice in the matter, and their assemblage in one place seems to be simply a waste of time and money.

14. I would add the Muhammadan *elected* members D (*d*) to the class E and raise the minimum number of Muhammadans to three or four. I cannot look hopefully on the prospects of an all-India Muhammadan electorate.

15. *Provincial Legislative Council.*—I regret to have to submit my respectful dissent from the principles of selection as proposed by Government. Most of the gentlemen consulted by me are opposed to the proposed divisions of caste, creed, etc., and are in favour of a territorial basis. I agree with them. Such distinctions, considered as an asset to be reckoned with politically, are getting less and less significant as years roll on and, in so far as they continue to exist, constitute a drag on the prosperity of the country. Further, the question of incoherent and unwieldy electorates arises once more in this connection.

16. I may be permitted to express a doubt whether the implied censure on the constitution of the existing Legislative Council is altogether deserved.

17. I cannot but think that the principle of election should either be accepted or rejected. Disenfranchisement (complete or partial) is a policy which explains itself; but the proposal if to restrict the electorate to the selection of certain classes of persons. In this way Government abandons the power of choosing the men whom *it* considers most suitable, whilst it also hampers the electorate in their choice of the men whom *they* consider most suitable.

18. As suggested by Mr. Jackson, I would have a member for every two districts, the electorate consisting of the *members* of the District Boards, Taluk Boards and Municipalities and (possibly) Honorary Magistrates; the scheme, however, differs so widely in its general principle from that contained in the Government memorandum that I think it best to abstain from working it out in further detail.

19. *District and Taulk Boards.*—According to my proposals, the electorate or the nucleus of the electorate up to this stage would have been the District and Taluk Board itself with the addition of other public bodies or public officers. As to the constitution of these bodies themselves, I would be in favour of the tentative introduction of the elective system, as a means of recruiting (say) one-third of the members of the Taluk Boards of selected districts, of which this district might well be one. I would put the franchise at one thousand rupees of kist or two thousand rupees under the head of trade. I would put no restriction whatever on the selection of the electorate. It has been suggested that education qualifications should be insisted on; I would prefer to let the election be absolutely free and (if necessary) to curtail the privilege itself, if abused on the analogy of the present manner of dealing with mufassal Municipalities at present.

List of gentlemen who have expressed their opinions.

1. C. T. H. Johnson, Esq., I.C.S., Acting Sub-Collector, Negapatam.
2. G. H. B. Jackson, Esq., M.A., I.C.S., Acting Sub-Collector, Kumbakonam.
3. M.R.Ry. A. Upendra Poi Avargal, Deputy Collector, Mannargudi Division.
4. „ V. T. Krishnamachariar Avargal, Deputy Collector, Mayavaram Division.
5. W. H. H. Chatterton, Esq., Deputy Collector, Pattukkottai Division.
6. M.R.Ry. Rao Sahib T. Raghaviah Pantulu Garu, Personal Assistant Deputy Collector, Tanjore.
7. „ Y. V. Srinivasa Aiyar Avargal, Tashildar, Negapatam.
8. „ A. Mukthichidambara Mudaliyar Avargal, Tahsildar, Tirutturaippundi.
9. „ Abdua Rahim Sahib, Tahsildar, Manargudi.
10. „ R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad.
11. „ Rao Bahadur A. Annaswami Tevar Avargal, Ukkadi.
12. „ V. A. Vandyar Avargal, Pundi.
13. „ S. Ramachandra Aiyar Avargal, High Court Vakil and Public Prosecutor, Tanjore.
14. „ K. Anantarama Aiyar Avargal, High Court Vakil, Tanjore.
15. „ K. Srinivasa Pillai Avargal, Pleader, Tanjore.
16. „ N. K. Ramasami Aiyar Avargal, High Court Vakil, Tanjore.
17. „ M. Abraham Pandithar Avargal, Tanjore.
18. „ Diwan Bahadur R. Ragunatha Rao Avargal, Kumbakonam.
19. „ T. S. Sivaswami Odayar Avargal, Kumbakonam.
20. „ N. Krishnaswami Aiyangar Avargal High Court Vakil, Kumbakonam.
21. „ M. S. Natesa Aiyar Avargal. Mayavaram.
22. „ K. Chidambaranatha Mudaliyar Avargal, Shiyali.
23. „ V. Ramachandra Nayudu Garu, Enangudi, Nannilam taluk.
24. „ A. M. Periasami Muthia Odayar, Perumpanniyur, Nannilam taluk.
25. „ C. R. Kunjithapatham Aiyar Avargal, High Court Vakil, Negapatam.
26. „ K. S. Venkatrama Aiyar Avargal, Pleader, Negapatam.
27. H. B. Mactaggart, Esq., Negapatam.
28. M R.Ry. Chinnia Marakayar Malumiar Sahib, Nagore.
29. „ T. Somasundara Mudaliyar Avargal, Vadapathimangalam.
30. „ S. M. R. M. Ramalingam Pillai, Velanganni.
31. „ K. N. Muhammad Rowther Marakayar Avargal, Adirampatnam.

ENCLOSURE No. (1)

Letter—from G. H. B. JACKSON, Esq., M.A., I.C.S., Acting Sub-Collector, Kumbakónam.

To—the Collector of Tanjore.

Dated—the 20th December 1907.

No.—1518 G. & B.

With reference to your R.C. No. 1518/G. & B., dated 7th December 1907, I have the honour to report—

(1) The scheme as I understand it is to have :

The proposed scheme of the memoranda.

(*a*) Seventeen non-official members on the Legislative Council.

(*b*) Twenty to twenty-five members of an Advisory Council.

(*c*) Extension of the elective principle in Local Boards and possibly local Advisory Councils.

(2) I think it best to give my own opinion in its entirety though I regret that it differs from the proposals in the memoranda. I apologise once and for all for any remarks which seem impertinent in discussing a Government Order.

My own opinion.

(3) I cannot see any use in an Advisory Council of 20 if there are to be 17 non-officials on the Legislative Council. The 20 will be of the same character as the 17 but as the 17 have considerable and the 20 no powers, the later body will fall into insignificance.

Provincial Advisory Council doomed to insignificance.

(4) I differ from the proposals regarding the Legislative Council on principle and in detail.

Scheme for Legislative Council bad in principle.

(5) I think the idea of having representatives of castes, religions and professions unnecessary and unworkable.

(6) It is not demanded by native public opinion I believe. Their publicists are rather anxious to soften than intensify caste and racial divisions and if the country is to develop towards nationality such distinctions must ultimately disappear. I do not believe that such special representatives are wanted practically. Look down the contents of the Madras Code and you will hardly find an act on which Brahmans *quâ* Brahmans, or Christians *quâ* Christians would want to raise special issues. There is not the social legislation in India which we have in England, because Government holds aloof from everything that most nearly touches social and religious interests. Therefore special societies and special religions need no special safeguard.

(7) The scheme is unworkable because the constituencies are spread over too wide an area. Elections would begin in chaos and ultimately end in caucus.

(8) For a healthy representative system you must have representatives who know their constituents and constituencies which know their representatives.

Territorial basis essential.

(9) The only solution is to have territorial constituencies.

(10) We tried "Estates" in England, lawyers, merchants, clergy and so on in the fourteenth century but soon found that the country was the proper basis. We do not wish to repeat the French farce of parliaments. Local interests are much more likely to be affected by our sort of legislation—Railways, Water-cesses, Fishing Acts, Forest Acts—than religious, or caste interests. I consider the territorial basis essential.

Scheme bad in detail.

(11) I pass to details of the scheme for enlarging the Legislative Council.

(12) I should say that the special member for vakils (*d*) is rather a disability than a privilege, for it excludes vakils from (*g*), (*h*), (*i*), (*j*). I see no reason for this exclusion. The law is really the only profession in this country; the best man in a joint family naturally gravitates towards it, and pleaders are more interested in politics than any other class. They are usually landowners themselves or have joint interests in estates. I see no reason for a sharp line being drawn between pleaders and landowners.

(13) The result of such divisions is that a Brahman cannot elect a vakil, or a landowner, or a resident of Madras to represent him. I think such careful restrictions unnecessary.

(14) I see no reason why Madras without its vakils and landholders should have a separate vote. I should suspect this to be on the analogy of Calcutta and Bombay; but of course Madras is unlike those capitals.

(15) I do not profess to understand why Brahmans are singled out from other Hindus. If it is meant as a compliment, I believe they would just as soon take their chance with other Hindus trusting to their natural abilities to secure a fair representation.

(16) No doubt there should be a Muhammadan representative who might be nominated, but there is very little homogeneity among Christians, the Syrian Christians divided amongst themselves into fairly hostile sects, the Roman Catholics, the S.P.G., the C.M.S., the Lutherans and Non-conformists are a mixed constituency with a cross cleavage between caste and non-caste.

Christians. Election by such a body must surely be impossible, for how could a Jesuit profess to represent a Plymouth brother, or a converted chuckler the Albuquerques and de Gomas of the West Coast ?

Territorial constituencies essential.

(17) These are my reasons for proposing territorial constituencies.

(18) As for the electorate I think any native making over 150 per mensem might have the franchise. I would put the income-tax limit at Rs. 2,000 as against the ryotwari Rs. 1,000.

Elections a nuisance.

(19) I take it for granted that elections are necessary evils. They waste money, they waste time, they stir up bad blood, they lead to corruption. The fewer than the better. I strongly deprecate elections for legislative members, elections for advisory councillors and elections for local boards, all being held *ad hoc*.

A proposed scheme.

(20) The following are my proposals :—

The District Council.

Take a district of eight taluks. The taluk should be the territorial unit. It should elect two members to the District Council. (To give each vote a similar value as near as possible some taluks might have three members, some one member—that is a minor detail).

To these 16 elected members, 8 should be added by nomination by the Collector or co-option by the elected members.

That is a principle on which we must insist. Some of the best men will never go through the moil of an election.

The elections to be quinquennial or triennial. Vacancies among elected members to be filled by co-option by elected members. All the Tahsildars, the Divisional Officers, the Medical and Forest and Public Works Department officers and as President the Collector are *ex-officio* members.

(21) Thus we have a body of 38 which is the District Council. In the district it passes the Local Fund Budget, and decides all questions of principle now submitted to the District Board ; it forms sub-committee to deal with roads, hospitals, education, etc. It gives advice on any question, which the Collector may bring before it with regard to general administration, and it acts as an Advisory Council when legislation is contemplated by Government. Meeting with its elected, nominated and co-opted members, but without its official members the District Council becomes the elective committee for the Legislative Council.

Elected	16
Co-opted	4
Nominated	4
Tahsildars	6
Divisional Officers	4
Others	3
Collector	1
	38

A proposed constitution for the Legislative Council.

(22) I would keep the Chamber of Commerce and University members and of the remaining 15 I would have 5 to be nominated by His Excellency and would distribute 10 through the districts. By affiliating the Nilgiris with Coimbatore or Malabar there would be one member to every two districts—Madura-Tinnevelly, Trichinopoly-Tanjore and so on (of course the new districts would modify this, that is a detail).

Reasons for my scheme.

(23) My reasons for proposing this are to avoid too many elections; to give the members a constituency which they may know and which may know them : to have behind them definite local interests, and to make a place on the District Council—a very important privilege in that it confers the right of voting for a member.

Provincial Advisory Council useless.

(24) As I said at the outset I see no use for the Provincial Advisory Council.

How public opinion can best be learnt.

It is the immemorial practice of Government when it contemplates a measure to call for local opinion from Collectors. Such opinions under my scheme they will get also from the local Advisory Council. Its members are on the spot, and moving in the district, and can gather local ideas. Twenty good men in Madras cannot discuss matters with their constituents (in fact if they are to represent religions and so on they can never get in touch with their constituents at all) and they will be susceptible to the domination of a few masterful characters or the manipulation of a few intriguing minds. Such a Council will have no power and no responsibility. Its members have borne the heat and burden of the election only to see their more fortunate compatriots revelling in the interpellations of the Legislative Council or assuming the functions of the Local Boards. Theirs only will be a barren office.

Collector the proper President.

(25) I would venture, in conclusion, to draw attention to the fact that I have added the Collector and his official subordinates as members of the Advisory Councils. The idea that there is a sharp distinction of interests between non-official and official in this country is, I believe, a Bengali import absolutely foreign to Madras. Collectors and Divisional Officers are not ogres of the castle before whom the quaking private members dare not uttter a sound. They are men sharing common interests with their colleagues in the council and anxious to explain their actions and encourage discussion thereon.

Summary.

(26) I have ventured to submit a system on what I believe to be the only sound basis that of territorial constituencies. Instead of unconnected councils, I have proposed an organic scheme. And I believe that this new constitution will only prosper if in its parts it is directed (but not dominated) by those who have inherited by birth the traditions on which it is founded.

ENCLOSURE No. (2).

Letter—from M. R. Ry. Rao Sahib T. RAGHAVIAH PANTULU Garu, Personal Assistant Deputy Collector,
To—the Collector of Tanjore.
Dated—the 13th February 1908.

In reply to your R. C. No. 1518 G. & B., dated 7th December 1907, I have the honour to submit my views on the questions raised in the memorandum appended to G. O. No. 886, dated 22nd November 1907.

2. The Government of Madras have invited opinions on (1) the constitution and functions of the Imperial Advisory Council, (2) the constitution of the Provincial Advisory Councils, (3) the constitution of the Imperial Legislative Council and (4) the proposal to enlarge and reorganize the Provincial Legislative Councils. In paragraph 7 of the memorandum, Government touch on the question of the electorate that may be formed for selecting members for the District and Taluk Boards and contemplate the possibility of one and the same electorate being suitable for the purpose of selecting members both for the Local Boards and for the local Legislative Councils.

3. Paragraph 1 of the memorandum would seem to imply that the establishment of Advisory Councils is a closed question and that no opinions are invited as regards the desirability or otherwise of establishing these councils. I accordingly refrain from offering any remarks on this question. I have no remarks on the constitution of the Imperial Advisory and Legislative Councils excepting that the proposal to recruit the Legislative Council through elections by a wide electorate spreading over whole provinces might offer insuperable obstacles in the way of attaining anything like real representation.

4. *The constitution of the Provincial Advisory Council.*—The strength of the council has been put down at 20 or 25. This, it seems to me, is too small a number to adequately represent all classes and interests. The strength of the council should at least be 50. I consider that besides the landholders (great and small) and the representatives of the various interests in the country, there ought to be on this council at least two eminent Missionaries who have laboured in the country for a decade or two and who by virtue of their vocation live and move among the people of the land and are consequently fit to voice forth their real needs and their feelings on large questions of policy.

Composition of the council wholly by nominated members is not likely to secure for it the best available talent. The elective element should, I think, also enter into its composition and about half, or at least a third, of the members should be elected, inequalities arising from election in the matter of representation of important minorities and interests being removed by nomination. An educational qualification should be insisted on as a pre-requisite for membership. I would put down the Matriculation examination as the minimum educational qualification. The electorate which is to elect the seats thrown open for election need not be separate from the electorate which elects members for the local Legislative Council. The constitution of this electorate will be dealt with below under paragraph 5.

Inasmuch as this council is, by the very nature of its constitution, not armed with any powers, special privileges should be attached to its membership with a view to throw a halo of special importance and honour round it. Otherwise, the members are not likely to feel a high sense of responsibility or interest in the discharge of their functions.

I see no objection to the rule that the deliberations of this council should be confidential. I consider it, on the contrary, *sine quâ non* for a free and fearless discussion. This does not mean, I take it, that these deliberatios should be a sealed book for all time to come. They may be published when the proper time arrives for their publication, *i.e.*, when the necessity for keeping them confidential no longer exists.

The proposal that the head of the Local Government or a high official deputed by him should preside over the deliberations of this council is open to the objection that it is likely to stifle free and fearless discussion among the members. A Secretary or an Under Secretary to Government will, of course, have to be present to give necessary information to the council and record its minutes.

5. *Enlargement and reorganization of the Provincial Legislative Councils.*—With regard to the present constitution of Imperial and Provincial Legislative Councils the Government of India observe that the present elective system has given the legal profession an undue prominence and that the District Boards have conspicuously failed to fulfil the expectation that they would represent the landed interest. The Government of India concede that the professional classes, chief of whom are lawyers and schoolmasters, are entitled to a share of representation

proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase. They observe, however, that the great landed class should be given substantial representation on the councils and that the more important classes and interests should, as far as possible, be represented. To bring about this result, the Local Government have suggested a scheme in which they propose to take away altogether from Local Boards and Municipalities the privilege of election which they have hitherto enjoyed. This is, in my opinion, a drastic reform and the Government of India do not contemplate such a drastic measure (*vide* paragraph 21 of the Government of India's letter). The Local Government propose to introduce a direct electorate for the election of members to the local Legislative Council. Besides giving effect to the principles enunciated by the Government of India of substantial representation for the landed classes and suitable representation for other interests, they further propose to introduce into this scheme the principle of representation by castes, and have accordingly allotted one seat exclusively for Brahmans, one for Muhammadans, one for Native Christians and six for other casts in the Presidency.

I beg most respectfully to demur both to the principle of a direct electorate and to that of differentiating caste from caste.

The scheme of a direct electorate seems to me to be impracticable on account of the very wide area over which the constituents will be spread. The constituents will have no chance of knowing their representatives, and representation will degenerate into a farce.

Differentiating caste and giving separate representations to the different races inhabiting the country will, in my humble, opinion, tend to revive forgotten religious feuds and animosities and perpetuate racial and religious differences and will have the effect of retarding the progressive movement for the unification and advancement of the peoples of this land which has sprung up and has been growing slowly but steadily under the ægis of the benign British rule. No one doubts that communities, like the Muhammadans and the Native Christians, which are in the minority as regards members but which have important traditions, history and interest, should be adequately represented. Such a representation can, however, be brought out by nomination, and I would submit it as my opinion that in the Local Government's scheme classes (*f*), (*h*), (*i*) and (*j*) should be done away with and eight seats thrown open for general election and the remaining one seat added to the number to be nominated by His Excellency the Governor.

In view of the express opinion of the Government of India that the legal profession is having an undue prominence under the present elective system, the reservation of one seat for a barrister, advocate, vakil or certificated pleader in addition to the seat reserved for the Advocate-General and the possibility of the representative of the University being a member of the legal profession, restriction may, perhaps, be placed on the number of elective seats which can be filled by members of this profession. It may, for example, be laid down that not more than two out of the eight seats thrown open for general election can be occupied by members of the legal profession. After all, one has to remember the fact that the profession that draws most from the country's intellect is, for the present, at any rate, the legal profession, and consequently an attempt to shut out this profession altogether from the seats thrown open for general election might result in a general dearth of eligible candidates. It has also to be remembered that the lawyer class is generally a landowning class and the interests of the two classes are thus more or less identical.

As regards the constitution of the electorate, a territorial basis and a system of double elections seem to me to be the best. District Boards consisting partly of nominated members and partly of members returned by a popular electorate would constitute convenient bodies to elect members to the Legislative Council. The Presidency may be divided into as many groups as there are members to elect (eight according to my suggestion), and each group asked to elect a member. This would give the chance to constituencies of knowing their candidates thoroughly.

The property qualifications for a candidate for the Legislative Council may be the same as those for a candidate for District Board membership, but as regards educational qualifications, the candidate should at least have passed the First-in-Arts examination. The property qualifications of voters in the case of elections to the District Board and the property and educational qualifications of candidates for seats on those Boards may, as suggested by Government in paragraph 7 of their memorandum, remain open questions for the present. It is, of course understood that the persons composing the Advisory Council should be mostly, if not wholly, different from those composing the Legislative Councils; else, Advisory Councils will cease to have any special value.

ENCLOSURE No. (3).

Letter—From M. R. Ry. R. SWAMINATHA VIJAYA TEEVAR Avargal, Zamindar of Papanad, Tanjore.
To—the Collector of Tanjore.
Dated—the 6th January 1908.

With reference to your letter R. C. No. 1518 G. and B., dated 7th December 1907, I have the honour to submit the follow ing.

The people of this country feel very thankful to His Excellency the Viceroy for having generously and spontaneously considered the question of giving them a greater voice in the administration of the country. Apart from the immediate and practical effects of this move, one significant result is to draw the heart of the people nearer to the rulers as this is construed, as it rightly ought to be, as a demonstration on the part of the rulers of the feeling of oneness between the rulers and the ruled with one common object, *viz.*, the material, moral and social advancement of the people of this country. All spirit of adverse criticism by the people must gradually go down as people understand the beneficent intentions of Government and the real concern of Government for the welfare of its subjects. I must congratulate His Excellency the Viceroy on this happy idea of showing to the people that popular sentiments will be respected and that their leaders who voice forth their views will be taken into confidence. Time was, when under the Hindu Raj the people were consulted on every important question. Then again when the Muhammadans were holding the suzerainty they consulted the people's views and had a Hindu Prime Minister as happens to-day in Hyderabad and the present action of the British Government is in keeping with the traditional policy of the former Governments, in this country. It has been left to the far-sighted policy of His Excellency Lord Minto to inaugurate a system by which the current of popular feeling is directed to flow along the course followed by the Government, instead of its going on an independent and countrary direction. His Excellency has strengthened the foundation of the British Government in this country in this way far more effectually than he could by an increase of the Indian army a hundred-fold. We are frequently having more and more proofs of the broad sympathy and love for the people of the country on the part of the responsible and trusted representatives of His Majesty the King-Emperor. We all rejoice at the fact that the time has come when some slight recognition has been given to the capacity of the landholders and the merchants to take an intelligent view of the public questions of the day and to communicate the same to the Government to shape its actions to the benefit of both the rulers and the ruled. This capacity was clearly admitted in former ages by the rulers of this land and is recognised even at this present moment by a foreign Government ruling over their kith and kin in the French Settlement at Pondichery. It behoves Government not to move in the line of reform inaugurated just now with trembling steps, but with firmness and quickness, as in addition to the testimony of the actual experience of the success of these reforms that the Government will have very soon, there is the testimony of past history and even present-day experience of a sister Government running on paralled lines. It is a matter for which we feel grateful that Government has recognised the justice of the claims of the landed aristocracy, the mercantile and industrial classes to a larger share in the actual work of administration and more extensive employment in the higher offices in the State and that both the Government and the people, who are now being taken into confidence, are partners in a common concern striving for mutual welfare and advancement. It is but in keeping with the best traditions of the English race to carry on the administration on liberal principles and to try to improve the material condition of the people of this land. As the reforms now proposed to be introduced have come out spontaneously out of the generous instincts of the head of the Indian Government, we hope that the verious criticisms and suggestions that may be offered by the Indian public will be taken in good spirit and full play will be given to liberal principles of Government without the scope of the usefulness of the reforms being limited by ideas based on what is perhaps considered as those affecting the prestige and strength of the Government.

With reference to paragraph 2 of the memorandum I would state that the number of members of Provincial Advisory Council should consist of 25 members, one for each district to give opinions on questions relating to his district, one Hindu and one Muhammadan belonging to religious institutions such as mutts, temple committees, mosques, etc., to give opinion regarding religious usages, the regulation of public processions, management of religious endowments, etc., and one to represent the labour classes to explain their disabilities, etc.

With reference to paragraph 3 I should think that the restriction of members by nomination, in the Government of India's proposals, paragraph 12, D (*d*) and E, to Muhammadans, is unnecessary, and the choice must be left to His Excellency the Viceroy to nominate Muhammadans, if the proportion is not reached by D (*a*), (*b*) and (*c*), or a member of any other community or class which has not been properly represented. I have no objection to the official majority being kept up, provided the present restriction that officials must vote with the Government whatever their private conviction might be is removed. It has been a matter of frequent occurrence that officials carry a legislation through because they have a superior mandate to do so, even though their personal experience of local conditions convinces them that the measure for which they vote is unnecessary if not unjust.

As for the non-official members of Provincial Legislative Council I would suggest the following:—

(*a*)	To be selected by the Senate of the Madras University . . .	1
(*b*)	By each district to be selected by an electorate as detailed below .	22
(*c*)	To be selected by the Muhammadans	1
(*d*)	By ancient zamindars	1

All to be non-officials, to be elected by the following :—

In the case of—

(*a*) The Senate of the Madras University.

(*b*) All landholders who pay an annual land revenue of Rs. 1000 including cesses to Government and all persons who pay an income-tax on an income of Rs. 5,000 per annum provided no voter is a Government official.

(*c*) All Muhammadans whose monthly income is not less than Rs. 100 or who pay an annual land revenue of Rs. 100 to Government or who pay an income-tax on an income of Rs. 1,200 per annum or a resident graduate of an Indian University of ten years' standing provided no voter can be an official.

(*d*) By the zamindars of zamindaris recognised by Government in 1802.

No one can be a candidate unless he is a voter.

In conclusion, I wish to state that the class of questions to be referred to the consideration of the Advisory Council and the number of times it should meet so that any member may put forward any suggestion relating to the administration of the country, must be determined now in order that it may not be possible for any one to defeat the object with which these councils are established now, by not summoning an Advisory Council at all or by not referring to it any question of importance.

ENCLOSURE No. (4).

Letter—from M. R. Ry. V. A. VANDAYAR, Pundi.
To—the Collector of Tanjore.

In acknowledging the copy of G. O., No. 886, dated 22nd November 1907, I have the honour to inform you that while I, in common with the rest of my countrymen, feel grateful to the Government of India for their sympathy in our aspiration towards greater powers of self government, it has to be observed that the measures, which are to be adopted to give effect to the same, should be carried out with due care and caution, as the needs of the country and the qualifications of the people may demand.

2. I am in favour of Advisory Councils both Imperial and Provincial. These, if established, would give the executive officers the correct knowledge of the real feelings and opinions of the people, for which they are intended. The more the people are allowed to have a share in the administration of the country, the better and greater would be the interest that would be evinced by them in matters concerning their own affairs. While this is an undisputed fact, it is also very essential that the men who are nominated or elected to these councils should be men of education, character and public spirit, and what is more according to the present condition of the country, they must be representative of all classes. If not, the interests of one class of people will suffer at the hands of another who may have a majority of their own in these councils and the objects of the Advisory Councils will be frustrated.

3. The enlargement of the existing Legislative Councils will be a move in the right direction. What the Madras Government has in view regarding the Legislative Council is almost akin to what obtains in the neighbouring colony of Ceylon and of which I have some experience, and there is no gainsaying the fact that if the council be enlarged numerically by the admission of more educated and public spirited citizens but having an eye to its true representative character of all classes of people, it will then be in the words of the late Mr. Gladstone "a living representation."

4. However much we feel grateful to the Government for their benevolent intentions in the matter of allowing the people to have a large share in the administration of their own concerns, the fact yet remains that the eventual success of these and other equally good measures of administration depend upon the education of the people. By education—I don't mean the University degrees and diplomas alone—but the right development of the faculties of men which would enable them to take an intelligent and unselfish interest in the affairs of their own country and also which would enable them to earn their own livelihood. It is the duty of the State to encourage primary and technical education, by the spreading of which alone the people can be expected to take any interest in the working of such institutions like those which the Government have the intention of introducing and on which they have called for my views. It is almost a truism to say that education is the only remedy for all the evils of the country and here in India, where so much is made of *unrest, new spirit,* etc., all these, I beg to submit, whether true or imaginary would work on healthy and rational lines when there would be more of popular or mass education in the country. It may not be out of place to state here that some kind of industrial education should be given by the State to the people which would enable them to earn their own bread and which would go a great way to make them happy and contented. By means of these, the Government will have the co-operation of an intelligent class of people, who would give them a great relief, and who by reason of their self-reliant qualities would form a law-abiding and loyal people and who, in every sense, would be considered the back-bone of the nation and the support of the Government.

In the matter of zamindari or landholding class, while I feel extremely thankful to the Government for the desire in having their co-operation as well, in the deleberations of the Councils, it is very necessary to have a zamindari or land-holding class electorate which should be given the privilege of electing the right sort of man to represent their interests on the Council and which electoral body should have certain restrictions of qualification either by the gross value of their property or by the payment of their peshcash. This is a body of men from whom the Government gets a large income, and which till now are allowed to be on the Council by the system of nomination, and they did not get themselves elected because they thought it *infra dignitatem* to go begging for votes at the hands of the people. Though this is not very much to their credit, it is to be explained by their spirit of exclusiveness.

ENCLOSURE No. (5).

Letter—from M. R. Ry. N. KRISHNASWAMI AIYANGAR Avargal, B.A., B.L., High Court Vakil, Kumbakonam.
To—the Acting Collector of Tanjore.
Dated—the 31st December 1907.

I have the honour to acknowledge the receipt of your letter of the 7th instant, R.C. no. 1518 G. and B. of 1907, forwarding, for expression of my views, a copy of G.O., no. 886, dated the 2nd November 1907, *in re* the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

2. While on the one hand it is true that the Governments in India have experienced difficulty "in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imputed to them", it is equally true that the masses of the people have now no adequate means of bringing to the notice of Government their needs and sentiments on all important questions affecting the community at large. I do not think it necessary for the present purpose to enquire into the causes that have brought about the difficulty ; it is enough to say that it is high time that steps arel taken to minimise that difficulties, even if they could not be completely removed, and the Government af India are entitled to the thanks of all right-thinking men for their solicitude to bring all classes of people into close relationship with the Government and its officers and to give them greater opportunities of making known their wants and their sentiments on public questions.

3. *Imperial Advisory Council.*—If the advisory Councils, which the Government propose to organize is to consist of the *real representatives of the people of India*, it is sure to be of considerable service both to the Government and to the people. But if the assembly is to be of the type outlined in Sir Harold Stuart's letter, I must confess I am somewhat sceptic about its usefulness. In the first place I have great doubts if the Ruling Chiefs would not consider it *infra dignitatem* to associate themselves with others in consultations on matters not immediately connected with their own Governments, though perhaps when individually consulted they might not be unwilling to give expression to their views. In the second place I am unable to understand how any Ruling Chief can be saidto be a representative of any section of the people not subject to his rule but directly under the British Government. Despite the great similarity which exists in the details of the administration in a British Province and in a Native States, the knowledge which a Ruling Chief can bring to bear upon a question affecting the British tax-payer must be based on remote information. Speaking with reference to the Madras Presidency I do not know if there are any great "territorial magnates." The zamindars who could possibly come within the category formulated by the Government of India may not exeed 40 in number; and the ryotwari landholders who from the bulk of the land-owning classes in this Presidency would be left severely alone as the number of such people who could come within that category is perhaps less. As regads the zamindars, it may be said that except in a few cases they don't represent any but themselves, as their interests are generally opposed to those of their tenants. There must therefore be in their proposed Imperial Advisory Council some gentlemen who will be able to place before the Government what the ordinary ryot wants and what the feels upon the public questions of the day. Such persons must be sought for from the rank of the ryots themselves by providing for a smaller property qualification without unduly lowering it so as to impair the dignity of the assembly. The representatives of the Imperial Advisory Councils should be selected from among the members of the provincial Advisory Councils.

I am afraid that the Council as proposed is a little too bulky and it may be made a little more handy without impairing its usefulness, by selecting from each province not more than five members.

4. *Provincial Advisory Council.*—I am entirely in accord with the principles enunciated in paragraph 6 of Sir Harold Stuart's letter as to the constitution and functions of thess Councils. But I venture to submit, that so far as the Presidency of Madras is concerned, having regard to the various systems of land tenures, the different languages and the varying manners and customs of the people in the province, it is desirable that the Council should be sufficiently large so as to

admit of at least one member from each district having a seat in addition to the Members of the Imperial Advisory Council selected from this province who will form the nucleus of the assembly. The members may for the present, be fixed at 30.

5. In this connection, I would strongly advocate the formation of an Advisory Committee for each district whom the Collectors may usefully consult on all matters of general public interest and particularly in matters connected with the district administration. The multifarious duties devolving on the Collector of a district gives him hardly sufficient time or opportunity to come into close contact with the people or master the details of the district in such a way as to enable him to know first hand what they feel or what they want; and their frequent transfers from one districts to another render the attempt of a few well-intentioned gentlemen almost futile. They are therefore obliged to rely on the second-hand information furnished to them by their subordinates who with the best of intentions generally see only one side of the question and at times are obliged to shape their opinions in a form that may be acceptable to the Collector. Half a dozen men of experience, probity and character, who have freely mixed with the people and have been in a position to know how they feel and what they want, could be found to help the Collector with their corporate advice on all matters of local public importance, be it the suspension of the collection of land revenue in times of distress or ordinary village sanitation. I don't mean to assert that such advice is not now informally sought by some Collectors in the same way as the Government consults in respect of many important measures, but such consultation is only desultory, and if it has been found necessary for the Government with all the facilities possessed by them to form Advisory Councils in order to give clearer definition and continuity to methods occasionally adopted, I venture to assert that the necessity is all the greater in the case of Collectors of districts, who stand often times sorely in need of some effective local agency to which they may apply for information and advice.

6. *Enlargement of Legislative Council.*—It is indeed a matter for regret that the Government of India should have been compelled to remark that the professional classes have hitherto had the virtual monopoly of the powers exercised by the Councils and have thought it necessary to find means to supply the necessary counterpoise to their excessive influence. Though the figures quoted may justify the conclusion, it must be admitted, that so far as the Madras Presidency is concerned, most of the professional men who have from time to time sat in the Council have been no inconsiderable landowners themselves; and if landowners with no other qualifications have not been elected till now it is because of the feeling referred to in the last two sentences in paragraph 17 of Sir Harold Stuart's letter and not to the undue and excessive influence of the professional classes. And I speak within compass when I say that among the landed aristocracy there are only a few who can carry on an ordinary conversation in English; and those that can make a speech or carry on a debate in English in the Council are perhaps fewer.

7. While I agree that there should be substantial representation of the landholding classes in both the Councils, I respectfully demur to the view that a professional man should be declared ineligible for election, even though he may be landowner. The qualification proposed in paragraph 14 seems to be unduly high as already observed by me in paragraph 3 *supra*. I would suggest that the amount of land revenue giving the right to vote should be fixed at Rs. 5,000, and the qualification of the person to be elected may be higher, *e.g.*, Rs. 10,000. I share in the apprehension referred in paragraph 15 and would therefore leave the selection of a representative of the landholders on the Imperial Council to the landholding members of the Provincial Council, either from among themselves or from among other landholders who possess the necessary property qualifications.

8. If it were possible, considering its area and population, Madras should be allowed the right of sending two representatives to the Imperial Legislative Council. This suggestion, if accepted, may add one more to the number proposed without interfering with the official majority.

9. I don't question the property of assigning in each of the Councils a certain number of seats to be filled up exclusively by Muhammadans; but the number of such seats must vary in each province according to the Muhammadan population in that province.

10. In view to the difficulties which may be experienced in compiling the register of voters if the suggestions mentioned in paragraph 17 are carried out, and to the fact that such an electorate will be scattered all over a province, and taking into consideration the innate dislike which is generally felt for canvassing over such a large and diversified ground, the electorate may be constituted as stated in clauses (*a*) and (*b*) of paragraph 18. Though an election by these members may not be considered to be fully representative it will still have the semblance of representation better than any selection made by the Government.

11. On the question whether in spite of the power the Governor-General possesses of vetoing any legislative measure though passed by the Council, it is still necessery to provide for an official majority, I should have made a few observations were it not for the statement in paragraph 10, that it if not an open question.

12. *Provincial Legislative Councils.*—I note with gratification that it is not the desire of the Government of India to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have so long enjoyed. I agree to the view that it is quite necessary to define the special qualification for members of Provincial Councils. I confess to a feeling that the franchise for a seat in the Municipal Council is yet low and may with advantage be slightly raised.

13. I agree that a system for the representation of classes liable to be crowded out by a predominant section of the population should be introduced. The total population of this Presidency is 38,600,000 in round numbers. Eighty-nine per cent. are Hindus, 6 per cent. are Muhammadans and 3 are Christians including Europeans and Eurasians. The representations of these three communities in the Provincial Legislature must *primâ facie* be in proportion to their strength, but this being in the nature of things impossible so far as Hindus are concerned, the only other course to provide for as many of these having seats, as is otherwise compatible. The proposal to give to each of the other two communities the right to elect a representative is unobjectionable though the question of the formation of the electorate is not one of easy solution and I shall refer to this later on.

14. I have no remarks to offer with reference to clauses (*a*), (*b*) and (*c*) of the scheme drawn by the Government of Madras. As to clause (*d*) it seems evidently to have been aimed at bringing almost to a minimum the legal element in the Legislative Council. In the face of the strong opinion expressed by the Government of India, I do not think it useful to pursue the matter further than I have done in paragraph 6 *supra*.

Among the class of men referred to in class (*d*), there is a considerable body of persons who are as much entitled to be classed as landholders as any others and who have permanent vested interest in the country. There is no reason why they should cease to be considered land-holders, for the simple reason that they are lawyers also. In fairness and justice, these gentlemen ought to be given the option of definitely stating once for all, in what group they would desire to be included and they must be allowed, subject to the necessary limitation and qualifications for that group, to vote in that group or stand for election as representatives thereof. If the privilege of option above detailed is allowed, then clause (*d*) may stand as it is. As to clause (*e*), I would suggest the omission of the words [not being member of (*d*)], but would insert in lieu thereof [not classed as member of class (*d*)]. Instead of the words "the citizens" in clause (*f*) I would substitute the word "Corporation." I have already stated that clauses (*h*) and (*i*) may be retained.

15. It will be impracticable to form an electorate for all Brahmans or all Muhammadans or Christians and the difficulty will be greater in the case of Brahmans who unlike the other two communities are to be found in all the 22 districts. I don't know if the special provision for the election of Brahmans as provided for in clause (*g*) by an implication disqualifies them for election under any of the foregoing clauses. I venture to assume that it does not. The difficulties attendant upon an election by an electorate which is so diversified and so scattered must in the nature of things be great and the result must therefore be unsatisfactory. But I venture to submit that the difficulty may be solved in all these cases by giving the privilege to such members of District Boards and Municipalities as belong to the respective classes aforesaid, subject to the necessary property and other qualifications. Such a selection will approach a representative election more than a selection made by the Government.

16. No reasons have been given for the exclusion of persons who belong to class (*e*) or (*f*) from being elected by classes (*g*), (*h*), (*i*), (*j*); nor are they apparent. When adequate provision has been made for representations of the classes said to be in the minority and liable to be crowded out in consequence, it does not appear why any further restrictions are necessary and why a class of persons who are otherwise qualified should be kept out. Whatever reasons there may be for excluding from classes (*g*), (*h*) and (*i*) persons who are members of classes (*d*), (*e*) or (*f*), there does not appear any reason why members of classes (*d*) and (*e*) should not compete for the seats reserved for class (*j*). If the preponderance of the legal element among the non-official members of the Legislative Council in the past is the reason for limiting their admission into such Councils in the future, no such objection can admittedly exist with reference to members of class (*e*) for whom so much has been said in the paper under reference. And who these "all other persons" may be it is difficult to guess with precision. It is intended to reserve these seats for the merchant and monied classes to the exclusion of the landed and professional classes it should be stated in clearer terms. If that be so, I am afraid that undue preponderance to this class will be the result, for while the professional classes have only one seat and the land-holders 2, the monied and merchant classes have twice the number. The class (*j*) should be left open for classes of people, despite the fact that members of any special class have special seats allowed to them.

If the view be accepted there is no need for class (*d*) as a separate one. If on the other hand it does not commend itself, then I would suggest that class (*d*) be given 2 seats and class (*e*) 3 seats, leaving to class (*j*) only 3 seats. In any event class (*j*) must be more precisely defined.

17. As to the qualifications of the electorate, I would in the first place insist on literate qualification. I agree in the main as to the general qualification proposed, but would limit the tenure of office to 3 years instead of 5. As to the special conditions suggested, I accepted them except so far as item (3) is concerned which seems to be unnecessary if the election is to be made by the Corporation of Madras. In my opinion a higher property qualification should be insisted in the case of persons selected. In the case of persons coming under class (*d*) barristers, etc., I would suggest that no one shall be eligible for selection unless he pays an income-tax on an income of ₹10,000 a year; and similar qualifications may be insisted in the case of (*f*) if the election is to be made by the citizens of Madras.

18. *Election of Members to Local Boards.*—This is, perhaps, the best opportunity for starting a scheme for the formation of electorates for the election of members of Local Boards. In determining the qualifications of the electors, it would be necessary to have a lower standard than in the case of the elections for the Legislative Councils, though the qualifications of the persons to be elected should be considerably higher. The standard of qualifications may be different for different districts and provision may be made for the representation of important lasses and minorities.

19. For election of members to the Taluk Boards an electorate may be framed of all persons owning property within the area paying a land-tax of R500 and upwards including rates and cesses; (*b*) of all persons paying within the area an income-tax of R50 or (*c*) possessing within the area equivalent qualifications by adding together the proportional qualifications under (*a*) and (*b*).

All graduates of any university resident within the area irrespective of any property qualification.

The qualifications of the candidates may be fixed thus :—

(*a*) All persons owning lands within the area paying a land-tax of R1,500 and upwards including cesses and rates;

(*b*) All persons paying an income-tax of R100 and upwards;

(*c*) All persons possessing equivalent qualifications by adding together the proportional qualifications under clauses (*a*) and (*b*): Provided that—

(1) when a person has properties in more than one local area but not sufficient to qualify him in either of them, but the aggregate thereof gives him the necessary qualification, he shall be registered in one of such areas as he may elect;

(2) when a person is assessed to aggregate income-tax in respect of any business carried on by him in more local areas than one, he shall elect one of such areas for purposes of franchise and shall not be registered in any other.

20. Each Taluk Board shall have the right to send to the District Board not less than 5 representatives to be selected by it from among its members or from persons possessing the necessary qualification and registered within its local area. Provided that no person shall be eligible to be selected to a seat on the District Board unless—

(*a*) he possesses immovable property paying a land-tax of R2,000 including cesses and rates; or

(*b*) pays an income-tax of R200 ; or

(*c*) possesses equivalent qualifications by adding together the proportional qualifications under clauses (*a*) and (*b*). Provided that—

(i) where a person has lands in more local areas than one, but not sufficient to qualify him in either of them, but the aggregate thereof gives him the necessary qualifications, he shall be registered in one of such local areas at his option;

(ii) where a person is assessed to aggregate income-tax in respect of any business carried on by him in more local areas than one, he shall elect one of such local areas for purposes of franchise and shall not be registered in any other.

21. Three-fifths of the members of the Local Boards shall be elected by the electorates formed as abovementioned and the remaining members excluding the ex-officio members shall be appointed by Government in such manner as they may think fit or expedient.

22. I regret that there has been a delay of a day, which I request you will kindly overlook.

ENCLOSURE No. (6).

Letter—from M. R. Ry. K. CHIDAMBARANATHA MUDALIYAR Avargal, Shiyali.

To—the Acting Collector of Tanjore.

Dated—the 8th January 1908.

I have the honour to acknowledge receipt of your letter R. C. No. 1518-G. and B., dated 7th December 1907, forwarding a copy of G. O. No 887 of 1906, and inviting my views on the proposed establishment of Imperial and Provincial Advisory Councils and enlargement of existing Legislative Councils. It is gratifying to see that the Government have at last come to realise the necessity for making adequate provision for representing the landed, the mercantile and the industrial classes who form almost the entire population of the country. There is no doubt that these most important interests have been but meagrely represented in the past whether in the Provincial or Imperial Legislative Councils and absolutely unrepresented otherwise, unless it be through the agents of the Government itself. It may be observed that even the right of interpellation would seem to have been exercised more on the topics of the hour in an almost stray and unconnected manner than on questions of deep and permanent importance with any continuity. It is equally gratifying to see that the Government also recognise the necessity for

adequately representing the great body of moderate men with little or no scope for the exercise of their legitimate influence under existing conditions. The proposal to create Advisory Councils and to enlarge the existing Legislative Councils to remedy these defects, heartily to be welcomed. But the details of the scheme sketched forth by the Government of India and the Local Government are far from encouraging.

Advisory Council.—It is certainly indispensable that these should possess a legal status and some definite powers, however limited at the outset to secure the co-operation of men, in every way competent to give the best advice possible. It seems, also, necessary to ensure continued vigour and efficiency to recruit at least a certain proportion of the strength, say, about one-half, by election from the different provinces and from the different districts of every province. Further, the institution of Provincial and Imperial Councils alone would, in my opinion, be utterly insufficient to meet the end in view unless based upon a system of District Councils. The province is too wide a unit and local questions of sufficient importance can never be adequately considered by a single council for the whole province. Whereas a consideration of having taluk and village councils might safely be deferred for the present and until some considerable advance is made in the education of the people as a whole. Thus it becomes reasonable that every district should have an Advisory Council constituted similarly to the Provincial and Imperial Councils. It may consist of about 20 or 24 members, one-half of them being elected and the other half nominated by the Local Government. The electorate might compose at present of all landowners paying a land-tax of Rs. 400 including cesses and all payers of income-tax irrespective of other distinctions. Special interests, if any, might be made up among the members nominated. The Provincial Council should also consist of an equal number of nominated and elected members. Each District Council should elect one among them to represent the District Council in the Provincial Council. If, in such a scheme, the Provincial Council should be considered to become too unwieldy, two districts might be grouped together to return a member. And the other half should include special interests and be nominated by the Government of India. In the same way the Imperial Council should also consist of an equal number of elected and nominated members. Each Provincial Council should be represented in the Imperial Council by not less than four members elected by them and from among them. The Collectors, the Governors of Provinces and the Viceroy should consult the district, the Provincial and the Imperial Councils collectively on all questions of administrative importance and their opinion should be recorded In such a scheme there would be a healthy combination and a fair representation of the more stable and the more progressive ideas and forces conducive alike to the welfare and progress of the Goverment and the people.

Legislative Council.—The nature of the work devolving upon the Legislative Council, it has to be observed, demands a more technical body of people than for the Advisory Council. Disabilities of race, religion, class or profession ought never to stand in the way of securing the worthiest men for the Councils and especially at the present time when in spite of all that is said against them the number of people who have had the benefits of higher education form but an infinitesimal minority. But it is certainly undeniable that the present constitution has failed to secure anything like an adequate representation of the most important interests and also of large sections of the population. This would necessitate the adoption of a method likely to promote both the aspects. In view to this it seems to me that the number of non-officials proposed by the Local Government for the Provincial Council may be made up thus—

(*a*) by merchants paying an income-tax on an income of Rs. 5,000 and upwards	1
(*b*) by landholders paying a land-tax of Rs. 2,000 and upwards	5
(*c*) by zamindars	2
(*d*) by citizens of Madras	1
(*e*) by Madras Chamber of Commerce	1
(*f*) by weavers, tenants and artisans (may be nominated if it is not possible to devise for them a system of election)	5
(*g*) by Muhammadans	1
(*h*) by the University	1
(*i*) by the District Boards	1
(*j*) by the Municipal Boards	1
(*k*) by nomination	2
	17

In the tentative scheme proposed for the Provincial Council it seems superfluous to have a representative for barristers, advocates, vakils, etc., when the Advocate-General is a member ex-officio, while the Legislative Council is no religious or social conference that ought to embrace representatives of all castes and of all religions. Happily for all, the Government strictly pursues a policy of non-interference in social and religious matters and the people themselves under the liberalising influence of the West have learnt to forget these differences and live in perfect harmony with each other. All that is really needed is a representation of all material interests commensurate with their importance and the foregoing scheme appears to me to meet them fully and also more in consonance with the scheme proposed for the Imperial Council.

With regard to the constitution proposed for the Imperial Legislative Council, certain modifications seem to very desirable. But if the official preponderance is insisted upon there cannot possibly be any change for the better. It is devoutly to be hoped that the principle of election would be introduced at the earliest opportunity into the Local Boards and the seats distributed among the various interests in the district in proportion to their magnitude and importance. It is a happy augury that the Government should have felt the extremely unsatisfactory character of the Budget debates and the improvements suggested is a step, though short, in the right direction. In fine, I believe it would add greatly to the contentment and progress of the people, if these Advisory and Legislative Councils thus intended to advise and co-operate with the Government in its work of administration and legislation, are taken more and more largely into the confidence of Government and their wishes more and more fully expected.

ENCLOSURE No. (7).

Letter—from M. R. Ry. A. M. PERIASWAMY MUTHYA UDAYAR, Mirasidar, Perumpaniyur (Nannilam taluk, Tanjore district).
To—the Collector of Tanjore.
Dated—the 26th December 1907.

I beg to acknowledge receipt of your honor's R.C. No. 1518/G. & B., dated 7th December 1907, with G.O. No. 886 P., dated 22nd November 1907, and take this opportunity of expressing my thanks to your honor for condescending to invite my opinion on a measure under contemplation.

The establishment of Advisory Councils would demonstrate the anxiety of Government to study the wishes of the people and to do the needful to them. If due care be taken in designing the constitution of the Council and defining their functions great good may result to the country and to the Government. To this end I beg to propose the following suggestions for adoption.

Having regard to the fact that the majority of the population of the country consists of landowners, I am of opinion that 25 per cent. of the councillors should be recruited from the zamindars, 25 per cent. from the ordinary landowners and that the remaining half of the Council may be recruited from the trades and professions. As every trade in India is a distinct caste, the Council should be of sufficient strength to include one representative of every trade. If at all it is desirable on the part of an enlightened Government to recognise by any of its acts the various castes who are socially at variance with each other, the only way by which this could be done without causing mischief would be to assemble representatives of the castes in the Advisory Councils where their functions are purely honorary. Having in a way pointed out the constitution of the Councils, I shall proceed to discuss the qualifications of the members.

In addition to the property qualification which may be determined upon I am of opinion that a certain educational fitness should be resolved upon. It is admitted on all hands that an educated person is always better than a man who has no education. When this is true in all relations of life, more so should it be when that person undertakes to advise the head of a Government to whose care Providence has intrusted the welfare of millions. In the present state of the country a man without education is a man without a soul. He neither knows himself nor his neighbour. Such a person cannot be expected to understand the needs of the country and the sentiments of the people. As such a person can be of no service to the Government, I am of opinion that this person had not better be in the council at all. But as Government is anxious to be advised by people of the country who can speak with assurance on any subject which may be placed before them, nothing better could be done than nominating men of position who may have the additional advantage of a decent education. To this suggestion objection might be taken on the ground that by the adoption of this proposal the number of persons available for nomination would be diminished. But I beg to suggest that by fixing a lower standard of property qualification than that proposed the number might be swelled.

The scheme proposed contemplates that persons who have served one term on the council may be again eligible for nomination. I am of opinion that this is not desirable. Council membership would certainly be regarded a personal honour and men once so distinguished would covet it for life. There is the danger of it therefore becoming the monopoly of particular individuals. Even on occasions when Government may sincerely like to be advised of the real condition of the country, some members of the council may pretend to think with Government, in which case Government could have no regard for persons who have not the moral strength to speak out their convictions. I am, therefore, of opinion that a person should held office for one term and no more. But to this it might be objected that Government would be deprived of the services of individuals who have had experience of their duties. On a closer examination of the qualifications of these councillors, the objection would seem groundless. Are these persons equipped with any special training? Have they had any administrative experience? None at all. All that these persons could be expected to process would be a light education and a strong common-sense. Both these may as well be expected in other persons as well. Besides as one of the objects of Government in establishing the Advisory Councils is that these councils would

serve to make known the actions and intentions of Government through the country, the adoption of my suggestion would press into the service of Government a larger body of men than would be the case if the same members had the chance of being nominated to the council over and over again. I now proceed to point out the functions of these councils though briefly.

I agree with Government that the Advisory Councils being distinct bodies from the Legislative Councils should possess no formal powers. But their duties may with advantage be a little more extended than what is contemplated in the scheme proposed. They may offer their advice to Government when called upon to do so on any particular subjects and may also take to the notice of Government whatever they may regard as of sufficient importance for the Government to know. In this case their presence in any locality would act as a check on the abuse of power and tend to improve the tone of the practical administration.

As regards the Legislative Councils, I shall first express my opinions on the Provincial Councils and then pass to the Imperial Council.

From the scheme proposed by Government I find that members once nominated to the councils may be again nominated. Though this is not clearly expressed, nothing has been said to prevent it. It is my opinion that nominated members are generally regarded by the people as somewhat of the nature of official members. As Government have resolved to have always a standing majority in the council in the official members, it is desirable to improve the status of the nominated members. By ruling that members once nominated may again obtain a seat in the council by election and not by renomination, these members would naturally conduct themselves in a manner to secure the applause of the people that they may deserve to be elected when they shall have served out the first term.

As regards the qualification for membership, I beg to point out that some educational qualification is absolutely necessary. When in the case of the Advisory Councils whose functions are purely honorary, educational fitness seems indispenable it must be more so with regard to the Legislative Councils where the members possess formal powers and where they would find themselves contradicted by officials equipped with a thorough scientific education. If Government resolve not on a decent educational fitness, I beg to point out that Government might very well carry on the Government with the help of the official members and that it would be no use to provide for other seats in the council.

I agree with Government that provision should be made for the representation of the different religions, but I beg to point out that sect representation is undesirable. Caste is a mischievous institution and to give it any recognition is to augment the mischief. I am therefore of opinion that it is very undesirable to provide for the representation of the Brahman, the Vellala, etc., having regard to the fact that all these sects have the same common religion. In this connection I beg to point out that there is as much difference between the Roman Catholic and the Protestant as there is between the followers of any two varying creeds. Therefore distinct provision should be made for their separate representation.

As the bulk of the population consists of landowners, I believe that two seats cannot be commensurate with their importance. I beg to suggest that 25 per cent. of the unofficial members may be recruited from this class and that two of these seats may be reserved for zamindars. If only two seats should be portioned out to the landowners there is the danger of both seats being appropriated by the zamindars and Government should know that the small landowner has nothing in common with the zamindar.

I am further of opinion that in consideration of the importance of pleaders who are the only class who have received a good education and whose professional experience gives them a clear insight into the nature of the country, one seat for them is insufficient. Though at times they may be annoying, still they are the people who would show Government clearly the other side of the question when Government should ill-advised resolve on any measure. I beg to suggest that the one seat pointed out for the Brahman and the six seats for all other persons may be utilized by giving four seats to the pleaders and three seats to Hindus.

Passing on to the Imperial Council, I find from the proposals made that of the four seats set apart for the representation of minorities and special interests, two are to be filled by nomination from the Muhammadan people. It is already proposed to have two Muhammadan members by election. But why should two of these four seats be given over to Muhammadans? How are Muhammadans specially qualified to represent minorities and special interests? This undue concession to them will tend to sow mischief between the Muhammadans and the other races who under the British Government have been living at peace forgetting their differences. When Government are considerate enough to provide for the interests of the minorities being represented in the Council this cannot be better done than by nominating members from the small interesting communities as the Parsees, the Sikhs of North-West India and the Jains who are scattered all over the country. Government cannot but recognise that the communities named are specially interesting and the Imperial Council can never be representative of the country until these communities are represented.

As regards the representation of the landed interest in the Imperial Council, I am of opinion that a large electorate comprising all areas cannot be resolved upon in the present state of the country. Though education has made more progress than it had done 20 years ago, it has not yet advanced to create in the large masses of the people anything like an interest in public affairs. Therefore people scattered over large areas are not to be expected to know anything of the

fitness of individuals to sit on the Imperial Council. Neither does it seem desirable to solve all such difficulties by nomination, as Government already propose a large number of nominations. Therefore to have a representative elected by the landholding members of the Provincial Councils, care being taken that the member elected is not one of the Provincial Council, would be the only reasonable solution. Here also I beg to point out that the member elected should not always be a zamindar and that a zamindar and an ordinary landowner may be elected in alternate terms if it be not desirable to provide more than one seat for the representation of the landed interest.

As regards the interpellations and the budget discussions, I should like to point out that some provision should be made to render them more dignified than they have hitherto been. I have frequently read reports of proceedings which impressed me with the notion that the official members did not always relish being questioned and that they frequently returned answers which could never have enlightened the questioner. I therefore beg that some measures may be adopted to render the position of unofficial members less pitiful.

In conclusion I pray that my opinions whenever they may seem not commendable may be excused as those of a country person not trained to express himself in a manner to be entitled to respect.

XXXVII.

Letter—from J. A. CUMMING, Esq., I.C.S., Collector of Godavari.
To—the Chief Secretary to Government.
Dated—Cocanada, the 18th February 1908.
No.—R. Dis. 52-Rev.

As desired in G. O. 886 Public, dated 22nd November 1907, I have the honour to forward the opinions of the following gentlemen :—

(*1*) *Selected Zamindars.*

Raja of Pithapuram.
Zamindar of Bhadrachalam.
„ of Kottam.
Proprietor of Polavaram (Brahmam, B.A.)
Ex-Zamindar of Ramachendrapuram.

(*2*) *Vakils.*

M. R. Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman of Cocanada Municipal Council (Brahman).

M. R. Ry. G. Venkataramayya Pantulu Garu, Chairman of Rajahmundry Municipal Council (Brahman).

M. R. Ry. N. Jaladurgaprasadarayudu, formerly Chairman of Rajahmundry Municipal Council (Brahman).

M. R. Ry. M. V. Ratnam Nayudu Garu, Member Vice-President of Rajahmundry Taluk Board (Sudra).

M. R. Ry. G. Lakshmanna Garu, Member of District Board and Rajahmundry Taluk Board (Brahman).

M. R. Ry. M. Sobhanadri Rao Garu (Brahman).

(*3*) *Muhammadan.*

Muhammad Ibrahim Sahib Bahadur, Diwan of Pithapuram.

(*4*) *Officials.*

H. L. Braidwood, Esq., I.C.S., Sub-Collector.
M. R. Ry. I. L. Narayana Rao Nayudu Garu, Retired Sub-Judge.
„ V. Ramachandra Rao Avargal, Treasury Deputy Collector.
„ P. Srikrisnulu Patrulu Garu, Deputy Collector.

2. The opinions of the following were invited, but no reply has been received :—

(*1*) *Vakil.*

M. R. Ry. C. Venkatachellam Pantulu Garu, Public Prosecutor.

(*2*) *Muhammadan.*

Ibrahim Sulaiman Sahib, Merchant.

(*3*) *Officials.*

L. A. Cammiade, Esq., Deputy Collector.
M.R.Ry. V. Srivatsankara Rao Garu, retired Deputy Collector.
„ A. Sriram Pantulu Garu, retired Deputy Registrar, Government office.

(*4*) *Christian.*

Dr. Harpster, Evangelical Lutheran Mission.

(*5*) *Brahmo Samaj.*

M.R.Ry. Rao Bahadur K. Veeresilingam Garu, formerly Pandit, Rajahmundry College (Brahman).

M.R.Ry. R. Venkataratnam Nayudu Garu, Principal, Pithápuram Raja's College (Sudra).

(*6*) *Komatis.*

M.R.Ry. Rao Sahib P. Venkatachelapati Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.

M.R.Ry. N. Padmanabham Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.

M.R.Ry. P. Chittiah Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.

(*7*) *Sudras.*

M.R.Ry. K. Suryanarayanamurti Garu, Merchant, Member of Cocanada Municipal Council and Port Conservancy Board.

M.R.Ry. K. Basivi Reddi Garu, Merchant.

3. The association of the Ruling Princes with Government in an Advisory Council seems to me most desirable. They would be confined to the Imperial Council, but in this it is also proposed to include territorial magnates. It seems to me open to question whether this would be welcomed by the great Ruling Chiefs when that body meet for consultation. Territorial magnates are occasionally creations of Ruling Chiefs and the latter might not accept with readiness a seat at the same Council table with them. I would suggest for consideration that the Imperial Council might be limited to Ruling Chiefs, and territorial magnates be included in the Provincial Councils.

4. In a Provincial Council of twenty-five, seats might be allotted as follows :—

Landholders	10
Trade and commerce	5
Professional classes	3
Missions	1
Muhammadans	3
Retired officials	3

The only class that requires any explanation is Missions. I suggest one, because so far the Missionaries are almost the only persons capable of representing the ideas of the lower orders.

5. I would suggest that, when legislation is contemplated, it might be advisable to consult this body before the Bill is given shape. It might also be consulted regarding measures which affect the population at large in their domestic concerns, *e.g.*, in plague-preventive work. Hitherto legislation interfering with Hindu or Muhammadan law has been avoided, but it might be possible to attempt it in matters calling for remedy if this body recommend it. I might refer to such a measure as the Gains of Learning Bill.

6. As regards the suggested scheme for the Legislative Council, the distribution of seats seems suitable, but it is difficult to imagine how a system of election can be devised for members under (*g*), (*h*) and (*i*). These members will represent the several classes throughout the Presidency. Any system of election must be cumbrous in the extreme, and I consider the trouble involved would be out of all

proportion to the small number to be elected. I do not see how these seats could be filled except by nomination.

7. As regards the general conditions, I should limit the franchise to those who have completed 25 years of age. At 21, a man has little knowledge of the world and is easily swayed. I should also exclude all who are not literate. In this country, an illiterate voter is particularly helpless, and it is a frequent complaint that they vote wrongly.

8. Turning to the special conditions, Rs. 5,000 is a high limit for vakils. There are not a large number in the mufassal who make this income, though possibly they pay income-tax on it—indeed this limit, if strictly applied, would exclude the larger half of the profession. This might be suitable in the case of larger electorates, but when a special profession is given a representative, it is open to question if the vote should be confined to such a limited portion of it. The limit is, in my opinion, too high also for adoption in election to Local Boards.

ENCLOSURE No. (1).

Letter—from the Raja of Pithápuram.
To—the Collector of Gódávari.
Dated—the 14th February 1908.
No.—R.C. 340-C.D.

In reply to your communication dated 21st December 1907, I have the honour to forward herewith my opinions on the Government's proposals for the establishment of Advisory, and the enlargement of Legislative, Councils.

Introduction.—I am one of those who believe in the good intentions of the Government, though occasionally certain acts of theirs, which are the outcome of a misapprehension or a misrepresentation of the "needs and sentiments of the masses of the people," render their motives liable to be questioned. The present solicitousness of the Government to call to the aid of their unaided judgment the informed public opinion of the country in giving final shape to their proposals for "giving the people of India wider opportunities of expressing their views on administrative matters" entitles the Government to our gratitude and, at the same time, enjoins upon us the duty of plain speaking. The first measure, therefore, upon which I should like to express my opinion, is the establishment of—

Imperial and Provincial Advisory Councils.—The two-fold object which the Government have in view in taking this step is, in their own words, to find a means "for drawing out opinion on measures in contemplation" and "an agency for the diffusion of correct information upon the acts, intentions and objects of Government." But it seems to me that the character and organization of the Council, as at present sketched and suggested, tend to defeat and nullify these very objects instead of furthering them. A body which is expected to perform the double function of representing the needs of the people to the Government on the one hand, and interpreting the mind of the Government to the people on the other, must perforce be such as is not only in close and constant touch with all strata of society, but possesses also the capacity and the freedom to speak authoritatively on all matters concerning public well-being. That the Ruling Chiefs and territorial magnates who are to constitute the Imperial Advisory Council are in general, by virtue of the eminence of their position, too far removed to feel the pulse of the nation down below, and that the few who form exceptions feel constrained to observe the Golden Rule of Silence in the presence of the powers that be, are matters of common knowledge. The condition that they are to give advice only on matters specifically referred to them takes away from their usefulness as channels for the representation of the people's wants and the injunction that their proceedings are to be private, informal and confidential, prevents them from explaining to the people the Government's motives whenever any suspicion is entertained as to their honesty or genuineness. The denial of legislative recognition subjects the members to the withering influence of indifference, and the absence of formal powers of any sort acts prejudicially against the growth of a sense of responsibility. The proposal to have recourse to individual consultation prevents the growth of *esprit de corps* by introducing an element of jealousy, and the right which the Government reserve to themselves of publishing the Council's proceedings at their discretion (which can only mean, when their position is likely to be strengthened thereby), discredts the members in the eyes of the people as the support they lend to the Government will be more in evidence than the efforts they put forth to advance the interests of the people. The rule that they should all be appointed by the Viceroy makes them feel a delicacy in championing the cause of the people, if it does not enjoin the obligation of standing by the Government always, and the restriction of their term of office, under such circumstances, to five years, warns them into submission to the Government in order to secure their re-nomination at the end of the term.

A Council thus constituted cannot, therefore, serve any useful purposes, except as an ornament, and must fail, as it has failed, to evoke the appreciation of the people. If the Government is at all serious about having a council really advisory, and not, as some have naively put it, "Adversion," in its character, the proposed constitution must be considerably modified, if not wholly altered. No pressure in the shape of nomination should be brought to bear upon the Ruling Chiefs, and only such of them as may express themselves willing to work on the Council, in response to a general invitation, should be taken as members; for where the heart is not, the mind alone cannot be of any avail. The Government may invite the Ministers of those Ruling Chiefs to the Council and compare notes with them. The territorial magnates should all of them, or, at any rate, the major portion of them, be *elected* and not nominated to the Council, if the object of the Government be to give fair representation to the land-holding interests. There will then be no harm in restricting the term of office to five years. The Council should receive legislative recognition, meet at regular intervals and be free not only to express their opinion on measures in contemplation, but to suggest as well subjects of pressing importance and general interest for the consideration of the Government. The Government must at the same time be prepared to be guided by the opinion of the majority of the Council, as otherwise there would be no justification for the existence of the Council. Its ranks must occasionally be reinforced from the aristocracy of intellect, as for instance by retired Indian Civilians, Judges of the High Court and Ministers of the Native States, to lend freshness and vigour to the character of its deliberations. It is strange that the Government without adducing adequate reasons should urge the adoption of a policy of informal and confidential proceedings and "individual consultation" in respect of the Imperial Advisory Council, when they do not themselves prepare to follow it in the case of Provincial Advisory Councils, for, be it noted, it is there expressly laid down that "the Head of the Government himself, or some high official deputed by him for the purpose, would preside over their deliberations and the conclusions arrived at would be recorded by one of the Secretaries to the Government," and that "the Government of India attach the highest importance to collective deliberation since the opinions thus obtained are different from and frequently more valuable than those elicited by individual consultation." This policy may, therefore, be given up. The idea of getting Imperial Advisory Councillors to represent the great landholders in the Provincial Advisory Councils does not seem to be sound. Apart from the fact that Ruling Chiefs, if such there be on the Provincial Advisory Councils, may consider it *infra dig* to work with small landholders and representatives of merchants and capitalists, it is inadvisable that the same persons should serve on the Provincial and Imperial Advisory Councils, for if once a person's advice given in his capacity as a Provincial Advisory Councillor be rejected, there is no point in his tendering it again when the matter is referred to him as an Imperial Advisory Councillor. My other remarks on the constitution of the Imperial Advisory Council apply to that of the Provincial Advisory Councils with equal force.

The next point I should like to deal with is—

The Enlargement of Legislative Councils.—Here again the Government have started with a two-fold object in view to secure a numerical majority for the Government and to ensure the due representation of different classes and interests of the society. The second object is no doubt commendable in itself, though the means proposed to be adopted for compassing that end are open to serious objections; while the first, besides being unnecessary, acts, in the case of members, as an effective check to the free expression of their opinions at the time of the discussion of measures and to the unfettered use of their discretion at the time of voting on them. There is absolutely no reason why the Government should be particular about having a numerical majority so long as the power of veto vests in the head of the Government. On the other hand, the equality in the strength of official and non-official members coupled with the permission to vote by ballot would afford a surer and more certain standard to gauge the strength of public opinion and test the acceptability of the laws passed by the Government. There is no fear of the Government ever being defeated, for they have the final voice; and if it should be urged that, though the head of the Government may veto an unacceptable measure, the Council may score a moral victory by a majority of them deciding in favour of it, then certainly it will be worth the serious consideration of the Government whether, instead of modifying their attitude on such occasions at least, they would be justified in persisting in a course which has been proved to be wrong by the official and non-official members of the Council.

Coming to the Government's proposal to give substantial representation in the Imperial Legislative Council to the great landholders, special interests and minorities, I should like to say a few words with reference to the details of the electorate. It is inadvisable to lay down any hard and fast rule as regards the amount of land revenue which gives the right to vote to landlords. The best course would be to allow the entire body of landholders in each province to elect the representatives direct to the Imperial as well as Provincial Councils. The objections raised by the Government to such a course would hold good even in the case of the small electorate of 100 to 150 proposed by them. The alternative suggestion that a representative should be elected by the landholding members of the Provincial Council either from among themselves or from those qualified to vote for, or be a member of, the Provincial Council, is attended with some difficulties. In the Legislative Council of the Madras Presidency, for instance, there are to be only two zamindari representatives, and they are too small a body to exercise the right of election. The word election ceases to have any meaning whether these two-

are to "elect" one from among themselves, or from among such of their class as are qualified to vote; for in the former case each will have to elect the other or himself, and in the later, the two may combine together to select a favourite of either of them.

I am not in favour of special representation being granted to minorities for the simpl reasons that they have no special interests of their own, apart from those of the people in genera requiring separate legislation, and that once such a course is adopted in the case of a particular, community consistency requires that the same should be done in the case of every other. The Brahmans of Bengal, the Arya Samajists of the Punjab, the Parsis of Bombay, the Jews on the West Coast and the sprinkling of Buddhists and Jains that may be met with all over India may require special representation. The Government may, as usual, nominate proper persons to represent unrepresented minorities, but the proposal to grant special representation has the pernicious result of setting up one class against another. But if the Government be particular about showing a concession to the Muhammadan community by way of encouragement, they may allow properly constituted assemblies, graduates of five years' standing and payers of income-tax, to elect direct one member in each of the Provincial Legislative Councils, and two to the Imperial Council, one to represent the Hindustan and the other the Deccan. The proposal to confine the electorate to the Muhammadan non-official members of the Provincial Legislative Councils, when a representative to the Imperial Council has to be elected, is open to identically the same objections as those raised by me in the previous paragraph in connection with a similar proposal in the case of the zamindari representative. But there is no reason why certain seats should be set apart in the District and Taluk Boards and Municipalities to be exclusively filled by the Muhammadans, for in the elections to these assemblies they stand as good a chance as any one else.

I am opposed to the nomination of a Ruling Chief by the Viceroy to the Imperial Legislative Council, on the ground that he cannot be expected to take any warm interest in legislation which concerns neither himself nor his subjects. And I fail to see the rationale of the retention of two experts on the Council, when they can just as well be called in on occasions when measures requiring their expert advice come up before the Council for consideration. I would give one, representative to the Madras Chamber of Commerce in addition to those of Bombay and Calcutta and another to the Indian Trades Associations of the three Presidency towns together. The Municipal and District Boards of the Central Provinces and Berar should be allowed to elect a representative of theirs direct to the Imperial Council, as they have no Provincial Legislative Council. I would allow two representatives to be elected by the non-official members of each of the seven Provincial Legislative Councils. According to my scheme the constitution of the Imperial Legislative Council would be as follows :—

Official and Nominated Members.

The Governor of the Province in which the Council assembles, the Commander-in-Chief and the six members of the Executive Council (*ex-officio*)	8
Heads of Departments and other nominated members	20
Total ..	28

Non-Official and Elected Members.

By Chambers of Commerce of Calcutta, Bombay and Madras	3
By Indian Trades Associations of the cities of Calcutta, Bombay and Madras	1
By non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	14
By the Municipal and District Boards of the Central Provinces	1
By the Nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Central Provinces.	7
By Muhammadans	2
Total ..	28

Including the Viceroy 28 + 28+ 1 =57.

I shall now close my remarks on the subject of the "Enlargement of Legislative Councils" with a few words on the constitution of the Provincial Legislative Councils. My remarks in the previous paragraphs on the maintenance of a numerical official majority and the grant of special

representation to minorities, are as much applicable to the Provincial Councils as to the Imperial. The general conditions suggested by the Government in the application of the scheme put forth as suited for the Madras Presidency are, on the whole, satisfactory with the exception of sub-clause (3) under (*c*), which may be allowed to stand *only* in case educational and property qualifications are separately recognized as giving the title to vote. Coming to the special conditions mentioned in clause (*d*), I am strongly opposed to the creation of a separate electorate of lawyers as they do not form a separate class by themselves, a distinct occupational group possessing special interests, requiring to be safeguarded by a special representative. They belong to all classes and religions and races, and as such are eminently qualified to represent any one of them. I fail to see why they should be subjected to any special disability in standing for election as the representatives of any electoral group. Carrying this principle to its logical conclusions, will the Government be justified in saying "no" to a demand from the Government officials, medical practitioners, and merchants' clerks for a special representative of theirs? If, by reason of their intellectual eminence, the lawyers are better able to serve on the Councils and are, in consequence, in great favour with the people, they should not be denied the privilege of representing any or all of the classes from which they themselves have sprung.

In regard to sub-clause (ii) under (*d*) I have already expressed it as my opinion that irrespective of the amount of peishcush paid or the number of acres owned, the entire body of zamindars, proprietors of permanently-settled estates, janmis of Malabar and inamdars of wholly alienated villages, recognized by the Government as such, should be allowed to elect their representatives. As suggested by the Government, there may be two in number, one for the northern and the other for the southern group of districts.

I think with reference to sub-clause (iii), the reasons for the transference of the electoral right from the Corporation of Madras to the citizens of Madras are not plain. The city is represented by the Corporation, and if the Corporation should be represented by one of its members in the Council, there will be a process of double filtration which, in the majority of cases at any rate, is bound to ensure the return of the best man available. I should therefore like to see matters left as they are in respect of the Madras Corporation. But if the Government should prefer to have a representative of the citizens of Madras and not of the Corporation, then the voting qualification should be considerably reduced so as to bring the privilege within easy reach of all classes and interests. I would therefore extend it to—

(1) Payers of income-tax to the Government, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 1,000.

(2) All graduates of five years' standing who have been residents of Madras for more than six months.

Coming to sub-clause (iv), I am opposed to the Government's attempt to create separate electorates on a caste basis. Successive social and religious reformers have decried caste as clogging the wheels of progress, and it is very strange that, in a century whose watchword is "Forward," an enlightened Government should think of not only reviving dying sectarian differences but of perpetuating them. The Government may allow these castes separate representation, but I believe they are not going to introduce sectarian legislation as well. In that case there is no need for this desire of the Government to give representation to the castes. A Christian like the late Mr. Pragasa Mudaliyar, a Muhammadan like the Hon'ble Nawab Saiyid Muhammad Bahadur, a Sudra like the late Mr. Jambulingam Mudaliyar, have been elected by all classes of people alike, and won their esteem and gratitude. The caste system has long been the bane of India and it is high time that a benign Government should co-operate with the people in extricating society from its clutches. I would therefore allow the present method of representation through the Municipal and Local Boards to continue for the double reason that this has produced satisfactory results and that the proposed policy is pregnant with great dangers. The Local and Municipal Boards were intended to serve as a school for training Indians in the art of local self-government. There appears no reason why the Government should at this stage think of going back upon a policy initiated by them after careful deliberation and attended so far with the most encouraging results. Nor can I understand why a step forward should not be taken in placing these Boards on a more representative and satisfactory basis. The members of Taluk Boards are all nominated and some of them are not sufficiently well educated to realise the responsibilities attached to their office. Oftener than not, the Presidents and Vice-Presidents are officials. These facts are enough to show how far the ideal of local self-government can be realised by and through these bodies.

As regards clause (*f*), I would strongly urge that literate qualifications should be insisted upon and recognised to be at least as good as property qualifications in entitling a man to vote. Else some of the best and most respected of our public men, who will do honour to any Legislative Assembly, will fail to secure a seat in our Councils.

I have already pointed out that all graduates of five years' standing and payers of income-tax should be considered qualified to vote for or be a member of a Council. Starting from this point I would divide the Madras Presidency into five groups of districts [(1) Ganjam, Vizagapatam, Godavari, Kistna, Guntur and Nellore; (2) Chingleput, North Arcot, South Arcot and Salem;

(3) Coimbatore, Nilgiris, Malabar and South Canara; (4) Cuddapah, Kurnool, Bellary and Anantapur; (5) Tanjore, Trichinopoly, Madura and Tinnevelly] and allow each of these groups to elect two members—one to represent the Municipalities and the other to represent the District Boards. I would allow the Indian Trades Associations to elect a separate representative. According to my scheme the constitution of the Madras Legislative Council would be as follows:—

Official and Nominated Members.

Ex-officio Members of the Governor's Executive Council	2
Chief Secretary to Government	1
Advocate-General	1
Members of the Board of Revenue	4
Collector of Madras	1
Heads of Departments and nominated members	8
Total	17

Non-Official and Elected Members.

By the Madras Chamber of Commerce	1
„ Indian Trades Associations	1
„ Senate of the University	1
„ Corporation or citizens of Madras	1
„ Muhammadans	1
„ Zamindari class	2
„ Municipalities and District Boards of the above-mentioned five groups of districts	10
Total	17
Including the Governor	35

The last point I should like to dwell upon is the discussion of the budget. I feel sure the time has arrived when the people of the country should be allowed a voice in financial matters. At present the budget day is nothing but a speech-making occasion. The representatives of the people are not allowed to move amendments. It is a great disability and something may be done to remove it.

ENCLOSURE No. (2).

Letter—from the Zamindar of Kottayam Estate, etc.
To—the Collector of Godavari.
Dated—the 3rd February 1908.
No.—Dis. 26/K.E.

With reference to your letter, Ref. on G.B. No. 1552-Rev., dated 18th December 1907, on G.O. No. 886, dated 22nd November 1907, regarding the administrative reforms proposed therein, I have the honour to make the following few suggestions.

2. Regarding "the Imperial Advisory Councils" in paragraph 5, clause 6, of the Referendum, it is suggested that the power of initiating the proceedings may also be given to the Councillors. This clause may be amplified thus: "That its functions should be purely advisory and that it should deal only with such matters as might be specially referred to it from time to time or deal only with such matters as might be specially brought to its notice by the members of the Council from time to time." When questions of sufficient moment arise, whenever it is found expedient to bring such matters to the notice of Government and whenever any erroneous or incorrect impressions prevailing through the country require rectification, it may be necessary for the members to take the initiative in them and inform the Government in the interests of good administration of the country.

3. From the same paragraph 5, clause 3, it appears that the Imperial Advisory Council should consist of about 20 Ruling Chiefs and about 40 territorial magnates of every province. The constitution of this Council is thus good, but however it may be advantageous to introduce therein a little element of educated people of good reputation and sterling worth.

4. I have no more suggestions to offer in connection with the other proposals.

ENCLOSURE No. (3).

Letter—from M.R.Ry. D. SESHAGIRI RAO AVARGAL, High Court Vakil, Chairman of the Municipal Council, Cocanada.
To—the Collector of Godávári.
Dated—the 13th January 1908.

I have the honour to submit herewith my views on the several measures mentioned in G.O. No. 886, dated 22nd November 1907.

Imperial Advisory Councils.

I am of opinion that the Ruling Chiefs and the territorial magnates of British India should be consulted and associated with the administration of the country. The Imperial Advisory Council should consist of—

(1) The Ruling Chiefs (20).
(2) (*a*) The territorial magnates (24).
(*b*) Other British subjects (16).

The Ruling Chiefs are to be consulted (preferably individually) in all matters of general importance to their territories. I do not think that their advice will be of much use with regard to matters which do not affect the Native States in general. The Ruling Chiefs should constitute an exclusive body by themselves as they may not, under the present circumstances, wish to be mingled with others. They may consider it derogatory to their dignity to be grouped with others. I further suggest that, if necessary, the Ruling Chiefs may be given the option of being represented by their Ministers or Dewans.

Secondly: In addition to the territorial magnates British subjects who from their position, intelligence and loyalty to the British Government form useful members of the consultative body may also be nominated. One of the necessary qualifications of the latter must be a sincere desire to interpret the measures of Government to the people who at present are in deplorable ignorance as to the motives of Government which are more often than not mischievously misinterpreted. In a majority of cases the best intentions of Government are thus misunderstood. Every attempt should be made to prevent the misunderstanding and misrepresentation.

The members of the Advisory Council may be consulted on all measures affecting the administration. They may, when necessary, be constituted into committees, and be required to report on such matters. One or more of them may be deputed to gauge public opinion on any measure and supply the necessary information.

Provincial Advisory Councils.

It may consist of 25 members. Of whom—

Ten may be great landholders.
Three smaller landholders.
Three European merchants, planters, etc.
Three Indian merchants.
Three lawyers—one European and two Indian.
Three representatives of other professions.

Imperial Legislative Council.

C. One seat for a Ruling Chief may be omitted as his presence may not be of much use in the Legislative Council.

D. (*a*) The Chamber of Commerce, Madras, may also be given the privilege of electing a member.

(*d*) May be omitted altogether in the interests of administration.

E. The number of non-officials nominated by the Viceroy may be raised to six, of which such number as may be considered by the Viceroy to be necessary may be Muhammadans, as there is a chance of several Muhammadans being returned under clauses (*b*) and (*c*) of section D.

There is no necessity of fixing the number of Muhammadan members under E. If a sufficient number of Muhammadans are not returned under clauses (*b*) and (*c*) of section D, the number of Muhammadans nominated may be even raised to four or five, the object to be kept in view being to prevent the preponderance of any one community to the prejudice of other communities which should all be treated alike by Government.

Provincial Legislative Councils.

I do not think that any useful purpose will be served by giving several castes the power of election. It will accentuate the differences between various castes which are the bane of the country. As a class, pleaders have the intelligence and leisure to devote time to public work. At present it is difficult to find a proper electorate to work on the lines proposed in the annexure, and even if it be possible to form one, it is very probable that indifferent men will be elected, the success in all elections depending upon the vigour with which canvassing is carried on: really good men not caring to be drawn into the contest, and the electorate not being sufficiently intelligent to appreciate the merits of the several candidates.

At present intelligent and public-spirited men are all generally members of the District Boards and Municipal Councils, and I am of opinion that they may be, as before, given the privilege of election.

The District Boards and Municipal Councils of the Northern group may be allowed to elect three members while those of the Southern group three.

I would propose the distribution of seats as follows :—

(*a*)	To be nominated by His Excellency the Governor		6
(*b*)	To be selected by the Madras Chamber of Commerce . . .		1
(*c*)	Do.	by the Senate of the University	1
(*d*)	Do.	by zamindars, proprietors, etc.	2
(*e*)	Do.	by the corporation of Madras	1
(*f*)	Do.	by the Northern group of District Boards and Municipalities	3
(*g*)	Do.	by the Southern group of District Boards and Municipalities	3

If any one class or caste preponderates, Government may adjust the nomination to counterbalance it.

Enclosure No. (4).

Letter—from M.R.Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder, Rajahmundry.

To—the Collector of Godavari.

Dated—Rajahmundry, the 4th February 1908.

With reference to your letter, Ref. No. G.B. 1552-Rev. of 1907, dated 21st December 1907, I have the honour to forward the accompanying memorandum containing my opinions on the several proposals detailed in G.O. No. 886, dated 22nd November 1907.

Imperial Advisory Council.

Proposal 1.—I suggest that the proposed Council may be called "The Imperial Advisory Committee." The word "Council" conveys an idea that it is an authoritative body recognised by a statute.

Proposal 2.—I assume that the title ceases when its recipient ceases to be a member. I am against members of the proposed Council getting any title simply by virtue of their appointment as members. I apprehend that this may give rise to unfair play in the matter of some of the candidates other than Ruling Chiefs getting themselves appointed or continued as members. The Ruling Chiefs may not care for any such titles. Let Government bestow such titles as they please upon those who really deserve by their work as members.

Proposal 3.—The number may be raised to a hundred as it is purely a consultative body, as the area to be represented is very extensive, and as it is not likely that all members will meet on any one occasion.

I don't think that Ruling Chiefs will be of much use in a Council of this sort. Even on questions common to them and to us we cannot expect much from them. It is very doubtful whether a Ruling Chief in the position of the Nizam will condescend to sit and discuss with a zamindar who was formerly his creature and who now happens to pay peishcush or land revenue of Rs. 20,000 to the Government. If the object of the Government in having the Ruling Chiefs in the Council is to get information from them as to how similar questions and matters have been handled or disposed of or dealt with in the Native States, I think it is better to have their ministers in their stead. The term "territorial magnates" is vague. If the Government mean by it great zamindars, I submit that such zamindars will be very few and most of them will not be sufficiently educated. It may be admitted on all hands that there will be no use of appointing to such a Council as this one who is not able to express his ideas fairly well in English. If a fair knowledge of English is required of them, I don't think the Government can find an adequate number, and if the Government expect of them the use of their brains, the Government will find a much less number. As the appointment is by selection and not by election, the Government can select the number they will ultimately fix for the Council, from among the Ruling Chiefs and from among the educated people of sufficient status and influence belonging to different classes representing aristocracy, landed interest, trade, industry, and professions without committing themselves to selecting any particular number from any class.

Proposal 4.—As the people of India are now in the educative stage for representative institutions, I would suggest that the term should be reduced to three.

Proposals 5, 6 *and* 7.—As this scheme is intended as a tentative measure, I have nothing to any against these proposals.

Provincial Advisory Council.

I would call this also a Committee. As to its constitution, I would suggest that Collectors might be required to nominate three members for every district—one representing land holding, one representing professions and one representing commerce, industry and capital. I put the

three latter under one class as they are closely connected with one another. Out of these nominees, the Local Government may make a selection. In making a selection out of those that are recommended by the Collector, the Local Government may have in view the principle of selecting one at least for every district. A nominee as representing a particular class may not only represent his class in his district but similar classes in some other districts also. There will be therefore no difficulty in selecting one at least for every district and in securing a good number on the whole representing each class. The number thus selected by the Local Government *plus* the Provincial members of the Imperial Council should form the Provincial Council.

In the matter of selection by the Collector in the first instance he will be guided not only by the property qualifications of the nominee, but also by the educational qualifications, the status and influence he possesses in the district.

The number may be raised even to forty if it becomes necessary so as to have one at least from every district in addition to the Provincial members of the Imperial Council.

Imperial Legislative Council.

There will be no difficulty in constituting an electorate from among the nobles and great landlords, but to make it work satisfactorily is, I think, almost impracticable. As it is very likely that a good number of landholders will get into the Provincial Council, I would suggest that the non-official members representing the landholding class might be given the power of electing a member to the Imperial Council from among themselves or from outside.

I would also suggest that the number 4 under (*e*) might be raised to 6 as there are more than two to be taken into consideration under the heading of "Minorities" or "Special interests."

Provincial Legislative Councils.

I would suggest the strength of non-official members to be raised to 20. Of course the official strength might increase proportionately.

The addition of the three seats which I suggest may be distributed as follows :—

Two more for class J ("all other persons"). One for Agency tracts which I suggest to be added to the classes as class (K).

I think there should be some difference in the property qualifications for voters and candidates. I would insist on the candidate possessing also a fair knowledge of English. I would have for the candidates for election the property qualifications as laid down in the scheme suggested by the Local Government, and for voters I would reduce them by half.

I presume that the persons falling under G, H, I and J do not include the corresponding classes residing in the city of Madras. Otherwise there will be two chances of voting for a Brahman residing at Madras, whereas there will be only one chance for a Brahman outside Madras.

As to general condition (2) after the words "twenty-one years of age" I shall add the following words also: "and ceased to be a student." As to general condition (4) I would suggest that the term should be reduced to three as we are now in educative stage for representative institutions. As it is almost impracticable to constitute an electorate over so large an area as a province especially from classes G, H and I, so as to make it work satisfactorily, I would suggest that the selection from these classes might be by nomination by the Government. If election is insisted upon from these classes also, I would suggest that the province might be divided into five or six groups and these classes in those groups might be asked to elect one for each group. There would be thus five or six persons of each class elected. Out of those elected, the Government may nominate one for each class.

For Agency tracts, I would suggest only nomination.

Enclosure No. (5).

Letter—From M.R.Ry. Ganti Lakshmana Garu, B.A., B.L., High Court Vakil, Member of Rajahmundry Taluk Board and Gódávari District Board, etc., Rajahmundry.

To—the Collector of Gódávari.

Dated—the 25th January 1908.

Adverting to your letter, Ref. on Cur. No. G.B. 1552 Rev. of 1907, dated 16th December 1907, forwarding a copy of the G.O. No. 886 Public, dated 22nd November 1907, for my opinion on the Government of India reform proposals therein detailed, I have the honour to submit the following suggestions for consideration.

General remarks.—It is noteworthy that the new reform proposals have not met with enthusiastic reception at the hands of the educated classes, notwithstanding the declaration on the part of the Government of India that "they recognise the essential justice of the claim that is put forward and that they are convinced that it is possible, without neglecting the other interests and obligations involved, to move gradually forward towards the fulfilment, in no grudging spirit,

of a pledge which the people of India are entitled to regard as inviolable." The reason for this obvious lack of enthusiasm is to be sought in the evident disatisfaction displayed by the Government at the growing influence of what the Government is pleased to call the "Professional classes" and the transparent attempt made in the Government order to creeple their "excessive" influence by "creating an additional electorate recruited from the landed and monied classes to supply the requisite counterpoise." The new reform scheme has not therefore come to be viewed as a courageous advance on the path of progressive Government, dictated by far-sighted statesmanship. A reactionary spirit seems to have come over the Government of India in framing the so-called reform proposals which appear, when subjected to a close analysis and a critical examination, to have been deeply coloured by the desire to create a counterblast to the growing influence of the educated middle-class, which has begun to fill the burning sense of the stigma of an inferior status to which the people of India are subject even in their own country, not to speak of the indignities, humiliations and hardships which are the common lot of their countrymen in other parts of the Empire. Under these circumstances, it is not certainly the part of wise statesmanship to exclude them from what little share they have in administering the affairs of the country, to give them the cold shoulder and to treat their aspirations with utter contempt. It is not certainly the part of wise statesmanship to conceive the so-called reform measures in a reactionary spirit and to smother the growing aspirations of an awakened people for a real share in the government of their own country. It is not certainly the part of wise statesmanship to introduce in the name of equal representation elements of sectarian strife into the composition of the Legislative Councils. The Government seem to have been taken aback at the results of educational progress, which earlier British statesmen have planned and carried out with courageous prescience just when the predictions of prophet-statesmen like Lord Macaulay have begun to give promise of fulfilment. Briefly, the so-called reform proposals turn out to be steps in a retrograde movement and are calculated more to deepen discontent among the people than to satisfy their legitimate aspirations.

Imperial and Provincial Advisory Councils.—Whatever may be the benevolent intentions on the part of the Government of India in proposing to establish the Imperial and Provincial Advisory Councils, the constitution and functions assigned to them betray a hesitency and lack of courage in framing the proposals. Devoid of statutory recognition and destitute of all powers of initiative and control in the affairs of the administration, the councils are more apt to degenerate into ornamental appendages of the Imperial and Provincial Governments than be any useful factors in promoting good government. Under these circumstances, I shall only make a few observations touching their functions and the record of their collective consultations. In the first place, it is well to understand clearly at the outset whether the Ruling Chiefs and the territorial magnates who compose in the main the Advisory Councils are there to represent the needs and sentiments of the masses of the people, "acquainted as they are with their daily life" and therefore, "qualified to speak with authority on their behalf" or whether they are honoured with places on the Council to give expression to their individual views and safeguard their vested interests. If their function is to play the role of "hereditary leaders" and true representatives of the people, then it is only proper that the collective consultations in which they are engaged with the Government should be exposed to the full blaze of publicity, so that they may not find it convenient to give expression to their individual opinions with due regard to the sentiments of the people whom they are supposed to represent. They can only act with a full sense of their responsibility, when popular sentiment has the fullest play to make itself felt on their acts and utterances. Where the proceedings are "private, informal and confidential" they may in some small measure conduce to a frank interchange of opinion, but the danger of their views and opinions being deflected by considerations other than those which make for public weal is all the greater. It may be that the councils may be often requisitioned to act as "agencies for the diffusion of correct information upon the acts, intentions and objects of Government," but it is highly problematical if they can be of any real service in shaping administrative measures in contemplation so as to bring them into line with popular needs and aspirations. More often they will lay themselves open to the charge of enabling the Government to buttress itself behind the collective good sense and the corporate wisdom of the councils of notables in the promulgation and execution of unpopular and repressive measures. However it be, I fail to see how a Ruling Chief can find a legitimate place in the councils of the Government of India, though his presence may lend dignity and grandeur to the council and its deliberations. I am afraid that the proposal is apt to wound the susceptibilities of Ruling Chiefs rather than minister to their sense of self-respect and independence. My opinion, therefore, on the subject of the proposed Imperial and Provincial Advisory Councils is that they would be mere ornamental appendages unless they are accorded statutory recognition and definite functions for the due exercise of which it should be incumbent on the Government to summon them for purposes of collective deliberation on important matters of administration, which it is necessary to lay down at least in outline. In my judgment, it would conduce to good administration if Advisory Boards composed of representative men are constituted for each district making it obligatory on the Collector to summon them for collective consultation on such important topics as famine-relief, income-tax, land revenue remissions in case of drought, floods, etc.

Enlargement of Legislative Councils.—In examining the results of the operation of the Indian Councils Act of 1892 and the rules framed thereunder the Government of India has come to the

conclusion that the elective system thereby introduced "has given to the legal profession a predominance in the Provincial Councils to which it is not entitled while it has signally failed to represent other important elements in the community." Though this observation may be statistically true, it does not comprehend the whole truth. The legal profession as such, as far as I have been able to gather, has had no interests of its own to advance in the Legislative Councils. The representatives in the council recruited from the legal profession have not been known to have championed the passage of any measures which are directed towards the advancement of the interests of their profession. They have gained entrance in pretty large numbers into the councils because they have attained to positions of pre-eminence in their community by dint of their public spirit, patriotic services and personal worth. It is a well-known fact that prominent legislators in the legislative assemblies all the world over have been largely drawn from the profession of law, because the study of jurisprudence and of constitutional history is calculated to develop their aptitude and capacity for legislative work. It is unnecessary for me to elaborate the point further. Speaking with special reference to Madras, landed aristocrates and territorial magnates have not hitherto been known to have sought the suffrages of the existing constituencies for admission into the Legislative Council. It may be that they have been prevented by a sense of delicacy or pride of birth. They have withal uniformly enjoyed a seat in the Legislative Council through the courtesy and good graces of the Government. Under these circumstances, it is unjust to lay the entire blame for the non-return of representatives from other classes or communities on the electorates which have hitherto enjoyed the privilege of election.

The true principle of representation.—I may at once say that I recognise the essential justice and expediency under present conditions of the representation of special interests and minorities. But unfortunately a principle whose application can only be justified by the existence of special circumstances seems to have overshadowed the observations of the Government of India in paragraph 22 of its order and has consequently found its logical consummation in the Provincial scheme of the Madras Government for the enlargement of its Legislative Council. To introduce the principle of representation of races, castes and religions is to introduce elements of racial animosity, caste hatred and religious strife into the composition of the Legislative Councils. When once recognition is given to the principle of representation by caste and creed, it will afford an invitation to rival castes and religions to press for the bestowal of similar privileges and will awaken aspirations for representation in the Councils of the Government, which cannot possibly find fulfilment. In my humble judgment, the true principle of representation to be practised in India, even under present conditions, is, while making due provision for the representation of special interests and minorities, to so constitute the electorates as to bring out points of unity and of contact among the members of various communities and bring them on a common platform. Sound statesmanship requires that a community of aims and aspirations, based it may be on a community of common interests which may have only been recently awakened by a sense of allegiance to a common sovereign should be sedulously fostered by a far-sighted Government to promote smooth and orderly administration, rather than that countenance should be given, in however small and indirect a manner, to the accentuation of caste differences and religious jealousies. It is submitted that the principle of caste and creed representation suggested by the Government of India and ruthlessly worked out to its logical conclusions by the Government of Madras is fraught with far-reaching results to the peace and harmony and good Government among His Majesty's subjects.

Occupational groups—an impossible division.—Even the division into "occupational groups such as landholders, cultivators, traders and professional men" assigning to each group a fixed proportion of sets in the Local and Municipal Boards resolves itself into a division of the rights of representation on a caste basis, because certain castes are required in the Government order to be selected as representatives of each group. With the impact of new ideas and of the new civilisation that has set in and under the stress of changing conditions of life, the old rigidity of caste occupations has been rapidly giving way and it is now-a-days difficult, nay almost impossible, to definitely demarcate the occupational groups under district caste heads, as in many cases there may occur an overlapping of occupations which are not determined solely by membership of a caste or community. Such an arrangement is likely to lead to confusion of interests and complications in registration, which can only be solved by arbitrarily ignoring hard facts in the actual conditions of life. As I have already submitted, it is open to the Government to hold in its hands a sufficient reserve of legislative seats to redress inequalities in representation and give representation to minorities or special interests as necessity requires.

Minorities and Special Interests.—As the landed aristocracy has hitherto exhibited a reluctance to seek the suffrages of the constituencies as now formed for admission into the Legislative Council, I think it is only fair to give the territorial magnates and major landlords special representation in the Legislative Councils by constituting separate electorates of the large landholders or by means of nomination where it is likely that election even on the basis of a special and limited electorate will be repugnant to their sense of self-respect and their hereditary traditions.

The Madras Legislative Council and the Local Government proposals.—I shall now attempt a detailed examination of the scheme for enlarged non-official representation in the local Legislative Council. Of the seventeen seats provided for in the scheme, two are set apart for nomination by His Excellency the Governor, a seat each is assigned to the Madras Chamber of Commerce and the Senate of the University as before, one seat is allotted to be filled up by the citizens of Madras, a privilege which has hitherto been enjoyed by the Madras Corporation;

while a seat each is given to Brahmans, Muhammadans and Christians on the basis of caste and creed representation and two seats are bestowed upon zamindars and proprietors. Barristers and other members of the legal profession are accorded one seat, whereas six seats are reserved to be filled up by selection by "all other persons". As I have already submitted, the Madras Government seems to have given its whole hearted acceptance to the principle of representation adumbrated by the Government of India in paragraph 22 of its order. It is not clear why the Brahmans of all castes should be given the privilege of representation on the council any more than the Kshatriyas or Vaisyas. The Brahmans as a sacerdotal caste have no interests of their own to safeguard, which are not shared in common by members of the other castes. Having set forth my objections to the principle of representation underlying the distribution of seats of the council at some length already, it is needless for me to elaborate them further. The principle which has found acceptance in the Provincial scheme is radically wrong and deserves to be eschewed altogether, as its operation is bound to lead to mischievous consequences. Nor is it easy to understand why Barristers and other members of the legal profession should be given special representation; and it is not feasible to fix upon an electorate ready to hand as we have no incorporated societies representative of the profession. Moreover, it is incomprehensible whom the non-descript class of "all other persons" to whom six seats are allotted is intended to cover by the Madras Government.

Constructive proposals.—The only reasonable principle that can meet with the approval of the educated community is, so far as I have been able to judge, one of the territorial representation subject to due provision being made for the representation of special interests and minorities as already stated.

I would, therefore, allot the seventeen seats as follows :—

	Seats.
(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) By the Senate of the University	1
(*d*) By the Corporation of Madras or by its citizens	1
(*e*) By the zamindars and proprietors	2
(*f*) Selected by Muhammadans through their Anjumans or other public bodies	1
(*g*) Nine groups of districts into which this Presidency is to be divided one each	9
Total	17

As seen above, I would give a seat to each of the corporations or associations of merchants which have hitherto enjoyed the privilege and allot three seats for the representation of special interests and minorities. Two seats are reserved to be filled in by His Excellency the Governor, while I would sub-divide the Presidency into nine territorial groups, giving each group a seat on the Legislative Council. I may remark in passing that I would divide the Presidency into two groups as far as the landed interests are concerned and would give one seat to the zamindars and proprietors in each group; but that is however a matter of detail which can be settled after consultation with the parties immediately concerned.

Existing Electorates ignored but they should be retained.—It is a curious feature of the tentative scheme propounded by the Government of Madras that it altogether ignores the existing electorates of Municipalities and District Boards which have till now been invested with the privilege of electing members to the Legislative Council and the reasons for such a course seem to lie principally in the principle of caste and creed representation which has found favour with the Madras Government and on which the redistribution of non-official seats in the Legislative Council has been based. Obviously, the existing electorates cannot possibly be grouped under caste heads nor can they be brought under the category of distinctive creeds. The principle of caste and creeds representation which has only been tentatively thrown out by way of suggestion by the Government of India has been allowed to pervade the whole scheme prepared by the Local Government and has left a deep impress on its proposals. The Local Government seems to have overlooked the remark of the Government of India "that it does not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils, which they have enjoyed for the last fourteen years." The Government of India goes on to mark "that it does not however follow that the present system of voting must be maintained unchanged and that a solution might perhaps be arrived at by introducing special qualifications for members of council while leaving the electoral franchise in other respects unchanged." I would retain the franchise now enjoyed by the District Boards and Municipalities as they provide convenient bases for election to the Legislative Council but would do away with the artificial distinction between municipal and rural interests, which now divides them into distinct electorates". I would give the members of Municipal and District Boards the right to elect direct to the Legislative Council rather than through the process of double distillation which obtains at present. As for the special qualifications for candidates to the Legislative Council to which the Government of India refers, I think it is unnecessary to lay down any and would prefer to leave it to the collective good sense of the electoral bodies.

Property qualification abnormally high.—The Local Government has fixed an annual income of Rs. 5,000 as the minimum qualification for a voter and *a fortiori* for a candidate to the Legislative Council. With the property qualification fixed so high, it would be obviously impossible for gentlemen of the type of the Hon'ble Mr. Gokhale, who have consecrated their lives to poverty and to the service of their mother country and whose record of public work and patriotic achievements would shed lustre on any legislative assembly to which they might belong, to get admission to the local Legislative Council. The Government of Madras may set itself seriously to evoke the sympathy and enlist the co-operation of the "landed and monied classes." They may set their heart on rallying the landholding and commercial classes "possessing a material stake in the country" and on enlisting the support of the "most powerful and stable elements in Indian Society." But education, culture and patriotic public service ought not to be at a discount in the councils of any Government. Under such a restricted system of franchise, representation itself would be reduced to a farce and the small modicum of privilege of participating in the administration of the country gravitates into the hands of the wealthy few to the detriment of the middle class many. The voice of the educated middle classes will not count in the councils of the Government but will only be a voice in the wilderness. One loses all patience when the reform proposals which the people have been made to look for with eager expectation turn out to be retrograde measures in their scope and tendency; and even the most optimistic amongst us is apt to give way to despair, hopeless of winning any real concessions from the Government.

Budget.—The mere provision for the discussion of the budget in compartments is not, in my humble opinion, calculated to make the discussion more fruitful, even though it may be made less discursive. A mere prolongation of the debate without widening the functions of the council cannot possibly satisfy the demands of educated public opinion.

I thank you for having afforded me this opportunity of expressing my opinions on the reform proposals.

ENCLOSURE No. (6).

Letter—from M.R.Ry. V. RAMACHANDRA RAO PANTULU GARU, Deputy Collector in charge of the Treasury, Godavari district.
To—the Collector of Godavari.
Dated—Cocanada, the 15th January 1908.
No.—D. Dis. 39-Accts.

I have the honour to submit the report called for in your Ref. on G.B. No. 1552-Rev., dated 16th December 1907, regarding the proposed scheme for the establishment of Imperial and Provincial Advisory Councils, and the enlargement of the Legislative Councils, embodied in G.O. No. 886, Public, dated 22nd November 1907.

2. The first paragraph of the memorandum appended to the order invites suggestions as to the constitution of the Advisory Councils and the work which may be devolved upon them. The lines on which they might be formed are suggested in paragraph 5 of the Government of India's letter embodied in the order. Altogether there are seven proposals, of which a few call for remarks.

3. The second clause lays down that all the members should be appointed by the Viceroy and should receive the title of Imperial Councillors. In the preamble to the letter from the Government of India read in the Government Order, it is said that the main object of the proposed reform is to give to the *people of India* wider opportunities of expressing their views on administrative matters. The system of nomination by the Viceroy should, I think, make room for the popular elective system. It is not easy matter to find out for nomination all the men best fitted to advise Government in the practical administration of the country. The people are generally in closer contact than Government, with their leaders, and they know who can best represent their wishes to the Sovereign. Having due regard to the paramount nature of the British power in India, it does not seem unfair to give the people the privilege of direct repre-entation by allowing them to elect one-half of the members of the Advisory Council, the other half being filled up by nomination.

4. The third clause treats of the internal composition of the Imperial Council. It is proposed that the Council should consist of about 60 members for the whole of India, including about 20 ruling chiefs, and a suitable number of territorial magnates, where landholders of sufficient dignity and status are to be found. It is however a question how many of them are qualified for the proper discharge of duties of such grave responsibility, as are imposed upon them by the present proposal. It cannot be denied that among the ruling chiefs, there are educated and wise men; but I think their number is limited, as along with the qualifications mentioned above, there must be such of them as are in close touch with the people. Some are wanting in moral courage to act independently, and as such, cannot be expected to voice forth freely the wishes of the people. There are many territorial magnates in the country, but are no better than the ruling chiefs. The proposal of the Government is obviously based on the presumption that a man who derives a certain maximum of land revenue, has a corresponding interest in

the general administration of the country, and should therefore find a place in the Imperial Council. It should be admitted that they are entitled to advise Government, not as specially privileged landlords, but as the leaders of the public opinion by right of fitness for the work: and such of them as are fit for the position will be the first among those chosen by the people.

5. A council of wise men with practical experience are better fitted to advise Government in the general administration than a set of rich but ignorant landlords. A man's land revenue alone is not the criterion of his fitness to be an adviser. I am therefore of the humble opinion that proper education also is quite necessary along with richness, which should be of secondary consideration. Otherwise he can be of no use to Government. I would therefore propose that one-third of the number of councillors be reserved for the ruling chiefs and territorial magnates.

6. If the Advisory Councils are to be of use, Government should give to experience and wisdom a fair share of space in the council. A third of it may therefore consist of Indians either retired or yet in the service of Government, who held or are holding high places of honour in its own service. These are ripe with experience and wisdom, and are, as such, better fitted to give practical advice to Government in the administration of the empire. A third may be made up from the non-official members of the new Legislative Councils. One-half of each class may be recruited by nomination by the Viceroy, and the other left to be publicly elected by the people. Such an arrangement will be representative of the *Indian people*, without being opposed in spirit to the paramount nature of British power.

7. The same remarks hold good of the Provincial Advisory Councils as well. It may consist of 24 members equally divided into three classes on the analogy of the Imperial Council with this difference, that the third class should embrace the commercial and professional classes. As in the case of the Imperial Council, one-half of the members of each class may be nominated by Government, leaving the other half to be elected by the people.

8. With regard to class (6) of paragraph 5 of the India Government's letter, I think freedom of speech and free access to the Viceroy, when necessary, should be conceded to all the councillors. These privileges are necessary that the council may justify its existence.

9. Regarding the proposals for the expansion of the Legislative Councils, there are three points for consideration, *viz.*, (1) the proposal to counterpoise the excessive influence of the lawyers by creating an additional electorate from the landed and monied classes; (2) the desire of the Supreme Government to maintain an official majority in the Legislative Council, in consonance with the paramount nature of the British power in India; and (3) the representation of special interests and minorities.

10. In paragraph 9 of the India Government's letter, it is stated that the elective system has given too much room to the professional classes, especially lawyers to the exclusion of the landlords. The difficulty in the way of the people recognising the landlord of ordinary qualifications as their true representative is explained above. He should doubtless have a place in the Legislative Council; but the privilege should only be proportionate to his capacity to speak for the people. The middle classes consist mostly of professional men, and the view that the Government of India have entertained with regard to the latter, tends to affect the interests of the middle class. The lawyers are qualified to speak out the wishes of the people, and as such are entitled to a fair share of representation in the councils as they are in close touch with the people.

11. The division of the council between the official and non-official members seems to have presented some difficulty. In paragraph 10 of the Government of India's letter, it is said that the principle of a standing majority of official members is a legitimate and necessary consequence of the nature of paramount power in India. The casting vote of the presiding member, the natural and legitimate consequence of the paramount power seem to be sufficient safeguard against non-official preponderance. An equal division of the Legislative Council between two classes would secure popularity and uniformity.

12. The proposal of Government to make special provision for minorities and special interests does not seem to be beneficial. It tends to the conversion of a popular cause into a personal interest. It does not seem to be desirable that Government should be guided by considering the claims of particular castes and creeds in an affair of this kind. It is a national cause and the people are Indians to whatever caste or creed they may belong. A qualified man stands a good chance of being elected irrespective of his caste or creed. The system of nomination in part is a sufficient safeguard against unequal representation. Any special rules on the subject do not seem to be advisable.

13. In the light of the foregoing remarks, the plan suggested by the Madras Government in paragraph 6 (*a*) of the memorandum appended to the Government Order under reply would require some modifications. The number of non-official members should be raised so that the number may be equal to that of the official class. This would give the non-official members sufficient strength for successful representation. The nomination of two official members by His Excellency the Governor would leave the balance in favour of the official side, without at the same time weakening the other party. Instead of the elections under sub-heads (*g*), (*h*), (*i*) and (*j*), the present elective system by district boards and municipalities may continue. It would be a retrograde step to deprive these bodies of the franchise hitherto allowed to them. If

Government should, however, think it desirable that provision must be made under these sub-heads, it may be done either by increasing the number of non-official members, or by omitting sub-head (*j*) and continuing the franchise enjoyed by the local bodies, by allowing them to elect at least six non-official members. This would render the council more practical and truly representative of the people.

14. In paragraph 5 of this report, I have touched upon the necessity of the literate qualifications in a member of such an important institution as an Advisory Council. I may add that the same remark applies to the Legislative Councils as well. In paragraph 6 (*f*) of the memorandum, the Government have rightly observed that it is a question whether literate qualifications should be insisted upon, as a qualification for voting. The answer should be in the affirmative. It is an absolute necessity that every man should be well conversant with the English language that he may take part in all public movements of the present day; but as it is impossible to determine the qualifications in every individual case, a general minimum standard may be prescribed in addition to some property qualification. It is as important in the service of the people as it has been in the service of Government, and there exists no reason why its importance should be ignored.

XXXVIII.

Letter—from F. C. PARSONS, Esq., I.C.S., Acting Collector, Vizagapatam.
To—the Chief Secretary to Government.
Dated—the 24th December 1907.
No.—D. Dis. 82.

In reply to G. O., No. 886, Public, dated 22nd November 1907, I have the honour to submit the following remarks on the memorandum annexed thereto.

2. *Paragraph 2 of the memorandum.*—The members of the Provincial Legislative Council might be made *ex-officio* members of the Provincial Advisory Council and, in addition, His Excellency the Governor might from time to time nominate members who were considered especially fitted to advise on subjects which were coming up for discussion. There seems to be no necessity for fixing the number of members of the Advisory Council. If the above proposals were adopted the number would be 17 to begin with and 25 might be fixed as a maximum. Having selected the members of the Legislative Council there seems to me to be no necessity for repeating a tedious process in order to select members for the Advisory Council. Paragraphs 2 and 10 of the Government of India letter No. 2310, dated 24th August 1907, show that both the Advisory and Legislative Councils are to represent all classes so that the same body of men might sit on both councils and perform the different functions mentioned in paragraph 7 of that letter.

3. For the reasons given in paragraph 6 (*e*) I would prefer nomination by the Governor to election by the classes mentioned in paragraph 6 (*a*), (*g*), (*h*) and (*i*). I do not think there is any necessity for providing for special representation for Brahmans. Their superior intelligence and influence would ensure their representation under (*c*), (*d*), (*f*) or (*j*). Hindus are everywhere in a great majority over men of other religion, and I do not think any particular class of Hindus needs special representation. If any one class is to be selected for this purpose, I would select Vysyas who possess most of the wealth and carry on most of the trade of the country and will very likely not be represented unless by the Governor's nomination.

4. I enclose a list of persons whom I have consulted with their opinions.

List of persons consulted in connection with the formation of Advisory Councils and the enlargement of Legislative Councils.

1. The Maharaja of Bobbili (sent separately).
2. The Maharaja of Jeypore
3. The Honourable the Raja of Kurupam } opinions not yet received.
4. The Maharanee Lady Gajapati Rao Garu.
5. The Zamindar of Salur.
6. M. R. Ry. Sri A. V. Jagga Rao Garu, F.M.U.
7. The Proprietor of Kasimkota. } opinions not received.

8. M.R.Ry. Dewan Bahadur V. Ananta Row Pantulu Garu, Audit Officer, Vizianagram Estate.

9. M. R Ry. K. Ramanujachariya Avargal, M.A., B.L., Principal, Maharaja's College, Vizianagram.

10. M..R.Ry. Akella Suryanaryana Row Pantulu Garu, Government Pleader, Vizagapatam.

11. „ The Hon'ble B. Narasimheswara Sarma Garu, B.A., B.L., Vizagapatam.

12. D. Lazarus, Esq., B.A., Principal, London Mission High School, Vizagapatam. } opinions not received.

13. Munshi Sheik Mowla Saheb, Honorary Magistrate, Vizagapatam.

14. M.R.Ry. Diwan Bahadur D. Dharma Row Naidu Garu, Waltair.

15. M.R.Ry. Perla Ramamurti Chetty Garu, Vizianagram

16. H.A. Gass, Esq., Manager of the Vizianagram Estate } opinions not received.

17. M.R. Ry. P. Sita Row Pantulu Garu, Treasury Deputy Collector.

18. „ K. Narasimham Pantulu Garu, Personal Assistant to the Raja of Vizianagram.

19. M.R.Ry. P. Minakshisundaram Pillai Avargal, Inam Deputy Collector of Jeypore.

20. „ C. Bhaktavasaludu Naidu Garu, Special Deputy Collector, Vizianagram-Rasipur Railway.

21. B. Edington, Esq., Agent to Messrs. Stuart, Hall & Co., Vizagapatam—opinion not received.

22. H. C. William, Esq., Agent, Bank of Madras, Bimlipatam.

23. R. Manfield, Esq., Messrs. Riply & Co., Bimlipatam—opinion not received.

24. M.R.Ry. P. T. Srinivasa Aiyangar Avargal, M.A., L.T., Principal, A.V.N. College, Vizagapatam.

25 to 28 Four Divisional officers in the plains.

29 and 30. Tahsildars of Palkanda and Sarvasidhi.

ENCLOSURE No. (1).

Letter—from M. R. Ry. Dewan Bahadur V. ANANTA ROW PANTULU GARU, Audit Officer, Vizianagram Estate.

To—the Collector of Vizagapatam.

Dated—Vizianagram, the 25th December 1907.

In acknowledging the receipt of your letter No. B. and G. 1382 of 1907 of the 6th instant covering G.O., No. 886 of the 22nd ultimo, I have the honour to represent that no amount of expansion of the Legislative Councils or the inauguration of additional Advisory Councils will, in my humble opinion, enable the benign Government to further their great desire to really know and redress as far as possible the wants and wishes and grievances of the people as a whole, unless a larger number of the real representative and leading members of the different communities are consulted. The franchise of election, even with its expanded sphere, does not afford sufficient scope to the Government to avail themselves fully of the services of many of the practically useful men, who from their experience of the past, and knowledge of the present, times can effectually lay before the Government the requirements of the people in a congenial, dutiful and constitutional manner so as to prompt them to view each case with a more sympathising and kindly spirit. The growth of education all over the country has, as a matter of course, brought forth a number educationists whose highest aspirations run most in the direction of helping the rulers with their services by way of advice and co-operation in the Government of the country. Their education and refined ideas have also been best and most usefully directed towards the improvement and amelioration that the many crying and pressing needs and reforms of the Indian domestic and social life so much demand.* The masses of the Empire are perfectly content as they are and are indifferent as to who make or assist to make laws so far and so long as they are not unduly and unjustly harassed and troubled.† However stringent or strict the law may be, it does not cause so much distress or dissatisfaction if it were only carried out in the spirit in which it was enacted. I venture to submit that it is the executive element that requires so much more improvement than the body for the formation of the laws. There would never have been so much bitter feeling against the imposition of the imperial or local taxes if they were but imposed as contemplated by law. In all villages as well as in towns and cities people's men are not wanting nor would it be a difficult matter for the representatives of the Government to know and acquaint themselves with such men by affording opportunities which prompt a free and true representation of the wishes and wants of the people in a disinterested manner. Such men will be the real representatives of the Indian population in its various sects, creeds and castes and they will also be helpful in the achievement of the results so much in view of the Government. A retrospect of the past when the imperial as well as local councils were filled by gentlemen so

*Their labours in this direction also have not passed the experimental stage yet.

†But in a large number of educated classes and of the next generation of the sons of India, a sense of their fitness for higher privileges and emoluments is briskly awakened.

selected by the popular and sympathising authorities of those times will show how great the harmony on all sides was that marked those times and what good works were done for the benefit of the people.

2. The code of Manusmruthi and other Hindu laws which so long governed the people of India define that the relations between the rulers and the ruled should be those which exist between a father and his progeny, and a doctor and his patients and that such relations should be always religiously cultivated and maintained in all measures calculated to improve existing conditions or remove grievances; and this golden rule can only be realised by the paternal Government adopting such sure and certain measures as will effectually bring about the treatment of the people by its so many high and varied representatives in the sense and spirit indicated. I think that this will cause much more substantial good to the people and peace to the rulers of my country than any expansion of law-making or formation of Advisory Councils.

3. With regard to the qualifications of a member for the Legislative Council among the zamindars and landowners, I would suggest the following for consideration:—

(1) That the candidate should have a thorough knowledge of his estate as well as of the district or districts in which it is situated.

(2) That he should have at least ten years' experience of its management directly by him.

(3) The amount of relief afforded by him to his people and tenants during unfavourable seasons of famine and failure of crops is to be taken into consideration for purposes of appointment or election as a member.

(4) The improvements made to his estate and to the condition of its people as well as his ryot population and how far he is directly in touch with them may also be taken into consideration.

(5) The attitude of the zamindars and landowners can be best judged at present by their expressed views and open actions with regard to the Tenancy Bill which is a great turning-point on which hinge the fates and fortunes of so many thousands of the cultivating classes of the Presidency.

4. With regard to the qualifications of the other members, I would suggest for consideration the addition of the following, *viz.*:—

(1) that no candidate is eligible for membership whose age is below 45 years (the experience which age alone can secure cannot be expected in men of less mature years);

(2) that the candidate should have at least nine years of approved service as an elected or appointed member of any of the bodies of local Self-Government (raw men can hardly be able to advise usefully or practically);

(3) that these members render their services for the sake of the service itself and that the offices should have no titular or monetary attractions.

That in case of members either from zamindars or others a sufficient knowledge of English and of the vernaculars of the districts on behalf of which they appear should be regarded as essential.

ENCLOSURE No. (2).

Letter—from M. R. Ry. K. RAMANJA CHARIAR, M.A., B.L., Principal, Maharaja's College, Vizianagram.

Dated—the 31st December 1907.

With reference to your letter dated 6th November 1907, I have the honour to submit my views on the several questions raised in the memorandum about the establishment of Imperial and Provincial Advisory Councils and the expansion of the existing Legislative Councils.

I am thankful to the Government for the steps which they propose to take for "bringing all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and Legislative questions." I am grateful for the declaration of the generous policy the Government promise to pursue in future with regard to the aspirations of the educated people. The promise I refer to is contained in the concluding part of paragraph 2 of the letter which the Government of India have addressed to the Local Governments. "The classes which will be enabled, under the present scheme to take a more effective part in shaping the action of Government, may reasonably look forward, as the necessary outcome of the measures now in contemplation, to a large share in the actual work of administration and more extensive employment in the higher offices of the State. The Government of India recognise the essential justice of the claim that is put forward, and they are convinced that it is possible, without neglecting the other interests and obligations involved, to move gradually forward towards the fulfilment in no grudging spirit, of a pledge which the people of India are entitled to regard as inviolable."

The time has certainly come when the landholding, commercial and other classes "having a material stake in the country should be afforded opportunities of expressing their views on matters of practical administration." For this purpose the formation of Advisory Councils is a very desirable thing. In order to enable the people to influence the Legislative action of the Government to a greater extent than has been possible till now, the expansion of the existing Legislative

Councils is necessary. But in my humble opinion there are certain features of the measures now proposed which do not seem to be calculated to further the objects the Government have in view.

Constitution of Advisory Councils.

Imperial Advisory Council.—With a few exceptions, it is doubtful whether ruling chiefs are in a position to offer any useful advice to the Government regarding administrative matters pertaining to British India. It is also doubtful, whether ruling chiefs like the Maharaja of Baroda whose advice is likely to be useful will be willing to be members of the Imperial Advisory Council. If it is necessary that the protected States should be represented on the Imperial Advisory Council, it would be better to have them represented by the ministers of the ruling chiefs than the ruling chiefs themselves. In my humble opinion, an Advisory Council composed of zamindars and leaders among merchants, capitalists and professional classes would be a more useful body than the one now proposed.

Provincial Advisory Council.—I think it is desirable to have each district represented on the Advisory Council by one member, Madras being represented by more than one. An Advisory Council composed of representatives of all the districts in the province will be able to give useful information to the Government. A body so constituted will bring the Government and the people into as close relations as the present circumstances of the province permit. It is suggested that the strength of the Advisory Council may be twenty or twenty-five. Twenty-five is not too large a number. In appointing twenty-five men as members of the Advisory Council, the Government will have a wide field to select persons from for the representation of different interests.

Functions of Advisory Councils.—With the exception of questions affecting the Military Policy and the relations of the Government with Foreign Powers, all questions of imperial importance in which the Government are likely to take administrative or legislative action may first of all be referred to the Imperial Advisory Council. Similarly matters of provincial importance may be referred to the Provincial Advisory Council. If a large majority of the members, say, two-thirds are against any matter referred to them, it may be dropped for the time being.

In a continent like India, I cannot believe that Advisory Councils cannot find work to meet once a year. At any rate, Provincial Advisory bodies may meet at least once a year. If they do not meet periodically, they will not be able to do any useful work and the general public will cease to take any interest in them. Another matter to which I attach great importance is that the deliberation of the Advisory Councils should be made public. The present proposal is to keep them confidential. As it is not easy to keep strictly confidential the deliberations of such a large body as the Imperial Advisory Council, garbled or distorted versions of these deliberations will appear in the newspapers. As the object of the Government in creating these advisory bodies is to promote a better understanding between the rulers and the ruled by "correcting mis-statements and removing erroneous impressions" I submit that the best way of promoting that understanding is to publish officially the reports of their proceedings without waiting until mischief-makers have done their work.

Legislative Councils.

Imperial Legislative Council.—As proposed by the Government, elected members form only one-third of the total number; I think it may be raised so as to give one representative to the nobles and the great landowners, at least in some of the larger provinces like Madras, as the Government would still have a large majority to support them.

Provincial Legislative Council.—I regret I am against the principle of representation of the people in the local Legislative Council on the basis of race, caste, creed or religion. There are few things relating to the well-being of the general community in which the interests of the different sections are likely to clash. The policy of non-interference observed by the Government in matters connected with the religious and social customs of the people deprives the principle of representation on the basis of caste or creed of any value which it might otherwise possess. Besides, the present proposals might, if carried out, tend to accentuate any differences that exist among the different sections of the community. If the Local Government wish to treat the Muhammadans of the province in the same exceptional manner in which the Government of India wish to treat the Muhammadans in India generally, they may allow the Mussalmans of this province to have a representative of their own in the Council. But if the principle of class representation were applied to the other sections of the community, I fear it would tend to the introduction of inferior men into the Council and exclusion of superior persons who might otherwise be useful to the Government as well as the country. If it is not possible to raise the number of elected members so as to give one representative to each district, I venture to think it will not be very difficult to make it nineteen so that twelve seats will be available for distribution among the twenty-four districts of this province.

If the number of non-official members in the Council is to be only seventeen, ten seats will be available for distribution among the twenty-four districts of the presidency.

Two or three districts may be allowed one member, the grouping of districts for purposes of representation being determined by a consideration of the numerical strength of the population or the amount of revenue which the Government get from them. A small difference with regard to the number of votes may be overlooked in deciding this question.

The Electorate.—As regards the qualifications of a voter, I think that an income of five thousand rupees a year is too high. An annual income of three thousand rupees may be accepted as a sufficient qualification. As the Government of India are pleased to include all registered Muhammadan graduates of five years' standing among the Muhammadan electorate, non-Muhammadan graduates of ten years' standing, or, if it would qualify too large a number, graduates of ten years' standing holding two degrees may be included among the electorate. It is submitted that to exclude all the Hindu graduates from the electorate, irrespective of their standing and attainments would be casting a slur on their character, as most of them are, at any rate in this province, as loyal to the Government as their follow graduates of Muhammadan persuasion are believed to be.

In the above paragraphs, I have ventured to point out those features of the reform proposals which, I fear, are calculated to impair the beneficial character of the changes which, with the most benevolent intentions, the Government wish to introduce into the constitution of the country. As questions of this nature are taken up only at long intervals, I hope the Government will be pleased to give to the earnest representations of the people the consideration they deserve.

ENCLOSURE No. (3).

M. R. Ry. Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam.

The establishment of the Imperial and Provincial Advisory Councils is greatly beneficial to the people of this country and would place the Government in communication with responsible leaders of society on important administrative measures. The measures receiving the sanction of the Government with the concurrence and approval of the Advisory Boards will carry great weight and the system will have the double advantage of saving the Government from undeserved cavil and misinterpretation of their acts and measures and, secondly, of satisfying the people that their claims have been fully represented and considered by the Government before any important steps affecting their welfare is undertaken.

2. Within the last half century higher education has made good progress in the country and has tested the capacity of Indian youths in various departments with satisfactory results, but the great mass of people still remain uneducated. It has been the avowed object of the Government to admit the natives into a share of the administration of the country in proportion to their qualification, and this policy has been steadily and firmly pursued so as to deserve the thanks of all right-thinking men. The spread of education has generated certain spontaneous forces in the community promoting men to higher aspirations and those legitimate claims has always been recognised by the Government and the present proposals are the outcome of the same generous and beneficent policy which has always been pursued by the Government. The educated community in India has been thoroughly loyal to the Government and the healthy and organic development of sound political principles as the result of Western education has always been welcomed by the Government as a sign of increased fitness of the people for greater participation in the administration of the country. There have, of course, been certain morbid tendencies manifested in uneducated and half-educated quarters and such misrepresentation and mi-understanding of the measures and motives of the Government as has been only proceeded from the ignorance of those irrisponsible classes and is not worthy of the serious notice of the Government.

3. *The Imperial Advisory Council.*—Government of India propose to constitute the Imperial Advisory Council by nominating a body consisting of twenty ruling chiefs and forty territorial magnates selected from the various provinces. The elevation to the Imperial Advisory Council to assist the Government of India to share in the deliberations of the Empire is the highest privilege and it is only just that the Government should look forward for such advice to men who by their social position, administrative ability and intellectual equipments are thoroughly competent for the work. The native ruling chiefs and the "territorial magnates" have been selected as the persons most competent for this purpose, and this selection, it is hoped, will amply justify the choice.

4. The idea of admitting the native chiefs into the participation of the guidance of the mighty concerns of the empire is entirely novel and is one that is bound to strengthen bonds of Imperial unity to an eminent degree. The establishment of the paramount power of the British Government in India has been accomplished by a process unique in history and the conditions of the said establishment have in a great measure left the relations of the Government with the native princes and the people of India in a singularly delicate position and the wisdom of the British statesman drawing its inspiration and its strength from the gracious personality of Her Majesty the late Queen Empress has raised the splendid edifice of the British Indian Empire. The native princes are no doubt a most potent factor in Indian society but the people of British India are until now beyond the sphere of their influence. The development of the British Indian polity has entirely been independent of them. The systems of administration obtaining in the Native States so far as municipal law is concerned are as much foreign as those of any foreign country and it is only by successive and gradual steps that those administrations have been reduced to something like uniformity with the enlightened polity prevailing in British India.

The Governments of the Native States are still of a very diversified character ranging from the lowest to the highest according to the character of the population in each State. An element of what may be termed the popular Government has already been introduced in some of the more advanced States, *e.g.*, the Legislative Council of Mysore and the Sri Mulam Popular Assembly of Travancore. The association of the native chiefs involving the most difficult problems besetting the British Indian administration will afford them an intellectual training in the practical work of the administrations will accelerate the process of assimilation above indicated and will largely conduce to the welfare and the happiness of the populations committed to their charge. This system will further have the beneficial effect of promoting good will and amity among the several Native States themselves fostering the spirit of combined action contrary to the seclusion to which they are now accustomed. It may be thought by some that, owing to the diversity prevailing among the Native States regarding their methods of administration and the material advancement made by particular States, the advice of the native chiefs may not be a potent guide in matters of British Indian administration, but it is submitted that time will amply justify the choice.

5. *Territorial magnates.*—The Government of India's letter contains no indication of the qualification required for a member of the aristocracy to be raised to the rank and dignity of Imperial Councillors, but it is surmised that the Government expects to select members out of the class corresponding to the electorate proposed for the election of a member by the landholding class in paragraph 14 of the letter. The Government have there indicated that the qualification required for the franchise would be the payment of a land revenue to the Government of Rupees 10,000 annually, and this qualification may be taken as sufficiently designating the class of territorial magnates worthy of the privilege proposed to be conferred on them. Such a qualification is indeed necessary as the members of that class would have to associate themselves with ruling chiefs in the highest function of the State, *viz.*, advising the Government in all its important concerns. It may, however, be submitted that the term land revenue may be extended to include cesses and miscellaneous revenue also so that the Government may have a wide field of choice though gentlemen of sufficient affluence and position alone would be nominated to the place.

6. *Representation for the people.*—It is desirable that the Government of India should have representation on the Advisory Board by men who by dint of their intellectual abilities and public usefulness have merited the confidence of the Government and of the people as well. The presence of such men who are able to gauge and interpret public opinion to the Government as being in close contact with it, will be a source of strength to the Government and any executive measure the Government may adopt will then be beyond the province of unfair comment. It is no doubt true that the landed community in every age and country have claimed the largest share in the administration of the country as possessing immense vested interests, but the conditions of Indian society require the adjustment of certain equities between the landed aristocracy and what may be termed the aristocracy of intellect. This latter element is a product of Western civilisation and the liberalising principles of the British Government and it may not be expedient to leave this potent factor of Indian society altogether out of account. Even the aristocracy in England is thoroughly democratic in its nature. Large elevations are being made to the former ranks from the latter by conferring peerages on deserving commoners and the aristocracy sends down the cadets of its own families to enrich the ranks of the commonalty. The advent of the British Government has entirely remodelled the phase of Indian society levelling down differences and leaving the intellectual and hereditary claims to fight the battle for distinction by the measure of their public usefulness. This state of things has long been woven into the fabric of Indian society and the aristocracy of intellect has even been given the precedence over the hereditary landed order, and it would therefore seem highly desirable that the Government should admit into their confidence not only men who have hereditary claims for recognition but also those who amply deserve it by virtue of their useful career. The experience of the native chiefs and the territorial magnates may be a useful guide so far as the Government is concerned, but the presence of men of aspiring talent and tried loyalty would be felt as a great desideratum by the people. This suggestion receives ample support from the recommendation of the Government of India to provide for the representation of the classes and the professions as well in the Provincial Advisory Councils and to effect a similarity in the constitution of the Imperial and Provincial Advisory Councils, the introduction of this factor would seem to be a necessary and desirable step. It is, of course, not intended to introduce a demogogic element into the Advisory Board so as to impede its action, but it is to be expected that the constitution and functions of the Advisory Council would afford sufficient check even if any such tendencies should ever be manifested. The Government has a large field to select from so as to make the administrative wheel run smoothly.

7. If the Government is pleased to accept the suggestion above named the next question to be considered will be *their number*. Since the Imperial Advisory Council is large enough consisting of about sixty persons, eight seats out of the number may be filled up out of the last class so as to give a representative to each of the seven provinces having a legislative council and one to the Central Provinces as well. Should the Government be pleased to consider that such large representation in the present state of the administration impracticable, four seats may be allotted to the four older presidencies, *viz.*, Madras, Bombay, Bengal, and United Provinces.

8. *Provincial Advisory Councils.*—These councils from the limited sphere of their action and their more immediate concern with provincial as distinct from imperial concerns would seem to require a more enlarged and more thorough representation of all classes and communities that are likely to be affected by the introduction of any administrative measures. An idea is entertained in certain quarters that the introduction of Advisory Councils to aid the Collector in the administration of the district is highly useful as the district is really the administrative unit in the Government so as to construct a hierarchy or Advisory Boards reaching up to the Imperial Council. The Government of India's letter contains no warrant for the adoption of such ideas, but it may be submitted that the association of persons with the Collectors in matters touching the district administration will lay the foundation for principles of sound local self-government, and in this view the step may be considered desirable. If the Government should, however, deem such a system impracticable, the Provincial Advisory Board may be enlarged so as to provide adequately for the needs of all districts and classes. The representation of such needs on an adequate scale on the Provincial Council would seem to be required by this additional reason that the members of the Imperial Council would form the members of the Provincial Council and owing to this continuity of relation the Provincial Council is constituted the medium of information to the Imperial Advisory Council. The Government of India have not indicated the lines of any scheme for the constitution of these provincial bodies, beyond the suggestion that the smaller landholders of all classes and interests and professions should be represented. The Government of Madras have fixed the number at twenty or twenty-five : it is submitted that considering the importance of the provincial needs and multitude of important details to be managed, about half the number constituting the Imperial Council may be adopted. A council consisting of about thirty members will not be an unwieldy and unworkable body and exclusive of the Imperial Councillors who are to form the members, district representation as far as practicable may be aimed at making provision of course for the claims of special interests and classes. Industrial and commercial organisation being in its infancy in Indian society there do not seem to be a sufficient number of compact guilds calling for recognition and in the absence of such claims, territorial representation so as to secure the protection of all interests would seem to be the only course open.

9. (1) *Their functions.*—The Imperial and Provincial Advisory Councils are purely advisory in character possessing no initiative, and the advice of these bodies may profitably be sought for by the Government in carrying into effect any great administrative changes such as the separation of the Judicial from the Executive, and the redistribution of territory to suit administrative convenience.

(2) In introducing important legislative measures affecting the Indian community : This is necessary as the initiative in legislative action rests with the official members of the council. It may not be necessary to consult them when legislative sanction is required for measures of a purely administrative character.

(3) In the distribution of finance and the imposition of general taxes.

(4) And in fact in respect of all measures which are not strictly confidential in character. The principle of collective deliberation recommended by the Government of India in paragraph 6 of their letter with regard to the Provincial Councils may be adopted as the invariable rule as the system of isolated consultation is not calculated to be of much benefit, and the unaided judgment of a single individual can never have the weight and force of the collective opinion obtained after a free and unreserved discussion from varying standpoints. The proceedings of these councils though informal in character are yet to maintain a permanence and solidity of shape that it would be necessary to record the minutes in writing though the matter may be regarded as strictly confidential and the Government may not publish the same, unless for the furtherance of any particular object the Government should deem it fit to do so.

10. These Advisory Councils are not only in accordance with the best traditions of oriental polity but in some measure also mark the beginnings of constitutional Government in England. The "*Concilium principium*" is an old institution and has subsequently developed itself into various national institutions stoutly maintaining the prerogative on the one hand and jealously guarding the liberty of the subject on the other. These Advisory bodies though now without legislative sanction and are purely advisory in their nature are soon destined to become an integral part of the administration of the country, so that the machinery cannot move thereafter unless the integrity of their structure is maintained intact. The tendencies of modern civilisation will accelerate the ripening of such institutions and crowd into the brief space of a few generations the development of centuries in other times. The inauguration of these Advisory Councils may, therefore, be regarded as a distinct step in constitutional progress as truly remarked in paragraph 4 of the Government of India's letter.

11. *The Imperial Legislative Council.*—The enlargement of this Council to nearly double its former size ought to ensure a thoroughness of discussion on any measure proposed to be carried through, and to secure the admission of a larger body of persons hitherto outside the franchise. There are, however, a few details which the Government may be pleased to consider and modify.

(*a*) *The Madras Chamber of Commerce* has been left out of account when two elective seats are given to the Chambers of Bombay and Calcutta. Of these two latter Bombay has been newly admitted to the franchise and Madras would naturally hope to participate in the benefit of any enlargement scheme. The Madras Chamber has been enjoying the franchise in electing

a member to the local Legislative Council and the non-extension of the privilege to Madras would belittle her commercial importance, and Madras may seriously suffer by the favour shown to the sister Presidencies. It is, therefore, proposed that an elective seat should be allotted to the Madras Chamber of Commerce and the class of nominations under clause (*c*) may be diminished by one, if necessary.

(*b*) Election by the nobles, etc., under clause D (*c*). This new departure is effected in view of the policy admitting the landed class to a share in the administration proportionate to its influence and three alternatives are proposed by the Government for the representation of this class—

(i) Election by the voters direct.

(ii) Election by the members of the class in the Provincial Legislative Council.

(iii) Nomination by the Government.

The last is, of course, the most feasible plan, but the system of nomination is opposed to the spirit of the enlargement proposed to be effected and the desires of the Government. The second alternative is open to the objection that the electorate would consist of only two members according to the scheme proposed for the Provincial Council, and this state of affairs is not viewed with favour by the Government of India themselves in another connection for they remark in paragraph 13 of their letter "this will remove the objections which have been taken to entrusting the privilege of election to so important a post as that of member of the Viceroy's Council to an electorate consisting of only about *ten* persons."

The first of the alternatives mentioned above remains and the difficulty of forming a suitable electorate manifests itself at once. The Government of India aim at the formation of an electorate of about 100 to 156 persons in each province according to local conditions of persons paying a land revenue of Rs. 10,000 to the Government. It is apprehended that the number of landholders paying the requisite land revenue in this Presidency is much below a hundred and the class of persons is chiefly to be found among the holders of permanently-settled estates, the number of ryotwari pattadars paying such assessment being practically insignificant. It is therefore submitted that an electorate of sufficient strength can only be secured by the extension of the term land revenue so as to include cesses and miscellaneous revenue. It is hoped that the conscious exercise of the elective franchise will act and react on the electors and the elected in a way beneficial to both.

(*c*) *Muhammadan representation.*—It is submitted that the representation accorded to the Muhammadans is likely to give them a preponderance in the Viceregal Council disproportionate to their numbers and influence. The scheme reserves to Muhammadans two seats under clause D (*d*) and two seats under clause (E) and expects the possibility of Muhammadan members being returned from the Provinces of Eastern Bengal and Assam and the Punjab under clause D (*b*). The Muhammadan population of India according to the last census is about 62 millions and the Hindu population about 207 millions. Two seats reserved in the Council would seem to be ample provision with the probability above indicated, for the representation of the Muhammadan community considering their present influence and their past history. It is difficult and almost impracticable to form the Muhammadans of all India into an electorate for the return of two members only to the Council and, even if Muhammadans of requisite qualifications are to be found, the system of nomination may therefore be safely resorted to to secure them representation.

(*d*) Two seats may therefore be considered sufficient for the representation of small minorities or special interests and out of the two remaining under clause (E) one may be given to the Madras Chamber of Commerce as stated above and one more Ruling Chief may be nominated to fill the seat thus vacant. This would in fact seem necessary and desirable considering the large number of native chiefs proposed to be made Imperial Councillors.

12. *Provincial Legislative Councils.*—The scheme proposed by the Madras Government to the constitution of the local Legislative Council effects a thorough innovation in the existing system, and, it may be submitted, is beset with certain practical difficulties.

13. The electorate is remodelled and the franchise redistributed in a manner calculated in the opinion of the Local Government to secure adequate representation of class and professional interests. It is humbly submitted that it does not appear to have been in the contemplation of the Government of India to disfranchise the District Boards and Municipalities and to confer the franchise on the several castes of Brahmans, non-Brahmans, Muhammadans, Barristers, etc. The Government of India have distinctly laid down in paragraph 21 of their letter that they do not propose "to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years," and it is suggested that in view of the drawbacks noticed by the Government of India in the constitution of these bodies "a solution might perhaps be arrived at by introducing special qualifications for members of Council while leaving the electoral franchise in other respects unchanged." The scheme proposed by the Madras Government, however, entirely leaves these bodies out of consideration and has proceeded solely on a denominational basis. In paragraph IV of the annexure the Madras Government, considering the advisability of deferring the consideration of the scheme for remodelling the District and Taluk Boards on the lines indicated there till after the present proposals are approved, expressed the intimation that the electorates formed for the Legislative Councils may be suitable for electing members to the District and Taluk Boards. The

Government have further recognised the necessity of lowering the property qualification and introducing the literate qualification as well as into the electorate for the District Boards and it is not possible to see how the same electorate could serve both the purposes considering the disparity in the property qualification proposed for both. The Taluk Boards are filled up by nomination at present and the District Boards partly by election by the nominated members of the Taluk Boards and partly by direct nomination. The system has so far introduced men of sufficient status into these bodies and the conditions noted by the Government in their letter do not seem to hold good with regard to the Presidency.

14. It is submitted that territorial representation is not unsuited to India, but, on the other hand, would seem to be the only feasible alternative left under the existing conditions. Representation by castes, classes and professions fails to fulfill its objects inasmuch as the several organizations necessarily lack in solidarity and coherence which would make for advancement. If the actual working of the present system of territorial representation resulted in the return of certain specified classes of persons such as lawyers and Schoolmasters and failed to return the members of the landed class, contrary to the expectations of the Government, the fault must be set down not to the system itself but to the constitution of the Indian society at present. Education has chiefly been confined to the outer fringe of the middle class, the majority of the people and the landed aristocracy have remained beyond the pale of it, and it therefore became inevitable that members of the only two learned professions which have been followed to any appreciable extent should be returned. The members of the aristocracy have maintained aloofness and dignified seclusion from the concerns of the country and the leadership of the people naturally fell into the hands of the literate classes. The preponderance of the legal profession in the Councils of the Empire is no new phenomenon for even in the Imperial Parliament and the Cabinet Ministry the profession is largely represented. In fact the intimate connection between the actual practice of law as it is and the work of legislation which determines what law ought to be would make the presence of persons who have made law their life study indispensable in the work of legislation. The preponderance of the Brahman element must be set down to the work of the same influences for the Brahman having no other avocations to pursue, with his hereditary claims to learning and with the power of assimilation and adaptation remarkable in that class, has thoroughly equipped himself to face the new situation and has easily distanced the other sections of the community in the race of progress. Under the equalising influences of Western civilisation, the barriers of caste have been out down and a sort of homogeneity is introduced into the society making combined action possible. The Brahman whose sacred law taught him to regard the touch of a Mussalman as pollution and his very breath as poison is rubbing friendly shoulders with the latter in the contest of life, and the ancient differences have almost been forgotten. There does not therefore seem to be such a diversified interest of class or community as would call for representation by denominations. Non-Brahmans and Muhammadans have been returned to the Councils as the trusted representatives of the people and they have discharged their functions in a manner worthy of the confidence reposed in them.

15. *Class legislation.*—It has been the avowed policy of the Indian legislature to interfere as little as possible with socialistic and religious legislation and pieces of such legislation as have been attempted have not proved beneficial in their results, *e.g.*, the Hindu Widow Remarriage Act, the Malabar Marriage Act, and the abortive Hindu Gains of Learning Bill. There will therefore be no legislative purpose served by having members in the Council chosen with reference to class organisation and religious belief. The current of Indian legislation has removed the few special privileges attaching to particular classes and even the privileges enjoyed by the European British subject as far as civil procedure is concerned are completely obliterated and in criminal procedure they have been largely trenched upon. The inviolable pledge referred to at the end of paragraph 2 of the Government of India's letter vouchsafes the equality of privileges to all British subjects irrespective of caste, creed or colour, merit alone being the best title to preferment.

16. *Practical difficulties.*—It is impossible to expect that Brahmans of the whole of Southern India consisting of Telugu, Tamil, Canarase and Malayalam speaking populations should co-operate together in the return of a single member to the Council and the same remark would apply to other communities diversified by language. It is no doubt true that the English tongue would enable them to meet on a common ground, but the differences indicated above are essential. The scheme as proposed would give an undue preponderance to the Tamil-speaking race of all sections of society and will greatly handicap the others in their development. The elective seats are all sure to be filled up by Tamilians owing to their immediate connection with and influence in the Metropolis. The Government themselves realise the difficulty of forming suitable electorates and suggest the alternative of nomination for Brahmans, Muhammadans and Christians. The system of nomination strikes at the root of the elective principle and may therefore be left out of account. The Government have further felt the necessity of resorting to the territorial method with respect to class (*j*), viz., all other communities. This would make it abundantly clear that the territorial method alone is the safest and most feasible course considering the constitution of the society.

17. *Qualifications.*—The qualifications required of members of classes (*g*), (*h*), (*i*), (*j*), are very high indeed and following the principle of exclusion maintained with reference to the electorates, it is difficult to find whether there are any appreciable number of members of these classes not

being members of classes (*d*) and (*e*) who can come to the required standard. About a third of the Muhammadans in the presidency are in the single district of Malabar and the Christian community consists for the most part of Syrian Christians and recent converts. These bodies have been still pursuing occupations which do not bring in lucrative returns. The alternative qualification recommended by the Government of India with regard to the Muhammadans, *viz.*, the extension of the franchise to graduates of five years' standing, may usefully be extended for the benefit of the other communities as well. In the case of literate qualifications, it would seem that the period may be raised giving the franchise to all double graduates and to single graduates of ten years' standing.

18. *The Landholding Class.*—The condition of this class has been described with reference to the observations on the Imperial Legislative Council and it only remains to be added that instead of leaving both the seats to be filled by election, one seat may be filled by nomination and one seat left to be filled by election by a body like the Madras Landholders' Association. The property qualification insisted in their case, *viz.*, payment of Rs. 50,000 land revenue or cesses to the Local Boards on an estimated income of Rs. 20,000 yearly, is in fact double that required for entitling a member of the same class for voting to the Imperial Legislative Council. It may therefore be reduced in conformity with the qualification required for the higher Council and the proximity of the qualification proposed to that insisted or under the existing system is no bar to such reduction, in view of the observation of the Government in paragraph 13 of their letter.

19. *The Legal Profession.*—There does not seem to be any necessity for allotting separate representation to this class except to cut them off with a single seat in the Council under the exclusive system proposed. Even in this profession there are widely marked differences in tastes, and inclinations, the barristers and solicitors on the one hand and the vakils and certificated pleaders on the other hand forming distinct groups. It is impossible to secure unanimity between the two branches and to adjust conflicting equities between them in the matter of the choice of a single member.

20. *Territorial representation.*—Denominational system having been shown to be inexpedient and unworkable, the alternative course is territorial representation. The problem then arises as to the distribution of seats among several constituencies. The Government may reserve to itself the right of nomination to a few seats to compensate for the inequalities of election and to secure representation for minorities and special interests. The several districts will have to be formed into groups with reference to their proximity and historic connection and also to their population and commercial importance. Since the Government of India do not propose to withdraw the franchise from the District Boards and Municipalites but only aims at remodelling them, the following scheme may be suggested as answering the requirements of the country and fulfilling the object of the enlargement :—

(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	Selected by Madras Chamber of Commerce	1
(*c*)	Selected by the Senate of the University	1
(*d*)	Selected by the Madras Municipal Corporation	1
(*e*)	Selected by the Madras Landholders' Association	1
(*f*)	Nominated by His Excellency the Governor out of the class of the landholders	1
(*g*)	Nominated by Northern Circars—Ganjám, Vizagapatam, Godávari and Kistna	2
(*h*)	Ceded districts—Cuddapah, Kurnool, Bellary, Anantapur and Guntúr	2
(*i*)	Central group consisting of Salem, North Arcot, South Arcot, Chingleput including Madras and Nellore	2
(*j*)	Southern group—Tanjore, Trichinopoly, Tinnevelly and Madura ..	2
(*k*)	Western group—Malabar, South Canara, Coimbatore and Nilgiris	2
	Total ..	17

The equal representation allotted to the groups under clauses (*g*), (*h*), (*i*), (*j*), and (*k*) under this scheme will nearly correspond to the requirements of the groups in question and the two seats in each group may be distributed among the District Boards and Municipalities in the said group as remodelled. It may further be insisted on that one at least of the two members allotted to a single group ought not to be a lawyer. This provision would operate as a check on the preponderance of the legal profession.

ANNEXURE B

TO

LETTER TO THE GOVERNMENT OF INDIA, No. 222, PUBLIC, DATED 13TH MARCH 1908.

MEMORANDUM.

I.—Imperial and Provincial Advisory Councils.

1. Assuming that the establishment of the Imperial and Provincial Advisory Councils of the kind described in paragraphs 4 to 7 of the letter from the Government of India is likely to be a valuable means of eliciting opinion on measures which the Government have in contemplation, as well as of diffusing correct information as to the acts, intentions and objects of Government, suggestions are invited as to the constitution of the Councils and as to the work which may be developed upon them.

2. The constitution and functions of the proposed Provincial Advisory Council are discussed in paragraph 6 of the letter from the Government of India. The Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25. Suggestions are invited as to its constitution.

II.—Imperial Legislative Council.

3. An expression of opinion is invited on the proposals of the Government of India in paragraphs 12 to 14 of their letter regarding the constitution of the Imperial Legislative Council.

III.—Provincial Legislative Council.

4. *Present constitution of the Council.*—Under the Indian Councils Act, 1892, section 1, sub-section (1), the number of Additional Members of Council nominated by the Governor of the Presidency of Fort St. George "shall (besides the Advocate General of the Presidency or officer acting in that capacity) be such" as to the Governor "may seem from time to time expedient, but shall not be less than eight or more than twenty."

5. The Regulations made by the Governor-General in Council, with the approval of the Secretary of State, under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council shall be made by the Governor of Madras for his assistance in making Laws and Regulations and the Notification issued by the Government of Madras with reference to rule II of the said regulations are as follows :—

Regulations under section 1 (4) *of the Indian Councils Act*, 1892, *for Madras.*

I. Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated Additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more than nine shall be officials.

II. The nominations to seven seats shall be made by the Governor on the recommendation of the following bodies and associations respectively, namely,—

A.—The Corporation of Madras.

B.—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette ;*

C.—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid ;

D.—Such association or associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe as aforesaid ;

E.—The Senate of the University of Madras :

Provided that the bodies described above under *A*, *B*, *C*, *D* and *E* respectively, shall each (except as hereinafter provided in rule VII) have at least one person nominated upon its recommendation, and A, D and E not more than one each.

III. The Governor may, at his discretion, nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community; provided that one seat shall ordinarily be held by a zamindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

IV. When a vacancy occurs or at any time within three months of the date when a vacancy will occur in the ordinary course of events and is to be filled under rule II of these regulations, the Governor shall cause the proper body or group of bodies or association or associations to be requested to recommend a person for nomination by the Governor.

V. The recommendations shall be made—

(*a*) in the case of Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or article of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representative to be appointed, according to such scale as the Governor in Council may, from time to time, prescribe, by the Corporations, Boards, or associations.

VI. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

Explanation.—A person is not "resident" within the meaning of this rule unless he has a place of residence in the locality concerned and such practical connection with that locality as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this rule, the question shall be referred to and decided by the Local Government, whose decision shall be final.

VII. If within three months after receiving the request of the Governor as provided by rule IV the body or association or group or bodies or associations fails to make a recommendation the Governor may nominate at his discretion a person belonging to the class which the body or association or group is deemed to represent.

VIII. If the Governor shall decline to nominate any person who has been, under these regulations, recommended for nomination, a fresh request shall be issued as provided in rule IV and the procedure laid down in rules V and VII shall apply.

IX. (*a*) As soon as conveniently may be after these regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in rule II, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

Notification.

The Governor in Council is pleased, with reference to rule II of the rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards and of the following Association of Merchants :—

(i) The Municipal Councils situated in the districts of Ganjám, Vizagapatam, Gódávari, Guntúr, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(iii) The District Boards of Ganjám, Vizagapatam, Koraput, Gódávari, Guntúr, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.

(iv) The District Boards of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevelly, Nilgiris, Malabar and South Canara.

(v) The Chamber of Commerce, Madras.

6. In paragraphs 17 and 20 to 22 of the letter from the Government of India, suggestions are made regarding the enlargement and reorganization of Provincial Legislative Councils.

Remarks are invited on the following scheme which has been suggested as suitable to the Madras Presidency :—

Scheme.

(a) It is suggested that, having regard to the fact that the number of official members must have a preponderance, the number of non-officials shall be 17, to be appointed on the following lines :—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of University	1
(*d*) Selected by barristers, advocates, vakils or certificated pleaders	1
(*e*) Selected by zamindars, proprietors of permanently-settled estates, janmis of Malabar, inamdars of wholly alienated villages and landowners [not being members of class (*d*)]	2
(*f*) Selected by citizens of Madras [not being member of classes (*d*) or (*e*)]	1
(*g*) Selected by Brahmans	1
(*h*) Selected by Muhammadans	1
(*i*) Selected by Christians	1
(*j*) Selected by other persons	6
TOTAL	17

(b) Those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of classes (*d*), (*e*) or (*f*); that is to say, no person who is qualified to vote or be a candidate for selection in class (*d*) should vote or be a candidate for selection in any of the classes other than (*b*), (*c*), (*d*), or similarly no person qualified to vote or be a candidate for selection in class (*e*) should vote or be a candidate for selection in any classes other than (*b*), (*c*) or (*e*) and so on.

(c) The following *general conditions* are suggested in the application of the scheme :—

(1) That no person shall have more than one vote.

(2) That no person will be qualified to vote unless he is a male and has completed twenty-one years of age.

(3) That no person shall be qualified to be a candidate for selection by a body, class or caste, unless he is qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate.

(4) That a nominated or selected member of the Legislative Council shall ordinarily hold office for five years from the date on which his appointment is notified in the *Fort St. George Gazette*, but His Excellency the Governor may declare that any member has vacated his seat—

(*a*) if he fails to attend any meeting of the Council for one year;

(*b*) if he leaves the Presidency with intent to be absent from it for a period of six months.

(5) That if one member of a Hindu joint family has a vote under any class, no other member of the same joint family shall have a vote under class (*e*), (*g*) or (*j*) with respect to the same joint family property or any share of it.

(6) That no person shall be qualified to vote for the representative of his class or caste within a specified area unless he has a residence within that area at which he resides ordinarily more than six months in a year.

(7) That no person in the service of the Crown shall be eligible for selection.

(8) That a person shall be disqualified for selection if—

(*a*) he has been at any time sentenced by any Court to transportation or imprisonment for a non-bailable offence, such sentence not having been subsequently reversed or quashed; or

(*b*) at the date of the selection he is an uncertificated bankrupt or an undischarged insolvent.

(d) The following *special conditions* are also suggested :—

(i) In regard to the selection from the class (*d*) barristers, etc., that no person shall be registered under this class unless he pays income-tax on an income of not less than Rs. 5,000.

(ii) In regard to the selection from the zamindari class (*e*) above that no person shall be registered under this class unless he pays peshkash or land revenue to Government amounting to Rs. 20,000 or pays land-cess to local boards calculated on an annual rent value of Rs. 50,000; land revenue here including water-rate paid for the irrigation of the land. Further, that for this class one representative shall be selected for the Northern districts of the Presidency and another for the Southern district, the division being made so that the value of the vote may as nearly as possible be equal.

(iii) In regard to the selection class (*f*), citizens of Madras, that no person shall be registered as a voter, unless—

(1) he resides ordinarily for more than six months in a year in the city of Madras, and

(2) he has paid during the preceding year—

income-tax on an income of not less than Rs. 5,000, or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 5,000.

(iv) In regard to selection by classes (*g*), (*h*), (*i*), (*j*) above, *viz.*, Muhammadans, Brahmans, etc., that no person shall be registered as a voter, unless—

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000, or

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land, on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000: for the purpose of this rule, the shares of the several pattadars in a joint patta being regarded as equal (the joint property of a joint Hindu family being regarded as the property of the managing member of the family); or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

(v) As regards selection by all others under class (*j*) above that the Presidency should be divided into local areas, the limits of which march with the boundaries of districts, so that all votes in that class may have the same value as near as may be.

(e) As an alternative in the case of the representation of classes (*g*), (*h*), and (*i*), it is suggested that if the selection of one Brahman, one Muhammadan and one Christian for the whole Presidency presents objections on account of the difficulty in arranging for voting over so wide an area, power may be taken for the nomination by the Governor of three more than is proposed under class (*a*), raising nominations by the Governor to 5 in all, of whom one must be a Brahman, one a Muhammadan and one a Christian.

(f) No provision has been made for literate classifications as a qualification for voting, the property qualification having been made a high one. It is a question whether literate qualifications should be insisted upon.

IV.—Election of Members of Local Boards.

7. It may prove that the electorate formed for selecting members of the Legislative Council would be suitable for electing members of District and Taluk Boards, but this question may, perhaps, better be considered after the above proposals have been discussed. The electorate thus formed may possibly be found suitable as the basis of an electorate for the election of members to District and Taluk Boards, though probably in determining the qualifications for the latter it would be necessary to lower the property qualifications. Also in regard to both District and Taluk Boards, it may prove desirable to make provision for literate as well as property qualifications (*e.g.*, all B.A's having a vote, also all Honorary Magistrates). It may, moreover, prove necessary to vary the property qualifications in various districts and to make provision for the representation of certain classes in certain districts and for the representation of important minorities.

X

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

No. 617 L.

From

H. D. TAYLOR, Esq., I.C.S.,
Secretary to the Government of Madras,
Local and Municipal Department.

To

The SECRETARY to the GOVERNMENT of INDIA,
Home Department.

Dated Ootacamund, the 27th April 1908.

Sir,

As promised in paragraph 12 of Mr. Atkinson's letter No. 222, Public, dated the 13th March 1908, I am directed to address the Government of India regarding the suggestions made in clause (*c*) of paragraph 22 of Home Department letter No. 2310, dated the 4th August 1907.

2. The Government of India suggest that Local Governments should introduce into their systems of election and nominations for Municipal and Local Boards the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and of permitting the members of that class to select its own representatives, the seats to be filled by election being distributed among occupational groups each of which might be represented by certain castes. The literate members of these castes who possessed the necessary qualifications for voting could then elect one of their own members to represent the occupational group on the Board. As an alternative it is suggested that, without making use of the caste organization, electoral groups might be formed of the classes of landholders, cultivators, traders and professional men, each of which might have a distinct and appropriate franchise.

3. According to the figures of the last Census, out of a total population of over 38 millions in the Madras Presidency, 34 millions were Hindus, about 2½ millions were Mussalmans and 1¼ millions were Christians, while about 640,000 were Animists. In only one district (Malabar) did the number of Mussalmans exceed 200,000 and in only eight others it exceeded 100,000. Similarly, in only three districts did Christians exceed 100,000 in number. Animists may be left out of consideration as they consist mainly of illiterate hill and jungle tribes. The Madras Government therefore consider that, while it might be possible to form an electorate in accordance with religion in certain confined areas, it would be impracticable to adopt religion as the basis of a franchise generally in the Presidency. Nor do they consider it necessary or expedient

to form separate electorates out of occupational classes. His Excellency the Governor in Council is of the opinion that the scheme which is sketched out below will enable all classes to be represented on Boards to which election is desirable.

4. In the Madras Presidency the Local Bodies, the member of which might be elected, are Union Panchayats, Taluk Boards, District Boards and Municipal Councils. These will be dealt with *seriatim*.

Union Panchayats.—The Madras Government consider that it is undesirable to introduce the system of election to these bodies. The benefits which might arise from its adoption would not compensate for the additional trouble involved, nor are unions of sufficient importance to render election necessary. It is also feared that, with the low standard of fanchise which it would be necessary to adopt, it would be impossible to guarantee the purty of the elections, or to obtain the class of representatives who would be most fitted to serve on the Panchayat.

Taluk Boards.—Under the existing law in the Madras Presidency, it is open to the Local Government by notification to declare that two-thirds of the members of a Taluk Board may be elected, and His Excellency in Council considers that nothing more is required than that this proportion of elected members should be maintained. This Government have had for some time under consideration the introduction of a scheme which has as its basis a franchise formed on the amount of land revenue and income-tax paid. This franchise, they consider, will afford an opportunity for the representation of all classes and creeds on Taluk Boards. It will not be possible to introduce a uniform scale of franchise into all taluks owing to their varying conditions, but the standard will be fixed so as to give a fair electorate having regard to the wealth and population of the various areas under each Taluk Board. The qualifications for a candidate for election will be fixed on a scale considerably higher than that required in the case of a mere voter, and will be such as to secure that the candidate shall have such a position as will command respect. Statistics have been compiled which show that a system of election such as is sketched above will give a fair chance of representation on Taluk Boards to all classes of the community. Unrepresented minorities can be provided for by nomination. His Excellency in Council is of the opinion that the system should at present be confined to election to Taluk Boards.

District Boards.—The existing law provides for the election to District Boards by members of Taluk Boards, from among their own number, of a maximum proportion of three-fourths of the whole number of the members of the District Board. At present, except in the Local Fund districts of the Nilgiris and Koraput where no Taluk Boards exist, one-half of the members of District Boards are so elected. With the introductions of an elective system to Taluk Boards, this Government consider that no sufficient case has been shown for the present for altering the existing law so as to admit of direct election to District Boards by any specific classes of the community.

Municipal Councils.—Under the existing law it is open to the Local Government to declare what proportion of Municipal Councillors shall be appointed by election, and under the present system municipalities are with a few exceptions divided for election purposes into wards and the electors of each ward elect their own candidates. It does not appear practicable otherwise than by nomination to secure the election of representatives of religious minorities. The franchise is based on the rateable value of immovable property, the payment of profession-tax or income-tax and the receipt of pensions or salaries. Graduates are also entitled to vote. This system seems to the Madras Government adequate and no change appears necessary. They consider

however, that the qualifications required of electors and candidates are unduly low and they therefore propose to raise them so as to secure a higher standard of integrity in the elections than, it is believed, exists at present. It is understood that many gentlemen who would otherwise stand for election or whose services on Municipal Councils would be welcomed by Government, will not stoop to the artifices necessary to secure their election under the existing conditions of franchise.

I have the honour to be,

Sir,

Your most obedient servant,

H. D. TAYLOR,

Secretary to Government.

XI

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GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 357.

From

THE HON'BLE MR. J. N. ATKINSON, C.S.I., I.C.S.,
Acting Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Ootacamund, the 28th April 1908.

SIR,

I am directed to reply to your telegram No. 896, dated 10th April 1908, referring to my letter No. 222, dated the 13th March 1908, regarding Advisory Councils, and requesting that a scheme of general assemblies may be worked out in time to reach the Government of India by the end of the month. It is understood that the Government of India desire a somewhat fuller sketch of the proposals roughly outlined in my letter.

2. I am first directed to explain that no detailed information bearing on the subject has yet been collected and that as the Local Government's proposals differed somewhat widely from those put forward by the Government of India, local officers and the general public have not been consulted with regard to them. It has in fact been ordered that the proposals, pending a pronouncement by the Government of India, should be kept strictly confidential. In these circumstances, the Local Government are at present unable to work out the details of a fuller sketch. The working out of any scheme in detail would entail the consultation of a large number of persons and the collection of a large amount of information to be followed by careful examination and consideration; but on the understanding that the Local Government do not commit themselves on points of detail, they feel no difficulty in submitting to the Government of India a more complete sketch of their suggestions, and I am directed to furnish this in the following paragraphs.

3. The constitution, functions and procedure of the assemblies would be in general those of the Mysore Assembly. That assembly serves as a channel of communication between the Government and the ryots and traders of the State, and as a means of bringing the wants and wishes of the latter directly under the cognisance of Government. In Mysore the assembly was not created by legislative enactment, or what would pass as its equivalent in that State. His Excellency in Council would be opposed at present to the creation by legislative enactment of any assembly or assemblies that may be established in this Presidency. They would be first established on a purely experimental basis, and His Excellency in Council would expect many changes to be necessitated from time to time in the light of experience. In Mysore the constitution of the electoral body and the method of representation have frequently been changed during the last twenty-five years by executive orders. Nothing would be gained, in the opinion of His Excellency in Council, by giving the assemblies any legal constitution. It is not proposed that they should have any powers and consequently a statute or fundamental constitutional law, such as those enacted elsewhere to define and limit the powers of representative assemblies, would be unnecessary.

4. *Constitution of the Assemblies.*—The constitution of the assembly or assemblies would follow that of the Mysore Assembly, but some deviation from the model will be suggested to suit the circumstances of this Presidency. Rural representation would be arranged for by forming constituencies in the taluks. The towns would be represented by members chosen from the non-official element in the municipal councils. The special representation of classes other than the land-owning or land-holding class and of certain religious communities and of particular interests could be arranged for by direct nomination or by permitting certain associations to return members.

5. *Functions of the Assemblies.*—The functions of the assembly or assemblies would be to submit observations and suggestions in the public interest; to inform the Government of the wants of the people; to bring forward general as opposed to individual grievances with a view to their removal; to draw attention to any defects in the working of the administration; to hear from a high official, preferably a member of Council, a summary of the past year's administration and a programme for the coming year; and to elect once in every two years a member of the Provincial Legislative Council. The subjects in regard to which representations would be allowed would not be limited by rule except that such representations should relate to matters under the control of the Local Government; but as notice of the subjects to be brought forward would be required, it would lie much in the discretion of the Secretariat and the presiding officer to settle what representations should be brought forward in the assembly. An assembly would meet once a year for three or four days, and no standing committee of the assembly would be recognised. No vote would ever be taken except on the one occasion of the selection of a member of the Provincial Legislative Council, and there would be no debates. The Government would, if they considered this desirable, permit their legislative or other projects to be discussed in the assembly, but no right on the part of the assembly would be recognised to consider Bills before they were passed into law. The members would hold their seats for three years. No special privileges would be allowed to them, not even the privilege which is given in Mysore of exemption from the operation of certain provisions of the Arms Act.

6. *Procedure.*—The members for each district would, as early as possible after a conference to be held in the district as described in the next paragraph, communicate with each other as to the subjects to be brought forward for discussion at the meeting of the general assembly. They would, after discussion among themselves, prepare a memorandum describing *seriatim* their representations and suggestions on the subject which they desired to bring forward at the general meeting. They would also nominate the particular members who should speak on each subject at the general assembly. The memoranda drawn up by the members would be submitted to the Collector of the district, who would make his remarks on each proposal and forward the memoranda to the Government Secretariat. A further preliminary meeting of the members for each district would be held at the station fixed for the meeting of the general assembly and alterations in and additions to the list of subjects and speakers would then be made. Such supplemental lists would be communicated to the Secretariat, by telegram if necessary, so as to leave the Government three clear days for consideration before the meeting. The order in which the various subjects would be discussed would thereupon be decided by the Government and published. No member would be permitted to speak on any subject for which his name was not entered on the official list, nor would any member be permitted to speak twice on the same subject, and the reply of the presiding officer would close the discussion.

7. *District conferences.*—Three or four months before the holding of a general assembly, the members for each district would meet at the district head-quarters in a district conference presided over by the Collector and attended by all district officials so far as the exigencies of the public service would permit. All matters of purely local interest or within the competence of the Collector brought forward by members would be settled by the Collector and eliminated from the list of subjects to be discussed at a general assembly, and the Collector would use his influence to obtain the withdrawal of useless proposals or proposals made under a misapprehension of facts. I am to observe at this point that the Government attach much importance

to the establishment of district assemblies. There has been some public demand for such institutions. Although in this Presidency district officers come into touch with persons of all classes and their representatives at the monthly meetings of Local Boards and at the annual jamabandis, the Government consider that benefit must accrue from the opportunities which these institutions would give to the collector to disseminate knowledge of the measures and intentions of the Government, and to the representatives of the people formally to bring forward for discussion with the several district officers their alleged grievances and to express their opinion on any proposals of the Government which the Collector may, under instruction, lay before them.

8. *Further details.*—Care would be taken that both the district and general assemblies should be held at such times as would be convenient to the members and in particular to those interested in agricultural operations. The District conferences could probably most conveniently be held before the break of the south-west monsoon, and the general assembly or assemblies in September or October. In order that no pecuniary burden should be imposed on members, they would be given travelling allowance and batta at liberal rates for attendance both at the district conferences and the general assemblies.

9. *Deviations from the Mysore model.*—So far the proposals follow in the main the system which exists in Mysore, but Mysore is a small homogeneous State, while this Presidency has a population seven times as large and falls into four linguistic divisions. Tamil is the principal language of the capital city and ten districts Telugu of ten districts, while Malayalam is spokon in the district of Malabar and Canarese in the district of South Canara. It is proposed that there should be only two general assemblies, the Northern or Telegu Assembly for the ten Telegu districts with south Canara, and the Southern or Tamil Assembly for the ten Tamil districts with Madras city and Malabar.

10. *Further details.*—The general Northern or Telugu Assembly would represent a population of approximately 16 millions of persons and the general Southern or Tamil Assembly a population of 22 millions. The district of North Arcot, however, which is at present included among the Tamil districts, will, under the scheme of Redistribution of districts which has been laid before the Government of India, be divided into two districts, the one Chitoor preponderatingly Telugu, and the other Vellore preponderatingly Tamil. If this partition of the North Arcot district were to be eventually sanctioned the Chitoor district would be transferred to that part of the Presidency which the Southern Assembly would represent, the population represented by the Northern Assembly would be about 17 millions, and the population represented by the Southern Assembly about 21 millions. The population of the Mysore State is only $5\frac{1}{2}$ millions, while 275 members were returned in 1907 to the Mysore Representative Assembly. His Excellency in Council considers that if the Telugu and the Tamil portions of the Presidency were represented on a similar scale, the two general assemblies would be too large, and that it would be more convenient that the numbers of each Assembly should be about the same as those of the Mysore Representative Assembly. Accordingly, while in Mysore there is one member for every twenty thousand of the population, in the Madras Presidency there would be one member for every seventy or eighty thousand or so. His Excellency in Council also considers that in Mysore, where there is a large number of municipalities, the urban population is somewhat over-represented and that the special representation of Local Fund boards that exists in Mysore involving, as apparently it does, a double representation of rural areas, is unnecessary. In the small State of Mysore, 27 municipal towns are represent by 41 members and 8 Local Fund boards are represented by 16 members. In the whole of the Madras Presidency there are only 60 municipal towns, and His Excellency in Councils considers that urban representation will be sufficiently provided for if only municipalities are specially represented, the smaller towns being merged in the taluk constituencies, and that local boards would not require separate representation. The commercial, industrial and professional interests in the smaller towns may have to be represented, if any special representation is necessary, by the nomination of persons in each sub-division of a district from the list of those who pay income-tax on a

certain income. Commerce and Industry and certain professions would also obtain special representation through nominations made by such associations as Chambers of Commerce, Trades' Associations, Planters' Associations and Bar Associations, and in certain districts, where Muhammadans and Native Christians form an important minority of the population, it is proposed to provide them with separate representation. The principle of the separate representation of Mohammadans has been accepted by the Government of India, and it seems unnecessary to defend it. Christian converts in this Presidency are a comparatively well-educated community. The percentage of literacy among Native Christians was for males 16·2 and for females 5·9 at the last Census as against 14·1 and ·9 in the case of the Muhammadan community and 11·6 and ·7 among Hindus. Further, they are usually drawn from the lowest castes, and in rural parts are almost all agricultural labourers, who have with their conversion conceived new aspirations and endeavour, often with the pecuniary help of Missionary Societies, to change their condition and raise their status in society. Their interests clash with those of the Hindu ryots who would form the majority of the electorates in the taluk constituencies and it would probably be advisable to accord them separate representation in certain districts in which they muster strong.

11. *Chairmanship of the Assemblies, etc.*—In Mysore, the Diwan presides over the Representative Assembly. In this Presidency it is proposed that the President of each assembly should ordinarily be a Member either of the Executive Council or of the Board of Revenue acquainted with the vernacular of the assembly. The assemblies would probably not be convened simultaneously. A list of the questions for discussion would be submitted to Government by Collectors after the district conferences, and the answers regarding all important matters would be decided upon before the holding of each general assembly by the Governor in Council. It would be necessary to leave large discretion to the Member of the Council or other high official presiding over the general assembly. In that case the Government should be bound by his answers. Heads of departments and district officers would so far as the exigencies of the public service permitted, attend the assemblies.

12. *Rural representation.*—As already stated, rural representation may be provided by forming the taluks into constituencies. It is proposed that eventually elections should be held in the Taluks, but perhaps for the first year or the first few years a system of nomination by the Sub-Divisional officer might be necessary or convenient. The qualifications for the taluk electorate would be three-fold. The mass of the electorate would be formed by persons paying more than a certain assessment or calculated assessment to Government or a corresponding rent to a zamindar or an inamdar. Zamindars would be entitled to vote if they wished to. For persons not connected with agriculture it is proposed that the qualification should be the payment of income-tax on an income of not less than, say, Rs. 1,000. It is also proposed that the graduates of a recognised University should have a vote as such. Persons in the service of Government, other than hereditary village officers, would not be permitted to vote or to stand as candidates. It is considered that the franchise entitling a ryot to vote should vary, as in Mysore, according to local conditions. For a rich taluk in the deltas of the Godavari, Kistna or Cauvery. Rs. 150 land revenue assessment would not perhaps be too high a qualification, while in Ganjam, Vizagapatam, all the taluks of Nellore except the head quarters taluk, all the taluks of Kurnool, Cuddapah, Bellary and Anantapur, etc., a qualification higher than Rs. 50 land revenue assessment would probably exclude almost all the ryots from electorate. The Government would aim at obtaining electorates in the taluks of some, but not many, hundreds, of whom a large proportion would necessarily be agriculturists. It is proposed that taluks of a population of over 120,000 should return to members. In Malabar, where the population of some taluks is divided fairly equally among Hindus and Muhammadans, it might be preferable to permit the Hindus to return one Member and the Muhammadans another. The smaller taluks and independent Deputy Tahsildars which exist in some districts would return one member each. The Agencies, or tracts scheduled by the Scheduled Districts Act, would be represented by members nominated by

the Divisional Officer. Elections could scarcely be held in those wild and barbarous tracts, which contain a very widely scattered population. The qualifications for candidates would be considerably higher than those for electors, and only persons resident in a constituency would be permitted to offer themselves for election.

13. *Urban representation.*—Municipalities would be given a representative for every 60,000 of the population or less. The representatives would be chosen by the non-official members of the municipal council. They need not necessarily be councillors, but their qualifications should be similar to those of rural representatives.

14. *Representation of religious communities.*—It is proposed to make special arrangements, as already stated, for the representation of Muhammadans in the taluk constituencies of Malabar. Muhammadans might further be permitted to nominate one representative, through a district association of their own, for every 60,000 Muhammadans or less in other districts in which there is a considerable minority of Muhammadans, *i.e.*, not less than thirty thousand. It might be found advisable to apply the same principle to the election of Native Christians. As an alternative to these proposals this Government might announce their intention of nominating additional members to represent important minorities which would not otherwise be adequately represented in the assembly.

15. Statements are appended showing how these proposals worked out numerically (1) for a particular district, (2) for the Tamil and Telugu Assemblies. The two general assemblies would consist roughly, of 505 members. Each representative would represent about 75,000 of the population, and the number of members for the 23 districts would average 22 per district.

16. A pamphlet containing papers relating to the constitution and conduct of business of the Mysore Representative Assembly is forwarded herewith.

I have the honour to be,

Sir,

Your most obedient servant,

J. N. ATKINSON,

Ag. Chief Secretary.

ANNEXURE I.

STATEMENT of representatives for the Gódávari district.

District population	1,445,961
Number of representatives	19

One representative per 76,103 of population.

Classes represented.	Population.	Number of representatives.
(i) Rural representation—		
Cocanada division—		
Cocanada	165,662	2
Pithapuram	84,089	1
Tuni	58,762	1
Peddapuram division—		
Peddapuram	167,020	2
Ramachandrapuram	220,356	2
Rajahmundry division—		
Amalapuram	277,445	2
Nagaram	103,619	1
Rajahmundry	124,662	2
Agencies—		
Bhadrachalam	48,658	4 by nomination.
Chodavaram	23,229	
Polavaram	58,274	
Yellavaram	29,681	
	1,361,457	17
(ii) Urban (Municipal) representation—		
Cocanada Municipality	48,096	1
Rajahmundry „	36,408	1
	84,504	2
(iii) Muhammadan representation	Under 30,000	..
(iv) Native Christian representation	Under 30,000	..
Total representation		19

ANNEXURE II.

A.—General Northern or Telugu Assembly.

Districts.	Population.	Total members.	Rural representatives.	Urban representatives.	Muhammadan representatives.	Native Christian representatives.
1. Ganjam	2,010,256	24	21	3	..	..
2. Vizagapatam	2,933,650	37	33	4	..	..
3. Godavari	1,445,961	19	17	2	..	..
4. Kistna	1,744,138	24	19	3	2	..
5. Guntur	1,490,635	21	15	2	2	2
6. Nellore	1,272,815	19	15	1	2	1
7. Kurnool	872,055	14	9	2	2	1
8. Cuddapah	1,291,267	20	16	1	3	..
9. Bellary	947,214	14	10	2	2	..
10. Anantapur	788,254	11	9	1	1	..
11. South Canara	1,134,713	16	10	1	3	2
Total ..	15,930,958	219	174	22	17	6
Add—Representatives of Chamber of Commerce, Cocanada, and other Associations, say ..		10				
Grand Total ..		229 representatives, *i.e.*, one representative for 69,567 of population.				

B.—General Southern or Tamil Assembly.

Districts.	Population.	Total members.	Rural representatives.	Urban representatives.	Muhammadan representatives.	Native Christian representatives.
1. North Arcot	2,207,712	30	24	4	2	..
2. Chingleput	1,312,122	15	12	2	1	..
3. South Arcot	2,349,894	23	16	3	2	2
4. Salem	2,204,974	24	18	4	2	..
5. Coimbatore	2,201,752	23	19	3	1	..
6. The Nilgiris	111,437	5	3	2	..	..
7. Tanjore	2,215,029	26	17	5	2	2
8. Trichinopoly	1,444,770	16	10	3	1	2
9. Madura	2,831,280	38	27	6	3	2
10. Tinnevelly	2,059,607	26	17	4	2	3
11. Malabar	2,790,281	25	* 18	6	..	1
12. Madras	509,346	10	.	9	1	..
Total ..	22,268,204	261	181	51	17	12
Add—Representatives of Associations, say ..		15				
Grand Total ..		276 representatives or one per 80,681 of population.				

* Including seven Muhammadans.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 418.

From

THE HON'BLE MR. J. N. ATKINSON, C.S.I., I.C.S.,
Acting Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Ootacamund, the 18th May 1908.

SIR,

In continuation of my letter No. 222, Public, dated 13th March 1908, I am directed to forward a further collection of opinions regarding the formation of Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets.

I have the honour to be,

Sir,

Your most obedient servant,

J. N. ATKINSON,

Ag. Chief Secretary.

ANNEXURE.

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Letter—from the Hon'ble M.R.Ry. Diwan Bahadur R. V. SRINIVASIAR Avargal, C.I.E., Inspector General of Registration.

To—the Chief Secretary to Government.

Dated—the 20th February 1908.

In reply to letter, dated 27th November 1907, asking for my opinion on a memorandum drawn up regarding certain "Reform proposals," I have the honour to submit the following observations, with apologies for the delay.

2. On the question of the formation of an Imperial Advisory Council, my opinion is that the inclusion therein of ruling chiefs will not be a desirable measure. In the first place, I do not think that ruling chiefs, even of small States, would be found willing to be associated with territorial magnates, however high the position of the latter. In the second place, I doubt whether in matters affecting the internal administration of British provinces, the ruling chiefs would be able or willing to give much useful advice. Their delicate political relations with the paramount power might prevent most of them from expressing their opinions freely, if they should imagine that their opinions would run counter to those of Government. In the third place, I do not think that much can be expected from them as "an agency for the diffusion of correct information upon the acts, intentions and objects of Government," which is one of the useful services expected from this council.

I should therefore exclude the ruling chiefs from this council, and include therein retired Government officials who held high offices in the State as Judges, Commissioners of divisions and representatives of large commercial and industrial interest and acknowledged leaders of the people, who command the respect and confidence both of the Government and the people at large. My impression is that a council composed of the territorial magnates alone will not possess that knowledge which would enable it to form correct opinions regarding measures which would be referred to them by Government.

3. The above remarks apply also to the Provincial Advisory Councils; but in the case of these councils, I should suggest that an element of election may be introduced with advantage. If at least one-half of the members are allowed to be elected by the people, the council would serve better than otherwise, as a consultative agency in touch with the people, and as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

4. On the question of the constitution of the Imperial Legislative Council, I have no remarks to offer.

5. In regard to the proposed scheme for a reform of Local Legislative Councils, I beg to submit as follows :—

It seems to me that the principle of class, caste or creed representation is carried too far.

A Brahman as such has no special interest to serve. It is not clear what kind of persons should be returned under classes (*g*), (*h*), (*i*) and (*j*), who are not vakils or landowners of citizens of Madras. There appears to be some inconsistency between the restrictions laid down in (*b*) of the scheme and the property qualification laid down in IV (*b*) of (*d*).

There will be practical difficulty not only in respect of classes (*g*), (*h*) and (*i*), but also in respect of class (*d*), if the electorate therefor is to include all Barristers' Vakils and legal practitioners in mufassal courts also; and there will be complaint if they are excluded.

I should suggest that leaving classes (*b*), (*c*) and (*e*) as proposed, 10 or 9 seats may be thrown open for election by local areas, the districts being divided into as many groups, and on the result of the election, the remaining number of 3 or 4 seats may be filled up by His Excellency the Governor, by nomination for the representation of special interest or communities, which might not be otherwise represented.

I am much in favour of increasing the number to be returned by local areas, and reducing their extent as much as possible, as my experience has shown that as a rule, people have their sympathies limited to men, measures, and things comprised within the narrow spheres of their activity and observation. To constitute electorates each comprising three or four districts, the leading men in which do not know one another, and who have no common local interests, will not, I fear, ensure proper representation. The election will, in such cases, get more into the hands of wirepullers than when the electorate is small and the merits of candidates are personally known to the voters.

II

Letter—from the Hon'ble Raja VAIRICHARLA VIRABHADRA RAZU Bahadur Garu, Zamindar of Kurupam.

To—the Chief Secretary to Government.

Dated—Waltair, the 27th February 1908.

No.—1426.

I have the honour to acknowledge receipt of your letter dated the 22nd November last, together with a memorandum inviting my opinion on the several questions raised in the letter No. 2310, dated 24th August 1907, from the Government of India, Home Department (Public), regarding the establishment of Imperial and Provincial Advisory Councils and the enlargement of Legislative Councils.

On behalf of myself as well as of the landowning classes of country at large, I beg to express my heart-felt thanks of the Government for the generous and liberal spirit that prompted it in proposing to assign them a place in the councils of the Government of India and of the Local Governments. The Government is pleased to admit, and rightly, that the landholding interest is one of the most important in the country, that under existing arrangements it has not found adequate representation in the councils of the land, and that opportunities should be invited for the purpose of ascertaining from direct sources the means by which such interest is best safeguarded.

Indeed the Government has always, in a very statesmanlike manner, recognized the necessity for associating landholders with themselves in the Legislative Councils and where the elective principle has not conduced to landholders being returned to the council has found means for admitting them by a system of nomination. Under the new scheme it is a matter for great gratification for landholders to find that they are assigned a conspicuous part not only in the enlarged Legislative Councils but also in the Advisory Councils, both Imperial and Provincial.

Coming first to the Imperial Advisory Council, I do not here propose to discuss its utility, as under paragraph 1 of the Government of Madras annexure, I am supposed to offer my remarks on the assumption that the Advisory Councils are likely to serve a useful and valuable purpose. Regarding its constitution, I have the honour to observe that it would serve a highly useful purpose if opportunity were given not merely to the great landholders as provided in the scheme, but also to the representatives of various other important interests in the country, such as the industrial and commercial (to speak of a few) to come into close touch with the officers of Government and interpret the Government and the people to one another. This might tend to make it superfluous for the Imperial and Provincial Advisory Councils to exist side by side, but if the Imperial Advisoy Council even as it is proposed to be constituted serves any purpose different from that served by the Provincial, I am inclined to think that it should be a central body reflecting every detail of the constitution and functions of its various branches in the provinces. To this end it is highly desirable that all the various classes and interests represented on the Provincial Councils should also find a place on the Imperial, much in the same manner in which the Imperial Legislative Council as at present resembles in constitution and functions the various provincial bodies from which it is partly recruited. The creation of the Advisory Councils is, as can be seen from the Government order now under reference, due to a benevolent intention on the part of the Government to govern the people according to their real wishes as can be ascertained by a contact with the representatives of all classes of the people in a manner

not hitherto secured by the system of interpellation now obtaining under the rules for the conduct of legislative business. But one cannot refrain from observing that this end cannot be adequately served if the constitution of the Imperial Advisory Council is confined to the ruling chiefs and the great landholders and its functions confined to offering advice on matters on which it is specifically consulted. While therefore suggesting as I did above that not only the aristocratic element but along with it every important interest in the land should be properly represented on it, I further venture to urge that it must be made something more than a merely consultative body, that it should have the power of initiative in all matters on which its members are supposed to offer advice, that it should meet more frequently than do the present Legislative Councils, that a reasonable proportion of its members be returned by election, and that its proceedings should be published for the information of all interested. This last mentioned course is all the more necessary in view to securing that highly laudable object of "diffusing correct information as to the acts, intentions and objects of Government," which is the principal motive with which Government have elaborated the present scheme. Informal discussions on public matters such as have been resorted to all along have served their purpose, and as Government are solicitous of giving them something like an organisation with a view to follow up the good to which they have conduced, it is highly desirable that such an organisation should be more democratical in its character and that those who take part in it have a freer hand in performing the functions which devolve upon them.

I therefore beg to suggest that all landholders who pay an annual peshkash of Rs. 15,000 should be given an opportunity of representing their class on the Advisory Council of the Viceroy. So far as the Madras Presidency is concerned there are only about zamindars with this qualification, and it is therefore not altogether just to circumscribe the standard still closer and shut out the majority of landholders from participation in a privilege of this importance. It might be said as an objection to this that the ruling chiefs will consider it a compromise of their dignity if they are asked to sit in the same Council with small landholders and with the representatives of the people. But if one of the objects of the scheme is to make it possible for all classes of people to have access to Government, it cannot be achieved if the Council is confined to the aristocracy alone. The same object with which the ruling chiefs are proposed to be admitted into the Councils of the Viceroy can be very nearly and in some respects far better served by the ruling chiefs being offered the option of sitting in the Council themselves or of being represented by their prime ministers or other representatives.

As regards the work that may be developed on the Advisory Councils, it will as proposed by Government, be in the nature of offering advice on matters which will ultimately take legislative shape. These Councils will be the medium by which Government will probe into the feelings and sentiments of the people and determine upon a course of action which is calculated to find favour with every important community likely to be affected by it. Of course the Imperial Council will take cognizance of Imperial as as well as Provincial questions, while the Provincial Advisory Councils will confine their activities to matters affecting local administration.

As regards the Provincial Advisory Councils for this Presidency, I venture to suggest the following constitution :—

(*a*) Proprietors of permanently-settled estates paying an annual peshkash of Rs. 7,500 and above	10
(*b*) Inamdars and ryotwari proprietors paying a land revenue of Rs. 2,000 and above	5
(*c*) Representatives of commerce	4
Do. industry	3
(*d*) Other professions	2
(*e*) Retired Judges of the High Court and other high officers	3
(*f*) Others	3
TOTAL	30

If my proposals, contained in the above paragraphs for the constitution of the Imperial Advisory Council on a wider basis than is proposed by Government, be found acceptable, the number of members composing that Council may be fixed at double the number proposed for the Provincial Councils. It might also be provided that if any member of the Councils coming under (*a*) and (*b*) of the scheme proposed above happens to be a registered graduate of some standing, his property qualification could be half of what it would be otherwise. Such a concession would tend to encourage a desire for higher education among the land-owning classes, while due prominence will have been given to a literate qualification in the composition of such important Councils. Of course as in all similar schemes an age limit will be fixed for the members at, say, 25. In view to the importance of the functions that devolve upon the Advisory Councils, I have in the above paragraphs consistently kept in sight the necessity of letting the privilege of admission into them filter down to the middle classes, at the same time not forgetting the importance of the stake which the classes claiming representation on them should possess in the country. If Government are solicitous of extending local self-government to the extent that is justified by the spread of education and the " indubitable proof which natives of India have in the view of the Government given of their intellectual fitness for employment in the administration of the country," a scheme like the one proposed by me will perhaps be admitted to meet the requirements of the case more or less adequately. It will be yet another fitting reward for the capacity exhibited by the natives of the country for self-government to invest them with the power of electing a fair proportion of the members of the Council.

The next question on which I am called upon to express an opinion is the constitution of the Imperial Legislative Council. I am not prepared to dispute the wisdom contained in the Government of India's proposal to preserve a distinct majority of official over non-official members that compose the Legislative Councils of the land. But in the scheme proposed by the Government in paragraph 12 of the order one is struck by the omission of a provision for due representation of the important industries of the country unless they are intended to be brought under the small class (*e*). For instance, while provision is made for the admission of seven land owners into the Council no place is assigned to the industrial classes or large employers of labour who are just beginning to become a special feature of the country at the present day. It is therefore, recommended that not only the agricultural but the various other industries now springing up in the land or have already shown signs of a vigorous growth should find representation on the Legislative Councils in proportion to the number of people to which they give or are likely to give sustenance. As for the representation of the landholders on the Imperial Legislative Council the Government of India's proposal to assign each province a representative will meet the requirements of the case most admirably. I have only to observe in this connection that the term " landowners " occurring in the scheme is not sufficiently clear to apply exclusively to zamindars, which I presume is what Government intend. As it stands, the term would include ryots as well, whose interests often conflict with those of landholders, make it impossible for them to represent that class in the Council. The mode of election might be arranged on something like the following basis:—

All landholders in each province with a specified annual rental of, say, rupees 15,000 and half that in case of registered graduates might constitute an electorate for returning a member once in five years. The system of ballot might in all cases be safely resorted to. In the case of this Presidency the ballot might take place at Madras which occupies a central position between the northern and southern districts.

Now passing to the constitution of the Provincial Legislative Council, I may at once express myself in full agreement with heads (*a*) to (*f*) of the scheme laid out by Government. Only I would reserve nomination by His Excellency the Governor under (*a*) to the very last (till all the constituencies have returned their members) so as to enable His Excellency to ascertain which classes have been inadequately represented before nominating members to represent these classes.

As for (*g*) to (*j*) I am inclined to think that such a mode of election will serve no useful purpose, while at the same time it will be fraught will evil in many instances. For the various castes and creeds that compose the Indian population have, despite

their social and religious divergences, no political differences among themselves such as should be recognized by constituting each into a distinct electorate. While therefore it will not be in the fitness of things for Government to deem the castes as standing in need of, or deserving political recognition, such a step will further tend to accentuate and, so to say, legalize class distinctions and add another edge to a weapon which is admitted on all hands to be sufficiently dangerous already. At the same time no case has been made out for disfranchising the District Boards and Municipalities in the manner proposed. They have exercised the privilege of electing members to the Legislative Councils on the whole satisfactorily and any faults in the existing system may be remedied by constituting these bodies on a different and more satisfactory basis. If a better system is at all needed it may be be secured by substituting for the manner of election proposed under (*g*) to (*j*) a more extended territorial representation at the rate of a member for two districts, roughly, to be selected by a constituency formed of persons paying income-tax on an income, say, not less than Rs. 5,000 a year.

The necessity for territorial representation of this sort becomes manifest when it is remembered that by education and training the natives of the country are gradually becoming more and more qualified to take part in the administration of the country and that the time has come when Government should recognize the claims of the educated classes by affording them wider opportunities for serving the country and the Government. If this proposal is accepted it will render class (*d*) needles, as it will provide for a sufficient number of vakils to be returned. I may observe in passing that a restriction such as is sought to be imposed on the number of vakils on the Legislative Council is not alotgether well advised, seeng (1) that the existing system under which members of Council are elected has not placed the other professions under any special disability, (2) that if vakils have hitherto been returned in larger numbers than others it is because they have proved by their influence and capacity to be more deserving of the suffrage than others and (3) that the past history of the Legislative Councils proves beyond doubt that in the hands of vakil members of Council all important interests in the country have found adequatte representation and no case has been made out for divesting them of the provillege which they have all along exercised to the benefit of the country at large and (4) following the example of other constitutional Governments, a fair proportion of lawyers is indispensable in an assembly for making the laws of the country.

It only remains for me to add my hearty approval of the proposal to give members of Councils wider opportunities for discussing the budget than are available under the existing system. The proposed scheme which the Madras Government has just this year begun to put on hand will give members a greater insight into the working of the budget of the province and enables them to offer their remarks on the several items composing it with a closer knowledge of the details of the financial policy of Government and of the reasons underlying them in each case.

III.

Letter—from GHULAM MUHAMAD ALI Sahib Bahadur, Prince of Arcot.
To—the Chief Secretary to Goverument.
Dated—the 18th February 1908.
No.—97.

I have received the copy of letter No. 2310, dated the 24th August 1907, from the Government of India, Home Department (Public), together with a memorandum drawn up by order of His Excellency the Governor in Council.

I feel thankfull for the opportunity accorded to me of expressing my opinion on the questions raised in the memorandum.

On going through the important letter I am struck with the amplitude of opportunities proposed to be given to the various peoples of India of expressing what they think sincerely, in quite an informal way, on questions relating to administration in general. Every one of the proposals contained in the letter is redolent of the genuineness of the best intentions and solicitude of the Government to rule the country having the "best mind" of its people in its confidence. It was

distressing to see, in public print, that the measures received such adverse criticism. Great dissatisfaction manifested itself in various quarters. The so-called dangers of the new system have been, I am led to believe, very greatly exaggerated. All this trouble arises from an idea that the proposals now laid before the public contemplate the accentuation of caste differences inasmuch as a differentiation based on class and caste is to be maintained.

Again there is a cry against the ruling chiefs being included.

With regard to caste basis I am inclined to think that it is the duty of a benign and liberal Government to rule its peoples as it finds them respecting their traditions and fundamental beliefs. It is one thing to say from the platfrom and press with all polish that the advanced classes have done away with the rigid observance of caste and that the institution itself is fast dying away. But actually we find the masses quite unaffected. Even amongst the educated classes the bitter animosities and petty jealousies appertaining to caste and its variations find place and prominence. In the mufassal caste is so rigid that differences between caste and caste have a glaring halo of acrimony about them. As things at present exist it is impossible not to recognise the importance of caste. Until India could metamorphose itself into one homogeneous mass of national unity devoid of caste and its multiformities it will be the constant concern of Government to see that one caste does not preponderate over another either in influence or in the monopoly of benefits. The fostering hand of the State is very necessary to save the non-influential castes from sinking into oblivion devoid of any sort of State recognition so far as the State assemblies of deliberation are concerned.

In respect of the ruling chiefs, the main objection seems to be that these being merely the creatures of Government their advice would be absolutely worthless as it would not be characterised with anything like independence and as it would always be in conformity with the intentions of Government.

Another objection raised is that the inclusion of them would entail heavy expenditure in the shape of travelling expenses, the burden of which would eventually fall upon the poor tax-payer.

A third objection is seen in the supposition that the ruling chiefs themselves will not consider membership of the Advisory Council as in anywise adding to their dignity.

Now, I consider that the Government is quite right in taking the ruling chief into its confidence, as they constitute the most important and influential section of Indian polity. The ruling chiefs as a class are not what they were a decade or two ago. They have received good training under competent tutors during their non-age commensurate with their huge responsibilites and they have taken good care to supplement the knowledge thus acquired by means of wide travel in European countries and acquire a wider understanding of men and things. They have reformed their respective States on the British administrative model. With such culture and improvement they are in my opinion in every respect competent to give wholesome advice on matters administrative. With regard to the independent character and value of their advice I am inclined to think that the nature and scope of the constitution of the Imperial Advisory Council is such as to elicit their honest and unvarnished opinion on subjects proposed to them. The Council having no legislative recognition and its proceedings being "private, informal and confidential," so much so, that the communications on administrative measures being more of a friendly character, I am perfectly sure that expression of opinion, on matters calculated to improve the administration, to make it thoroughly popular and its lasting benefits permeate through the whole ramifications of the Indian mass of population, on the part of the ruling chiefs, will always be characterised with honesty of purpose and genuineness of sympathy quite independent of the Government's approbation or disapprobation. In matters of public interest, more especially relating to its own administration, Government seeks advice to be enlightened and to avail of it if it is apt and sound. In such a case the value of the advice will be great in the estimation of Government when it is offered honestly, sincerely and independent of all other

considerations. This the ruling chiefs with their present culture could quite see and no fear need be entertained of their advice smacking of a slavish and meek submission to the views of Government.

Next the members of the Imperial Advisory Council will be cosulted individually or cellectively and generally by means of letter. Thus all the twenty ruling chiefs constituting the council would not be called together. In fact I believe they will not be put to constant travel on this account. Very occassionally it might so happen that one or two of them may be called. This would not entail any heavy expenditure as such calls would, I believe, be purely informal and private and the chiefs on such occasions need not take a large retinue nor have recourse to all paraphernalia incidental to state and formal visits. The tax-payer need hardly suffer on this account.

With regard to the third objection I am of opinion that the proposal need not confer any further dignity to the ruling chiefs making their dignity more dignified. It is, as I think, the importance of their very dignity that confers upon them the privillege contemplated by the proposal. Their position as ruling chiefs conversant with the methods of administration in their own respective States entitles them to the confidence of Government. Thus the objection seems to my mind more or less imaginary.

The Imperial Advisory Council, the House of Lords of India in embryo, need not necessarily have any legislative recognition at present as it is in its experimental stage and until it could impress the Government with its utility it may so remain.

Among the members constituting the Imperial Advisory Council might be included Political pensioners of sufficient weight and status whose ancestor have contributed mostly to the building up of the British Indian Empire. Title-holders (K.C.S.I.'s., and C.S.I.'s.) of recognised merit and acumen might as well be taken in thus giving the council a wider range. It is needless for me to point out that out of the sixty Imperial Councillors a fair proportion of them should be Muhammadans whose "political and historical importance" is such as to entitle them to due recognition by Government in all its deliberations and to the confidence of Government.

As the councillors are eligible for re-appointment five years' term of office seems to be too long. I would reduce it to three years so as to give a fair chance to others eligible for appointment.

It is hoped that with all the limitations placed on the constitution and work of the council, it will be largely availed of by Government to become impressed with the utility of it.

It is stated in the memorandum drawn up by order of the Governor in Council that "the Governor in Council, as at present advised, considers that the number of members may be fixed at 20 or 25." I would fix the number at 30, just half the number constituting the Imperial Advisory Council. Since all interests of sufficient importance have to be represented and since the Imperial Advisory Council represents merely the great landholders in the main, the Provincial Advisory Council should be large enough to admit representatives of smaller landholders, industry, commerce and professional classes. Suggestions are thrown in certain quarters that the constitution of a Provincial Advisory Council may be deferred till the expectations formed of the Imperial Advisory Council are realised. I do not see how the Provincial Advisory Council would be baneful to the interests of the provincials if it is brought into existence simultaneously with the Imperial Advisory Council. Just as questions of Imperial importance will be sumbitted for opinion to the Imperial Advisory Council, so questions of Provincial importance will be submitted to the Provincial Advisory Council for opinion. The members of the Imperial Advisory Council are selected from all India. The interests represented by it will necessarily be very limited. Hence it is necessary that the Provinces should have a body of advisers "chosen upon a wider basis" for the purpose of consultation upon all important measures.

All the Provincial Advisory Council members should be appointed by His Excellency the Governor. Many of the smaller landholders (zaminders, etc.), as we find to-day, are quite competent to grasp the details of administrative policy and offer

advice upon questions of moment relating thereto or any question affecting the populations of the Province by virtue of the liberal education vouchsafed to them by the Court of Wards during their period of minority. Arts, trade and profession should be represented. C.I.E.'s, Diwan Bahadurs and Khan Bahadurs of approved merit may also be taken into the Council.

In the case of the Provincial Advisory Council as well the members should hold office for three years as I have stated in connection with the Imperial Advisory Council. In every Province I would hold that a fair number of Muhammadans is taken into the Council in proportion to their number, position and influence.

Enlargement of the Legislative Councils—Imperial Legislative Council.—The characteristic feature being an official majority as a "necessary consequence of the nature of the paramount power in India", it follows that the non-officials will necessarily be limited. In the scheme proposed there are 54 members, of which official number is 29, the remaining 26 being non-officials. There can be no objection to this. Of the 26 non-officials, 4 will be Muhammadans, 2 nominated and 2 elected. I think this is a fair proportion, though I am inclined to add one more. But there is some hope entertained of the possibility of a certain number of Muhammadans being returned under sub-head (*b*) of Head D from the Provinces of Eastern Bengal and Assam and the Panjab. Thus I am hopeful that there will be a fair representation of Muhammadan interests.

With regard to electorates I prefectly agree with the principles laid down in respect of special Muhammadan electorate, namely:—

(1) "All who pay land revenue in excess of a certain amount."

(2) "All payers of income-tax."

(3) "All registered graduates of an Indian University of more than, say, five years' standing."

The general condition of the Muhammadan community not being very affluent, there is every justification for a special electorate.

But with regard to the general electorate I consider the property qualification to be too high. There seems to be a preponderance given to wealth as if it is the only interest that requires representation. This standard would prevent the "grant body of moderate men who, under existing conditions, have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence" from being represented in Council by one of their own class.

I would have the electorate in proportion to the density of population, reducing the property qualification. I would have the registered graduates of Indian Universities, as well, of, say, five years' standing, constituting the electorate. This would be a sufficiently wide electorate for all intents and purposes. This will ensure satisfactory representation.

In the case of Provincial Legislative Councils the observations made in regard to the Imperial Legislative Council electorates will in general hold good.

In the scheme proposed there shall be 17 non-official members in the Madras Legislative Council. I am of opinion that with an official majority always, the 17 non-official members may safely be increased to 20 as I see no place is given to tenantry in the zamindari estates and as there is an amusing combination of barristers advocates, vakils or certificated pleaders returning one member only. In a big zamindari there is always an influential tenantry who need representation. The tenantry and landowners may be made to return one member in addition to the zamindars returning two members. The barristers and advocates may have one member and the vakils and pleaders another member. There is only one Muhammadan member in the scheme. I should think there should be at least two Muhammadans for the whole Presidency. This is, I think, fair. Of these two, one should be nominated by His Excellency and another elected by Muhammadans. Owing to the difficulty noticed in (*e*) of the scheme in the memorandum, I think it is very apt that His Excellency the Governor should be empowered to nominate a Brahman, a Muhammadan and a Christian in addition to his nominating two members, of whom one shall always be a non-Brahman, that is, other Hindu.

The property qualification being a high one for the Presidency, I would propose either a reduction of the same in proportion to the population of each class is made or literate qualification insisted. If graduates of sufficiently long standing, say five years, are permitted to vote, the difficulty of high property qualification would be adequately counteracted.

Election of members of Local Boards.—To the remarks, under this head, in the memorandum there can be no objection. Of course the consideration of the question may better be deferred. I would, however, submit, in addition, that the Local Boards need a distinct constitution on the whole. In this case it will be needless to insist upon caste representation. The claim of landed interest to a larger share in local affairs may be recognised and maintained and non-official majority instituted.

The Budget debate.—The improvement suggested seems to be wholesome inasmuch as the debate is likely to be ampler and would embrace every detail. The beneficial influence of the improvement is seen in the inclination of the Government to modify its financial arrangements or "alter the budget actually under review in the light of the remarks made in the course of the ampler and more practical discussion" as at present contemplated with reference to the budget. Whatever might be said against the proposals for "the ampler and more practical discussion" of the budget it cannot be denied, indeed, that the step is really an improvement. Although no immediate definite advantage could result from the proposals, yet a fuller discussion is likely to bring to light facts which might be of immense value to Government in guiding its financial policy. This everybody will admit is impossible under the present defective practice prevailing "under the existing regulations."

IV

Letter—from the Hon'ble Nawab SAIYID MUHAMMAD Sahib Bahadur, Madras.
To—the Chief Secretary to Government.
Dated—the 21st February 1908.

I have the honour to acknowledge receipt of your letter, dated the 22nd of November 1907, regarding the formation of Advisory Councils and the enlargement of the Imperial and the Provincial Legislative Councils. The idea is a happy one and the thanks of the country are due to His Excellency Lord Minto's Government for taking the people of the land into confidence in matters connected with the administration of the country. I approve of the scheme generally and I have only a few suggestions to make. Though the Advisory Councils are not given statutory recognition, still they should be given some definite existence, the class of subjects to be consulted and the number of times they should meet being determined now, so that it may not be within the power of any one on any future occasion to nullify the noble object with which they are now formed, by not summoning a council or by not consulting them at all, and even if they are consulted by not consulting them on important questions. If Government acts against the advice of the council, its reasons for doing so should be recorded.

It is not necessary nor desirable to have ruling chiefs in the Advisory Council. There is nothing in common between them and the subjects of the British Government. They copy British institutions and methods or are made to do so. Their natural instinct will be not to suffer by comparison and their advice is not likely to be conceived in a liberal spirit as their own subjects will demand at least what the people in British territory enjoy.

Some of the members of the Advisory Council may be elected by the people as the object in view is to ascertain popular opinion and needs.

As regards the expansion of the Imperial and Provincial Legislative Councils, any real improvement on the existing system can only be, if officials are free to vote on questions according to their individual convictions without their being bound by mandate to vote on the side of Government.

The scheme proposed for the constitution of the Madras Legislative Council strikes a new path of its own. Representation should not be caste or class representation, but territorial as far as possible. I would suggest the following:—

To be selected by—	
(*a*) Merchants	1
(*b*) Graduates	1
(*c*) Zamindars	1
(*d*) The Madras Municipality	1
(*e*) Muhammadans	2
(*f*) The districts outside Madras	8
(*g*) Nominated by His Excellency the Governor	3
TOTAL	17

V

Letter—from Khan Bahadur GHULAM MAHAMMAD Shaib Bahadur.
To—the Chief Secretary to Government.
Dated—the 20th February 1908.

With reference to your demi-official, dated 22nd November 1907, forwarding for my opinion a copy of a letter from the Government of India, Home Department (Public), No. 2310, dated the 24th August 1907, together with a memorandum drawn up by order of the Governor in Council, I have the honour to state that it is my sincere belief and conviction that the measures proposed are generally such as will no doubt give the peoples of India wider opportunities of expressing their judgment on administrative matters. The broad principle laid down in distinct terms that "no scheme of constitutional reform would meet the real requirements of the present time, which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men, who under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence", would satisfy the most ardent critic of the existing form of administration. The recognition of the fact that, in a country like India divided by a thousand castes and creeds at variance with one another, "any electoral representation would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent," is such as will set at rest the fear of the minor communities that their interests are ever destined to be swamped by the large Hindu majority. While thus mainly concurring in the principles on which the reform proposals are based, I desire leave to invite your attention to some minor details in which perhaps a few amendments may be introduced without violating the intentions or weakening the influence of the British Government.

2. In the Imperial Advisory Council, I would respectfully suggest that a small number of seats may be left open to be filled by election, say a fifth or a sixth part of the total number. The privilege of election may be given to the non-official member of the Imperial Legislative Council, while the qualifications of the candidates for election may be fixed high enough to ensure the election of a person worthy of a seat amidst the ruling chiefs and territorial magnates of the land. Similarly, a small number of seats in the Provincial Advisory Councils may also be left open to election. This will go a great way to popularise the Advisory Councils which are now being criticised in certain quarters as a great purposeless sham. It is also desirable that the principle of class representation be extended to the Advisory Councils (Imperial and Provincial) and that, in all Advisory Councils there should always be a number of members belonging to the minor communities sufficiently large to represent their interests. I would also like a give the privilege to the Advisory Councilors, both Imperial and Provincial, of making suggestions and offering opinions on all matters of public welfare, of their own initiative as well as at the Government's request. To ensure the reality of the proposed Councils, it may be laid down that the Councils should meet at least once in a stated period, to be now fixed by the Government of India according as it deems necessary.

3. I quite agree with the Government in the principle that the Government should have an official majority in the Legislative Councils. But I do not see why

any Ruling Chief should be nominated a Legislative Councillor. Such a nomination will be considered derogatory to his dignity; and it will not be of sufficient interest as the Ruling Chiefs are not subject to the laws in force in British India. The seats allotted to the Muhammadan community are not sufficient. Four men cannot represent the Muhammadans of the whole of India, and judging from our experience in the past even in such Provinces as the Punjab and Eastern Bengal, where there is a Mussalman majority in population, there is no hope of Muhammadans being returned by general election unless they sacrifice the interests of their community. I would suggest that a Muhammadan representative be taken from each province. In order to avoid invidious distinctions, I would have all the members, both of the Mussalman community and the other minor communities either elected by their respective peoples or nominated by Government, and, in any constituency created for such election, if election is permitted, I would include all the registered graduates of the Universities and such important registered public societies and associations as the Government have been accustomed to regard as representative. The standard fixed in paragraph 18 of the Government of India's letter in respect of income-tax, is too high for the Muhammadan community. I would suggest that those who pay income-tax on an annual income of Rs. 10,000 or Rs. 12,000 may be taken in the electorate instead of on Rs. 25,000.

4. I wish to say a word in respect of the provision made in the memorandum for the representation of Muhammadans in the local Legislative Council. First to allow a single representative for the Muhammadan community—a large community of historical importance—is not fair or enough. Judging from the condition of the various Departments of the Government and the electorates proposed to be newly created one is certain to have several Hindus, especially Brahmans, in the local legislature, and one Muhammadan among them will never be able to safeguard or to represent adequately the interests and views of his community. For this purpose Government should ensure the presence in the Council of at least three Muhammadans. Secondly, the qualifications of voters for election proposed by Government are too high considering the economic condition of the Muhammadan community in this Presidency. All payers of income-tax, as the Government of India has suggested, or of an annual rental of Rs. 1.000, should be included in the constituency. Thirdly, all Fellows of the University, registered graduates and recognised Anjumans, should be included in the Muhammadan electorate. These being only a few in number no inconvenience will be caused to Government by their inclusion. On the other hand, such a course will go a great way to endear the Government not only to the increasing body of educated Muhammadans but also to the community at large. Lastly, I would respectfully suggest that of the three members proposed one should always be nominated by Government from amongst the historic aristocracy of the community and the other two allowed to be elected by the electorate which would be newly created.

VI

Letter—from Mr. M. R. Ry. Diwan Bahadur C. RAMCHANDRA RAO Sahib, High Court Vakil, Madras.
To—the Chief Secretary to Government.
Dated—Tynampet, the 26th February 1908.

I beg to acknowledge the receipt of letters, dated 22nd November 1907 and 5th February 1908, and thank the Government for the honour it has done me by asking my opinion on the subject of proposed reforms in connection with the establishment of Advisory Councils and the expansion of Legislative Councils.

Imperial and Provincial Advisory Councils.—The first question directs me to assume that the establishment of Imperial and Provincial Advisory Councils is likely to serve the purposes indicated in the letter of the Government of India. As however it is my misfortune to entertain a different opinion and as it is my sincere conviction that the proposed Advisory Councils are not capable of yielding any beneficent results, I have no suggestions to offer regarding them.

Imperial Legislative Council.—The expansion of Imperial Legislative Council is a reform which would be met with welcome in the country. But, with regard to the

constitution of the said Council as indicated in paragraphs 12 to 14 of the letter of the Government of India I have got one main objection. In pointing out this objection I am fully aware of the difficulties which a Government has to meet and the problems which it has to solve in governing a land of various creeds and castes.

I am fully aware of the beneficent intentions of Government but nevertheless there stands the objectionable feature of allotting four seats for Muhammadans in the Imperial Legislative Council which might be easily misconstrued and misconceived as a distinction based upon race and religion. The recognition of such a distinction is against the well-known principles of the British administration. It is my firm belief that the recognition of such a distinctien will foster and perpetuate racial animosity and ill-feeling. I would therefore humbly suggest that the clause D (*d*) might be omitted and the seats thus made available may be distributed as follows :—

D (*a*) instead of "by the Chambers of Calcutta and Bombay—2" have "by the Chambers of Calcutta, Bombay and Madras—3."

E "Non-officials nominated by the Viceroy—5."

Provincial Legislative Council.—With regard to the scheme laid out in memorandum in connection with the Provincial Legislative Council I beg to submit that I have got a similar objection.

The proposed constitution of the Legislative Council according to scheme is based upon the distinction of race, caste and religion. This is again contrary to the accepted principles of the British administration. I would therefore crave leave to suggest that in the scheme referred to in the memorandum, paragraph 6 (*a*), classes (*g*), (*h*) and (*i*), be omitted and that all the three seats thus made available be added to clause (*j*) which will then stand as clause (*g*) selected by all other persons—9.

VII

Letter—From the Hon 'ble K. R. GURUSWAMI AIYAR, B.A., B.L., F.M.U., High Court Vakil and Member, Legislative Council, Madras.
To—The Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 24th February 1908.

In reply to your letter, dated Fort St. George, 22nd November 1907, calling for my opinion on the questions of reform raised in the Government memorandum annexed thereto, I have the honour to submit the following observations.

2. It is a source of special gratification to know that the Government of India have of their own initiative and without any pressure from Public opinion taken into their consideration the question of giving to the people of India wider opportunities of expressing their views on administrative matters. Privileges granted by Government from the beneficence of their heart are doubly entitled to the thanks of the people. Holding as I do a representative position, I may take this opportunity of stating that the people of this province who have been, soberly yet loudly and importunately, crying for years for wider privileges, deeply appreciate the sympathetic intentions of Government and eagerly look forward to the early dawn of a better political career for themselves.

ADVISORY COUNCIL.

3. I do not consider Advisory Councils as of great importance, and my remarks thereon will consequently be brief. The question of their constitution very much depends on their functions, and the latter, in so far as they have been defined, render the bodies, institutions of very little consequence. The main object is said to be that the intentions motives and acts of Government, which are so often mischievously misrepresented should be correctly interpreted to its subjects. If this is the object, I fail to see how it can be successfully realised by "informal" and "confidential consultation" with "*ruling chiefs*" and "*territorial magnates.*" I think that for the purpose in view these bodies should be constituted, if not on a legislative, at any rate on a formal executive basis, consist not merely of individuals of rank and affluence but also of sufficient representative importance, and do their business not by confidential correspondence or in a secret chamber, but generally in the open, and so as not to be misunderstood by the bulk of the people. Occasionally

their proceedings may have to be private according to the matter under discussion, but a formal and continuous record of their proceedings, accessible to the public, except when specially excepted, should be maintained. Their functions may be purely advisory, but it seems ungraceful to constitute a body of advisers, and compel them to give their advice only on points referred and not on points raised by their own initiative.

4. *Constitution of the Imperial Advisory Council.*—The strength of 60 members suggested for the Imperial Advisory Council is certainly not too little. "*Ruling chiefs*" and "*territorial magnates*" from the several provinces may well have their places here. But for the sake of their country they should share the seats with representatives of the smaller landholders and of the trade, the industry, and the cultivated intellect of the nation. To the special "dignity and status" of chiefs and magnates should be added the peculiar knowledge, ability and patriotism of such representatives. To the latter therefore I would reserve about half the seats if not more. As for the selection of such representatives, no special electorates or constituencies need be formed. I would leave it to Government to nominate such representatives from the various provinces.

5. *Constitution of the Provincial Advisory Council.*—To the Provincial Advisory Council the above remarks mostly apply, and I regard the total strength of 20 to 25 quite enough for this province. In nominating to it members other than the provincial members of the Imperial Advisory Council, regard should be had to the representation not only of interests and communities, but also of territorial divisions.

6. *Functions of Advisory Councils.*—It is difficult to define the functions of these bodies exactly. But as the aim of Government is to correct mis-statements and erroneous impressions and make their motives and intentions better known, the scope of consultation and advice should be as wide as the range of legislation and administration.

Legislative Councils.

7. *Official majority.*—I next proceed to deal with the Legislative Councils. With regard to these, the fundamental idea insisted on by the Government of India is that, however much they may be enlarged and placed on an elective basis, the official element should so far be allowed to preponderate as to have a paramount voice in their proceedings and weild the sceptre of authority to the exclusion of the non-official element. So enunciated the aims of the Government of India in regard to the political future of this country are as much of an extremist character as the aspirations of the ultra-swaraj politicians whose eloquence has been galvanising its political atmosphere during the last few years. I am no friend of extremism whether it proceeds from the seat of authority or the heart of the patriot. In the fullness of time I hold it, in the highest degree, possible, expedient, and equitable for the Indian and the Englishman jointly to assist His Majesty the King in weilding his sceptre over India, and so to construct its political machinery as to facilitate that object. However, in this, the second attempt made not long after the first, at constituting the Councils on an elective basis, I do not propose to offer any objection to the claim for an official majority. But I take leave to maintain that there is no just or reasonable ground for Government claiming anything more than a bare majority. I am aware that many Indians would not concede even this and would contend that the power of veto possessed by the head of the Government over the votes of the Council is an adequate safeguard for the maintenance of the power of Government. I recognise, however, that tha veto is a prerogative weapon intended for rare use and that no head of Government can bear the responsibility or stand the unpopularity of overriding the decision of his Council as often as they go against the policy of his Government.

8. *Voting by mandate.*—At this point I think it relevant to voice the country's emphatic condemnation of the very objectionable and obnoxious practice followed by Government of placing the official members under a standing mandate to vote with them irrespective of private convictions. This course is so demoralising that no considerations of political expediency or administrative exigency can justify it. Indeed it seems to me to be a more straightforward course to invest members of Government sitting in the Council with a plurality of votes counting in the aggregate a larger number than the non-official votes. But I think it ought to be conceded

that the practice in question is hardly necessary. Government may generally rely on the concurrence of official members as the policy of the former is always shaped after previous consultation with the latter. There is thus no risk in leaving officials to vote as they like, but if occasionally some of them conscientiously disagree with the Government in the Council, there is the chance also, to counterpoise such a contingency, of some non-officials agreeing with the Government. In those rare cases in which the Government are let in the minority by both officials and non-officials, one may presume without violence that Government's policy is not wise. If the head of the Government in such a contingency thinks otherwire and feels overpowered by his conviction, his veto may then more than ever be exercised with a safe conscience. I would therefore couple my protest against voting by mandate with a strong appeal that the practice may be legislatively discountenanced and prohibited.

9. *Territorial representation.*—The Government of India declare territorial representation as being unsuited to India and desire to construct electorates on the footing of classes, castes and creeds. They further quote Lord Lansdowne's Government in support of their position. But I venture to doubt if that Government made any pronouncement condemning territorial representation as for all time unsuited to India. Perhaps the best refutation of this theory is to be found in the scheme put forward by the Government of Madras in which after providing for the separate representation of a few prominent classes they are found unable to arrange for the representation of the bulk of the people except by dividing the province into a number of electoral areas. The results of the elections since the reconstitution of the Councils in 1893 have clearly shown, not that classes have been prejudiced by territorial representation, but that electoral areas should be narrowed into small groups of districts if not into single districts, and invested with the power of returning their own separate members. Everybody recognises that district administration requires to be watched and corrected by the Legislative Council, and that, for this purpose equally with the purposes of legislation, it is essential that the Provincial Legislative Councils should be composed of territorial representatives, who are in touch with local areas sufficiently small to admit of frequent tour, inquiry and study.

10. *Influx of lawyers.*—By way of illustrating the unsuitability of territorial representation the Government of India have called attention to territorial elections having led to an undue influx of lawyers into the Legislative Councils. This result, I maintain, is an accident of the period under consideration. During the same period Brahmans have been elected to the Legislative Councils in large numbers, and they and native Christians have during a longer period found readier access into public offices and the learned professions. All these are due to the fact that these classes have, earlier than others, taken to education and succeeded in the competitions concerned. Those who are styled "*territorial magnates*" by the Government of India and those who may be styled *merchant princes* have cared more for the sweets of wealth than for the fruits of education, and when they qualify themselves in the proper way their chances of success in the territorial elections are sure to be at least better and more than those of lawyers. It seems to me that the best way for Government to help landholders and merchants to seats in the Legislative Councils is to promote the cause of higher education among them. On the other hand, Government seem to aim practically at shutting out the lawyers from the councils. It is both a surprise and a concern to me that the responsible Government of this country should seek to divorce lawyers from the function of making laws. The present House of Commons contains a very large admixture of the lawyer element, and this result of the late elections was only welcomed and not deplored in England. I am not aware that any attempt is being made in that country to put that House in order, and that the construction of Legislative Houses in India on which Government are now embarked is designed as part of any general and imperial plan. The Government of India add that, by reason of their election to the councils, lawyers have come to wield more than a just share of influence in the country. It is not clear what this influence is and how it has been employed for the aggrandisement of their class or to the prejudice of other classes. I would indeed challenge anybody to turn to the proceedings of the Legislative Councils during the period in question and say if either by speeches or by interpellations lawyers have in any instance sought to promote their interest as a class against the other classes, or failed to advocate the

interests of the landholding, the commercial and the industrial classes of the country. If a large number of lawyers have hitherto been elected, I must point out that they were elected not by the votes of lawyers, but by those of officials, landholders and merchants in the main. I will not dilate on this subject, belonging as I do to this obnoxious profession, but this I will assert that while I can turn to my own record and that of my predecessors and colleagues in the local Legislative Council with a safe conscience, the country is sure to unite in one voice to acquit the lawyer element of having used its opportunities and powers for any purpose other than the welfare of the country at large and of the several classes, communities and creeds of its population.

11. *Representation by classes, castes and creeds.*—I next advert to the principle of *representation by classes, castes and creeds* on which the Government of India appear to pronounce themselves almost in an uncompromising way. I venture to submit that such a principle cannot but be condemned in the most emphatic language. Elsewhere in the world also people are divided by interests, professions and creeds and even social distinctions analogous to castes are not unknown. And yet I am not aware that there is any parallel for this kind of representation in any other country. Having had opportunities of acquainting myself somewhat with the intentions and ways of Government, I am anxious to save them from the reproach freely levelled against them that they are intent upon dividing the people of this country and thereby weakening them for all time. I agree that until this country becomes better educated politically, elections, however contrived, may leave voids or lead to inequalities. I agree also that Government should, to fill up such voids and redress such inequalities, retain in their hands the power of making nominations to a few seats. But it will be pernicious in the extreme to admit the people of this country to constiutional privileges in the matter of their highest concerns, and compel them in the exercise of those privileges to develop those caste prejudices, caste jealousies and religious animosities that are already clearing out of the horizon by the efforts at enlightenment made by the Government no less than by the people.

Imperial Legislative Council.

12. *Maximum strength.*—The scheme suggested by the Government of India for the constitution of the Imperial Legislative Council allows a maximum strength, including the Viceroy of 54 members, of whom officials and non-officials are to be in the proportion of 29 to 25. As I have already said, there is no justification for making the official element so far stronger than the non-official. It seems to me that it is enough to have a maximum of 53 including the Viceroy, making officials 27 strong against 26 non-officials.

13. *Constitution of the official element.*—With regard to the constitution of the official element no remark appear to be called for.

14. *Ruling Chiefs as members.*—Among the non-officials, a ruling chief is given place under the scheme. This is as preposterous as if into the Legislative Council of a native State a Governor or a people's representative in British India were to seek admission. Neither individually nor as a representative of his class, can a ruling chief be entitled or interested to take part in the work of a British Indian Legislative Council, whether that work is purely legislative or also administrative. The people of this country, however friendly to the Native Princes, are not likely to welcome them into such councils. To the chiefs themselves the honour of a seat is of doubtful attraction, while they are sure to deem the duties appertaining thereto as embarrassingly inconvenient and expensive. Besides, the choice will necessarily lie among those who are nearer to, and therefore have more frequent opportunities of clustering round the Viceregal throne. On one other ground also the proposal may be condemned. It is the privilege of a ruling chief, no less than a necessity with him, that he should not be dragged into the debates and controversies of a Legislative Council. Even the head of Government, presiding over it, a Governor or a Viceroy, cannot afford freely to participate in them, and I hold it in the highest degree inexpedient to drag ruling chiefs out of their dominions and gratuitously thurst upon them functions that do not appertain to them.

Nomination by Government.

15. *Experts,*—I doubt if any non-official seats required to be reserved for experts. The council when expanded is likely to have room for experts among officials. But if Government should find it necessary in view of any legislation on hand, to indent on the honorary services of non-official experts, they are not likely to need more than one expert at the same time. I would therefore provide only one seat under this head.

16. *Minorities and special interests.*—Four seats are, I see, reserved in the hands of Government to represent minorities and special interests including Muhammadans. I take the case of Muhammadans and the two seats intended for them out of this head for consideration elsewhere. I presume that two remaining seats cover the claims, among others, of the minor provinces, namely, Berar, North-West Frontier Provinces, and Coorg. In this view two seats in the hands of Government are not too many.

17. *Muhammadan representation.*—I next advert to the question of Muhammadan representation to the council. The Government scheme specially reserves four seats for Muhammadans. It seems to me that by way of special reservation this is too many. The Government of India observe that two at least of the provinces where Muhammadans constitute the majority of the population, the Punjab and East Bengal and Assam, may through their general electorates be expected to elect some Muhammadans. I think that in the United Provinces also where that community is both numerous and affluent and generally in advance of the Hindus in point of education, there is a similar chance for it. Among the three provinces the chances for the community may be fairly estimated to be equvalent to two seats. Now in view of the numerical strength of the Muhammadan population of this country, they are not entitled to claim more than five seats out of the twenty-five non-official seats, excluding the one reserved for experts. If their contribution to the revenue of the State, which I consider even a more important test, were taken into consideration, their claim must be deemed more than satisfied by five seats. On this footing it is enough to make a special reservation of three seats in their behalf.

18. How to distribute these three seats? As the Government of India say there are six provinces, namely, the Punjab, the United Provinces, Bengal, East Bengal and Assam, Bombay and Madras, among whom it has to be made. Of course the provinces which for the time being happen to return one or more Muhammadan representatives through their general electorates will then have no claim to the reserved seats. I would suggest that Government should await the result of general elections and confer the reserved seats on such of the above provinces as may for the time being be specially in need of, or in their turn entitled to Muhammadan representatives.

19. How to fill up the Muhammadan seats is a very important question. I am entirely opposed to separate Muhammadan electorats though I hold it emiently fair and just that a due proportion of seats should be made available to Muhammadan candidates for membership. If the Muhammadan community should be given separate franchise there is no reason why the Hindu community should not claim to exclude Muhammadans as voters in the general elections. Surely nobody proposes such a course. I venture to submit that far-reaching consequences of a mischievous character will ensue from the construction of political machinery in this country on the basis of those classes, castes, and creeds that have so long tended to divide and weaken the people of this country as a political unit. With common interests among them and a common Government over them, under the inspiration of western culture and western models, and under the stress of modern needs and modern forms of Government, the people of this country are unifying themselves for political purposes with a rapidity that is really marvellous. Until the more backward communities make sufficient progress in education and only until then—and this is only the work of a short time in the life of a well governed nation—special protection may be necessary to the important minority of Muhammadans. It is by no means likely to be needed for all time. In the meanwhile such protection will be adequaiely given by admitting Muhammadan candidates alone to those specially reserved seats instead of making the voters purely Muhammadan. Instead of candidates being voted for by Muhammadans alone, the competition may lie among Muhammadan

candidates and be settled by the votes of all communities. I am anxious that, instead of keeping alive racial and religious distinctions and embittering communities against each other more and more, the electoral machinery for the special protection of minorities should be such as in its working will tend to unify them further and further in their interests, aims, and achievements. My plan therefore is that, when it falls to the lot of a province to return a Muhammadan representative to one of the three specially reserved seats, the non-official members of its Provincial Council and the non-official fellows of its University—not merely Muhammadan members and fellows—should be empowered to elect that representative. So elected he becomes acceptable to all the communities without prejudice to his natural feelings and duties towards his own.

20. *Chambers of Commerce.*—Two seats are provided for the Chambers of Commerce of Calcutta and Bombay. It is difficult to understand why similar bodies in Madras and Karachi should be excluded from the privilege. I would however not increase the number of seats under this head, for these bodies, though they represent important interests, are neither numerous nor Indian in their *personnel*. I would confer one seat on the Chambers of Bombay and Karachi and the other on those of Calcutta and Madras.

21. Of 26 non-official seats, 8 have been disposed of above. The 18 remaining seats, I would distribute among the territorial divisions in the following manner:—

(*a*) Bengal Proper	3 seats.
(*b*) United Provinces	3 „
(*c*) Bombay	3 „
(*d*) Madras	3 „
(*e*) East Bengal and Assam	2 „
(*f*) The Punjab	2 „
(*g*) Burma	1 seat.
(*h*) Central Provinces	1 „
Total	18

The above distribution proceeds upon the comparative importance, special needs and present conditions of the several provinces. In gauging importance I have kept in view both population and contribution to the State Revenue, the latter more especially than the former. The fitness of the respective provinces to organise and work electorates and election has been another main consideration with me. On these grounds the above distribution appears to me to be both proper and equitable.

22. *Nobles and the great landowners.*—The method of election is the most important question. The Government of India propose to keep up the practice of the non-official members of Provincial Councils in each of the provinces being asked to elect a member to the Imperial Council. The voters are numerically so small that if possible Government are bound to create larger constituencies. The Government of India further propose that in each of the main provinces "the noble and great landowners" may elect a member. This proposal is attempted to be justified by them when they refer to "the nobles and great landowners" as "possessing a material stake in the country and representing the most powerful and stable elements of Indian society." That Government further refer to them as "the Landed Aristocracy" and "the territorial magnates" of the country, and as the "hereditary leaders of the people." They regard them also as "now become qualified to take a more prominent part in public life and to render a larger measure of assistance to the Executive Government." Addressing the Government of Madras closely upon the passing of the Estates Land Bill, I need hardly state how far zamindars may be deemed the hereditary leaders or representatives of the ryots in their estates. Of course there may be matters of common interest between them, but their interests are so often different that, to make the zamindar the guardian of the ryot in the

Legislative Council of the Empire, is not the safest or the wisest course. The zamindary ryots can gain more from the sympathy and impartiality of Government and popular representatives than from those from whose "hereditary" tenderness they have yet to achieve their release. The landed aristocracy of zamindaris again have neither the same traditions nor the same interests with ryotwar landholders, and I can only conceive of a ground of jealousy between them in this, namely, that while the former make a small fixed contribution to the revenue of the State the latter have to pay much higher assessments growing periodically with the needs of the State. As for the larger ryotwar puttahdars, they may be so far literate as to take part in elections, but their sense of kindred with the smaller puttahdars and concern for their common interests has yet to be awakened and developed. Apart from these elements of incoherence among landowners in the country, it is not clear how the magnates among them can be trusted to take care of the interests of the commercial and industrial classes. These latter are also referred to by the Government of India as being among "the powerful and stable elements of Indian society" but no seat is specially conferred on them while as many as seven are proposed to be reserved for the landed aristocracy. Surely the whole procedure looks like an attempt so to construct the Imperial Legislative Council as to make it a House of official and non-official lords in the main. I dare say that such is not the intention, but I am sure that the proposal can result in nothing short of it. I entirely concede that the great land-owners are an important element of Indian society and should give them a voice commensurate with such importance. But the smaller landholders and business-men of the country form the vitial element of Indian society, and no electoral machinery can serve its legitimate purpose unless their voice is allowed to be the more potent. Government are now committed to enlarging the Councils liberally and making them really representative of the whole community of India. If their undertaking in this behalf is to achieve its end, I say in the language of the late Lord Salisbury "that the machinery to be provided shall effect the purpose of giving representation not to small sections of the people here and there, but to the living strength and vital forces of the whole community of India". I am accordingly not for constituting the great land-owners into separate electorates though I am for specially recognising their interests and importance by giving them an adequate voice in the general elections.

23. As for the constitution of electorates for each province to return the allotted members, I give here what I consider best for Madras, the principles and details of which will *mutatis mutandis* have to be applied to the other provinces as well. I would divide the province of Madras into three territorial divisions as follows:—

(*a*) *Northern division* consisting of the districts of—

(1) Ganjám.	(6) Nellore.
(2) Vizagapatam.	(7) Cuddapah.
(3) Gódávari.	(8) Kurnool.
(4) Kistna.	(9) Bellary.
(5) Guntúr.	(10) Anantapur.

(*b*) *Central division* consisting of the districts of—

(1) Madras.	(4) Vellore.
(2) Chingleput.	(5) Chittoor.
(3) South Arcot.	(6) Salem.

(*c*) *The Southern division* consisting of the districts of—

(1) Tinnevelly.	(6) Coimbatore.
(2) Ramnad.	(7) Nilgiris.
(3) Madura.	(8) Malabar.
(4) Trichinopoly.	(9) South Canara.
(5) Tanjore.	

The Central division is so constituted that it will readily appear that I neither overestimate the importance of Madras, as many people often do, nor underestimate it. The other divisions are practically equal in importance from the point of view of their revenue.

I would constitute the electorate for each division as follows :—

(1) The elected Chairman of the municipalities within the division, and where there are no such Chairman, the elected delegates thereof. In the case of the City Municipality the members of the Standing Committee. .

(2) The elected Vice-Presidents of District Boards within the division, if such come to exist; if not, the elected delegates of the Boards.

(3) Non-official members of the Provincial Legislative Council resident within the division.

(4) Non-officials assessed to income-tax on an annual income of not less than Rs. 30,000.

(5) Landholders paying a land revenue (assesment, peshkush or quit-rent) of not less than Rs. 10,000 per annum.

(6) Non-official fellows of the University resident within the division.

So formed, the above electorate is likely to consist of a little more than 150 electors in the Northern and Southern divisions and a little less than 150 in the Central division. The City Corporation gets about 8 votes while each mufassal municipality gets but one. The great landholders of the requisite qualification are roughly about 70 strong in each of the Northern and Southern divisions and are likely therefore to form an important factor of the total voting strength therein. In the Central division such landholders are very small in number, but it will be found that non-official fellows of the University who are more numerous there than elsewhere would somewhat make up the total strength. The smaller landholders in the districts can exercise their influence only indirectly, and the delegates of the District Boards, which I place on an elective basis below, have a share though small in the voting. Non-official members of the Provincial Legislative Council are retained though only as part of the electors. The commercial, industrial and professional magnates are not ignored as they are about 50 strong in each of the divisions. I claim that every voter admitted as such will be found eminently well qualified to exercise the franchise, that every interest and class has its due share of influence in the election, that rural, urban and city interests are all duly recognised, and that those who are elected are likely to possess fair acquaintance with their constituencies and command the confidence of all places, classes and interests within the division.

24. Before I proceed to the constitution of the Provincial Legislative Council, I propose to consider the reform of Local Boards as on the latter will, to some extent, depend the former.

Local Boards.

25. When more than two decades ago Lord Ripon's Government granted the boon of local self-government to this country, Municipal Councils were constituted to administer the affairs of urban tracts on the footing of an excessively liberal franchise, and Local Boards were constituted to administer the affairs of rural tracts on the footing practically of no franchise. The enlightenment and public spirit of the inhabitants of towns were rated too high and the qualifications of rural people were rated too low. There is no longer any reason why members of Local Boards should not be largely elected. I take it that Government will not be unwilling to solve the problem of the constitution of Local Boards as part of the question of the reform of Legislative Councils.

26. *Strength.*—District Boards consist each of 32 members. I consider this strength sufficient at any rate for the present. Taluk Boards should each be not less than 24 strong.

27. *Constitution.*—Of such strength the majority should, I consider, be elected while the rest may be either *ex-officio* or nominated members. The Divisional-officer and all the Tahsildars of the division may be *ex-officio* members of the Taluk Board. The Collector and all the Divisional-officers of the district will be *ex-officio* members of the District Board. Of the rest all but 15 members for the Taluk Board and 20

members for the District Board may be appointed by election. This arrangement will in each case leave a few seats to be filled up by nomination by Government. When this nomination is made with discretion the necessary representation of interests, communities or special knowledge will be secured and any void left or inequality worked by elections will be redressed.

28. *Electorates.*—The more important question is that of the electorate. The 15 seats available for election on each Taluk Board may be distributed over the taluks in the proportion of their area, population, revenue, and other features of importance. Each taluk will then become an electoral area for the election of Taluk Board members. Similarly the 20 elective seats on the District Board may be distributed among the divisions in the proportion of their importance. Each division will then become an electoral area for returning District Board members.

29. *Electors for Taluk Boards.*—Who are to be the electors in each case? The obvious answer is that those who contribute to the revenue of the Local Boards must, if suitably qualified, be the electors. Irrespective of payment of revenue the only people hitherto admitted elsewhere to franchise are graduates resident within the electoral area. The leaven of the educated element is eminently necessary here also. Indeed in a rural area like the taluk, where there are very few graduates, I would add undergraduates of more than ten years' standing. In the case of the *Taluk Board* than the electors may be—

(*a*) all those in the taluk concerned who pay an annual land-cess of more than Rs. 15 (more than Rs. 30 in Tanjore, Malabar, South Canara and the Nilgiris) whether directly or through a landholder;

(*b*) all graduates, and undergraduates of not less than ten year's standing resident within the taluk concerned;

(*c*) all Chairmen of Unions within the taluk concerned.

In the case of the District Board, the electors may be—

(*a*) all Taluk Board members of the sub-division concerned;

(*b*) all those in the sub-divisions concerned who pay an annual land-cess of more than Rs. 30 (more than Rs. 60 in Tanjore, Malabar, South Canara, and the Nilgiris) directly or through a landholder;

(*c*) all graduates of not less than five years' standing resident in the sub-division concerned.

Note—In the districts of Malabar, South Canara and the Nilgiris, land-cess is levied at double the rate prevailing elsewhere, and in the district of Tanjore, though the normal rate prevails, the number of voters will become unduly large unless a higher standard of qualification is adopted.

A rough calculation shows that each of the above electorates is likely to contain on an average about 75 electors.

30. Of course those among the electors who are minors, insane or illiterate will have to be excluded. As for qualifications of candidates for election for the two classes of Local Boards, I think that nothing higher than the qualifications provided for the electors concerned need be insisted on; for with such qualifications the elected member possesses the additional merit of having secured the confidence of the electors.

Provincial Legislative Council.

31. *Strength.*—I next pass on to the reform of the Provincial Legislative Council. If as Government propose the non-official element is to be 17 strong, the official strength with His Excellency the President should not be more than 18. I think that at present a council composed in the above proportion and 35 strong in the aggregate ought to be accepted as sufficient for all purposes.

32. *Official members.*—I would recruit the official strength in the following manner :—

Ex-officio.

His Excellency the President	1
Members of the Executive Council	2
Advocate-General	1
Chief Secretary	1
Revenue Secretary	1
Members of the Board of Revenue	4
Heads of Departments—	
Medical, Educational, Registration, Police and Department of Public Works	5
To be nominated by Government	3
	18

As the new council will have plenty of room, I provide seats for all heads of departments in order that their administration may be criticised by interpellations and in debates in their presence and with the prospect of being replied to by them. I may add that in making nominations to the last three seats Government will find it of advantage to select at least one Indian officer of position and experience among others.

33. *Non-official Members.*—The non-official strength of seventeen members should, I think, be recruited in the following manner :—

(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	To be selected by bodies interested in trade	1
(*c*)	„ „ by the Senate of the University	1
(*d*)	„ „ by zamindars of impartible estates	1
(*e*)	„ „ by the southern group of municipalities	1
(*f*)	„ „ by the northern „ „	1
(*g*)	„ „ by the City of Madras	1
(*h*)	„ „ by the districts of Ganjám and Vizagapatam	1
(*i*)	„ „ by the „ of Gódávari and Kistna	1
(*j*)	„ „ by the „ of Guntúr, Nellore and Chittoor	1
(*k*)	„ „ by the „ of Bellary, Cuddapah, Anantapur and Kurnool	1
(*l*)	„ „ by the „ of Salem, Coimbatore and the Nilgiris	1
(*m*)	„ „ by the „ of Malabar and South Canara	1
(*n*)	„ „ by the „ of Vellore, Chingleput and South Arcot	1
(*o*)	„ „ by the „ of Tanjore and Trichnopoly	1
(*p*)	„ „ by the „ of Madura, Ramnad and Tinnievelly	1

34. *Representative of trade.*—The representative of trade is now selected by a small body, the Chamber of Commerce, which is generally European in its personnel. There are other bodies or institutions undoubtedly entitled to join in the selection and as being interested in it and competent to enjoy the franchise.

35. *City representative.*—The District of Madras now returns its member by the election of the Municipal Corporation. I strongly support the suggestion recently made by that body that the election may be not only by the members of the Corporation but also by those who are included in the list of candidates for election to the Corporation. Not many residents of Madras who are otherwise competent to take part in the election are likely to be out of the said list, and they may be admitted to the franchise though they may for special reasons be excluded from that list.

36. *Municipal representatives.*—Urban tracts in the mufassal are already of considerable importance and they are likely to make steady progress in the future in area, population and wealth. Their local affairs are managed by a separate set of local bodies from those that administer the same for the rural tracts, and the evidence before the Decentralization Commission shows that there is no likelihood of any fusion between Municipalities and Local Boards. Hitherto the Municipalities have enjoyed the privilege of electing two members, and I think the manner in which those bodies have exercised the franchise hitherto and their growing interests well entitle them to retain this much of separate representation. One question may arise

viz., whether Municipal Councillors alone need be entrusted with the franchise, but their number in each group is so large and their representative character is so far assured that there is no room or reason to admit more people to the franchise. It is of course necessary for municipal purposes no less than for the purpose of this franchise that the qualifications of municipal electors, and especially of Municipal Councillors, should be raised and that municipal wards should be reconstituted so as to be fewer in number and contain larger number of electors. When these reforms are effected, Municipal Councillors will be found even worthier electors than they have been hitherto. There will always be some residents in towns even worthier than Municipal Councillors to enjoy the legislative franchise, but they will be admitted to it in the election of members to be returned for rural tracts.

37. *Zamindari representative.*—I provide for separate representation of the zamindars by giving them one seat and restricting the franchise to the owners of impartible estates. I see that Government are very anxious to enable "territorial magnates" to be represented in the council, but I am unable to follow them when they lump together as one group of electors all landholders scattered over the province, whether they are zamindars or inamdars and whether they are ryots in Government tracts or zamin tracts. There is great community of interest between landholders and other classes of people in the country, but there is very little community of interest between one class of landholders and another, as such, either in legislative or administrative matters; for the concerns of landholders in Government tracts are not the same as those of proprietors of permanently or favourably settled estates, and the concerns of ryots in those estates are different from those of the former and often opposed to those of the latter. However by their traditions and by the policy adopted towards them by Government in the Impartible Estates Act, the zamindars scheduled in that Act are likely to continue as a separate and aristocratic community, and in view of their peculiarities of position and interests I think they may be recognised, and they alone, as a community of territorial magnates requiring separate franchise. From this arrangement I anticipate an indirect beneficial result. It will develop mutual acquantance, understanding and fellow feeling among these ancient zamindars to a degree yet unknown among them, and so weld them together into a compact body as to render them a useful and potential factor in the future. Though these are scattered over the whole province, their number is so small that their votes may conveniently be registered either in one central place, or simultaneously in the several district towns, or by means of voting papers.

38. In forming electoral divisions I have taken care to see that existing districts are not cut up to any extent. The revenue and population have also been taken into consideration along with the general all round importance of each district. I think that on the whole my grouping is fair and equitable.

39. *The franchise.*—I advert next to the all-important and extremely difficult question of the franchise in the groups. The electors in each group may be—

(*a*) all members of District Boards;

(*b*) all landholders paying not less than Rs. 1,000 (Rs. 2,000 in Tanjore and Malabar) per annum as land revenue (beriz, peishkash, or quit-rent);

(*c*) all individuals paying income-tax on an annual income of not less than Rs. 10,000 per annum;

(*d*) all graduates who are Gazetted officers or pay income-tax on an annual income of not less than Rs. 5,000. On a rough calculation each electorate composed as above will, I think, be found to contain on an average about 300 electors. The body of voters qualified as above is likely to be found eminently reliable in its *personnel* and fairly representative of the landholding, commercial, industrial and professional classes.

40. *Qualifications of candidates.*—With regard to the Imperial and Provincial Legislative Councils no qualification need be insisted upon over and above those laid down for the electors. In the case of territorial constituencies, I should insist upon residential qualification. But in the case of class constituencies, such as that of the zamindars, I am unwilling to insist that the candidate should belong to the class. If, for instance, the body of zamindars should resolve to return one who is not of themselves as their representative—so long as their education is not much further improved,

such a contingency is often likely—there is no reason why the rules should oppose gratuitous objections to such a course. A good deal may be left to the discretion of well-qualified electorates and it is wise not to impose an undue amount of paternal regulation in these matters.

41. A great current is moving in India, and if the people are agitated thereby, Government are not untouched by it. They have begun to respond by proposing great changes, but there is much in their proposals calculated to mar the intentions discernible behind them. There is indication, however, in the language of the Government that they do not stand committed finally to the methods suggested by them to give representation to the people of this country, and I trust that in their measures undertaken purely for the benefit of this country the Government will not ignore the best opinion of its leaders. That opinion is undoubtedly in favour of making the new constitution broad-based and so constructing its parts as to summon the several factors in Indian society to act together and in harmony. The inevitable result of western education and modern needs is to weld those elements together into a solid nation. Not all the powers on earth can arrest that movement. As for the Government, I take it that they have no desire to move except with the current that has set in, for they have not, as they say, failed to read the signs of the times. As they sow now they will reap. As they build now there name will endure. My anxiety is that they should reap well and that their name should endure.

VIII

Letter—from the Hon'ble B. NARASIMHESWARA SARMA GARU, Additional Member, Madras Legislative Council,
To—the Chief Secretary to Government,
Dated—Vizagapatam, the 26th February 1908.

With reference to your letter, dated 22nd November 1907, I have the honour to send herewith my opinion on the reform proposals and to inform you that I regret very much for the delay in sending the same.

ENCLOSURE.

Opinion on the Memorandum relating to Advisory Councils and Legislative Councils.

1. I have the honour to furnish my opinion on the questions raised in the memorandum on the subject of the constitution of Imperial and Provincial Advisory Councils and the expansion of the Imperial and Local Legislative Councils asked for in your letter, dated 22nd November 1907.

The people of India have great reasons to be thankful for the desire on the part of the Government to associate itself with the Indian princes and noblemen in the guardianship of common and Imperial interests, to obtain their counsel on matters affecting the welfare of the people of India, for the assurances that by reason of the measures contemplated, the people can look forward to a larger share in the actual work of administration and more extensive employment in the higher offices of the State and that the Government would move gradually forward towards the fulfilment in no grudging spirit of a pledge which they—the people of India—are entitled to regard as inviolable.

2. The Government of India has a two-fold object in the creation of the Advisory Councils Imperial and Provincial, *viz.*, to obtain the advice, advice after collective deliberation, on administrative questions and on subjects in respect of which legislation is contemplated, to make their measures and motives generally understood, and to correct erroneous and often mischievous statements of fact or purpose imputed to them. No one can hesitate in affirming that both the objects are highly laudable and praiseworthy. The only question therefore is as to whether the schemes proposed are the best means of attaining the objects and, if not, what modifications would be necessary to enable them to fulfil the purpose in view.

3. The Government of India seems to be of opinion that the existing Legislative Councils have not been able to fulfil the said objects partly owing to the infrequent sittings of the said Councils and partly to the restraint leading to formality caused by the strict procedure governing the said bodies. It cannot be said that the meetings of the Imperial Legislative Councils are few and far between during the session from October to March when the Government is not in Simla; and the Provincial Councils generally meet three or four times during the same months and there is absolutely no reason why the non-official members cannot be

called together oftener for consultative purposes or why advantage should not be taken of their presence at head-quarters when members attend the Legislative Council meetings and informal meetings be convened. The objection raised on the score of formality of procedure cannot possibly apply to meetings specially convened for obtaining advice. Having regard to the proposed constitution of the Advisory Councils to consist of ruling chiefs and territorial magnates, and also of business-men in the case of Provincial Councils, to the expense and inconvenience of frequently travelling to a central place, it is not likely that the proposed Councils would meet oftener than the legislative bodies. It seems to me that the Imperial and Provincial Governments have not hitherto taken into their confidence for the purpose of collective deliberation the non-official members of the Lagislative Councils, either because they felt that the opinion of the said bodies might, in many respects, differ from their own and it would be convenient and causing unnecessary friction to run counter to such opinion where it may be unanimous, or because such opinion is not worth having on administrative matters. As the Legislative Councils are proposed to be strengthened in numbers, and made more representative in character, the large landowners and capitalists finding a place therein in greater numbers, it seems to me that the Government might well take into consideration as to whether the new bodies cannot fulfil the desired objects and would be making a serious mistake in ignoring them in the composition of the Advisory Councils.

4. We must look therefore to other causes and reasons for the desire to constitute separate Advisory Councils. It is possible that the Government expect to receive considerable support for their views from the Council as proposed to be constituted which are likely to be more conservative in their character than bodies composed exclusively of non-official numbers of the Imperial Legislative Council, and it is hoped that the legitimate ambition of a powerful section of the community to participate in the Government of the country would thus be gratified.

5. If the constitution of the States provides that every Indian prince, every Indian nobleman of a certain status has a right to become a member of the Advisory Council by reason of his position and rank, or by election by members of that class, should the members be proposed to be restricted, and if the constitution further provides that such a Council is entitled to be consulted on certain definite subjects, however limited may be the scope of such subjects in the beginning, the objects aimed at may be secured but a body composed of members who either feel it a degradation to be there or owe their elevation to official favour and dependent on it for the future, a body which may or may not be consulted, whose views and opinions are likely to be published only when they bring odium and are opposed to the cherished wishes and ambitions of a vast majority of their countrymen or rather their educated countrymen, is not likely to serve any very great or useful purpose or fulfil the desired object of inspiring confidence in the public by being faithful interpreters of the wishes and intentions of the Government.

6. But inasmuch as the constitution of a definite body of advisors is a right step in the development of the constitution, I welcome the proposal as a feeble attempt at reform but would recommend its adoption provided that the proposals are modified in at least certain respects on the lines indicated here.

7. I cannot but think that the inclusion of the Indian Princes in the composition of the Council in the manner proposed would constitute a grave political danger inasmuch as it is sure to be looked upon by the princes as a certain indication of the desire of the Government to degrade their position, to confiscate their rights as allies and reduce them to the position of subjects; grave and important subjects of State policy, such as war or peace, questions relating to the army or navy, high imperial finance, are not proposed to be referred to the Council, and I am sure that the princes would be justified in being alarmed, when they are asked to become members of a powerless Council composed of gentlemen the majority of whom are British Indian subjects. The cost of frequent travelling in state would also be ruinous to the Native States whose chiefs may be selected. But I heartily approve of the central idea and would suggest that all the princes or the more important of them should meet in a central place, that the Council thus formed be presided over by the Viceroy, that subjects dealing with the development of the resources of the States or improving the condition of the subjects of such States, social legislation or imperial defence, if need be, may be discussed, and that certain definite lines of policy be then laid down for the future better Government of the States. The princes would be able to compare and contrast the position and condition of their States and subjects with those of others, there would be a healthy emulation for the initiation and carrying out of beneficent measures of legislation and administration, there would be an opportunity afforded for the representations of any real and legitimate grievances to the head of the Government and for the Viceroy explaining in turn the motives and reasons for any particular action of the Government and inspiring confidence in the British Government; and a conference of this description is likely to lead to mutual good will and good understanding and the removal of any secret dissatisfaction likely in times of trouble to lead to very undesirable results.

8. A conference of the princes as representing the Native States on the one hand, and the members of the Imperial Legislative Council, official or non-official or both, and the Imperial Advisory Council as representing British India may be arranged to discuss subjects such as famine, education, the development of the resources of the country and to elicit the views of the

whole body. The princes may not object to meet in conference representative of the British India Government or people, but for the reasons above given, I would deprecate any attempt at the present moment to club the princes and territorial magnates as members of one body.

9. The only reason which to my mind could have operated upon the Government of India in excluding eminent men of letters, or science, gentlemen who have distinguished themselves as adminstrators or High Court Judges, from the Imperial Advisory Council is the presence therein of Indian princes whose dignity is not sought to be wounded. I have already given my reasons for excluding the princes, and should they be associated with the Council, the presence of a few eminent men outside the rank of territorial magnates need not be feared to lower the status of the councillors. I would strongly recommend that the non-official members of the Imperial Legislative Council and such other eminent men as the Viceroy may select may also be included to give life and soul to the body and prevent it from being an inert mass. It should be provided that the Council shall meet once or twice a year though it may be optional with the Government to consult them in any manner they please for whatsoever subject they please at other times and that they should be consulted on all measures on which legislation or vast administrative changes are proposed. It should be competent to the bodies to recommend the initiation of any measures calculated in their opinion to better the condition of the people. There is no reason why it should not be understood that no legislation or administrative measures would ordinarily be undertaken where three-quarters or seven-eighths of the Council are opposed to them, should the Council be composed not of a particular section, *viz.*, land-holders, but be representative of the different sections of the community.

10. Landholders of a certain status may also be allowed to select men from among their class with certain special qualifications to membership instead of nomination being the rule or sole rule.

11. It must, however, be remarked that this is only a first step in reform and when the glamour of the position is gone, even the landed aristocracy would not be satified with the shadow of power but would claim and agitate for its substance.

12. The Council composed thus of territorial magnates and the aristocracy of wealth and intellect nominated by the Viceroy would correspond to a special institution in France under the name of Council D'état, composed of Councillors, Masters of requests and auditors—all appointed by the President of the Republic, its duty being to give opinion upon such questions chiefly those connected with administration as may be submitted by the Government; but it must be remembered that in France the Council is Judge in the last resort in administrative matters and prepares rules for the public administration.

13. With regard to the Provincial Advisory Councils, there is no reason why each district should not be allowed two members, one from amongst the landed aristocracy and the other from the aristocracy of wealth or intellect subject to such qualifications as may be laid down. Under this arrangement the purely ryotwari districts would not be left in the cold and the Government may reserve some seats to redress inequalities or for other reasons of State policy. The scope of the subjects, which may be asked to be compulsory, referred to them for opinion, may be usefully enlarged, since the Provincial Governments do not ordinarily deal with questions of large Imperial policy.

14. The only real difficulty in the way of election is that legislation may be necessary, but if the Government should seek to inspire confidence or give permanence to the Councils and their very existence is not to be dependent on the individual opinion of a Viceroy or a Governor, I do nor see why legislation on the broadest lines need be avoided, and the Legislative Councils as at present constituted do not in effect possess any real power and are really advisory in their character, the carrying out of their views being entirely dependent on their acceptance by the Government.

15. I shall next take up the question of the Legislative Councils and deal with the Provincial Councils first.

16. No one can help approving of the desire of the Government of India to see that all sections of the community and all interests are represented in the Legislative Council, and I agree that the fundamental basis of the electorate should be as wide and representative in character as possible. There are two methods of election, the direct and indiect; the representatives to the Legislative Council may be elected direct by a body of electors in a district or group of districts possessing the necessary qualifications or may be elected by bodies such as the Municipal Councils or Local Boards, the members of which may be elected by inhabitants of towns or rural areas. A glance at the list of income-tax assessees or revenue payers would clearly convince any one that the classes which are supposed to have an unduly predominant voice now are not in a majority and are not in a position to secure a return, unless other sections choose to elect them by reason of any real superior merit which they may possess or owing to the paucity of deserving candidates competing for the seat. The same observation holds good even with regard to the Local Boards and Municipalities. Having some acquaintance with the existing electorates, their composition and temper, I may be permitted to state that the Brahman and the lawyer are only returned because there have not been hitherto any candidates from other sections of the community who could reasonably hope for success. The question

under those circumstances arises as to whether it is desirable to introduce distinctions of caste, creed and colour in the matter of the selection of representatives in the local Provincial Councils. It must be remembered that Her Majesty's gracious proclamation distinctly forbids any distinction being drawn on the ground of caste, creed and colour, that the policy of the British Government, of all civilised Governments, has always been to ignore such distinctions where public rights are concerned and it would be mischievous to introduce discord, ill-will and recrimination where in the course of natural evolution with a little friction in the beginning in the process of levelling up and levelling down, the various sections are beginning and bound to form themselves into a homogeneous and united body so far as temporal affairs are concerned.

17. But it may be asked that we ought to be practical politicians and build upon and provide for the existing condition of society; I do not wish to ignore practical conditions but I assert that an analysis of the existing electorate or of any electorate which may be devised based chiefly on property qulifications would show that no sections can have a majority or possess a preponderating influence and I have attempted to state the reasons why in the past there have been more Brahmans and lawyers than others in the Councils. The enlargement of the electorate would effectually prevent the exercise of any undue influence, and the various interests are bound to be represented, provided competent men would be forthcoming ready to sacrifice their pecuniary interests. More men would stand for the seats and from different sections of the community if the electorates be confined to smaller areas It must also be borne in mind that no subjects can be discussed at the Council which deal with caste organisation or sectional interests and there are so many differences in point of interdining and intermarriage among the various sections of the several castes that no sectional representation would be possible or desirable. A reference to the census statistics would convince any one of the impossibility of constructing any scheme based on caste or creed.

18. To effect the objects the Government has in view, I would recommend that the electorate be confined to smaller areas, the number of electors voting for the candidates be increased and if indirect representation is resolved upon, provide for the village communities electing members of Taluk Boards. The members of the Municipal Councils and Taluk Boards may be asked to vote together.

19. Then arises the question of how many representatives shall be allowed for the province of Madras. I am aware of the limitations to which the scheme has to be subjected, if the principle of a standing numerical official majority is to be accepted. Inasmuch as no Bill can be passed into Law without the assent of the Governor and the Viceroy and is subject to several vetoes, I am against the demoralising spectacle of the officials voting by mandate and there is small danger of the Government being defeated as no combination would be possible in an enlarged Council, except where the unanimous voice of the whole country is against the Government; and in such cases, I do not see why in the Provincial Councils where no questions of Imperial concern can arise, the Government should not respect the wishes of the community or exercise the right of vetoing the measure. Even if a standing official majority be resolved upon the requisite number can be easily provided for from among the officials in Madras, of sufficient standing, and where no discretion is to be exercised by individual official members, one official is as good as another for vetoing purposes.

20. As the scheme is to be comprehensive and is not likely to be revised for many years, power may be taken to give each district, very small districts being grouped together if necessary, a representative, *i.e.*, one for nearly two millions.

21. A study of the figures relating to the electoral bodies in Europe and America, where there is a representative for not more than 200,000 of population, one for 16,000 being in some places the rule, would convince any one that the request made here is not unreasonable.

22. I would like also to point out two difficulties which occur to me in this connection. The numbers of income-tax assessees or rent-payers and therefore of electors in the several districts vary considerably and the grouping of two or three districts, is likely to lead to irritation and discontent inasmuch as some districts are likely to have a predominant voice in the matter. Even if the election be indirect and by representative bodies, there would be difficulty especially where the groups are to be very small. I would therefore strongly urge that each district should be given a representative except possibly where the districts are very small. If that cannot be done electoral bodies would have to be formed out of adjoining districts with closely allied interests, where the people have close affinity to one another by race or language. If sectional representation is to be insisted on, I would divide the Presidency into four or five groups and direct the groups to elect a particular number of representatives of each section. All payers of income-tax, all persons paying a revenue of Rs. 50 and upwards to Government or Rs. 200 to a landholder, all graduates, may, I think, be safely included in the list of voters. The electoral qualifications proposed are unreasonably high.

23. Coming next to the powers which may be given to the Provincial Councils I am strongly of opinion that inasmuch as the Councils cannot deal with questions of Imperial policy and subject to limitations which may be imposed for the carryingout of a definite line of policy, absolute discretion should be vested in them in determining the details of finance and administration. The Provincial allotment being fixed there is no reason why the Councils should not decide as to whether 40 lakhs or 50 lakhs should be provided for education, how

much of it shall be for technical, how much for primary and so on. In the absence of such power even with regard to details, the Councils would serve no very useful object and people cannot be blamed when they complain that there is no real effort made to taking them into the counsels of the realm.

24. The terms of office ranges generally from 4 to 6 years in European countries and the period 5 years proposed is not too long.

25. Lastly coming to the Imperial Legislative Councils, I would remark that the commercial interests of Madras have been entirely ignored and provision should be made therefore and for the Indian Chambers of Commerce, when and where they exist being given an equal right of voting.

IX

Letter—From K. VENKATA RAO, Esq., Pleader, Bellary.
To—the Chief Secretary to Government.
Dated—the 16th February 1908.

I beg to acknowledge the receipt of G. O. No. 886, dated 22nd November 1907 forwarding a memorandum of the Government of India and the suggestions of the Government of Madras thereon, and inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, and to submit the following as my reply thereto.

2. As regards the forming of Imperial and Provincial Advisory Councils, I am completely, against the scheme proposed. The Government of India say that these Councils will be without any statutory recognition, that their proceedings will not be open to the public nor officially published; but that their views will be received by the Government confidentially, and in an informal manner. They further say that their opinion, even collectively given, unanimously or by a large majority, may or may not be acted upon by the Government.

3. As the Ruling Chiefs, territorial magnates, zamindars, large landed proprietors and merchant princes are generally consulted now-a-days by the Viceroys, Governors, and District Administrators, and their opinions are received in private and treated for what they are worth, there is no further necessity to forming them into Advisory Councils, without giving them regular constitution, and making their decisions binding upon the Government. According to the proposed scheme, the opinions of these councillors will, I presume, be published, if favourable to Government, when they will probably conflict with the opinions of the public; if so, these gentlemen will be exposed to unnecessary and harsh treatment and criticism in newspapers and on public platforms. If their views be favourable to the people, the Government may not publish them; and if they leak out, these Councillors may be suspected by Government officials as having played to the gallery and to have tried to secure cheap popularity. Further, irresponsible persons like these, chosen merely on account of their status in life, are dangerous to be allowed to have access to the ears of Government and their officers in private, because they may promote race or sectarian differences, or bring about disagreement between one class and another, or poison the minds of the administrators against the popular leaders. On the whole I am afraid that the Government may be more embarrassed in controlling the members of these Councils, than be benefited by their services.

4. As regards the enlargement of the Imperial Legislative Council, I do not think that the Government of India should have 35 seats out of 53 under its control for nominating officials and non-officials, while throwing only 18 seats for election. A Ruling Chief is not necessary on the Viceregal Council, so long as an Imperial Advisory Council is to be formed. Further, twenty additional seats for Viceroy's nomination may be made to include both officials and non-officials; and the six seats noted as E and F in paragraph 12 of the memorandum, may be given for election under paragraph D. Even then, the Government will be in the majority. Add to this, there is the casting vote of His Excellency the Viceroy, and also the power of vetoing a Bill that has been passed by a majority. There is not the least probability of all the non-officials, representing different races and castes, or trades and professions, joining together and voting solidly against the officials. If such an occasion

ever occur, a rule may be introduced to the effect that the passing of the Bill will be put off to the next session of the Council, or its further consideration deferred for 3 or 6 months.

5. As regards the scheme proposed for adoption for the Madras Presidency, I am sorry to say that it is open to various objections, and is thoroughly inadequate for the requirements of this large Province. I have not been able to see what prompted the Government to propose a scheme like the one set forth in the Referendum, as it has not satisfied the demands of the educated people, made at their several Congresses and Provincial or District Conferences or through other public non-official bodies. It has given no satisfaction to the Brahmans, lawyers, non-Brahman Hindus, traders or landholders. I may be permitted to say that I have served for over twenty years in the Municipal Council of Bellary, and for two years as a member of the Legislative Council, Madras. I have been closely connected with several big industries in this and in the Bombay Presidency for over twenty-five years, such as Spinning Mills, Ginning and Pressing Steam Factories. I have also attended nearly a dozen Congresses and an equal number of Provincial and District Conferences. I have travelled over the whole of India thrice, major portion of Europe twice, and gone round the whole world in 1904 for the purpose of studying (among other matters) the systems of Government prevailing in those countries, and particularly in Japan and the Phillipine Islands where coloured races live. With this varied experience I can assure the Government that the system like the one now proposed is nowhere to be found in any part of the civilized world. A far better system prevails even in the Phillipine Islands which came under the Government of the United States in 1898. (*Vide* the pamphlet herewith sent.)

6. So far as I have been able to ascertain, no Brahman requires a seat to be allotted to his caste, nor a lawyer for his profession. Now-a-days it is very difficult to say who comes under the definition of a Brahman. The Muhammadans and the Christians may require special seats to be allotted to them as they are in the minority, and are generally backward in wealth and education. Even then it is perpetuating a system of race-differentiation in political matters, which it is not the duty of the Government to encurage. Further the best-fitted men will not be elected, as only such men are required for the purpose of legislation. The bills that are generally discussed and passed in these Councils relate to matters of taxation, land-tenure or administrative protection; and these measures affect all races and castes alike. If Bills on religious or social reforms be allowed to be introduced into these Councils, then special representation may probably be required.

7. The Municipalities and the District Boards which have been for the last fifteen years exercising the powers of election ought not to be disenfranchised under the new scheme. Taking the vast size of the Presidency into consideration, territorial division and representation is also essential for securing proper men on the Council, and for educating the landholders, ryots, merchants and traders.

8. I strongly object to the proposed minimum for electoral qualification as being very high, and it is not even equitably distributed. Almost all the proposals contained in the proposed scheme are open to various objections of a substantial and serious character, such as—

(*a*) Land-tax qualification is much higher than the income-tax qualification;
(*b*) Both the above qualifications are immensely higher than what are required for Municipal Councillors or District Board members;
(*c*) Educational qualification is completely ignored;
(*d*) Big landholders under the ryotwari system and big tenants under zamindars are practically excluded;
(*e*) The arrangement is out of all proportion to the population, as disclosed by the census of 1901.

9. I further think that the term of *five* years for an elected or nominated councillor is somewhat too long. *Three* years now allowed for membership in Municipalities and District Boards may be sufficient for Legislative Councillorship also.

10. Having deliberated over the matter for a long time and having consulted with many of my friends who are fairly well acquainted with several of the districts

in the Presidency, I beg to suggest a scheme for the approval of the Government, as it is not open to caste and race objections, nor does it contravene the principles of local self-Government. I am aware that no scheme can be perfect, nor will it satisfy the demands of different classes or castes, nor the critical scrutiny of European officials. But most of the non-officials, European and Indian, will, I hope, look upon it as having been prepared in a spirit of moderation and conciliation. The scheme I propose is to consist of—

Officials.

His Excellency the Governor	1
Executive Councillors	2
Advocate-General	1
Officials, nominated, including Secretaries to Government, Members of the Board of Revenue, Heads of departments, such as Education, Registration, Jail, Police, Medical, Sanitation, etc.	30
	34

Non-officials.

University of Madras	1
Chamber of Commerce	1
Planters	1
City of Madras	1
Twenty-two districts	22
Christians	1
Muhammadans	1
Others requiring special representation either by election or nomination	2
	30

From the above totals, you will be pleased to see that the seats assigned to the officials are larger in number than those of the non-officials; and this majority is quite enough as a workable scheme, remembering what has already been stated in paragraph 4 above, about the casting vote of the President, the power of veto possessed by His Excellency the Governor, and the remotest contingency of all the non-officials voting solidly against the Government.

11. As regards the method of election to prevail in the districts, I beg to propose that an electorate in each district on the following method be formed by Government, in consultation with the Collector. This electorate is to consist of the following gentlemen:—

(*a*) All the non-official members of the District Board;

(*b*) All the non-officials or elected members of the Municipalities in the district;

(*c*) All graduates of ten years' standing and residing, during the preceding year, in the district;

(*d*) All persons paying a land revenue of Rs. 300 to Government and having their names on the registers of the Collector for the preceding year;

(*e*) All persons paying peshkash, quit-rent or other favourable land-tax of Rs. 100;

(*f*) All owners of houses paying to the Municipality, or District Board, a house-tax of Rs. 100;

(*g*) All persons paying an income-tax of Rs. 100;

(*h*) Any person paying cumulatively land-tax, quit-rent, house-tax and income-tax, possessing equivalent qualification by adding together the above taxes, is entitled to be registered as an elector. (Rs. 3 land-tax may be considered to be equivalent to Re 1 quit-rent, house-tax or income-tax.)

Provided that the persons falling under classes (*c*), (*d*), (*e*), (*f*), (*g*), and (*h*) do not come under (*a*) or (*b*).

Note 1.—No person shall have more than one vote.

Note 2.—The property and tax qualifications may be raised or lowered, if the circumstances of any particular district require such raising or lowering.

12. I further propose to exclude, at present, all women, and illiterate men, as well as men below the age of thirty.

13. By creating the electorate as above indicated, I expect that the voters in each district will be about 250, and the landholders will have a fair proportion among them. There is, therefore, no fear of any of the districts electing a Brahman or a lawyer as such, unless he happens to be a landholder, merchant, or specially qualified to represent all castes, creeds, trades or other interests.

14. Under this scheme, the Municipalities and the Local Boards will have also a fair representation, and they cannot complain of being disenfranchised.

X

Letter—from M. R. Ry. K. P. Raman Menon, Avargal, High Court Vakil.

To—His Excellency the Governor of Madras.

Dated—February 1908.

May it please Your Excellency,—As authorised by resolution No. 4 I have the honour to forward herewith the resolutions passed at public meeting held at Calicut on the 18th January 1908.

Enclosure.

Proceedings of a meeting held at the Calicut Victoria Jubilee Town Hall on the 18th January 1908.

Resolution.—This meeting while gratefully acknowledging the intention of the Government in proposing to constitute Advisory Councils for consultation on important administrative measures begs to suggest—

(*a*) that the said Councils should receive statutory recognition;
(*b*) that the members on which the Council will be consulted be specified;
(*c*) that the Councils should be consulted collectively and publicly;
(*d*) that when so consulted, the opinion of the majority should prevail subject to the veto of His Excellency the Viceroy or the Governor, as the case may be;
(*e*) that the eligibility to Councillorship should not be confined to property qualifications.

Proposed by Mr. P. A. Krishna Menon. Seconded by Mr. E. Rama Varier. Supported by Mr. V. Sankara Menon.

Carried by a majority.

2. With reference to the proposed enlargement of the Legislative Councils this meeting is of opinion—

(*a*) that the number of members now suggested is not sufficient;
(*b*) that the non-official members should be at least equal in number to the official members;
(*c*) that the number of elected members should be more than now suggested;
(*d*) that representation based on caste and creed is highly inexpedient, unworkable and retrograde in tendency;
(*e*) that in Provincial Councils territorial representation should be recognised and that each district should at least have one representative;
(*f*) that the property qualification required for electors and candidates is too high and the scheme proposed effectively tends to shut out certain classes of capable men who take an intelligent interest in public affairs;
(*g*) that in the matter of elective franchise and candidature, educational qualifications are not given sufficient prominence;
(*h*) that candidates should not be confined to the class of voters who elect them;
(*i*) no distinction should be made between different communities in the matter of the qualifications of voters and candidates.

Proposed by Mr. P. Narayana Menon. Seconded by Mr. G. Subba Rao. Supported by Mr. V. Narayana Menon.

Carried unanimously.

3. That this meeting is of opinion that the non-official members of the Legislative Council should have power to move amendments and divide the Council on the budget.

Proposed by Mr. C. Kunhi Rama Menon. Seconded by Mr. V. K. Krishnan Unni. Supported by Mr. V. K. Rama Menon.

Carried unanimously.

4. That the President of this meeting be authorised to forward the resolution passed at this meeting, to the Secretary of State for India, His Excellency the Viceroy and His Excellency the Governor of Madras.

Proposed by Mr. K. Rama Varier. Seconded by Mr. T. Govindan Nayar.
Carried by a majority.

K. P. RAMAN MENON,
President.

XI

Letter—from M. R. Ry. J. T. SRINIVASAGAM PILLAI Avargal, B.A., B.L., Chairman of the Tinnevelly District Association.
To—the Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 26th February 1908.

I have the honour to submit herewith a copy of the proceedings of a meeting of the people of this district held in the Vannarpet Club, Tinnevelly, on Saturday, the 15th, and Monday, the 17th instant, *in re* the reform proposals of the Government of India and the Memorandum of the Government of Madras thereon.

ENCLOSURE :

The Advisory Councils.

Resolved that this meeting is of opinion that the constitution proposed for the Advisory Councils should be modified as hereunder :—

(i) The councils should include also men of education who are not "territorial magnates" and who are otherwise qualified to give their advice.
(ii) The councils should assemble at fixed periods.
(iii) The proceedings of the councils should be published.
(iv) The councillors should be at liberty, of their own accord, to bring before the council questions affecting the welfare of the people.

Legislative Councils.

(i) This meeting is of opinion that the number of non-official members provided by the scheme is not sufficient.

(ii) This meeting emphatically protests against the rejection of the principle of territorial representation and the adoption of representation based on caste, creed and class which is highly inexpedient as well as unworkable.

(iii) The meeting is of opinion that the official majority in the councils should not be more than a bare majority.

The Imperial Legislative Council.

This meeting is of opinion—

(i) That the number of elected members should be increased.
(ii) As regards the election by the Provincial Legislative Councils at least two members should be elected by the Madras Legislative Council.

The Madras Legislative Council.

Resolved that this meeting is of opinion that the number of seats reserved for non-official members in the Madras Legislative Council should be at least 25, and the same should be distributed thus—

A—Elected by—		
(1) The District of Madras—		
(*a*) The Senate of the Madras University	1	
(*b*) Chamber of Commerce and the Trades Association	1	4
(*c*) Citizens of Madras	2	
(2) The zamindars of impartible estates		2
(3) There are some districts in the Presidency the importance of which demands a representative for each district by itself and there are others which might be grouped together. Hence it is suggested that the Presidency be divided into 15 groups—a member for each group		15
B—Nominated by the Governor to represent special interest when necessary		4
Total		25

Resolved that if the Government is not prepared to increase the non-official seats to more than 17, this meeting is of opinion that the 17 seats should be distributed as under :—

A—Elected by—		
(1) The District of Madras—		
(*a*) The Senate of the University	1	
(*b*) Chamber of Commerce and Trades Association	1	3
(*c*) Citizens of Madras	1	
(2) The zamindars of impartible estates		1
(3) The Districts of the Presidency to be divided into ten groups, each group electing one		10
B—Nominated by the Governor to represent special interest when necessary		3
Total		17

Constitution of the Electorate.

1. This meeting is of opinion that the qualifications proposed for the voters are too high and should be reduced.

A reference to the report of Government on the settlement of land revenue in the Madras Presidency will show that the number of Pattadars, single and joint, paying a beriz of Rs. 1,000 and more varies so considerably in the different districts that for group electorates the payment of beriz as a qualification for voters will not work satisfactorily. The same is likely to be the case if the payment of income-tax is taken as a standard. Hence the suggestions made herein.

2. This meeting is of opinion that the elective principle should be introduced for the Taluk and District Boards.

3. This meeting is of opinion that the following may constitute the electorate for the election of members to the Legislative Council in each group :—

(*a*) The members of the District and Taluk Boards in the group ;
(*b*) The Municipal Councillors in the group ;
(*c*) All graduates resident within the group ;
(*d*) Persons paying a certain beriz which may be fixed with reference to the circumstances of each group ; and
(*e*) Persons paying income-tax on a certain income to be fixed with reference to the circumstances of each group.

One person shall have only one vote.

4. This meeting is of opinion that it is not necessary to fix any qualifications for a candidate except that he must be one residing within the group which elects him.

Discussion in the Council.

Resolved that this meeting is of opinion that—

(1) The members of the Legislative Councils should be given the right of moving amendments to, and dividing the Council on, the budget.

(2) The members should be allowed to put supplementary questions at the same meeting of the Council.

General.

Resolved that the President be authorised to forward these resolutions to the Government of Madras and to the District Collector, Tinnevelly.

XII

Memorial—from the members of the non-caste Dravidian Mahajana Sabha.
To—His Excellency the Governor in Council, Fort St. George.
Dated—Royapettah, the 28th March 1908.

MOST RESPECTFULLY SHEWETH—That they desire on behalf of the non-caste Dravidan community of the Madras Presidency to lay before Government their claim to their interest in the proposed enlarged Council.

2. That though this community forms about one-sixth of the entire population of this Presidency and though next to the caste Hindus, it is the community entitled to consideration in preference to any others on account of its numbers. It is grieved to find that its claims have been altogether ignored and that no separate provision has been made for its representation in the proposed scheme for the enlargement of the Council.

3. That the memorialists beg to submit that their community is not only numerical important, but that it consists chiefly of agriculturists who must be regarded as the most valuable asset in the country.

4. That the difference between the Hindus and the community of the memorialists are so great that it is a deplorable mistake to regard it as forming a part of the Hindus. The Dravidian community is not subject to the scruples of caste. They believe in freewill doctrine which is opposed to the teaching of Hinduism. Their habits, customs and manners have more in common with the Buddhists than with the Hindus.

5. That the memorialists beg to submit that there has been existing for centuries enmity and hatred between their community and that of the Hindus. The Hindus have been persecuting them in a thousand and one ways in social matters; and politically it is only under the British rule, which is universally regarded as a blessing to this community, that they are enjoying any privileges. Now they are in a position to say that they have improved their social condition to such an extent that they are soldiers in the Indian Army and officials in various departments of Government. Besides a large number of them are labourers in mills and factories, mechanics and traders and pursue different industries. Though they strive to work out their own salvation in this manner, yet the hatred and persecution on the part of the Hindus is even now so rigorous that their interests in the progress of the community suffer very seriously. The memorialists are firmly of opinion that their interests would never be safe in the hands of caste ridden Hindus.

6. In this connection the memorialists beg leave to bring to the notice of the Government that during the agitation to hold the Civil Service examination simultaneously in India their community protested against the Hindus by sending up a memorial to the Secretary of State for India on the same grounds as are set forth in this memorial.

7. Under these circumstances, the memorialists earnestly request that the Government would be pleased to safeguard the interests of this great community and that the proposed reforms of the Council should be so framed as to provide a separate representation for this non-caste Dravidian community by the Government appointing one representative, either from among the Europeans or Eurasians, to whom the interests of this community can be safely entrusted.

And your memorialists, as in duty bound, will ever pray.

XIII

Letter—from E. SCOTT, Esq., I.C.S., Collector of Anantapur.
To—the Chief Secretary to Government,
Dated—the 18th March 1908.
No.—D. Dis. 1186.

1. Mr. H. G. Stokes, Acting Sub-Collector, Penukond.
2. M. R. Ry. K. V. Sreenivasa Aiyangar Avargal, Treasury Deputy Collector.
3. Muhammad Bazlullah Sahib Bahadur, Head-quarters Deputy Collector.
4. Rev. Howard Campbell, Gooty.
5. M. R. Ry. P. Kesava Pillai Garu, Pleader, Gooty.
6. ,, P. Adimurti Rao Guru, Pleader, Anantapur.
7. ,, H. Siva Rao Guru, Pleader, Anantapur.
8. ,, T. Sivasankaram Pillai Garu, Pleader, Penukonda.

With reference to G.O. No. 886 Public, dated 22nd November 1907, I have the honour to submit the enclosed note with my remarks. The reports of the marginally-noted officers and private persons who were consulted in the matter are also submitted.

ENCLOSURE.

Note.

Imperial Advisory Council.—It is difficult to make any remarks on the constitution of such a Council in the absence of more definite information as to the nature of the questions on which the Council would be asked to advise. There are no doubt questions in which ruling chiefs and territorial magnates have a common and special interests, and for dealing with these a Council constituted as proposed may be unobjectionable, but I cannot think that the occasions on which advice in such matters is necessary can be so numerous as to necessitate the formation of this Council. There are on the other hand questions which concern ruling chiefs, but do not concern territorial magnates, and it seems just as necessary or rather more necessary to have a Council of ruling chiefs alone as one consisting of both ruling chiefs and territorial magnates. Under

any circumstances the combination in a Council of Ruling Chiefs and territorial magnates is of doubtful expedience. If the proposed Council is to deal with questions of a wider public interest than those referred to then it will certainly have to be constituted otherwise, if it is to meet with popular approval, and if it is to commend itself to public opinion as tending to promote more intimate relations between the component parts of the Indian Empire.

2. For an Imperial Advisory Council a council formed of the non-official members of the Imperial Legislative Council and for a Provincial Advisory Council one similarly formed of the non-official members of the Provincial Legislative Council should in my opinion be adopted. The best men ought to and will be on the Council so constituted, for the best men will always, with possibly a few exceptions, strive to become members of the Legislative Councils.

3. *Imperial Legislative Council.*—The only point on which I have any remark to offer is the representation of the Muhammadan community. Two Muhammadan members are to be elected and two nominated, the elected members being elected in rotation by six provinces. The result of this proposal will be that, leaving Burma and the Central Provinces out of consideration altogether, the Muhammadans in at least two provinces and perhaps in four will be without representation. Granting that Muhammadan representation is necessary it would seem that one Muhammadan member or at the most two would suffice to represent the views of the community, while if it be argued that the members of the community in each province need to be represented then it follows that the number of elected Muhammadan members should be increased by two at least, it being stipulated that the two nominated members should belong to the provinces not represented by election. To my mind representation by rotation is absolutely indefensible on any rational grounds.

4. *Provincial Legislative Council.*—The scheme put forward in the memorandum is not one which will meet with public approval. All the members consulted in this district are opposed to it, and personally I see grave objections to it.

5. I do not think there is any justification for the creation of separate electorates composed of members of a particular caste or a particular religion. By their creation favour is being shown to one caste to the disadvantage of other castes, to the members of one religion to the disadvantage of those of other religions. There are many reasons why Government should aid the removal of all caste distinctions and religious differences, and nothing should be done which will tend to have the opposite effect. I admit that the Muhammadan community ought, for the present, to be represented in the Council, but their representation is desirable not because of their religious belief but because of their habits and customs and because of the existence of considerable ill-feeling which often leads to serious disturbances between them and the Hindus, with whom they form the bulk of the population. Similarly I should support the presence in the Council of representatives of the Hindu community. The presence of members of these communities in the Council should not, however, be obtained by election by each community if it cannot be obtained by election in the ordinary manner but by nomination. The difficulty of deciding which individuals are Christians and which are not and the grave objection to any enquiry being made into the religious belief of individuals which would be occasionally necessary is a minor objection but it is one of importance.

6. It is true that the non-officials in the Legislative Council have in reality no voting power and that in their selection the sole object of Government may be said to be to secure the presence on the Council of representatives of all the different classes and interests in the Province, but it is idle to argue that any such representation can be obtained even approximately by the selection of 17 members as proposed. No one would venture to contend that one Brahman could possibly represent the whole community of Brahmans or one Christian the whole community of Christians. Whatever scheme is adopted it is quite certain that Brahmans will be represented among the elected members. Why then give Brahmans the right to select a representative ? Again, Christianity is sure to be sufficiently represented among the official members. There may be no Native Christian on the Council, but it is hardly possible to hold that the Native Christians are a body of such position either as regards wealth or education as to deserve special representation. It is a known fact that the converts to Christianity in this Presidency are recruited almost entirely from the classes of Hindus lowest in the social scale, and no large increase in their comparative number is probably.

7. Nor do I think selection by a particular class is justifiable, except perhaps in the case of zamindars and proprietors of permanently-settled estates, who undoubtedly ought to be represented in the Council, and who are so limited in number that it matters little whether they themselves select their representatives or not. There does not, however, appear to be any good ground for allowing Barristers, Advocates and Vakils to select a representative. The reason for such a proposal cannot be based on their number, or wealth, as they come very low down both as regards number and wealth in the list of classes in the Presidency. It must, therefore, be based on the fact that the class contains an unusually large number of educated men or be due to the idea that it is only by permitting the members of this class to select a representative that their number in the Council can be restricted. The fact that this class contains a large number of educated men is a good ground for not restricting their number. There is practically no opening for educated men of ability and of moderate means outside the legal profession and it is therefore among its members that all the most able men of education will be found and if their number

in the Council is restricted to one or two it will be impossible to find for the remaining seats men who are competent to fill them. The object of the proposed changes is to give the people of Madras wider opportunities of expressing their views, but to begin by limiting to an increased extent the powers given them of selecting persons to represent them cannot be said to effect this object.

8. To the method suggested for the election of members the largeness of the areas over which the voting will be spread is a serious objection, and I certainly think that any class representation considered necessary should be obtained by nomination as proposed in clause (*f*) of the scheme. Representation can only be real if it is for an area over which the inhabitants have common interests. As pointed out, both by Mr. Stokes and Mr. K. V. Srinivasa Aiyangar, the Government of India apparently contemplates that District Boards and Municipalities should continue to exercise the privilege of election they have enjoyed for fourteen years and any withdrawal of this privilege will undoubtedly be unpopular. Some scheme such as that suggested by Mr. Stokes in paragraph 7(ii) of his letter might be carried out, but personally I believe that if an occupational basis is adopted by District Boards and Municipalities, these bodies will be rendered still less efficient than they are at present. As it is, it is almost impossible in many places to procure members for these bodies who are in any way competent, and if the range of selection is limited it will merely mean that the number of unsuitable members will be augmented.

9. If the elections are to be by districts the qualification of the electorate would probably have to be fixed separately for each district. In this district were the qualifications in paragraph (*d*) (iv) adopted the electors would be as follows:—

(*a*) Those assessed to income-tax on an income not less than Rs. 5,000 .	17
(*b*) Pattadars or inamdars of land on which the full assessment will be not less than Rs. 2,000	10
(*c*) Persons with equivalent qualification by adding together the qualifications under (*a*) and (*b*) possibly	5
Total .	32

These figures are only approximately correct, but they will show how impossible it will be to have an electorate for the district on these qualifications. Not only is the number small but among these 32 individuals there are probably none of those who by education and intelligence are most competent to be electors.

10. Any system based on electorates spread over an area so large as or larger than a district would, I believe, be a complete failure from every point of view. The election would have little meaning to most of the electors and would tend to add largely to the impurity of public life. At the same time the system would involve considerable expenditure and would increase to no small extent the work of the district officers. The proper and only method of dealing with the question seems to me to be to place, if possible such bodies as the Local Boards and Municipal Councils on a more satisfactory footing, increasing the number of elected members and making such rules as will tend to improve their personnel. The country is not ready for electorates spread over extended areas and it is simply wasting energy to establish them.

ENCLOSURE No. 1.

Letter—from M. R. Ry. K. V. SRINIVASA AIYANGAR Avargal, B.A., Treasury Deputy Collector, Anantapur,
To—the Collector of Anantapur.
Dated—the 27th January 1908.

In reply to your letter reference on current B. & G. No. 1053, dated 12th December 1907, I have the honour to submit the following note:—

Note.

I take up first paragraphs 4, 5 and 6 of the memorandum, which deal with the enlargement and reorganization of the Madras Legislative Council.

2. The scheme detailed in paragraph 6 provides for the creation of nine electorates selecting fifteen persons to the Council, while under the present rules seven persons are selected by five electorates. This means considerable enlargement and so far the proposal should be quite welcome. There is no explanation in the memorandum as to how the figure 17 has been arrived at and whether it represents an enlargement "to the fullest extent compatible with necessary authority of Government" as mentioned in paragraph 10 of the Government of India's letter. It would, I think, be an advantage to supply information on this matter to the public.

3. As far as the reorganization is concerned the scheme is not, in my humble opinion, an improvement on the present state of things. It is, on the contrary, I think, a step backward.

4. Paragraph 6 of the memorandum mentions paragraphs 17 and 20 to 22 of the letter of Government of India. Paragraph 17 deals with the creation of an All-India Muhammadan electorate and 20 to 22 with the Provincial Legislative Councils. In paragraph 21 of the letter it is distinctly stated that "the Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years." It has not been explained in this scheme why it has been found necessary to deviate from this definite statement. Apparently the Government think that the District Boards and Municipalities as at present constituted are not suitable as electorates or even as bases for other electorates. Their reconstitution appears to be under contemplation as stated in paragraph 7 of the memorandum. It should, I think, have been explained how they are at present unsuitable in this Presidency and how the remedy mentioned by the Government of India in the last sentence of paragraph 21 of their letter has also been found inappropriate.

5. In constituting the present electorates the principle that has been followed is apparently what has been stated in paragraph 9 of the Government of India's letter that "territorial representation is unsuited to India" and again in paragraph 16 that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and tradition of the communities composing the population of this continent." The unsuitability of territorial representation which is the first statement is apparently explained by the latter as being due to the existence of differences of beliefs and traditions among different communities—a fact which cannot be ignored. To the principle so stated no community can take any objection, nor I believe does. Also to the corollary that follows from it stated in paragraph 22 clause (*a*) that the Local Government shall determine how many seats are to be filled by elected representatives of the most important classes into which the population of the province is divided by race, caste or religion and shall allot these seats to the several classes, no reasonable objection can in my opinion be taken. But I do not understand how the conclusion that different electorates working independently of each other are the best means of regarding the tradition and beliefs of different communities and of securing for them the proportionate number of seats has been arrived at. The suggestions mentioned in clauses (*b*) and (*c*) of paragraph 22 of the Government of India's letter and the present scheme are made on the assumption that such a conclusion is inevitable.

6. One's interest in one's country is not enhanced or diminished by the religion that one professes nor by the fact of one's birth in any caste or race or tribe or any one of the other names for the irrelevant divisions of humanity. The logical basis of such interest is the fact that one derives one's sustenance from the soil on which one is born either directly or indirectly and that well ordered progress is a necessary condition for the continued earning and enjoyment of such livelihood. The slow, but I hope sure, recognition of this fact is distinctly, in my humble opinion, one of the "New social and politial conditions which now affect the course of Indian affairs" such as referred to in paragraph 2 of the Government of India's letter and from which it is stated in the same paragraph that even the "ruling chiefs, the landholding and commercial classes possessing a material stake in the country and representing the most powerful stable elements of the Indian society" do not keep aloof. That is but the inevitable result of the fact for the first time in the history of this country after the introduction attended with violence of various discordant elements into it from outside, continuous peace has reigned for such an interval as could give the people time to pause, reflect and see where they are. The introduction of the principle creating electorates working independently of each other in the construction of political machinery at this stage is not only a failure to make an attempt to take advantage of this new social and political condition but will also be rightly viewed with reasonable apprehension that the continuance of such new condition is likely to be endangered. It is not explained anywhere how the introduction of such a disturbing element has been found unavoidable.

7. It is stated in paragraph 16 of the Government of India's letter that under the system of election now in force, "Hindus largely predominate in almost all the electorates with the result that comparatively few Muhammadan members have been elected." There is in this sentence a juxtaposition of two facts of which one is a likely cause of the other and on that account alone apparently has been stated to be the actual cause. Has there been a single instance in the last fourteen years of an eligible Muhammadan gentleman rejected on that account by the Hindu electorate? If it should be stated that Muhammadan gentlemen do not come forward readily to seek the suffrages of the Hindu electorate, is that a tendency to be encouraged in the best interests of all?

8. Let it be granted that the fact that the Hindus form the large majority of the electorate is the cause of this undesirable phenomenon of the absence of a proportionately strong Muhammadan element in the various councils. Is no other remedy possible than that of dividing the people into separate electorates? Cannot an electorate composed of all the communities be told that they should return so many Hindus, so many Muhammadans, etc? Cannot in the composition of the electorate itself steps be taken to secure that the community which is in the majority in any Province shall not have a majority in the electorate? I say that a people though they are in the majority in any Province should not by themselves form a majority in the electorate, for probably that is the only means by which the reasonable apprehensions of the minorities can be met. The sacrifice by the majority of a certain share of their representation, whether that majority be Hindus or Muhammadans, is a sacrifice which may well be demanded of them and

insisted upon by an absolute Government in the interests of all. Let us suppose in the case of Madras each district is to choose twelve men, five to be Hindus, four to be Muhammadans, two Indian Christians and one European. An electorate so formed for the Presidency saddled as it shall be with the condition that it shall return, say, six Hindus, four Muhammadans and three Indian Christians and two Europeans to the Legislative Council will, I think, be more satisfactory. To make the people feel that they are also putting their shoulders to the wheels of Government and are one with it is the main object of these reforms, but to introduce the idea that each community has got a separate interest in the Government is, I think, a sad mistake. The introduction of the principle of making different communities work separately cannot but be viewed with apprehension in the absence of an explanation that it is unavoidable and will also be viewed with distrust.

9. The necessity for securing proper representation of the different communities in this country rests upon the fact that is desirable in the interests of all that the communities should progress together. It is no advantage to any one community that it should go in advance of another, for then the tendency will be for the advancing community to overlook the claims and rights of others who are however sufficiently powerful and will then create a set-back which will be worse than the temporary advantage gained. For this purpose however only four communities need be recognised in India, the Hindu, the Muhammadan, the Indian Christian, and the domiciled European. To go further and sub-divide is, I think, entirely unnecessary. There can be no end of such sub-divisions. I do not see the reasonableness of separating the Brahman from other Hindus nor the necessity of sub-dividing Hindu society into Zamindars and non-Zamindars or agriculturists and artisans. If a zamindar will not care to mingle with others and bend down so far as to ask them to permit him to discharge public duties, showing credentials at the same time that he can efficiently do so, the best thing will be to leave him alone. But there is every reason to hope that many of them have "become more and more qualified to take a prominent part in public life" and will not hesitate to mingle with others. In paragraph 17 of the Government of India's letter a scheme for the provision of an All India Muhammadan electorate is laid down. That scheme is excellent. It is simple. It gives room to those who have bestowed some pains on developing their mind (I am not confounding this with mere keenness of intellect) and after all it is the men that can think for others and to themselves that are wanted in the Councils of Government. The formation of an electorate of that kind composed of all denomination and consisting of between two and three hundred persons for the whole Presidency and charged with duty of making adequate representations for the four communities mentioned above, will, it appears to me, be the best thing to do.

10. Even should it be considered absolutely necessary to provide for so many zamindars specifically, this can be done by and through a single electorate. Besides the method of calling up an electorate to return so many members of each class or race, the method of choosing from among the nominees of such an electorate either in part or wholly such numbers of various classes as will secure adequate representation for all is, I think, feasible. This is different from the present method of nomination directly by Government independently of any electoral body.

11. The disadvantages of having separate electorates appear to me to be very many and far reaching. I merely enumerate them below :—

(1) No representative of any of the electorates can claim the same regard at the hands of Government that he will in a way be entitled to if he represented the whole people.

(2) The tendency to look upon themselves as representatives of special interests, even where there really are no such interests, will appear and make smooth working more and more difficult.

(3) The tendency for each electorate to select such persons as will vigilantly guard its interests assuming a purely imaginary antagonism to other electorates will set in and develop. The persons so chosen will not be the best *mind* of India, but the most orthodox Brahman, Mussalman, Christian, or the most conservative zamindar.

(4) The tendency of the representatives of each of the electorate will be to bring to bear on the discharge of their duties the disturbing element of calculating whether the expression of any particular view is likely to make his community rise or fall in the estimation of Government.

(5) Consequently the Government will not have the most disinterested representation possible before it for consideration. Nor will the acquiescence by such representatives in the acts and measures of Government commend these measures any the more to the acceptance of the large body of persons who can think upon such subjects and who stand outside the pale of all electorates.

(6) It is a distinct and serious loss to the country that the opportunities which a single electorate will afford of bringing various communities together for a common purpose and thereby understanding each other better should be lost.

(7) The difficulty of providing adequate representations for various races and interests without unduly extending the electorate over meaninglessly large areas is not the least of the disadvantages. Clause (c) of paragraph 6 of the memorandum shows that this difficulty has been felt.

12. These considerations make me regard the scheme under contemplation as far as the reorganisation of the electorate is concerned a step backward.

13. Regarding paragraph 3 of the memorandum I submit that the same or similar remarks apply to the proposed constitution for the Imperial Legislative Council. The formation of an All-India electorate on the same principles as stated above will I think better serve the purpose which the Government has in view of "giving the people of India wider opportunities of expressing their views on administrative matters." In this case as in the case of Provincial Councils the enlargement is a welcome change.

14. Paragraphs 1 and 2 of the memorandum call for the suggestions regarding the constitution and working of the Provincial and Imperial Advisory Councils. I submit the following :—

(1) In the last four sentences of paragraph 6 of the Government of India's letter is laid down a procedure for the working of the Provincial Advisory Councils. This I think should be adopted for the Imperial Council also.

(2) The proceedings of both the Councils when called together for collective consultation should as a rule I think be public. Occasions may arise when the consultation may have to be confidential and in such cases the proceedings may be kept private. All consultation whether individual or collective should, however, be formal and the opinion offered brought on record.

(3) I would also commend for consideration the desirability of introducing a system of election into these Councils also.

(4) The inclusion of Native Chiefs is I think a desirable change which should be tried.

15. The successful working of these Advisory Councils cannot now be definitely anticipated, but there is every probability of the scheme proving a great success if proper spirit is brought to bear on the matter both by the Government and the councillors. The intention to do this will certainly not be wanting, but there is one very serious difficulty in the way. The people of India are in low estimation everywhere and even their own country is not an exception. It is rather hard both on the "advisor" and "advised" that they should be brought together, the former to do what he is often not fit to do and the latter to listen to what he will in nine chances out of ten consider not worth listening to. A likely result will be that the advisor degenerates into Oliver Twist and the advised is looked upon as a tyrannous Village Beadle. I say nothing about the justice or otherwise of the low estimation in which the people are held, but that fact remains and may as well be taken into account. The present proposals should go a great way towards creating the conditions in which the removal of misunderstanding by various communities of each other is possible, provided they are freed from the dominating note of different electorates.

16. The term of five years proposed for the Legislative Councils seems to be too long. Three years, I think, will be more suitable. For the Advisory Councils, however, a term of at least five years should, I think, be prescribed.

ENCLOSURE No. 2.

Letter—from MUHAMMAD BAZLULLAH Sahib Bahadur, B.A., Head-quarters Deputy Collector, Anantapur.

To—the Collector of Anantapur.

Dated—Camp, the 13th January 1908.

No.—D. Dis. 87.

With reference to the memorandum annexed to G. O. No. 886 Public, dated 22nd November 1907, forwarded with your letter, dated 12th ultimo, inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I have the honour to submit the following remarks :—

(i) *The Imperial Advisory Council.*—The Council is to consist of ruling chiefs and territorial magnates to be appointed members by the Viceroy. It is a question whether the principal ruling chiefs would not consider it *infra dig.* to sit on the same level with the territorial magnates in a large assembly. It would also be hard to find among the territorial magnates persons of real character and capacity, sufficiently well informed as to the needs of the people and in sympathetic touch with them. Retired Diwans of Native States and high officers of Government who have retired after years of meritorious service would seem to be more suitable and likely candidates. The scheme is, however, well worth trying. Its success will of course depend on the intrinsic worth of the individuals appointed and the value attached to their opinions by the Government and the public.

(ii) *The Provincial Advisory Council.*—The above remarks apply equally to this Council. It is hard to imagine questions which this Council will be called to deliberate and advise upon. The Provincial Legislative Council, enlarged as proposed, would seem to be a more suitable body

for all practical purposes. As, however, the memorandum assumes the utility of a Provincial Advisory Council as distinct from the Legislative Council, I have nothing more to say on this point.

(iii) *The Imperial Legislative Council.*—I have no remarks to offer on the proposed scheme.

(iv) *The Provincial Legislative Council.*—It is proposed to give effect to the principle of the representation of classes by a division of the electorate on a race or caste basis. I submit that such a division is unsound in principle and inexpedient in practice. Differences begot of caste, race or religion do and will exist and it is idle to dissemble the fact. But to make these unhappy differences the basis of the constitution of the Legislative Council would be to tacitly countenance if not to accentuate them. Moreover, an electorate consisting of all the Brahmans or all the Muhammadans of the whole Presidency would be too heterogeneous a body to be able to exercise its privilege of election with any satisfactory results. There is little community of interest between the Muhammadan of the Northern Circars and the Mappilla of the West Coast, and similarily, the Tamil Brahmin of the South and the Konkani Brahmin of South Canara have nothing in common except the name. The inevitable result would be that quite in the dark as to the relative merits of the several candidates an electorate constituted as above would fall into the hands of wire-pullers or fail to chose a suitable representative.

I do not know why territorial representation is considered to be unsuited to India. The old Village Panchayat—a typical and at the same time an effective form of local self-government—was as essentially a territorial as it was an Indian institution. If members selected are to be truly representative and if they are to reflect the views, the wants, and the desires and aspirations of the people, the electorate should, I venture to think, be divided into distinct local areas, (*e.g.*) the Circars, the Deccan, the Carnatic, the Tamil and the West Coast districts. The adequate representation of special interests and minorities, *e.g.*, of the Muhammadan community can easily be secured by the Government reserving some more seats for nomination. Whenever any of these communities do not get their proper share of representation by election, Government may exercise its power of nomination in favour of a representative member of that particular community ; and there can be little doubt that such a nominee would be a better and far more suitable representative of that community than one returned by an electorate consisting of incongruous elements and scattered over so heterogeneous an area as an entire Presidency. It would be easy to prevent a "virtual monopoly" by the pleader or by the Brahman by a process of rotation, *i.e.*, by declaring that a member of this particular profession or caste will be ineligible for election by any local area for two successive terms.

The property qualification for the electorates is pitched too high for districts like Anantapur. I think the property qualification should be fixed with due regard to the circumstances of each local area so as to secure a fairly large number of voters in that local area. For example, there is great disparity in this respect between the ceded districts and the delta districts of the Presidency. The property qualification may be lowered in the case of special classes or communities.

I am afraid the period of five years is a bit too long. Mistakes are sure to be made in selection by the voters and it is desirable that an earlier opportunity should be afforded for reconsidering such errors. Moreover, changes in the views and aspirations of the people are going on so rapidly that a mediocre sitting in Council for a period of five years would in the latter part of his tenure be a fossil more ornamental than useful. I think three years would be a sufficiently long term.

ENCLOSURE No. 3.

Letter—from W. H. CAMPBELL, London Mission, Gooty.
To—the Collector of Anantapur.
Dated—the 18th December 1907.

I have the honour to acknowledge receipt of G. O. No. 886 of 22nd November 1907, containing the memorandum inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils. I have carefully considered the various suggestions put forward and have come to the conclusion that the principle underlying the scheme is admirable, but that the means suggested for its realization are anything but satisfactory. It would certainly tend to good administration to have Imperial and Provincial Advisory Councils, the members of which could bring the Imperial and Provincial Governments into closer touch with the people and make them better acquainted with their opinions, their feelings and their needs. If however the Imperial Advisory Council were to consist almost if not entirely of ruling chiefs and great territorial magnates, it would be vain to except from it any real help in dealing with questions affecting the welfare of the masses of the population, for members of these classes have, as a rule, far less knowledge of and sympathy with the common people than the average English Civilian. Any measure that would tend to

add to the power of the landed aristocracy would in my opinion be inimical to the interests of the people as a whole. Surely if there is one lesson which the whole course of European history teaches it is this. *Present and retired Diwans and men who have held high office under the British Government* would be very much better qualified to give advice than even the best informed and best intentioned of territorial magnates.

I would make the same remarks on the constitution of Provincial Advisory Councils. These would be of value only if their members were intimately acquainted with the needs of the common people and in true sympathy with them. The local Governments in choosing representatives would need to disregard mere property qualifications and select men of experience and sympathy.

I am thoroughly in favour of the proposals to enlarge the Legislative Councils and alter their constitution by the introduction of the principle of elective representation. As the carrying out of these proposals means the introduction of a certain measure of popular Government, which it is hoped will be gradually entered as the country becomes prepared for it, it is most important that no principle be adopted, likely, either in the present circumstances or in the course of future development, to prove inimical to the welfare of the country. Now such a principle does, I think, underlie the scheme of class and caste representation outlined in the memorandum. One of the greatest obstacles in the way of social and political progress has been the division of the people into a number of sections devoid of a common purpose and incapable of uniting in a common enterprise. Although in the immediate present class and caste representation may seem the easiest way of ascertaining the opinions of the people, the tendency of such a schemeto perpetuate the present unhappy divisions, and the probability, one might say, the certainty of its forming a precedent which would give a wrong direction to the political development of the future are, I think, more than sufficient grounds for its condemnation.

I do not think Government can possibly do better than adopt a principle of territorial representation. With properly constituted constituencies any evils that might at the outset be connected with this principle would, I believe, as the constituencies come to realize their responsibilities, altogether disappear. I think the preponderence of lawyers in the Legislative Councils is a matter for regret, but unfortunately lawyers are at present almost the only class of educated men holding a position independent of Government. Recent Government orders forbidding schoolmasters taking part in politics are to be regretted, because they exclude from politics the only class in the community able or worthy to compete with members of the legal profession for the leadership of the people.. When education extends to the masses of the people so that they become able to take an intelligent interest in the affairs of the State, the legal profession will not predominate in India any more than it does at present in English legislative assemblies.

I cannot but admit that at present it would be impossible to confer the suffrage upon the masses of the people. It does not, however, follow from this that only a very few exceptionally wealthy persons should be allowed to take part in the election of representatives. The proposals of the Madras Government seem to me to involve an absurdly high property qualification. In this district, Anantapur for example, I doubt if there are half a dozen people who would be qualified under the proposed scheme to act as electors. Surely this is sufficient in itself to condemn the scheme. We, that is the people of the Anantapur district, are much better off under the present system than we should be under the new arrangement. The insistence on a high property qualification would in the ceded districts at any rate restrict the franchise to just those classes of the community which are least regardful of the interests of the community, the successful lawyer, who has forgotten what it was to struggle for a livelihood, the big landholder who has acquired some hundreds of acres by getting possession of the field of his neighbours, and the sowcar who has become rich by taking advantage of the poverty of the poor. Surely these are not the classes best fitted to choose men to represent the interests of the people. It would be a case of making the heron king over the frogs or entrusting to the wolf the care of the ship.

I do not think Government should put any restriction whatever on the choice of the electorate. Let those who have the franchise choose the man who seems best fitted to represent the people, whatever be his religion or class or social position. As for the constituencies if it were possible to have an educational test that would be the best solution of the question. That is not however possible at present. It could, however, be adopted to a certain extent by conferring the franchise on all University graduates. In doing so there ought to be no rule preventing graduates in Government service from voting. As regards the rest of the community a property qualification seems at present inevitable. This, however, ought to be such as would not exclude from the franchise the more intelligent members of the agricultural and trading classes. In the ceded districts, at any rate, proper representation would not, I believe, be secured unless the franchise were conferred upon all persons paying income-tax on Rs. 1,000 per annum or land-tax amounting to Rs. 150 to Rs. 200. Even on this basis the constituency in this district would not be a vary large one.

It would, I think, be most advisable to extend the principle of election to District and Taluk Boards, but in the case of these it would be necessary to have a still lower property qualification. A revival of the old village panchayat system and a conferring upon the panchayats of the right of electing Taluk and District Board members would however, in my opinion, be the best solution of the question.

ENCLOSURE No. 4.

Letter—from M. R. Ry. P. ADIMURTI RAO GARU, Pleader and Chairman, Municipal Council, Anantapur.

To—the Collector of Anantapur.

Dated—the 17th Februrry 1908.

Agreeably to your letter, Ref. on B. & G. No. 1053, dated 12th December 1907, inviting my opinion on the reform proposals of the Government of India and the referendum of the Government of Madras thereon, I have the honour to state that the reform proposals have not at all elicited public enthusiasm and approval in the district of Anantapur, as may be gathered from the following resolution of the District Association, passed at its meeting held on the 2nd December 1907, under my presidency, after a full discussion of them :—

"That this meeting most solemnly and emphatically declares that the conditions proposed by the Madras Referendum for securing the privileges of candidates and voters in the impending reform scheme of the councils are such as to cause profound disappointment among classes and castes of His Majesty's subjects; that the suggested assortment of voters and candidates into castes and creeds is unsound in principle, undesirable in public interests and unworkable in practice; that this meeting deeply regrets that the property qualification of Rs. 5,000 income will confine the electoral representation to a narrow circle and exclude the raiyat, the merchant, the artizan, the lawyer and other classes who form the great majority of the population and who are the backbone of the administration; that this meeting notices with alarm and anxiety that the scheme is so framed as to keep out the lawyers, the only independent non-official class, who can afford to devote sufficient time and attention to the public cause; that this meeting is surprised that having decided that the majority of the councillors should be official, His Excellency the Governor should maintain the power of appointing two out of seventeen non-officials, and also to appoint three members—Brahmans, Muhammadans and Christians—when difficulties are found for voting; that the proposed scheme, if carried, will impair the efficiency of Legislative Councils and will tend to create positive discontent, to provoke class and caste jealousies and to accentuate religious differences."

2. That quite independently of the said resolution I am constrained to observe that the reform proposals formulated by both the India and Madras Governments are quite unsuited and in some directions really retrograde and reactionary.

The Advisory Councils, Imperial and Provincial, will be superfluities and not serve any useful purpose, if they are worked only by the Ruling Chiefs and territorial magnates and not by the acknowledged leaders of the public held in high esteem both by the public and Government and retired high officers of Government who spent their whole life in serving Government in various capacities and who are well acquainted with the needs and wants of the public. The Advisory Committees should be composed of such gentlemen, if they are to prove useful. I am for the total exclusion of the Ruling Chiefs. Their co-operation, however much it may be in "accord with the best traditions of oriental polity," will not be of any material help to Government. They cannot be the proper agents for the diffusion of correct information upon the acts, intentions and objects of Government, for they rarely mix with the masses and understand their real grievances and wants. Their experience will be confined to the four corners of their respective territories. Their interests are not likely to be affected by the orders passed by Government from time to time, for their laws and regulations are quite different from those in force in British India. It is also very doubtful whether these Ruling Chiefs would, to the detriment of their legitimate duties and laying aside all notions of natural dignity, choose to sit with others not in power and exchange their views. They are besides not the proper authorities to be consulted as to the advisability or otherwise of introducing measures into British India likely to affect the interests of the British subjects.

3. The proposals framed for the reform of the Madras Legislative Council are open to the several objections noticed in the resolution of the District Association, Anantapur, noted in paragraph 1 *supra*. The aversion expressed towards the legal profession on its attaining a prominence in the Council is unjustifiable. It is one's capability to represent the grievances of the public fearlessly, fairly, and independently, and not the particular class, caste, or creed to which he belongs that entitles him to a share of representation. It is improper to place artificial restrictions upon the choice of the electors, who should be allowed to choose whomsoever they consider best fitted and competent to safeguard their interests. The electors will certainly take care to elect a man in whom they have confidence. It is no wonder that the lawyer class in India, equipped as it is with high educational attainments, knowledge of the people and independence, succeeds in gaining the confidence of the public and attain to prominence in elections, as in every other civilized country in the world. Excepting a few, most of the lawyers in India are men of property and have a stable interest in the administration of the country, as the Ruling Chiefs and other territorial magnates. The contempleted exclusion of this lawyer class from Council elections will, I fear, lower the efficiency of the Council.

4. The proposals in the Madras Referendum aim at the deprivation of that elective franchise which the Municipalities and Local Boards till now enjoyed and exercised since 1692, for no faults of theirs. These bodies have in the estimation of the Madras Government ceased to be representative bodies. The power vested in these bodies under the Indian Councils Act of 1892 should not

be withdrawn. There is no charge, not even the slightest imputation till now, that these bodies abused their powers and elected unworthy people to the seats in the Legislative Council, nor have they proved incapable of making a choice. The proposal of the Madras Government to take away elective franchise from these representative bodies is not in strict consonance with the view of the India Government as set forth in paragraph 21 of their proposals. The Government of India is not certainly for the withdrawal of the elective franchise from these bodies. All that they advocate is the introduction of special qualifications to the members of the Councils.

5. I am strongly against the high property qualifications that are sought to be introduced into the electorates for the New Provincial Legislative Council, as well as for the candidates. In the proposals of the Madras Government, the lower and the middle classes are wholly ignored. This high property qualification reduces the number of candidates and electors to a "microscopic minority. Riches have been made the chief criterion for one's competency to serve in the Legislative Council. The rich are not the only persons that possess the requisite ability, integrity, zeal for public good and desire to serve the public interests. This high property qualification will shut out many of the best educated natives of India from taking part in the deliberations of the Legislative Council simply on the score of their poverty. Riches and high educational attainments are rare combinations in an individual. It is all the more so, in the Ceded districts, where rich men do not generally care to educate their children. This high qualification will narrow the number of electors and keep the field open only to a handful of rich people. It is very rare that we get men of high educational qualifications from among persons of special professions, such as commerce, agriculture, trade, etc. In India where the average minimum income is calculated at Rs. 30 and below, it is regrettable that the Madras Government contemplate to fix Rs. 5,000 income as the qualification for the franchise. In my opinion, the property qualification now fixed for a person seeking municipal elections may be prescribed as the property qualification for the electors and candidates for the Legislative Council also.

6. The formation of electorates based on castes and creeds is most objectionable and is calculated more to create racial misunderstandings than further the ends of a proper representation. There is no necessity for the formation of such constituencies. The Hindus did not certainly ask for separate representation. The Government may, if it so desires, safeguard the interests of the Muhammadans, by keeping open two seats exclusively for Muhammadans. There is no justification whatever for creating Christian, Brahman and other caste constituencies.

7. I suggest that the following scheme, which is highly conducive in the interest of the public, may be adopted, in lieu of that now proposed to be adopted by the Madras Government:—

Suggested scheme.

		No.
(*a*)	To be nominated by His Excellency the Governor	2
(*b*)	„ selected by Madras Chamber of Commerce	1
(*c*)	Selected by the Senate of the University	1
(*d*)	„ „ Municipalities (North and South group)	2
(*e*)	„ „ Madras Corporation	1
(*f*)	To be set apart for Muhammadans (to be filled by nomination)	2
(*g*)	Selected by the zamindars and other big landholders in the presidency	2
(*h*)	Non-officials nominated by the Governor to represent minorities or special committees	4
	Total	17

Enclosure No. 5.

Letter—from HATTI SIVA RAU, Pleader, Anantapur.

To—the Collector of Anantapur.

Dated—the 6th January 1908.

Adverting to your Reference on B. & G. No. 1053 of 1907 inviting opinion on the Madras Referendum, I have the honour to give my views below.

The scheme proposed by the Madras Government is altogether inadequate in number as well as in regard to the method of distribution of seats. That all the members of a particular caste in the Presidency can be represented by one gentleman is most unimaginable in theory as it is equally the most impracticable in practice. Besides the idea of caste representations seems to me really grotesque, as it will finally result in setting one class against another and thus create undesirable and irreconcilable animosities.

I am afraid that such distinctions will eventually weaken the constitutions of the Council rather than strengthen it and thus frustrate the fundamental object of the Referendum, which is to give the people of India wider and greater opportunities to express their views on matters

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administrative. What is wanted, at the present juncture when the country is passing through a crisis, is a wider and greater representation of the districts, many of which are too far removed from one another and differ very much in their local features, characteristics and wants. If representation is to be real so as to give due and ample share to different classes and interests of the community in the several districts of the Presidency, it should be by giving a voice to each district by persons who are residents thereof and who know the real grievances of the people.

Since the Government have decided that the official elements should predominate the non-official in the Council, there will be no difficulty in securing the representation of each district, if the number could be sufficiently increased, the official element being also increased in proportion.

As for the property qualification of voters and candidates for seats in the Legislative Council, I think the recommendation of the Madras Government are not sound and well considered. The country is interested in securing the services of its best men that can be found in any caste or creed, and since talent and capacity exist independent of property, it is but right that there should be no restriction on the choice of electors. The aim should be to allow the largest freedom of choice to the electors and to bring within the electorate the most intelligent classes of property owners and tax-payers. To attain this aim, I propose, taking into consideration the state of this district, that the property qualification of each voter and candidate should be fixed at an annual income of Rs. 1,000 or payment of Rs. 100 land assessment to Government.

As for the establishment of Advisory Councils, I am of opinion that the creation of such bodies will to a certain extent bring the Government in touch with the people and thus enable it to know the real condition, grievances and wants of the people. This again depends upon the choice of members the Government make.

To obtain the individual views of leading merchants, landholders and vakils, a public meeting was called for under the auspices of the District Association on 2nd December 1907 and the subject was fully discussed and certain resolutions, which embody the opinions of those present, were passed. I herewith send you a copy of those resolutions for your information.

At a public meeting of merchants, landholders and vakils on the 2nd December with Mr. Admimurthi Rao, Municipal Chairman, in the chair, the following resolutions were duly considered and passed :—

(1) That this meeting most solemnly and emphatically declares that the conditions proposed by the Madras Referendum for enjoying the privileges of candidates and voters in the impending reform scheme of the Councils are such as to cause profound disappointment among classes and castes of His Majesty's subjects.

(2) That the suggested assortment of voters and candidates into castes and creeds is unsound in principle, undesirable in public interests and unworkable in practice.

(3) That this meeting deeply regrets that the property qualification of Rs. 5,000 income will confine the electoral representation to a narrow circle and exclude the ryot, the merchant, the artizan, the lawyer and other classes, who form the great majority of the population and who are the backbone of the administration.

(4) That this meeting notices with alarm and anxiety that the scheme is so framed as to keep out the lawyers, the only independent non-official class who can afford to devote sufficient time and attention to the public cause.

(5) That this meeting is surprised that having decided that the majority of councillors should be official, His Excellency the Governor should maintain the power of appointing two out of seventeen non-officials and also to appoint three members out of Brahman, Muhammadan and Christian when difficulties are found for voting.

(6) That the proposed scheme if carried will impair the efficiency of Legislative Councils and will tend to create positive discontent, to provoke class and caste jealousies and to accentuate religious differences.

ENCLOSURE No. 6.

Letter—from M. R. Ry. P. KESAVA PILLAI Avargal, Pleader, Gooty.
To—the Collector of Anantpur.
Dated—the 17th February 1908.

With reference to your letter, dated 11th February 1908, Ref. B. & G. No. 1053 of 1907, I have the honour to submit the accompanying memorandum embodying my views on some salient points in the referendum on Advisory Councils and enlargements of Legislative Councils as well as my statement and evidence before the Royal Decentralization Commission. I confine myself to the question of local Legislative Councils.

Memorandum.

The scheme proposed for enlarging the local Legislative Councils is an improvement on the old system in an important respect. The representation proposed is to be direct instead of being indirect as hitherto.

2. Though the Government increased the number of non-official representatives, yet they have made it clear that Government do not introduce the principle of representative Government but mean to have representation of interests on a larger scale.

3. Whether the scheme of representation proposed on the scale suggested in the referendum would in any way improve the existing system and meet the popular needs, has to be considered.

4. The policy of Government has always been to make the people, high and low, rich and poor, feel that Government steadily aimed to create a sense of equal opportunity and no favour, at any rate so far as Indians are concerned.

5. The allegiance to a common Sovereign, and the community of interest in all matters pertaining to taxation and administration, have been potential in influencing, for a century and more, of British rule, the old hatreds and feuds dying out, strange angularities being rounded off, and enfeebling superstitions loosing their hold on the minds of the masses.

6. The beneficent policy of secular education and impartial treatment in law have uplifted lower castes and widened the horizon of depressed classes.

7. There is still no doubt religious and sectarian squabbles here and there, but under the impact of western culture, and advancing religious thoughts, there will be as time passes less and less of intolerance and more and more of toleration among illiterate Hindus and Muhammadans and among different sections.

8. The scheme if put into operation will surely open old sores, create jealousies and accentuate differences tending to undermine all the good work done in the past. Men will not be wanting in each community who will not subordinate public interest to their personal ambition and stir up the dying embers of racial prejudices and religious animosities to gain their end, that is, to enjoy the doubtful boon of sitting in the Council.

9. The property qualification is too high, especially for a district like Anantapur.

10. One cannot think of men in this district with Rs. 5,000 income a year who would be fit to vote for a Legislative Council member.

11. Hitherto in the indirect representation the district enjoyed the privilege of having a voice in the selection of a member. All such educated men, such merchants, ryots and officials, as had the satisfaction of voting as members of District Boards and Municipal Councils will be nowhere under the scheme. In fact the district will have no voice in future.

12. Therefore, caste and class representation are reactionary and incompatible with the beneficent spirit of the British rule.

13. Each district may be made a unit; and reasonable property and literary qualifications prescribed, so that territorial representation may be obtained with a reasonable expectation of proper representations of local conditions for each district.

14. A resolution on the subject was passed by Anantapur District Association with Rev. W. H. Campbell, M.A., of London Mission in the chair and a copy of it submitted to the Collector and Local Government.

15. I venture to submit herewith a copy of my written statement filed before the Royal Decentralization Commission and copy of my evidence given before them on the 27th November 1907 at Madras.

16. I suggested in my statement paragraph 8 onwards the revival of Panchayat system on an elective basis and election of members to Local Boards; and I have explained in my evidence the advantage of creating an electorate for Taluk Boards and District Boards.

17. I would submit that an electorate consisting of all Panchayat members, Taluk Board members and District Board members and heads of religious bodies owning inams, and men of literary qualifications, and men paying revenue of Rs. 500 land assessment, or an income-tax on an income of Rs. 2,500 a year, be made voters for electing a council member for the district. In each taluk head-quarters votes can be easily collected and the results declared at the head-quarters of each district. Then only people will feel that some *living representation* and *political education* are seriously meant by Government.

ENCLOSURE No. 7.

Letter—from M.R.Ry. T. SIVASANKARAM, Pleader, Penukonda.
To—the Collector of Anantapur.
Dated—the 2nd January 1908.

I beg leave to forward herewith a memorandum of my views on the proposed Advisory Councils and expansion of Legislative Councils in response to your letter, dated 12th December 1907, Ref. on B. & G. No. 1053.

Memorandum.

Imperial Advisory Council.—1. It is unlikely that the Ruling Chiefs of any importance would care to sit with the territorial magnates.

2. Without disparagement to rare exceptions the generality of territorial magnates are not the people who could be called their representatives, and it is to be feared that most of them may not be competent to be of any use on the council with all their dignity and status, because they are scarcely in touch with the outside world.

3. A standing council of sixty members would be rather unwieldy and is not likely to serve any useful purpose, specially in view of the fact that questions which are of Imperial nature are discussed from every point of view in the press.

4. A list of competent non-officials in every province might be drawn up just as Jurors' lists are made out and any of them might be consulted or called together as occasion requires. The duty of making such a list might be left to the District Boards, the Local Government fixing the maximum number of members to be so selected for each district. If an Imperial question affects a particular province, profession or interest more than any other, and non-official opinion is required on such a question, a majority of members belonging to such province, profession or interest might be summoned along with any others. This scheme would afford sufficient scope for territorial magnates if there are any in each locality. If necessary, residential property and educational qualifications might be fixed. Questions relating to new Legislative measures to be introduced such as Epidemic Diseases Act, Sedition Suppression Act, etc., the policy as to Settlement, Forest, Abkari, Education, Post Office, Railway and Commerce and re-distribution of territorial jurisdiction might be referred to them for advice.

Every member of the council so selected might be made an honorary first-class Magistrate empowered to try only such cases as might be referred by Local Governments; for example, seditious cases of minor importance and of good behaviour in times of unrest, or other troubles arising from Vis-Major, such as plague, cholera etc. Such a step would serve to infuse confidence in the people.

Provincial Advisory Council.—Even these bodies could be constituted on the lines above indicated. There could be no objection or difficulty in making the list of competent men with reference to different professions and industries; and whenever the Local Government have to decide questions relating to any profession, industry or locality, in particular, majority of members belonging to such profession, industry or locality might be called together or consulted.

Questions relating to settlement, remissions, and all such which have an intimate connection with the working of the several local laws might be referred to them.

Every member who is on the list might be made an honorary second-class Magistrate and be made to sit in the local courts with the Magistrates for trying cases relating to, say, Hindu-Muhammadan or Hindu-Christian riots, as also in cases where land or water disputes arise between different villages.

Imperial Legislative Council.—As to the expansion of the Imperial Legislative Council, I have no suggestions to offer except the number of seats of non-officials to be nominated by the Viceroy under clause (e) of paragraph 12 of Government of India's letter might be increased to 6 or more to provide for any race or class which needs a special representation. If necessary the number 20 of officials to be nominated by Viceroy might be reduced to 18 or less.

Provincial Legislative Council.—The scheme as proposed by the Government is unsuitable to the present times. There is nothing in common between, say, the Brahman of Godavari and Trichinopoly nor of the Muhammadan of the Ceded Districts and of Malabar. On the other hand there is greater sympathy and community of interest between a Muhammadan and Hindu of one and the same district than between two people of the same race living in two different districts. Owing to the spread of English education and British ideals caste and race differences are slowly vanishing and it will be injurious now to accentuate such differences.

The best plan will be to have electorates which are territorial consisting of a couple or more districts of which the conditions are same or similar.

Class and race classifications in the matter of electorates while being impracticable and useless might give rise to endless complications in the matter of election proceedings.

To provide proper representation in favour of any backward class or community, the Local Government might provide a few more seats to be filled up by nomination as occasion requires.

The condition of membership and property qualifications for voting may have to be regulated to suit the above suggestions. The property qualifications have certainly to be lowered.

XIV

Cuddapah District.

ENCLOSURE No. 1

Letter—from M. R. Ry. N. NARASINGA RAO Garu.
To—the Collector of Cuddapah.
Dated—Jammalamadugu, the 29th December 1907.

With reference to the Government of India's scheme circulated to me for my views I have the honour to submit as follows.

It appears from the Government of India's letter that the advancement of education, the anxiousness of the landholding and commercial class for opportunities for expressing their views on matters of practical administration, and the need for free and close consultation between Government and its subjects so as to make the measures and the motives of Government generally understood, have forced on the Government of India the consideration of the question of giving the people of India wider opportunities of expressing their views on administrative matters.

If it be for these purposes that the Advisory Councils are to be created—and it does not appear from the constitution and the duties of these Councils they are intended for anything more—then I may be permitted humbly to submit that the Advisory Councils will fail to fulfil any of the objects that bring them to existence.

The Imperial Advisory Council will consist of 60 Imperial Councillors (twenty ruling chiefs and about forty territorial magnates) all to be appointed by the Viceroy. This Council will be purely advisory, with no statutory basis, no powers of initiative, coming together when summoned by the Viceroy, holding only private, confidential, informal meetings. The Government of India's letter quotes telling figurss about the spread of education in India, but one is curious to know what percentage of this advancement is shared by these chiefs and magnates. We all know that this advancement has been almost wholly among the middle classes of our community. Surely I am not wrong when I say that the ruling chiefs and the territorial magnates are yet much too secluded in their ways. They are not in any sense representatives of the people. Rarely, if ever, have they identified themselves with any cause affecting the welfare of the people. They are strangers to the hopes and fears, aims and aspirations of the people. It is significant that in the Decentralization Commission not one chief—at least as far as Madras is concerned—was examined. Their voice can never be the people's voice. Their position, power and dignity rest on the will of the Government. Under these circumstances and with the added assurance that their councils will be kept secret, free from the inconvenience of public criticism, I will not be surprised if they fail to give fair, free, fearless and independent advice. To be led by such a body of men and under such conditions is to be only misled.

Again, without the Advisory Council, have not the Government been knowing the views of the people on almost all questions great and small? The Government was quite aware of the views of the public on questions such as the Partition of Bengal, the Seditious Meetings Bill, the Official Secrets Act or nearer still the quartering of punitive police in Cocanada. The Government had, I believe, no doubt about the opinion of the people on these questions. Could it be that Government think that these chief and magnates are better custodians of country's views and hence the need for a council of theirs? Moreover these councils, unrecognized by the legislature, consulted or not at the will and pleasure of the Viceroy, with absolutely no power to make themselves heard, their voice in the administration of the country will surely remain a voice, and nothing more. There will be a sort of representation but nothing having the remotest resemblance to anything like a representative Government. These proposals are so aimless that some have been led to suppose that the Government merely wanted to create a small body of its own men or its dependants who will be an echo of its own views on public questions and which may be set against the opinion of the educated class. This view may be wrong, but cause for such a construction has been given.

The enlargement of Legislative Council—Two considerations appear to have swayed the Government in its proposals under this heading. First, that territorial representation is unsuited to India and secondly, that lawyers predominate in the Councils. Therefore the Government wants to introduce not only class but even caste representation. This is surely beginning at the wrong end. It will be a complete reversal of the old and wholesome policy. The Government by not recognising the petty differences between class and class have helped to throw each on the support of the other, the Hindu on that of the Muhammadan, the Muhammadan on that of the Christian and each on all. They were growing in the feeling that their lot has been cast together, that they belonged to one country, one cause, and one Government. But the Government in creating these caste constituencies will be emphasising the differences, set up again the broken barriers between class and clsss and rekindle the dead or dying embers of internecine hatred and jealousy. This is not a consummation to be wished for. Caste as a basis of political power is not seen even in Indian history from the time of Asoka barring a short exception in Maharashtra rule. There was no complaint that one class sacrificed the interests of other classes for its own. If any class is not well represented and needs representation, nothing should have prevented the Government nominating members from that class. One fails to see wherein arises the need for such a novel procedure. Mr. John Morley, when he was asked to provide two seats in his Council for the natives of India, said "that the amendment proposed to do the very thing that all wise statesmanship forbade them to do, namely, to set up racial standard . . . . it would be putting into a statute a recognition of fundamental difference of race, whereas, all our civilising processes depend upon softening away those differences." Does this not apply to the proposed measure?

The preponderance of lawyers, if an evil, is an universal one and under the peculiar conditions of India perhaps a little more so. They are literate, they are often landlords, they are independent, they are in daily touch with the people, they are the natural leaders and representatives of the people and they have always represented all interests faithfully and

well. No complaint was made against their work. It is not clear why all this trouble to supplant them. Shut them out the seats in the Council will either remain vacant or but unworthily filled, for there are few who are willing and capable to bear the responsibilities of public life.

The property qualification is very high. The result of all these proposals will be to take power from the hands of the educated middle classes, and put it into the hands of the wealthy aristocracy. But everywhere the struggle has been to wrest power from the aristocracy and give it to the people. Why in India alone it should be otherwise it is hard to conceive.

Thus the principles underlying the Advisory Councils and the enlargement of Legislative Councils are anything but sound or beneficial.

Before I bring this paper, which has almost unawares grown so long, to a close, I beg to submit that real advisory work should begin at best in each district. Each district shall have an advisory body of a dozen or fifteen members. They shall meet once a month. They *shall* be consulted on some particular questions. And on those questions the Collector shall act on the advice of ¾ of its members, and if the Collector differs the matter to be sent up to the Government for final orders. The members of the Council will then feel the responsibility of their work and will take a living interest in it. These Advisory Councils or groups of them might be formed into electorates for sending members to the Local Legislative Councils. While the interest of the landlord and the ryot will have then been effectively represented in the District Advisory Councils, the larger interest of the province will be represented in the Legislative Council. With the right to veto in the hands of the Governor or the Governor-General and the official votes always at their disposal the Government need not be anxious to have a standing majority in the construction of its political machinery. If it be only a question of a measure being good or bad, and if the Government is to be guided by the opinion of the majority of the members endowed with ordinary experience, knowledge and foresight, then the officials and the non-official members may be at least equal in numbers. It is not a question of two men not being able to wield one sceptre. The sceptre must be wielded by only one, India cheerfully grants it. While Britain wields the sceptre India had been allowed to say how it may be wielded. If this privilege is intended to be anything more than a mere formality, then at least half the number of members on the Legislative Council may be permitted to be non-official Indians.

ENCLOSURE No. 2.

Letter—from M. R. Ry. T. M. NARASIMHA CHARLU, B.A., B.L., Vakil, District Court, Cuddapah.

To—the Collector of Cuddapah.

Dated—the 17th December 1907.

I herewith submit my suggestions on the G.O., No.886, dated 22nd November 1907, referred to me for opinion in your letter R.C. No. 1453 B and G of 1907.

The matter referred to me is of such vital importance and magnitude that I am afraid, it is beyond my power to cope with it or offer any useful remarks or suggestions. However I have tried to do my best in the matter and that, I believe, is my only satisfaction.

I.—IMPERIAL ADVISORY COUNCIL.

If the object of the Government of India in forming the Imperial Advisory Council is to call for its aid the advice of the members of such council either collectively or individually as well as to constitute it as an agency for the diffusion of correct information upon the acts, intentions and objects of Government, I am of opinion that the council should be so constituted as to include among its members men of light and leading who are in close touch with the people and who have studied the needs and aspirations of all classes of His Majesty's subjects and who in short can be regarded as the leaders of the people. It is only such gentlemen that can serve the purposes aimed at by the creation of such a council. I am afraid if the ruling chiefs and the territorial magnates can by virtue of their mere position alone be said to be in close touch with the people or their needs and aspirations. Their advice and opinions, though valuable in their own dominions, can hardly be productive of good concerning questions relating to His Majesty's Indian territory and its people. The constitution as proposed may appear a grand thing to look at but cannot be of any practical utility. I would therefore suggest to constitute the council with men of light and leading to the extent of at least one-third of the number now proposed.

2. As to the work which may be devolved upon the council I am of opinion that the members should be *collectively* requested to give their opinion and advice on all important *Legislative* and *Administrative* measures proposed to be effected or introduced by the Government *Individual* advice or opinion on such measures will carry very little weight. To satisfactorily fulfil the aims of the Government by the creation of such council I submit that the proposed

confidential nature of the communication and discussion may be abolished and I also think that it is not possible to keep matters secret or confidential when the council consists of so many as sixty members.

II.—PROVINCIAL ADVISORY COUNCILS.

1. As to the constitution of these councils, I would suggest one member from each district (including Madras) who shall be a gentleman in close touch with the people and well acquainted with their needs and aspirations. He may belong to any class and not necessarily to the landed aristocracy, provided he is sympathetic, well learned, influential and capable.

2. As to the work which may be devolved upon these councils, I am in accord with the suggestions made in paragraphs 6 and 7 of the letter from Government of India, and wish to add that their deliberations shall be *collective* and *public*.

III.—IMPERIAL LEGISLATIVE COUNCIL.

1. I am of opinion that there should be more elected members than at present proposed. I would suggest the council to consist of fifty-five members including His Excellency the Viceroy and would make two-fifths of this number, *i.e.*, twenty-two members elected. I am not in favour of introducing any seat specially reserved for any class or caste, as is proposed to be reserved for the Muhammadans, for that would tend to create an unnecessary feeling that the Government favoured any particular class. In India for such a feeling to exist is not merely impolitic but would tend to an exclusion of the Hindus and Muhammadans from each other rather than create a feeling among them of mutual solidarity and compactness which should, I venture to submit, be the aim of Government to achieve. If the aim of Government is to allow the Muhammadans to be sufficiently represented on the council, it can do so by nominating efficient Muhammadans, if they are not elected otherwise up to the desired number.

I venture to propose the following :—

	His Excellency the Viceroy	1
A.	as proposed by the Government	8
B.	Do. do.	20
F.	Do. do.	2
D.	(*a*) Chambers of Commerce of Madras, Bombay and Calcutta	3
	(*b*) As proposed by the Government	7
	(*c*) Do. do.	7
	(*d*) Universities of Allahabad, Bombay, Calcutta, Madras and the Punjab (all being non-officials)	5
E.	Non-officials to be nominated by the Viceroy	2
	Total	55

I omitted C as under D. (*c*) seven nobles and landed gentry will be elected.

IV.—PROVINCIAL LEGISLATIVE COUNCILS.

I venture to point out that the general principle stated in paragraph 20 of the letter of the Government of India, *viz.*, representation by classes, races and interests is not a sound one. This has not been the principle of the Government for the last 150 years or more even since its permanent establishment in India and no one can say that the Government is not a success on account of the non-observance of this newly-enunciated general principle. The strict adherence to religious neutrality by the Government hitherto has been productive of untold blessings to the people and has won everlasting gratitude to the Government. I very much doubt whether a departure from the hitherto adopted policy would be productive of any good either to the Government or the people; and I don't know whether in any country either ancient or modern, the newly enunciated general principle of representation by classes, races and castes has ever been adopted with success. This new principle if adopted and carried out will create a lot of heart-burning, jealousy and dissatisfaction among races other than those now sought to be represented in (*g*), (*h*) and (*j*), at page 15, *viz.*, Brahmans, Muhammadans and Christians.

2. I would suggest twenty elected non-official members :—

(*a*)	Madras Chamber of Commerce	1
(*b*)	University	1
(*c*)	I would suggest to make groups of allied districts and give each group one member as follows :—	
	1. Ganjám, Vizagapatam and Gódávari	1
	2. Kristna, Guntúr and Nellore	1
	3. Ceded districts	1
	4. North Arcot, Chingleput and South Arcot	1
	5. Tanjore and Trichnopoly	1
	6. Madura and Tinnevelly	1
	7. Salem, Coimbatore and the Nilgiris	1
	8. Malabar and South Canara	1
	9. Madras	1

The voters and members should possess high property or educational qualifications such as persons paying Rs. 500 or more *land tax*, or income tax on Rs. 4,000 or above, or graduates of not less than ten years' standing resident in the groups of districts for not less than six months previous to election.

(*d*) Elected by zamindars, etc., as proposed by Government . . .	2
(*e*) District Boards (north and south groups)	2
(*f*) Municipalities (north and south groups)	2
(*g*) Provincial Advisory Council (north and south groups) . . .	2
(*h*) The Madras Corporation	1

If in these any class or race is not properly represented that may be supplied by His Excellency the Governor nominating the required number.

3. It is to be regretted that literate qualification is not proposed to be adopted in voting. If education is not a test for such a franchise, I fail to see what else has a greater claim. An educated man knows the value of his franchise and how and when to exercise it with discretion. He will be a great educative factor among other non-literate voters possessing property qualifications alone and he will also be a means of disseminating the true intentions, acts and motives of Government. If literate persons are shut out, that will be a source of discontent to them and a menace to good will and prosperity of the country as a whole. I would like to see the educated non-official Indians take part in some measure in the elective franchise and administration of the country rather than shut them out altogether. I therefore would insist on giving the right of voting to educated gentlemen also, though they have not got the required property qualifications.

V.—Election of Members of Local Boards.

I would suggest election of at least two-thirds the number of members of Taluk Boards and District Boards, that Taluk Boards should elect members to the District Boards; that the property as well as literate qualifications as proposed in the Government Order may be insisted on for voters and members; that greater powers should be delegated to the members by dividing them into committees and making them responsible for certain portions of the work of the Boards; that the Boards should elect their own Presidents and Vice-Presidents; that the Boards be subject to a general supervision by the Collector of the district as in the case of the Municipalities but only on a smaller scale and that the Boards should have a greater freedom in the matter of finance subject to a general supervision by Government but not in detail.

It may be said that the suggestions made above do not remedy but rather accentuate the evil of monopoly by pleaders, as alleged in paragraph 9 of the letter of the Government of India. I venture to think that there is no foundation for the supposition. The pleaders are as a rule also landholders in most cases and consist also of gentlemen from the merchant and other classes. Of the educated men in India, the pleaders are highly educated not only in their profession but also in the constitutional history of many European and other countries and their politics. These are the gentlemen who are independent, who are in close touch with the people and the officials and who by their ability, position and influence are able to suggest many problems and remedies in the administration of the country, which are necessary and useful to the masses of His Majesty's subjects in india. These men ought not to be looked upon merely as pleaders but as men having also permanent and abiding interests in the well being of their country and viewed in this light the objection vanishes; and it should be the guiding policy of the benign British Government to take them into confidence and graft them into the Local self-Government of the country and thus utilise their capacity, intelligence and influence for good instead of excluding them from the administration without utilising their ability, etc, thereby driving them to discontent and helplessness.

Enclosure No. 3.

Letter—from the Rev. G. H. Macfarlane.

To—the Collector of Cuddapah.

Dated—the 1st January 1908.

I am a missionary who has spent 26 years in India in the Vizagapatam and Cuddapah districts. I have been a member of the District Board, Cuddapah, for 14 years, except for brief intervals, and in 1896—97, member of the Famine Executive Committee.

I have been asked to give an expression of opinion on the matter of Advisory Councils and Enlargement of Legislative Councils, and try to submit the following remarks :—

Whilst reserving some seats on the Provincial Legislative Council for members selected by His Excellency the Governor, the Chamber of Commerce, the Senate of the University, etc., I do not approve of the bulk of the members being elected by special castes and classes of people. This would be to perpetuate distinctions which have already been much broken down, which are in the course of further dissolution, which all reformers agree should be as far as possible, obliterated and which should receive little or no recognition by those in authority.

I do not see why members should not be representatives of territorial districts. Let the best men be chosen by the electors in common, whoever he may be. There is as much probability, as by any other method that territorially arranged electors will make a fitting choice. The inhabitants of this district at any rate know how to judge of a man by what he is himself and not only by his caste or social position. There is growing amongst responsible people a disposition to accept a man as representative of them irrespective of his caste.

As regards the qualifications of electors, I think they should not be so high as to require payment of income-tax on Rs. 5,000. I would believe the limit at Rs. 2,000, if not even at Rs. 1,000, and land-tax in proportion. This would increase the number of electors, but I believe that in the multitude of electors would be safety. An elector with a salary of even only Rupees 1,000 is in a comparatively good position and is usually a man who takes an interest in public matters. He has a sufficient stake in the country to make him anxious for its good Government and would be anxious to obtain a worthy representative.

Enclosure No. 4.

Letter—from M. R. Ry. N. Venkataramana Rao Garu, B.A., and M. R. Ry. R. Venkataswami Nayudu Garu, Pleaders and Landholders, Madanapalle.

To—the Collector of Cuddapah.

Dated—the 29th December 1907.

Thanking you for your kindness in inviting our opinion on the question of Advisory Councils and enlargement of Legislative Councils referred to in G. O. No. 886, dated 22nd November 1907, we request to submit the following opinion of ours.

1. *Advisory Councils.*—Though the Government of India is moved by the best of intentions in trying to associate itself with non-officials in discharging official functions, which is a very necessary thing, we regret to find that Advisory Councils, if constituted on the lines suggested, would be of no real use to the public and therefore it is better not to have any such Councils at all.

2. We would suggest that a majority of the members of Advisory Councils should be elected by the public whose interests they are supposed to safeguard. Their opinions must have some recognition subject to the vetoing power vested in the head of Government. No one of any self respect and worth would come forward to be on the Councils if he knows that his opinion will go for nothing, nor can such a member command much respect and confidence among his fellow-subjects for the simple reason that his opinions are merely nominal.

3. Further it is highly desirable in our opinion (*a*) that our Advisory Councils should have a legal status to make their opinions valid, (*b*) that such opinions should be open to the public in order that people may know what goes on about them and at the same time to see that members do not put forward opinions which are not consistent with the public view, (*c*) that opinions given in private are purely personal and not in public interest, (*d*) that if the Government is not inclined to allow access to the public to know the opinion of members, the public may be permitted to have recourse to election of members in its entirety so that it may infuse confidence in them.

4. We would like to suggest that educational qualifications may be deemed as one of the guiding principles for election of members and that caste distinction in the selection of members is quite out of place and that such a principle instead of doing good will, in our opinion, end in evil and bring about disharmony.

5. *Enlargement of Legislative Councils.*—We fail to observe in the proposed enlargement any improvement in the existing Councils; for, paragraph 10 of the Government Order is not compatible with its heading "Enlargement of the Councils" as enlargement does not mean increase of seats in the Legislative Councils but means proper distribution of official and non-official element in right proportion into the Council without damaging the existing proportion. We would put the change more as a reduction of the Legislative Councils than enlargement if in the new scheme there should be predominance of official members in greater proportion than what it is now.

6. For the first time we see caste distinctions being introduced into the scheme. As pointed out already in paragraph 4 *supra* the introduction of such distinctions will lead to evils and mischievous tendencies. There cannot be anything like caste representation in Councils of the kind. All that is required is good intellect coupled with some considerable experience and decent capabilities to represent matters of public importance. No questions relating to caste crop up in Legislative Councils as all matters discussed are purely political.

7. The District Boards and Municipalities in the Presidency are allowed the choice of electing only four members. This power is quite narrow in its limits and we are of opinion that the said Corporations should be empowered to elect more members so that the large area may stand well represented.

8. The members for the District and Taluk Boards should as a matter of necessity be elected by the public. It is only such members that can exercise an independent and uncurbed discretion and will in Local Fund matters and in the election of members to the Legislative Council. If the selection were by nomination such members have to necessarily and naturally court the favour of the presiding officers and please them by suiting their fancies whether they be logical or otherwise.

9. It is embodied in paragraph 12-D (*d*) that two members are to be elected by Muhammadans and in 12-E not less than two Muhammadans are to be nominated by the Viceroy out of four. In the Empire all are governed under the same principles and no separate sect has got any separate interest. As the interest of all, whether they be Muhammadans or any other sectarians, being the same it is but reasonable to think that any peculiar attachment or preference shown to any particular sect will not be welcome in the interests of peaceful administration The Viceroy has not got even for good reasons power to reject two Muhammadans out of four embodied in 12-E. On the other hand if the Viceroy chooses all the four members may be nominated from among the Muhammadans themselves, the wording being "not less than two Muhammadans". This does not appear to be in consonance with good reasoning.

10. There was never an occasion for dissatisfaction for the absence of expert members on Councils. It is nowhere stated in the Government Order nor are there any statistics to show that the absence of expert members was viewed with disappointment. Their advice or opinion will be of avail only on special occasions which are very rare. Such being the case we would propose that the services of such experts be employed in the Advisory Councils and not in Legislative Councils.

11. Ruling chiefs are as a matter of fact under the influence of official favour and their independence is always minimised to a great extent and therefore in the exercise of free discretion they are in no way better than officials. Again, the idea of nomination speaks for itself and we can easily foresee how far the chiefs so nominated can be useful to the public. With due deference to the class of chiefs many of the ruling chiefs are, in our opinion, such whose intellectual powers are never brought into play to demonstrate that they are capable to hold any responsible position. A ruling chief for a better administration of his province depends upon an intelligent minister, himself keeping aloof from the burden of rule and therefore it is undesirable to tax them with work by nominating them into the Council. If the Government be particular to have a ruling chief on the Council they may do so by accepting one elected by the public including the ruling chiefs.

12. With reference to paragraph 15 of the Government Order we are of opinion that when a particular class is allowed the privilege of electing a member the restriction put upon it that one should be elected from that class does not appear to be based on a sound principle, but it may be modified to the extent that one may be elected from public in general.

13. The legal profession attained predominance in the Legislative Councils not because that it has got any peculiar advantage attending it but that probably equally worthy men among any other class cannot be had. A slight consideration may convince us that this is so because on no occasion there was a complaint that equally worthy men were available and they were lost sight of. The mere setting apart of seats in the Council to represent various classes will not better the condition unless steps are taken to train up members of a particular class to produce competent men.

14. In conclusion, we thank the Government for the noble object with which they have started this grand scheme for bettering the welfare of the subjects committed to their care.

ENCLOSURE No. 5.

Letter—from M. R. Ry. T. VASUDEVA RAO GARU, B.A., Tahsildar of Vayalpad.
To—the Collector of Cuddapah.
Dated—the 26th December 1907.

With reference to Ref. on Cur. No. 1453/B. & G. of 1907, dated 5th December 1907, beg to report my views on the formation of Advisory Councils and enlargement of Legislative Councils.

2. *Imperial Advisory Council.*—In paragraph 5 of the Government of India's letter it is proposed to appoint, besides ruling chiefs, landholders of sufficient dignity and status. At broad questions of general importance are likely to come up before the Council, property qualification alone need not be looked for. To handle such questions, great intellectual attainments, and wide-worldly experience will be required. Therefore, I think, men of acknowledged abilities, whether officials or non-officials, should be selected as Imperial Councillors.

3. *Provincial Advisory Council.*—This is to consist of 20 or 25 members, not more than the number on the Legislative Council, nor more representative in character. I do not think that an Advisory Council of the sort is at all necessary apart from the members of the Legislative Council, who may be sought for advice on other than Legislature, if such a necessity arises, and I dare say they will not grudge giving it.

4. *Government of India Legislative Council.*—For the nomination to be made by the nobles and landholders, it will be difficult to form an electorate of men scattered all over the provinces, as stated in paragraph 15. It seems to me to be unnecessary to rule that the electors themselves should possess the necessary property qualification. It is enough to proscribe the minimum land revenue qualification for nominees alone. A list of persons paying land revenue of Rs. 10,000 or any other amount which may be fixed by the Government of India may be drawn up, and the electors required to nominate one of that number. Such associations as the Madras Landholders' Association, and all District Agricultural Associations may be required to elect a person and the Government may recommend the nobleman who obtains the largest number of votes.

5. As regards nomination by Muhammadans it is difficult to determine what the electorate should consist of. If one is formed as suggested in paragraph 18, it will be subject to the objection referred to in paragraph 15, that the constitution will be wanting in solidarity. I think that in this case nomination by Government will be best.

6. *Provincial Legislative Council.*—I think it is not necessary to expand the Legislative Council by the introduction of so many representatives. The present constitution meets all requirements. I fail to see what the present non-official members have failed to achieve, the future heterogeneous mass of representatives will achieve. The increase in the number of members will tend to the introduction of second-rate men in the Council which will lower the dignity of the august assembly. Further, it is inadvisable to introduce caste distinctions in the Council, for it is against the avowed principle of Government, namely, not to respect caste, colour, or creed. There is no objection to members representing the learned professions, but I think it is highly undesirable to have caste representatives, for caste distinctions should be ignored altogether in the constitution of the highest and noblest assembly of the province. Again, it is impracticable to select a fair representative of such a wide populace as Brahmans or Muhammadans. For instance, among Brahmans there are many sub-sects, each of which could claim many learned and influential members. It is almost impossible that they should combine and select a single representative, and the sub-sect which has the largest number of voters is sure to elect its own nominee every time. Further, the most enlightened politician among the Brahmans may be the most unbrahmanical in habits, and the holiest of Brahmans will be out of his elements in the Council Chamber. The former cannot claim the confidence of the community, while the latter can serve no useful purpose. This may hold good with other communities as well. Hence a member of those castes cannot represent truly the interests of that caste, for it is by mere chance that one is born of a particular caste, and though by reason of belonging to that caste he may, in all earnestness, seek election to the Council, he cannot be considered to be a true representative of that caste. It will be more satisfactory to have representatives of professions, which alone originally made distinctions of caste. The Legislative Council is a political organisation, and not a social conference, or a parliament of religions, and I therefore think that the members should be territorial or professional representatives, having at heart the interests of the country as a whole, rather than representatives of castes, which are the splitting spikes of Indian society.

7. The qualifications for a voter in classes *g*, *h*, *i* and *j* is pitched far too high. At this rate the number of voters will be very small as compared with the population whose interest the nominee is supposed to safeguard. It may be decreased to Rs. 2,000 if the classes are to be maintained at all.

8. Among the rules to be framed for election, I would suggest the prohibition of canvassing for votes. There is no objection to candidates blowing their horns or beating their own trumpets in the public press, but they should be prohibited from addressing private communications to, or interviewing individual voters, or bringing underhand influences to bear upon them. At present a candidate for the Legislative Council sometimes goes about from place to place canvassing votes, and also sends out his parasites to sing his praise and secure the votes of not-English-knowing members of District Boards and Municipalities. By these means he frequently succeeds in elbowing out a more deserving rival whose conscience does not allow him to stop to the same level. This, I think, should be strictly prohibited.

ENCLOSURE No. 6.

Letter—from M. R. Ry. H. SESHAGIRI RAO GARU, Acting Tahsildar of Jammalamadugu taluk.
To—the Collector of Cuddapah.
Dated—the 3rd January 1908.
No.—Dis. 12 D. R.

In reply to your Ref. on Cur. No. 1453 B. & G., dated 5th December 1907, regarding the Imperial and Provincial Advisory Councils, I beg to offer my views on the subject.

2. I am not in favour of having separate body of advisers apart from the members of the Legislative Councils. The present members of the Imperial Legislative Council may constitute the Imperial Advisory Council and the members of the Provincial Legislative Council may

constitute the Provincial Advisory Council. Their functions may be purely advisory as contemplated in the referendum. The Collector may have a District Advisory Council in the District Board members and the Municipal councillors.

3. The members for the Imperial and the Provincial Legislative Councils may continue to be elected as hitherto and no change is called for. The past experience has shown that the choice has not fallen on an undeserving person till now. The people of the country know who will represent their interests best in the Council and they naturally select the best man. The present constitution of Municipal and the District Boards cannot be deprecated as favouring one particular section or class or as possessing no property qualification whatever. Generally they are men of character and possess some property. There are councillors and members representing various classes and castes. There are Brahmans, Sudras, Muhammadans and Christians to represent several castes, and there are officials, landholders, lawyers, educational officers and traders to represent the several professions. Probably the artizan class is not represented so far as this district is concerned. When men from this class can be got, they will also be represented. I would prescribe no limitations on the existing methods of electing and nominating members to the Municipal Councils and the District Boards.

4. If the electorates should, on the other hand, be formed on a separate basis contemplated in the referendum, I am of opinion that the property qualification fixed for electing a candidate for the Imperial Legislative is very high and it is not possible to form an electorate composing such members so far as the poor districts like the Ceded districts are concerned. Where the property qualification is forthcoming the literate qualification will be wanting and *vice versâ*. It is not easy to find persons having both the property and the literate qualifications. It seems undesirable to fix any such high qualifications. All persons paying an income-tax of Rs. 20 and landholders paying an assessment of Rs. 100 and all graduates of five years' experience in any department they may be serving and all first-grade pleaders must be eligible for voting, though with regard to persons elected the literate qualifications of being a graduate may be insisted on. No choice of election should be given exclusively to particular castes such as Brahmans, Muhammadans, Christians and other persons. This system of giving choice to particular castes would be inimical to the real interests of the country.

5. All questions concerning famine relief, education, irrigation, plague, criminal administration, forest administration, abkári administration, religious processions, remissions, revision of settlement and all questions affecting any particular community may be referred to the Advisory Councils.

ENCLOSURE No. 7.

Letter—from M. R. Ry. H. S. A. M. MUNJUN MIAH.

To—the Collector of Cuddapah.

It is my humble opinion and request that the prayers of the large and representative deputation in the address presented to His Excellency the Viceroy on behalf of the Muhammadan community on the 1st October 1906 may be complied with. As other communities largely predominate in almost all the electorates with the result that few Muhammadan members have been elected, some special concession and relaxation of rules for election may be granted to the Muhammadan community and more specially in backward districts. As regards property qualification of Muhammadan non-official members, the rule may be so relaxed as to admit of respectable Muhammadans who are generally poor in the backward districts.

Imperial Advisory Council.
Provincial Lagislative Council.
Provincial Advisory Council.

Collectors of districts may be authorized to nominate members who are not Government servants taking into consideration the population of the district and the different class of people which it comprises.

ENCLOSURE No. 8.

Office-note—from the District Forest Officer, Cuddapah.

To—the Collector of Cuddapah.

Dated—the 31st December 1907.

No.—Dis. 3 of 1908.

With reference to your Endorsement No. 1453 B. & G., dated 5th December 1907, communicating G. O. No. 886, dated 22nd November 1907, for an expression of my opinion on the proposed formation of Advisory Councils and the enlargement of the existing Legislative Councils, I beg to submit as follows.

The object of the proposed *Imperial Advisory Council* being to associate in some degree the *ruling chiefs* and the *territorial magnates* of British India with the Governor-General in the guardianship of "*Common* and *Imperial interests*," it has to be seen whether a Council so

constituted will help the realisation of the object aimed at. The advice of the *ruling chiefs* might be of great help in guarding *Imperial interests*, but I submit a majority of the chiefs cannot be expected to make good advisers in respect of "*Common interests*". My reasons are as follow:—

(1) The ruling chiefs with a few exceptions have too little knowledge of the intricate problems pertaining to the administration of British India to be able to offer useful advice.

(2) Aristocratic as their ideas and tendencies generally are, they will naturally resent being associated with the *territorial magnates* of British India who are decidedly their inferiors in social and political status and some of whom, it may also happen, were their quandom servants, *e.g.*, their ex-diwans and prime ministers, etc.

(3) Their ignorance of the conditions of life in British India coupled with their aristocratic views disqualifies them for constituting the agency for the diffusion of correct information upon the acts, intentions and objects of Government.

2. As regards *territorial magnates* their advice would no doubt be of some help, but I submit that the property qualification ought not to be the principle guiding their choice. The councillors must be persons who have received a sound English education and who are looked upon as leaders of the people. A Council of landords and commercial classes alone is not likely to safeguard the "Common interests".

3. As regards the constitution of the *Imperial Advisory Council*, half the number may be nominated by the Governor-General and the rest elected by the Provincial Advisory Councils. The whole Council may meet at stated intervals and may be consulted *in whole*, as *individual consultation* or consultation *in part* is likely to result in the non-consulted members growing discontended and playing into the hands of agitators. The proceedings of the Council may be confidential, but it will greatly conduce to contentment if the co-operation and consent of the Council is secured in all matters of popular interest.

4. The above principles may, in my humble opinion, be applied in the formation of *Provincial Advisory Council*.

5. *Imperial Legislative Council.*—The property qualification for the electors referred to in paragraph 14 of the Government of India letter may not be more than Rs. 2,000 a year and all graduates belonging to this class may have a right to vote.

6. *Provincial Legislative Council.*—In the formation of the Provincial Legislative Councils there seems to be no necessity to form an electorate based on the distinction of caste or creed at least so far as all the communities except the Muhammadan community is concerned. I, as a Muhammadan, may be suspected of partiality to my community, but it is quite clear that owing to a variety of causes Muhammadans at least in this Presidency have not come under the influence of western culture and civilization to the same extent as other communities and that their interests therefore need special and careful looking after. As Muhammadans are distributed over the whole Presidency, and as their manners and customs and stages of development vary in several localities, and as it cannot be humanly possible for one representative to study the needs of every section of their community, however capable he may be, and thus serve the interests of the whole community effectively on the Council, I venture to submit that at least three (3) seats or one-sixth of the total number of seats may be set apart for Muhammadans on the Council—one for the Circars and the Ceded districts, one for the central districts and one for the southern districts—so that the representatives may work on the principle of division of labour and effectively safeguard the interests of the community. The representatives, whether nominated or elected, must be English-knowing men capable of adequately serving the interests of the community in the Council. These additional seats may be secured by making one of His Excellency the Governor's nominees a Muhammadan and by reducing the number of seats referred to in (*j*) from 6 to 5 and raising the number in (*h*) from 1 to 2.

7. As regards the seats referred to in (*d*), (*g*), (*i*) and (*j*), the Presidency may be divided into four territorial units. Each unit may be given to two members—one representing the Municipalities and the other District Boards. As regards qualification to vote, I think that all persons who are now eligible to elect members to Municipal Councils and Local Boards and all registered graduates of not less than ten years' standing may be eligible to vote. As regards class (*e*), I beg to submit that all persons paying a peshkash or land revenue to Government amounting to Rs. 5,000 *per annum* and who have received a sound English education may be eligible for a seat on the Council.

ENCLOSURE No. 9.

Letter—from M. R. Ry. V. RAMASWAMI AIYAR Avargal, M.A., Deputy Collector in charge of the Treasury, Cuddapah.

To—the Collector of Cuddapah.

Dated—the 9th January 1908.

With reference to your R.C. No. 1453 B. & G., dated 5th December 1907, I have the honour to submit a few remarks:—

(1) I am unable to form an idea of the working of the Advisory Councils, Imperial and Provincial, contemplated by the Government of India.

(ii) The constitution of a Muhammadan electorate with members earmarked for them does not appear advisable. The differential treatment will tend to accentuate differences which are happily tending to wear out at present and may be eventually prejudicial to the smooth working of the empire.

(iii) It seems to me the suggested lines may be advantageously modified as follows; that is to say, (*g*) and (*j*) may be lumped together and seven seats allotted to selection by all the voters, one for each electoral area, the Presidency being divided into seven electoral areas for this purpose.

ENCLOSURE No. 10.

Letter—from M. R. Ry. P. DURAISWAMI MUDALIYAR Avargal, Pleader, Union Chairman, Taluk and District Board Member, Jammalamadugu.
To—the Collector of Cuddapah.
Dated—the 29th December 1907.

With reference to your letter No. Ref. C. 1453-B. R., dated 5th December 1907, asking for an expression of opinion in the matter of the Madras referendum, I beg to submit the following few remarks.

The establishment of Advisory Councils, both Imperial and Provincial, is highly desirable as it would be a valuable help both to the Government and the people in matters connected with measures which will eventually take a legislative shape and other important administrative measures connected with revenue settlement, irrigation, famine, plague, etc.

I am of opinion that District Advisory Councils also may be established as they may be usefully consulted on matters connected with income-tax, forest, irrigation, famine, etc.

2. As regards the constitution of Imperial Advisory Councils, I beg to suggest that in addition to the members nominated by His Excellency the Viceroy, a fair proportion of the members be elected by the different Provincial Advisory Councils.

3. The Provincial Advisory Councils may consist of 20 members, of whom 10 may be nominated by His Excellency the Governor and the others to be selected on the following lines :—

(*a*) Selected by Madras Chamber of Commerce	1
(*b*) Selected by the Senate of the University	1
(*c*) Selected by the Madras Municipal Corporation	1
(*d*) The Central Agricultural Committee, Madras (as it represents, as it were, the various agricultural associations in the Presidency)	1
(*e*) The South Indian Planters' Association	1
(*f*) The zamindars and proprietors of permanently-settled estates	1
(*g*) Northern group of District Boards	1
(*h*) Northern group of Municipalities	1
(*i*) Southern group of District Boards	1
(*j*) Southern group of Municipalities	1

4. The District Advisory Councils may consist of six members, three of whom to be nominated by the Collector and the other three to be selected by the Local Boards and Municipalities in the district or to start with all the members may be nominated by the Collector.

5. Regarding the constitution of the Imperial Legislative Council, I have nothing to say on the proposals of the Government of India in paragraphs 12 to 14 of their letter, as the scheme is, in my humble opinion, an excellent one.

6. Regarding the constitution of the Provincial Legislative Council, I beg to be allowed to say that the system of class and caste representation is highly prejudicial to the best interests of the country as it would tend to accentuate and perpetuate ill-feelings, prejudices, and differences and stand in the way of social and political progress. The Government may lay itself open to the charge of maintaining caste while the well-wishers of the country are trying to cast it off.

7. In paragraph 21 of their letter: "The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years". The proposed Madras scheme completely overlooks the above announcement and ignores altogether the present electorates, *i.e.*, Municipalities and District Boards.

8. I beg to suggest that any reform on the lines suggested must begin from below, *i.e.*, Municipalities, Taluk Boards and Districts Boards; but suggestions have evidently not been invited at present on this matter.

9. So far as I am aware, Municipal councillors, and members of Taluk and District Boards in this Presidency are generally men of decent property qualifications, and the experience of the past fourteen years shows, that all the gentlemen who have been returned to the Provincial Legislative Council till now are without exception men of very high property qualifications. Thus, so far as this Presidency is concerned, there is no need for fixing any property qualifications; as a matter of fact, before any one is nominated or elected to the local boards careful enquiries as to his status and property qualifications are made beforehand. If need be, property qualifications

may be fixed for members of Municipalities and Local Boards and these electorates as they exist at present need not be thrown overboard. At any rate, the proposed property qualification is very high and must be lowered.

10. I am of opinion the electorate in each case ought to be literate.

11. The number of non-officials may be 17 as proposed, but I beg to suggest that they be appointed on the following lines:—

(*a*) To be nominated by His Excellency the Governor	2
(*b*) Selected by the Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the Municipal Corporation, Madras	1
(*e*) Selected by *three groups* of Northern District Boards	3
(*f*) Selected by *three groups* of Municipalities of Northern group Municipalities	3
(*g*) Selected by *three groups* of Southern District Boards	3
(*h*) Selected by *three groups* of Southern group of Municipalities	3

I may add that the electorates ought to be left free to choose those whom they think best qualified to plead their cause.

ENCLOSURE No. 11.

Letter—from M. R. Ry. T. VIJAYARAGHAVA CHARIYAR AVARGAL, M.A., Deputy Collector, Jammalamadugu Division.
To—the Collector of Cuddapah.
Dated—the 26th February 1908.

I have the honour to submit the report called for in your R. C. No. 1453 B. & G., dated 5th December 1907, on the formation of Advisory Councils and the enlargement of Legislative Councils.

2. *Advisory Councils—Constitution.*—(*a*) *Imperial.*—The question as to whether it is desirable to constitute such Councils at all is beyond the scope of the reference, so I proceed to state my views as to their constitution and as to the work which may be devolved upon them. The total number may be fixed at 60 as proposed by the Government of India. Of these 20 seats are allotted to ruling chiefs. The question is how to fill up the remaining 40 seats. I would allot 20 seats to territorial magnates by which term I presume zemindars of the first magnitude are meant. The remaining 20 seats should, in my opinion, be filled up by members of the middle and professional classes. Retired Indian officials who had attained high rank, say that of a Judge of the High Court or Commissioner of a division, or a member of Board of Revenue, will form a suitable type of the last class. And amongst non-officials, gentlemen who have served as members of the Viceregal Legislative Council, or as Diwans of a first-class Native State, or as Presidents of the Indian National Congress or the Indian Muhammadan Conferences will also be found to be fit members of the proposed body. A third set of representatives of the middle classes can be sought for in the merchants and vakils paying over Rs. 500 income-tax, editors of Indian journals of recognised influence and repute, and in the more enlightened heads of the leading religious institutions such as mutts. In all the discussions of the scheme that I have read, I have nowhere seen a proposal to get the opinions of these religious leaders. These however have great influence and in many cases are very shrewd, intelligent gentlemen who, I am certain, will form valuable advisers to the Government. They may not often attend meetings, but they can always be consulted through the post, and consultation through the post is one of the declared methods of eliciting the opinions of these Advisory Councils.

(*b*) *Provincial.*—I think the council may consist of 25 members. Five of these will be filled up *ex officio* by the Madras members of the Imperial Advisory Council (I assume that of the 60 members of the Imperial Council Madras may get about five). We have then to fill up 20 seats. Five seats I would allot to the zemindars of the second magnitude. Thirteen seats should be given to representatives of the middle and professional classes. These may be recruited from retired Indian officers, Diwans of minor States, merchants and vakils paying over Rs. 200 income-tax, editors of newspapers and ex-members of the Legislative Councils. Two seats may be reserved for the non-official European community.

3. *Working of Advisory Councils.*—I consider secrecy of proceeding will defeat the very object for which these councils are constituted. The object is expressly declared to be to make the measures and motives of Government generally understood and to correct erroneous and mischievous statements imputed to Government. This certainly is a consummation devoutly to be wished for, but it can hardly be attained by a secrecy of proceeding which will certainly attract the very suspicions it is intended to dispel. Secrecy is the bane of weak and tyrannical Governments but surely a strong and just Government like ours need not fear the fierce light of publicity. I therefore consider that the press and the public should have access to meetings of these Councils subject to the proviso that a majority of the Council shall have the right to exclude them at any particular stage. As regards the matters to be committed to Advisory Councils, I consider that all Bills of public importance should be referred to them for opinion before being

introduced into the Legislative Councils, an exception being, of course, made in favour of measures of special emergency. But in India administration bulks larger than legislations. It is necessary, therefore, remembering that our object is "to diffuse correct information as to the acts, intentions and objects of Government", to submit even administrative measures of public importance to those councils before promulgating them. For instance, the plague policy of the Imperial or of a Local Government, the partition of a province or of a district, the land revenue settlement or resettlement of a district, the organisation or reorganisation of a branch of the public service, the declaration and administration of famine-reliefs are questions which an Advisory Council, Imperial or Provincial, should discuss before the Government, Imperial or Local, proceeds to take action. As pointed out by the Government of India the oriental sovereign, however much of a despot in theory, in practice always consulted his advisers, the notables and the elders, before he took action of any movement, and his action, I may add, was generally in conformity to the wishes of his advisers. *Vox populi vox dei* may be an invention of the nineteenth century, and of Western Europe, but the will of the majority has always prevailed in the East as well as in the West, whether the assertion of that will took the form of a vote in a parliament or of counsellors humbly and dutifully advising a theoretically despotic sovereign.

4. *Imperial Legislative Council.*—Fifty-four may well be the strength of the council. The Viceroy, the Lieutenant-Governor of Bengal, and the members of the Executive Council take up nine seats. There thus remain 45 seats to be distributed. The Government of India propose that 20 seats should be reserved for nominated officials expressly on the ground that there should be an official majority. I do not consider that an official majority is requisite in the interests of public safety, as that is sufficiently secured by His Excellency the Viceroy's power of veto and his power to pass ordinances. It will be a great concession to public opinion, and a measure of the highest policy so to constitute the councils as to have a slight non-official majority. While conceding the show of power, we will have not parted with the substance of it, and we shall have taken a long step forward in the direction of conciliating non-official opinion: for after all, in politics as in other departments of life, it is the appearance that impresses rather than the reality. I would therefore propose that the number of additional nominated officials be restricted to 15. This leaves 30 seats to be filled up. These I should constitute as follows :—

By nomination.

A ruling chief to be nominated	1
Experts to be nominated	2
Minority seats to be nominated (excluding Muhammadans)	2

By election.

To be elected by the non-official members of the Provincial Councils at 2 each	14
To be elected by the leading Muhammadan associations	4
To be elected by the landholders' associations	4
To be elected by the Chambers of Commerce, Calcutta, Bombay and Madras	3

I should not fix any property or other qualifications either for elected or nominated members.

Provincial Legislative Council.—It seems to me that the scheme of class and caste representation suggested for the Madras Council is unworkable and should be totally abandoned. Further, it is opposed to the best traditions of our administration the aim of which has been steadily to discourage the fostering of class feeling substituting in its place a feeling of unity and harmony. Whatever may be the case in other provinces, in Madras neither the Brahman, nor the Christian nor even yet the Muhammadan has made a demand for separate representation. A steady application of the doctrine of equal and impartial treatment of all castes and races is bound very soon to have the happy effect of producing a national feeling of solidarity in place of the sectarian prejudices that are losing their hold on the population. The day is happily long past when either the Code of Manu or the Koran was the rule of Government, and though we may not live in the republic of Plato, we are in a country governed by the English Law. Nothing fosters caste prejudice in this country so much as official recognition or encouragement, and it will be a curious anomaly indeed if the introduction of Christianity into this country was only to add one more caste to the long list of castes that have been the misfortune of India. After all, it must be remembered that the principle of equal treatment is not a British innovation, that in enforcing that doctrine we only follow in the footsteps of the greatest of Indian kings, Asoka and Akbar, and that the decline of the Moghal Empire dated from the day Aurangazebe reversed that principle. Acting therefore on the well-established principles of our administration which are in accordance with those of the best oriental sovereigns, I consider that the present scheme should be given up. I would adhere to the present system of representation of public bodies and interests. Assuming that the council consists of 45 members, I should give 20 seats to officials, and distribute the remaining 25 non-official seats as follows :—

To be nominated to represent minorities or special interests (including Muhammadans)	4
To be elected by Madras Chamber of Commerce	1
Do. do. Madras University	1

To be elected by Madras Municipality	2
Do. do. Madras Landholders' Association	2
Do. do. Various Planters' Associations	1
Do. do. Non-official members of the Municipal Councils, District and Taluk Boards and Union Panchayats	14

For the purpose of forming electoral constituencies to elect the last-mentioned 14 members I would propose that the whole Presidency be divided into seven groups of districts, and that in each group the electoral body do consist of non-official members of the Municipal Councils, the District and Taluk Boards and the Union Panchayats, the members of all these bodies being lumped together into one body for elective purposes. The seven groups of districts can easily be formed on principles of geographical contiguity and the number of seats to be assigned to each group may be determined on considerations of size, wealth and importance. I do not consider it necessary to fill in the outlines of this scheme, as any number of ways of doing it suggest themselves on a moment's reflection. The method of representation is free from the fatal objection of perpetuating class and caste distinctions and has the great merit of continuing the present system that has worked successfully for the last 16 years. Continuity in the methods of administration should not be sacrificed in the absence of special necessity while continuity in the vital fundamental principles of administration should not be sacrificed at all.

ENCLOSURE No. 12.

Letter—from M. R. Ry. J. NARAYANA REDDI GARU, B.A., Acting Deputy Collector of Cuddapah.
To—the Collector of Cuddapah.
Dated—the 20th February 1908.
No.—Dis. 175-D.—Rev.

With reference to your footnote Ref. No. 1453—B. & G., dated 5th November 1907, on G. O. No. 886, dated 22nd November 1907, inviting my opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I have the honour to submit the following remarks.

Advisory Councils.—The advisers are not given any legislative recognition, and possess in themselves no formal powers of initiative. They would be consulted individually by the Government and would occassionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people. The functions of the council are purely advisory, and it should deal only with such matters as might be specifically referred to it from time to time. The proceedings of the council when called together for collective consultation will, as a rule, be private, informal, and confidential, and they would not be published although Government would be at liberty to make any use of them that it thought proper. The Imperial Advisory Council will consist of the ruling chiefs and the territorial magnates; while the Provincial Councils would be of smaller size than the Imperial Council; but their membership should be large enough to embrace all interests of sufficient importance to claim representation on such a body. The smaller landholders, industry, commerce, capital and professional classes will be included in the Council. It is expected that these councils are likely to be a valuable means of eliciting opinion on measures, which the Government have in contemplation, as well as of diffusing correct information as to the acts, intentions and objects of Government. Thus, it will be seen that these councils are without any regular constitution, without any statutory recognition. No responsibility is to be attached to the councillors either individually or collectively. The fact that the Government is not bound to follow the advice or to give any weight to it takes away from the advisers all sense of responsibility without which no advice can be expected to be sound. The fact that the deliberations of these councils are to be conducted *in camera* is another circumstance, which would detract from their usefulness. For the advice to be of any value, it should be responsible, well informed, and independent. I would suggest that the duties and rights of these advisers should be strictly defined, and their meetings should be held publicly except where reasons of State require that the proceedings should be kept confidential. It is very necessary that these councillors should realize that they have got a solemn duty to discharge, and unless they do so, I am afraid they may become a set of irresponsible men whose advice it is not worth while for the Government to have. I would even suggest that for the present only the Imperial Advisory Council may be established, and that the formation of the Provincial Advisory Councils may be postponed till the Government have had time to watch the working of the proposed Imperial Council and to see how far the expectations formed of it are realized.

Enlargement of the Legislative Councils.—I may at once state that it is of the utmost importance that in these councils the Government should always be able to reckon on a numerical majority and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. The Indian Councils Act was passed in 1892 and the Councils were enlarged. The elective principle was introduced, and it was also recognized that territorial representation was unsuited to India. But an endeavour was made to constitute the electorates so that all the more important classes

and interests should, as far as possible, be represented. The Government of India say that, in the case of Provincial Councils, it is admitted that the results have not justified the expectations formed. It is said that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. The general principle to be borne in mind is that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained; in short, the principle of class representation has been proposed to be adopted. The property qualification is made the chief qualification for voting, and no literate qualifications are proposed. I have nothing to say against the property qualification, though I may add that it should not be unduly high. I consider that there should be literate qualifications also. Graduates in Arts and Law of five years' standing may have a vote; Master of Arts and Laws, of three years' standing also may have it. If the property qualifications are high, it is likely that mercantile and commercial interests would be largely represented, while the great body of ryotwari, inam landholders and zamindari tenants, who form the bulk of the population, would be excluded from the voting lists. In this connection, I may be permitted to remark that there seems to be some inequity in demanding a tax-paying qualification of Rs. 5,000 in the case of proprietors and of Rs. 2,000 in the case of pattadars and inamdars to place them on a par with income-tax payers on Rs. 5,000. For, in the latter case, the voters have only to pay Rs. 130 or so to the Government on an income of Rs. 5,000. It is not clear why the income-tax is placed on a better footing than the land-tax.

The Government of India are not prepared to allow the lawyers and schoolmasters a virtual monopoly of the power exercised by the councils, and they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to their excessive influence, by creating an additional electorate recruited from the landed and monied classes. It is also said that the various classes, castes and creeds have not had due representation. In paragraph 2 of Government of India's letter, it is urged—I consider very justly—that the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who were acquainted with their daily life and are qualified to speak with authority on their behalf. I am a landholder myself, but I must admit that it is generally the lawyers that move with the people and have special opportunities to understand their needs and difficulties. They can lay the wishes of the people before the authorities with independence and they have the aptitude to do so. There is also the fact that a large number of the lawyers are landholders also. As regards schoolmasters, I do not think the teachers have had any predominant share in the Legislative Councils. It is very essential that those who represent various interests must be able to represent them independently and fearlessly, and among the educated Indians of the present day, I consider it is only the lawyers and teachers that can afford to do so.

Next, as to the principle of class representation, there is something to be said for both sides. There are persons who say that it would revive the bitter memories of caste and creed, that it is a serious check on national unity and that it would retard progress in the direction of nationalism. The caste system is a great influencing factor in the life of the Indian nation and so long as we retain it, I doubt if anybody has any right to complain of its recognition by the Government. At the same time, I am not personally in favour of the proposed class representation, because I am certain it would accentuate the differences which already exist among different classes and creeds instead of reducing and gradually extinguishing them. I consider that territorial representation may continue, and so far it has worked fairly well.

Discussion of the Budget in the Legislative Council.—This is not one of the subjects mentioned in the memorandum of the Government of Madras, and I consider I need not offer any remarks upon it.

Election of Members of Local Boards.—The Government itself says that this question may, perhaps, better be considered, after the proposals regarding the electorate formed for selecting members of the Legislative Council have been discussed. In determining the qualifications of an electorate for the election of members to District and Taluk Boards, it is absolutely necessary that the property qualifications should be allowed and that provision should be made for literate as well as property qualifications.

XV.

Letter—from Khan Bahadur MUHAMMAD KHADIR NAVAZ KHAN Sahib Bahadur, Collector of Kurnool.

To—the Chief Secretary to Government.

Dated—the 29th February 1908.

No.—X/Ver.

I have the honour to submit my report with reference to G. O. No. 886, Public, dated 22nd November 1907. I have obtained the reports of my Divisional Officers and Tahsildars on the subjects referred to in the Government Order. I referred the matter to four non-official gentlemen of different interests and communities for their opinion and suggestions. One of them has sent in a very brief report in favour of the suggestions contained in the Government Order. The three others have not yet sent in their reports in spite of reminders.

2. *Imperial and Provincial Advisory Councils.*—I feel bound to state with all deference to the paternity of the proposal that the creation of bodies of advisers with no legal recognition and no formal powers of initiative will neither supply a want nor satisfy the aspirations of the people and is attended, moreover, with the risk of their proving a hindrance instead of valuable aid to administration. Speaking from an official experience of 31 years, I am apprehensive that these bodies might develop in objectionable directions. Difficulties may also arise when some members are consulted and others not and when their opinion or that of the collective body is not accepted or acted on as may sometimes happen. The ferment which such contingencies might occasion would far outweigh the advantages expected to be derived. Then as to Ruling Chiefs and territorial magnates, they are not always in touch or sympathy with the masses outside their provinces and will not be acceptable to them. I have also reason to fear that they will themselves not deign to sit with men of lower status.

3. Assuming, however, that the establishment of these Councils is likely to be a valuable means of eliciting opinions on contemplated measures of Government as well as of diffusing correct information as to the acts, intentions and objects of Government, I beg to submit the following observations.

4. As regards the Imperial Advisory Council, I have no remarks to offer as to the constitution and as to the functions to be assigned to it.

5. In regard to the Provincial Council, I would fix the number at 25. Landholders, arts, industries, professions and communities should be represented on the Council. Lists may be called for from Collectors of men for this purpose with reference to observations of Government of India in paragraph 6 of their letter and Government may select from these lists. I consider that the term of office of each member may be fixed at five years. No hard-and-fast rule can, I think, belaid down for the qualifications of the men to be selected, but the men selected should be such as would be able to give really useful advice to Government in matters about which they are consulted. As regards the work to be done by the Council, I think they may be consulted in administrative matters directly concerning the people.

Enlargement of the Imperial and Provincial Legislative Councils.—I have no remarks to submit with regard to the proposed constitution of the Imperial Legislative Council. As to the Provincial Legislative Council, I beg to state that I agree in the proposals formulated by Government for the distribution of the seventeen non-official seats proposed to be given for the enlarged Council except in the matter of selection of members to represent Brahmans, Muhammadans and Christians. The formation of electorates for these religionists being attended with difficulties, I would suggest their appointment by nomination by Government. It is desirable that there should be at least two non-official Muhammadan members on the Council considering the Muhammadan population and its importance in this Presidency, and with this view I beg to suggest that out of the five* seats to be filled in by nomination according to my proposal, two be reserved exclusively for Muhammadans. If one of these seats should, however, be decided to be thrown open for election, I would recommend that the Muhammadan voters be selected from among those who pay income-tax on an income of not less than Rs. 2,000 or a land assessment of not less than Rs. 1,000 and from those who possess equivalent qualifications by adding together their proportional qualifications under either of the above two heads.

* $(a+g+h+i)$.

XVI.

Nellore District.

ENCLOSURE No. 1.

Letter—from M. R. Ry. V. PARTHASARADHI CHETTI Garu, Head-quarter Deputy Collector, Nellore.

To—the Collector of Nellore.

Dated—the 5th January 1908.

No.—5-R./H.

With reference to your letter Ref. No. 748-G.B/Ver., dated 10th December 1907, I have the honour to submit the following suggestions.

2. *Provincial Legislative Council Scheme—paragraph* 6 *(A) of G. O., No. 886 Public, dated 22nd November* 1907.—The constitution may be altered as follows :—

(*a*) To be nominated by His Excellency the Governor	3
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the factories in the Presidency	1
(*e*) Selected by barristers, advocates, vakils or certificated pleaders, practising or entitled to practise	1
(*f*) Selected by zamindars, proprietors, etc, landholders as defined in the Madras Estates Land Bill (not being members of class (*d*) or (*e*))—	
Northern Group	1
Southern group	1
(*g*) Selected by Christians, not being members of class (*d*), (*e*) or (*f*)	1
(*h*) Selected by Muhammadans not being members of class (*d*), (*e*) or (*f*)	1
(*i*) Selected by Brahmans, not being members of class (*d*), (*e*) or (*f*)	1
(*j*) Selected by other castes or classes, not being members of any of the classes (*d*) to (*i*) —	
(1) City of Madras	1
(2) Northern Group of districts—	
(*a*) All landowners other than those referred to in (*f*)	1
(*b*) Municipalities	1
(3) Southern group of districts—	
(*a*) All landowners other than those referred to in (*f*)	1
(*b*) Municipalities	1
Total	17

The only alterations suggested are that the six seats proposed under class (*j*) of the Government Order may be reduced to four, one may be reserved for factories and one added to the number to be nominated by His Excellency the Governor. It is highly desirable, if not essential, that the Muhammadans and Christians who differ from each other and from the Hindus in so many respects should have a separate representative each in the Legislative Council. Of the Hindus the Brahmans, by their intellectual superiority, are the foremost class and should also have a separate representative. But the other Hindus consist of such numerous and varied classes but not differing much in importance or strength that it is not possible to choose which of them need a special representative and which not. To provide for all would be to multiply the number of seats. As the bulk of the population in the districts are agriculturists two seats may be reserved for them, *i.e.*, for those who are not landholders as defined in the Madras Estates Land Bill. The landed interest which the District Boards were originally expected to represent would thus have been adequately provided for by four seats. Two seats may be reserved for the Municipalities as at present.

As under the limitations mentioned above there will be very few wire-pullers it is possible that the five seats under (*j*) will be secured by five different classes. If any class or classes which, though not numerically strong, are of great importance, do not secure seats, His Excellency the Governor may confer one or more of the three seats reserved for his nomination to the representative of such class or classes.

The Indian industries being yet in a backward condition it is desirable to encourage such industries by reserving a special seat for the factories. All those which may be classed as factories within the meaning of the Indian Factories Act and the capital of which is not less than Rs. 50,000 may be registered under this class and the Managing Director, if there is one, or the nominee of the Directors may be entitled to vote.

3. *Paragraph* 6 (*B*) *of the Government Order.*—The principle enunciated here is very necessary. Otherwise there is the danger of one particular class or community predominating in the Council, if not monopolising all the seats.

4. *Paragraph* 6, *clauses* (*C*) *and* (*D*).—I consider that the qualifications of the candidates for selection should be superior to those of the voters. A youth of 21 years of age may be good enough to vote but unless he is 25 or even 30 he will be hardly fit to take part in the deliberations of the Council composed as it will be of officers of ripe experience and mature judgment. He will have acquired no experience of any value. Again I consider that no person should be considered fit to sit in the Council unless he has an income of at least Rs. 10,000 a year. It is not necessary that all persons entitled to vote should also be eligible for selection. Condition (C) (3) may be modified as follows :—" That no person shall be qualified to be a candidate for selection by a body, class, or caste, unless he is 30 years of age and has double the income or possess double the property qualification prescribed for the voter of that body, class or caste, and unless he is otherwise qualified to vote for the representative of that body, class or caste within the local area in respect of which he wishes to be a candidate."

Clause (4).—The term of office may be reduced to three years as there is no objection to the same candidate being elected for two or three terms consecutively as has happened in the past.

5. *Paragraph 6* (*D*).—(i) It is not known whether the income herein referred to is income from the profession only, or includes income from other sources, such as interest on Government securities, or deposits in banks, or firms, rents from houses, etc. As a practising vakil will not be entitled to vote in any other class except under (*c*), the income from all sources may be taken into consideration.

(ii) The division of districts for the purpose of this class may be the same as that which may be adopted for the representatives of agricultural classes and Municipalities—*vide* (*i*) (2) and (*j*) (3) in paragraph 2 above.

6. *Paragraph 6 D* (*IV*) (*b*) *of the Government Order.*—It is not clear why proprietors of permanently-settled estates are mentioned here. They are referred to in the class 2 (*e*) zamindars, etc. It may be that their property qualification may not entitle them to a vote in that class but that is no reason why they should be included in another class. In every class or caste there will be a large number of persons not entitled to vote. Further in paragraph 6 (*B*) of the Government Order it is expressly stated that those selected by the classes mentioned under (*g*), (*h*), (*i*) and (*j*) should not be members of class (*d*), (*e*) or (*f*), which, I presume, means apart from restrictions as to age, property, etc. All persons who are landholders within the meaning of the Rent Recovery Act or any Act which may supersede it should be excluded from classes (*g*) to (*j*) and (*e*). Otherwise the Government ryots and tenants of zamindari estates will be at a disadvantage.

7. (*V*) According to my proposals the Presidency will be divided into two groups.

8. *Paragraph 6, clause* (*E*) *of the Government Order.*—The number of seats to be filled up by nomination may be raised to three, but there is no reason why the Governor should be bound to nominate men of three particular classes or castes only. There may be an important community crowded out altogether. Again it may so happen that the nominee of the Senate or the vakils or the nominees of both may be of the same caste or community as (*g*), (*h*) or (*i*).

9. *Paragraph 6, clause* (*F*) *of the Government Order.*—Literate qualifications should be insisted on in the case of candidates for selection. It may be laid down for instance that they should be able to understand English and express themselves in English.

10. As regards the Provincial Advisory Council it may consist of twenty-five members including the Provincial members of the Imperial Council. Representatives of the following bodies, classes or associations may be appointed to it :—

(1) Chamber of Commerce	1
(2) Merchants, contractors, etc.—	
(*a*) European 1	
(*b*) Hindu 1	
(*c*) Muhammadan 1	3
(3) Newspapers, English—	
(*a*) European 1	
(*b*) Indian 1	2
(4) Newspapers, Vernacular—	
(*a*) Hindu 1	
(*b*) Muhammadan 1	2
(5) Public Associations, such as the Mahajana Sabha—	
(*a*) Hindu 1	
(*b*) Muhammadan 1	2
(6) Missionaries	1
(7) Temples and mutts	1
(8) Education (Professors and Schoolmasters)—	
(*a*) European 1	
(*b*) Hindu 1	
(*c*) Muhammadan 1	3
(9) Agricultural classes, planters, etc.—	
(*a*) European 1	
(*b*) Hindu 1	
(*c*) Muhammadan 1	3
	18

I consider that a Council as composed above would secure the main object in view, namely, the association of non-official Europeans with the leaders of Indian Society and their common consultation on matters of public importance so as " to promote a better understanding and to clear away on both sides injurious prejudices and misconceptions."

ENCLOSURE No. 2.

Letter—from J. G. BURN, Esq., Acting Sub-Collector, Gudur division.
To—the Collector of Nellore.
Dated—the 23rd January 1908
No.—214/D.

I have the honour to submit the following remarks with reference to your Reference No. 748-G.B./Ver., dated 10th December 1907.

2. *Imperial Advisory Council.*—In my opinion the territorial magnates of Madras have as a body no special claim to be considered "hereditary leaders of the people" and I consider that advisers drawn exclusively from this class would not be best qualified to give effective counsel "in matters affecting the welfare of the people." I would suggest that the area of choice need not be so limited and that, *e.g.*, retired Indian officials both of British India and of Native States in Southern India and others who hold or have held high office or recognized public positions might be eligible for nomination. It may be objected that the great ruling chiefs might be averse from joining a Council so constituted, but if they are not unwilling to become members of a body composed as suggested by the Government of India, I am unable to see why the change now suggested should alter their attitude.

3. *Provincial Legislative Council.*—The special representation of Brahmins and Christians is in my opinion uncalled for. The former are certain to be represented otherwise and their interests are in any case not in the least likely to be overlooked. Christians do not form a homogeneous community and the principal denominations have powerful missionary bodies behind them to guard their interests. The interests of a member of any special class are bound up much more with those of the locality in which he resides than with questions affecting his class alone. The Baptist Christian of Nellore and the Church Mission Society Christian of Tinnevelly are interested along with all others in their respective districts in what concerns the welfare of those districts, but *qua* Christians, they have little in common. The case of Muhammadans is perhaps different.

4. Representation of special classes in so far as it may be considered necessary should, I think, be secured by nomination and not by election. It would be unnecessary to lay down any hard-and-fast rule as to the castes or classes to which nominated members should belong. The result of the elections would show what communities were not represented and the nomination might be regulated accordingly.

5. I would suggest that the seats to be filled by nomination should be increased to three and that in place of the classes (*g*), (*h*), (*i*) and (*j*) eight seats should be filled by election. The Presidency (excluding the city of Madras) might be divided into eight electoral areas, arranged as far as possible to include only tracts having similar interests. The precise limits of constituencies would depend upon the franchise adopted and the numerical distribution of voters, as it is desirable that each vote should have the same value as nearly as possible.

6. I would propose as an addition to the general conditions mentioned in the memorandum that a candidate should have resided permanently or at least seven years since attaining majority within the local area for which he seeks election. It seems necessary to impose some such condition in order to ensure local knowledge and to prevent the selection of persons with merely nominal residential qualifications. No person should be eligible as a candidate for any of the eight mufassal seats, whose name is borne on the voter's registers for classes (*b*), (*c*), (*d*), (*e*) and (*f*).

7. The franchise proposed seems in several instances unnecessarily high considering the low average of income in this country. Under class (*d*), I would suggest that those only should be included, who derive a qualifying income from the exercise of their profession and that this should be reduced to Rs. 2,000. All persons belonging to this class and paying income-tax on Rs. 2,000 of professional income should be registered under this class.

8. With reference to the voter's qualifications for elections in mufassal constituencies, the Land Revenue Administration Reports show that the electorate would be very limited if confined to persons paying Rs. 2,000 assessment. I think the average man paying Rs. 500 is quite capable of voting and the figure might be reduced to this amount. The franchise might also be extended to all paying income-tax on Rs. 2,000. All members of Municipal Councils and District and Taluk Boards might be given votes irrespective of whether they are otherwise qualified. The right to vote might also be conferred on retired civil and military officers of the Government drawing pensions of a certain amount—say, Rs. 100 a month.

9. While suggesting the reduction in the amount of income required to give a right to vote, I would retain the candidates' qualifications at the figures mentioned in the memorandum.

10. *Provincial Advisory Councils.*—I feel that the most satisfactory way of eliciting opinion would be through the medium of local officers, who should be required to personally consult in each locality those who are able to give advice from their own experience in the particular matter in hand. This is however besides the mark as the memorandum assumes the desirability of constituting an Advisory Council of the kind mentioned by the Government of India.

11. I would suggest that the Council be constituted as following having regard to the maximum strength proposed:—

(*a*) Madras members of the Imperial Advisory Council.

(*b*) Eight members to be nominated, one from each electoral district.

(*c*) The remaining seats to be filled by nominees representing various sectional interests.

12. The opinions of the members of the Legislative Council would also be available and the nominations under (*b*) might be regulated with reference to the result of the elections. Thus if a representative of the mercantile community were elected, the nominee to the Advisory Council might be taken from the professional or agricultural class. Under (*c*) I think mufassal Municipalities and District Boards should be represented by non-officials having personal knowledge of the administrative work of these bodies.

ENCLOSURE No. 3.

Letter—from the Rev. D. DOWNIE, D.D., American Baptist Mission, Nellore.
To—the Collector of Nellore.
Dated—the 18th December 1907.

In reply to your letter No. 748-G. B., dated the 10th instant, requesting my opinions on the Government scheme for the formation of Advisory Councils and the enlargement of the Legislative Councils, I have the honour to submit the following:—

I am persuaded that the formation of Advisory Councils will promote the fellowship of the rulers and the people and do much to remove the prejudices that exist between the European and Indian races.

Imperial Advisory Councils.—I think that the scheme suggested by the Government of India is admirable with perhaps a few exceptions. It seems to me that five years is too long for the term of membership. In the first place it is quite possible that mistakes may be made in the selection of the councillors and in that case it would be a pity to perpetuate the mistake for so long a time as five years. Of course, an unworthy member could be removed, but a man might be sufficiently inefficient to preclude him from re-appointment, and yet not sufficiently objectionable to justify his removal. Again as the total number of members for all India is only 60 and as there would be many other equally worthy men available, it would be a long time before they could be honoured by appointments. And finally since members can be reappointed, I should think that two years, or at the most three, should be the limit of the term.

Provincial Advisory Councils.—All that can be said of Imperial Advisory Councils can with equal or even greater force be said of Provincial Advisory Councils. I notice that the Government are very anxious to see that Muhammadans are properly represented on these Councils. I wish I could see equal anxiety to see that Native Christians were fairly represented. Every year adds to their already considerable influence and they in a way represented the great Panchama class which is almost, if not quite, as numerous as the Muhammadan. They are not as influential, but they are certainly as loyal. We hear of disloyal Hindus and disloyal Muhammadans, but rarely if ever of a disloyal Native Christian. Would it not be well if Government gave more recognition to this fact?

Enlargement of Legislative Councils.—I am glad to note that in enlarging these Councils the Government deem it wise to maintain a working majority of official members. It would be fatal to the whole scheme to have it otherwise. The time when a different policy could be safely pursued is still in the dim and distant future.

(1) *Imperial Legislative Councils.*—Of the four members appointed by the Viceroy to represent minorities, four are to be Hindus and four Muhammadans. Why might not one of the four be a Native Christian? Might it not, at least, be "two Muhammadans" or one Muhammadan and one Native Christian according to the size of these communities in a given territory? It seems to me that would be fairer. I strongly commend the last paragraph of 17 on page 9. Special attention should be called to paragraph 18 in which it is proposed that two members be elected by the provinces in rotation. If the term of the service were to be five years, it would be 25 years before Madras would have an opportunity to elect two members.

(2) *Provincial Legislative Councils.*—In regard to the elective franchise, I am of the opinion that it should be raised. It seems to me absurd that any man paying Rl-8-0 a year taxes should be entitled to vote for Local Board members. It should be at least doubled and a literate qualification should be added. I strongly favour the first part of paragraph (*c*) under 22 on page 10, but I would take exception to the statement beginning on the 9th line of page 11. Why should four of the eight members be Muhammadans? It certainly would not be a fair division in all districts as, *e.g.*, Travancore or Tennevelly, where the Native Christian population is so large.

The Scheme.—The scheme on page 15 is excellent. I strongly approve of paragraphs (*e*) and (*f*). I certainly think that there should be a literate qualification.

ENCLOSURE No. 4.

Letter—from M. R. Ry. B. PATTABHI RAMA REDDI Garu, Buchireddipollem, Nellore taluk.
To—the Collector of Nellore.
Dated—the 14th March 1908.

With reference to your letter, Ref. No. 748-G. B. Ver., dated the 10th December 1907, enclosing a copy of the G. O. No. 886, dated the 22nd November 1907, and reminders thereto, I beg to report as follows:—

(1) While thanking the Government for the honour done to me by this reference of an important subject for my personal opinion, I beg to apologise for the long delay on my part in submitting this report. Some domestic inconveniences made it impossible for me to reply to your letter earlier.

(2) About the subject of the establishment of Advisory Councils, so far as the Imperial Advisory Council is concerned, while I am at one with the Government of India in recognising the necessity for its existence, I beg to submit that I hold different views about its constitution and working. In the first place, I am of opinion that sixty is too large a number. To avoid making the Council unwieldy, the maximum may be fixed at thirty. Secondly, the object of the existence of the Council being not only "to draw out opinion on measures in contemplation but also—what is hardly less important—as an agency for the diffusion of correct information upon the acts, intentions and objects of Government," in short, the object being to take the people of the country into the confidence of Government and to bring about a better understanding about its acts and intentions, the proposal that it should be composed of the "great ruling chiefs and the territorial magnates of British India" does not commend itself to my humble self. These "great ruling chiefs and territorial magnates" may possess, as the Government says, "a material stake in the country"; but very often their interests are opposed to those of the general run of people, the "dump millions," of the Indian Society, whose interests the Government should always have at heart. By way of example, I may here refer to the agitation carried on by the "landed aristocracy" against the passing of the Madras Estates Land Bill, which was recently passed into an Act by the Madras Legislature. Further it is not correct to hold that these ruling chiefs and territorial magnates are acquainted with the daily life of the people and are qualified to speak with authority on their behalf. On the other hand, they are notoriously out of touch and sympathy with the people, and are never regarded as their leaders by the people themselves. When the measure is one intended to benefit the people, the Government will have to choose not those whom it regards as the "hereditary" leaders of the people but those who are looked on as their leaders by the people themselves. The Government will have to see in whom the people themselves have confidence. So the proposed Imperial Advisory Council should be so constituted that it does not become unwieldy, and that while the interests of the landed aristocracy are not left entirely unrepresented, the majority of councillors are taken from among the educated men who are the real leaders of the people. Then, turning to the mode of its working, I am of opinion that the proceedings should never be conducted in private, within closed doors. Privacy is never the way to secure the confidence of the people. The people must have opportunities of knowing whether their leaders—hereditary or otherwise—are truly voicing forth their opinions or not. The very objects of the existence of the Council will fail if the people have no means of knowing this. When an important measure is undertaken by the Government after due consultation with the Advisory Council, if the measure is opposed to the popular feeling, the people will not be in a position to know whether their representatives on the Council advise the Government one way or the other and whom they have to blame. So the proceedings of the Council must be conducted openly so that there may not be any mistaking or misunderstanding about the acts and intentions of the Government.

(3) Then as regards Provincial Advisory Councils, I have similar remarks to offer. The number may be fixed at twenty. Besides the Imperial councillors from the province, provision may be made for the representation of separate important interests, such as smaller landholders, industry and commerce, etc. But there must be a fair number of representatives taken from among the leaders of the people to represent the general interests of the population. The ryots and artisans who form the backbone of the population must be fully represented. Further, as a general principle to be had in view with reference to the whole scheme, no restrictions are to be placed on the choice of the electorate. Those given a vote must be permitted to choose the man they think best fitted to represent them.

(4) Coming to the question of the enlargement of the Legislative Councils, the constitution suggested in paragraph 12 of the Government of India's letter is disappointing. Out of the 45 members who are to be appointed either by election or nomination, only eighteen are elected and the remaining twenty-seven are nominated. Again, of these 27, twenty are officials and the remaining seven are to represent minorities or special interests. This shows with what great caution the Government are proceeding. To my mind, British history in India has arrived at a stage when the Government should cast off all these unnecessary and unwarranted fears and begin to have more confidence in the people. I wish, therefore, that full representation is given to the people without at the same time crowding the Council room with too many official members. The power of veto vested in the Viceroy will be quite sufficient to check any perverse action on the part of the councillors against the policy and intentions of

the Government. This may be a little too much in advance of the scheme now under consideration. But the scheme as now suggested errs two much on the other side. Even if the policy of the Government be to maintain official majority, they may do so by making the non-official members almost equal in number to the official members, by making the number of elected members more than as now suggested. About the electorates, the proposals of the Government of India are highly objectionable. Representation based on caste and creed is highly inexpedient and unwholesome, if not mischievous. It is a retrograde step. It will tend to greater conservatism and increased animosity among the members of the various castes and creeds. It will have the effect of perpetuating the caste system, now in vogue, which is taxing the utmost energies of the social reformers to break down. It will undo the effect of the past fifty years of reform work. It will stifle all signs of nationality, here and there visible in spite of differences of religion and social barriers. The aim of the Government ought to be to weld all the innumerable races of the Indian population into one and foster the growth of an Indian nationality. So, the Government should never undertake to provide for representation by castes and creeds, but should prefer as much as possible territorial representation.

(5) Finally, about the question of the enlargement of the Provincial Legislative Councils, the above remarks will apply equally well. The electorates suggested in this case seem to be capable of worse evils. Whereas, in the case of the constitution of the Imperial Legislative Council, an electorate is proposed to be formed of the Muhammadans separately in the case of the proposed enlargement of the Provincial Legislative Councils, electorates are proposed to be formed of sub-divisions of the communities. For instance, the Hindu community is not allowed to go as one, but sub-divisions of the same are recognised as separate entities. This system would yield very undesirable results. Even within a single community, one caste will come to view another with envy, if not with hatred, while even within a main caste, say of Brahmans, the animosity based on inferiority and superiority will begin to manifest itself. Before passing to the question of property qualifications, clause (*c*) (3) of the Local Government's scheme deserves a remark which I had already occasion to make. No restrictions, however, should be placed on the choice of an electorate. It should be allowed to choose the man it thinks best fitted to represent its interests whether he is in the first instance himself qualified to vote. Then with regard to the "special conditions," suggested in clause (*d*) of the Local Government's scheme, the property qualifications fixed are too high. The minimum income of Rs. 5,000 referred to in clause (*d*) (i), (iii) (2) and (iv) (*a*) and (*b*) may be lowered to Rs. 2,000; and the minimum in clause (*d*) (ii) might also be lowered proportionately. To compensate for the lowering of the property qualifications literate qualifications in the candidates, if not in the voters, should be insisted on.

(6) These are the remarks I have to offer about the scheme now before the public. I believe that the scheme is really a step in the right direction. I hope that the Government will pay sufficient heed to the public opinion elicited and improved on the scheme as at present proposed so as to make it less "disappointing" and more acceptable without at the same time weakening the arm of the Government. I also hope that the principle of the Advisory Councils, the system of sounding the public opinion, may be adopted on a smaller scale in the various districts in matters affecting the district administration.

ENCLOSURE No. 5.

Letter—from MADRAS MUHAMMAD HUSSAIN Sahib Bahadur, Registrar of Nellore.
To—the Collector of Nellore.
Dated—Nellore, the 20th January 1908.

Adverting to your Reference No. 748-G.B. 1 Ver., dated 10th December 1907, I have the honour to submit my opinion on the proposals of the Government of India for the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils communicated with G.O. No. 886, Public, dated 22nd November 1907, with special reference to the needs of the Muhammadan community.

Imperial Advisory Council.

2. I approve of the proposal to form an Imperial Advisory Council of the ruling chiefs and the territorial magnates of British India, as they are likely to appreciate more than others the difficulties incidental to the task of administration and similarly perceive the good or bad points of the measures proposed to be introduced by Government. Those who do not see eye to eye with Government might, however, discern in the proposal to associate the ruling chiefs with the great landholders, an attempt to lower the prestige of the chiefs, and it would accordingly be desirable to have two separate organisations, one of chiefs and the other of landholders, at the outset. In that case the proposed Council might consist of all the ruling chiefs and a suitable number of territorial magnates of British India and the former might hold office for a longer term than the latter. The Government would find it profitable to consult both organisations on such matters as the following:—

(1) Plague measures.
(2) Famine relief.
(3) Sanitary needs.

(4) Education of the masses.
(5) Revival of old industries and creation of new ones.
(6) Upkeep of religious endowments.
(7) Social legislation.
(8) Proposals for fresh taxation.
(9) Improvement of the relations subsisting between the rulers and the ruled and between the different classes of subjects.

3. It would neither be necessary nor expedient, however, to invite the opinion of the territorial magnates of British India on questions affecting the internal administration of Native States, their relations with the paramount power, the interests of minorities in such States and the military defences of the Indian Empire; and such subjects should, it is submitted, be left to be discussed by the ruling chiefs and the Imperial Government as at present. The foregoing lists of subjects are by no means exhaustive ones and they are merely intended to indicate the line of distinction which has to be drawn in such cases. There would necessarily be a diversity of opinion among the members of the council if they were individually consulted by Government, but the Government would still have sufficient materials on which to base its conclusions on any particular subject. The question of bringing the members of the Council together for consultative purposes and postponing measures that might be opposed by a majority of them, would crop up sooner or later and it might be taken up for consideration in the event of the Council fulfilling the expectations formed of it.

Provincial Advisory Councils.

4. I see no objection to the proposed formation of the Provincial Advisory Councils. The Council for this Presidency might consist of between 25 to 30 members, as it is proposed to include in the said Council not only the great landholders appointed to the Imperial Advisory Council but also Indian representatives of other important interests and non-official European gentlemen standing for such interests. It is presumed that the ruling chiefs will be excluded from the Provincial Councils. The members of these Councils might be asked to give their opinion on matters similar to those coming within the purview of representatives of the great landholding class in the Imperial Advisory Council, but in the case of the Provincial Councils collective deliberation might be substituted for individual consultation, as such a procedure would tend to enhance their reputation in the estimation of the public. If the Government of India were to recognise the principle of giving due weight to the opinions of the majority of the members of the Imperial Council on any particular question, that principle might with advantage be followed by Local Governments in dealing with the Provincial Councils.

Enlargement of the Imperial Legislative Council.

5. In the scheme proposed by the Government of India, provision is made for the nomination of a ruling chief for the Imperial Council, but I apprehend that the ruling chief, if nominated, will prefer to remain neutral whenever there is a sharp difference of opinion between the official and non-official members. The inclusion of a ruling chief in the Council will nevertheless add to its dignity by introducing the element of *personal* rule by a hereditary prince of the soil and afford him ample opportunities of obtaining first-hand knowledge of the requirements of the country in general. The Government of India also propose to allot two seats for the Chambers of Commerce of Calcutta and Bombay, but it is doubtful whether the other Chambers of Commerce will consent to waive their claims in this respect. At any rate, the Madras Chamber of Commerce might urge its claims for representation in consequence of the impetus given or likely to be given to commerce in this Presidency by the partial diversion of the overland route from Bombay to Colombo and thence to Tuticorin, the extension of the Madras Harbour in progress and the proposed construction of harbours at other important ports and the amalgamation of the different railway systems recently sanctioned by the Secretary of State.

6. The scheme circulated by the Government of India further provides for the nomination of two non-official members not being Mahammadans to represent minorities or special interests and of two experts, when necessary, for special purposes. It is presumed that the seats so reserved are intended to be filled by members of the Native Christian and Parsi communities and representatives of the planting, mining, and other special interests. One or more seats might still be required for exports on matters connected with sanitation, mass education and technical education in view of the great importance attached to these subjects, and there would be no objection to such experts being either nominated by Government or elected by the people, special qualifications being fixed for voters as well as candidates. I am in favour of the proposed representation of landholders in the Council, for they possess more than others a material stake in the country. It might, however, be contended that the landholders are as a class accustomed to lead a luxurious life and do not freely move with the ordinary people and that as they are themselves placed above want, they cannot be expected to sympathise with the masses and examine things from their point of view. But it must be stated *per contra* that as most of the landholders have received Western education they are sure to acquire useful training in the art of administration by coming in contact with the best intellects in the Council and they will be obliged in the long run to study the requirements of the country and otherwise justify their own nomination.

Muhammadan Representation.

7. I also welcome the suggestion for the special representation of Muhammadans, seeing that it is the outcome of the efforts of the Muhammadan deputation which waited on His Excellency the Viceroy in 1906. The Government of India propose to set apart four seats for Muhammadans, two to be filled by nomination and two by election by the following Provinces in rotation, *viz.*, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, Bombay and Madras. As regards Burma and the Central Provinces, however, the Government of India observe that the proportion of Muhammadans in these provinces is not large enough to entitle them to special representation, but I beg most respectfully to submit that the smaller the Muhammadan population in any province, the greater is the need for its special representation in that province, having regard to the painful circumstances brought to light by the partition of Bengal. I would not, however, press this point so far as the excepted provinces are concerned, because the Muhammadan member for Bengal might be expected to look after the interests of his co-religionists in the provinces which are to remain unrepresented, owing to the skrinkage of his own province and its proximity to the excepted provinces, by putting himself in communication with the leading *Anjumans* in these provinces. Assuming that two of the six important provinces which are to be accorded special representation are represented by nominated members and two others by elected members and that both nominated and elected members will hold office for a substantial term, say, five years, the remaining two provinces will be left unrepresented for a similar period. The Government might also find it necessary to nominate on grounds of policy a Muhammadan member for a province which already possessed an elected representative and in that case those provinces which had neither nominated nor elected members to look after their interests would remain unrepresented for a longer term than five years.

8. In view of the foregoing contingencies and the representations made by the Muhammadan deputation which waited on His Excellency the Viceroy, I would earnestly plead for the reservation of six seats for Muhammadans so that three of the important provinces might be represented by nominated members and the remaining three by elected members *by turns*. The seats so set part, when added to those which are expected to be filled by Muhammadan members returned *in the ordinary manner* by the provinces of Eastern Bengal and Assam and Punjab would undoubtedly raise the proportion of Muhammadan seats in the Imperial Council to those which are intended to be filled by members of other communities, but an increase in the number of the latter seats might be hoped for in consequence of the representations received on the subject from the communities concerned and of the observation made by the Government of India that the scheme put forward by them is intended to be entirely provisional and suggestive. In this connection I beg to state that no special electorate need be formed in the case of Muhammadan members returned to the Imperial Council and that it will be sufficient if the selection is made from among Muhammadan members of the Provincial Councils themselves. I agree with the Government of India that the official majority must be maintained in the Imperial and Provincial Councils, for I am fully convinced that India cannot hope to govern herself for a long time to come owing to differences of race, caste and creed and needs the strong arm of the British Government to prevent any particular community from gaining undue ascendency over others.

Expansion of the Provincial Legislative Councils.

9. The scheme drawn up by the Madras Government provides for the election of a member for the Provincial Council by the citizens of Madras, but it is not likely that the Municipal Corporation of Madras, which has all along enjoyed the privilege of returning a member to the Council, will acquiesce in the proposal. There will be no objection, however, to the withdrawal of the privilege, provided it is not intended to be exercised by the premier municipalities of other provinces. Provision is also made in the scheme for the nomination of two members by His Excellency the Governor apparently with a view to secure the representation of the planting, mining and other important interests. The future progress of the country, however, depends on mass education, technical education and sanitary improvements. One or more seats might, if necessary, be provided for those who have made a special study of these subjects, the requisite qualifications being prescribed in the case of voters as well as candidates.

Muhammadan representation.

10. As regards the proposed representation of members of the legal profession, I beg to state that the few Muhammadans who happen to belong to it having only recently commenced their career as such cannot expect to realise an income of Rs. 5,000 per annum within a measurable distance of time and that even if they should come to possess this qualification in course of time they are not likely to win in an unequal contest for seats with members of other communities. If in spite of this fact, the Muhammadan members of the legal profession were disqualified from voting or standing as candidates for their own community, they might become discontented with their own anomalous position and make common cause with the irresponsible critics of Government as apprehended by the Muhammadan deputation. The Muhammadan members of the bar might accordingly be excluded from the class of barristers, etc., and permitted to take part in the election for the seat reserved for the Muhammadans themselves.

11. The Local Government propose to make provision for the election of only a single Muhammadan member in lieu of the one at present nominated by His Excellency the Governor, but the improvement contemplated is not accompanied by an increase in numbers notwithstanding the proposed expansion of the Council. I regret that I cannot also see my way to signify my approval of the alternative proposal made by the Local Government that power may be taken for the nomination of the *only* Muhammadan member proposed by them, if his election presents objections on account of the voting difficulty, in the face of the authoritative opinion expressed by the Muhammadan deputation that the system of nomination has frequently failed to secure the appointment of Muhammadans of the class by whom the community desires to be represented. I therefore beg to respectfully suggest that two seats be set apart for the Muhammadan community, one to be filled by election and the other by nomination, to admit of the representation of the mufassil as well as Madras Muhammadans, as the former labour under special disabilities of their own and the latter comprise several wealthy merchants and scions of ancient families. It will not be out of place to state here that my request is based on the proposal of the Government of India to permit the Muhammadan members of the Provincial Councils—to elect from among themselves their representatives for the Imperial Legislative Council which proposal presupposes the existence of more than one Muhammadan member in the several Provincial Councils.

12. Again the property qualifications prescribed by the Madras Government in the case of Muhammadans are much higher than those proposed by the Government of India and the literate qualification suggested by the Government does not find place in the scheme circulated by the Local Government, as will be seen from the following extracts :—

Qualifications proposed by the Government of India—vide *paragraph 17 of their Resolution.*

(1) All who pay land revenue in excess of a certain amount. The figure need not be the same in each province but should in all cases be sufficiently low to embrace the great body of substantial landholders.

(2) All payers of income-tax. This would comprise the trading and professional classes, with incomes exceeding Rs. 1,000 a year.

(3) All registered graduates of an Indian University of more than, say, five years' standing.

Qualifications suggested by the Local Government, paragraph 7 (d) iv.

No person shall be registered as a voter unless—

(*a*) he has paid during the preceding year income-tax on an income of not less than Rs. 5,000 ; or

(*b*) he is registered as the proprietor of a permanently-settled estate on which the land-cess payable to local boards is calculated on an annual rental of not less than Rs. 5,000 or as the pattadar or inamdar of land on which the full assessment (including water-rate actually paid during the preceding year) amounts to not less than Rs. 2,000 ; or

(*c*) he possesses equivalent qualifications by adding together his proportional qualifications under (*a*) and (*b*).

13. If the last-mentioned regulations were put into force, the Muhammadan officers who are in service or who have retired on pension, but who nevertheless form the enlightened portion of the community would be disqualified from participating in the election for their constituency for they are neither in possession of extensive landed property nor in receipt of handsome salaries or pensions. And the choice for membership might invariably fall on big Muhammadan merchants or landholders who not having availed themselves of Western education to the same extent as Muhammadans of the middle class could not be expected to represent Muhammadan interests as effectively as members of the latter class. The Local Government have evidently fixed high property qualifications in the case of Muhammadans with a view to restrict the number of voters and to minimise the difficulty likely to be experienced in arranging for voting over such a wide area as that covered by the Madras Presidency, but the field of selection would thereby be unduly narrowed and Muhammadans of the requisite stamp would not be forthcoming to represent the interests of the community in the Council.

14. In my humble opinion, the difficulty anticipated by the Madras Government might be solved by authorising the leading *Anjumans* at district head-quarters and in the Metropolis and the Muhammadan graduates to nominate their representatives in proportional nnmbers for the election of a member to represent the Muhammadans of the Madras City and of the Presidency in the Council by *turns*, the additional member proposed by me being nominated by His Excellency the Governor for the unrepresented portion of the constituency. My proposal is based on the analogy of the views expressed by the Government of India in paragraph 22 (*b*) of their Resolution. The Muhammadan graduates being few in number, their registration in accordance with the new University Regulations need not be insisted on but there is no objection to their being disqualified from voting for the representatives of the *Anjumans*. The *Anjumans* themselves might be required to get themselves registered under Act XXI of 1860 for purposes of official recognition. As the existing *Anjumans* comprise several well-educated and influential Muhammadans, they are not likely to abuse the powers proposed to be vested in them. It would, therefore, be unnecessary to prescribe any voting qualifications in the case of members of the *Anjumans* but in the case of the candidates themselves the following qualifications might be

insisted on : (1) Incomes exceeding Rs. 1,000 and liable to income-tax or (2) Immoveable property, lands and houses of the value of Rs. 5,000 and upwards liable to land revenue including water-rate, land cesses or Municipal tax and (3) Possession of the degree of Bachelor of Arts, Law or Medicine.

Conclusion.

15. In this connection I beg to be permitted to offer a few general observations on the subject of Muhammadan representation in the Imperial and Provincial Legislative Councils. The Hindus being long accustomed to Muhammadan as well as English rule have readily adapted themselves to the changed conditions, and if the Muhammadans have lagged behind, it is because they have had to undergo the necessary probation to attain this end. There is no gainsaying the fact that the British rulers who have been appointed by Providence, as it were, to hold sway over this vast Empire are actuated by the best motives and wish to deal impartially with all classes of subjects whose destinies are committed to their care; but the subordinates who are necessarily employed in large numbers to assist the Government in the task of administration cannot be expected to get out of the narrow-groove of vested interests with all their good intentions and fully sympathise with the aims and aspirations of minorities. The independent members of the communities from whom these subordinates are drawn being of the same temperament, much cannot be expected of them either; and the minorities are liable to be relegated to a corner unless the Government intervene in their behalf. The work of the British administrators themselves having enormously increased with the growth of Indian Empire, they have to rely largely on the Indian staff and their independent leaders for information regarding the condition of Muhammadans and other minorities as they happen to belong to an inarticulate section of the population; and this state of things is likely to continue even after the latter have obtained their proper share of appointments, their total population being what it is, unless the charges of the administrators themselves are reduced in size. The Muhammadans have not been able to make their influence felt even in Provinces where they form a majority of the population and their condition cannot be expected to be satisfactory in those provinces in which they count as a minority. The only remedy that suggests itself to my humble mind is that the Muhammadans and other minorities should be more than adequately represented in the Councils of the Empire through their best sons, having regard to their past traditions. I beg accordingly to conclude with a fervent hope that the authorities who have already begun to move in the right direction will not rest satisfied until they have accomplish the task which they have set before them.

ENCLOSURE No. 6.

Letter—from MOULVI MUHAMMAD ASSAUDIN AHMED SAHIB, Khazi of Nellore.

To—the Collector of Nellore.

Dated—the 20th February 1908.

Adverting to your letter Reference No. 748 G.B./Ver., communicating G.O., No. 886, dated 22nd November 1907, inviting opinion on the establishment of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, I beg to submit as follows :—

Imperial Advisory Council.

2. I am strongly in favour of the proposal to form an Imperial Advisory Council of Ruling Chiefs and territorial magnates of British India. Such a step will not only bring the Ruling Chiefs in closer touch with the Government but will also enable them to perceive the aims and objects of the Government in the introduction of a measure calculated to be good to the subjects. Under such circumstances the Ruling Chiefs are likely to copy measures of the kind for the better administration of their own States. Further it is only a Ruling Chief or one who has to face the difficulty of giving satisfaction to persons of different shades of opinion that can fully appreciate the value of the introduction of a particular measure and can with advantage offer his opinion on the desirability or otherwise of the adoption of a particular policy intended for the good of the people at large. But the utility of the formation of the Council may be objected to on two different grounds. Firstly, that the Ruling Chiefs of India are not remarkable for their intellectuality or knowledge of politics, and secondly, that in the proposal to form such a Council there is an attempt to place them on a level with territorial magnates. But these objections, though cogent in themselves, cannot stand the test of reality. We have found of late an awakening in the aristocracy of India to the acquisition of knowledge as evidenced by the culture and enlightenment of some of the native princes. Granting that a majority of the princes are still in the dark as regards the advancement made by the world in the field of politics, it does not mean that they should not be consulted. The very fact of their being members of the Council and being consequently called upon to offer their opinion on any important measure will serve as a stimulus for the intellectual advancement, though not of the princes themselves, at least of their progeny. As regards the second objection, it can be urged that the opinions taken being individual and confidential, there is no fear of the

princes taking an objection to their being consulted along with others. If some such plan is followed, the Ruling Chiefs will be saved from the popular odium in case any unpopular measure is adopted and emboldened to speak out their minds freely.

Provincial Advisory Council.

The proposal to form Provincial Advisory Councils has also my unqualified approval. It is not only the big zamindars but also the persons having particular interests that may be represented on this Council. Matters of the nature of those put before the Imperial Council may be placed before this Council, so far as such matters relate to any particular Province. This Council may also be consulted confidentially, but where no confidential deliberation is necessary, the Councillors may be called together and their opinions published if such opinions serve to give weight to any measure introduced by the Government.

Enlargement of Imperial and Legislative Councils Muhammadan Representation.

I beg leave to join the whole Muhammadan community in welcoming the suggestion of affording special opportunities to Muhammadans to represent their own men in this Council. It cannot be gainsaid that from the time the initiation of the Council by Government very few suitable Muhammadan members have made their appearance in the Council. Now a step has been taken in the right direction and the Government have thereby earned the gratitude of all my co-religionists. But since the proposal was made, there has been so much irresponsible criticism on the platform and in the Hindu press opposing the suggestion of having separate Muhammadan representation, that it is feared that the suggestion may be dropped. But it is earnestly hoped that the Government will try their best to safeguard the interests of this poor minority. It is contended that class representation will tend to annihilate the idea of unification of India and that it will be a retrograde step aiming at a divide-and-rule policy. But against this it must be stated that Hindus who speak of this unification of different races of India have not as yet done anything calculated to bring about such unity. Notwithstanding the spread of western education, the gulf between them and the Muhammadans is widening day after day as evidenced by the agitation over the Nagari question in the United Provinces, cow-killing question, the acknowledgment of Sivaji as the national hero in the teeth of stout opposition and lastly the agitation over the partition of Bengal. This partition has aroused the indignation of Bengali Baboos not so much because that any cruel injustice has been done them but because they apprehend that Mussalmans in the new Province will on account of their superior numbers get a few more appointments. Some may now deny this, but at the public meeting held to protest against the partition of Bengal, the Raja of Kasimbazaar openly declared that in the new province the Muhammadans would become the majority and that on that account the partition should be opposed. The Muhammadans nevertheless regard the partition as providential, not so much because it has offered a few more openings to them in the public service, but because it has opened the eyes of the authorities to the fact that it is neither advisable nor expedient to allow one particular community to gain undue advantage over others. The Hindus have no doubt acquired high literary attainments, but they have not been able to break themselves off the bonds of ancient traditions in which they have been brought up. In spite of their avowal to the contrary, the Hindus are extremely partial and the Hindu electorate have not as yet returned to the Council any Muhammadans with perhaps the honourable exception of the late Mr. Sayani of Bombay and the Hon'ble Syed Muhammad of Madras, and these members again would not have been elected but for their pro-congress tendencies. The inference is that this state of things will continue in the absence of class representation. The Muhammadans do not possess any powerful organs of public opinion and it is necessary that they should be properly represented in the Council, for this is the only means by which the rulers can have first-hand information on topics affecting Muhammadan interests. The Muhammadans have till now held themselves aloof from all movements calculated to create unrest, and it will be a poor consolation to them if the political concessions are doled out to them; and as urged by the all India Muhammadan deputation, the rising generation of Mussalmans relying on the strength of agitation to get political rights will get out of hand if sufficient heed is not paid to the recommendations of the deputation. Further the several papers in India and in England have recently taken up the cause of the Muhammadans and even admitted that they have not been treated with sufficient consideration by the authorities. Now if the Muhammadans are not represented in sufficient numbers the Hindus are likely to taunt them by saying that all the eulogium bestowed by the English papers on Muhammadans was the outcome of a set purpose, *viz.*, to humour one class so that it may not join the other classes. Moreover the British Rulers are few in number and the native subordinates preponderate in lower ranks of service, and if any injustice results from the indiscretion of the latter it is attributed by the minorities to the former. There are also those who think that a sort of double form of Government is carried on in this country much to the chagrin of those who till recently held sway over the Empire. With due deference to the capabilities of the Hindu officials I may be permitted to observe that whatever educational qualifications the Hindus may posses, they are not likely to prove as impartial as the British administrators, because the former have not had their mental horizon widened like that of the latter by corporate life, freedom from inborn prejudices and foreign travel. Unless the Hindus show by practical deeds what they say as regards national unity and advancement, they are not expected to get out of the vested interests. They cannot reach the goal they aim at until they reform themselves socially, for social progress is the foundation on which the

superstructure of the political advancement can be built, and all attempts to bring about political progress without having advanced socially must prove futile. But such social progress cannot be expected to take place within a reasonable distance of time and class representation then is the only remedy for such evils. The Hindus cannot have any just cause for complaint, seeing that they have not taken the trouble of returning Muhammadan members in the past. They hold more than their due share of Government loaves and fishes and otherwise carry on practically the administration of the country. The inequality cannot be redressed unless the Muhammadans and other minorities are adequately represented *at least* in the Council.

The Government of India propose to set apart four seats for Muhammadans—two to be filled by nomination and two by election by certain provinces in rotation. But I beg to submit that the number must, at least, be double of which it is proposed to be four at least must be nominated and four elected. In the Government of India's scheme, Central Provinces and Burma have been left out on the score of the Muhammadan population in those provinces being small. But it is submitted that smallness of number must add weight to the necessity of having representation. The proportion of the educated Muhammadans in the United Provinces is sufficiently large, but in spite of this fact they are crowded out by the Hindus in the principal walks of life. No proof is needed as regards the disabilities under which the Muhammadans labour in the province of Eastern Bengal and Assam and the partition has clearly shown in what way the wind blows. In Burma there are several wealthy Muhammadan merchants and others; and in the Central Provinces the Muhammadans are shut off from the outside world on account of its being an inland province. They must therefore have their representations. Further the Muhammadans in these provinces will feel themselves slighted if they are not accorded equal treatment. I beg to submit that there should be no special electorate in the case of the Muhammadans. The members of the Provincial Council may from among themselves elect the members for the Imperial Council.

Expansion of the Provincial Legislative Council.

The Local Government propose a single Muhammadan in place of the one at present nominated. But I beg to suggest that there must, at least, be three members—one nominated and two elected—to represent the Muhammadan community. The Muhammadans in this Presidency are scattered over a wide area with different languages, customs and habits. The Mappillas alone who form about one-third of the Muhammadan population differ completely from their co-religionists. It is therefore necessary that the Mappilla and the other mufassal Muhammadans should be separately represented. There are several wealthy Muhammadans in the Metropolis as also descendants of the former Rulers of the country. These would also like to be represented. Therefore there must, at least, be three Muhammadan representatives in the Council. The qualifications for the candidates for election are very high. The Muhammadan community is proverbially poor, and to insist on such high qualifications practically means the exclusions of all Mussalmans belonging to the middle class. All those whose income is calculated to be Rs. 1,000 a year and those who possess property worth Rs. 4,000; and all graduates and under-graduates whose income is not less than Rs. 50 per mensem may be allowed to stand as candidates for election, provided they are not in service. There need be no electorate. Members of the recognized Anjumans in the Metropolis and in the mufassal and all graduates and under-graduates may have the power to vote for candidates: some such proposal seems to have been put forward by Mr. Amir Ali, a late Judge of the Calcutta High Court, in his article that appeared a few months ago in the *19th century and after*. Property qualifications will not do in the case of Mussalmans because those that have received English education and are in touch with modern needs are to be found more among the middle classes than among the upper. I specially allude to persons of moderate means who have made a name for themselves and to those that have retired from service. If Muhammadans of the requisite calibre are not returned to the Council, the whole community is likely to be dubbed inefficient by those who differ from them in politics. I beg to submit also that it is necessary that Muhammadans should be expunged from the class of Barristers, having regard to their small earnings and paucity of educated men among Mussalmans. I do not approve of the proposal of the Madras Government that the only Muhammadan member proposed by them should be elected, because such nominated members with the honourable exception of the late Humayunjah Bahadur and gentlemen of his stamp have not come up to the expectations of the Muhammadans. At any rate, something has been done by the benign Government to help the poor minorities of India, and I sincerely trust that some good will be done to this community despite the opposition the present proposals have aroused in some quarters.

ENCLOSURE No. 7.

Letter—from T. V. VENKATARAMA AIYAR, High Court Vakil and Chairman, Municipal Council, Nellore.

To—the Collector of Nellore.

Dated—the 14th January 1908.

With reference to your letter No. 748-G.S.-Ver., dated the 10th December 1907, forwarding to me a copy of G.O., No. 866 of the 22nd November 1907, and inviting opinion on the questions raised in the memorandum, I have the honour to state as follows.

1. I wish gratefully to acknowledge the attitude of sympathy shown by the Secretary of State for India and by His Excellency the Viceroy towards Indian aspirations and feel thankful to them for the opportunity afforded to the public at large to express their opinions on the proposals for the enlargement of the Legislative Council and the establishment of Advisory Councils, Imperial and Provincial.

2. I do not think that any Indian of position or respectability will deny that the well-being of the peoples inhabiting this vast peninsula requires that the executive authority of the Government should be maintained in undiminished strength, and that no greater misfortune could be contemplated than the surrender or the weakening of the British permanent power in this country. I wish therefore to express my entire concurrence with the principle that in any proposal for reform provision should be made for the authority of the Local and Imperial Governments being kept intact and its prestige fully and effectively maintained.

3. I also agree in the view that having regard to the fact that various communities with divergent interests inhabit the country, provision should be made for the representation and the safeguarding of the interests of minorities whenever and wherever it may be found necessary.

The Advisory Council.

4. It is no doubt true that a system of Government such as obtains in this country is often liable to have its actions misconstrued and its intentions misinterpreted and misunderstood. While, therefore, agreeing with the Government of India that an Advisory Council of notables is desirable, I am doubtful whether it will serve any useful purpose if constituted on the lines sketched out in its circular, dated the 24th August 1907. The proposal now made is to appoint a Council for the whole of India of about 60 members, consisting partly of ruling chiefs and partly of territorial magnates, having no powers of initiative and only called together at such times as the Government may determine. In the first place it is anomalous that *ruling chiefs* should sit in consultation with zamindars and farmers of revenue, and in the next, I hesitate to believe that even if they could be brought together, an assembly of notables would serve the purpose for which it is wanted, namely, as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

5. Ruling chiefs, so far as Indian administration is concerned, enjoy a status which has scarcely a parallel in any other country in the world. They are not the subjects of His Majesty the King-Emperor, and though they are incapable of negotiating treaties with foreign Governments, they are, so far as their own subjects are concerned, ruling sovereigns and, for all practical purposes, independent sovereigns, whose relations with the supreme Government, where not dealt with by existing treaties, are regulated in conformity with the well-known principles and doctrines of public International law. These princes may be interested in all questions relating to the external relations of the British Government, and their interests may be bound together with those of the Government in the maintenance of the British Supremacy whether within or without the frontiers of this great Empire. They are, in no way, concerned with or interested in the internal administration of the country, and have little or nothing in common with the territorial magnates, who, whether as zamindars or shrotriemdars, are mere farmers of the revenue, and who along with other subjects of His Majesty are governed by all laws and regulations framed and enacted by the various legislatures, Local and Imperial. That the Nizam of Hyderabad should sit in consultation with the Zamindar of Kangundi seems odd enough, and the fact that both should have an equal voice in the solution of questions in which either the one or the other has no interest makes it necessary that the Government should further consider whether the exigencies of the administration require that ruling chiefs should be associated with the zamindars in the consideration of questions which relate to the internal administration of British India.

6. In the case of ruling chiefs questions of sentiment and of etiquette often play an important part both in matters of social intercourse and in their dealings with members of the ruling race. People feel often hurt and insulted when their rights to precedence are even unintentionally meddled with or ignored. Moreover these chiefs generally travel with large retinues, and any trip undertaken by them to the place where the members are invited to assemble would be a source of burden to the finances of the State for which there is no adequate recompense whatsoever. Few, if any, of the ruling chiefs who were invited to the Delhi Darbar were pleased with the reception that was accorded to them there, and it seems to me that a frank interchange of views will amply testify to the fact that ruling chiefs as a rule are not willing or anxious to associate themselves with territorial magnates in the discussion of Imperial questions or to be called away from the territories which they govern whenever and as often as the Government may think fit.

7. I am not in favour of these chiefs and nobles being consulted individually in matters of public interest. For any criticism to be effective, each member must be kept informed not merely of the views of Government but also of those of his colleagues similarly situated. Private communications made to selected individuals and often kept secret will not serve to dispel the cloud of suspicion which unpopular measures often generate and foster. Taking all the circumstances into consideration, it appears to me undesirable that ruling chiefs should be invited to become members of any Advisory Council proposed to be constituted.

8. If then, an Advisory Council is to be constituted at all, I am of opinion that such councils would be of little use, unless with the zamindars and other territorial magnates are associated councillors representing the small landholders, industry, commerce, capital and the professional classes. Our zamindars were till quite recently the least educated and the most backward of any class in India and their opinion would be of little use in the very many cases in which reference to public opinion may be considered necessary. If, therefore, to the zamindars are added the classes mentioned above and non-official Europeans wherever such can be had, there will be a council constituted whose opinion would be entitled to weight and would be listened to with respect.

9. I do not think that the object the Government have in view will be served if the duties assigned to the Advisery Council are only such as are mentianed in Sir Harold Stuart's circular. I have already pointed out the desirability of calling together the council for collective deliberation instead of consulting the councillors individually by means of letters addressed to them. In all constitutional Governments, opportunities can always be found where parliaments or legislative assemblies sit of interpellating the executive on matters of interest and obtaining information on questions which affect the public at large. Where the assemblies do not sit, no provision exists by which such information can be obtained except perhaps by means of letters addressed to the responsible minister of the Crown. This always entails delay and even when obtained the replies are often found not entirely definite or satisfactory. In the case of the Provincial and Imperial Governments, it has been pointed out in the circular that very few opportunities exist for interpellation owing to the fact that the Members of the Legislative Councils are called together only when the budget has to be discussed or legislation is impending. How then could the creation of these Advisory Councils enable a freer and a closer consultation on matters of importance? These councils are not to be called together unless the Government so desires, and I take it that they will not be called together except on very rare occasions The communications with members are strictly confidential and these members have no powers of initative. In these circumstances, it is utterly impossible that these bodies can be better placed than the old Legislative Councils in making the Government's measures and motives generally understood and in correcting erroneous and mischievous statements of fact or purpose imputed to them. So far as legislation is either proposed or undertaken, the motives and intentions actuating Government are capable of explanation when the Legislative Councils meet. An Advisory Council will be needed only for the purpose of eliciting opinion as to administrative reforms proposed or contemplated. The administration of the country almost in every province is getting more and more rigid and stereotyped and occasions when large measures of reform are brought up for public discussion will be few and far between. If Members of the Advisory Councils had powers of initiative, if they could bring to the notice of the Government cases of hardship and abuses of administrative power, and suggest schemes and measures by which administrative efficiency could be secured or effectuated, they would play an important part in the administration of the country; but this, the scheme does not, in my opinion, provide for. So long as no responsibility attaches to the members for their individual opinions, as long as Government are free not to act even on their collective deliberations, there is a chance of these assemblies when called together degenerating into mere debating societies. It seems to me, therefore, that the scheme as at present proposed has very little to commend it for public acceptance. I do not thereby mean that the scheme should be given up. It is conceded that the zamindars and territorial magnates, even if they are not the natural leaders of the people, have a stake in the country which eminently fits them for consultation in matters of administrative reform. There are non-official Europeans who have sunk their money in various enterprises and who, though working for their own profit, are interested in the proper administration of the land of their domicile. There are again the small landowners and the professional classes who are equally interested with the territorial magnates in the permanency of the British rule and in the administration of the country being made more popular and efficient. A combination of these elements would pre-eminently supply material for the formation of an assembly not merely for consultative but for administrative purposes as well. An alien Government suffers from great disadvantages in that it often finds difficulty in ascertaining the people's wishes or in making its own intentions and purposes fully understood. An assembly constituted of classes, such as those above described, would be of great help in the carrying on of Government on popular lines. Such an assembly must therefore receive legislative sanction. Its deliberations, in order to be useful or effective, must take place at a central locality and the assembly should be called together as often as circumstances require. It should have a voice in the administration of the Indian Empire such as the Government may not lightly or summarily ignore and for this purpose provision should be made for the Government being bound to act upon its resolutions when a large and decided majority, such as 75 per cent. of its members, advise on a particular course being adopted. If ruling chiefs are to be admitted to the membership of such an assembly, such an assembly would afford a striking and perhaps the only parallel to *the Bundesrath* or Federal Council of Germany where a congeries of states carry on a common government by a federated council. To such an assembly might be entrusted initiation in matters both of administrative and legislative reform. All proposals for legislation will, in the first instance, come before this assembly and, if approved, will be brought before the Legislative Councils in due course for disposal. So far as administrative proposals are concerned, the matters will be disposed of by the assemby itself and will then go before Government

for such action as it may desire to take. I do not feel pressed by the argument advanced in some newspapers that such an assembly would be a second House of Lords and obstruct progress. In India, a democratic Government, in the strict sense of the term, is for years to come an utter impossibility. If therefore an alien Government has to be in touch with the people and has to ascertain and compatibly with its own duties and responsibilities, to give effect to its wishes, I can conceive of no fitter assembly to offer counsel and advice than the one composed of territorial magnates and of capitalists and the professional classes such as I have enumerated. I would also add that the rule in the German constitution might with advantage be followed, that no person should be a member both of the Advisory Council and also of the legistative body constituted under the Indian Councils Act.

10. The same remarks apply to the Provincial Advisory Councils, but here it is satisfactory to note that the smaller landholders and the professional classes are intended to be included also. A high property qualification either for the zamindars or for the other classes is certain to debar the most capable persons from becoming members of this assembly and it is necessary to so fix the qualifications as to allow a fair representation of all the important interests. It would, in my opinion, be advisable also to fix the proportion in which the various landed and other interests should be represented in this assembly and in order to make the representation of the various classes useful and effective, I would suggest the desirability of having a representative in this assembly from each revenue district in the presidency to be supplemented by a sufficient number of members belonging to the professional and other classes for the whole of the Presidency put together.

11. I think it is desirable, in the case of both the Imperial and the Provincial Advisory Councils, that the minutes and proceedings of the assembly should be regularly published unless the exigencies of the admininistration require that the opinions and decisions on any particular question should not be available to the public at large.

12. I have so far dealt only with the proposals of the Government of India in regard to the constitution of the Advisory Councils and have suggested various improvements by which the said council may be rendered beneficial and useful. Side by side, with the proposal for the constitution of an Advisory Council is the scheme for the enlargement of Legislative Councils and having regard to the difficulties encountered in providing the proper electorates and allowing proper representation to the various classes while keeping the official majority intact, it may be useful to consider how both the assemblies can be so organized as to become useful members of the Indian body politic. I have already stated that I consider it essential that in any question of reform a provision for the maintenance of the executive authority of Government is absolutely necessary. The only question, therefore, that is open to consideration is, how best to improve the system of administration while keeping unimpaired the executive authority of the paramount power. Does the maintaining in undiminished strength the authority of the British paramount power necessarily involve that the Government should have a preponderance of the official element in the Legislative Councils of the country? That is the question on a proper solution of which much of the well-being of the inhabitants of this country will mainly depend. In paragraph 10 of their circular, the Government of India point out that the maintenance of a standing official majority and the difficulty of providing official members of the requisite standing and experience when there is a likelihood of larger calls than hitherto being made upon their time renders it necessary that the number of non-official members should be largely limited. It is evident that when the number is so largely limited the problem stares one in the face, how with the small number of seats at the disposal of Government, provision can be made for the representation of the vast diversity of classes, races and interests in a country containing a population of nearly 300 millions. The question is not easy of solution but I venture to make the following suggestions with a view that they may receive such consideration as the nature of the subject requires and demands.

13. It is the privilege of every civilized country that the laws enacted therein should have the sanction of the people for whose benefit they are intended. Governments, however autocratic they may be, have often hesitated about enforcing laws which the whole population has unmistakably condemned. Even in a country like India inhabited by by divers races and creeds the Government have never persisted in enacting laws which the community, as a whole, has disapproved of. Except in exceptional cases, no laws have been within recent times sought to be added to the statute book where the opposition to the measure has come from the non-official members acting together as a whole. It is clear from these circumstances that the enacting of the laws should be left to the people for whose benefit it is intended and against whom it is likely to be enforced. If this is so, there will be no necessity whatsoever for the Government being representated in the Legislative Council or for its possessing an official majority therein. How then could the Government control legislation and put a veto on undesirable measures? The remedy lies in the constitution of a separate chamber similar to the Bundesrath or the "Federal Council of the German Empire" in lieu of the Advisory Council suggested in the memorandum. The powers of these Councils are very well defined and will in the case of an Indian Council include deliberations on proposals to be submitted to the Legislative Council and on all resolutions received therefrom. I would give to these Councils the power by a simple majority to veto any Act which the Legislative Council may have passed and would besides allow

them to deal exclusively with all questions of administrative reform if not also of the military and naval defences of the Empire. If such a Council be constituted, there should be an official, and a preponderating official majority, therein. Such a Council need not be a large assembly and some of the ruling chiefs and a few of the territorial magnates might well find a place in such an assembly. I would fix 20 to 25 members for a Federal Council of the Empire and of these I would assign 6 to 8 sets for the ruling chiefs, territorial magnates and other people whom Government may deem fit to appoint. I would allow no seat in this assembly open to election, and I would have all the seats filled in by His Excellency the Viceroy, having regard to the various interests which have to find a place in an assembly such as I have mentioned. With the constitution of such an assembly, the necessity for an official majority in the Legislative Council would entirely disappear. Provision may be made for an ordinance having the force of law being framed and promulgated by the Federal Council to meet the requirements of any extraordinary emergency which may arise when it would be difficult either to call together the Legislative Council or the Legislative Council is unwilling to legislate on the lines which the executive Government may suggest. If this course be adopted, the Legislative Council may, by the articles of the constitution, be debarred from dealing with questions of foreign policy or with the military and naval defences of the Empire. It will have nothing to do with the relations of the Government with feudatory chiefs and will confine itself solely to questions of internal reform and to the enacting of laws dealing with the domestic legislation of the Empire. In such a case the Legislative Council may be as large as the circumstances of a vast empire such as ours would seem to necessitate. Provision could then be satisfactorily made for a just and proper representation of all classes of the community and of all interests involved. There is nothing to prevent the members of the Viceroy's Executive Council also being members of such an assembly and it would, to some extent, be desirable that the meetings of such a body should be presided over and the course of its deliberations assisted and directed by the presence therein of high officials of wide experience and responsibility. Such an assembly would have itself very large responsibilities and would, if judiciously directed, be a source of strength to the paramount power in this country. I do not think that it can be said that the time has not come when an experiment, such as this, can be made. No serious loss of prestige can accrue from such an assembly being constituted. It will be an immensely popular step. The members of this assembly will in the main be elected members and provision can be made for the representation of minorities, if any.

14. If, however, the constitution of a Federal Council such as the one that I have referred to be found to be impracticable, the Advisory Council may be improved in the manner already suggested. With regard to the Imperial Legislative Council, though the increase of the number of members to fifty-four is satisfactory, I think a further increase is feasible without impairing its efficiency. Of the fifty-four members proposed for the Council, only 18 or one-third will be elected members and the classes represented therein will be Europeans, who will probably occupy 33 seats and more, and Hindus and Muhammadans who will occupy the remainder. So far as the various interests are concerned, besides officials, who occupy 31 seats, the remaining 23 seats will be filled, 2 by commerce and trade, 8 by the great landowners and ruling chiefs, and 13 by the other classes, communities and interests put together. It does not appear to me that this will be a fair representation of the various interests and classes with which this country is concerned.

15. In the case of *Muhammadans*, the scheme provides for four seats at least being filled by them. Then there is the probability of two Muhammadan gentlemen being returned by the Legislative Councils of East Bengal and Assam and of the Punjab. There is also every chance of the landholders of the above two provinces electing twe other Muhammadans. Thus there is a likelihood of the new Council consisting of about eight Muhammadans as against thirteen allotted to all the other Indian communities put together. The total Muhammadan population of India being about a fifth of the whole, a representation of eight members in the Legislative Council out of twenty-one provided for all classes other than Europeans seems unduly large and the Government of India assigns no sufficient reasons why this class should be favoured in the Legislative Councils to the detriment of all the rest.

16. It is not so much the giving of the additional seats as the principle underlying such gift that is open to serious objection. "Divide and rule" has never been the policy of the British Government, and I do not hope it ever will be. Ever since the possessions of the East India Company were transferred to the Crown, the British Government in India has treated every race and creed with equality and has enacted laws which apply to all alike. Under its auspices a love of country and almost a national unity is springing up, and under the influence of the same laws and the same system of Government, Hindus, Muhammadans, Christians and Sikhs are feeling a community of interest and experiencing a feeling of kinship such as that never been dreamt of in India's previous history. In these circumstances, it is anomalous that an attempt should now be made to set up a class or creed representation. If Muhammadans are separate from the Hindus, so are many castes amongst the Hindus reparate from each other. There are the Sikhs, Rajputs and Jats who differ as much from the other classes of the Hindus as the Hindus differ from the Muhammadans. Is there a provision for the separate representation of these classes or of the large body of Parsees or of Native Christians whose numbers are steadily increasing year after year? Even amongst the Muhammadans, there are communities such as the Mappillas, the Khojas and the Cutchi Menons who have nothing

in common with the other classes of Muhammadans, and it would serve no useful purpose to give a few seats to Muhammadans when such seats will not suffice even to represent all the various classes into which the Muhammadan community is divided, and where no provision is made for the representation of minorities even amongst them. It appears to me that there is no justification for a class representation of this sort and that the principle underlying it ought not to be followed in any country, much less in a country like India. Nor do I see any necessity for this sort of separate representation. From 1833, when the first Legislative Council was duly constituted for this country, to 1906, 1,72? Acts have been passed by the Governor-General's Council, but there is not a single Act in the whole collection which applies to the Muhammadans as a body and which does not apply to all the other classes inhabiting this vast continent. If there was a prejudice against the Muhammadans on the part of the other classes of the people, I can understand provision being needed for the separate representation of this community. The election of a Muhammadan gentleman from Madras to the Imperial Legislative Council shows how cordial is the feeling between the various classes of the people in the south. I can mention many instances in this part of the country of the election of Muhammadan gentlemen by the Hindus and other communities to Municipal and other Boards. The circumstance that a larger number of Muhammadans do not secure places in the Municipal Councils and District Boards as also in the higher Legislative Councils is due to the fact that education has not much advanced in this community and that the community as a whole is very much behind the times. Except in East Bengal and Assam where a feeling of ill-will has recently been generated by interested parties, between the Muhammadans and the Hindus. there are no localities where the two communities do not get on peacefully and amicably. I would, in these circumstances, consider it inexpedient that a certain number of seats should be reserved to the Muhammadan community in particular.

17. If, however, the Government should insist on a certain number of seats being reserved for the Muhammadan community, I would suggest that arrrangements should be made, for elections by the landlords, and Chambers of Commerce, etc., taking place in the first instance, and if a sufficient number of Muhammadans are not thereby returned, to take the requisite steps to have a proportionate number of Muhammadans added to the council by means of election in such specified areas as may be found practicable. In any event, no Muhammadan gentleman should be appointed to the council by nomination, and in this respect II entirely agree with the Muhammadan deputation that waited on the Viceroy in October 1906 in thinking that nomination has never given satisfaction to the Muhammadan or any other community. I do not share the apprehensions entertained by the Government of India that Muhammadan gentlemen of position and respectability would not offer themselves for election if all the seats were thrown open. It is these election contests that serve to test the capacity of a person to take part in political affairs. If a person wishes to lead a secluded life, to keep his opinions to himself and is afraid to approach the electorate and make them understand and appreciate his position, status or views, such a man is scarcely worth having in the Legislative Council, where he has to rub shoulders with his colleagues and make his views acceptable to a trained and intellectual corporation.

18. The difficulties of Muhammadan representation are further complicated by the electorate being such a large country as the whole Indian Peninsula. The Government suggests in paragraph 18 that six of the provinces should be asked to select the two elected Muhammadan members in rotation. This would allow of each province getting a representation on the Imperial Legislative Council once in 15 years and would be very unfair to every province concerned. It would also debar Burma or the Central Provinces from ever sending a Muhammadan delegate though capable men be available and though questions of importance affecting these provinces be pending disposal by the Imperial Legislative Council. If, therefore, Muhammadans have to be given a separate representation, the proper course to be adopted is to divide the country into electorates and to increase the number of seats to enable each province being represented at the same time. Taking the Muhammadan population of the country at 60 millions, I would assign to them six seats, and of these six seats, I would allot three seats to East Bengal and Assam and to the Punjab which together contain about one half of the whole Muhammadan population in the Peninsula. I would divide the remaining provinces including Burma and the Central Provinces into three electoral divisions and would allow each one of these electoral divisions to send up one member of the Legislative Council of the Government of India. The persons referred to in paragraph 17 of the Government of India circular would appear to be the proper persons to whom the privilege of electing members may be rightly entrusted.

19. With regard to the election of membess to the Legislative Council of the Government of India, a suggestion is thrown out in paragraph 18 of the Government of India circular that the Muhammadan members of the local Legislative Councils may elect the member to represent their community in the Imperial Council. In many local councils, the number of members representing this community will probably be one and may not exceed three. That a single individual of the local council should constitute the electorate to nominate and elect a member for the Legislative Council of the Government of India is so preposterous that I hope that the suggestion will never be acted on. In the case of the election by the non-official members though the present practice is not wholly unobjectionable there is this much to be said in its favour, that the election is by all non-officials of whatever race or creed, and that with the enlargement of the Provincial Councils this electorate is likely to become both large and representative.

20. The question of special representation does not end with the representation of the Muhammadan community but it would further appear that the Government intends to give a specified class of landholders direct representation in the Legislative Councils of the Empire. The idea is to form for each province an electorate of about 150 members and for this purpose to restrict the right of voting to all who pay a land-tax of Rs. 10,000 and upwards. It appears to me open to question whether the landowners of the class specified are entitled to direct representation. Taking the Madras Presidency alone, I doubt very much whether outside the zamindari class, there are ryotwar landholders paying a cist of Rs. 10,000 and upwards. These may be a few here and there, but the number of such people can be counted on one's fingers. Consequently a representation of this class means a representation of the zamindari class alone. Taking it for granted that a representative zamindar will properly represent the whole class of zamindars, high or low, it is anomalous that no provision should be made in the circular for the representation of the far more important class, the ryotwar holders of land. In this part of India, the zamindars pay approximately 50 lacs peshkhash to Government, whereas holders of land under ryotwar pattas pay as much as 450 lacs. Yet no representation is intended to be given to this large class on whose prosperity and contentment, the stability and permanency of the paramount power in this vast empire depends. In Bombay, the conditions of the agricultural classes are similar to those obtaining in Madras, and it is only in Bengal and North-West Provinces where the Permanent Settlement of Lord Cornwallis is in force that the zamindars pay a large portion of the land revenue directly to Government. Even here if the landlord deserve any consideration, the tenants and farmers under them deserve equal consideration, and no attempt is made to give this class a voice in the councils of the empire. Moreover, all laws relating to landlord and tenant are now dealt with by the local legislatures and there will be no special legislation in the Imperial Council which would affect the land-owning class alone and not the other classes of the community as well,

21. Connected with this question of landlord representation is this constitution of the electorate by which the representative has to be chosen, I have already pointed out that restricting the privilege of electing to those paying Rs. 10,000 and more will virtually give representation only to the bigger zamindars of this Presidency. In paragraph 9 of Government of India circular, it is said that in order to supply the requisite counterpoise to the excessive influence of the professional classes, the creation of an additional electorate recruited from the landed and monied classes was desirable. In the arrangements finally suggested, however, no provision exists for the representation of any but the biggest landholders. The landholding class may constitute one of the stable elements of Indian society, but there are other stable elements which require and are entitled to representation, namely, the monied class (the bankers, sowcars and others) and persons who have sunk their capital in industrial and other pursuits and who thus are more interested in the permanency of the British rule than the landed classes can ever be. It seems to me therefore that the landed classes have not made out any case for separate representation and that a high property qualification will tend not merely to confine the representation to a limited class but will also deprive many districts and large areas of any representation whatsoever. In theory, no doubt, it is true that 68 per cent. of the total population is engaged directly in agricultural operations and that including labourers and others about nine-tenths of the population in rural areas live directly or indirectly by agriculture. It may be readily conceded that this large population should have representatives to safeguard its interests in the Legislative Councils, but this will, by no means, be secured by giving the right to elect to a few members of the zamindari class. It appears to me that for representation to be real or effective, there must be a larger number of seats thrown open for election and that the electorate must be both wider and more representative. In this connection I wish once more to reiterate what has already been pointed out that the scheme now contemplated does not provide for sufficient representation of the smaller landholders, of the professional classes, of the industry, commerce and capital of the country. There are two seats allotted to the Chambers of Commerce of Calcutta of Bombay but these will represent only the European merchants of the two places. They whole body of native gentlemen engaged in industrial and other pursuits go therefore entirely without any representation whatsoever. In modification, therefore, of the proposals of Government, I would throw open not less than four seats to each province to be filled up by election. The electorate will consist of those mentioned in paragraph 17 of the circular and in the case of the landholding class, I would restrict the vote to those who pay land revenue of Rs. 1,000 and upwards. If the presidency is divided into four electoral circles, there will be no larger number than 1,000 in each electorate entitled to vote for representatives. This number of voters is by no means a large number and it must not be forgotten that in many election contests in England, 10,000 voters and more have gone to the polling booth to record their votes in favour of the various candidates. Such an arrangement will enable not merely the agricultural classes but also the trade and commerce of the country to have direct representation in the Legislative Councils, and would, if adopted, obviate the anomaly of reprsentation being confined to select classes such as Muhammadans or landholders or of that small body of gentlemen who will be elected as non-official members of the local Legislative Councils.

22. There is one question of principle involved in these proposals about which a few words have to be said. In paragraph 9 of the circular, the Government of India point out that the election hitherto held had given to the legal profession a prominence to which it is not entitled. In paragraph 14, it is laid down that the person nominated by the landholders should himself belong to it. It is clear therefore that while allowing representation to a class of people,

the Government have restricted their right of choice and confined it within very narrow limits. Such a provision seems altogether to be uncalled for. If the Government of India circular had been issued by a body of persons, with no knowledge or experience of representative institutions, such a provision restricting election may not be either strange or unnatural. It is the privilege of each individual that he should be at liberty to employ, for any particular purpose, the person, who, in his opinion, would be best fitted to achieve the end he has in view. This is the principle we adopt in ordinary transactions of human life and why should the case be otherwise in politics? If a person is otherwise qualified why should he be debarred from being elected by the landowners, simply on the ground that he does not belong to their class. Though it is most probable that an electorate consisting purely of landowners will elect some one of their number, I think they should not be prevented from exercising their choice and selecting a competent man from amongst the whole body of persons competent to sit in the Legislative Council. As regards the preponderating influence which the lawyers are credited with exercising, nothing further need be said than that they are eminently fitted by their environments and training to sit in the Legislative Councils of the empire and examine the validity or otherwise of the various measures coming up for disposal before the Imperial as well as the Provincial legislatures. That members of the legal profession exercise an influence out of proportion to their numbers is patent from the large number of Barristers and Solicitors of which the present House of Commons is composed. Why, the present cabinet is full of members of the profession to which any gentleman of position and respectability should be proud to belong. If the Government want a free and honest criticism of its policy or its measures, the Government may rest assured that the only classes from which, in the present circumstances of the society, such criticism can be expected, are the members of the legal profession and editors of well-conducted Indian and Anglo-Indian newspapers.

23. The circular of the Government of India makes suggestions for the guidance of Local Governments in the procedure to be adopted by them in constituting their own legislatures. One finds it difficult to read this part of the circular without pain or regret. Ever since the Universities were established in the country and English education began to permeate the lowest strata of society, every right thinking man has been employed in devising ways and means for breaking down the barriers which separate class from class, and yet here is an enlightened Government who, for political purposes, tries to undo the work of half a century and stereotype those differences which have been the bane of the country and have necessitated the people being subjected to foreign domination for a thousand years and more. The instructions, as a whole, are unsuited to the present circumstances of the country and no language is sufficiently strong to condemn the policy which lies underneath those instructions. I trust that the Local and Imperial Governments will not, by any action on their part, perpetuate race or caste rivalries or throw obstacles in the way of all those true patriots who have been for years working hard for the furtherance of social reform on proper lines.

24. As regards the discussion of the budget, I have no doubt that the proposals of the Government are calculated to give the members of the Legislative Councils larger opportunities of discussing the financial policy of the Government than they have hitherto enjoyed, but any amount of criticism would be of little consequence unless the members are further empowered to propose amendments or alterations and to divide the council on each and every item which they may consider unnecessary or undesirable. That this is a reform, which might be easily brought about, goes without saying, and I trust the Government will be pleased when the regulations are finally settled to embody therein a provision giving liberty to members of council, official as well as non-official, to suggest amendments and to obtain the council's decision on every proposal which they may make for the alteration or modification of the financial policy of the Imperial and Local Governments.

25. I have so far dealt with the various proposals contained in the circular of the Government of India, and it is necessary before concluding my remarks to recapitulate the various suggestions which I have made in the preceding paragraphs of this letter. These may be briefly summarized as follows:—

(*a*) Instead of the Imperial Advisory Council it would be desirable to have a small *federal council*, in which the Government will have a large majority and which will consist of officials and of 6 to 8 non-officials selected by His Excellency the Viceroy, from amongst the ruling chiefs, territorial magnates and such other classes as may be entitled to representation.

(*b*) Such a council will be solely entitled to dispose of all questions of administrative reform and will be further entitled to deliberate on all questions to be submitted to the Legislative Council and on all resolutions received from that body.

(*c*) In the event of such council being established, the Legislative Councils may be very largely expanded so as to allow of the representation of all classes of the community and of all interests involved.

(*d*) In the case of the Imperial Advisory Council, if such a council should be established provision should be made for the representation of, not merely, the landed aristocracy but of the professional and monied classes as well. It should not be consulted individually but should be called together as often as occasion requires, should receive legislative recognition, and should have the power of initiative and the liberty to draw the attention of the executive to administrative abuses and shortcomings.

(*e*) The Imperial Legislative Council should be further expanded to provide for a large representation of the various classes and interests.

(*f*) The principle of giving separate representation to the landowning classes and to Muhammadans is inexpedient and uncalled for.

(*g*) That in case such representation is allowed, each province should be divided into electoral areas and a direct representation from each such area should be insisted upon.

(*h*) In addition to the big landowners and Muhammadans, the small landowners, industry and capital of the country and the professional classes should also be entitled to representation in the Legislative Councils.

(*i*) No class of the community whether Muhammadans or landowners should have a representation in the councils out of proportion to their actual numbers in the country.

(*j*) No body of persons entitled to return members to the council should be restricted in the choice of persons whom they are entitled to return.

(*k*) The suggestions for the constitution of the Provincial Legislative Councils are inadvisable and uncalled for.

(*l*) The members of the various legislatures should have power to propose amendments to the budget and to divide the council on every item, which they may consider objectionable.

26. I will now deal very briefly with the views expressed by the Madras Government as regards the constitution of the local Legislative Council.

27. As regards the Provincial Advisory Councils I think the number may be fixed at 35 to 40 in order to give full and proper representation to all classes concerned. I would give one member to each district and reserve the rest for affording adequate representation to trade, industry and capital, to the professional classes and to important minorities, if any. The members will be nominated by His Excellency the Governor. I would lower the property qualification needed for membership in order that landlord representation may not be confined to the class of zamindars alone who pay a large peishcush. I would insist upon the members of this assembly being called together whenever occasion may arise and think it desirable that their proceedings should ordinarily be published in the official gazette.

28. I do not think that the number of non-official members should be restricted to 17 and I think they may be safely fixed at 35, having regard to the various interests which require to be represented in the council. In this connection it is necessary that attention should be drawn to paragraph 21 of the Government of India Circular in which it is pointed out that the Government does not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last fourteen years. The proposals of the Government of Madras do not provide for any representatives being elected by the Municipalities and District Boards and no reason has been assigned why these public bodies should now be deprived of the privilege which they had enjoyed continuously since 1893.

29. In dealing with the suggestions of the Government of India I have already pointed out that the provision for the separate representation of classes and creeds is objectionable and retrograde. The proposal for the separate representation of Brahmans, Native Christians, and other castes shows to what lengths the suggestions can be carried and how absurd it looks to an Indian if applied to practical politics. If parliamentary institutions such as those that prevail in England and other western countries are unsuited to the conditions of this country, it does not necessarily follow that the very opposite of the principles which prevail there should be foisted and experimented upon here. Where parliamentary institutions prevail, territorial representation is the rule and every electorate consists of all the voters entitled to exercise their votes within that particular area. The same principle has been applied in Municipal elections in this Presidency and has been found to work well. It seems to me that it will be a wholly retrograde step to go back upon these principles and now try to experiment upon theories unsuited to the present needs of the country and obnoxious to the wishes of its inhabitants. It ought not to be the policy of any responsible Government to set class against class and to perpetuate differences which every body regrets and condemns. Now, going to the details of the representation intended to be given, it appears that one seat is proposed to be given to the Brahmans, another to Native Christians, and a third to the Muhammadans. It will be seen from the census report of 1901 that while the Christians and Brahmans are nearly equal, Muhammadans are twice as numerous as either, and yet only one seat is thrown open to each one of these communities. As regards the rest of the communities only six seats are reserved while they are entitled to nearly eight. The intention of the Government of India in providing for caste representation is stated to be, to prevent some of the classes being elbowed out by the predominant sections of the population. Now Brahmans, Native Christians and Muhammadans are members of very coherent and exclusive communities able to take care of themselves and to assert their voice whenever occasions may arise. It would seems therefore that it is the remaining portion of the population which requires to be looked after, and whose representation has to be specifically provided for. There are over 400 sub-castes amongst the classes of Hindus other than Brahmans, and each of these form by themselves exclusive communities not interdining or intermarrying with each other, and separated by differences which are as vital and permanent as those which separate some of the major castes. It would be impossible in the nature of things to provide for the separate representation of each one of these sub-castes, and if therefore some of these castes have to be grouped together, I do not think there is anything illogical or unnatural in considering the whole of the Indian population as a body and

giving them direct representation suited to their needs and conditions. I think therefore that the only system of representation which has the least objection is territorial representation, and I would therefore strongly advocate that each district should form a separate electorate in which all the voters should together elect a single representative. If this system be adopted, there will be 25 seats for the 25 districts now existing or contemplated, four can be allotted to Madras and four seats can be reserved to be filled up by nomination, so that minorities can be properly represented. This will give 33 seats to non-officials and I do not think the numbers are large, having regard to the area of the Presidency and the interests which have to be represented in the Legislative Council. If this, however, should be found impracticable, I would club two districts together, and in such a case I would distribute the seats as follows:—

(*a*)	To be elected by voters in each two districts	13
(*b*)	By the citizens of Madras	1
(*c*)	By the Senate of the Madras University	1
(*d*)	By the European Chamber of Commerce	1
(*e*)	By the Indian Chamber of Commerce and Trades Association of the Indian merchants and shopkeepers	1
(*f*)	By groups of Municipalities and District Boards	4
(*g*)	By the zamindars, proprietors, etc., if they are not otherwise adequately represented by the district candidates	2
(*h*)	To be reserved for representation of minorities, Muhammadans, Christians, etc., if otherwise unrepresented	2
	Total .	25

I consider this a fairly workable scheme, if each district is not to have its own representative in the Provincial Legislative Councils as already advocated.

30. A few words only need be said as regards the qualification of the electorate and the limitations imposed on the choice of a candidate by the electorates concerned. I have, in another portion of this letter, dealt adequately with the question as to how far it is proper to limit the freedom of choice which an electorate is to possess. Why should the Muhammadans or Native Christians be prevented from selecting a zamindar or a barrister if he is a properly qualified person, and why should the zamindars or barristers be prevented from exercising their free choice in selecting whom they may think fit to represent them properly. So far as these restrictions are concerned, I would wholly remove them from the body of the rules proposed. As regards the property qualifications, I think in every case the payment of income-tax on Rs. 5,000 or the possession of income of Rs. 5,000 per year a very high standard to fix and will give representation to an infinitesimal fraction of the whole community. I would fix the qualification of the electorate as follows:—

(*a*) All persons paying income-tax.

(*b*) All persons paying Rs. 1,000 as shist or rent or enjoying an annual income of Rs. 1,000 and upwards.

(*c*) All graduates of any recognised university.

As regards the zamindari class, the insisting of a payment of peshkash of Rs. 20,000 will vest the right of choice in a close corporation consisting of thirty to forty persons and will prevent competent men being selected to represent the land-owning class. I would reduce the amount to the payment of assessment of Rs. 5,000 and upwards or the receipt of an annual income to that extent. This will give representation not only to zamindars but to large owners of land under the ryotwar and other tenures.

31. I think, having regard to the present state of education in the country and its future possibilities, a literate qualification should be insisted upon, in the case of each voter, and I do not see that proper reasons are shown why the Government of India's suggestions in this respect should be considered inapplicable to the circumstances of the only Presidency where education has been making such rapid strides.

XVII.

Letter—from P. A. Booty, Esq., I.C.S., Acting Collector of Chingleput.
To—the Chief Secretary to Government.
Dated—Saidpet, the 12th March 1908.
No.—Ref. 978 H. B. & G. 1907.

With reference to paragraph 2 of G.O., No. 886, Public, dated 22nd November last, inviting opinions on proposals for the formation of Advisory Councils and for the enlargement of Legislative Councils, I have the honour to forward herewith the

opinions of the gentlemen noted in the accompanying list who were consulted in the matter and to state as follows.

2. *Imperial Advisory Council.*—It is proposed that this council should consist of twenty ruling chiefs and a suitable number of territorial magnates to be chosen from every province. The majority of the gentlemen consulted are of opinion that ruling chiefs would not care to sit in council with others of lesser degree even though territorial magnates, but that they might like to form a council of themselves under the presidency of the Viceroy or a Lieutenant-Governor. Also that they are not sufficiently advanced to be conversant with the principles and details of British Administration, and having held themselves aloof for so many generations they are not the recognised leaders of the people, so that their Diwans would be more suitable men. I am not aware of the qualifications of the gentlemen consulted to speak on the subject of the ruling chiefs, and my own opinion is that the matter should be left to those who have personal knowledge. The Imperial Advisory Council is to be consulted by committees or by individuals, and if the advice of the ruling chiefs is utilised for frontier or inter-state policy, famine administration or other questions of Imperial interest, the advice of other councillors can be taken for internal politics and there will be no question of the two sections sitting together. I am of opinion that if the Government of India is supported by such a council there would be less room, even though the difference may be small, for the misrepresentations of political agitators.

3. As regards the remaining forty members who are to form the council, they may be selected proportionately from all the provinces. In addition to the territorial magnates, others who may have attained to eminence by commerce, industry, or planting, and have a substantial interest in the welfare of the country, besides retired Government servants who have held high office, may be selected as opportunity occurs.

4. *Provincial Advisory Council.*—Opinions upon this subject are varied, but the general drift of opinion seems to be a district representation, some suggesting one member from the zamindars or landholders class and another from the mercantile, industrial and other classes. My own opinion is that though the appointments will naturally be made as nearly as possible from all parts of the Presidency equally it would be politic to declare certain geographical areas to be represented, so that the people may know definitely who is their councillor, and these areas should not be too extensive or one councillor cannot possibly obtain the confidence of all the inhabitants. The Presidency might be divided into Circars, Deccan, Carnatic, Central South and West Coast, with two members of each, one representing the landholders and the other representing industry, education or such other interest as preponderated in that area. The remaining number could be made up from Madras city and special communities, such as non-official Europeans, Missionaries, retired officials and Muhammadans. The masses are best represented by Government officials as they cannot appoint one of themselves to represent them against their natural enemies, and they will remain unvoiced in the Advisory Council. There is at present no question of making any portion of the council elective, and most of the gentlemen consulted are of opinion that nomination by Government is the best course.

Imperial Legislative Council.—The majority of gentlemen consulted would omit the ruling chief from the list given in paragraph 12 (2) of the letter from the Government of India and would substitute an elected member of the Madras Chamber of Commerce. The misgiving expressed in paragraph 15 are quite substantial and it is not probable that so large and heterogeneous an area as a Presidency can form a satisfactory constituency. It would be quite impossible that the merits of the rival candidates could be known to the majority of the voters, and the election would probably resolve itself into a question of which man was most widely known. Such a small electorate as 100 or 150 would lend itself to the machinations of wire-pullers though it is not advisable to make the franchise too low as this would open the door for bribery and corruption. I think the best result would probably be secured by a method of district voting delegates, the delegates elected by the respective district eletorates meeting together in the Presidency town to nominate their candidate.

6. The difficulties of election apply with greater force to the selection of the few Muhammadans suggested, and nothing remains apparently but nomination.

7. *Provincial Legislative Councils.*—The scheme suggested by the Government of Madras is in paragraph 6 (*a*) of G.O., No. 886, Public. The principal criticism is that selection by casts or creeds is a mistake as likely to accentuate racial differences and caste distinctions which are now beginning in a small degree to be bridged over. The majority is in favour of a territorial representation and I agree with it. Under any form of general franchise, however, Christians and Muhammadans will not be elected and it will be necessary to separately provide for them. There should be one elected Muhammadan in the Council and a special Muhammadan electorate should be formed for his election. The Native Christians are increasing in numbers and influence yearly, but they are still too few and too poor to be entitled to a representative from amongst themselves. The Native Christians of the West Coast are of course a separate class, and are of sufficient wealth and standing to make their influence felt in the election of a territorial representative. Excluding them, I am of opinion that the rest would be best represented by a European missionary amongst the nominated members. Such a gentleman would also be able along with the official members to speak for the voiceless millions who are not represented, and give valuable advice upon questions of education. The provision for a Brahman representative is quite unnecessary as there are sure to be as many Brahmans under the other sections as well more than give due representation to the community.

8. One of the most important questions is the extent to which the legal profession is to be admitted as representing the people. I understand the sub-paragraphs (*b*) and (*c*) (3) to be intended to restrict such representations, for under them there could not be more than three members of the profession in the Council, whilst ordinarily the member for the Madras Chamber of Commerce will not be a vakil. Considering the large proportion of this class in the past and the amount of influence which it wields, I am of opinion that this will be going to the other extreme. I do not think the gentlemen consulted can have seen the true effect of these clauses for they have made no comment upon them. I must admit that I have not studied proceedings in the Legislative Council, but I think that with only 2 or 3 Barristers or Vakils on the Council, the criticism of proposed legislation would not be as effective as it should be. I am of opinion that the restriction in sub-paragraph (*c*) (3) is sufficient without the further restriction that no person qualified under class (*d*) should be allowed to stand as a candidate in any other class. If this latter restriction is removed and members of the legal profession otherwise qualified under other classes, be allowed to represent those classes, then class (*d*) will be unnecessary.

9. For these reasons I would offer as a counter-suggestion that the Presidency be divided into eleven electorates as follows :—

1. Ganjám and Vizagapatam.
2. Gódávari and Kistna.
3. Guntúr and Nellore.
4. Bellary and Anantapur.
5. Kurnool and Cuddapah.
6. Chingleput, North Arcot and South Arcot.
7. Madras City.
8. Salem and Coimbatore.
9. Trichinopoly and Tanjore.
10. Madura and Tinnevelly.
11. Malabar, South Canara and Anjengo;

and that the seventeen non-official members be distributed as follows :—

(*a*) To be nominated by His Excellency the Governor	3
(*b*) Selected by Madras Chamber of Commerce	1
(*c*) Selected by the Senate of the University	1
(*d*) Selected by the eleven constituencies	11
(*e*) Selected by Muhammadans	1
Total .	17

The nominations by His Excellency the Governor could be used to counterbalance to some extent excesses of particular classes in the elections.

10. The qualification for the franchise should be a high one, and this will depend upon the separate enquiries which are being made by the Board of Revenue. I would tentatively suggest a payment of Rs. 1,000 assessment to Government, or payment of income tax on an income of Rs. 2,000.

11. I very much regret the delay, but it is due to pressure of work on newly taking charge of this district.

ENCLOSURES.

List of persons who have been consulted.

1. The Hon'ble the Nawab Muhammad Raza Khan, Bahadur.	M.C.S. (retired), Saidapet.
2. The Rev. A. Andrew	United Free Church Mission, Chingleput.
3 M.R.Ry. P. Thiagaroya Chettiyar Avargal.	Zamindar of Egathur, Tiruvallúr taluk and Tiruvenkatapuram, Ponnéri taluk, and a resident of Madras.
4. M.R.Ry. P. Ramanvja Chariyar Avargal, B.A., B.L.	Government Pleader and the Chairman, Chingleput Municipality.
5. C. Gahan, Esq., B.A.	The Treasury Deputy Collector, Saidapet
6. S. M. V. Oosman Sahib Bahadur, B.A., B.L.	The Head-quarters Deputy Collector, Saidapet, since transferred to North Arcot.
7. M.R.Ry. M. V. Narayanaswami Pillai Avargal, B.A.	Deputy Collector, Tiruvallúr division.
8. Rao Bahadur K. Jagannadham Chetty Garu.	Retired Tahsildar and the Chairman, Municipal Council, Conjeeveram.
9. M.R.Ry. J. Venkatapathi Nayudu . .	Tahsildar of Conjeeveram.
10. M.R.Ry. D. B. Venkatasubba Rao . .	Tahsildar of Madurántakam.
11. M.R.Ry. R. S. Viswasam Avargal, B.A.	Headmaster, United Free Church Mission High School Conjeeveram.
12. The Rev. C. H. Monahan . . .	Superintendent, Wesleyan Mission, Tiruvallúr.

ENCLOSURE No. 1,

Letter—from the Rev. A. ANDREW, United Free Church Mission, Chingleput.
To—the Collector of Chingleput.
Dated—Chingleput, the 20th January 1908.

I have the honour to reply to your letter No. 978-B & G. of 1907, dated 4th January 1908, requesting an expression of my opinion in writing on the several questions raised in memorandum No. 886 Public of 22nd November 1907, regarding the formation of Advisory Councils and the enlargement of Legislative Councils.

I cordially approve of the aim of the Government of India in giving an opportunity to leading men of expressing their views on matters relating to the administration, and its more effective working. But a word of caution is necessary. The educated classes form a small proportion of the population, and they may by the advocacy of their claims be enabled to reach a position of importance in the country higher than they are entitled to. According to the last census 14½ million males were literate in a population of 150 million males, or 98 in every 1,000; while there were only 1⅛ million males literate in English, or 68 in every 10,000. This shows that education has not advanced to any very considerable extent throughout India.

While this is so, the educated natives are employed in large numbers in the administration of the country, and form the great majority of the administrative staff in the subordinate offices. Their intellectual fitness and social position have enabled them to gain this position. The question of employing them in increasing numbers in the higher offices is one that requires very careful and prudent consideration. Undue haste in introducing reforms in a country like India, which possesses no homogeneity, and is split up into many sections, may set back the social and political development of the country.

The Councils Act of 1892, which was the outcome of a clear statesmanlike policy, did much to foster this kind of development, and was a real and wise step in advances. By this Act the

Legislative Councils were enlarged, the elective principle recognised, and the right to discuss the budget and make use of interpellations was given. It follows that such legislative privileges should be expanded in accordance with the advance of the times. It seems to me that the time has arisen when a wider scope may be given to the powers granted in 1892, not, because there has been agitation by Indian extremists, whose views on things Indian are vitiated by being extremely out of harmony with the actual situation, but because of the development in education, commerce, and the arts of civilization that has taken place during the past 16 years. During this period a consciousness of growing power, a strong feeling akin to patriotism, and an extensive desire to share more and more in the administration, have arisen in the minds of many educated men.

I approve of the formation of Imperial and Provincial Advisory Councils, and of the enlargement of the Imperial and Provincial Councils as well fitted to improve the administration, and to make the measures and motives of the Government better understood and appreciated by the people in all parts of the country, and also to correct the erronous and mischievous views promulgated by irresponsible agitators. But I would lay it down as an absolute axiom, which should be rigidly enforced, that, by the formation of these Advisory Councils and the enlargement of the Legislative Councils, the Executive Government should in no way be interfered with, or thwarted in any way in their executive operations. Besides, the Government official members should always be in the majority on these Councils.

Imperial Advisory Council.—With regard to the Imperial Advisory Council I have to state that the proposals framed under papagraph 5 of the memorandum appear to me to be good with the exception of the constitution of the Council as contained in (3). This includes about twenty ruling chiefs, and a suitable number of territorial magnates of every province. It is not clear whether these two classes only should form the Advisory Council, or only a proportion of the sixty members. The great landholders no doubt represent the aristocratic and stable elements in Indian society, but they at the same time are living in a society quite distinct from, and are dominated by ideals and principles which seem to be out of touch with the general population.

I think that from a practical point of view the proposal to include the ruling chiefs is unworkable. I cannot conceive of them meeting in collective capacity with those who do not belong to the ruling race, and who as they think are vastly inferior to them in rank. To an Oriental monarch this would seem an impossibility. They, however, might be represented on the Advisory Council by their Diwans, to whom this objection would not apply. These Chiefs, moreover, do not know much about British territory, except from second-hand information. They could be on the Council, and be by themselves consulted, either in an individual or collective capacity, on famine or excise administration in their territories, on war with frontier tribes, or on the question of military co-ordination between the Imperial and Native Governments when any external enemies have to be dealt with.

At least twenty seats should be reserved for substantial men of great educationul and statesmanlike abilities, who have been conspicuous for their probity, skill, and wisdom, irrespective of the amount of territorial property they may possess.

The Provincial Advisory Councils.—The constitution of the Provincial Advisory Councils is somewhat different. They should consist of 25 members, and should represent the classes referred to in the memorandum—landholders, industry, commerce, capital, and the professional classes. Care should be taken that these be adequately represented, and that some member of the Christian community be included under one or other of the heads mentioned. I would add that it might be advisable to appoint an Advisory Council for each district so that the Collector may be in a position to consult it when necessary at any time.

The enlargement of Legislative Councils.—Coming now to the enlargement of the Legislative Councils, I would propose the following alteration under paragraph 12 (2) E. It should read "Non-officials nominated by the Viceroy to represent minorities or special interests, not less than one to be a Muhammadan and one to be a Christian." This would secure the presence of a Christian to represent the three millions of that community in India—a community which is growing in influence and importance every day. I notice that under section D the Madras Chamber of Commerce is omitted, and only those of Calcutta and Bombay put in. I cannot understand why such an important body of men should be left out. Three men should be elected by the three Chambers of Commerce. If 53 be the number of members, then the Muhammadans under D (*d*) may be reduced to 1. With these alterations I am of opinion that the new Imperial Legislative Council would be suitably constituted, and lend its weight in helping to maintain the stability of the empire.

The Provincial Legislative Councils.—I think that the scheme which is suggested in paragraph 6 (*a*) of the annexure to the memorandum, as found on page 15 is excellent, and the only feasible one at the present stage in the development of the country. It probably will not be acceptable to the barristers and pleaders who form the very large majority of those who have been elected to the Provincial Councils by the District Boards and Municipalities. While the barristers and pleaders certainly occupy an influential position, it is not reasonable that they should have a virtual monopoly of the Legislative Council membership. Other sections of the community should also have the privilege of being elected to such an honourable position. I cordially approve of the scheme and trust that it will be adhered to. It will co-ordinate all the different interests, and give a fair representation. After, say, twenty years' experience it will be found whether it has really been a step in advance, and whether any modification can be made in the selection

by the different classes mentioned in the scheme. I have seen the proposal of the Raja of Kollengode, and think it will only perpetuate the present defective representation. Something should be done to equalize the representation of the different interests, and this the scheme appears to me to do.

The "general" and "special" conditions laid down in 6 (*c*) and (*d*) on page 16 seem to be fitted to make the scheme of selection a success. With regard to 6 (*f*) I think that no person should be selected to such an important Council who has not the necessary literate qualifications. An illiterate member would be unable to easily understand the deliberations of the Council, and enter intelligently into any discussion that may arise in the course of the Council's business.

The thanks of the country are due to the Government for the important step they are taking to enlist the sympathy and co-operation of the people of the country in the administration by means of the proposals they are at present making.

ENCLOSURE No. 2.

Letter—from M. R. Ry. P. RAMANUJA CHARIYAR Avargal, B.A., B.L., Chairman, Municipal Council, Chingleput,

To—The Collector of Chingleput.

Dated—Saidapet, the 12th February 1908.

With reference to your letter Ref. on No. 978-B. & G. of 1907, dated the 4th January 1908, asking me my opinion in writing on the several questions raised in the memorandum printed as an enclosure to the G.O. No. 886, Public, dated the 2nd November last, I have the honour to submit my opinion as follows.

1. It appears to me that the contemplated formation of Advisory Councils, both Imperial and Provincial, is an excellent idea, but with regard to the constitution of the Councils I venture to submit that it should be somewhat different from that proposed in the Government Order above quoted.

2. With reference to Imperial Advisory Councils, I submit that it does not appear to me to be expedient to have Ruling Chiefs in the Council. The Ruling Chiefs themselves would not like the idea. Considering the habits of the country, they would feel it an indignity to sit with persons who are mere zamindars, however big their zamindari may be. They would very willingly sit with the Viceroy, Governors and Lieutenant-Governors of Provinces, but they may not like the idea of sitting with persons who do not happen to be of the status of Ruling Chiefs. Further, they are not likely to know much of British-Indian administration. Hence if the Ruling Chiefs are to be constituted an Advisory Council, they may be so constituted, provided that in the Council in which they are members there is nobody else who is not either the Viceroy or the Governor or the Lieutenant-Governor of a Province. But then the function of the Council of Princes, Chiefs and Administrators should be to discuss exclusively high matters of State, such as matters of Foreign and Border Policy, Peace and War, and so on. Such a Council consisting of only the Ruling Chiefs and the Viceroy and the Governors of Provinces in India, and, I may add, of the Commander-in-Chief of His Majesty's Forces, would be of great help to the Government of His Majesty in discussing high matters of State, and the Ruling Chiefs themselves would feel flattered by being consulted on such matters by the representative of the Sovereign. A Council on these lines may be appropriately called "The Imperial Council of Indian Princes, Chiefs and Administrators."

3. Besides the above Council, there should be what is called an Advisory Council of "Notables" to the Viceroy. In this Council may be represented the wealth and intelligence of the country. It does not generally happen that a highly intelligent and loyal citizen is also a rich man and *vice versâ*, it does not happen that a very rich loyal citizen is also a highly intellectual man. No doubt, there may be cases in which both these qualifications are combined, but they are more an exception than the rule. Hence, I submit that 60 persons may be selected to form the Council; 20 of them may be "Territorial Manates," 20 of them may be drawn from the capitalists and merchants, and the remaining 20 may be drawn from all the other classes. A high standard of qualification is to be fixed for these councillors. With regard to territorial magnates, no one shall be deemed to be a magnate unless he pays a land revenue of not less than Rs. 25,000 per annum to Government; as regards the capitalists and merchants I would submit that nobody should be entitled to sit on the Council who does not pay an income-tax on a yearly income of not less than Rs. 25,000 to Government; and with regard to the remaining 20 councillors, no general rule could be laid down, but the Government has to select men who have attained eminence and shown public spirit and who, by their dignified character and high attainments and talent, are considered worthy of sitting in such an august Council. The functions of this Council will be to bring to the notice of the Viceroy from time to time the defects that the individual councillors may see in regard to the various measures which the Government may take or has taken, to interpret the Government to the people and the people to the Government, and generally be the mediums of communication between the Government and the people.

They must be at full liberty to state their views honestly and candidly on every question of administration; of course, the Government is not bound by their opinions, but would derive valuable assistance from having so many ears and eyes, so to speak, in the persons of these councillors.

4. The above being the view that I take of the functions of the members of the Imperial Advisory Council, it appears to me that no regular meeting would be necessary except in matters of great importance, or whenever it is deemed desirable to have an exchange of views among the councillors so as to decide upon a particular course to be taken. In other matters, I deem it sufficient if individual opinions are taken by means either of personal interviews or by letter communication. The decisions of the Council or the opinions of the councillors need not be made public.

5. The formation of Provincial Advisory Councils should be based upon broad principles. I would respectfully suggest that the constitution of the proposed Council may be something as follows:—

(*a*) All those belonging to the Province who happen to be in the Imperial Advisory Council.

(*b*) One person from each district who either pays a land revenue of not less than Rs. 5,000 a year, or income-tax on an annual income of not less than Rs. 5,000.

(*c*) About ten persons who, though they may not possess the property qualifications above referred to, have attained high distinction in public life by their character, education and conduct and whose opinion, in consequence, would be valuable.

The function of the Provincial Advisory Council will be the same as the function of the Imperial Advisory Council above referred to in regard to matters of Provincial administration. This body will interpret the feelings of the people to the Government and the feelings of the Government to the people. So far as the Madras Presidency is concerned, on the principles above stated the Council is likely to consist of 35 members. In matters of great importance where it is considered that an exchange of views is necessary and a full private discussion is desirable, the Council may meet. In other cases, opinion may be invited from individual councillors, but the Government may be guided by these opinions, but it is not compulsory that it should be so guided.

6. Coming next to the Imperial Legislative Council, it appears to me that the number and the constitution set out in paragraph 12 of Government Order may be adopted with the following modification:—The Ruling Chief ought to be omitted and the special mention of Muhammadans as a class ought to be also omitted. Since the Government reserves to itself the right to select members in addition to the elected members, it will be open to the Government to appoint fit and competent persons from any class of persons who, in the opinion of the Government, are not adequately represented. It depends upon whether at any particular time there is adequate representation or not. Hence, the mention of Muhammadans as a class prominently in the rules to be framed appears to me to be inexpedient and impolitic.

7. Turning now to the Provincial Legislative Councils, I venture to submit that the scheme suggested at page 15 of the Government Order under reply is not proper one. Forming electorates by race, caste and creed appears to me to be highly inexpedient and is also likely to produce discord among the various sections of the community. It appears to me that the following scheme will work well and produce an efficient Council:—

(*a*) to be nominated by His Excellency the Governor, 6;
(*b*) selected by the Madras Chamber of Commerce, 1;
(*c*) selected by the Senate of the University, 1;
(*d*) selected by the legal profession, 1;
(*e*) selected by the zamindari class, 2;
(*f*) selected by the citizens of Madras, 1;
(*g*) selected by the Northern Circars, 1;
(*h*) selected by the Ceded Districts and Nellore, 1;
(*i*) selected by the North Arcot, Chingleput and South Arcot districts, 1;
(*j*) selected by the Tanjore and Trichinopoly districts, 1;
(*k*) selected by the Madura and Tinnevelly districts, 1;
(*l*) selected by the Salem and Coimbatore districts, 1; and
(*m*) selected by the Malabar and Canara districts, 1.

Since under this scheme the Government has a reserve power of nominating six members, it is open to the Government whenever it sees a particular class or section of the community not represented to appoint competent persons from among the community not properly represented. The persons selected by the zamindars must themselves be zamindars. The persons selected by the legal profession must be members of the legal profession. The persons selected by the University should be persons who follow education as their profession. The person selected by the Madras Chamber of Commerce must be a merchant. With regard to the others, there need be no restriction whatever as to from what class or from what profession they are selected. As already observed, if by such selection it happens that any particular class in the opinion of the Government is not adequately represented, it may exercise its power of appointing persons of that class.

8. As to the qualification of the electors, those suggested in clause (*d*) of page 16 of the Government Order appear to me somewhat high. In the case of the legal profession, any person paying an income-tax on an annual income of not less than Rs. 2,000 may be qualified to vote. In the case of zamindars, any zamindar may be registered as a voter who pays a peshkash of not less than Rs. 2,000 or pays land-cess to Local Boards calculated on a rent value of Rs. 5,000, and one member may be given for the northern districts and another for the southern districts. As regards the qualifications of voters in the districts, any person who pays an income-tax on an income of not less than Rs. 2,000 or any person who pays land revenue to Government as a ryotwari holder of not less than Rs. 1,000 a year may be registered as a voter. It is not necessary that literate qualification should be insisted upon, since it will be found that there will be several literate persons among those who get an annual income of Rs. 2,000 and more. As regards the selection by the citizens of Madras, the qualification to vote may be payment of income-tax on an income of not less than Rs. 2,000 or taxes to the Corporation of Madras on immoveable property assessed at an annual value of not less than Rs. 2,000. The general conditions in clause (*c*) of page 16 of the Government Order may be adopted.

I am sorry that there has been some delay in the submission of this report, but it was not intentional. The fact is I was not able to prepare the report earlier owing to the pressure of professional engagements.

ENCLOSURE No. 3.

Letter—from C. GAHAN, Esq., B.A., Treasury Deputy Collector, Saidapet,
To—the Collector of Chingleput.
Dated—Saidapet, the 10th February 1908.

In response to your letter Ref. on No. 976 B. & G. of 1908, I have the honour to submit the enclosed memorandum of my opinion on the points mentioned in the memorandum printed as an Annexure to G. O. No. 886, Public, dated the 22nd November 1907.

Memorandum.

Imperial Advisory Council.—In regard to this Council it is my humble opinion that it will be neither expedient nor of any practical utility to include the Ruling Chiefs in its membership. They cannot be expected to have any special concern in matters of administration outside their own territories, and I do not think it will ever be practicable to obtain their collective presence for purposes of consultation.

If their advice is to be sought only in matters of Imperial concern it may be obtained individually from them without the necessity of enrolling them as councillors.

Excluding, therefore, the Ruling Chiefs, the Council may be constituted on the lines laid down in paragraph 5 of the Government of India's letter of the 24th August 1807, all the members being nominated by His Excellency the Viceroy.

The function of the Council should be purely advisory, matters of Imperial interest or of administration of such movement as the Government may deem it expedient to seek advice in, being referred to it as a collective body or individually or by means of committees formed among its members. The number should be large enough to represent all classes and interests. It should receive no statutory recognition.

Provincial Advisory Council.—This Council may, as suggested, consist of about 25 members, including those already representing each province on the Imperial Council and representatives, besides of the smaller landholders, commerce, industry and the professions, to be nominated by the head of each local Government.

Members already nominated to the Legislative Council may be included in this number.

The functions of this Council should be of the same nature as those of the Imperial Advisory Council, important matters of administration and of Provincial interest only being dealt with when specifically referred to it.

Imperial Legislative Council.—In regard to the proposals contained in paragragh 12 of the Government of India's letter as to the constitution of the Council I respectfully venture to submit that there appears no necessity for reserving a seat for a Ruling Chief, nor do I advocate the reservation of so many seats as four for the Muhammadan community.

As this Council is expected to deal chiefly with matters of legislation and as the majority of legislative enactments affect every individual alike irrespective of caste, class or creed, the representation of any particular castes or creeds do not seem to be specifically called for. It seems desirable that interests more than classes or creeds need fair representation.

If it is thought that a fair representation of all classes cannot be obtained by the elective process and that some are likely to be unrepresented or in a considerable minority, a safeguard would lie in reserving a cetain member of seats for nomination by the Viceroy and it would then be open to Government to make good any deficiency by filling in these seats as the exigencies of the circumstances may call for. The number of seats to be so reserved may, I think, be fixed at six.

In regard to the election of nobles and territorial magnates it will perhaps not be feasible to have for them an electorate comprised of so wide an area as a province, the selection might therefore be left to the land-owning members of each Provincial Council either from among themselves or from landholders paying such an amount of land revenue as may be fixed as bestowing the right to vote or be a member of a Provincial Council.

The property qualification may be fixed at such an amount of land revenue as would indicate an annual income of Rs. 24,000.

In the seats set apart for members selected by the Chambers of Commerce I would also have a seat for the representative of the Madras Chamber.

Adopting the figures proposed by the Government of India with the modifications suggested by me, the Council would be composed as follows:—

A.—His Excellency the Viceroy	1
B.—Ex-officio Lieutenant-Governor of Bengal or Punjab. The Commander-in-Chief and Members of the Executive Council	8
C.—Additional officials to be nominated by Government	10
D.—Elected members—	
(*a*) By the three Chambers of Commerce	3
(*b*) By non-official members of the seven Provinces	7
(*c*) By nobles and great landholders	7
E.—Additional non-official members to be nominated by Viceroy	6
Total	52

I agree in the opinion that there should be a propondarence in the number of official over the non-official members.

Provincial Legislative Council.—In the constitution of this Council for this Presidency I do not think it desirable that representation should be based on class or creed distinction. It would be preferable rather to have it territorial than otherwise, and to this end I think the present system of election of non-official members by Municipalities and Local Boards should be continued, though I would reduce the areas returning the representatives of such bodies. If possible each District Board should have its representative, and the municipalities might be divided into two groups—northern and southern.

Interests should also be represented, and I would therefore assign one seat each—to the Madras Chamber of Commerce—the senate of the University—to the Trades' Association—to the Planters of Southern India and to the Madras Corporation.

In order to obviate the crowding out of any particular classes or cases by any predominant section, a few seats should be reserved for nomination by His Excellency the Governor who will thereby be able to counterbalance any tendency to undue representation and secure for any class or interest in a minority the representation it deserves. If it would make the number on the Council too large, to allow each district a representative, the area of the electorate may be enlarged to two adjacent districts and the District Board as well as Municipalities of these permitted to elect a member.

The Council of non-official members would then be comprised as follows:—

(*a*) Elected by Madras Corporation	1
(*b*) Do. by Boards and Municipalities	11
(*c*) Do. by Senate of University	1
(*d*) Do. by Chamber of Commerce	1
(*e*) Do. by Trades' Association	1
(*f*) Do. by Planters of Sonthern India	1
(*g*) Nominated by Government	4
	20

The regulations framed under section 1 (4) of India Councils Act, 1892, of Madras may be made to apply as far as practicable to the recommendations for seats class (*a*) to (*f*). The selection of members forming class (*b*) need not necessarily be confined to the members of the Boards and Municipalities themselves—the selected candidate should, however, be a man of position and a permanent resident of the area he is returned from. As a condition for eligibility it would be perhaps necessary to expect both a property as well as a literate qualification. For it is not always the man of means who is the man of culture and who takes an intelligent interest in public affairs. What the standard of property qualification should be I abstain from suggesting, as I think the Government will be in a better position to determine upon that question.

In regard to the constitution of District and Taluk Boards I think the elective system for membership might be more freely introduced and every adult literate male whose income exceeds Rs. 500 per annum or who pays a revenue equivalent to that amount should be allowed to vote. It should be open of course to Government to nominate the usual official element to these Boards.

The Budget.—This as suggested might be discussed in the first instance under separate heads or groups in both Councils.

Non-official members should be given the liberty of proposing amendments and dividing the Council, and as a safeguard the head of the Government may be invested with the power to veto in case necessity arises.

ENCLOSURE No. 4.

Letter—from M. R. Ry. M. V. NARAYANASWAMI PILLAI, Avargal, B.A., Deputy Collector, Tiruvallur Division.

To—the Collector of Chingleput.

Dated—the 14th February 1908.

I have the honour, in reply to your reference on No. 978 B. and G. of 1907, dated 4th January 1908, to report as follows.

2. *Advisory Councils.*—I have nothing to say about the Imperial Advisory Council. As regards the Provincial Advisory Council, I submit first that some of the members, say, five or more, ought to come in by election. The District and Taluk Boards are now looked upon by the educated classes as subservient to official opinion on the alleged ground that they enter them by official favour. It is said, and persistently, that the members dare not express any view other than that of the President for fear of losing the favour. Although some of the District Board members are elected by Taluk Boards, they first enter the Taluk Boards by nomination. What truth there is in this complaint it is not necessary here to discuss. I only submit that the fact of the existence of the complaint requires to be recognized, and wish to disarm the complainants seeing that this Council is intended as a link in all important matters between the people and the Government; it seems to me that it ought to consist of some persons whom the people will be proud to look upon as their representatives and will confidently except to state their view. I attach a great deal of importance to this Council, as, as I shall propose below, they will have to deal with questions of very grave import to the Presidency. The Presidency may be divided for purposes of this election into five groups—the Circars, the Ceded Districts, the Central Districts, the Southern Districts, and the West Coast Districts—each group sending one representative. If this principle is conceded the forming of an electorate may be arranged. The representative of course will possess the qualifications to be fixed for him. Lower qualifications may be fixed for the voters as all the members of the District and Taluk Boards and Municipalities may meet at a centre to elect him.

3. Next, I would submit that officials and retired officials of large experience should not be excluded. Gentlemen like Sir S. Subramania Aiyar, Sir V. Bashyam Aiyangar, Diwan Bahadur Rajaratna Mudaliyar and Mr. Krishnaswami Rao command more confidence with the public than any zamindar or big landholders in the Presidency.

4. The Council ought to be consulted (1) for purposes of settling the general principles (not details) in regard to matters on which legislation is to be undertaken, (2) in matters connected with plague, famine, education, forests, industries, etc. It ought also to have the power of initiative on a requisition to be made by at least half the number of members on questions of importance.

5. *Legislative Councils.*—I cannot say anything about the Imperial Legislative Council. In regard to the Provincial Legislative Council, I submit that I consider that elections by castes or religion is not to be commended. Every person who has the welfare of this country at heart deplores the pernicious effects of the caste system and would gladly see it completely abolished. However much it may have been desirable in old days it is out of date now and has outlived its utility, not to the individual but to the nation in general. The higher castes would not give up their position of eminence, although the lower castes would, as is natural, have the barrier broken down. Considerable improvement is being made in the relations between the higher and lower castes and of late years the more broad-minded educated men and in fact the general advancement of the people are hastening this. I beg respectfully to submit that at this time I should consider, as an Indian, that there should be no accentuation of caste differences and of a need for caste representation. The Theosophical Society, some years ago, first commenced to enunciate the differences of caste, and, in my humble opinion, this retarded for a long time progress in this direction. I only fear that if the proposed step is taken, further progress may be retarded. Although complaints may be made in other directions it has never been, so far as I know, said that the Brahman did not properly represent the non-Brahman or the Christian on the Legislative Council and *vice versa*. Brahmans are elected by the non-Brahmans and the non-Brahmans are elected by Brahmans ungrudgingly and this, I submit, brings about amicable relations, good feeling and confidence between them. I would

therefore abolish (*g*), (*h*) and (*i*) in the scheme and raise the number in (*j*) to 8; adding the remaining one to (*a*) for nomination by His Excellency the Governor in case it should be found that Brahmans, Christians or Muhammadans are not adequately represented. The qualifications for voter are very high. I would reduce the standard of qualifications for the voters and retain the proposed qualifications for the candidates who will of course be of the voters. I would also add to the voters and candidates all graduates of twenty years' standing and more and would modify the restrictions that pleaders should not be elected. The election will be for groups of districts, say four, and I would make it a rule that not more than half the number may be pleaders. The reason why I wish to enlist the services of pleaders is that if they are excluded altogether there will be paucity of men who will be fit to discuss questions of great importance altogether. I respectfully beg to submit that I fully appreciate the intention to give full representation to all other classes, but education has not spread sufficiently to landholders and merchants yet. The best intellects are either vakils or Government servants, and we cannot altogether ignore this fact. This system if adopted will introduce all classes of people but will check the preponderance of vakils in the Council. This will will also do away with the need for a representative of class (*d*) which I would add to class (*a*) so that while on the one hand there will be an intelligent representation of all classes, there will not be talent wanting in the representation of the Presidency as a whole. I would also add to the list of voters and candidates retired high officials in the mufassal to be specially listed without reference to special property qualifications.

6. As regards class (*e*) I would submit that the qualifications required seem too high. They may be reduced.

7. In conclusion, I beg to state that if I have written rather strongly about any matter, it is because I feel strongly and I request that the remarks may be accepted in the spirit in which they are made.

ENCLOSURE No. 5.

Letter—from M. R. Ry. Rao Bahadur K. JAGANNADHAM CHETTI Garu, Chairman Municipal Council, Conjeeveram,

To—the Collector of Chingleput.

Dated—the 15th February 1908.

With reference to your letter reference on No. 978 B. and G. of 1907, dated the 4th ultimo, I have the honour to submit my views as I think best. They are as follows:—

(1) *Imperial Advisory Councils.*—I am in favour of an Imperial Advisory Council, but I am not well impressed with the idea of calling in the aid of the ruling chiefs to constitute the proposed Council. Whatever might have been the position of these potentates in ancient times, they cannot now be said to be the natural leaders of the people though there may be few brilliant exceptions. Times have considerably changed. Wealth and princely seclusion beyond evoking loyalty and respect did not even in ancient times constitute the ruling chiefs as leaders, much less now are they counted upon as essential elements of acknowledged leadership. Among retired officials of superior rank and position and among non-officials there exist adequate materials for the constitution of the Council. Even among the practical administrators of Native States, namely, the Diwans of ruling chiefs who represent the brain and intellect of the country and who have close acquaintance with the sentiments of the people at large, sufficient number can be found to help the administration of the country. I make this statement out of my experience as Diwan of Ettiyapuram. The opinion of Justice Sir Subramania Aiyar for instance is calculated to carry more weight with the people than that of any of the ruling chiefs, most of whom, to be plain, are yet on the road to form independent opinions of their own on momentous questions of public interest.

(2) *Provincial Advisory Councils.*—I am not in favour of Provincial Advisory Councils, as, in my opinion, there must be an Advisory Council for each district and the constitution of these Councils obviate the need for a Provincial Council

(3) *Enlargement of the Imperial Legislative Council.*—In principle, class representation will prove pernicious to public interests. The non-official members have the right of interpellations in certain matters. They have not the power to discuss principles of any legislative measures. If the councils are to be enlarged they should be given some power of legislative initiative. The principle that should be followed is to see that not only wealth and position but also the intellect of the Country is properly represented in the Council. For this purpose, the qualification of members should not be fixed so high as to prevent the best men, who, though otherwise qualified, may not be large landholders or men of wealth, from coming in.

(4) *Provincial Legislative Council.*—I am opposed to the scheme in its entirety. I fail to see any ground for the creation of separate electorates for Brahmans, lawyers and so on. Class legislation in Provincial Council is few and far between. There can at no time arise a case wherein legislation ought to be made for Brahmans alone. Even if any such cases do arise, it cannot be said that there will be no Brahman legislators in the Councils, unless a separate

electorate is created for them. Why separate electorate for Christians, when the Executive and Legislative Departments of Government contain Christian gentlemen of superior intellect, ripe experience and judgment; so far as public interests are concerned, I do not share in the view that the different nationalities of this Presidency have any other but common goal. In my opinion, the present electorate through the District Municipalities and District Boards is scientifically sound and logically accurate and if need be the number to be elected by them may be increased without distinction of caste, creed or colour.

I have no objection to landed interests and Muhammadans interest being specially represented, but I find that the qualification laid down is too high for this presidency.

Including His Excellency the Viceroy, 61.

Classed under the several heads the figures will be—

Officials including *ex-officio* 28	28
Non-officials	32
By nomination which is almost as good as officials	30
By election	30

Half the number of seats falling under D (*b*) should be declared to appertain to the agriculturists and the other half to traders. It is proposed to fill 4 out of the 20 official seats by election in order to bring the elective seats to half of the total strength to meet the public cry. By right of nominations, the Government reserves the power of discretion to nominate only persons of proved ability and loyalty and this will meet the small want of preponderance in the official element. The number of members, *viz.*, 60, may appear large, but considering that a big country like British India, consisting of seven large provinces, has to be represented, the figure is not perhaps high enough.

IX. I would further suggest that in disposing of the two seats remaining at the disposal of His Excellency the Viceroy the representation of the domiciled Europeans, such as planters, etc., and that of the Military Department (retired list) may not be lost sight of.

X. Next going to the question of Provincial electorate (paragraph 14 of the Government of India's letter), it is but proper that no candidate who is not himself eligible for election can have the right of electing others. Having regard, however, to the extent of the province, of the people and of their interests to be represented, every Taluk unit should be represented in the electorate so far as the Province of Madras is concerned, the minimum number of electors should be 181* as there are as many Taluks. If possible in the case of Taluks which happen to be trading centres, two for each Taluk, one for agriculture, the candidate being qualified by the extent of the amount of land revenue he pays to Government, and the other for trade, the candidate in this case being likewise qualified by the amount of income-tax paid by him, will be necessary. There is no harm in the list of electors being rather long. On the other hand it will be adequately representative which is the chief point.

* *Note.*—This figure has to be verified.

XI. If it is approved that every Taluk unit should be represented in the electorate, then it will be necessary to determine the property qualifications of the candidates standing for the franchise. The figure of Rs. 10,000 fixed as the minimum land revenue to be paid by the candidates appears to be rather too high as far as the Madras Presidency is concerned. The Government apprently took as the standard the wealthy mittadars and noblemen of other provinces. In the Taluk of Conjeeveram for instance, which is only second to Madurántakam in its wealth in this district, no landholder pays more than Rs. 4,200 as land revenue to Government. Other Taluks except Madurántakam should be worse. The figure of land revenue, so far as the Conjeeveram Taluk is concerned, may be fixed at Rs. 3,500 or even less and the Collector wil be able to fix the district average from the statistics furnished in reply to his memorandum reference No. 1896-Sup., dated 15th November 1907. If income from lands is taken into account Rs. 5,000 may be fixed as the minimum. As regards the trading class, the largest amount of income-tax paid by the one individual in the Conjeeveram Taluk, which may be termed a trading centre, is Rs. 524 and three† sets of figures paid next to this sum are noted in the margin. The minimum tax may be therefore fixed at Rs 300. In the case of Muhammadans, however, who as a class are very poor, the property qualifications may be reduced to Rs. 1,000 under land revenue and Rs. 75 under income-tax, or the minimum income from land may be taken as Rs. 2,500 or taxable income at Rs. 2,900 in round figure.

† (1) Rs. 353. (2) „ 346. | (3) Rs. 226.

XII. I would invite attention to paragraph 5 (4) of Government of India's letter where it is proposed to fix the term of members in the Councils at five years. Having regard to the number of candidates eligible for seats in the Councils, the term may be, with advantage, reduced to three years, if honours should circulate and if a chance should be allowed for a fair percentage of eligible candidates to sit in the Council once at least during life. The foregoing remarks concerning electorates of course apply to election of candidates for both the Councils—Imperial and Provincial.

XIII. Finally as regards the candidates for seats in the Provincial Councils, the maximum proposed in paragraph 2 of the memorandum annexed to G. O. No. 886 Public, dated 22nd November 1907, appears to be inadequate, *viz.*, not sufficiently representative. Every district should be taken as a unit by itself so far as the elective seats are concerned. There are 23 districts. Of the 23 candidates to be returned by the election 12 might be agriculturists including zamindars and landholders of every other description and 11 traders. It is proposed to recast the scheme (*a*) under paragraph 6 as shown under :—

A	2
B	1
C	1
D	1
E—Zamindars and other landholders with landed property qualifications	12
E—(1) By traders with income-tax qualification	11
F	2
G	Dropped.
H	1
I	1
J	Dropped.

XIV. The number of non-official seats will come to 32 instead of 17 proposed in the scheme. Item G is dropped (1) as caste distinction is no qualification; (2) as the other castes Kshatria, Vysia and Sudra shall have to be allowed the same privilege; and (3) as it is highly probable that candidates returned under (*c*) and (*d*) will be Brahmans.

XV. The increased numerical strength is not much considering the fact that the interests of the whole district paying far above fifty lakhs of rupees under all heads to Government is to be represented by the voice of only one individual.

XVI. The general conditions enumerated under (*c*) may have to be revised in the light of the foregoing observations under the two Councils, but before the remarks are approved it will be premature to propose revision of the conditions.

ENCLOSURE No. 6.

Letter—from M. R. Ry. D. B. VENKATASUBBA RAO Avargal, Tahsildar of Madurántakam (Zamindar of Chinnakandali, Salem District),

To—the Collector of Chingleput.

Dated—the 3rd February 1908.

I beg to acknowledge receipt of reference on No. 978 B. G. of 1907, dated the 4th January 1908, and to submit below my views regarding the formation of Advisory Councils and the enlargement of the Legislative Councils.

Imperial Advisory Council.—The formation of this body will meet the legitimate aspirations of a large section of loyal and devoted citizens of India who are not affected by visionary ideals. I consider that the Council will tend to bring about a better understanding between the rulers and the ruled and prevent measures initiated by Government being misconstrued. That this Council should be composed of "territorial magnates" not only of British India but also of Native States, is quite desirable and proper. I take it that the term "territorial magnates" is meant to be applied to wealthy zamindars and landholders, constituting the landed aristocracy. The leaders of commerce and industry, who by their wealth, enterprise and culture represent formidable interests of the commercial and industrial classes, would, I consider, be very useful in the Advisory Councils. It is impossible to gauge accurately the feelings and sentiments of these communities on important measures likely to affect their interests, unless their leaders have an opportunity to express their views. In the matter of the inclusion of the Ruling Chiefs, I fear that the proposal will not be quite welcome to them. The Ruling Chiefs, rightly or wrongly, trace their pedigree to distinguished ancestors whose names are lost in the unfathomable depths of antiquity. Nowhere is heredity more valued, or a high pedigree more reverentially considered, than in India and it would touch the *amour propre* of a Ruling Prince representing an ancient house if he is classed with "territorial magnates" however wealthy and influential. A separate Council for the Ruling Chiefs, should such a Council be considered necessary, may be a more desirable body to elicit their views on momentous topics. It seems to me that the ministers of the Ruling Chiefs might more conveniently be offered seats on the Advisory Councils than their Chiefs. In the matter of the property qualification of the Imperial Advisory Councillors, I would suggest that no person should be considered eligible who does not pay Rs. 10,000 as beshkash or land revenue, or cesses or income-tax or both on an annual income of not less than Rs. 20,000. Amongst these I would select only such men who by *character, culture, age* and *sound views* have shown themselves to be considered as leaders of their communities. Mere wealth ought not to count, and in a country like India where the real ideal is not *material* but

spiritual, as much regard is not paid to wealth as to character, culture, and the leading of a noble life. In the matter of the preparation of the list of the persons eligible to be voters I would reserve to Government absolute power to refuse, without reasons, to include any names.

Provincial Advisory Councils.—As for the constitution of the Provincial Advisory Councils the same canons of judgment as to character, culture and sound views ought to apply. Only the property qualification may be lowered to half of that required for the Imperial Advisory Councils. Here, of course, the representatives of the landed aristocracy (zamindars, ryotwari landholders, etc.) and the mercantile and industrial classes will come in. Lists might be compiled for each district and a general list for the whole Presidency drawn up. I would prefer dividing the Presidency into the Telugu, Tamil, Canarese and Malayalam districts for purposes of election; otherwise the electorate will be very big and the difficulties of deciding on a suitable candidate for voting will be great. At the rate of one representative per district, twenty-five members would be quite a good number for the Madras Provincial Advisory Council.

Imperial Legislative Council.—The qualifications which I have suggested in the matter of property, character, culture, etc., for Imperial Advisory Councils may be made applicable for membership in the Imperial Legislative Council. As regards the making up of the required number of members, I see no reason to object to the Government of India's proposals contained in paragraph 12 (2).

Provincial Legislative Councils.—In the matter of the Provincial Legislative Councils, I think it is a retrograde step to accentuate caste differences at a time when the rigours of caste are gradually relaxing. I say this of the proposal to have separate representatives for the various castes amongst Hindus. It is quite right and proper that Muhammadans and Christians, whose interests differ from those of the Hindus in various ways, should be represented by their co-religionists. As for Hindus, they form a single community. It would be enough to allot a number of seats to them without specifying the castes to which they should be allotted. Government should reserve to itself power to accept or refuse a person elected without assigning reasons, and where it is found that a disproportionate number of persons of a particular caste has been elected, it will be open to Government to adjust matters by selecting some one else. I consider also that the property qualification fixed is rather high for a Presidency like Madras. I would cut it down to one-half. I accept the other proposals.

District and Taluk Boards.—The question of election of members to the District and Taluk Boards can only be usefully discussed after final orders are passed as regards the Advisory and Legislative Councils.

ENCLOSURE No. 7.

Letter—from M. R. Ry. R. S. VISUVASAM, B.A., Headmaster, United Free Church Mission High School, Conjeeveram,

To—the Collector of Chingleput.

Dated—the 15th February 1908.

I beg to submit my humble remarks and opinion called for in your Ref. on No. 978 of 1907, dated 4th January 1908, on the reform proposals of the Government of India with regard to the formation of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils.

The proposals of the Government to widen the scope of representation on Provincial and Imperial Councils and to give the people a larger share in the administrative affairs are a step in the right direction and indicate a vast amount of recognition and appreciation given by the Government to the growing interests and demands of its subjects. Its object in framing the proposals under review and throwing them open to public criticism is quite laudable and consistent with the humane and sympathetic spirit that has always characterised the British rule in India.

The contemplated institution of an Imperial Advisory Council consisting of about 20 Ruling Chiefs and a suitable number of territorial magnates of every province would no doubt promote mutual sympathy and co-operation and would help to diffuse correct information upon the acts, intentions and objects of Government. But, with regard to the appointment of the Ruling Chiefs and territorial magnates alone to seats in the Advisory Council, it may be remarked that if the educated and most enlightened men who are mainly to be found among the middle class are excluded from this important body a powerful and effective means of securing good and disinterested counsel is omitted. The members of the Advisory Council should be privileged to express their opinions on all matters affecting the interests of the public. Should every Bill proposed to be introduced by the Government be at first referred to the Council, there can be very little room for complaint and dissatisfaction. Similar Councils might advantageously be instituted for all districts so as to serve as a nucleus for Provincial and Imperial Councils. These District Councils should be consulted by the District Officers on all questions regarding settlement, remission of land revenue, irrigation, famine, epidemics, sanitation, etc. In cases of differences of opinion arising between the presiding District Officers and the majority of the District Councillors, the proceedings may be forwarded to the Government for final settlement and decision.

As regards the proposals relating to the expansion of Imperial and Provincial Legislative Councils, the resting of representation on a timocratic basis is again a retrograde step and is indefensible in principle. The monied classes have not availed themselves of the wide and varied opportunities of education in order to fit themselves as a class to engage in the task of assisting and advising the Government usefully. The educated classes, whom the new scheme has to some extent thrown into the shade, are necessarily the most potent instrument of public opinion in the country. The lawyers, whose serviceableness the new scheme completely ignores do not belong to any particular class; but by virtue of their training and ability they emerge into notice from various classes and are peculiarly fitted to assist the Government in the administration of the country.

The representation of castes and creeds is, in my humble opinion, only a backward step, for education sweeps away all prejudices of caste or creed. Caste representation can only hinder the growth of nationality, whereas territorial representation bringing men of diverse castes and creeds together for purposes of deliberation compels them to forget all differences; in proof of which examples are not wanting to convince us that the interests of particular classes have been safeguarded and their grievances and views have been urged with cogency and force in the legislative chamber by men who differed from them in caste and creed.

There are two classes of professional men whose services in the Advisory Council would be of great use to the Government, and they are the lawyers and schoolmasters. These are men who do not belong to any particular class and do not possess any particular interests, but whose candid and disinterested views on all matters of administration would by their very nature eminently qualify them for imparting good and useful advice.

ENCLOSURE No. 8.

Letter—from Rev. C. H. MONAHAN, M.A., Superintendent, Wesleyan Mission, Tiruvallúr,
To—the Collector of Cuddapah.
Dated—the 3rd March 1908.

I have the honour to state that owing to frequent absences from home and exceptional pressure of work owing to the departure of a colleague to England I have been quite unable to give attention to the very important matters contained in G. O. No. 886, dated 22nd November 1907. I observe that the date has already passed within which a reply should have been sent. I will therefore content myself with one criticism on the general principle of giving special representation to different religions or castes *as such*. I consider it open to grave objections on many grounds. It would leave minorities, large in the aggregate, quite unrepresented. It would lead to inter-racial or caste feuds as to the proportion of representation that should be given to each section of the community. And it introduces a new and, so far as I am aware, hitherto untried method of giving representation—untried, I mean, in any civilized country. I write this under correction. My view is that the alternative suggested on page 17 (*e*) should be followed, with the excision of the last line, or at least the modification of the condition which is to bind the Governor's discretion in the matter. If a clause were inserted to the effect that a certain number of nominations should be reserved in His Excellency's hands with the understanding that he use these places to provide representation for important sections of the community that have failed to obtain adequate representation under the other heads, that would meet the case much more satisfactorily than by binding him to nominate one Brahman, one Muhammadan and one Christian. For it is quite conceivable that the strength of any of these classes in a given district may be modified from time to time.

Apologising for my delay in writing.

XVIII.

Salem District.

ENCLOSURE No. 1.

Note by M. R. Ry. T. S. Sivagnanam, Deputy Collector, Námakkal, dated the 23rd January 1908.

I am in entire sympathy with the proposal to form Advisory Imperial and Provincial Councils and to enlarge the present Legislative Councils, both Imperial and Provincial. I shall therefore only state my objections to some points of detail.

2. Caset and religion were the curse of India. Under the neutrality of the British Government andconsequent on the opening of railways and the formation of big towns, the rigidity of

the system is gradually giving way and will be a thing of the past in quarter of a century more. It is therefore a retrograde step to allot seats to the representatives according to their religion. In fact it is the accepted policy of the British Government not to recognize difference of castes and creed.

3. If religious and caste representation is to be allowed at all, Christians and Hindus must have seats corresponding to the strength of their numbers and other castes which are numerically as strong as the Brahmans should have each a representative.

4. This division has a population of six lakhs, all of whom, with a very small exception, are Hindus. If the special conditions enumerated in paragraph 6 (*d*) of the memorandum are to be insisted on, there will be only one gentleman eligible for election in this division. He is Mr. Doraiswami Reddiya, Mittadar of Námakkal, who pays a peshkash of more than Rs. 20,000. The proprietor of the Komaramangalam estate pays also a peshkash not less than Rs. 20,000, but he is now a ward under the Court of Wards. There are no vakils who get an income of Rs. 5,000, no other zamindars who pay a land-cess or annual rent of Rs. 50,000 and no ryotwari proprietors who pay an assessment of Rs. 2,000 and more. In the whole of the division there are only 13 people who pay an assessment of Rs. 250 and upwards. It is therefore submitted that the property qualifications now proposed may be considerably reduced to include a large class of otherwise eligible men.

ENCLOSURE No. 2.

Letter—from M. R. Ry. M. DORAISWAMI REDDIYAR, Avargal, zamindar of Námakkal, etc., estates, District and Taluk Board Member, Námakkal,

To—the Deputy Collector, General duties, Námakkal.

Dated—Muthugapatti, the 20th January 1908.

With reference to Memorandum No. 1708/Gl. Cur., dated 10th December 1907, on a copy of G. O. No. 886, dated 22nd November 1907, Public Department, regarding the constitution of Imperial and Provincial Advisory Councils, and the enlargement of the existing Legislative Councils giving the people of India wider opportunities of expressing their views on administrative, etc., matters, I have the honour to offer my opinion as detailed below.

1. *Imperial Advisory Council.*—(*a*) It is no doubt a fact that in the history of the Oriental Nations, it was a practice, from time immemorial, that the ancient Emperors of India used to consult specially constituted advisory councils whenever any matter of extreme political importance was thought necessary to be discussed and acted upon. Such a sort of thing is no doubt welcome to the Indians even of the present day, as their sentiments are moulded upon ancient notions. The only question at present is, how the council is to be constituted with a view to its working properly and efficiently.

(*b*) As for the number proposed the same may stand. So far as this Presidency is concerned, there are not many Ruling Chiefs excepting some big zamindars. As the object of the council is intended to be purely consultative, persons who form the council must be men who are in a position to understand and opine authoritatively on all the important questions so far as the welfare of the country and its people are concerned. Therefore, I suggest, as regards this Presidency, that some of the big zamindars, such as the Rajas of Pittapur and Kalahasti, zamindars of Sivaganga and Ramnad, etc., zamins, may take the place of the Ruling Chiefs referred to in paragraph 5, sub-paragraph 3. Further, I have the honour to add that the object of the Government could much better be realised if a greater number of members are selected from the other holders of permanently-settled estates. These are moving hand in hand with their ryots and they know very well what their needs are; and as such they might be expected to speak to them with authority. So, I propose about 30 per cent. may be nominated from among this latter class.

(*c*) Since it is the object of the Government that the Imperial Advisory Council should be one purely for consultative purposes and since I understand it also to be formed from the Ruling Chiefs of India and other territorial magnates, meaning thereby men who have sufficient influence to hold independent and confidential views regarding all burning topics concerning the executive administration of the Government, I am of opinion that such an important body should receive legislative recognition, in the sense that the Government should not arbitrarily veto its opinions, whether individual or collective, without recording its proper reasons for doing so.

(*d*) Here I wish to detail a little more about the working of the proposed Imperial Advisory Council. Whenever the consulting authority should deem it necessary to differ from the individual opinion, the same must be referred to the collective body, either by the Government or by the individual whose opinion is differed from, and the opinion of the majority should prevail. Unless such a thing is insisted upon, I am of opinion that the object of the Council cannot very well be fulfilled. Of course, the Government is at liberty to have the deliberations of this council strictly confidential.

2. *Provincial Advisory Councils.*—I doubt seriously whether this Council can work satisfactorily in the manner proposed by the Government in paragraph 6 of its order. At the beginning, the Council may consist of men selected from the several District Boards. Of course,

the Government may nominate such of the most efficient among men who are already selected by all the members of the Board. Every District Board may be empowered to select a few men from among them to be nominated members of the Provincial Advisory Council. From among this number the Government may nominate such as they deem fit for the proposed object. The other conditions and methods of working may be the same as those of the Imperial Advisory Council.

3. *Enlargement of Imperial Legislative Councils.*—(*a*) It is rightly observed by the Government that in the Legislative Council, as it is at present constituted, too much preference is being given to the legal profession. With due deference to that enlightened profession I think that they are a class who cannot fully and satisfactorily represent the whole needs of a country or even of a province. In spite of the wide educational attainments they have achieved, their opinions, at least as regards the question of agriculture, industry, commerce, etc., will be in certain cases not well thought out or properly threshed out.

(*b*) The number of members of the landed proprietor class in the Legislative Council must necessarily be increased in view of the important position they occupy. Such people will be in a position to represent the wants and requirements of the ryots in their charge and they may also suggest improvements in a proper direction.

(*c*) As for the strength of the Council I propose that the following amendments be made:—

(1) In class B, it is enough if there are 19 additional officials nominated. In my opinion, a separate and independent place should be set apart for nobles and landowners over and above that which is set apart under class D. These classes are not ones that can be overlooked and as such one seat at least must be set apart for nobles and landlords. This should come under the head of nomination.

(2) As there are already two seats reserved for Muhammadans under class D, sub-section (*d*), I don't think it necessary to reserve two seats more for Muhammadans under class E. It is enough if one place is reserved for them, so that if D (*d*) and E are taken together, Muhammadans will be equally represented with others. Further from the scheme proposed, it is not seen that Muhammadans will not come under other classes also. On the whole, I think, by adopting my amendment, Muhammadans will not in the least be prejudiced in the representation of their class. The other proposals may stand.

(3) As regards paragraph 14 of the order, I am of opinion that the number forming the Provincial electorate is an enormously big one as suggested by the Government; and such an overwhelming number is not desirable as the difference of opinion will vary inversely as the number of electorates. Further, there will be difficulty in nomination. Above all, there is the great difficulty of obtaining about a hundred or a hundred and fifty members with the property qualifications suggested by the Government of India. It is not possible to find out such a large number of persons paying an assessment of Rs. 10,000 to the Government under the ryotwari system; so far as my knowledge goes, there are not even one or two persons who pay even Rs. 2,000 assessment to the Government in this Namakkal division or even in the district. Judging from this standpoint, I am fairly led to believe that there will not be even 100 persons in each province who pay Rs. 10,000 to the Government.

(4) In view of the last argument I wish to suggest that it is enough if we have fifty or sixty electorates in each province and the qualification of such members can be fixed at an assessment of Rs. 5,000 or even Rs. 3,000.

(5) Another basis for election, as suggested by the Government, is in reference to the caste. That the proposal of the Government to create electorates on the basis of caste difference for the selection of representatives to the Legislative Council is highly prejudicial to the public welfare and it is calculated to infuse greater caste distinctions with a new phase of public recognition though among the people themselves no such distinction has hitherto affected the selection of a popular and fit representative.

(6) That the only way to enlarge the Council usefully consists in allowing each district or group of districts to select a candidate, and such selection being left to the free will of the electorates to be created on territorial and not on caste basis.

(7) It is not out of place here for me to mention that under scheme (*e*) the number of members may be raised to three instead of two as suggested therein. This, I suggest, in view of the importance that ought to be attached to the land-owning classes. That there ought to be a separate member for landowners other than zamindars, etc., is a self-evident fact and hence such a modification has occurred to me. Janmis of Malabar should be provided with a separate seat as the land tenure obtaining there is different from that obtaining elsewhere. Hence the number is raised by one.

(8) That instead of the caste distinctions meted out in [scheme (*g*), (*h*), (*i*)] I suggest that one place may be reserved to traders, merchants, handicraftsmen, etc. The other conditions may stand.

In conclusion I have the honour to state that measures which are to be adopted now must be practical and calculated to improve the condition of the natives of India and bring them into closer relationship with the paternal Government.

ENCLOSURE No. 3.

Memorandum—from A. LAKSHMIAH RAJU.
To—the Collector of Salem.
Dated—January 1908.

1. *Imperial Advisory Council.*—The Council as proposed is not likely to afford much help to Government in matters relating to the administration of the country in their charge and in bringing people into closer relationship with the Government and its officers, which it is the object of the Government to secure. Among the members that are proposed to serve on the Council (1) the Ruling Chiefs, of whom there are only a few in this Presidency, are not likely to accept the office or do any real service in the matter. They are as a class secluded in their habits and rarely descend from the heights of their position and mix with the people to be acquainted with their daily life and needs and are therefore not likely to speak with authority on their behalf; nor are the people likely to place confidence in them as the representatives of their interests and communicate freely with them as regards their wants and wishes. Except in a few enlightened States such as Mysore, Travancore, etc., the Ruling Chiefs do not care to acquaint themselves with the needs and wants of their own people and therefore the better class of them or such as they may nominate might with advantage be consulted on matters of general interest. Provision may therefore be well made for securing the aid of such men in the deliberations of the proposed Council, and considering the small percentage of interests they have to represent, I would suggest that 20 per cent. of the total number proposed might be nominated by the Viceroy from among the class.

2. As regards the territorial magnates, taking the term to mean landholders of sufficient dignity in British India, judging them from the standpoint of the average that may be met with in this Presidency, very few of them are really able to form definite, well thought out and independent views on the important questions of the day and express themselves clearly in English. Very rarely provision is made by the proprietors for the proper education or training of young men under their care and most of them when they grow old are unable to realise their responsibility and adopt measures that would materially advance their own prosperity or the prosperity of the country, or its people. Such of them, however, as are of a better class can well represent the interests of the people; and 20 per cent. of the total number may be chosen from their class, also by nomination by the Viceroy. The remaining number may well be made up by election by the Provincial Advisory Councils either from among their own bodies or from outside, of capable and highly-educated men well qualified by their past training either in administration or their professions to represent the industrial, commercial and other interests. The proposed Council in order to serve any useful purpose must receive a statutory recognition. Its constitution and its working should be defined by statute; otherwise they may not be consulted at all and the whole machinery will then exist only in name. They must be called at regular intervals or on stated occasions. They should always be consulted on matters like plague-relief measures, famine-relief operations, development of new industries, technical education, postponement of kists, remission of assessment on dry lands and other similar questions. They should also have the powers of initiative when necessary; for instance, half a dozen members may apply for convening a meeting of the Council on matters within the scope of its functions. The decision of the majority shall prevail and it shall not be vetoed by Government except for valid reasons to be recorded by it in writing. The proceedings of the meetings of the Council should be public and formal. The fear of public opinion and criticism will afford a wholesome check over the deliberations of the Council and ensure the securing of honest and mature conclusions after interchange of ideas and free discussion among members. Of course the opinions of individuals might be previously obtained; but they should receive the sanction of the body before they would be entitled to be acted upon.

Provincial Councils.—In the present state of the country it may not be possible to elect members to represent the several classes of interests referred to by Government in paragraph 6 of its order. Local representation would be the best that could be adopted at present and in order to enable Government to know about the needs and requirements of the people, it is necessary that each district should be represented on the Council by one member to be elected, say, by the District Board and the Municipalities together, either from among themselves or from outside. The Government may, however, reserve to itself the right to nominate from about 20 to 30 per cent. of the total strength of the Council in view to make special provision, wherever it thinks necessary, for the representation of special interests such as special industry, commerce, capital or professional classes. As in the case of Imperial Council, collective opinion should be taken at meetings held of the members at fixed intervals or for stated purposes.

Legislative Councils—Imperial.—As regards Legislative Councils, the matter stands on a different footing. The Government observes that the elective system now in force has given the legal profession a prominence in the Provincial Councils to which it is not entitled and the landed interest had not received its due share of representation therein. The system of election recognises the principle of efficiency, and at least so far as this Presidency is concerned it is not suggested that in consequence of such preference incompetent men have got into the Council or that more competent men have been kept out. We want in the Council men who have received solid education and sufficient training and who will be able to study and understand

the important questions of the day and be able to discuss and give valuable advice in respect of them irrespective of the class or calling to which they may belong. If it is that a large percentage of vakils had come to be elected, it is not because that they had secured any undue preference, but that the electorates had confidence in them and thought that they would best represent their interests. It cannot be said that the vakils or the rest that had till now been elected do not represent the landed interests at all. Most of them belonging to the middle class and possess substantial interest in land, and even when they may fall short of it, they possess the qualifications to study the questions affecting their interests also and have always represented them as well as anybody else can. At any rate it is not urged that there have been instances in which this class of members have allowed the interests of the landed proprietors or of any other class to suffer. As already observed among the class of landed proprietors there are very few, at least in this Presidency, who are educated and trained to do useful work in the Legislative Councils especially; the few that are qualified do not care to stand forth for election; and the Government in exercise of the right of nomination has always been kind enough to recognise them and secure their services by nominating them.

Even if a separate representation is thought necessary, it is as observed by Government in paragraph 14 of the Government Order difficult to "form a constituency by massing together landholders in so large and in many respects so heterogeneous an area as an entire province."

As regards the next proposal to elect a member by the landholding members of the Provincial Council either from among their own members or from among landholders paying an amount of revenue that may be fixed for becoming a member of the Provincial Council, it is submitted that considering the number of seats that are proposed to be set apart for them in the Provincial Council, which is only two, the number of electors will be very small. The system of nomination suggested as the last course seems to be the best suited to secure, if necessary, representatives of this class.

The second principle on which a change is proposed to be introduced is that of class representation. Every one with the welfare of India at heart is fully aware of the fact that caste difference have been the main cause of the degeneration of India. People have just begun to realise it and are slowly striving towards its regeneration by the attainment of a national unity and the principle of representation now sought to be introduced will be a stumbling block in the direction of progress. Besides it is a deviation from the recognised principles of British administration of preserving strict neutrality in matters of caste or creed. Efficiency should be the test of selection and not the chance of one's following the tenets of a particular creed; and this is the principle recognised in the constitution of every civilised country. If however the Government should at any time find the interests of any community or class at stake, the same could well be set right as has hitherto been done by exercising the right of nomination in favour of a member of that class or community.

Out of twenty-two members proposed under class D and F, each of the Provincial Councils may be permitted to elect two members instead of one, and excluding the two seats reserved for the Chambers of Commerce, Calcutta and Bombay, the remaining six seats may be reserved for nomination by the Viceroy to represent special interests.

Provincial Legislative Councils.—As in the case of the Imperial Council, it is not desirable or necessary to have any class or caste representation at all. In paragraph 21 of the Government Order it is stated that it is not proposed to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils. At present it may not be possible to form constituencies under defined heads of commerce, industries, etc. It would therefore be well to let the District Boards and Municipalities continue to elect members for the Provincial Councils Out of the 17 non-official members that are now proposed—

One will be selected by the Madras Chamber of Commerce.
One will be selected by the Senate of the University.
One will be selected by the Madras Corporation.
Five will be selected by the District Boards, the total number of District Boards to be divided into five electorates.
Five will be selected by the Municipalities, the total number of Municipalities to be divided into five electorates, and the remaining
Four seats may be left to be filled by nomination by His Excellency the Governor to represent the interests of any class or community which in the view of Government may not have been properly provided for.

At present the seats on the Taluk Boards are filled up by nominations and seats on the District Boards are filled by election from the several Taluk Boards. If convenient representative electorates can be formed to elect members for the Taluk Boards also, the system might be introduced and found suitable as a foundation for the election of legislators to the Provincial Legislative Councils.

The proposed property qualifications for votors are very high. Persons paying income-tax on income of Rs. 5,000 and above are mostly to be found in Madura District and in Madras. Persons paying land assessment of Rs. 2,000 and above are mostly to be found in the Tanjore District. According to this scale, some of the districts may not be represented by all. I would therefore propose to reduce the scale and include persons paying income-tax on Rs. 2,000 and above and persons paying land assessment of Rs. 100 and above. The other conditions may stand.

ENCLOSURE No. 4.

Letter—from M. R. Ry. M. R. SAMBIAH PANT, Zamindar of Jagadevi, Salem District,
To—the Sub-Collector, Hosúr, Salem District.
Dated—Marjapalli, the 22nd December 1907.

With reference to your endorsement No. 1606 Collr. on G.O. No. 886, dated 22nd November 1907, I have the honour to report as follows regarding the important matters of administrative reform contained in the accompanying Government Order on which you were pleased to invite my humble opinion.

2. The Government of India is actuated by the best of intentions. But the proposed mode of giving effect to those intentions by the creation of Advisory Councils appears in my view to be a roundabout process, cumbersome, and altogether undesirable. The machinery of the Government is already too huge and complex to be efficiently managed in all its parts. The proposed Advisory Councils will simply intensify the complexity, without securing adequate advantages in return. The system of Government as it is requires still further simplification, by the division of the country into several principalities and kingdoms, and by placing each of the divisions in the sole and distinct charge of an English Governor or a Native Raja, with one central or supreme Government at the head, advised and directed by a Parliament, composed of members representing the various States. Excepting certain Imperial and general questions affecting the whole country which may be reserved for the Central Government, other questions of administration may be left entirely to the discretion of each Governor or Native Prince aided by his own Council or Councillors. India will thus be a great British Empire consisting of several minor States, each of them having a system of Government of its own and able to move pretty freely in its own sphere. The prosperity of the country and the contentment of the people will then rise by leaps and bounds and with such prosperity and contentment will rise the pride, glory and strength of Britain. The mistake, to my mind, lies in trying to engraft on this soil the European modes of Government, which mostly tend to give the moneyed and wealthy classes undue eminence and advantage in life, to depopulate gradually the flourishing country places, and overpopulate the towns and generally to increase the struggle of living day by day.

3. Secondly, the proposal to recruit the members of the Advisory Council solely from the moneyed and landed aristocracy of the land is not desirable. They may have the greatest stake in the country. But they do not necessarily constitute the intellectual aristocracy of the land as well. In the words of the Government, "the best mind of the people" should be collected for consultation. The best mind is not necessarily in moneyed classes or the Ruling Chiefs.

Self-preservation is the first natural human instinct. Next, self-aggrandisement. These two natural impulses may lead the landed aristocracy and moneyed people to anticipate the wishes of the Government and, as far as possible, sail in their boat. The Government will thus have no saultary resisting factor which alone can show it its defects. Between the Government and the landed or moneyed aristocracy, the common people's wants and grievances may be overlooked, and the interests of the middle and lower classes will suffer. I do not mean that there are not among our Ruling Chiefs and aristocracy very many capable and independent men, but capacity and independence are not virtues confined to their sphere, nor are they, from their elevated positions, competent to realise the abject sufferings of those infinitely lower down in the scale of life.

4. Thirdly, the expediency and propriety of requisitioning the Ruling Chiefs and Nobles of the country to serve as "Imperial Councillors" or as the ministers of the Viceroy or Governor is questionable. Not to speak of the consequent personal inconvenience to them and interference with their legitimate duties in their own sphere, the proposal is one somewhat derogatory to their position. Ruling Chiefs have their prestige which must not be impaired by requiring them to travel, deliberate, attend meetings and otherwise enter upon such purely ministerial duties which more properly pertain to men below their rank. If Ruling Chiefs are to be consulted by executive officers of the Government, then the position of the former will be one subservient to that of the latter. This anomaly must be guarded against. It would be quite different if His Majesty or the Prince of Wales occasionally held a Darbar in this country inviting the Ruling Chiefs to attend. The Royal Chiefs will be glad to bow to His Imperial Majesty and adorn His Majesty's Council. But it is quite a different thing to expect them willingly to dangle at the heels of Viceroys and Governors for the purpose of merely advising them, with no obligation on the part of the latter to follow such advice.

5. For the foregoing reasons, I am not in favour of the proposed Advisory Councils at all and do not believe that they will answer the ends in view.

6. If, however, it is assumed that they will serve the objects in view and are therefore desirable reforms, I see very little to differ from the views of the Government as to their constitution, etc., which appear to me to be fair and liberal enough.

7. Similarly the changes in view in regard to the Legislative Councils are also fairly good and call for no material alterations.

ENCLOSURE No. 5.

Letter—from M. R.Ry. V. NILAKANTA MUDALIYAR Avargal, Contractor, Hosúr,
To—the Sub-Collector, Salem.
Dated—the 27th January 1908.

The proposed constitution of an Advisory Council is an organ of Government, and a member in its constitution, which the people of India were at a loss to find for the past so many years; for this kind of a body of men always existed by the side of both the Hindus and Muhammadan kings that ruled over the country in the past, the creation or the restoration of this body will be hailed by the people. This sort of Council existed even in the British constitution in times as early as the Norman's "The Council of elders." As there is a vast difference in the present administration of the country by the British from the administration of the country by the ancient native rulers on account of civilization, change of conditions and environments, the "old Councils" which had no legal basis cannot in my opinion form a successful working body. In the first instance I would recommend that this Advisory Council is devoid of all officials; the combination of officials and non-officials among the District Board members has not only not given room for the free display of the powers vested in its non-official members, but has stood, in many instances, in the way of carrying out the objects of the people. The next thing I would suggest is that the Advisory Council should have some legal basis, but for this, the proposed body, I fear, would sink in a very short time of its creation, for the members, when they see that their views are taken but not cared for, will have very little desire to offer their opinion on the next occasion.

2. I am of opinion that there must be two Councils, one Provincial and the other Imperial, the former by the side of every Local Government.

3. Coming to the franchise I would suggest this. Three classes have to be represented—(1) the agricultural, (2) the commercial, and (3) the legal professionists. Each of these classes should have equal votes, but separate representation. This will make the separate interests of these bodies represented fairly, their tenure may last for five years, and each member may be made eligible for re-election as proposed.

4. The proceedings of these Advisory Councils should not be kept secret, for in that case they will become irresponsible persons, and once they get themselves elected, they would not care for the body whose nominee they are, and to represent whose interests they were elected. Their proceedings without the sanction of the head of the Government need not have the force of law, but they may be permitted to be published in papers and subject to criticism of the people.

Enlargement of Legislative Councils.—I have very little to add under this head. The Provincial Councils must in my opinion be a better representative of the views of the non-official classes of the population. The proportion of officials and non-officials must be such as to give greater scope for the success of the views of the masses. I almost concur with the views of the Government in the proposed constitution of Imperial Legislative Councils.

ENCLOSURE No. 6.

Notes of opinion of M.R.Ry. U. Venkata Rao Avargal, B.A., Pleader, Krishnagiri, dated 14th January 1908.

It was, no doubt, in a very happy moment that the Government of India thought it fit to recognise that there is a non-official version of affairs relating to British India and that some means should be devised so as to obtain such version in the best manner possible consistent with the present state of the country. No one can fail to notice the sincerity with which the present scheme has been drafted to attain such an end, though many may not agree that the proposed scheme would be capable of yielding the desired result.

2. The past traditions of India are quite in keeping with the idea of gathering a number of leading men of the country for purposes of consultation on affairs of State. The puranas and other quasi-historic legends say that every Raja had always with him a body of Councillors composed of hoary Brahmans, rishis, warriors and the like. King Dasaratha assembled his Council of elders before he could send his son Rama in exile. Janaka consulted his Council before he married his daughter Sita. King Bhoja had also frequent recourse to such bodies. In fact there was no king of puranic fame without his Council. Then, again, it is a matter of history that Kings Asoka, Chandragupta, Vikramarka had such Councils and every student of Indian History knows that Akbar and other Mussalman kings had the help of such men in the administration of their kingdoms.

3. The object of the proposed scheme is twofold, and to quote the very words of the Government Order they are "(1) to draw out opinion (I believe Indian) on measures in contemplation "and (2) to serve as an agency for the diffusion of correct information upon the acts, intentions "and objects of Government."

4. We shall next see how far the proposed scheme would tend to fulfil the twofold objects mentioned above and whether some chief modifications are not absolutely necessary.

5. In the first place, I strongly object to the semi secret nature that is proposed to enshroud the deliberations of the Councils. The fear of ridicule, the force of public opinion (however crude or low it may be), the sense of responsibility and self-respect when dealing on important affairs with equals—all these and many more would always safeguard the actions and speeches of public men in open deliberations. Without them, and with the guarantee of secrecy, public men (who are only human) would be apt to forget their responsibility and many who may have an object in trying to please officials and who may not have the courage of their connections would certainly blindly follow the behests of the officials. Open discussion alone would make men fit for public life and would enable members to exchange each other's thoughts and opinions and to suggest timely and efficient alterations and modifications besides saving a lot of unnecessary and imperfect correspondence.

6. In the next, I would submit that the officials should find no place at all in the proposed Councils, both Imperial and Provincial. It should be composed solely of non-officials, consisting, say, two-thirds of elected men and one-third of Government nominees. An admixture (and a majority also) of officials would only make the body a duplicate Legislative Council, where subjects on which the Government has already settled a course of action are brought in by way of form and discussed no doubt with some show of vehemence, but all the same with only one result and I need not say what it is. Of course, such non-official Councils must have the assistance of a few officials in furnishing information, etc.

7. The first of the twofold objects of the Government (*vide* paragraph 3 of my notes) can be obtained only by having such a purely non-official body and the second will best serve the avowed purpose by making its deliberations public. A non-official Council empowered to discuss State affairs openly would best fulfil the said two functions, whereas a Council composed of a majority of officials conducting its proceedings in camera would totally frustrate the object with which this whole scheme has been designed.

8. In the matter of election of a large fraction, say, two-thirds or three-fourths of the suggested non-official Council, the franchise should never be based on castes or creeds. Provinces or districts, and trades professions, Municipalities and District Boards, should form the basis. It is also essential that the landed proprietors should be fairly represented but the foisting up of titled magnates would be very undesirable. Many such would feel their position very invidious and many more would try to remain in the good graces of the Government. The remaining fraction should be left to the Government for nominating additional men to represent special or unrepresented interests and for expert advice.

9. Then again certain affairs and subjects should be allotted to such Councils, and to begin with certain minor items may be entrusted to them and this may be extended as the scheme ripens and the state of the Council makes it fit to receive. To safeguard the interests of Government, the power of veto may vest with the Government.

10. If the Government decides that the proposed Councils should be composed of officials and non-officials, I would submit that (the avowed object being the draining out of correct non-official version) it should be composed of an equal number of officials and nominees of Government and representatives of Chamber of Commerce on the one hand, and elected non-official members on the other. For any majority of Government men and Europeans would not enable the Government to obtain the correct and unadulterated version of non-official members on matters of State. The result of the deliberations of such a body would be perfectly harmless so long as the power of veto rests with the Government.

11. I would also submit that in the proposed scheme the status for the franchise has been kept very high and in India where liberal education has not made large strides, it is very necessary to keep it low so that we may not shut out capable men who are not endowed with large items of revenue or income.

12. With regard to the Legislative Councils, I submit that I have nothing to suggest except to say that so long as the Government finds it necessary to maintain its majority any additional scheme for mere talk and verbal discussion would be useless. I know hardly any instance in which the non-official Legislative Council members have been able to have their opinions recognised much less carried into effect, unless they be of a trivial nature. No doubt, the powers of interpellation and discussion of the budget operate in a way as a wholesome check, but it is very little and many times it is only a cry in the wilderness.

13. In the end, I would conclude by saying that the proposed Councils should be composed purely of non-officials and that their deliberations should be public. We may also do well to observe the success, though partial it might be, of the "Representative Assembly" of Mysore, the "Srimulam Popular Assembly of Travancore."

14. I would also suggest a few changes in the present administration of the country—

(*a*) The gradual separation of the executive and the judicial functions.

(*b*) The curtailment of the revenue jurisdictions, so that the officer may be enabled to be in touch with the people in their charge.

(*c*) The formation of small consultive bodies for each district and to begin with at each jamabandi camp. A day or two may be set apart for the jamabandi officer to meet the village officers and chief ryots of the villages that have been posted for settlement and an informal council may be held when the local affairs may be discussed and grievances heard. The jamabandi officer may make a note of them and submit a brief narrative thereof with his remarks along with his jamabandi report.

(*d*) The enlargement of the powers of Municipalities, and the freedom of the Local Boards from official control, subject power to the veto of the administrative head of the district or division.

(*e*) The frequent publication and *free* distribution of vernacular pamphlets on subjects of general and public interest, such as agriculture, sanitation, epidemics, etc.

(*f*) The establishment of minor technical schools in each district.

(*g*) A permanent settlement and what is equally essential a permanent survey.

(*h*) More practical sympathy for the Indians.

ENCLOSURE No. 7.

Letter—from K. SESHAGIRI RAO, Mittadar of Kambainallur.

To—the Head Assistant Collector, Tiruppattur.

Dated—Kambainallur, the 30th December 1907.

With reference to your letter No. 1554-2, dated 16th December 1907, I have the honour to append herewith my remarks on the memorandum regarding the establishment of the Advisory Councils and the enlargement of the Legislative Councils. Your letter reached me only on the 21st instant, and I had hardly time enough to bestow my fullest thought upon an important subject as this. I have done my best within the limited time allowed. My suggestions are given below *seriatim* with reference to the paragraphs of the memorandum wherever necessary.

I. Imperial and Provincial Advisory Councils.

1. *Imperial Advisory Councils.*—In paragraph 5 of the Government of India letter No. 2310, dated 24th August 1907, read in G.O., No. 886, Public, dated 22nd November 1907, it is stated that the appointment of all the members of the Imperial Advisory Councils should be made by the Viceroy. As it is, it does not appear on what principles the appointments have to be made. The selection should be one based not on arbitrary choice of the Viceroy, as then it would frustrate the very object of the establishment of the Councils, but it should be one based on elective principles.

2. As regards the strength of the Council, I am of opinion that the number 60 fixed by the Government of India is inadequate and would not be fairly representative, consideriug the vastness of the Indian Empire as also the diversities of caste, creed and agricultural systems prevailing in it.

3. As tentatively fixed, a third of the number is set apart for the ruling chiefs, and the remaining forty has to be distributed throughout the several provinces. Therefore to ensure a fair representation of the different provinces and the different classes of subjects, the number may be increased; and it may be made up by a sufficient number of men being chosen by election in the various districts of the province and the Local Government might choose, from out of these, the required number for the Imperial Advisory Council.

4. It is highly desirable that the subjects on which the Advisory Councils will have to be consulted should be specified and defined by rules framed beforehand.

5. Each "Imperial Councillor" will have to make occasional tours through the province which he represents and prepare a memorandum of notes bearing on the requirements of the country. In the event of more than one councillor being appointed for one province, it may be divided into territorial jurisdictions between them for the purposes of touring. Each "Imperial Councillor" will have to take advice from the member or members of the Provincial Advisory Councils of the territory in which he is touring. He shall not wait till called for to give advice, but shall from time to time communicate in writing any important matter affecting the well-being of the subjects and requiring the immediate action on the part of the Government.

6. *Provincial Councils.*—Each district must have at least one Provincial Advisory member to represent it, he being elected by a meeting to be held at every taluka station by the influential landholders, etc.

7. The term of office and other conditions mentioned in paragraph 5 of the Government of India shall *mutatis mutandis* hold good in the case of these members.

8. As to the work devolved on these members it would be the same as that devolved on the "Imperial Councillors," even in his limted area. He shall also communicate from time to time with the "Imperial Councillor" of his province, and supply him with the necessary information gathered in his tours bearing on the condition, etc., of the people.

II. Imperial Legislative Councils.

1. It is not clear why the nomination of the membership of this Council is limited to one only among ruling chiefs of India. I would suggest that at least one chief for each Presidency and Local administration should have a seat in the Council.

2. In paragraph 14 of the letter from the Government of India, Rs. 10,000 is fixed as the minimum land revenue giving right to vote. But in many cases it may so happen that a qualified voter be not found in an electorate which will therefore be unrepresented. Therefore I would suggst that the limit for the land revenue qualification may be reduced to Rs. 50,000.

III. Provincial Legislative Councils.

I would add that a person shall also be disqualified, if he is suffering from any cutaneous or any other contagious diseases.

Advisory Councils.

The proposed establishment of Advisory Councils, both Imperial and Provincial, is no doubt laudable provided that each district is represented in the Provincial Council and the required number of Imperial Advisory councillors are elected from the district representatives who should very necessarily be landholders, capitalists, merchants and professionals. In this connection I should also suggest that the constitution of District Advisory Councils is very essential so that the Collectors may have the benefit of associating with non-official Indians in matters such as administration of forest, irrigation, plague, famine, etc.

While disagreeing with the Government that territorial representation is unsuited to India, I am of opiuion that any other method of representation would hamper the object of giving the people a wider scope to put forth their grievances. The principle of the Government of India that an electorate from 100 and more may be aimed at and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year is, I think, too high a standard for this Presidency as there are only about 90 zamindars paying a peshkash of Rs. 10,000 a year out of about 850 zamindars who own partible and impartible estates which are distributed among a few of the districts in the Presidency.

The proposal of having ruling chiefs in the Imperial Council is, I am of opinion, unnecessary as they have no common interest with the populace outside their respective territories.

ENCLOSURE No. 8.

Extract from the letters of the Hon'ble Mr Krishnan Nair.

Provincial Legislative Councils.

The Government of Madras have according to the memorandum which they have prepared withdrawn this privilege from the District Board and Municipal Councils of this Presidency This is a retrograde step. A redistribution of the franchise is undoubtedly necessary in this Presidency as well as in other parts of India. But no class of persons now entitled to exercise it should be deprived of it unless it be shown that they deliberately misused it.

It is necessary that in Local Legislative Councils also the number of non-official members must be at least as large as that of the official members including His Excellency the Governor.

Here again as was suggested with reference to the Imperial Legislative Council His Excellency the Governor may be vested with the power vetoing any resolution or measure passed by a majority in the Council.

In addition to the number that may be nominated by His Excellency for the protection of special interests and minorities and those that may be elected by special interests and minorities and those that may be elected by special bodies such as the Madras Chamber of Commerce, the Senate of the University and the zamindars, there must be at least one member representing each district in the Presidency. These district representatives should be allowed to be chosen by the people themselves. Territorial representation seems to me to be suited to the circumstance of the country.

Under the scheme special representatives are allotted to lawyers, Brahmans, Muhammadans and Christians. It is difficult to understand why a separate seat is allotted to Barristers, Advocates, Vakils and certificated pleaders. These members of the legal profession have as such no special interest to represent in the Legislative Council. Lawyer if they happen to be members of the Legislative Council will represent the landed, commercial or other interest. In any case there is no necessity for allotting a separate seat to the profession of law. The division of people by caste and creed for the purpose of representation in the Legislative Council is highly objectionable in principle. There are no caste and religious interests in the Legislative Council.

There are no separate schools and colleges for Brahmans and non-Brahmans, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu which described different punishments for the same offence according to the caste to which the offender belonged.

It is too late in the day now to ask the people to go back to their caste organizations or to reconstruct them for the purpose of election of members to the Legislative Council.

To make caste system the basis of political franchise is, I submit, a grave blunder. Then again six seats are allotted to "all other persons together". Apparently what is meant by "all other persons" in the scheme is the non-Brahman Hindus of this Presidency. If this be the correct interpretation of the expressions "all other persons", then the principle underlying the grouping of all non-Brahman elements in the Presidency which are divided and sub-divided into numerous sects and sub-sects under one head is not clear. These sects and sub-sects are as widely apart from one another as the Brahman and the Muhammadan or the Christian. There is also considerable practical difficuty in working out the scheme. To group all members of all caste throughout the Presidency in one electorate will be highly unsatisfactory. That all the members of caste from the northernmost limits of Ganjam to the southernmost limits of Tinnevelly can be represented by one gentleman will be still more unsatisfactory.

The suggestion that no person shall be qualified to be a candidate for election by a body class or caste unless he be a member of that body class or caste, is I think, also not a good one.

The pecuniary qualifications giving a person the right of voting are fixed too high. It will have the practical effect of excluding from the Council men of light and leading among the middle classes who are thoroughly able and willing to serve in the Legislative Council. A very large majority of the people in this Presidency who are qualified by their education to exercise the right of voting do not come up to the property limit fixed above.

The Government of India say that, for the purpose of forming the Muhammadan electorate all who pay a land revenue in excess of a certain amount which should in all cases be sufficiently low to embrace the great body of substantial landholders may be given the franchise. This amount, I think, may reasonably be fixed at Rs. 500. The Government of India further observe that, for the purpose of Muhammadan electorate, all payers of income-tax, *i.e.*, all those who receive an annual income of Rs. 1,000 a year, may also be given the right of voting. This qualification may also be fixed for the purpose of electors in general irrespective of caste or creed. The third suggestion of the Government of India with reference to Muhammadan electors, namely, that all graduates of an Indian University of a particular standing, say five years, should also be given the right of voting may be made applicable to the voters and candidates of all classes.

Discussion of the Budget in the Legislative Council.

The non-official members of the Legislative Councils should be empowered to propose amendments and divide the Councils on any item of the budget.

Here again at a safeguard the head of the Government may be invested with the power veto in cases of necessity.

ENCLOSURE No. 9.

Letter—from Rev. A. MOSES, Minister, Tiruppattur.
To—the Head Assistanf Collector, Tiruppattur Division.
Dated—31st December 1907.

With reference to your letter, dated the 16th instant, enclosing papers connected with the proposed Indian reforms, I have the honour to state as follows:—

The view of the Government that the needs and sentimeuts of the masses of the people must find expression in the Councils of the country is praiseworthy and capable of doing immense good to them, but the way in which the Government intend doing it is not, in my humble opinion, calculated to do much good to these masses of the people. No reform can be of much use unless the interests of the masses of people are really represented.

In the present illiterate condition of those masses, it is impossible for them to elect their own representatives and extremely difficult for us to suggest any real way of getting them represented. It is quite true that no scheme of constitutional reform would be proper unless provision is made for representing the landed aristocracy of India, mercantile and industrial classes. No one can object to their occupying some of the seats in the Council, but to expect them to represent the masses is not advisable, as their interest clash with those of the masses, especially the agricultural classes that form nearly 70 per cent. of the population of India. I do not truly mean to say that the money-grabbing lawyers will really represent them. As we have no other means and as the Government have come forward at such an incompletely advanced state of the country to do things for which it is yet ripe, we are obliged to fall back upon the Indian aristocracy and the educated middle class to represent them.

Out of the lines chalked out by the Government on page 4 No. 3 states "That the Council should consit of about 60 members for the whole of India, including about 20 ruling chiefs and as suitable members of territorial magnates of every province where landholders of sufficient dignity and status can be found. It is not agreeable to see that the Indian Imperial Council should consist of members of the aristocratic classes alone. I cannot also uuderstand

why the ruling chiefs should be taken unless it be that they are to represent their own interests. The territorial magnates referred to are still in a state of semi-consciousness and have not yet been awakened fully to the blessings of basking in the academical sunshine. There is no doubt that a man has to be an all-round man to occupy a seat in the Council. He must surely know English. If not he will simply join the chorus of "Yes" or "No" without doing any good either to the class he belongs or the class which he has been asked to be a representative. I am therefore forced to say that No. 3 may be so modified as to allow a certain member of the middle class in the "Imperial Advisory Council".

The number of such men, whether elected or nominated, may be left to the discretion of the Government.

I am of opinion that, under the present circumstances of the country, the Government are right in basing their principle of division in the matter of representation upon the question of minorities and special interests. In this continent of India where there are so many diverse and antagonistic interests, every class should be represented. There is a talk that such distinctions are not necessary, but when we consider the fact that in India the classes always have put forward their claims to unjust privilege whenever opportunities occurred we become doubly impressed with the necessity for class representation.

I also think that the country has not so far advanced as to dispense with the necessity of always maintaining an efficient majority.

In conclusion I beg to suggest that it must be made a rule that no member should be entitled to offer himself as a candidate unless he knows English. In saying so, I do not mean to attach very great importance to that kind of education which the University now gives in vain without moulding the character of its students.

ENCLOSURE No. 10.

M. R. Ry. T. Adinarayana Chettiyar's opinion (Salem district).

1. As regards the institution of Advisory Councils, I submit I am not convinced they will serve any useful purpose. The fact that these bodies are purely consultative, having no legislative recognition, will not attract the best class of people; nor will the opinions expressed by such a body likely to be the result of any great sense of responsibility. While the inclusion of ruling chiefs and territorial magnates in such councils is not a thing acceptable to the people—for these do not represent any interests except perhaps their own—these magnates themselves may not relish the idea very much. The greater chiefs may think it beneath their dignity to associate with the lesser magnates.

2. In the scheme for the expansion of Legislative Councils much stress is laid on property qualification of the electorate. I am, however, of opinion that a combined property and educational qualification will ensure a fairer and truer representation. For, unfortunately in this country, unlike in other civilised countries, from the middle classes upwards real education is in the inverse ratio of possession of riches.

3. While I agree with the Government in thinking that the qualifications for the electorate that returns members to the municipal and local boards ought to be raised, I believe that such rise should be gradual, and that in fixing the qualifications the advantages of the combined property and educational qualifications should not be lost sight of. The existing relationship between the local boards and municipalities with the provincial Legislative Council ought to be retained. It enhances the prestige of such institutions and helps to attract the better classes of the people to serve on them. It is moreover a well-known principle that election by elected bodies secures a better qualified set of men than direct election or nomination.

4. As for the allegation that certain professional classes have hitherto monopolised the seats in these councils, I submit that an examination of similar institutions in other parts of the world would reveal a similar state of affairs. As the Government gracefully recognise the growing importance of the educated classes, I trust they will not do anything to discourage such classes and thereby put a discount on education and the possession of real qualities for political life.

5. Before concluding I may be allowed to enter my protest against the idea of racial representation in the Legislative Councils. Questions affecting such special interests rarely, if ever, come up before these councils for determination. Should however such occasions arise they may be referred to select committees of the Provincial Advisory Councils. It should be the aim of Government to promote the tendencies of people that make them forget caste or race differences. Nor can a backward caste or race be benefited in the long run by such special treatment. The advance must proceed from inside—to be long-standing and beneficial.

6. The maintenance of the official majority need not, in my opinion, be insisted on. An equal number of seats might, in these councils, be reserved for official and non-official members and the power of veto, if vested in the President, would prove to be an ample safeguard to save an occasional situation that may arise.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 428.

From

THE HON'BLE MR. J. N. ATKINSON, C.S.I., I.C.S.,
Acting Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Ootacamund, the 22nd May 1908.

SIR,

In paragraphs 8 and 10 of my letter No. 222, Public, dated 13th March 1908, regarding the formation of Imperial and Provincial Advisory Councils and the enlargement of the existing Legislative Councils, it was intimated that a further report would be made on the proposals of the Government of India,—

(1) for the election of a great landholder to represent the Madras Presidency in the Imperial Legislative Council;

(2) for the election of two Muhammadans to represent the Madras Presidency in the Imperial Legislative Council, when it falls to this Presidency to elect them under a scheme of rotation; and

(3) for the election of Muhammdans to the Provincial Legislative Council.

2. In paragraph 8 of my letter, it was remarked that the criterion of the amount of land revenue paid can scarcely be applied in this presidency for reasons which would be explained in the promised further communication.

3. It was evidently as affording a rough and ready indication of the extent of a man's income from landed property and of the influence which attaches in India as in other countries to that species of property that the Government of India suggested payments of land revenue as the basis of the franchise; but merely to take the figures of land revenue payments as they stand would lead in this Presidency to results such as that described in the following paragraph.

4. There are many zamindars whose peshkash was not fixed with reference to the assets of their estates. The Maharaja of Jeypore, with a rental of many lakhs of rupees, pays a peshkash of only Rs. 16,000; the Zamindar of Udaiyrápálaiyam, whose rental is approximately one and-a-half lakhs, pays only Rs. 665 as peshkash; and the Zamindar of Márungápuri, with a rent-roll of Rs. 77,000, pays over Rupees 20,000. The comparatively unimportant Zamindar of Márungapuri would accordingly, if the payment of land revenue were adopted as the criterion, rank as a greater landholder than the Maharaja of Jeypore who owns over seven million acres.

5. Inamdars have also to be considered. The jodi or quit-rent on their villages has been fixed at various rates on various conditions. In the case of both zamindars and inamdars the amount which they pay to Government ordinarily bears a very much smaller proportion to the income which they themselves enjoy than in the case of ryotwari holders.

6. Again tenants under zamindars and under other "proprietors" of estates pay as such no revenue to Government, but some of them derive considerable incomes from landed property.

7. This Government consider that income from landed property should be estimated for the purpose of determining the qualification for the franchise in this Presidency in the following manner:—

(*a*) In the case of holders of ryotwari land it should be taken as equal to the assessment paid, since the theory is that the Government are entitled to half the net produce.

(*b*) In the case of zamindars and holders of inams, shrotriems and the like, it should be taken as equal to the annual rental on which land-cess is paid minus the peshkash, jodi or quit-rent payable to Government.

(*c*) In the case of tenants of zamindars and inamdars, it should be taken as equal to one-third of the rental paid to the landlord in the case of lands held on ordinary tenures, on the assumption that Government take from the landlord half the net yield of the land or two-thirds of the rental.

8. There are other cases—for example, those of landholders in Agency tracts or of persons holding land under proprietors on favourable terms—in which the income would have to be estimated on the best data available, and of course the criteria suggested above do not pretend to any scientific accuracy.

9. This Government will now proceed, in the light of the foregoing remarks and of the statistics obtained by them, to state their views regarding the qualifications to be prescribed for each of the electorates dealt with in the letter of the Government of India.

The electorate of nobles and landowners to elect a representative to the Imperial Legislative Council.—The Government of India suggested in paragraph 14 of Home Department letter No. 2310, dated 24th August 1907, that the payment of not less than Rs. 10,000 as land revenue should give nobles and landowners a right to vote for the election of a representative of their class to the Imperial Legislative Council, and that the provincial electorate might have a strength of 100 to 150. If an income of Rs. 10,000 from land be taken as the minimum qualification for this Presidency, the electorate would number 265, of whom 159 would be zamindars or proprietors, 39 inamdars, 66 ryotwari holders and one zamindari tenant. The Government would adopt Rs. 10,000 as suggested. It gives a considerably larger electorate for the Presidency than the Government of India contemplated; but, on the other hand, if the qualification is to be raised so as to reduce the number of the electorate, the result will be that it will almost exclusively represent one class—the zamindars, who in any case have a highly preponderating influence. The Governor in Council considers that in the first instance the elective system may be tried, and if that be found unsatisfactory recourse may be had to nomination.

II. Electorate of Muhammdans for the election of two members to the Imperial Legislative Council.—The Government of India suggested in paragraph 18 of their letter that of the four seats on the enlarged Imperial Legislative Council, which it is proposed to reserve for Muhammadans, two should be filled by election by the Provinces of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, Bombay and Madras in rotation. They also referred to a proposal that the electorate should be constituted as follows:—

(*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expanded;

(*b*) The Muhammadan fellows of the University;

(*c*) Muhammadans paying income-tax upon an annual income of Rs. 25,000, or paying an amount of revenue, to be determined for each province separately, which would indicate a corresponding income.

With regard to the last-mentioned class (*c*) I am to state that the number of Muhammadans whose income from land calculated in the manner indicated above reaches Rs. 25,000 is only four for the whole Presidency. Therefore, if the representation of the landholding Muhammadans in the electorate is to be adequate, the standard must be considerably lowered. This Government would suggest an income of Rs. 3,000 from land as the qualification. There are 52 persons so qualified. There are 37 Muhammadans paying income-tax on an estimated income of Rs. 25,000 and above in the Madras City and 6 in the districts, or a total of 43 for the whole Presidency. Here too the qualification seems too high to suit local conditions. It is undesirable, in the opinion of this Government, to have too

restricted an electorate. This Government would accordingly suggest, as the qualification, the payment of income-tax on Rs. 10,000. This gives an electorate of 110 payers of income-tax for the Presidency.

The number of Muhammadan fellows of the University is at present 8.

In paragraph 11 of my letter of the 13th March 1908, it was suggested that one seat on the Provincial Legislative Council should be reserved for a Muhammadan. Others may, of course, be elected or nominated. The electorate would therefore be about 171* strong or rather stronger unless, as is not unlikely, the Muhammadan members of the Provincial Council were already included in class (*b*) or (*c*). The Government of India's alternative suggestion that the Muhammadan Provincial members of the Imperial Council might be elected by the Muhammadan members of the Provincial Council is open to the objection that, under the proposals of this Government, there might be only one Muhammadan member of the Provincial Council.

* (*a*)	1
(*b*)	8
(*c*) {1	52
{2	110
Total ...	171

III. Muhammadan electorate for the Provincial Legislative Council.—In paragraph 17 of their letter the Government of India suggested that a certain number of seats on the enlarged Provincial Legislative Council should be reserved for Muhammadans and filled by election. They suggested that the electorate should consist of the following persons:—

(*a*) All who pay land revenue in excess of a certain amount to be fixed on a consideration of the circumstances of the province, but "sufficiently low to embrace the great body of substantial landholders";

(*b*) All payers of income-tax;

(*c*) All registered graduates of an Indian University of more than five years' standing.

For the first class, those who derive their income from land, His Excellency the Governor in Council proposes that the qualification should be an income of Rs. 500 calculated in the manner already indicated. There are 521 persons so qualified. In regard to the second class, payers of income-tax, I am directed to state that there are 2,298 Muhammadans assessed to income-tax in this Presidency, and His Excellency in Council considers that in order that the land-owning class may not be entirely swamped by other classes the qualification for these latter should be the payment of income-tax on an income of not less than Rs. 2,000. There are 157 Muhammadans so qualified in the Madras City and 630 elsewhere, making a total of 787 for the Presidency.

† (*a*)	521
(*b*)	787
(*c*)	64
Total ...	1,372

There are 64 Muhammadan graduates of the Madras University of more than five years' standing. The number of graduates of other Universities is not ascertainable. If the proposals of this Government are adopted, the electorate would number 1,372.†

I have the honour to be,

Sir,

Your most obedient servant,

J. N. ATKINSON,

Ag. Chief Secretary.

CONFIDENTIAL.

XIV.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 605.

From

THE HON'BLE MR. J. N. ATKINSON, C.S.I., I.C.S.,
Acting Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Ootacamund, the 28th July 1908.

SIR,

I am directed to refer to my letters No. 222, Public, dated 13th March 1908, and No. 357, Public, dated 28th April 1908, so far as they deal with the formation of Provincial Advisory Councils and Representative Assemblies.

2. Paragraphs 4 and 6 of my letter of the 13th March 1908 were devoted to a full exposition of the opinions elicited from the leading and the best informed men of Southern India and of the conclusions which had been formed by the Madras Government, after the most careful consideration of the scheme advanced by the Government of India, in regard to the constitution and functions of the proposed Provincial Advisory Councils. The adverse criticisms of that scheme that were submitted to the Governor in Council seemed to him so cogent and came from so large a majority of those consulted that it was difficult to avoid the conclusion that, in the form outlined by the Government of India the Councils would not realise the purpose desired. It was clear that for the success of a constitutional innovation of such moment and of such far-reaching possibilities popular approval was, if not essential, at least of the highest importance. His Excellency in Council was moreover greatly impressed by the force of much of the criticism levelled against the scheme. The conclusion therefore at which he arrived was that an Advisory Council would not be suited to the conditions of this Presidency.

3. It became necessary then to consider whether any alternative and more promising plan could be devised to carry out the objects aimed at in proposing the Provincial Advisory Councils, and it was in these circumstances that the proposals roughly sketched in paragraph 7 of my letter under reference were put forward. Those proposals have not been submitted for public discussion and originated at a comparatively late stage in the consideration of the Government of India's scheme, after it had become manifest that that scheme would not be approved by the Madras public. They were advanced as an alternative suggestion based not on practical experience in this Presidency, but on observation of similar institutions in the States of Mysore, Travancore and Pudukkóttai. His Excellency in Council was indeed fully conscious that institutions suited to those States were in many respects inappropriate to the very different circumstances of the Madras Presidency. The practical

difficulty caused by the large population and distinct linguistic divisions of the Presidency which would necessitate the creation of more than one Provincial Advisory Council has been already referred to in my former letters. The Government would have preferred to utilize and if needs be adapt an institution—if such could be found—either native to the Presidency, or one to which the people had become habituated.

4. Since the despatch of my letters quoted above, His Excellency in Council has continued to give the subject his most careful consideration, and has come to the conclusion that a far more simple solution of this difficult problem can be found. This solution has presented itself in the course of the investigation of a scheme for the revision of the system of election to municipal councils and taluk boards and for enlarging the powers of those bodies. The details of these proposals have not been finally settled, but it may be generally stated that it is intended to introduce an elective system into the constitution of these boards and thus to remove the objections which are from time to time raised against the system of nomination.

5. In the municipalities of this Presidency a system of election has long been in force under the provisions of the District Municipalities Act, but experience has shown that, owing perhaps to a defective formation of the electorates, the election have in most municipalities ordinarily excited little or no interest, the result at any rate being that the best candidates have not come forward. It is proposed to revise the franchise in the different municipalities. It is hoped that this measure, together with the proposals to allow Municipal Councillors as an advisory body more voice in public affairs affecting their town than they now exercise, will induce the leading citizens to stand for election.

6. The taluk boards in this Presidency consist of nominated members. The Madras Local Boards Act contains statutory provision for the election of taluk board members by the people, but hitherto the elective system has not been introduced. It is now proposed that a large proportion, which would however vary according to local conditions, of the members of the taluk boards should in future be elected, so that the boards would include elected representatives of those classes of the population, for whose representation it was the object of the scheme of assemblies roughly sketched in paragraph 7 of my letter No. 222, Public, dated the 13th March 1908, and more fully in my letter No. 357, dated the 28th April 1908, to provide.

7. The majority of the district board members will be elected by the members of the taluk boards from among their number in accordance with the existing custom, but the Government propose to debar Government officials from standing for election. The members of district boards who are elected by the taluk boards will therefore be no longer the nominees of Government, but the elected representatives of the people.

8. In the district board there will thus be ready at hand an Advisory Council (consisting mainly of elected representatives of the people) who in additions to carrying out the administrative functions now prescribed by law can by executive order be constituted an advisory body to advice the Collector in all matters of public concern affecting the local area to which they belong. In like manner the municipal councils will form advisory bodies so far as questions affecting the municipal areas are concerned. The taluk boards might act in a similar capacity to the Divisional Officer.

9. Already the Legislative Council acts to a very large degree as an Advisory Council to the Government. The plan recently adopted of inviting non-official members to meet the Members of Council and the principal Secretaries to Government and heads of departments and discuss informally the various items of the budget before its final adoption by the Government and publication (a plan which it is proposed to make permanent) gives to non-official members an opportunity in private conference of learning, criticising and advising on the policy of the Government. The debate on the budget itself gives another and a public opportunity of doing so. Moreover, the practice now in vogue of consulting members individually in regard to impending changes of any moment, whether legislative or administrative, makes the Legislative Council ever more and more an Advisory Council to the Government. The proposed enlargement of the Legislative Council will, it is hoped, result in securing the representation of a greater number of classes and interests. The criticism and advice given to Government will thus be more varied and more valuable.

10. With the Legislative Council on the one side to advise the Central Government and with the local boards and municipal councils on the other side in their advisory capacity to advise the officials who are responsible for the administration in the districts, the necessity for the creation of such a body as a Popular Assembly disappears to make room for a simpler and less unwieldy contrivance.

11. In paragraph 10 of my letter of March the 13th I spoke of the reluctance with which this Government felt compelled to abandon the proposal to form a larger number of smaller territorial constituencies returning elected members to the Legislative Council. At present the Presidency is divided into two halves, the district boards in each half electing one member and the municipalities in each half electing another member, four members being thus elected by local boards and municipalities. It will be remembered that it was proposed to allow two members to be nominated to the Legislative Council by the Popular Assembly or Assemblies. With the non-formation of these assemblies two more seats will be available to be filled by election. This will enable the Presidency to be divided into electoral areas of substantially smaller dimensions than those into which it is at present divided. This is a result very much to be desired. The Government of Madras are not at this moment prepared to give details of the scheme of division. But I may say generally that it is proposed to divide the Presidency into six constituencies and to allot one seat to every three or four districts giving to each district board, taluk board and municipality one vote. These proposals are, however, subject to future modification.

12. In these circumstances I am directed to say that His Excellency in Council, after further thought and consideration, would prefer to put forward two proposals indicated in the above paragraphs, as an alternative to the Government of India's scheme for a Provincial Advisory Council sketched in Home Department letter No. 2310, dated 4th August 1907, rather than the proposals made in paragraph 7 of my letter No. 222 Public, dated the 13th March 1908.

I have the honour to be,
Sir,
Your most obedient servant,

J. N. ATKINSON,
Ag. Chief Secretary.

XV.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

No. 681.

From

THE HON'BLE MR. M. HAMMICK, C.S.I., C.I.E., I.C.S.,
Chief Secretary to the Government of Madras,
Public Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Ootacamund, the 22nd August 1908.

SIR,

I am directed to refer to paragraphs 10 and 11 of Mr. Atkinson's letter No. 222 Public, dated 13th March 1908, on the subject of the proposed enlargement of the Provincial Legislative Council and the amendment of the Councils Acts and Regulations, and to paragraph 11 of Mr. Atkinson's letter No. 605 Public, dated the 28th July 1908, in which a sketch of revised proposals for the distribution of seats in the Provincial Legislative Council was submitted.

2. It was observed in the second letter referred to that these new proposals were subject to future modification. The matter has now been further considered by His Excellency the Governor in Council and I am directed to say that, in order to enable the Legislative Council to undertake more adequately the advisory functions which it is now suggested it should exercise, His Excellency in Council is of opinion that the numerical limit previously proposed is too low and that the elective principle should be more widely utilized in the formation of the Council in order that greater variety and independence of opinion may be obtained.

3. I am directed now to propose that the Provincial Legislative Council should consist of forty-two members of whom thirty-nine, including the Advocate-General would be additional members. It would be difficult to provide an official vote of more than nineteen additional members and it is proposed that of the thirty-nine, twenty should be non-officials, the Government retaining a majority of one on a division, exclusive of the Governor.

4. At present there are only four elected members on the Council, the Presidency being divided into two constituencies, and the district boards of each constituency electing one member, and the municipalities another. It is now proposed that the Presidency should be divided into eight constituencies each containing roughly three districts. The member would be elected by the district, taluk and municipal boards in these districts, each board having one vote.

5. It is further proposed that the larger landholders of the Presidency should be represented by four elected members. The Presidency would be divided into four constituencies, which might perhaps coincide with its natural divisions—

(1) the East Coast division,
(2) the Deccan division,
(3) the Southern division ; and
(4) the West Coast division.

It is proposed to include in the electorate, proprietors of estates, as defined in Madras Estates Land Act, 1908, and large ryotwari holders. His Excellency in Council considers that the qualification for the electorate should be an income of not less than Rs. 3,000 from land, calculated in the manner explained in paragraph 7 of Mr. Atkinson's letter, No. 428 Public, dated the 22nd May 1908. It has been ascertained that there are 1,187 persons so qualified in the Presidency.

6. With regard to the representation of Muhammadans, His Excellency in Council is of opinion that the difficulty in forming a satisfactory electorate is so great that he would much prefer that their representation in the Council should be secured by nomination. If, however, the system of election should be insisted on, then His Excellency in Council would propose that the Presidency should be divided into two constituencies and that the qualification should be an income of Rs. 500, per annum from land, or the payment of income-tax on an income of not less than Rs. 2,000, or five years' standing as a graduate of the Madras University. The number of persons in the Presidency so qualified is 1,372 as stated in paragraph 9, sub-paragraph (iii) of Mr. Atkinson's letter No. 428 Public, dated the 22nd May 1908.

7. There would, if two Muhammadans are elected, be fourteen elected members on the Council out of twenty non-official members, eight to present the districts and municipalities, four to represent the large landholders, and two the Muhammadan community. Six seats would be reserved for the selection by nomination of non-officials to represent particular interests. At present nominations are made under statutory regulation on the recommendation of (1) the Corporation of Madras, (2) such Association or Associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe and (3) the Senate of the University of Madras. It is proposed that the regulations should remain unaltered in respect of these three seats, and that selections for the other three seats should be made by His Excellency the Governor which would allow of one being ordinarily filled as at present by a representative of the planting community.

8. The proposals involve the amendment of sub-section (1) of section 1 of the Indian Councils Act, 1892, in which the maximum number of additional members is fixed at twenty, besides the Advocate General, or officer acting in that capacity. It is necessary, so far as this Presidency is concerned and with reference to these proposals, that the figure thirty-eight should be substituted for twenty.

9. It would also be necessary to amend the Regulations made by the Governor General in Council with the approval of the Secretary of State, under the provisions of section 1, sub-section (4) of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council are made by the Governor of Madras. I am directed to say that a draft of revised Regulations will be prepared by the Government of Madras, in consultation with their legal advisers, and submitted to the Government of India in due course if the proposals made in this letter are accepted.

I have the honour to be,
Sir,
Your most obedient servant,

M. HAMMICK,
Chief Secretary.

XVI

No. 131.

No. 1768 OF 1908.

GENERAL DEPARTMENT.

Bombay Castle, 26th March 1908.

FROM

R. E. ENTHOVEN, Esq., I.C.S.,
Acting Secretary to the Government of Bombay;

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to inform you that the Governor in Council, after careful consideration of the important questions raised in letter No. 2310—2317, dated August 24th, 1907, Home Department, cordially agrees with the general principles laid down by the Government of India. His Excellency in Council is convinced that the time has come to give to real representatives of native opinion increased opportunities for bringing their views to bear upon the administration. While, for the present at least, it is impossible without risk to impair the executive authority, the proposals of Government of India point to measures which if wisely applied and if carried out in the spirit in which they are conceived, should go far to redeem the promises which have been made to the people of India, and should remove the grounds of legitimate grievance.

2. These proposals of the Government of India have been given the widest possible publicity in this Presidency, both in official and non-official circles, and the opinions received from both sources have been carefully examined. A list of these opinions is attached together with a compilation embodying those of special value.

3. The proposals of the Government of India deal severally with three important subjects, namely—

(1) The creation of Advisory Councils to assist the Imperial and Provincial Governments.

(2) The enlargement of the present Legislative Councils of both Governments.

(3) The facilities for considering the budget in the existing Councils.

4. It is natural that the views received on these important questions should cover a large field, and should show a considerable divergence of opinion. The associations and individuals consulted have for the most part considered how their own interests can be furthered by the proposals of the Government of India or by such modifications therein as they have suggested in their replies; and since these interests are frequently conflicting, the result is a number of irreconcilable proposals. In one respect, however, a certain unanimity may be traced among bodies, and individuals representing educated native opinion. The educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence. Those who differ from the opinions expressed by the majority of these classes restrict themselves for the most part to claiming special representation for the community to which they belong without considering the broad principles involved. It is significant in this connection that the Bombay Corporation, which is representative of several classes with conflicting interests, has limited its reply to a suggestion for the increase of the Bombay City representation on the Legislative Council.

5. The Bombay Presidency Association, in a lengthy discussion of the proposals, severely criticizes the inclusion of Ruling Chiefs and territorial magnates in the Advisory Councils. In the opinion of this Association "the

social evolution of the country can only be mischievously retarded by such attempts," and the Association claims for such Councils an authority and a constitution radically at variance with the ideas underlying the proposals of the Government of India.

6. The opinions of the Chiefs are neither unanimous, nor devoid of ambiguity. Among some of them, especially in the Deccan, a feeling exists in favour of the election of representatives; others suggest a separate Chiefs' Council; and in some quarters there is a disposition to claim for the Advisory Councils a controlling voice in the Government of the country. Whether these views are local or are shared by Ruling Chiefs in other parts of India, can only be ascertained by the Government of India when all the replies have been received.

7. The opinion of the Revenue Commissioners is strongly opposed to the creation of advisory bodies. The Commissioner in Sind, on the other hand, and certain officials and non-officials are in favour of the principle of such Councils.

8. Dealng first with the question of Advisory Councils, the Governor in Council considers that there are grave objections to the combination of Ruling Chiefs and of territorial magnates of British India in one body. From the point of view of the former, such an association must necessarily appear to involve a lowering of status, even though the wealth and influence of some territorial magnates may be markedly greater than in the case of many Chiefs. In the opinion of the Governor in Council, however, the greatest objection to this proposal is the incompatibility of functions of the two classes. The Ruling Chiefs and the territorial magnates stand in absolutely different relations to Government. The one class can have no claim to advise in matters affecting the administration in British India. The other ought not to interfere, even in appearance, in the affairs of Native States. In these circumstances it is not easy to see what class of questions could be referred to a joint Council without serious disadvantage.

9. From the Imperial point of view, however, the Governor in Council considers that an Advisory Council composed of Ruling Chiefs only might be valuable. There are many questions of a general character, such as those relating to defence, Imperial Service Troops, and Chiefs' Colleges, on which the opinions of an Imperial Council would be useful. It could also be employed as a medium for communications which the Government of India might wish to convey to the Native Chiefs. A seat on this Council would doubtless be regarded as a high honour, and the association of Chiefs with Government in a recognized advisory capacity would be a practical application of the lines of policy which have been indicated by the Secretary of State. In the opinion of this Government, the Council should be formed, in the first instance at least, by nomination, conferring a special title during the period of service. There should be no legal recognition of the Council, and the proceedings might be either formal and public, or informal and confidential as required. It would be open to the Government of India to consult the Imperial Councillors either collectively or individually.

10. Whether, in addition to an Imperial Council, an advisory body composed of territorial magnates in British India is required to give opinions upon domestic matters, appears to be a question for the Government of India alone. If, however, any considerable measure of decentralization in regard to such matters is adopted by the Secretary of State, this Government whould be inclined to doubt the need of a second Advisory Council, the constitution of which, as it must be representative of India as a whole, might present considerable difficulties.

11. It cannot be said that the proposel to create Provincial Advisory Councils, has been received with any enthusiasm. On the one hand there are naturally doubts as to the functions which such bodies would discharge, and the use which would be made of them. On the other hand, in some quarters, there is a desire to invest them with powers which cannot at the present time be conceded. After careful consideration of this question, the Governor in Council has come to the conclusion that the experiment should be made, and that an Advisory Council in this Presidency might

be turned to good account. He is, however, convinced that the practical success of such a body must depend upon the qualifications of its personnel. It is essential that every member should be a person of weight and influence, whose opinion will be recognized as entitled to respect, and who will be as far as possible a representative of some important class or interest in the Presidency.... These conditions impose a limit upon the number of members, which in the view of this Government, should not exceed twenty. Whether or not election may ultimately prove desirable, the principle of nomination by the Governor in Council should be accepted in the first instance. It would be unwise to lay down hard-and-fast rules regulating the constitution of the Council. The object should be, as has been indicated, to select members as broadly representative as possible, and the primary aim must be to choose persons who are capable of tendering the best advice. A due proportion of Mahomedans would thus be secured, and the claims of other large communities can be considered. ..The nominations should be for a period of, say, three years and should confer the title of "Honourable" for that period, which might be made permanent in special cases. As in the case of the Imperial Councils (paragraph 9) the Provincial body should not be constituted by legal enactment, and the Government whould be free to ask the advice of members collectively or individually. The Council should elect its own President, who would preside in the absence of His Excellency the Governor, and Government officials should be empowered to make statements or explanations at its sittings if necessary.

12. The Governor in Council concurs with the Commissioner that a separate Advisory Council consisting of not more than five members should be provided for Sind. Conditions in this province differ entirely from those in other parts of the Presidency, and advisory functions in Sind can best be discharged by a body possessing local importance and influence.

13. The question of creating a separate electorate for Mahomedans of other large communities, which is raised in paragraphs 16 to 19 of the letter of the Government of India, has been fully considered by the Governor in Council. The Mahomedans are widely scattered over the Presidency, and are at present unorganised for the purposes of common action. It is, therefore, impossible to suggest any satisfactory scheme for the creation of a special electorate. In process of time, the Mahomedans and other communities may become politically consolidated, and it might then be possible to secure representatives nominated by central associations. In present circumstances, the Governor in Council is strongly of opinion that the proportionate representation of Mahomedans both of the Advisory and on the Legislative Council can be attained only by careful nomination. The claims of other communities cannot be overlooked, and could be met in some measure from time to time if re-nominations are restricted.

14. Turning to the very important question of the increase of the Legislative Council, I am to point out that, under the existing law, this Council may consist of 24 members, which is the present number as shown in the following table:—

Bombay Legislative Council as now existing.

His Excellency and Members			3
Advocate General			1
Nominated by Government—			
Official			6
Non-official			6
Nominated on the recommendation of—			
Bombay Corporation	1		
Bombay Chamber of Commerce	1		
Municipalities in N. D.	1		
District Local Boards in C. D.	1		
Do. in S. D.	1		
Bombay University	1		
Sardars of the Deccan	1		
Zamindars of Sind	1		
	—		8
Total ...			24

15. A smaller and a larger scheme have been under the consideration of this Government, and the former is shown below:—

Smaller Scheme (A).

His Excellency and Members	3
Advocate General	1
Nominated by Government—	
Official	9
Non-official (from special communities).	15
Nominated on the recommendation of—	
Bombay Corporation	1
Bombay Chamber of Commerce	1
Karachi Chamber of Commerce	1
Mill-owners' Associations of Bombay and Ahmedabad alternately	1
Municipalities in Sind	1
Do. in N. D.	1
Do. in C. D.	1
Do. in S. D.	1
District Local Boards in Sind...	1
Do. in N. D.	1
Do. in C. D.	1
Do. in S. D.	1
Bombay University	1
Sardars of Gujarat	1
Sardars of the Deccan	1
Zamindars of Sind	1
Native Merchants' Association	1
	45

16. The additions embodied in scheme A are proposed on the following grounds:—

The Karachi Chamber of Commerce exercised the right of nomination up to the year 1892. It was then withdrawn. The Port of Karachi has since advanced in importance at such a rapid rate that the Chamber is fairly entitled to representation on the ground of the great extent of the commercial interests that it represents. His Excellency the Governor in Council is further of opinion that the mill industry of this presidency should now receive a seat in the Council. Of the 149 mills in the Presidency no less than 81 are in Bombay Island and 41 at Ahmedabad. The industry may, therefore, be fittingly recognized by the allocation of one seat to be given alternately to the Mill-owners' Associations of these two places. The landed interest in the Presidency has so far been represented by the nominees of the Sind Zamindars and the Deccan Sardars. This Government is of opinion that the representation of such an important interest may be fittingly increased by one seat in an enlarged Council. The land-holders of Gujarat have hitherto remained unrepresented, and would form a suitable body to supply a third member for the landed interest, if a body to be known as the Sardars of Gujarat were created for this purpose from the Talukdars, Inamdars and other great land-holders of that province. To he representative of Municipalities and Local Boards should now be added thoe of divisions at present without representation in Council, *i. e.*, Sind in both cases, and the Northern Division for Local Boards, as well as the Central and Southern Divisions for Municipalities. The Council may be completed by the creation of one seat to represent such Native Merchants' Associations as may be selected on each occasion by order of Government, as it is clear that the Chamber of Commerce in Bombay cannot be said to represent native opinion at all. There are about ten members who are not Europeans, and none of these are on the Committee. The native traders and business associations must increase with the commercial development of the country. It is desirable that, as has been suggested (*vide* letter from Indian Merchants' Chamber and Bureau, dated 10th December 1907), a seat should be reserved for the nominee of at least one such association. ...

17. Under the provisions of this scheme, twenty-four seats are reserved for nomination, and, omitting officials, there would be fifteen seats of which six could be given to Mahomedan and other special communities, while leaving the Government majority reasonably secure. It may be pointed out that in the Council as at present constituted only six officials have been appointed out of a legal maximum of nine.

18. Under this scheme the educated classes, as the term is usually understood, would be more numerously represented than at present. The Municipalities and District Local Boards would return, instead of three, the existing number, eight members, all of whom would probably belong to these classes and would form more than one-sixth instead of only one-eighth of the Council as at present. The Governor in Council considers that every candidate for one of these eight seats should himself be at the time a member of one of the Local Boards or Municipalities which he is to represent. The scheme fully maintains the representation in the Council of the educated classes and disturbs existing conditions as little as possible; and it is anticipated that the chance of being elected to the Legislative Council will attract to the Local Boards and Municipalities men of ability and good standing, and that for the Legislative Council the services will be secured of men of local knowledge, experience and weight.

19. The larger scheme under which it is proposed that 20 seats should be allotted to districts, certain backward districts being grouped in pairs so as to reduce the number of members thus elected from 24 to 20, is shown below:—

Larger Scheme (B).

His Excellency and Members	3
Advocate General	1
Nominated by Government—	
Official	9
Non-official	15
Nominated on the recommendation of—	
Bombay Corporation	1
Bombay Chamber of Commerce	1
Karachi Chamber of Commerce...	1
Mill-owners' Associations, Bombay and Ahmedabad alternately	1
Districts...	20
Bombay University...	1
Sardars of Gujarat	1
Sardars of the Deccan	1
Zamindars of Sind	1
Native Merchants' Association	1
Total ...	57

20. It is claimed for this scheme that representation by districts would impose greater responsiblity upon members in regard to local interests and would bring the representation nearer to the people. Under such a scheme it is possible that political influence would not be as concentrated as at present, and that local interests, now neglected, might gradually be consolidated. The general experience of very large electoral is not satisfactory, and the existing arrangements under which bodies widely scattered over an entire division form the electoral bodies is open to criticism. Conditions as to a minimum period of annual residence and of a property in the district would be imposed on candidates for election. Under Scheme B it may be pointed out that the Government majority would not be assured. It may however be claimed that, in a Council so constituted, there would be greater discrepancies of views than at present, that opinion would frequently be tested in advance by the means of the Advisory Council, and that a Provincial Government could very rarely find it necessary or desirable to force legislative measure against the unanimous vote of all the Indian Members of a Council such as is proposed.

21. After full considertion, a majority of the Executive Council prefers the smaller Scheme A; but I am to point out that the adoption of this scheme by which the Council would be increased from 24 to 45 members may entail a revision of the Rules of debate.

22. It has been suggested by the Government of India that the franchise for District Local Boards and Municipalities is too low, in view of the fact that these bodies have the right of electing members who may be sent to the Legislative Council. The existing provisions of the law regarding the qualifications required in this Presidency are contained in section 10 of the Bombay Local Boards Act, I of 1884, and section 12 of the Bombay District Municipal Act, III of 1901. His Excellency the Governor in Council is strongly of opinion that a raising of the present franchise would be impolitic and undesirable. For the present, he considers that the *status quo* should be maintained; but he is inclined to believe that a lowering of the franchise may become advisable, and that the effect would be to give a share of political influence to classes which stand in closer relations to the real interests of the people than the present electors. As in the case of Provincial Councils, the creation of special electorates seems impracticable, and the representation of Mahomedans on Local Boards or Municipalities must be secured by nomination.

23. With reference to paragraph 23 of the Government of India letter, I am directed to state that His Excellency the Governor in Council is cordially in sympathy with the desire of the Government of India to render the Budget debates less discursive and unfruitful. In present circumstances, the existing financial system which requires the sanction of the Government of India to the budget drawn up by this Government is an obstacle to the free discussion of financial measures at the time of framing the budget. This Government have recently submitted proposals for securing to them a greater liberty in the expenditure of funds allotted to them and definite arrangements cannot be made until a decision on these proposals has been obtained.

24. Meanwhile, the Governor in Council considers that the only method of obtaining a useful discussion of the Budget is to allow the members of the Legislative Council some part in the settlement of it. The constant complaint of members has been that the Budget comes to them after final sanction when discussion cannot, or at least will not, affect its items. The Governor in Council, therefore, has carefully considered how members of the Provincial Legislative Councils can be enabled to discuss the Budget before sanction. The only thoroughly satisfactory arrangement, in his opinion, is to allow Provincial Governments to settle their own Budgets and to dispense with a review and sanction by the Supreme Government, in fact to give the Local Government such independence in their financial arrangements as is allowed without question and with complete success to such bodies as the Municipal Corporation of Bombay. Under such a system the Local Government would have until the end of the first week in March to settle its Budget. The first edition would be prepared by the Local Government in consultation with the Accountant General in the same way and at the same date as at present, namely, the end of January. The Governor in Council would then assemble one or more Committees of the Legislative Council, including among its members representatives of non-officials presided over by a member of the Executive Council with the necessary Secretaries and heads of departments in attendance. The Committees would discuss the various budget heads. Opportunity would be given to non-official members to criticise provision made and to suggest alterations and additions. These suggestions would be considered by the Government, and to those which were approved effect would be given in the second edition of the Budget, which would be ready in February. The final edition, which as above stated, would be ready in March would be forwarded to the Government of India for information and incorporation, if desired, in their Budget Proceedings. It would be published with a statement explaining the items of interest and the settlements arrived at in Committee. In most matters

these settlements will, it is hoped, be practically unanimous. Discussion on the purely financial aspect of the statement would therefore be limited to the few points in which differences had arisen in Committee, but such discussion as took place would be relevant and interesting.

25. The above procedure is suggested on the supposition that an effective measure of decentralization will be permitted in financial matters. It is, however, capable of adaptation to the existing system. If that system continues, this Government would forward to the Government of India on the 18th or 19th January the first edition of the Budget prepared as at present. Committees of the Legislative Council would be invited as above suggested to discuss the first edition, and the second edition, which would, as at present, be forwarded to the Government of India in February, would embody such alterations as the Local Government had made in the first edition on consideration of the recommendations made by the Committees. No further alteration in procedure would be made, and the Budget would not be published or discussed by the Provincial Legislative Council until it had been sanctioned by the Government of India. This procedure would be an improvement on the existing arrangemants, inasmuch as it would enable the non-official members of the Council to assist in framing the Budget proposals of the Local Government. On the other hand, it would obviously be far less consonant with local opinion than a system under which the Provincial Government would be allowed to settle its Budget on the advice of the Committees effectively representative of the non-official element. The Governor in Council, therefore, unhesitatingly prefers the procedure recommended in paragraph 24 above.

26. If either of these two systems be adopted, there does not appear much advantage to be gained from discussing the finally sanctioned Budget head by head. It may be hoped that the range of discussion on the Financial statement will be narrowed to the few points on which the Committee have not reached unanimity. The Governor in Council, however, has no objection to urge against the method proposed by the Government of India of conducting the debate on the Financial statement. The occasion will doubtless be employed by unofficial members to ventilate criticisms on various branches of the administration and there may be some advantages in the separate discussion of each subject of criticism in connection with the specific Budget head of Revenue and Expenditure under which it would be appropriately classed, *e.g.*, the collection of Revenue in connection with No. I.—Land Revenue Receipts, the introduction of Free Education under 22.—Education, and so forth. In this way, something in the nature of a debate will be rendered possible.

27. Although the question is not raised in the letter of the Government of India under reply, I am to state that the Governor in Council has considered the advisability of establishing district Advisory Councils with the object of developing local interest in the administration of the unit area. Although anything of the nature of a formal Council may be premature, the Governor in Council considers that a Darbar might be formed in each district consisting of persons of standing and of representative type to be nominated by the Commissioner on the recommendation of the Collector. The members of such a district Darbar might receive some special privileges and be recognized as advisers whom the Collector would consult on any questions regarding which the Commissioner or Local Government would require their opinion. He would also consult them in regard to local questions at his discretion, and the Council or any of its members would be enabled to make representations to him if they so desired.

28. In conclusion I am to point out that the Governor in Council is deeply impressed with the importance of the measures of reform proposed by the Government of India. He is well aware that no measures which can safely be taken will satisfy the demands that have been put forward in some of the replies which the letter of the Government of India has elicited. There has been a marked tendency to allege that Government is not in earnest

in the measures which it has suggested. This tendency must be taken into account, and it can be corrected only by experience. In the opinion of the Governor in Council, therefore, the political effect of the steps now to be taken will depend mainly upon the manner in which the reforms are worked in actual practice. If the Advisory Councils secure the confidence of Government and of the people, and if they can be utilized in a broad and liberal spirit, it will in time be recognized that a real step has been taken in the direction of bringing native opinion to bear upon the Administration.

I have the honour to be,

Sir,

Your most obedient servant,

R. E. ENTHOVEN,

Acting Secretary to Government.

Accompaniments to letter No. 1768, dated the 26th March 1908,

General Department.

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Dr. Joseph Benjamin, member of the Ahmedabad City Municipality, Ahmedabad.
Mr. Narsilal Rewadas, retired Mamlatdar, Ahmedabad ... ...
Shaikh Usman Abdullah Koreishi, retired Government Servant and member of the Ahmedabad City Municipality, Ahmedabad ... ...
Mr. Mulshankar Jetha, Zamindar of Dholka and retired "Nayab Subha" of the Baroda State ... ...
Mr. Keshavlal Hiralal, retired Deputy Collector, and now President of the Ahmedabad City Municipality ... ...
Khan Bahadur A. M. Dalal, member of the District Local Board, Broach, and City Municipality, Broach ... ...
Mr. M. F. Alamshaw, Pleader, Broach ... ...
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Mr. Gulam Mustapha Amin Saheb Khatib, member of the Bhiwandi Municipality and Taluka Local Board in the Thana District ... ...
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Mr. Lalshankar Umiashankar, a retired Small Cause Court Judge of Ahmedabad.
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Central Division.

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Mámlatdar of Násik ... ...
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Mr. E. D. Talati, Násik ... ...
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Vice-President of the Dhulia Municipality ... ...
Shankar Shrikrishna Dev of Dhulia ... ...
Mr. Bhaungaonkar, retired Deputy Collector ... ...
Mr. M. K. Apte, Pleader, Dhulia ... ...
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Mr. Paranjpe, Pleader of Amalner ... ...
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Vice-President of the Jálgaon Municipality ... ...
Mr. Lambert, District Superintendent of Police, East Khándesh ... ...
Collector of Sátára ... ...
Mr. R. R. Kale, Pleader and Member of the District Local Board... ... ...
Rao Bahadur V. N. Pathak of Sátára ... ...
Mr. J. P. Orr, I.C.S., Collector of Ahmednagar ... ...
Sardar Rao Bahadur Y. T. Mirikar, Special Magistrate, 1st Class, Ahmednagar. ... ...
Collector of Ahmednagar ... ...
Reverend R. A. Hume, M.A., American Mission, Ahmednagar ... ...
Mr. G. K. Chitale, Pleader, Ahmednagar... ... ...
Kazi Sayed Inaytullah Khan, Jagirdar of Nagardeola... ... ...
Vice-President, City Municipality, Ahmednagar ... ...
Mr. Byramji Sorabji of Ahmednagar ... ...
Mr. K. V. Patwardhan, Pleader, Nagar ... ...
Vice-President of the Bhingar Municipality ... ...
Collector of Poona ... ...
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Mr. Balwant Ramchandra, Inamdar of Poona (Vernacular) ... ...
Kazi Sayed Azamuddin, Pirzade Inamdar of Poona (Vernacular) ... ...
Mr. A. Daniel of Poona (Honorary Magistrate) ... ...
Mr. Morgan Balkrishna of Poona ... ...
Mamlatdar of Sirur ... ...
Vice-President, Taluka Local Board, Khed ... ...
Mr. Vinayek Moreshwar Natu of Poona ... ...
Raje Shambhusing Jadhavrao, First Class Sardar, Málegaon ... ...
Vice-President T. L. Board, Haveli ... ...
Khan Saheb Sheik Abdul Kadar, Poona ... ...
Mr. Sorabji Jehangir, Poona ... ...
Sardar K. C. Mehendale, Poona ... ...
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Mamlatdar of Junnar ... ...
Mamlatdar of Purandhar ... ...
Mr. Govind Balwant Shastre ... ...
Mr. P. D. Pudamji ... ...
Mr. Raghunath Bajirao Potnis, Honorary Magistrate, Poona ... ...
Mr. B. B. Onkar, First Class Magistrate, Poona City ... ...
Mr. Coopooswamy Moodlyar, Poona ... ...
Mr. Ebrahim Haroon Jaffer, Poona ... ...
Meherban Raghunathrao *alias* Babasaheb Panth Sachiv, Magistrate, B. Bench, Poona ... ...
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Sardar R. K. Vinchurkar ... ...
Sardar Anandrao Khanderao Raste ... ...
Sardar Trimbakrao Purandhare ... ...
Sardar Sadashivrao Madhavrao Purandhare ... ...
Sardar Khunderao B. Dabhade ... ...
Khan Saheb Dorabji Dadabhoy Boottee ... ...
Mr. Venkatrao M. Moodliar ... ...
Mr. Kaluram Bhow Mansuram ... ...
Mr. S. V. Ranade ... ...
Mr. S. R. Meddakar ... ...
Mr. Kaikobad A. Dastur Nosherwan ... ...
Mr. B. M. Phadhnis ... ...
Mr. S. Sulleman Abdul Wahed ... ...
Mr. B. K. Modnimbkar ... ...

SOUTHERN DIVISION.

Mr. B. A. Brendon, I.C.S., Collector of Belgaum ... ...
Meherban Lakhamgauda Basavprabhu, Bar.-at-Law, First Class Sardar, Sar Desai Wantmuri ... ...
Mr. Achut Bhasker Desai, retired Deputy Collector, Belgaum ... ...
Mr. Shripad Anant Chhatre, Pleader and Chairman, Managing Committee, District Local Board, Belgaum ... ...
Mr. Artal, District Deputy Collector, Northern Division, Belgaum ... ...
Mr. W. C. Shepherd, B.A., I.C.S., Collector of Bijápur ... ...
Mr. V. B. Mardhekar, M.A., District Deputy Collector, N. D., Bijápur ... ...
Mr. K. G. Ajrekar, Pleader of Bijápur ... ...
Mr. P. A. Desai, B.A., LL.B., Pleader, Bijápur ... ...
Mr. S. V. Kowjalji, Pleader, Bijápur ... ...
Mr. Vishvanath V. Wagh, First Class Subordinate Judge of Bijápur ... ...
Mr. C. Hudson, I.C.S., Collector of Dhárwár ... ...
Mr. L. Graham, I.C.S., Assistant Collector, 1st Division, Dhárwár... ... ...
Mr. V. S. Kalolge, Mamlatdar, Hubli, Dhárwár ... ...
Mr. V. N. Sathaye, District Deputy Collector, III Division, Dhárwár ... ...
Rev. Canon C. S. Revington of Betgiri-Gadag ... ...
Mr. V. V. Kalyanpurkar, Sub-Judge, Gadag ... ...
Mr. Ibrahimkhan I. Pathan, 1st Assistant Deputy Educational Inspector, Dhárwár ... ...
Messrs. S. V. Mensinkai and B. Halbhavi, B.A., LL.B., Lingayats of Dhárwár ... ...
Mr. G. Leathem, I.C.S., Assistant Collector, 2nd Division, Dhárwár ... ...
Mr. Venkatesh Shrinivas Naik, Savkar and Vice-President, Taluka Local Board, Ranebennur, Dhárwár ... ...
Mr. S. K. Rodda, Principal, Training College, Dhárwár ... ...
Mr. Chanmallapa Tenginkai, Merchant and Proprietor of Factories, Dhárwár ... ...
Mr. Krishnarao Mádhavrao Huilgol, retired Subordinate Judge at Gadag, Dhárwár ... ...
Mr. L. C. Swift, I.C.S., Collector of Kánara ... ...
Mr. G. L. MacGregor, I.C.S., Forest Settlement Officer, Kánara ... ...
Rao Bahadur V. D. Yennemadi, District Deputy Collector, Sirsi Division, Kánara ... ...
Mr. G. L. Khoppikar, Mámlatdar of Kumta, Kánara ... ...
Mr. Dattatraya Krishna Upponi, Government Pleader, Kánara ... ...
Mr. P. N. Pandit of Sirsi ... ...
Sirsi Municipality ... ...
Mr. K. R. Elurkar of Sirsi ... ...
Mr. A. F. Maconochie, I.C.S., Collector of Ratnágiri ... ...
Mr. N. B. Divatia, B.A., C.S., Assistant Collector, Ratnágiri, N. D. ... ...
Mr. V. V. Bakre, B.A., District Deputy Collector, C. D., Ratnágri ... ...
Rao Bahadur Madhavrao Somji Moray of Málvan, Ratnágiri District ... ...

SOUTHERN DIVISION—*continued.*

Rao Saheb S. M. Namjoshi of Ratnágiri ... ...
Mr. A. M. Dhamle, Pleader, District Court, Ratnágiri ... ...
Mr. Vasudeo Narayen Gole, a landholder of Harnai, Taluka Dapoli, Ratnágiri District ... ...
Mr. Vishnu Hari Barve of Dápoli in the Ratnágiri District ... ...
Ratnágiri Municipality ... ...
Belgaum Municipality ... ...
Mr. J. K. N. Kabraji, Collector of Kolába ... ...
Mr. R. S. Broomfield, I.C.S., Assistant Collector, Kolába, N. D. ... ...
Mr. A. O. Koreishi, M.A., District Deputy Collector, Kolába, S. D. ...
Mr. S. G. Patankar, Huzur Deputy Collector, Kolába ... ...
Mr. Dosabhoy Shapurji Baria, Member of the District Local Board, K oláb ...
Mr. Ramji L. Gharat of Awás in the Alibág Taluka, Member of the District Local Board ... ...
Mr. Anandrao M. Oze, Inamdar of Palaspe, Panvel Taluka, Kolába District ...
Mr. Narayen Ganesh Mandlik of Pen, Kolába District ... ...
Mr. H. K. Kulhalli, Vice-President, Local Board and Municipality, Mahád, Kolába District ... ...
Mr. Y. V. Randive, Vice-President, Local Board and Municipality, Panvel, Kolába District ... ...

SIND.

Mr. H. C. Mules, M.V.O., I.C.S. ... ...
Collector of Karáchi ... ...
Mr. Harchandrai Vishindas, B.A., LL.B. ... ...
Mr. J. Strip ... ...
Mr. Framroze Panthakey ... ...
Mr. E. Raymond, B.A., LL.B. ... ...
Mr. Nadirshaw Eduljee Dinshaw ... ...
Mr. Tekchand Udavdas ... ...
Mr. R. R. Bugtani, Bar.-at-Law ... ...
Mr. G. A. Chagla ... ...
Mr. A. F. Kindersley, Assistant Collector, Shahbandar ... ...
Mr. J. W. Smyth, Assistant Collector, Tatta ... ...
Mr. K. F. Mirza, Deputy Collector, Kotri... ... ...
Mr. F. G. Pratt, I.C.S., Collector of Hyderabad ... ...
Mr. E. L. Sale, B.A., I.C.S., Collector of Sukkur ... ...
Fateh Mahommed Khan Walad K. B. Shah Pasand Khan, Zamindar, Sultankote
Mr. Safudinkhan Abdulkarim Khan, Zamindar, Sultankote, Shikárpur ...
Mr. Ambritrai Shewaram, Vice-President, Shikárpur Municipality ... ...
Messrs. Murlidhar and Hiranand, Pleaders, Municipal Councillors and Zamindars, and Seth Khubsing, Municipal Councillor ... ...
Anjuman-i-Islam, Shikárpur ... ...
Mr. Awatsing, Municipal Councillor, Sukkur ... ...
Mr. C. M. Baker, B.A., I.C.S., Collector of Lárkhána ... ...
Mr. W. W. Smart, I.C.S., Deputy Commissioner, Upper Sind Frontier ...
Karáchi Municipality ... ...
Hyderabad Municipality ... ...

Opinions of private gentlemen, bodies and others regarding the enlargement of Legislative Councils and connected questions.

Bombay Millowners' Association.

Dated the 7th October 1907.

From—J. B. LESLIE ROGERS, Esq.,
Secretary. Bombay Millowners' Association;

To—The Secretary to Government, Legal Department.

In view of the recent pronouncement of the Secretary of State for India regarding the expansion of the Provincial Legislative Councils, I am instructed by the Committee of the Bombay Millowners' Association to request you to be so good as to submit to His Excellency the Governor for his favourable consideration their representation for an extension to this Association of the privilege about to be conferred on other public bodies in the Presidency of returning one of the members as an accredited representative on the proposed enlarged Legislative Council of Bombay.

2. Having regard to the magnitude of the interests represented by the mill industry, and to the expressed intention of the Secretary of State for India of "making adequate provision for representing the mercantile and industrial classes," the Committee feel it incumbent on them to take this opportunity of respectfully placing the claims of the Millowners' Association before the Government of Bombay. It will not be out of place here to show how vast are the interests and influences of the mill industry in this Presidency. It represents capital which the Committee estimate at nearly 13 crores of rupees and it pays annually in excise duty to the State the sum of Rs. 24,36,265. It employs 142,460 operatives on whom are dependent for their maintenance about 284,900 persons; and in the city alone it contributes by way of Municipal rates and taxes the large sum of Rs. 3,50,000 in round figures, or little over $\frac{1}{16}$th part of the amount of the total property tax collected. Moreover besides the operatives there is a large class of investors and traders whose income, chiefly depends on the profits of the local industry. Thus it would be no exaggeration to state that at least $\frac{1}{4}$th of the city's population is directly and indirectly dependent on it.

3. In these circumstances the Committee respectfully venture to think that the interests represented by the Association cannot but be considered of the greatest importance, and as Provincial Governments have been enjoined by the Secretary of State to provide for any important interest which is not specified in the general scheme, my Committee beg to call attention to the appeal now made by the Millowners' Association, and trust that His Excellency the Governor in Council will be good enough to accord the Association the same privilege as may be granted to other public bodies.

4. In conclusion, I am to add that the Millowners feel keenly the absence of any official recognition of the Association that represents their interests, though it has been in existence for fully 30 years, and has at various times been called upon to give its advice to the governing authorities. They therefore venture to hope that the reasons above urged in support of their request will commend themselves to Government, and that the right of electing a representative to a seat in the contemplated enlarged Legislative Council of the Presidency be conceded to this Association.

Mr. B. S. Shroff, L.M. & S.

Dated the 11th November 1907.

From—B. S. Shroff, Esq., L.M. & S., J.P.,

Medical Inspector of Seamen, Medical Officer, British India Steam Navigation Company, Honorary Medical Officer, the Royal Alfred Sailors' Home, Joint Honorary Secretary, the Bombay Medical Union, Honorary Director, the Bombay Buisson Bath Institute, etc.;

To—The Secretary to Government, General Department.

I have the honour to request that you will be so good as to submit the following representation to His Excellency the Governor in Council at your early convenience.

2. In the draft proposals prepared by the Government of India, for instituting an Imperial Advisory Council of India, and for enlarging and remodelling the Legislative Council of India and forwarded by that Government to Provincial Governments as a basis for instituting Provincial Advisory Councils and for enlarging and remodelling their respective Legislative Councils the Pársis have noted that the claims of their community for a special franchise have not been recognised.

3. Although their number is infinitesimally small, being about 90,000 in the whole of India and Burma and 78,552 in Bombay Presidency, their claims for a special institution of an electorate of their community is in no way inferior to the claims of the whole body of the Indian people, or of the inhabitants of the Bombay Presidency or of the non-official European community in India.

4. The present concessions are intended to be made on the ground principally of the progressive educational fitness in English of the Indian people. In the census report of 1901 of the Bombay Presidency it is stated that there were at the time of the census literate in English—

79,770 Hindus,
10,554 Mahomedans,
5,036 Jáins, and
20,252 Pársis,

i. e., against a total of 95,360 educated Hindus and Mahomedans in the Bombay Presidency the Pàrsi literates in English numbered 20,252 or about 2·63 per cent. of the literates of the two great communities residing in the Bombay Presidency. The total number of Matriculates in the whole of India in 1905 was 8,211, of which there were about 180 Pársis, *i.e.*, 2·1 per cent., of the Matriculates in the whole of India.

5. According to the published programme the non-official Europeans are, to be associated in the Government of India and are to be allowed tof orm special electorates whereby they will be able to send two members to the Imperial Legislative Council and several to the Provincial Legislative Councils, to enable them " to represent small land-holders, industry, commerce, capital and professional classes, and on the ground of their being able to promote a better understanding and to clear away on beth sides injurious prejudices and misconceptions."

6. The claims of the Pársis are exactly alike those of the non-official Europeans. Like the latter, they wish for the British power enduring in India. They have taken a keen interest in helping, though in very small measure, the establishment of the British power in India at the time of its early inception at Bombay and at Surat. In 1690 the Sidi of Janjira attacked Bombay and was about to capture it, when he was repulsed by a force led by a Pársi. In 1660 a Pársi helped English merchants in obtaining permit from Emperor Aurangzeb, enabling them to establish a business house at Surat. On 4th September 1759 a Pársi assisted in securing a " firman " and a " sirpav " from the then Mogul Emperor for the Honourable the East India Company, by virtue of which the Honourable Company entered into joint administration of the Fort of Surat and of the Naval forces of the Emperor of Delhi at Surat

The " firman " and the " sirpav " were presented to the Company's officers on the 3rd May 1760 at the Castle Green at Surat when the Honourable Company's flag was hoisted up along with the flag of the Mogul Emperor. (Pársi Prakash by Khán Bahádur Bomanji Byramji Patel, J.P.) This day was really the commencement of the British power in Surat.

7. In later years the Pársis have been in forefront in education, commerce, industry, professions and last though not least in charity in the interest of all classes of the Indian community. They have taken very prominent part in the making of the Bombay City and raising it from a fisherman's village to the exalted status of *Urbs Prima in Indis*. They have an immense stake in the land as property-holders, business, commercial and professional men and as owners of mills, factories and mining industries. They have made their mark in the intellectual and social life, not only of the Bombay Presidency, but of a all-India. The Pársi political thought has been moderate and sober in its tone and loyal and devoted to the British Crown. On account of their numerical minority they feel that, if they seek the suffrage of the Indian community, they are not likely to be returned as elected members of the Provincial and Imperial Legislative Councils. The Pársis therefore claim that if any other community is given the privilege of the special representation on the Legislative Councils of India, they have an equal, if not a prior, right to the privilege, which, I hope, will be favourably considered before final orders are issued by the Government of India.

Mr. Chanamallappa Tenginkai of Dhárwár.

Dated the 18th October 1907.

From—Chanamallappa Tenginkai, Esq.,
President, Lingáyat Public Meeting, Dhárwár;

To—The Secretary, Revenue Department, Government of Bombay.

I have the honour to forward, herewith, a copy of the proceedings of a public meeting of the Lingayats of Dharwar, and to request you to be so good as to communicate the same to His Excellency the Governor.

Proceedings of a public meeting of the Lingayats of Dharwar, specially convened for the purpose of offering thanks to the Government of India regarding their letter to the Local Governments, dated August 24th, 1907.

Mr. Chanamallappa Tenginkai, a most influential merchant, land-holder proprietor of a Ginning and Pressing Factory, Municipal Councillor and District Local Board Member, was unanimously offered the Chair. After he accepted it, the following Resolution was proposed by Mr. V. B. Halbhavi, B.A., LL.B., Clerk, District Court, and seconded by Mr. Gadigayya Vibhuti, Pleader, and unanimously carried:—

" That this public meeting of the Lingáyats of Dhárwár records it deep sense of gratitude for the spirit in which the Government of India have addressed the Local Governments regarding the representation of the land-holding, commercial, industrial and professional classes, forming the most powerful and stable elements of Indian society, in the various Councils referred to in the said letter and in which they have suggested the Local Governments that they should introduce into their systems of election and nomination, for the District and Local Boards, the principle of assigning a fixed population which divided by race, caste or religion and permitting the members of that class its own representatives.

"The most sincere thanks of the Lingáyats of Dhárwár, are hereby respectfully tendered to His Excellency the Viceroy and through him the Right Honourable Secretary of State for India for this wise and magnanimous policy, which marks an important stage in the political development of India."

(Sd.) Chanamallappa Tenginkai,
President of the Meeting, Dharwar.

Dharwar,
16th October 1907.

Mahráj Kumár Kristo Dass Law of Calcutta.

The remarkable letter published for the information of the Local Governments and the public, inviting their opinions by the Government of India on the subject of the formation of Advisory and enlargement of Legislative Councils, has been receiving due attention everywhere in India. The fact, that it has been the outcome of a promise made by such an august person as His Excellency the Viceroy in the Legislative Council on the 27th March last, has led people to expect something valuable and substantial from the measures now proposed in the fulfilment of that promise. I give below a summary of the proposals made therein :—

Imperial Advisory Council.—The proposed Council should consist of about sixty members of the whole of India, to be appointed by the Viceroy for a term of five years. Of these about twenty should be ruling Chiefs, and a suitable number of territorial magnates of every province where land-holders of sufficient dignity and status are to be found. The Council should receive no legislative recognition and its function should be purely advisory. It should deal only with such matters as may be specially referred to it from time to time, and its proceedings should, as a rule, be private, informal and confidential, and would not be published, although Government would be at liberty to make any use of them that they thought proper.

Provincial Advisory Council.—The 5 Provincial Councils would be of smaller size than the Imperial Council but their membership should be large enough to embrace all interests of sufficient importance to claim representations on such a body. Of this body "the territorial magnates" (in other words big zamindars) of the Imperial Advisory Council should form a part.

Imperial Legislative Council.—This Council shall consist of 54 members :—

1	Viceroy.	
7	Officials (*ex officio*).	
20	Additional officials.	To be nominated by the Viceroy.
1	Ruling Chief.	
4	Non-officials to be nominated by the Viceroy, of whom 2 to be Mahomedans.	
3	Experts to be nominated by the Viceroy.	
2	Elected by Calcutta and Bombay Chambers of Commerce.	
7	Elected by non-officials members of the Provincial Councils of the different provinces.	
2	Elected by the Mahomedans.	
7	Elected by the nobles and land-holders of the different provinces.	
Total ... 54		

Provincial Legislative Council.—In this matter the Government of India have given some general instructions as to how the members should be elected, and proposals from the Provincial Governments would be considered hereafter by the Viceroy.

In spite of the different schemes stated above, the Government take care to state in the most explicit terms that they do not contemplate any surrender or weakening of paramount British power in India, and that the executive authority of the Government is to be maintained in undiminished strength. It is a well-known fact that Government, according to the proceeding which they at present follow, make up their mind as regards any measures to be introduced either through the legislative procedure or by executive authority alone, without in the first instance consulting the views of the people, and carry them out notwithstanding the wishes of their subjects to the contrary. In the letter now before us, I find in the preliminary portion thereof (under the headings "The case for reform" and "The Imperial Advisory Council") that a good deal has been said which lead people to expect that a departure from their previous mode of administration is intended : I quote certain portions thereof :—

"No scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the

landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence. For the present at any rate the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf.

"The classes which will be enabled under the present scheme to take a more effective part in shaping the action of Government may reasonably look forward, as the necessary outcome of the measures now in contemplation, to a larger share in the actual work of a administration, and more extensive employment in the higher offices of the State. The Government of India recognise the essential justice of the claim that is put forward, and they are convinced that it is possible without neglecting the other interests and obligations involved to move gradually forward towards the fulfilment in no grudging spirit of a pledge which the peoples of India are entitled to regard as inviolable.

"The [traditions of ancient Oriental policy] have always recognised that a sovereign however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what after such consultation he deemed to be the best mind of his people. The scheme would thus be no innovation in principle (as are some applications of Western methods to Eastern soceity) and if judiciously applied would by evoking the stable forces fundamentally so strong in India lent valuable aid to the orderly working of Government. For this purpose what appears to be needed is an Imperial Advisory Council."

But in the steps proposed to meet the aforesaid purpose, I do not see how the above constitutional requirements will be carried out. In the first place, the Imperial and Provincial Advisory Councils would, as stated before, be purely consultative bodies, without legislative recognition and without any power whatever, the procedings of which should be private, informal and confidential, and the Government would be at liberty to make any use of h em that they thought proper. Here, however, no assurance has been given that their advice would be followed. The members of the Advisory Councils being all appointed by Government without election will not be the representatives of the people, and would not hold any position whatever on account of their not being recognised as a formal body ; and as it is likely that they would have to attend the meetings at their own expense from distant parts of the country without any assurance from Government that their advice would be acted upon and serve any useful purpose (which assurance I consider should be given) it is very probable that they would not attend the meetings at all, and, if they do, would they not regard their attendance in the same light as the teachers and others in the Province of Eastern Bengal and Assam regarded their function when they were made special constables by Government ? There is no question that this appoinment would be an act of oppression. Under the circumstances the measure of the Advisory Council proposed would after a short while prove infructuous.

As regards the Legislative Councils, taking into consideration their constitution, composed as they would be mostly of Government officials and Government nominees, popular views will not carry much weight therein, and any enlargment of their constitution would only serve to delay, more than at present, the carrying a measure through ; hence no special advantage would be gained by the expansion of the Legislative Council.

Let me now consider the functions of the non-official members in the Legislative Councils. At present they are only employed in Committees in connection with Bills before the Councils. They have the rights of interpellation and of discussion, and of making remarks on any Government measure when the Budget is brought forward. Each one of them has a vote which for all practical purposes is useless. Their function therefore in the Legislative Council is of no real importance, and might be delegated to some other body.

I now place before the Government an outline of a proposal of my own which may meet the requirements the Government have in view.

The Legislative Councils should be composed only of official members, as Government do not like to surrender or weaken their paramount power.

But the Advisory Councils should be composed of elected members, or of elected and nominated members in the proportion of $\frac{2}{3}$ and $\frac{1}{3}$, say sixty in all, to include every important section of the community without any preference. The functions of the Advisory Councils should be, not only to assist Governments by their advice after deliberation among themselves by the whole body of each Council, but also to furnish committees of their own choosing, to discuss and deliberate upon Bills before the Councils, and the Governments should consult and follow as much as possible their respective Advisory Councils before they initiate and pass administrative or legislative measures. They should be permament bodies, and each Council should have a Secretary of its own, and not merely Councils to be called together for a special purpose and to be dissolved immediately after they deliver their opinion on any particular subject. They should be left to make their own arrangements to keep the Councils in working order, by forming Standing Committees of their own, and should have a sufficient establishment and their own place of business with right to frame their own rules for conducting their own business. The members should be granted a privilege of some sort, and should have free railway Passes or Tickets and some pecuniary allowance where necessary in order that they may not consider the work burdensome to themselves and be able to attend at any time they may be called upon to do so on sufficient notice. The conclusion arrived at by them after deliberation should be made public. They should have the power to send interpellations to Governments through their respective Secretaries (and this would be an advantage as it could be done at any time, and not merely when the Councils sit), as also to send the speeches relating to the Budget to the Legislative Councils. Besides giving their opinion in matters specially referred to them by the Government, I do not see why they should not send representations on subjects such as Plague, Railway, Bridges, Canals and so forth, or be allowed to receive petitions from the people. I may as well point out a paragraph in the late Queen's Proclamation of 1858:—"*We hold ourselves bound to the natives of Our Indian teritorries by the same obligations of duty which bind Us to all Our other subjects; and those obligations, by the blessing of Almighty God, We shall faithfully and conscientiously fulfil.*" The proposals made by me do not constitute a material departure from the present principles of administration, nor are they inconsistent or hostile to the absolute power possessed by Government. Should the Government consider that what I have proposed is more than what they are prepared to give, I must say that His Excellency the Viceroy's promise of the 27th March last, as embodied in the proposals now before the public, are not such as would allay the present discontent, nor would they be accepted in the light of an instalment of the pledge given by Her late Majesty in the paragraph quoted above. I am afraid that unless Government, after the promise already alluded to, make concessions allowing the people to have a stronger voice in administrative matters, they would get worse discontented than they are at present.

It would not be out of place to give another well-known passage from the great Queen's Proclamation of 1858:—*and it is Our further will that so far as may be Our subjects, of whatever race or creed, be freely and impartially admitted to offices in Our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.*" I do not quote this and the other paragraph from the Queen's Proclamation in any carping spirit, but would point out the unwillingess with which those pledges have been complied with little particulars, and again withdrawn, and the trifling with a document on which the loyalty of the people of all India rests with confidence. which has emanated from a great Queen and her Parliament, which ought to be taken in the light of a statute, and has been affirmed by Government here and the Secretary of State for India to be inviolable, the wisdom of which has never been questioned, but which nevertheless has always been treated as a document of no importance; even under the present administration one race and creed is being given a preference over the others in East Bengal and Assam in contravention of the terms of the Proclamation. These are some of the circumstances which would naturally lead the people to misunderstand and mistrust

the motives and measures of Government. Where the heads of Governments trifle with pledges such as these, would it be at all likely that their subordinates would pay due respect to law in the adminstration of Justice? Hence such acts always lead to discontent and misrule. Should the Government desire to know how criminal justice is adminstered in the Muffasil, they have only to make a cursory enquiry in order to be convinced of the truth of this statement. The prestige of government is based on the impartial administration of justice in this country, both as regards law and every other matter, and we have the example of the Calcutta High Court as to how the prestige has been and ought to be maintained. Rewards and punishment should be impartially and fearlessly apportioned according to the requirements of justice:—and herein lies the secret of bringing about harmony between the ruling and the ruled.

The Present Discontent.

It is now patent to everybody that the partition of Bengal has been a mistake, and that this has brought about a host of troubles, the like of which was never known before in this country. It is human to error. Even so late as this, if Government can make up their mind to adopt some one of the measures suggested by the people, it will go a great way to smooth their temper everywhere and not in Bengal alone. "*Bande Mataram,*" which means I bow to my mother, is an innocent term but since some classes of people are apt to get enraged at it, the boys as is their nature all over the globe, use it for fun. The best course is adopt in such a case is to remain unruffled. This advice was all that was needed to check the freak. *Boycott*—this was ostensively directed to do injury to the import merchants, but they have neither asked Government to interfere, nor have they suffered any material injury therefrom. The Government ought not under any circumstance of their own initiative to try to find out offenders of this nature in order to get them punished. The *Boycott* can only hurt the people, and they should be left to take care of themselves. When a formal complaint is made to a Magistrate or Police, that force has been used in a particular case they might enquire and proceed according to law. "*Bande Mataram*" and "*Boycott*" were only introduced, when all known ways of constitutional agitation to stop the partition of Bengal failed, and they served the purpose of giving vent to feelings of disappointment and anger naturally arising under the circumstance. It was necessary to soothe such a feeling, and not irritate it by police oppression and by letting loose soldiers on the innocent. These, however, were done. ircularsC have been issued, and the powers set free by such circulars, have been entrusted to men biased against the people, and have proved fruitful sources of discontent; nor are Magistrates acting under the same bias (some few excepted) free from blame: they have adjudged punishments which would suit hardened criminals better than men acting only under political excitement. For a single offence committed by the people, the subordinate officers of Government have committed ten in retaliation. Considering this discontent has not been from its nature revolutionary, all the coercive steps so far taken have necessarily proved abortive. For each innocent man arrested and punished, at least ten have been added to the ranks of the discontented, composing their friends and relatives; and this remark applies with equal force where heavy punishments have been adjudged for light offences, but the people nevertheless do not appear crestfallen. Judging from patent proofs, I must say I am convinced that discontent and anger are on the increase and have gone deeper. Like floodtide in deep water they do not now appear so much on the surface as before. The schoolboys (those straws which shew which way the current flows) are still loud though fretting and fuming under restraint, the newpsapers punished for defamation are keeping up strong language as usual, and agitators seem to care nothing for jail life; all these, in spite of the strong measures already taken, shew that the current of discontent is if anything stronger than before, and unless His Excellency the Viceroy, acting on his own judgment, exercise his powers like another Lord Canning, I am afraid a crisis will at no distant date be brought about. The country is discontented, not from any steps taken by agitators, but because it has real grievances, and the more the people are being repressed and punished, the state of country is growing

worse. Even the soldiers about whom Government are so nervous must get this contagion sooner or latter from the way their friends and relatives are being handled and punished. So it would be better to be wary, and be on the safe side and soothe the people in time.

QUESTIONS TO BE ANSWERED MENTALLY.

One nation in times of misgovernment and distress willingly places itself in charge of a second nation at the expense of its own blood and treasure and proves to be loyal and law abiding.

As society advances does a good Government in the beginning turn out a bad one in many respects in an advanced stage?

Why are independent Eastern nations changing their constitutions?

Will the present form of trusteeship (as it is called by some) or Government last for ever?

If not, would friendliness in the second nation contribute to mutual advantage and make this form of Government more lasting or unfriendliness and enmity?

What would coercive measures lead to if applied to a loyal nation?

Would full and ungrudging concessions satisfying requirements found to be necessary, answer the end of friendliness, or in significant concessions hedged about by innumerable limitations and thus unwillingly made?

Calcutta,
The 20th September 1907.

Bombay Presidency National Association.

Sachin, 17th November 1907.

From—NAWAB ZADA NASRULLAH KHAN, President and others;

To—The Secretary to Government, General Department.

We, the President, Vice-President, Secretaries and members of the Bombay Presidency National Mahomedan Association, respectfully approach the Government of Bombay to offer our deep gratitude for the gracious act on the part of the Indian Government in introducing the elective principle for the Provincial and Legislative Councils for the subjects of the difierent nationalities under the sway of the King Emperor.

In accordance with the Government notifications the undersigned venture to offer some suggestions for the favourable consideration of the Government.

We are of opinion that in addition to the members of the Muncipalities and Local Boards the right of electing members to the Legislative Council of His Excellency the Governor of Bombay must also be conferred on Talukdars, Jaghirdars, Inamdars, Inami Zamindars, Kázis and Khatibs who hold sanads appertaining to the offices of the Khazat and Khatabat.

In some zillahs and talukas there are Kázis nominated by Jamáts the number of the members of which preponderate those who follow the sanadi Kàzis and therefore we respectfully submit that they must be included amongst the voters.

Nothing could stimulate more strongly our humble efforts to carry on the loyal and patriotic work and cement the bonds of loyalty and regards between the rulers and the ruled than this proof that His Majesty's Government has been doing all they can to promote the welfare and afford such opportunities

to the Mahomedans to safeguard their national interests by representing the affairs of their own community by their own true and trusted leaders who are ever ready to serve both Government and their co-religionists.

We again tender our loyal and dutiful homage to Government and express an earnest hope that the suggestions mentioned above will receive due consideration at the hands of the Sarkar.

By granting the right of voting to the Tálukdárs, Jághirdárs, Inámdárs, Inámi Zámindárs, Kazis and Khatibs a large number of leading men will be included amongst the voters who are closely connected with the Government by the ties of hereditary loyalty and are the proper persons to lead the thought of their co-religionists.

Mr. Gulam Mahomed Munshi.

"Times of India," dated 27th November 1907.

THE NEW COUNCILS.

Mahomedan Opinion.

TO THE EDITOR OF THE "TIMES OF INDIA."

Sir,—The memorable Letter of the Government of India announcing the expansion of the Imperial and Provincial Legislative Councils has been published and circulated by the Provincial Governments with a view to invite public opinion on the important suggestions made therein. But the form of action taken by these Governments is not uniform. The Government of the United Provinces has published and circulated a draft of its own proposals for the expansion and reform of its Provincial Legislative Council and for forming a local Advisory Council, taking the Government of India's letter quoted above as its basis and guide; while the Government of Bombay has not framed or published any such proposals or scheme for the expression of opinion of persons living within its jurisdiction. Thus the inhabitants of the United Provinces have a distinct advantage, which is denied to those of this Presidency.

This omission on the part of the Bombay Government is likely to lead to a large variety of opinions, which may prove embarrassing or useless, when the Committee of the Commissioners of the three Divisions meets "to submit a joint report" on the proposals for the enlargement of the local Legislative Council and for the formation of a local Advisory Council. However, as far as the Musalman community of this Presidency is concerned, Mr. Alam Kuli Khan, Jaghirdar of Ahmednagar, has submitted his proposals through your paper of the 7th instant.

It has been conceded by the Government of India, to whom the sincere thanks of the whole Musalman community of India are due, "that neither in the Provincial nor in the Imperial Legislative Councils has the Mahomedan community hitherto received a measure of representation commensurate with its numbers and its political and historical importance"; and they desire to lay stress upon His Excellency's observation that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this Continent * * *. But the total representation thus effected has not been commensurate with the 'weight' to which the Mahomedan community is entitled."

To meet these drawbacks it is proposed "to assign a certain number of seats to be filled exclusively by Mahomedans" and create special Mahomedan electorates. Mr. Alam Kuli Khan proposes reserving seven seats for the Muslim community of this Presidency excluding Sind. I think that his proposal is very moderate and I hope it will meet with the approval of Government. It is not too much if we expect that the Musalmans of each of the three

Divisions should have one seat, and that the Musalmans of Bombay should have two to represent their commercial, industrial, professional and other interests. Of the remaining two seats he allots one to Káthiáwár and the other to the Muslim Sardars and Tálukdars of the whole Presidency. These two certainly deserve one seat each. There are a number of Muslim Jaghirdars and Talukdars, with or without jurisdiction, in this Presidency, whose interests have hitherto been entirely ignored by the Government. But now there is an awakening in the right direction, and we find that landed gentry are given the full recognition which their status fairly demands. The interests of Musalmans of Káthiáwár too deserve some special consideration at the hands of the Government. They are as much under the Government of Bombay as the Jaghirdars and Tálukdars of the Presidency proper, and in some matters Káthiáwár is more closely connected with the Bombay Government than other parts of the Presidency.

For these two seats Mr. Alam Kuli Khan proposes election. But I think this is not practicable. It will be very difficult to form an electorate from them. Therefore, I suggest that the seats reserved for the nomination of Musalmans ought to be available for the Musalmans of these two classes only. The Government of India has laid down the principle that besides election nomination should be exercised in favour of Musalmans and had reserved certain seats for this specific purpose. I believe the Bombay Government will adopt this principle. If it does, the best use it can make of this privilege would be to exercise it in favour of the Musalmans Talukdars and Musalmans of Káthiáwár. The Musalmans of the three Divisions and of Bombay having been given a right to elect a member will not object to this consideration for their co-religionists of their parts.

As regards the local Advisory Council, it is difficult to make any suggestion as no scheme is put forward by the Bombay Government, nor by any newspaper or individual as far as I know. I hope the Government will publish some draft rules for the constitution of this Council. It will be an agency of immense power at the disposal of the Government. Unless it represents all classes and all shades of opinions, it might become a pliable instrument in the hands of some official class who, with all their good intentions, may be tempted to resort to some reactionary or repressive measure believing it to be absolutely necessary in the interests of the public. If the members of this Council as a body be not free, frank and independent in expressing their opinions, it will do more harm than good to the public. Moreover, as its deliberations would be confidential and sometimes by correspondence with individual members and not always in a meeting where there is the check of the presence of other members, it is absolutely necessary that the nomination of members to this Council should be made with the greatest care and due regard to all interests.

GULAM MAHOMED MUNSHI.

Rájkot, November 24.

Honourable Mr. Vithaldas Damoder Thackersey.

Dated the 5th December 1907.

From—The Honourable Mr. VITHALDAS DAMODER THACKERSEY, J. P., Bombay;

To—The Acting Secretary to the Government, General Department.

I have the honour to acknowledge the receipt of your printed letter of the 31st October forwarding to me a copy of the letter of the Government of India to Local Governments outlining a scheme of reform in the administration, and of the Resolution of the Government of Bombay thereon. I proceed to indicate below briefly my views on the proposals.

2. As the Government of India ably point out, the time that has expired since the expansion of the Legislative Councils of India on the present basis has witnessed considerable progress in several directions, educational, social

and political; and it is a mattere of extreme gratification that it is proposed to introduce further reforms to suit the altered conditions.

3. The reforms proposed by the Government of India may be grouped under three heads :—

(*a*) The institution of an Imperial Advisory Council and of similar bodies in the several provinces.

(*b*) The enlargement of Legislative Councils, Imperial and Provincial, and the adoption of means to make them more representative than at present of all classer of the community.

(*c*) Reforms in Budget discussions in the Councils.

4. First, as to the Advisory Councils. With the objects which Government has in view in the creation of these bodies, I have the fullest sympathy. The hope entertained, that the right of interpellation granted by the Indian Councils Act, 1892, would be the means of widely diffusing correct information on the questions of the day, has not been realised chiefly because, as stated in the letter of the Government of India, meetings of the Legislative Councils are too infrequent to offer the means of confidential and intimate consultation between Government and the people, and, it has to be admitted, this means of diffusing correct information about Government measures has proved inadequate, if not wholly futile. The desire of the Government of India to provide a more satisfactory means of effecting this important object deserves therefore to be heartily welcomed.

5. How far are the proposed Advisory Councils likely to fulfil this object? To take the Imperial Advisory Council, first. With due deference to the Government of India, I am unable to see how, except in a very limited sphere, an assemble composed of ruling Chiefs and territorial magnates can tender advice likely to be useful in the administration of British India. The Chiefs and magnates who can claim a rank comparable with theirs represent certain family or tribal traditions : they are neither in touch with the sentiment and aspirations of the English educated middle classes, not with the trading community, or with the toiling masses of the people in British India. It seems to me, therefore, to be in the highest degree improbable that they can serve as a medium of diffusing correct information among the population of British India, which is the first and main purpose which Advisory Councils are intended to serve.

6. If should not be understood that I undervalue the common interests that have arisen between the Government of India and Native States and the value of co-ordination of their efforts in such matters as famine relief or education. For those purposes I would humbly suggest that a Council of State composed entirely of ruling Chiefs and presided over by His Excellency the Viceroy would be most suitable. It would, while affording due recognition of the peculiar position of the ruling Chiefs, give Government the much desired opportunity of enlisting their co-operation in matter which concerns the whole Empire.

7. The Imperial Advisory Council, in order to fulfil its main function of diffusing correct information among the people of the actions of Government, on the one hand, and of representing to Government the views and sentiments of the people, on the other, should be more liberally constituted than in the scheme. I have said above, the ruling Chiefs should be constituted into a separate Council of State. The Imperial Advisory Council should consist of leaders in commerce, industries, as well as the learned professions. Landlords will, of course, be there as representing the premier industry of the country. But the no less important interests represented by the leaders of the textile, mining and other industries are also qualified and entitled to advise Government in important matters. If the Imperial Advisory Council be constituted on a wider basis as suggested above, it is likely to be of great service to Government and the people. I may add that it would add to the prestige and efficiency of the assembly if it is to meet at least once a year.

8. The constitution proposed for Provincial Advisory Councils seems to me to be more satisfactory. I have no remarks to offer in regard to them.

9. The proposal to increase the number of members in the Legislative Councils has my entire sympathy. Having regard to the necessity of having a standing official majority, the present limited number of seats open to non-officials is utterly insufficient to satisfy all reasonable claims to representation. Fifty-four members for His Excellency the Viceroy's Council and correspondingly larger for Provincial Councils would not at all be too numerous in view of the vast size and manifold interest of the population.

10. Turning to the distribution proposed for the members of His Excellency the Viceroy's Legislative Council, I am rather disappointed to see that while Chambers of Commerce and land-holders of each province are to be allowed a representative each, such a body as the Bombay Mill-owners' Association is not to be accorded such a privilege. I respectfully submit that this is unjust, and that large industries wherever they exist ought to be duly represented in the Council. I would, therefore, urge that the Bombay Mill-owners' Association should be allowed to elect a representative to the Viceroy's Council. When important questions effecting the mill industry, such as the levying of the countervailing duty on cotton cloth, came before the Indian Legislative Council, that body had no representative of the industry who could have given valuable help in arriving at the right conclusion. It is very probable that important legislation affecting Indian factories, and especially the cotton mills in which Lancashire takes a particularly active interest, will have to be introduced in the Viceroy's Legislative Council, in the near future, and it is highly necessary that this important interest should be directly represented in that Council. The seat reserved for a ruling Chief may very well be spared for this purpose, as for reasons stated above in connection with the constitution of the Imperial Advisory Council, the presence of a ruling Chief in the Imperial Legislative Council seems to be superfluous.

11. As regards separate representation for Mahomedans, I may say at once that I am on principle opposed to it. If for Mahomedans, why not for Parsis, Native Christians, Jains and others? In this country of sects and sub-sects it is easy to see how such a principle cannot be applied without giving rise to heart-burning and irritation. It is not correct to say that the present constituencies have selected only Hindu members to the Viceroy's Council. Bombay sent the late Mr. Sayani some years ago, and the Madras representative is Nawab Sayed Mahomood. It is grossly unfair to these gentlemen to assune, as the Mahomedan deputation seems to do in its address, that they adapted their views to those of the constituencies which returned them to the Council.

12. If, however, it be deemed necessary to give separate representation to Mahomedans, I submit that it is only fair that they should neither vote nor stand as candidates under the general franchise. Otherwise a Mahomedan landlord will have two votes, one as a landlord and the other as a Mahemedan, while members of all other communities will have only one vote each according to the interest they represent. Then, again, there ought to be a uniformity in the application of the franchise. You cannot have one qualification for the Hindu and another for a Mahomedan. Lastly I submit that the Viceroy may be left completely free to exercise his right of nomination according as circumstances require, and not be bound down to appoint two Mahomedans even if a sufficient number of this community may have entered the Council in other ways.

13. As regards the proposals for the reconstitution of Provincial Legislative Councils, I may state my views in general terms. I am unable te say that the present system of election has worked so ill as to require a radical change in the rules. In this presidency, at any rate, there have been no complaints that the elected members did not fully answer the expectations of their constituents. Now that the number of members of Provincial Councils are to be increased, it is but proper that the franchise should be distributed over a large area, but I would respectfully deprecate any attempts to create electorates on the basis of caste and sectarian differences. My remarks regarding separate representation for Mahomedans in the Viceroy's Councils apply with even greater force in regard to the Local Legislative Council, as the

Mahomedans of Bombay are quite as intelligent and educated as other classes of the population. The Local Government has always shown itself anxious to correct any inequalities as regards Mahomedan representation in the Council and it has never been alleged that better representatives of Mahomedan interests could have been sent to the Council than those nominated by Government. I beg to point out that the case for direct representation of the Mill-owners' Association in the Local Legislative Council is even stronger than that, put forward above for such representation in His Excellency the Viceroy's Council.

14. The reforms proposed in the discussion of the Budget in the Legislative Councils have my warm approval.

Chamber of Commerce, Bombay.

No. 1108 of 1907.

Chamber of Commerce.

Bombay, 12th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. 6534 of 31st October 1907, enclosing copy of Government Resolution No. 6533 of the same date and copy of a letter No. 2310–2317 from the Government of India regarding the enlargement of Legislative Councils and connected questions.

2. Although your letter was not received by this Chamber until November 4th, my Committee have given this important subject their best consideration during the very short time allowed for representations to be made.

3. The letter from the Government of India begins by saying that "with the object of satisfying constitutional requirements of the Indian Empire, the Government of India had of their own initiative taken into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters," and further on it is said that "no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence." Further on in paragraph 16 it is stated that "the last point that remains for consideration under this head (the Imperial Legislative Council) relates to the representation of special interests and minorities."

4. My Committee invite attention to these three extracts to emphasise the fact that on the proposed enlarged Imperial Legislative Council the resident non-official European is not represented. It is true that the Chambers of Commerce of Calcutta and Bombay are each allowed to elect a representative, but these two members will have charge of special interests, and it is hardly probable that any of the other seats to be filled by nomination will be held by non-official Europeans. It appears to any Committee that this point is one which requires further consideration, for, as a body, the non-official Europeans in this country are educated men with wide experience. They have, moreover important interests in the country as holders of property, many besides being land-owners, and their interests are in many ways identical with the people amongst whom they live and trade. As a body they are on friendly terms with the leading native gentlemen of the different communities, and as sound and disinterested work has been done by many Europeans on Municipalities, District Boards and other bodies, there is every reason to think that their experience would be of very great value on the Imperial Legislative Council. My Committee admit that there might be some difficulty at first in getting representative non-official Europeans to serve, but as one of the objects of the

legislation now proposed is the representation of special interests and minorities, the representation of non-official Europeans has, my Committee think, a very strong claim.

5. My Committee are quite at one with Government in their desire that by interesting a larger number of people in public affairs, the motives and intentions of Government should become better known, and if this end can be attained by the elective system, which it is now proposed to enlarge, Government and the community generally will be benefited. As to whether true and disinterested representatives of the different bodies it is proposed to create can be secured by election, my Committee somewhat doubt, and they agree therefore in the alternative put forward in paragraph 15 that Government should reserve to themselves considerable powers of nomination. The intention of the change now proposed is clearly to obtain representatives of the different classes, but the tendency in the past has often been—as pointed out in the Government of India's letter—for one class or interest to obtain the upper hand, and unless this is strictly guarded against in future the enlarged Councils may not be any better than those which now exist. As to whether the change now suggested will bring about the benefits that are desired my Committee are somewhat doubtful. No doubt, in time with the spread of education suitable representatives of different interests will be forthcoming, but so far as can be judged from this side of India representative men for many interests will be difficult to obtain; and if it should happen that the elected candidate is not truly representative, it is hoped by my Committee that Government will reserve themselves the power of nominating instead.

6. My Committee note with satisfaction the views of the Government of India in paragraph 23 on the "discursive and unfruitful character" of the Budget debates both in the Imperial and Provincial Councils, and they entirely agree with Government that such changes should be made as will make the debates less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. If an enlarged Council only means an extended debate on the Budget by additional speeches, little or nothing will be gained by the change; but if by some method speeches can be limited to definite subjects, and if members are compelled to put written speeches on the table—copies of which might be supplied to the Council beforehand—the change would, in the opinion of my Committee, be advantageous, and they hope that an improved system of rules and regulations will be laid down by Government as a guide for the conduct of business hereafter at Council meetings.

I have the honour to be,
Sir,
Your most obedient servant,

C. H. ARMSTRONG,
Chairman.

J. B. LESLIE-ROGERS,
Secretary.

Mr. Vaman Narayan Joglekar, Pleader of Bhusával, East Khándesh District.

To—The Secretary to the Government of Bombay, General Department.

Sir,

In response to the Government Resolution No. 6533 of the 31st October 1907, with the Government of India's proposals to establish the Imperial and Provincial Advisory Boards and to enlarge the Imperals and Provincial Legislative Councils I beg most humbly and respectfully to submit, for the consideration of His Excellency the Governor of Bombay in Council, my views solely confined to the subject of the enlargement of the Provincial Legislative Council of Bombay.

I am of opinion that there cannot possibly be any two opinions on the general principles of representation of castes, class, or races as embodied in the Government of India's Resolutions Nos. 2310 and 2317 if only those representatives of the class, creed, or race have attained that general equipment necessary to discharge the duties of representing the several interests entrusted to their care. I mean principally the education which broadens the views of circumspection and develops the human character. We cannot lose sight of that important asset necessary for human development when we have to consider a subject of an important character. With these preliminary observations I may put forward the constitution and elements that are to constitute the Council of the Bombay Presidency.

Regarding the Provincial Legislative Council, I beg to suggest that the number of members constituting it should be 65 including the President, the Governor of Bombay. Excluding the President, the number of official members representing all the Departments of the Administrations should be one-half, *i. e.*, 32. The number of elected members should be 24 and of those that are to be nominated by the Government would be 8. Thus the Council would be formed of the President, 32 official members, 8 nominated and 24 elected. The Government can, by thus distributing the representation, maintain its majority which they cherish so much and which it is so reluctant to part with.

Now for the purpose of electing the members the Presidency of Bombay should be divided into four electorates coinciding with the three revenue Divisions of the Presidency proper and Sind. The right of electing the representatives should be conferred upon the following bodies and classes :—

I. Municipalities.
II. District Local Boards.
III. Land-holders and Traders.
IV. Persons following the professions of Law, Teaching and Medicine, etc.

The number of representatives to be elected by each body or class would be :—

I. Municipalities, four.
II. District Local Boards, four—one for each Division and Sind.
III. One representative should be elected by one electorate constituted of all Land-holders and Traders in each Division and Sind.
IV. Two representatives should be nominated by an electorate formed of men following professions other than Agriculture and Commerce, *i. e.*, Lawyers, Graduates, Teachers, Fellows of the University and Professors, for each Division and Sind.
V. One member should be nominated by the Corporation of Bombay.
VI. One by the Chamber of Commerce; and
VII. Two by the University.

As regards the electorates mentioned above, I beg to suggest the following limitations and qualifications necessary to guard against the unwieldy body of electorate :—

I. In my opinion a group of only those Municipalities in a division having population of more than 15,000 should be formed for the purpose of an electorate and they should elect in each division one member.
II. All District Boards in a division will constitute one group for the purpose of an election.
III. In each Division of the Presidency proper and Sind a group of such land-holders and traders should be formed for the purpose of an electorate whose income from their trade or lands amounts to Rs.25,000 or over.
IV. For this head a group of such Barristers, Advocates, Pleaders, or Professors and Graduates who are of at least fifteen years' standing should be formed.

Lastly, I would humbly suggest that out of the 8 nominated members the Government should nominate at least 2 members from Chiefs, Sardars Jaghirdars.

The scheme suggested is, in my humble opinion, wide enough to give a free scope to all classes, creed or races to elect their own representatives.

The Government's aim to favour particular classes or races with a definite number of representatives would engender invidious racial animosity which should be avoided by every enlightened Government as instead of promoting the welfare of the general public they tend to retard all progress, so essential for the best administration of Government. The Government cannot effectively give to all the classes separate representation, as this country is full of diverse classes or races, and which if they all claim the Government cannot refuse their share consistently with justice.

In my opinion this Council should be given in addition to the present rights the right of modifying the budget, and the right of introducing a bill regarding such subjects as the Government may deem proper. This little concession would enhance the value and importance of the representatives of the Council and this would serve to awaken interest of the public in such representative bodies as Legislative Council.

I humbly hope, therefore, that this will meet with the favourable consideration of His Excellency the Governor in Council.

I beg to remain,
SIR,
Your most obedient servant,

VAMAN NARAYAN JOGLEKAR,
Pleader.

BHUSÁVAL, EAST KHÁNDESH DISTRICT:
11th December 1907.

Mr. R. P. Lambert, District Superintendent of Police, East Khandesh.

Suggestions for the formation of Provincial and Imperial Committees drawn from Village Committees representing official and landed interests in the Country.

Advisory Committees and Councils.

Each village shall possess a Committee selected and elected in the following manner :—

Village Committee.

The District Magistrate shall nominate a member.

The District Superintendent of Police shall nominate a member.

The great land-owners shall elect a member in the presence of the whole village. The two nominated members shall preside in the chavdi and see that voters are not tampered with or annoyed. Notice must be given by beat of drum morning and evening for three days previous to the election.

Two nominated members.
Two elected members.

Permanent residents of the village who possess more than ten pairs of plough bullocks only are entitled to vote.

The small land-owners—who must each possess at least one pair of bullocks (Zeugitœ), but not more than ten—shall elect a member in the manner prescribed for the great land-owners, but the two elections may not be held on the same day.

A period of seven days must separate the two elections. When this has been done the four members must meet in the chavdi, on a day appointed, and elect in the presence of the village a fifth member to the Committee.

Each member may make his choice, but before stating his selection he must declare in a loud voice that the person he is going to name is being chosen by him on account of his "Loyalty," "Truth" and "Honesty." The youngest member of the Committee will be the first to name his nominee. If all four members name a different person the name of each nominee shall be put to the vote, beginning with the youngest member and so on until a majority of votes decides the question. If no decision can be arrived at, then the names of all the nominees shall be submitted to a Committee, presided over by the Collector, for the purpose of deciding all such questions. When the fifth member has been appointed to the Committee, a Chairman shall be chosen. No money-lender, liquor or opium vendor, pleader, Bunia or Government contractor (or any relations of such persons) is eligible to sit on this Committee.

Election of fifth member to the Committee.

This Committee shall be called the "Village Committee" and will be given certain powers to punish offenders and undertake all business in connection with the village. Each member shall receive a certain percentage of the village revenues and shall be entitled to the use of some of the village servants in rotation. It will be left to Government to extend other privileges if satisfactory reports are received regarding the work of Committees. The Police Patel, Revenue Patel and Kulkarni shall be under the orders of the Village Committee in regard to certain matters connected with the necessary life of the village.

Taluka Circle Committees or Village Group System.

Here village is the unit, and one member shall be chosen from the Committee of each village by the vote of the villagers and not of the Committee members.

Amphictyonic Committees.

Five adjacent and convenient villages shall be grouped together for voting purposes. The elected members from each village shall meet on a certain date, and they will choose from amongst themselves one member for the District Advisory Election Committee.

Election Committee.

Thus in a district, with 2,000 villages, 400 members will sit on the Eelection Committee. The duty of this Committee will be to elect, from amongst its members, the District Advisory Committee. The election will take place at the town which is the head-quarters of the district, and will be conducted under the immediate supervision of the Collector and Superintendent of Police. From amongst these 400 members one-fifth shall constitute the Advisory Committee and the election shall be conducted as follows :—

The District Advisory Committee.

The unit in this case is the Circle (five villages) and five Circles shall choose from amongst themselves a member for the Advisory Committee, thus making a grand total of 80 members on the District Advisory Committee. The decision of each group of Circles shall be announced in Public Darbar by the elected member of his group who shall affirm in a loud voice as follows :—

> "I have by the favour of God and the good will of my fellows been elected to sit on the Advisory Committee of the District and I herewith, testify my readiness to help my Emperor, Government and Country in a loyal, truthful and honest manner. So help me God."

The General Election shall be held every 10 years, vacancies by death, resignation, etc., being filled up, in the meantime, by bye-elections within their respective Circles. Municipal towns shall not be included in this scheme, and members of a Local Board are excluded from taking any part in the elections for a seat on the District Advisory Committee. A meeting of the District Advisory Committee, lasting for not less than 10 days, shall be held once a year during the rains, and all sittings must be in open Darbar.. No motion of any kind shall at any time be placed before the meeting. Any member who has

anything to say or suggest shall be given full opportunity of doing so. Notes shall be taken of every speech, and shall be read out before the assembly disperses so as to give member a chance of correcting inaccuracies in reporting.

Provincial Government Advisory Committee.

From each District Advisory Committee one-fifth of the members shall be sent annually (fresh election to be held every year) to the head-quarters of the Provincial Government where the procedure regarding sittings will be very much the same as suggested for the District Advisory Committee at its local head-quarter town. This "Parliament of Ryots" should be kept quite free from the influence of political wire-pullers and orators and should contain none but *boná fide* villagers.

Government of India Advisory Committee.

From each Provincial Government Committee one-fifth of the members shall be sent annually (fresh election to be held every year) to Calcutta to sit on the Governor General's Advisory Committee.

R. P. LAMBERT.

Reasons for recommending that one member of the Village Committee should be appointed by the District Superintendent of Police.

Any one with Indian experience is well aware that the public are extremely disinclined to assist the Police in the supression and detection of crime and that the Village Police who are looked upon by the Police Commission members as the backbone of Police Administration seldom fulfil the task expected of them. It must first be explained that every village possesses a functionary denominated the Police Patel whose duty it is to communicate to the District Police information regarding crime committed within the jurisdiction. He is also--perhaps erroneously—expected to assist them in its detection by supplying them with useful facts regarding persons addicted to bad livelihood. But the District Police complain that the Police Patel, in the majority of cases, hinders rather than assists them, and the assertion has much truth in it. Undoubtedly there are exceptions, and it has been the policy of some Superintendents to encourage a zealous Police Patel by rewarding him with the gift of a sword, wristlet or some such article bearing a suitable inscription on it. But this manner of showing appreciation of good work is only skin deep and leaves no permanent impression. Something lasting and associated with our rule is required to lift friends of the Police on to a higher platform than the one on which the secret Police agent and informer stands.

The members of the Police Commission have, in their report, shown such a marked desire to safeguard the Police Patel from the direct control of the official Police, that the inference to be drawn against the latter is decidedly uncomplimentary. The supervision and control of the village Police is to be entrusted to the District Magistrate and his Subordinates. We are told: "too much care cannot be taken to prevent the duty of headmen becoming irksome, and their influence impaired by bringing their conduct too often made the correction of their superiors." Then again we read: "the tendency to neglect criminal work in favour of revenue duties, of which there is considerable evidence, should be restrained."

These last few lines explain more than any words of mine can do the real relations between the Police and Revenue Departments. The latter have—to use a vulgar mode of expression—their own fish to fry, while the former are obliged to stand aside awaiting for the bones to be thrown to them. These so-called Police Patels are at the mercy of each and every Department; but the Revenue Department has the first call always. The ignorant reader, no doubt, feels his heart go out towards the headmen when reading the sympathetic tones of the Police Commission members; he burns with indignation against the

official policeman. He thoroughly agrees that the Police should not be allowed to make the life of the headman "irksome"; but he does not know the many duties of the official Police. A crime may occur once in five years in a village; the regular Police go there and make enquiries; they do not remain there the remainder of their lives sitting on the chest of the headman. No! if the life of the Village Patels is "irksome," we must not ask the Revenue Department to name the culprit. There are many Departments in a district; the Police alone should not be chained to the rock. The Revenue Department possesses many voracious mouths, the Public Works Department is not far behind, while a sheet would cover the Ábkári and Forest Departments.

Before pointing out the remedies it will be as well to show the disadvantages of the present system of village Police administration. For instance one would naturally suppose that the Police Patel would be under the orders of the chief Police officer in the district as regards appointment and discipline; but such is not the case.

In many instances the post of Police Patel is hereditary and the members of the Police Commission do not appear to have recognized the great disadvantage this system involves.

When the appointment of a Police Patel is not hereditary, the selection is made by the District Magistrate, entirely without reference to the Chief Police Officer of the district. In many districts even the appointment of the Village Police menials is made without consulting the officials most concerned, and yet one is expected not to be surprised when the District Police are ignored and passively resisted in their attempts to gather information regarding village crime and criminals.

I have more than once represented this anomaly, but have always been met with the statement that I was attempting to subvert the constitution. It is true that the Police Patel has to perform many duties connected with the Revenue Department; but in a village where there are separate Patels for the Revenue and Police it is carrying the love of power to an absurd and dangerous point to refuse to allow the Superintendent of Police to appoint his own representative. It is also quite impossible to understand why the British Government should allow criminals to be shielded and justice made impotent, simply because, in the dark ages, the Peshwa or some equally unscrupulous Prince was pleased to assign away village lands to an accommodating and corrupt toady, whose one idea—under the cloak of his Police Patelship—was to oppress the villagers and extort money from them.

The cry that treaties must be respected is undoubtedly sound; and no suggestion is here made or intended that present holders of land, by virtue of ancient rights, should be interfered with; but is it right to allow incompetent descendants to hold immense power for evil under an enlightened Government such as ours is? It is impossible in a sketch of the description to enter into detail; but it is my sincere and earnest conviction that so long as the present narrow system is persisted in, so long will it be impossible to protect the law-abiding citizen. An immense increase has taken place in Police expenditure, and, so far as I can judge, everything points to the burden becoming still greater. The remedy, in my opinion, is the Village Committee as suggested in my attached note. In view of the fact that there will be five members on the Committee, I do not think I am suggesting anything very ambitious in asking that one respectable member at least should represent Police interests in each village.

The mere fact that the Police are voiced on the Village Committee will immediately secure sympathetic and respectful treatment from every class, and the result will be hearty co-operation.

In conclusion, I cannot be better than quote the following lines in support of my scheme:—

> "The Commission regard it as of great importance to maintain and develop among the people a spirit of self-reliance and self-help, not only in regard to Police matters, but also in regard to other matters of local importance. They would favour any reasonable measures to prevent the destruction of the principle of co-operation in village life and the decay of the influence of the Village authorities."

R. P. LAMBERT.

Certain inhabitants of Ahmednagar.

Ahmednagar, 12th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

Agreeably to paragraph 3 of the Government Resolution No. 6533 General Department, Bombay, dated 31st October 1907, on the subject of enlargement of Legislative Councils and connected questions, a meeting of the citizens of Ahmednagar was called on the 17th of November 1907 to express public opinion on the subject in question. We, the members of the committee appointed to draw up and forward a representation embodying the opinion and sense of the meeting, beg most respectfully to submit the following representation for favourable consideration of Government.

2. We beg to express our thanks to the Government of India for having, of their own initiative, taken into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters. The reforms, such as the enlargement of Legislative Councils, the recognition of the elective principle, the admission of interpellations and the free discussion of the budget which were introduced for the first time in 1892 have been more than justified by actual results. It is admitted on all hands that since then education has made a great advance and penetrated to circles which a generation ago had hardly been affected by its influence. It is also admitted that a greater employment of Natives of India in the actual administration of their own country, further extension of the elective principles and the giving of the increased opportunities to the people to make known their wishes and desires in respect of administrative and legislative questions and in shaping the action of Government have become a necessity. We also beg to thank the Government for recognizing the essential justice of the claim put forward by the people and for holding out a hope to fulfil, in no grudging spirit, the pledge which the people of India are entitled to regard as inviolable.

3. To satisfy the legitimate demand of the people for an increased share in the administration of their own country and also to remove the difficulties encountered by Government in India in making their measures and motives generally understood, and correct erroneous or mischievous statements of facts or purpose imputed to them, the Government of India have put forward certain proposals with regard to the Supreme and Provincial Legislative Councils and the establishment of what are called Imperial and Provincial Advisory Councils. It is to be seen, after a careful study and examination of the recent proposals put forward by the Government of India, whether they can fulfil the objects in view. The principal reforms proposed are the increased numerical strength of the Legislative Councils, Government standing majority being always maintained, and the creation of new electorates to represent the various landed interests, races and creeds, the discussion of the budget, in the first instance, by separate heads or groups of heads which would be explained severally by the members in administrative charge, this discussion being followed by a general debate in which members would enjoy the same freedom, as at present, of criticising the administration. The Government propose to give more time to the discussion of the budget and promise that the remarks made in the course of the ampler and more practical discussion which is now contemplated would be borne in mind when making financial arrangements in subsequent years and on occasions, when possible, even to alter the budget actually under review.

4. The people are all at one with the Government on the question of the increase of the numerical strength, but beg leave to say that they differ most strongly on the question of maintaining the standing majority of Government. We fully admit the legitimacy of the paramount power of Government in India and yet we are fully convinced that it is not at all necessary that Government should *always* be able to reckon on a numerical official majority. We are willing to concede that there are certain questions of public policy, the relation of Government with foreign powers and the like, that cannot be discussed by

members of the Legislative Councils and Government of India alone must have the power to decide them. The Indian Councils Act, 1861, has, by section 43, limited the power of the Provincial Governments in Legislative matters in certain respects therein mentioned and section 52 has reserved all rights and powers to the Sovereign and the Secretary of State for India in Council in relation to the Government of this country. In matters of education, imposition of land, income or other taxes, police, famine relief, &c., *i.e.*, in matters of internal administration which immediately affect the people of India, more respect and consideration should be shown to public opinion as expressed by their representatives. This can be secured by allotting only one-third of the number of seats to official members, one-half to elected members and one-sixth to nominated non-official members. For the present we shall be satisfied even if one-fifth of the total number be nominated by Government. No official can give his vote against the Government which he is serving even when he entertains a different opinion, and when the number of official members is *always* greater, the discussion on any question coming for discussion is always a foregone conclusion. Any measures passed by a majority of votes of the official members only cannot command that confidence in the people which they would otherwise do. Where is the use of having a debate and of ascertaining the real heart and mind of the people through their representatives on any public measure brought forward by the Government which is opposed by the responsible and sensible representatives of the people when there is a standing official majority? If the Government want really to take a step in advance and to admit the people to an increased share in the administration of the country, the question of standing majority of Government must be treated as an open one and free public criticism thereon must be invited. The proposed reform of increasing the mere numerical strength is not, and cannot be, a step in advance.

5. Again, the establishment of new constituencies of wealthy landlords, traders, artizans, castes and creeds, is not only a step in advance, but decidedly a most retrograde step. We are really surprised to find that the Government of India dislike the legal profession and have expressed their dislike openly by saying "that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled," and further on, "that the Government of India are not prepared to allow them a virtual monopoly of the power increased by the Councils, and that they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to this excessive influence by creating an additional electorate recruited from the landed and monied classes." The elective system that has been in force since 1892 has brought the legal profession and the school masters prominently forward, not because the other interests, castes, and races were not allowed to elect representatives from among themselves, but because men belonging to the legal profession and school masters are the only people, so to speak, who always come in contact with all sorts of people, know the people, are of the people, and, above all, are rightly considered by the people to be the fittest persons to represent them in such Councils by their education, general knowledge and powers of debate and legal acumen. The work done by the school master and the legal profession in the Council shows that they fully represented and fought for all the classes of people. The Government of India have also suggested that Mahomedans should be allowed to elect a certain number of representatives from among their own number because they are Mahomedans. Suggestions are also made that Local Governments shall determine how many seats in the local Councils are to be filled by elected representatives of the most important classes into which the population of the province is divided by race, caste or religion and shall allot these seats to the several classes. The Local Government are also asked to introduce into the system of election and nomination for the Municipal and Local Boards the principle of assigning a fixed number of seats of each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative. The Local Governments are also asked to allot each of the two communities, that is Hindus and Mahomedans, seats proportionate to their numbers and to equally distribute the number of seats allotted to the Hindus alone between landlords, traders, cultivators and artizans; from the census statistics supplemented by the local enquiries determine what castes should

be elected for the purpose of electing members for each of these groups. No doubt literary and property qualifications in the voter and representative are insisted on.

6. The people are unable to understand the real object of the Government of India in introducing these new principles of election and selection. They will, in the opinion of the people, lead to mischievous consequences and do no good either to the Government or to the people. The Sovereign has given a promise that "none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law" (*vide* Queen's Proclamation of 1858). All have been preaching to the people of India to forget racial or religious prejudices and the leaders of the Native community of India have always insisted on the non-recognition of such distinctions in political matters. The Hindus at least have never asked the Government to recognize and act on such distinctions in political matters. The ambition of liberal statesmen must always be to bring about the political unity of the people, a condition precedent to any form of healthy representative Government. To introduce electorates for the first time after the lapse of so many years since the introduction of the elective principle on the basis of caste, class or creed, is not only to undo the good work of a generation but to make the people misunderstand the motives of Government. If these principles and suggestions are given effect to, they are sure to produce bitterness and animosities and lead to much trouble. The people are likely to carry the impression that Government favours the "Divide and Rule Policy." In the interests of peace and of good and civilized Government, therefore, the creation of such an impression must be entirely avoided.

7. We therefore beg most humbly and respectfully, but earnestly to request the Government not to introduce these innovations. Representatives elected by the new constituencies from among themselves are certain to prove a failure, and the failure, it is apprehended, may afterwards be pointed out for the purpose of showing that elective principle is unsuited to this country.

8. The proposal of giving more time to the discussion of the budget would really be a step in advance, if those in charge of the preparation of the financial statement were made to feel that they were responsible, not only to Government but to the people in general. To make the discussion of practical use it is now high time that the non-official members should be given some voice in its preparation. This can be effected only by bringing the draft budget for discussion before the Council at least a month before the commencement of the financial year and in certain cases and under certain safeguards to give the members the right to challenge a division. With regard to interpellations the present arrangements are not at all satisfactory. If any member of Council thinks that he has not received a satisfactory reply to his question and if the question is of sufficient public importance, he must have permission to move a resolution. Government should therefore confer this right on the people. The Government also might make provision as to the nature and subject of such interpellations and the procedure to be followed when moving the resolution. We are firmly of opinion that unless some such thing is done in the direction just indicated no practical good will result.

9. With these remarks, which are intended to apply to the Supreme as well as Provincial Legislative Councils, we beg to suggest that the Councils may in future be constituted on the following lines :—

Supreme Council.

	No. of seats.	Remarks.
1. The Viceroy	1	
2. A. *Ex-officio*	8	
B. Additional officials to be nominated not exceeding	9	
3. Ruling Chief to be nominated by Viceroy	*Nil.*	
D. Elected members—		
(*a*) By the Chambers of Commerce and other commercial associations grouped together in each of the older Presidencies—		
Calcutta	1	
Bombay	1	
(Madras)	1	
(Punjab and and United Provinces)	1	
(*b*) By the non-official members of Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7	
(*c*) By the Nobles and great landlords of the said provinces	4	
(*d*) By Mahomedans	*Nil.*	
(*e*) and (*f*) Non-officials to be nominated by Viceroy to represent minorities or special interests, or experts for special purposes not exceeding	11	
(Universities)—		
Calcutta, Bombay, Madras, Punjab, United Provinces	5	One each.
The Indian National Congress	2	
Political associations of over 10 years' standing in Bengal, Bombay and Madras	3	
Total	54	

The above suggestions with necessary changes should be observed in the formation of the enlarged Provincial Councils.

Enlargement of Provincial Councils.

	Seats.	Remarks.
1. City Municipalities	3	
2. District Local Boards	3	
3. University	1	
4. Chamber of Commerce	1	
5. Mill-owners' Association	1	
6. Any other trade association or groups of associations.	1	
7. Electorate formed of all recognised Political associations of over 10 years' standing.	2	
8. Graduates' association or electorate formed of all graduates of 10 years' standing.	1	
9. An electorate formed in each district of all *bonâ fide* agriculturists who pay more than 200 rupees annual assessment.	3	Not necessarily a member of that class.
10. An electorate formed of all income-tax payers who pay more than 200 rupees as income-tax.	2	One for Bombay alone and one for the rest of the Presidency.
11. Inamdars and Jaghirdars (1 for Sind).	2	
Inamdars	1	
Chambers of Commerce	1	
3 for (9) and (10) above	1	

In other presidencies and provinces total number of available seats to be distributed in the above way as far as possible.

Advisory Councils.

10. As regards Advisory Councils, Imperial and Provincial, we are glad to find that all Indian Governments have made it their business to elicit the opinions on administrative measures and proposals for action of those qualified to advise them in all ranks of society. It is admitted that such advice and opinions as are thus obtained are the indispensable foundations upon which good administration is built up and the regular consultation of persons qualified to give them is part of the necessary procedure of Government. It is also admitted that the best traditions of oriental policy have always recognised that the Sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. It is said that the

existing practice will, of course, continue, but considerable advantages might be expected from any measures which would, in some degree, associate the great ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests, and, as the realisation of this idea has been rendered more practical by the existing circumstances enumerated, the establishment and recognition of a determinate body of advisers under certain conditions mentioned in the Resolution, be a marked step in the constitutional progress. The Government of India have also made certain proposals which are tentative, of course, with regard to their formation. We frankly admit that there are certain interests and questions common to British India and the Native States, but we are unable to understand how an Advisory Council composed on the lines suggested would be of any use to the people of British India. The ruling Chiefs and the territorial magnates of British India can never know, at first instance, the wishes and desires of the common people of British India and are not, therefore, expected to represent them in any way. No elective principal is recognised, no initiative power is given to them. It is only on certain occasions, when the Government of India so desires, that they are to assemble in a body. The deliberations are not open to the public. The Government of India are not bound to follow the advice tendered by the Council even as a body. All the things that go to make them members of a body to feel a sense of responsibility are thus wanting. A measure passed by the Government even on the unanimous advice of such a body cannot command public confidence. The real object seems to be that Government wants to make use of their opinion when its motives are misunderstood or misrepresented. But this object also, we are afraid, can hardly be fulfilled. The same remarks apply to Provincial Advisory Councils. If the Advisory Councils are to do any good we beg to offer the following suggestions with regard to their formation:—

(1) Elective principle to be recognised.

(2) The Council to give advice only in questions common to their territories and British India.

(3) The Council should meet in a body and at regular periods.

(4) The Council should possess the power of initiative.

(5) In matters which are to be laid before them the opinion of three-fourths of the councillors should prevail.

11. We beg to thank the Government for having invited full and free criticism on the new proposals. We earnestly request that the whole body of public opinion will be carefully considered and the weight and respect which is its due will be given to the same.

We beg to remain,
Sir,
Your most obedient servants,

B. B. Deshpande, B.A., LL.B., High Court Pleader,

Haridas Damodardas, Cloth Merchant,

V. B. Chankar,

G. R. Phadke, B.A., LL.B., Pleader,

Members appointed to draw up and forward the representation in a public meeting assembled on the 17th November 1907.

Anjuman-i-Islam of Bombay.

Anjuman-i-Islam,

Bombay, 21st December 1907.

To—The Secretary to Government, General Department.

Sir,

Pursuant to the Government Resolution in the General Department, No. 6533, dated the 31st October 1907, inviting representations from Public Bodies on the letter from the Government of India, Home Department, No. 2311, dated the 24th August 1907, we have the honour to lay before you the opinion of the Anjuman-i-Islam of Bombay on the subjects dealt with in the aforesaid letter.

2. The Anjuman desire to express their gratification at the recognition by the Government of India of the claims of the important Mahomedan minority to direct representation on the Legislative Councils by election, and while approving generally of the scheme that has been sketched out in the said letter as far as it affects the Mussalman Community the Anjuman beg leave to make the following suggestions for favourable consideration.

3. With reference to the Advisory Councils the Anjuman agree with the opinion of the Government of India that the formation of the Advisory Councils would be a step in constitutional progress if properly worked and constituted.

4. The Anjuman think that the Imperial Advisory Council should not be restricted to the Ruling Chiefs and the territorial Magnates but persons possessing educational and intellectual qualifications should also be included therein and that in large cities and Presidency Towns of India the selection to these Councils should be extended to the Presidents of Representative Anjumans and Associations and as far as such Councils are concerned the Anjuman trust that the interests of the Mahomedan Community will be properly safeguarded.

5. With reference to the enlargement of Legislative Councils, the Anjuman view with approval the desire of the Governor-General in Council that the Legislative Councils in India should now be enlarged to the fullest extent compatible with the necessary authority of the Government. The Anjuman cannot, however, help observing that the present number of seats allotted to the Mahomedans cannot be considered as fair or adequate having regard to their numerical, political and historical importance in the country. The Ajuman think that the present condition of the Mahomedans entitles them to claim more seats by election than are allotted to them in the scheme under consideration. In their opinion the Mahomedans should be given at least six seats, four of which should be offered for election by purely Mahomedan Constituencies. This, we submit, can be easily accomplished by throwing open to election the two seats specially reserved for nomination of Mahomedans under the scheme and if in the provinces of the Punjab and Eastern Bengal and Assam two Mahomedans are returned by election under heads C and D then the Mahomedans would secure the minimum representation, which in the Anjuman's opinion they are entitled to. In the event of the two possible seats in the above Provinces not being secured by Mahomedans it is submitted that the Governor-General in Council should be pleased to fill up the two seats by nomination under head F or the remaining seats under head E. The suggested arrangement would enable the seven Provinces (Bombay, Madras, Central Provinces, Punjab, the United Provinces, Bengal and Eastern Bengal and Assam), to share the benefit of representation on the Supreme Council more regularly. This arrangement will preserve the recommendation of the Government of India inasmuch as apart from offering the four seats for election the Viceroy will only be called upon to exercise the power of nominating two additional representatives in case the Punjab and Eastern Bengal and Assam failed to return a Mahomedan member each.

6. The Anjuman, however, do not feel certain that two Mahomedans will be returned by the Provinces in question. They venture to submit that from the fact of the Mahomedans being in a majority in these two Provinces it does not necessarily follow that they will secure any of the seats provided for their representation.

7. The Anjuman further beg to add that if the aforesaid suggestion is not considered feasible, the two seats reserved by the Viceroy for nomination may be so distributed among the seven Provinces by rotation as to enable the then unrepresented Provinces to be represented on the Supreme Council.

8. The Anjuman think that the electorate suggested in clauses A, B and C of paragraph 18 of the said letter is suitable as a tentative measure only. It might be added here that the Mahomedan claims to be fairly and equitably nominated as Fellows of the University require to be attended to.

9. In the absence of any definite scheme put forward by the Government the Anjuman are unable to offer any remarks. They, however, request the Government to offer them an opportunity of submitting their representation before finally approving of any scheme of the formation of the Local Councils. They would, however, like to add that having regard to the paucity of Mussalman graduates the franchise should be extended not only to all registered graduates but also to unregistered graduates of 5 years' standing.

10. In conclusion, the Anjuman hope that the Government will be pleased to favourably consider and accept the few points which have been submitted by them in the interests of the Mussalman Community.

We have the honour to be,

Sir,

Your most obedient servants,

CURRIMBHOY EBRAHIM,
President, Anjuman-i-Islam.

ABDEALI M. KAJIJI,

JAFFAR RAHIMTULA,
Honorary Secretaries,
Anjuman-i-Islam.

Certain Lingáyats of Hubli.

To—His Excellency the Governor in Council, Bombay.

May it please Your Excellency—

We, the Lingayets of Hubli in a a meeting assembled, crave permission to submit our views on the proposed enlargement of the Imperial and Provincial Legislative Councils and establishment of Advisory Councils, Imperial and Provincial, with our aspiration to a due proportion of seats in those bodies.

2. At the outset of these lines we beg leave to thank the Supreme Government for the sympathy and consideration evinced by them for the Indian peoples especially the backward ones in undertaking on their own initiative this scheme for a wide representation of all classes and interests in the said Councils.

3. We are humbly of opinion that the scheme contemplated by the Government of India will contribute in a great measure to remove those misunderstandings and misrepresentation between the Government and the people of India which it is unhappily the mischief of some to foster and will promote that good understanding and sympathy between them which is so essential to a benevolent and effective administration of a country.

4. In a land diversified by so many interests often antagonistic as India, it is of the utmost importance that they all should have a voice on matters affecting them, and we fully appreciate the proposal of the Government of India to effectuate by means of the contemplated measures a mode of class representation that will answer the purpose.

5. Taking advantage of the benevolent intentions of the Supreme Government we take this opportunity of inviting the attention of the Government to the backwardness of our community in administrative matters and trust that they will accord to us that share to a voice in the consultative assemblies which our position in the scale of the Indian peoples demands.

6. Moved by an address of the Mahomedans of India the Supreme Government have been pleased to apportion to them a certain number of seats on the Imperial Legislative Council.

7. It is our most humble submission that the position and importance of our community in this part of the country entitles us to the same favour and indulgence at the hands of the Government as the Mahomedans. It is a long accepted and widely known fact that the Lingáyats are people with a religion of their own, owing no superiority of the Bráhminic or any other priests except their own. They form an independent community, integral in itself, and are a race known for their industrious, meek and law-abiding nature. Their number in the whole of India comes to about 3,400,000. Of this large number as many as about 1,100,000 of people are spread over the Bombay Carnátic. They are thus one of the most numerous communities of these parts. It is not their numbers only that speak in favour of their claim. In all branches of industry we find them working diligently and peacefully. Most of them are agriculturists, but not a few of them are weavers, dyers, oilmen, shopkeepers and carpenters. We find amongst them also potters, barbers and smiths. It is they who contribute in the shape of land revenue and income-tax and other assessments to the coffers of the Government. There are communities in this Presidency which can surpass them in numbers, but a community which will beat down in the variety of callings, professions and interests cannot be found. There are about 12 lákhs of Maráthás, but one cannot find amongst them these numerous interests and professions noticed above.

8. There was a time now dim to the vision when the Lingáyats were a race of political importance. The scattered Jághirs over the Kánarese districts of the Presidency speak effectively to their past political greatness. There are amongst them even now territorial magnates and big land-owners. A community so important from its numbers, industries and passed connections must deserve, it is humbly submitted, that favour and indulgence at the hands of the Government which they are ready to extend to any that ask for it in a constitutional way. We trust, therefore, that the Government will consider in a favourable light the proposals which we are now making on behalf of our community.

Imperial Legislative Council.

9. It is our humble craving that the Supreme Government will graciously be pleased to reserve for our community two seats in the Imperial Council. It has come to the notice of the Supreme Government that the system of territorial representation has signally failed in yielding the desired effect. Unless therefore each community has its seats fixed in the Councils to which it can elect its own members its interests will not be safeguarded. It is our submission that our community, though not so widely spread as the Mahomedans, is not for that reason any the less entitled to that share in the voice of the administration of the country which its importance otherwise merits. There is not a single measure of the Supreme Government which will not affect in one way or other this community presenting so diversified interests, nor is it incapable of returning able members to the Councils. True it is that a quarter of a century ago the case was otherwise. What with the help and sympathy of the Government, what with their own efforts the Lingáyats of the present day have made a progress in the path of education which, though not complete and perfect as yet, still is sufficient to entitle them to an humble share in the deli-

berations of the Imperial and Provincial interests. In clause (E) of the 12th paragraph of their letter to the Provincial Government the Government of India propose to reserve four seats to represent minorities or special interests to be filled by nomination by the Viceroy. It is our humble prayer that of these four, one may be allotted to our community. In clause (D) of the same paragraph they have proposed to reserve two seats for Mahomedan members, to be elected by their community. It is our submission to the Government that one seat should be reserved to our community, to be filled by election by us. With reference to an electorate to select our member for the Supreme Council, we have to submit that it should be formed on lines proposed by the Supreme Government in paragraph 18 except that in sub-clause (C) of the first clause of that paragraph the annual income upon which income-tax is paid should be 15,000 in the case of Lingáyats.

Imperial Advisory Council.

The third proposal formulated by the Government of India in paragraph 5 of their letter leaves 40 seats to be filled by territorial magnates of every province where land-holders of sufficient dignity are to be found. We are happy to state that there exist in our community land-holders, Desais, Deshpándes and other Watandárs whose aggregate income ranges from 10 to 50 thousand rupees a year. Of these, we submit, at least two should be elected to seats in the Advisory Council.

Provincial Legislative Council.

We beg to suggest that in the Bombay Legislative Council four seats should be reserved for our community—

(1) Two to represent land-holders and cultivators.
(2) One to represent commerce.
(3) One to represent manufacture and industry.

An electorate to select these members should be formed on the lines suggested by the Supreme Government in paragraph 17 of their letter, but it is humbly submitted instead of a separate list for each of the districts, one list for the whole community should be prepared.

Of these four we suggest two should be returned by the electorate and two should be nominated by the Government. In this connection we most humbly submit that the proposals of the Supreme Government sketched in paragraph 22 of their letter will help in a great measure to secure an equality of distribution of seats in Local Councils and Boards amongst all classes; it is our humble prayer that, as in the case of Mahomedans, in our case also proportionate number of seats should be allotted to us in those Municipalities and Local Boards in whose circle our community preponderates.

Provincial Advisory Council.

10. Four seats, it is prayed, should be reserved for us in the Bombay Advisory Council—two to be nominated from the land-holders and agriculturists, one from the commercial class and one from industrial and manufacturing classes.

Praying that these proposals will attract a favourable consideration at the hands of the Government.

We beg to remain,

Your Excellency's most humble servants,

SIDDHARAMAPPA DUNDAPPA PAWATI, B.A., LL.B.,
and others.

Hubli, 16th December 1907.

Certain Lingáyats of Dhárwár.

Dhárwár, 13th December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,

Before expressing our opinion in accordance with paragraph 3 of Government Resolution No. 6533 of 31st October 1907 on the subject contained in the letter from the Government of India, we, the Lingáyats of Dhárwár, crave permission to express our sincere and hearty thanks to them for the measures they have undertaken to carry out in the creation of the Advisory and the reconstruction of the Legislative Councils. The principles intended to be adopted are quite suited to the times through which the country is now passing. Various communities in India have begun to entertain a growing desire to have some share in the affairs of the Government on account of their social and intellectual advancement, and any measure that is calculated to satisfy their aspirations cannot but have a beneficial effect on the whole of the Empire. The introduction of Western knowledge brought about a new civilization, altogether foreign to original Indian notions, and a few communities that had the good luck to accommodate themselves to the new conditions were enabled to rise high, while other communities that had, in days gone by, distinguished themselves in several spheres of public utility, were relegated to an humble and almost insignificant position. The new measures will, we think, change the present state of things, and give prominence to races and interests that really deserve it and with whom the interests of the Government are more intimately and directly connected. The existing state of things requires a closer union between the rulers and the ruled, and the principles now intended to be adopted in the creation of Advisory and the reconstitution of the Legislative Councils are surely expected to bring about such result. The proposed changes will, we presume, create cordial feelings between the Government and the subjects, a genuine sympathy and regard for the British Government, an appreciation of every benevolent measure framed for the good of the people and an intelligent and sympathetic co-operation with the Government in their intricate relations with the subjects. Such a direct contact with the heads of the Executive will surely produce a healthy influence on the public, to whom will be opened hereafter a political life which was, till now, practically barred to them.

2. We now beg to draw your kind attention to the claims of the Lingáyat community of being represented in the various Councils referred to in the letter from the Government of India. The Lingáyats do not acknowledge the seperiority of any other religious community in India. The community includes within itself persons following all sorts of professions from the highest to the lowest, although those following the professions usually considered as degrading are only called the followers of Lingáyats. In short, the community may be said to be integral in itself. The total population of Lingáyats in India is more than 2,600,000. They have lost much of their importance by being distributed over four political divisions, the Presidencies of Bombay and Madras, the Mysore State and the Nizám's Dominions. In the Madras Presidency they are thrown into obscurity and have been allowed to neglect themselves. We do not exactly know what position they hold in the Nizám's Dominions. They are more prominent in Mysore and the Bombay Presidency.

3. Confining ourselves to the Lingáyats of Bombay we can safely say that both in point of numbers and importance they deserve special consideration at the hands of Government. Numerically the community is as big as any other community in the three divisions of the Presidency, except the Maráthás, as may be seen from the following figures taken from the recent census report :—

1.	Musalmáns	1,280,000
2.	Márathás—	
	(*a*) Maráthás proper	1,571,000
	(*b*) Kunbis	1 306,000
3.	Lingáyats	1,140,000
4.	Kolis	1,012,000
5.	Bráhmans	685,000
6	Vánis	271,000
7.	Jains	226,000

Apart from their numbers the Lingáyats can claim precedence over the other communities referred to above in point of agricultural, commercial as well as industrial activities. The bulk of the regular husbandmen in the districts of Dhárwár, Belgaum and Bijápur are Lingáyats. Many of the big Zamindárs, that is, the Desais, the Nadgowdás and others and a great majority of watandár pátils in the Southern Karnátic are Lingáyats. As regards the importance of the Lingáyat husbandmen we cannot do better than refer your kind attention to the remarks of the author of the *Dhárwár Gazetteer* at page 252 of the volume.

4. We further beg to submit that Lingáyats are a predominant commercial class in the part of this Presidency. Their activities in this direction may not be as high as those of the Pársi and other communities centred in the capital of the Presidency. We submit that they are the leading merchants of the Southern Karnátic, and we venture to hope that the present lift which they expect to have at the hands of Government will enable them to rise still higher in every branch of public utility.

5. They are also not the less noted for their industrial activities. Many of the ginning factories and pressess in this part are owned by Lingáyats, and many of the indigenous industries, *e.g.*, dyeing, weaving, oil-pressing, pottery, etc., are chiefly in their hands.

6. Lastly, we may note here the progress which the leaders of the Lingáyat community have been making to bring about the educational advancement of its members. By the efforts of the Lingáyat Educational Association established at Dhárwár in the year 1883 a great change has come over the Lingáyat community. This change the leaders have been able to achieve only with the sympathetic help of Government and the district officers and in the future also they only look upon Government for the uplift of their community. Seeds of movements of this nature have also been sown in the other centres of Lingáyats, *e.g.*, Sholápur and Kolhápur. By means of these and the recent munificent donation of Shrimant Sir Desai of Shirsangi, we hope to attain in the near future a position as high as that of any other community of the Presidency.

7. We thus beg to submit that the claims of our community possessing all-sided activities as shown above will be fairly dealt with in the general adjustment the Government is going to make.

Imperial Advisory Council.

8. As regards representation we beg to request that the Government of India may be pleased to nominate two Lingáyat members to the Imperial Advisory Council. We are humbly of opinion that as the Advisory Councils are a sort of training ground for preparing persons to participate in other departments of Administration, the results will be beneficial in proportion to the attention bestowed on these by the Imperial and Provincial Governments.

Imperial Legislative Council.

9. We think that the total number proposed for the Imperial Legislative Council by the Government of India leaves no scope for a prayer that one seat at least should be reserved for election by Lingáyats. But we think that of the four members to be nominated by the Viceroy under clause E of paragraph 12 of the letter of the Government of India, one seat may be reserved for our community as representing special interests.

Provincial Advisory Council.

10. From the number and importance of our community we think we can claim four seats in the Provincial Advisory Council, or at least as many as the Mahomedan community can claim. As already explained above, we submit that persons representing the various interests and able and willing to serve as members of this Council are at present available in our community and there will be no difficulty for the Government in finding out such persons.

Provincial Legislative Council.

11. For the Provincial Legislative Council we propose that four seats should be reserved for Lingáyat members—two to be nominated by Government and two to be elected by the community. We submit that as in the majority of cases the agricultural, commercial and industrial interests are combined in the same individual, only one electorate of the whole community should be formed and it should be empowered to elect both the members. The electorate may be formed to consist of—

(*a*) all Zamindárs *i. e.*, Desais, Nadgowdás, etc.;
(*b*) all land-holders paying an annual assessment to Government of not less than Rs. 200;
(*c*) all persons paying an annual income-tax of not less than Rs. 50;
(*d*) all graduates and pleaders of not less than three year's standing;
(*e*) all the members of the Lingáyat Education Association, Dhárwár.

An electorate formed on these lines will, we think, be simple and easy to be worked out.

12. Our last prayer is with regard to the representation of Lingáyats in the Local Boards and Municipalities. No doubt the Lingáyats have, of late, begun to take an active interest in these matters; still the advanced classes in many cases manage to keep back the backward classes. The proposals sketched out by the Government of India in paragraph 22 of their letter will, we hope, tend to bring about the desired result.

We beg to remain,
Sir,
Your most obedient servants,
S. V. MENSENKAI and others.

Mr. Kazi Kabiruddin, Bar.-at-Law.

To—The Secretary to Government, General Department, Bombay.

Sir,

Pursuant to the Government Resolution in the General Department, No. 6533, dated the 31st October 1907, inviting views and representations on the letter from the Government of India, Home Department, No. 2311, dated 24th August 1907, I have the honour to submit the following observations for the consideration of the Government.

2. I shall confine my remarks to that portion of the letter which concerns the Mahomedan community. As I am connected with the Bombay Anjuman very intimately (first as Secretary and now as Vice-President) for the last 12 years, and as I have had occasion to study the system of election in the Central Division, in which I had twice stood as a candidate for the Local Council, I hope my views would prove of some use and interest to the Government.

3. At the outset I have to thank His Excellency Lord Minto for his statesmanlike grasp of the problem of representation by class and express general approval of the scheme. It must be remembered here that the reasons upon which the Mahomedans have their claim for separate representation have been fully and frankly set forth in the address which the Mahomedan Deputation, under the Presidency of His Highness the Aga Khan, was presented to His Excellency the Viceroy in October last. If the Government of India has seen fit to recognise the justice of the Mahomedan claim for separate representation on the Legislative Council, surely the representation so conceded ought to be adequate. If this was not done, Government will have, on the one hand, incurred the displeasure of a class of Indian politicians for alleged partiality to Mahomedans, and, on the other hand, have failed to materially benefit the Musalmáns or to satisfy the just demands of the educated Mahomedans for the adequate representation of their special interests on the enlarged Council.

4. In allotting seats to the Mahomedans in Municipalities, Local Boards, Provincial Council, Supreme Council or Advisory Council, the following important general principles and considerations must be borne in mind :—

(1) The proportion of Mahomedan members should not be determined on the basis of the numerical strength of the community alone. Due regard may be had of the political and social importance of the community and also of the value of contribution which they make to the defence of the Empire.

(2) The Mahomedan representation should not be an ineffective minority.

(3) The number of Mahomedan members should be one-third at least if not one-half of the total number fixed. Because the total Mahomedan population is over 62 millions or between one-fourth to one-fifth of the whole Indian population. Furt .er, if a reduction was made of those who were classified as such but were not Hindus, then the Mahomedan percentage would be over one-third of the whole Indian population.

(4) Election should be given preference over nomination; and the electorate should be formed on the territorial basis on groups formed according to the number of seats allotted.

(5) The electors as well as the candidates both should be Mahomedans.

(6) A Mahomedan revising officer to prepare lists would have to be appointed to avoid a contingency of being declared that eligible Mahomedans were not available.

Municipalities and Local Boards.

5. These institutions, apart from dealing with the important local interest, deal also with religious concerns, and really speaking form a school where the first lessons of local self-government are learnt. In the interest of good government the position of the Mahomedans in these bodies should be governed by higher principles :—

(1) The number of Mahomedan members ought to be one-half. The Hindus cannot honestly object to it because no question of higher policy was involved in them. This could be conveniently adopted by doubling the existing constituencies and electing one Hindu and Mahomedan each.

(2) The qualification of Mahomedan voters should be fixed somewhat low to enable larger number of people to take part in the local self-government and also to allow a sufficiently large electorate to be formed, which will ultimately be called upon to elect a member to the Local Council.

(3) The electorate should be formed on the territorial basis on groups formed aording to the number of seats allotted.

Provincial Legislative Council.

6. My remarks under this head will apply to the Bombay Presidency. The Bombay Government having not laid any proposal before the public, as was done in some other provinces, it is difficult to express one's views.

7. There are two modes by which the Mahomedan population may be fixed. The number ought to be equal to the Hindus, to make the representation commensurate with the weight to which the community was entitled, or they should be one-third, as the former are 6 crores to the 22 crores of the latter. On the equitable and just grounds one-third would be a reasonable number. In the absence of any number fixed by the Bombay Government I can only say this that excluding Sind at least six seats ought to be reserved for the Mahomedans :—

(1) Four seats offered to election—(*a*) Three seats should be reserved for three divisions of the Presidency, that is, Northern, Central and Southern Divisions of the Presidency may elect one member each. This could be accomplished very easily and conveniently by doubling the constituencies and preparing a separate list of Mahomedan voters.

(2) Two seats may be reserved for nomination by Government. The nomination may be confined to (*a*) Muslim Sardárs, Tálukdárs and Jaghirdars of the presidency, and (*b*) Muslim gentlemen of Bombay, who would be in trade, commerce or industry.

(3) The sixth seat may be offered for election to the City of Bombay, to be elected by (*a*) Graduates, (*b*) Fellows, (*c*) Justices, (*d*) Associations (i) of at least 15 years' existence and (ii) possessing an endowment fund of at least Rs. 25,000.

8. Thus there will be four electoral circles, unless the Government would choose to form a fifth one for the Sardars. As regards the qualifications of voters I would suggest the following :—

(1) Mahomedan land-owners paying land revenue of Rs. 600 or over annually.

(2) Mahomedans paying an income-tax on an annual income of Rs. 1,500 or over.

(3) Mahomedan graduates of one year's standing.

(4) Mahomedan Fellows of the local University.

9. After a most careful study I have prepared a most exhaustive scheme, but that is kept back not to make the letter too long.

Supreme Council.

10. I view with thorough approval the desire of His Excellency the Viceroy that the Supreme Council may be enlarged, along with others, to the fullest extent compatible with the necessary authority of the Government. I cannot help remarking that the Mahomedans have been very badly treated with respect to seats in this Council. The four seats allotted to the Mahomedans and two more to be gained by them in Punjab and Eastern Bengal (a highly unsound and wrong calculation) can by no means be sufficient for an adequate representation of this community. If that hypothetical case was granted, even then six seats out of 54 is too small a number to safeguard the admittedly large and diversified interest of 62 millions of Mahomedans.

11. I would therefore urge that six seats be reserved for Mahomedans. This can be accomplished by the following alternations :—

	Government proposal.	Suggested alternation.
A.—*Ex officio*	8	8
B.—Additional officials	20	19
C.—Ruling Chief	1	1
D.—Elected members—		
(*a*) Chambers of Commerce	2	2
(*b*) Non-official provincial members ...	7	7
(*c*) Nobles and land-owners	2	4
E.—Nominated non-official members, including at least two Mahomedans	4	4
F.—Nominated experts	2	1
	53	53

12. With reference to alternative (i) by reducing one official and one expert, two more seats could be given to Mahomedans. His Excelleney the Viceroy will always have an option of nominating more than one expert under head E.

13. If this was not approved, then increase two officials along with two Mahomedans and increase the total from 53 to 57.

14. I cannot feel certain that Punjab and Eastern Bengal will return two Mahomedan members. The simple fact of the Mahomedans being in majority in those provinces will not be sufficient to allow that the Mahomedans will have majority in the provincial Councils. Further, the constitution of the extended Provincial Councils having not yet been framed it would not be possible to make any calculation at all.

15. As regards the electorate, I am of opinion that it should not be confined to the non-official members of the provincial Council alone; because their

number would be too small. A special electorate ought to be formed on the following basis :—

(1) Mahomedan non-official members of the Provincial Councils.

(2) Mahomedan Fellows of the local University.

(3) Mahomedans paying income-tax on an income of Rs. 25,000 a year.

(4) Mahomedans paying land revenue of Rs. 20,000 every year.

(5) Registered graduates of 10 years' standing.

(6) President and Vice-President of such Muslim associations as have an endowment fund of Rs. 50,000 and are in existence for at least 10 years.

Advisory Councils.

16. I entirely agree with the opinion of the Government of India that the formation of an Imperial Advisory Council would be a marked step in constitutional progress. It will be in accordance not only with the best traditions of the Oriental policy, but also with the scriptural injunctions of Islam.

17. I think some intellectual qualification ought to be placed upon its membership.

18. I also think that councillorship should not be restricted to the ruling Chiefs and territorial magnates, but in large cities and Presidency towns the President as well as the Vice-President of representative associations of at least 10 years' standing with an endowment of at least Rs. 50,000 may be included in the number of Imperial Councillors.

19. What I wish to impress very strongly upon the Government is that a certain number of seats should be fixed for the Mahomedan community in the Imperial as well as the Local Advisory Councils and that they should be filled up with as great latitude as possible.

I have the honour to be,

Sir,

Yours, etc.,

KAZI KABIRUDDIN, Bar.-at-Law. J.P.,

Vice-President, Anjuman-i-Islam,

Bombay.

Sassoon Hall, Nesbit Road, Mazagon, Bombay, Dated 14th December 1907.

Mr. Janardan Virbhadra Pathakji, Jághirdár of Motavarachha, Surat.

To—The Secretary to the Government of Bombay, General Department,

Most Respected Sir,

The undersigned respectfully begs to draw the attention of the Government to the following few lines so that the matter contained therein may be of some avail, though very limited and humble, in forming a practical and correct view regarding the enlargement of Legislative Councils and connected questions.

I belong to an old respectable leading Hindu family of Surat, I may come under the category of territorial magnates as I am a superior holder of an important and big inám village near Surat; I am an under-graduate of the University of Bombay and was a student at the Government Law School at Bombay for full three years; I hold a seat on the Surat District Local Board as a representative of the Inámdárs of the District of Surat. A sub-commitee of the abovementioned Board was appointed to consider the scheme of the Government of India for the enlargement of the Councils and connected questions; the undersigned, being a member of the sub-commitee appointed, was furnished with a copy of the Government Resolution No. 6533 for information

and guidance. The committee has considered the subject as well as it could during the short time at its disposal and the President would forward its report.

The undersigned, being desirous to render some humble service to the benign Government in connection with such a scheme of much importance and far-reaching consequence, and feeling himself interested in it a little, has made bold to express his frank and humble opinion as under, though unasked to do so, although other non-official gentlemen, it is understood, are specially asked to do so. And consequently the undersigned thinks it proper to tender, in the beginning, his apology for his intrusion and frankness of opinion, in anticipation of its being granted.

The following lines are in answer to the set of questions received from the Commissioner, N. D., in the form of help in forming an opinion :—

1. Mr. Ishvardas J. Store is a fit gentleman of our district to have a seat on the Imperial Advisory Council; he is a territorial magnate holding about three villages in the Surat District; is an under-graduate of the Bombay University; belongs to a very old and respectable family; is a recognized leader of the Hindu community; is perhaps the oldest standing Municipal Councillor; has often served on the District Local Board; was a president of a local cotton mill; has still to do much with the cotton industry and other commercial interests in Gujarát, besides being an Honorary Magistrate.

2. The following are the gentlemen fit to be on the Provincial Advisory Council :—

Mr. Ishvardas J. Store.

Mr. Kekhushrow E. Modiji: he is an old graduate of the Bombay University; is created a Sardár of the Deccan which speaks much of him; is looked upon as a leader of the Parsis; was a Municipal Councillor for some years; holds large tract of lands at Broach and other places.

The Honourable Mr. Sayyad Zein Al Adrews: his merits and qualifications are well known to the Government as he is already nominated on the Provincial Legislative Council. His late revered father was also on the Bombay Legislative Council, as I understand.

Mr. Janardan Virbhadra Pathakji: the undersigned blushes to mention his own name.

3. The following institutions should be added to those that are already mentioned: the Native Chamber of Commerce, Bombay; the Cotton Merchants' Association, Bombay; the Grain Merchants' Association, Bombay; the Graduates' Association, Bombay; the Agricultural Co-operative Societies in the Presidency.

4. The undersigned begs to suggest the following other method of election: an electorate should be formed comprising all the territorial magnates and big landholders; and these electors should elect a representative for the Legislative Council, be he member of the Imperial Advisory Council or of the Provincial Advisory Council or not.

5. Besides the gentlemen mentioned in No. 2, the following are other gentlemen fit for the purpose :—

Mir Muzfer Hosseinkhan: he is a scion of the old Nawab family of Surat, with a handsome income of more than Rs. 15,000 a year; is a territorial magnate in having a village in Broach District; is a recognised leader of the Mahomedans of Surat.

Mr. Ganpatráo Bhimashankar: he is a scion of the family of Gangadhar Shastri known to the student of the Maratha period of the Indian History and holding about three or four villages, some British and some Gáekwádi. It would be out of etiquette to mention one's own name. There may be others of whom the undersigned knows little.

6. The Sardárs of the Deccan with liberal additions would not sufficiently represent the land-owning class; and therefore the undersigned suggests that all

the Inámdars and big land-holders should be given the franchise and then there would be a fair representation of the land-owning class.

7. Yes. They are mostly Inamdors.

8. This matter can be better ascertained by referring to the Government records.

9. In the first place the undersigned humbly opines that there is no such special representation necessarily required. Because the Government can assign a seat to a member of any community, backward or forward, in order to have its representative to look after its interests, by nomination; again the Government is in itself so very circumspect that it *does* and *can* look after their interests without any special representation. Elections should remain elections. Election should not be tinted by the slightest colouring of any kind—grace or favour. Again, such granting of special representations would invite other communities to ask for such special (or rather racial) representation for their communities as well. As for instance the Jains who are non-Hindus, the Sikhs, the Jews, who are more in number than the Parsis in India, the Native Christians and others. The undersigned knows of no such really representative institutions in Surat; there is an Anjuman-i-Islam for instance and Mir Muzfer Hoosseinkhan, a hereditary leader of the Suni Mahomedans of Surat, is not a member of it. The Bohras and the Shias are not represented by the above Anjuman. Also there is the Pársi Panchayát. Sir Jamsetji Jijibhai of Bombay, who is its President, claims to be the head of the Pársis, while the Modi family of Surat claims to be the hereditary head of them all. Under the circumstances both the aforesaid bodies are not really representative. There is no known body for the Eurasians here.

10. The following are the interests fit to be represented: commerce, mill and other industries, agriculture, science, education—specially technical—and the Municipal and local bodies.

11. It would be better if the representatives of the Local Boards and Municipalities on the Provincial Legislative Council be themselves members of the respective bodies.

12 and 13. The Government would get more proper information as regards matters contained in the questions by looking into the Government records.

I beg to remain,

Sir,

Your most obedient servant,

JANARDAN VIRBHADRA PATHAKJI,

Jaghirdár of Motavarachha.

14th December 1907.

Gujarát Sabha, Ahmedabad.

To—His Excellency SIR GEORGE SYDENHAM CLARKE,

Governor of Bombay in Council, Bombay.

May it please Your Excellency,

We beg humbly and respectfully to submit, by direction of the General Committee of the Gujarat Sabha, Ahmedabad, the following representation in regard to the Government of India's proposal for reforms in the Indian Administration, for the kind consideration of Your Excellency's Government.

2. The Sabha is respectfully of opinion that the proposals require to be considerably modified before they can serve the purpose, for which they are intended, and so satisfy in some degree at least the legitimate aspirations of the people of India to claim an increasing share in the concerns of their country.

3. The principal objects which the Government of India have in view in creating Imperial and Provincial Advisory Councils, namely, "of bringing all classes of the people into closer relations with the Government and its officers," and "of increasing the opportunities of the people of India of making known their feelings and wishes in respect of administrative and legislative questions" are, in the opinion of the Sabha, not likely to be secured by Advisory Councils constituted in the manner indicated in the Despatch. The members of all the Advisory Boards, whether of the Supreme or Provincial Governments, are to be nominated and not elected. They will therefore be answerable to know public constituency for the advice they may have chosen to tender on a particular administrative measure, but only to the Government which has nominated them. The recognised leaders of the middle class are to be entirely excluded from the Imperial Advisory Council which is to consist solely of Ruling Princes and territorial magnates. A Council which finds no place for men of such acknowledged abilities and character as the Honourable Sir P. Mehta, Dr. Rash Behari Ghose, Mr. Ananda Charlu, Mr. Gokhale, and others who, by common consent, are representative leaders of Indian thought and public opinion, would be worse than useless if not mischievous. Moreover, Ruling Chiefs can hardly be said to be the representatives of the masses and the middle class of British India, and their interest would generally lie in what they think would be the supposed wishes of political officers. Many of the magnates have, by the nature of their position and environment, to remain aloof from the common people, and are therefore not expected openly to sympathize with the feelings and the ideas which are agitating the public mind at the present day. The interests of the landed aristocracy of India are bound up with the land-revenue system, and they cannot afford to give fearless and independent advice to Government on any momentous question on which the opinions of the executive and the feelings of the people are likely to be in conflict. Whether they were the natural and hereditary leaders of Indian society in times gone by is a debatable question entirely foreign to the present issue, for times are now changed, and new political conditions have arisen under which Ruling Chiefs and territorial magnates are less fitted to enter into and to voice the sentiments of the Indian people than the great body of modern men whose growing influence His Excellency the Viceroy was gracious enough to recognise in his speech from the Supreme Legislative Council in November last.

4. To invite such gentlemen to offer their advice to the Government is hardly tantamount to "bringing all classes of the people of India into closer relations with the Government and its officers," nor can Advisory Boards so constituted be expected to present a correct idea of the feelings and sentiments of the people as a whole on a particular measure. Further, the Sabha strongly protests against the opinions of the members and the proceedings of the Board being kept secret. The people on whose behalf and in whose name the Advisory Boards are expected to tender advice ought to have, in common fairness, the right to know what the advice is particularly because such advice is liable to be utilized by Government as the collective opinion of the common people. To make the Boards and their members immune from responsibility to public criticism would be not only harmful to the public interest, but opposed to all canons of good Government.

5. It would be a matter of little surprise if the advice sought in secret, and offered also in secret, of such members as are nominated by Government alone, and are responsible to none but themselves, is often not in consonance with public feeling. The people will have no faith in Advisory bodies so constituted. They will naturally think that the Boards are created for the purpose of making a show of the people's approval of the measures of Government officers. The people's cause is not in any way advanced by the creation of such Councils, and looking to what the Government of India say in their Despatch that even before these proposals came into being "they as well as all administrative officers have made it their business to elicit the opinion on administrative measures of those qualified to advise them in all ranks of society," and that "this process will of course continue," the formation of Advisory Boards on the lines indicated in the Despatch would be an unnecessary if not a superfluous proceeding.

6. The proposals of the Government of India in this matter have originated in the questionable assumption that an Advisory Council like the one formulated by them is "in accordance with the best traditions of Oriental polity where a Sovereign however absolute" was "to make it his business to consult competent advisers, and to enforce his rule in accordance with what, after such consultation, *he** deemed to be the best mind of his people." The analogy of a benevolent but an absolute Oriental Sovereign is inappropriate and misleading. The good-intentioned absolute monarchs of old are reported to have often gone about their kingdoms *incognito* to learn the sentiments and the wishes, not of the Ruling Chiefs or territorial magnates, but of the common people; and the authority of an Oriental Sovereign which was seldom absolute and unlimited in the sense assumed in the Despatch, was exercised, and plans of administrative reform were devised and carried out, by officers who were exclusively Natives of India, who could understand the feelings and sentiments of their fellow-subjects, and were amenable to Indian public opinion. The Sabha has no fondness for past absolute monarchies, nor does it intend anything in disparagement of the modern system of Government; it only means respectfully to urge that the analogy of the traditions of an absolute Oriental polity utilized by the Government of India in formulating their proposals is unsuited to modern conditions, unless the whole hierarchy of officials happens to be recruited solely from the people of India.

7. In order that the Advisory Councils might serve their legitimate purpose the Sabha would take the liberty to suggest—

(*a*) that the Advisory Councils should have legislative recognition;

(*b*) that three-fourths of the number of members constituting such Councils should be elective, the method of election being similar to that in vogue at present in the matter of returning non-official members to the Provincial Legislative Councils;

(*c*) that due provision should be made for the representation of the middle and professional classes on the Imperial Advisory Council;

(*d*) that an adequate and a fair provision, to the extent of at least one-third of the total number of members on the Provincial Advisory Councils, should be made to represent the middle and professional classes;

(*e*) that the Councils should meet at stated intervals at the call of Government, at least four times a year;

(*f*) that they should also have the power to meet *suo motu* and pass resolutions on Government measures;

(*g*) that the opinions of the members and the proceedings of the Boards should be public; and lastly

(*h*) that they should have the power to initiate resolutions and proposals for the consideration of Government.

8. Coming to the Legislative Councils, both Imperial and Provincial, the main idea that runs through the proposals of the Government of India in this regard is to curtail the influence of the educated classes, particularly of lawyers and "school-masters" who, in the opinion of the Government, have, by reason of their "excessive" influence, hitherto enjoyed a "virtual monopoly of the power exercised by the Councils." The remedy proposed is to "supply the requisite counterpoise to their excessive influence by creating an additional electorate recruited from the landed and monied classes."

9. To speak of the educated classes having hitherto had a "virtual monopoly of the power exercised by the Councils" is manifestly untenable. Such a monopoly of power in the Legislative Councils has always remained with Government officials who invariably possess a standing majority there. The Sabha is not aware of a single instance of elected representatives having ever scored a victory against the solid phalanx of official members. In the

* The italics are ours.

matter of such Bills for instance as the Official Secrets Bill, the Universities Act Amendment Bill, and the recent Seditious Public Meetings Bill before the Supreme Council, and the Bombay Land Revenue Code Amendment Bill of 1901 before the Bombay Provincial Council, Government could carry their Bills through by the aid of a compact official majority in the teeth of the earnest and unanimous opposition of the elected representatives of the people.

10 If lawyers form at present a majority of elected members of the Legislative Councils it is because their electors have confidence in them as the best persons who could advocate their interests and represent their views. The electors had therefore best be left to themselves to choose their own representatives, untrammelled by rules or restrictions that they shall elect only a particular class of representatives and none else. And experience has so far proved that their choice has not been badly exercised. The Government of India do not allege that lawyers elected as representatives have failed to do their duty by their constituents in the Legislative Council or that they have been guilty at any time of advocating their personal or professional interest to the prejudice of the public interests. Even in a free country like England, where electors are supposed to exercise their franchise in the best interests of their country, lawyers, school-masters, and journalists are returned as members to Parliament and hold seats in the Cabinet, not to talk of France, where a great majority of the Deputies and some of the Ministers are recruited from the learned professions.

11. But the Government of India desire to supply a counterpoise to the "excessive" influence of the educated classes by "creating an additional electorate recruited from the landed and monied classes." The Sabha would respectfully ask Government to consider whether this policy of creating a counterpoise will call into existence a better class of representatives, more independent more informed, more patriotic than the present class of lawyers and school-masters; and whether the policy will not very likely set up class against class, and so neutralize all the forces of Indian public opinion by causing their mutual destruction.

12. The scheme outlined by the Government of India for constituting the Imperial Legislative Council fails to make any provision for the commercial and trading classes. The Government of India say in their Despatch that they ought to be represented, at least to supply a "counterpoise" to the "excessive influence" of the professional classes; yet no provision seems to have been made for them, while the Chambers of Commerce of Calcutta and Bombay which are exclusively Anglo-Indian, have been given two seats on the Council. It is needless to say that the Indian commercial interest is increasing in importance day by day, and according to the suggestions of the Government of India it is to be represented on the Provincial Legislative Councils. The Sabha would therefore propose that the Indian commercial classes for the Presidencies of Bombay, Madras, Bengal and the United Provinces should each be allowed to return one representative to the Imperial Legislative Council, every merchant or firm payingan income-tax of Rs. 200 a year or more being considered as qualified to vote.

13. Again, the Sabha similarly fails to find any representation on the Imperial Legislative Council allowed to the educated classes as such. It might be urged that the non-official members of the Provincial Councils of Madras, Bombay, Bengal and the other provinces are to be authorized to return seven representatives to the Imperial, Council, and that as, out of those seven, some are very likely to be members of the educated community, no separate representation for the educated class is needed. But the non-official element of the Provincial Councils which is to return representatives to the Imperial Councils, is henceforth to be so constituted by the incorporation of the landed and monied classes, and by representation on the basis of creed, castes and religion, that the so called "excessive" influence of the educated classes is to be curtailed, for that is the purpose openly avowed by the Government of India in their Despatch. There is therefore less likelihood of the non-official members of the Provincial Council returning, as their representative to the Imperial Council, a member of the educated classes. The Government of India

recognise that the professional classes are "entitled to a share of representation proportioned not merely to their numbers which are small, but to their influence which is large and tends continually to increase," yet on the Imperial Council they fail to obtain any representation whatsoever.

14. Under the present system four additional members are elected to the Imperial Council by the non-official members of the Councils of Bombay Madras, Bengal and the United Provinces. The Government of India propose to raise the number to seven by extending the privilege of election to the non-official members of the Councils of Eastern Bengal and the Punjab and Burma. So that, even if it were supposed that the non-official element in the reformed Provincial Councils will return a member of the educated class as its representative in the Imperial Council, the educated commuuity gains no additional privilege, for Bombay, Bengal and the United Provinces have been hitherto sending one member each, and they are to return the same number hereafter. There is doubtles an increase in the number of Provinces to be represented, but the Provinces of East Bengal, the Punjab and Burma are not sufficiently advanced in education like their sister Provinces of Bombay, Bengal and Madras, aud therefore there is less likelihood of their returning members of educated classes as representatives to the Imperial Council. The number and the influence of University graduates have greatly increased since 1893, yet not only is no attempt made to give them their due representation on the Imperial Council but retrograde proposals have been suggested the effect of which will be practically to shut them out from the Councils altogether.

15. The Government of India have, in their observations to the Local Governments for forming Mahomedan electoral constituencies for Provincial Councils, suggested that franchise might be granted to Mahomedan graduates of more then five year's standing. It seems to the Sabha therefore that in the opinion of the Government of India a constituency of graduates alone is quite feasible. Under the circumstances the Sabha would take the liberty of proposing that double degree graduates of more than five year's standing in the Provinces of Bombay, Bengal and Madras should have the privilage of sending one member each direct to the Imperial Legislative Council. The Sabha thinks hat no measure of Council reform would be productive of any good unless and ntil the educated classes are awarded due and direct representation.

16. Regarding the four seats reserved specially for Mohomedans in the Imperial Council, two by election and two by nomination, the Sabha has nothing to say against it. Out of twenty-five non-official members on the Council, two will be Anglo- Indians representing the Chambers of Commerce of Calcutta and Bombay, and two will be experts who may or may not be Indians and who, according to the scheme, are to be nominated when necessary for special purposes. Deducting these four seats from twenty-five, it seems that twenty-one seats are to be filled up exclusively by Indians, and as Mohomedans are certain to get four out of twenty-one, or nearly one fifth of the number reserved for natives of India, they obtain, in the Sabha's opinion, sufficient representation, whether their weight as a community or their proportion to the total population of non-Mohomedans is taken into account. The Sabha trusts that proportionate representation will simliarly be accorded to other creeds.

17. The qualification proposed by the Government of India to entitle a land-owner to vote for returning his representative to the Imperial Council is too high. The Government of India say that the "amount of land revenue giving the right to vote should not be less than Rs. 10,000 a year." The Sabha thinks that the qualification requires to be considerably lowered, especially in Bombay, where there are very few big Zamindars. The franchise can then be shared by an appreciable number of people and not remain concentrated in the hands of a few, who are more likely to be under the dominating influence of high revenue officials.

18. Further, the restriction that nobles and land-owners shall ellect only one of their class should be removed. To hamper electors in selecting a representative to their own liking by any such restrictions is to give them the

shadow and not the substance of a real franchise. If the nobles think that a gentleman outside their class but otherwise worthy will represent their interests best, their judgment should be allowed to prevail, for they alone will know what is best for their own interest.

19. Coming to the Provincial Legislative Councils, it is not possible for the Sabha at this stage to express its views in detail as the Government of Bombay have not, like the Government of India, hitherto put forward any definite proposal. The Sabha has therefore to confine itself for the present merely to the making of general observations on the suggestions made by the Government of India to the Local Governments about the formation of Provincial Councils. It would also take the liberty of offering some suggestions of its own in anticipation.

20. The Government of India urge that representation to the Provincial Councils should be principally on the basis of caste, creed, race, or religion into which the population of a province is divided, with the reservation that members of a particular caste ought not to be allowed to return a representative of a different caste, creed, or religion. In the Sabha's opinion it would be a most objectionable proceeding. None will deny that all classes of His Majesty's subjects should, as far as possible, be represented on the Provincial Councils, but the mode of election by castes and creeds indicated by the Government of India will create regrettable, and at times acute, sectional jealousies between one caste and another which it is the duty of the Government to obliterate. There will also be practical difficulties in carrying out the scheme. The Local Government has to legislate on the economic, industrial, agricultural and political questions of the day which are common to all castes and religions, it has not to legislate on caste-rules, or religious dogmas. No presentation therefore on the basis of a caste or creed *as such* is either desirable or expedient in the interests of good government. Further, it is inadvisable to provide that a particular caste shall return a representative of that caste only. It will accentuate caste distinctions and retard the gradual evolution of the body politic as a homogeneous whole. The object of giving a wider franchise to castes and creeds will, in the opinion of the Sabha, be equally attained by dividing the people into territorial and occupational groups for the purposes of representation, so that no ill-feeling between caste and caste is likely to be created, while people of different castes and creeds who very often follow the same occupation will be duly represented.

21. The Sabha respectfully suggests that no restriction as to the caste, class, or residence of an elected representative should be imposed. Such restrictions have nothing to do with the fitness or capacity of a representative.

22. The educated classes ought to be given direct representation on the Provincial Councils. The Sabha would respectfully invite the attention of Your Excellency to paragraphs 13 and 14 of the present memorial on this head. The Government of India suggest the extension of the franchise to Mahomedan graduates of more than five years' standing. It is therefore but fair that the franchise of representation should be similarly given to non-Mahomedan graduates of five years' standing.

23. If it is intended to provide for a representative from the Bombay University, the right to vote should be given only to Indian Fellows. Non-official Anglo-Indian gentlemen possess a sufficient measure of representation for themselves.

24. Indian monied classes, that is, the Indian mercantile interest which is growing in importance every day, should also be represented on the Provincial Councils. The Sabha invites the attention of the Government to its observations in paragraph 12 of the present memorial on this head.

25. In order to give adequate representation to the rural as well as to the urban classes the Sabha would suggest that the Local Boards as well as Municipalities of the Bombay Presidency should both have a representative on the Provincial Legislative Council.

26. The Sabha would propose that strict rules should be made prohibiting Government servants from voting or offering themselves as candidates for the

Provincial Legislative Councils. The rules hitherto in vogue have proved entirely ineffective. Government are to have a permanent official majority in the Councils, and they will also have to appoint some members by nomination. If the people are therefore to possess an elective franchise at all their choice of representatives should be unfettered and as free from official interference, direct or indirect, as Government could possibly make. In this connection it would not be amiss for the Sabha to urge that the elective franchise to be given to Local and Municipal Boards should be given to the *elected* and not to the *nominated* members of such Boards.

27. The Sabha begs to present here a brief summary of the foregoing remarks and suggestions as follows :—

(*a*) Imperial and Provincial Advisory Councils, if constituted in the manner suggested by the Government of India, are not likely to attain the desired object in view; for members are to be *nominated*, the recognised leaders of the middle and educated classes are to be excluded, while the Ruling Chiefs and territorial magnates cannot be expected by the very nature of their position and environment to voice the public feelings and sentiment fearlessly and independently.

(*b*) To keep the advice of individual members and the proceedings of the general Advisory Boards secret would be harmful to public interests, and such advice would be of little value as it would be irresponsible advice.

(*c*) The Government of India say that their officers have made it their business to consult competent advisers hitherto; therefore such Advisory Boards are susperfluous.

(*d*) The analogy of the best traditions of an absolute but a benevolent Oriental Monarch referred to by the Government is inappropriate, unsuited to modern political conditions, and inapplicable to the present system of Government.

(*e*) The Advisory Councils should have legislative recognition.

(*f*) Three-fourths of the number of members constituting such Councils should be elective.

(*g*) Due provision for the representation of the middle and professional classes on the Imperial Advisory Council should be made.

(*h*) At least one-third of the number of seats on the Provincial Advisory Councils should be allotted to the middle and professional classes.

(*i*) The Advisory Councils should meet at least four times a year.

(*j*) They should have the power to pass resolutions and to meet *suo motu*.

(*k*) The opinions of the members and the proceedings of the Councils should be public.

(*l*) As regards Legislative Councils, to speak of the educated classes having hitherto had a virtual monopoly of the power exercised by the Councils is manifestly untenable. Such monopoly of power has always remained with Government officials.

(*m*) In Bills before the Imperial and Provincial Legislative Councils hotly contested by the elected members, the latter have always been unsuccessful.

(*n*) The lawyers and school-masters have hitherto done excellent work, fearlessly and independently, and have never advocated their personal or professional interests.

(*o*) Even in a free country like England lawyers and journalists are in evidence in the Cabinet and in Parliament.

(*p*) The supplying of a so-called "counterpoise" to the "excessive" influence of the educated classes will not create a better and more informed class of representatives, and by setting up class against class, is likely to neutralise all the forces of Indian public opinion.

(*q*) In the Imperial Legislative Councils the Indian commercial classes whose influence is growing should be represented, the Anglo-Indian merchants being already represented by the Chambers of Commerce.

(*r*) The Indian commercial classes of the Presidencies of Bombay, Madras and Bengal should each be allowed to return one representative to the Imperial Council, every merchant or firm paying an income-tax of Rs. 200 a year or more being considered qualified to vote.

(*s*) The educated classes as such ought to be represented on the Imperial Legislative Council.

(*t*) The non-official members of the Provincial Councils are not now likely to return any members of the educated class as representatives to the Imperial Council, for the Provincial Councils are to be so modelled by the incorporation of the landed and monied classes, and of castes and creeds as to reduce the influence of the educated class,—an object openly avowed by the Government of India.

(*u*) Bombay, Madras, Bengal and United Provinces have each the right to send one member to the Imperial Legislative Council and therefore they do not get any additional members by the Government of India's present scheme.

(*v*) The Provinces of Eastern Bengal, the Punjab and Burma are not advanced in education, and they are not likely to return a member of the educated class to the Imperial Council as their representative.

(*w*) The Government of India have proposed that Mahomedan graduates of five years' standing might be given the right to vote for a representative for the Provincial Council; therefore it will be but fair if non-Mahomedan graduates are given the right to send a representative to the Imperial Council.

(*x*) The Sabha consequently proposes that double-degree graduates of more than five years' standing in the Presidencies of Bombay, Bengal and Madras should have the privilege of sending one member each direct to the Imperial Council.

(*y*) Mahomedans being assured by the scheme of four out of twenty-one seats to be filled exclusively by the natives of India, both nominated and elected, the other twenty seats (excluding one reserved for a Ruling Chief) should be allotted to non-Mahomedans.

(*z*) The sum of Rs. 10,000 a year as land-revenue suggested by the Government of India to entile a land-owner to vote for a representative for the Imperial Council is too high. It should be Rs. 2,000 a year.

(*aa*) The restriction that nobles and land-owners shall elect only one of their class should be removed.

(*bb*) As regards Provincial Legislative Councils, the Sabha has to confine itself for the present to making general observations in the absence of a detailed scheme in that regard.

(*cc*) For the Provincial Councils, representation on the basis of creed, caste, race and religion, is objectionable because it will create sectional jealousies.

(*dd*) The Legislative Council have to deal with economic, industrial and political questions, not with caste-rules or religious dogmas. Therefore, representation of a caste or creed *as such* is not advisable.

(*ee*) To give wider representation, the people should be divided into territorial and occupational groups.

(*ff*) No restriction as to caste class or residence of an elected representative should be imposed.

(*gg*) The educated classes as such ought to be given direct representation on the Provincial Legislative Councils by extending the franchise, to graduates of more than five years' standing.

(*hh*) If the University of Bombay is to be allowed the franchise, it should be allowed only to Indian Fellows.

(*ii*) The Indian mercantile classes should be represented on the Provincial Councils.

(*jj*) Municipalities and Local Boards should both be represented on the Provincial Legislative Councils.

(*kk*) Government servants should be strictly forbidden from voting for, or offering themselves as candidates; and, lastly, the elective franchise to be given to Local Boards and Municipalities should be given to the *elected* and not to the *nominated* members of such Boards or Municipalities.

28. The Sabha would further suggest that Local Goveenments should be called upon by the Government of India to prepare and publish a draft scheme for their respective Advisory and Legislative Councils, and to invite public opinion thereon before it is finally submitted for approval to the Secretary of State for India.

29. In conclusion, the Sabha thinks it would be failing in its duty to the Government and to the public at large if it were not to confess to a sense of keen disappointment at the reform-proposals formulated by the Government of India. Doubtless the extension of time proposed to be granted for the discussion of the Budget by compartments is a concession for which the Sabha is thankful; but the proposals taken as a whole, instead of being in the direction of progressive reform, are distinctly retrograde and reactionary. No provision appears to have been made for the purpose of giving power, however slight, to the people's representatives in the administration of public affairs,—powers for which the Indian National Congress and the public have been appealing so strenuously and so long. The Sabha is at one with the Government of India in affirming that the paramountcy of the British power should be maintained in undiminished strength, but there are numerous questions of domestic policy and administration, such as those of education, agriculture, commerce, irrigation, civil public works, abkári, customs and excise, where, without impairing British paramountcy, the representatives of the people in the Advisory as well as Legislative Councils could be safely entrusted with some power of administrative and financial control. The people should also have a voice in the Executive Councils of the Imperial and Provincial Government.

30. The Sabha would therefore suggest—

(i) That there should be Indian members on the Executive Councils of the Government of India and of Provincial Governments as well, and that they should be elected by the Indian elected members of the Provincial Legislative Councils.

(ii) Any measure of domestic policy or legislation which is objected to by two-thirds of the elected representatives of the people of those Councils should be dropped.

(iii) That any measure of domestic legislation or policy which has the support of two-thirds of the elected representatives of the people, should be carried irrespective of the votes of other members in those Councils.

(iv) That when the power to discuss the Budget in compartments is given the non-official members of the Council should have the further power to divide on questions of domestic policy in the Budget debates.

We beg to subscribes ourselves,
Your Excellency's most obedient
and humble servants,
AMBALAL SAKARLAL DESAI,
President, Gujarat Sabha.
GOVINDRAO APAJI PATEL,
SHIVABHAI M. PATEL,
JOSEPH BENJAMIN,
Honorary Secretaries,
Gujarat Sabha, Ahmedabad.

Ahmedabad December 14th, 1907.

City Municipality of Ahmednagar.

No. M.—513, dated the 16th December 1907.

From—J. P. ORR, Esq., I.C.S.,
Collector and President, City Municipality, Ahmednagar,

To—The Secretary to the Government, General Department, Bombay.

With reference to your letter No. 6534 of 31st October last, I have the honour to state that the proposal of the Government of India on the subject of enlargement of Legislative Councils and other connected questions were placed before the Municipality, and to forward to you a note of their views as embodied in their resolution of 28th November 1907.

No. 1071, dated the 30th November 1907.

From—BYRAMJI SORABJI, Esq.,
Vice-President, Ahmednagar Municipality,

To—The Collector and President, Ahmednagar Municipality.

I have the honour to forward herewith the resolution passed by the Ahmednagar Municipality in its Special General Meeting on the 28th instant convened for the consideration of the Government Resolution No. 6533, dated the 31st October 1907, in connection with the enlargement of Legislative Councils and connected questions:—

"Resolved that the Supreme Legislative Council and the Provincial Legislative Council be constituted as per accompanying statement A an B, respectively, and that the accompanying suggestions (C) be adopted in connection with the constitution of Adivsory Councils."

A.

Supreme Council.

Electorates.	Future number of seats.	Remarks.
1. Universities—		
Calcutta	5	One each.
Bombay		
Madras		
Punjab		
Allahabad		
2. Provincial Councils—		
Bombay	7	One each.
Madras		
N.-W. Provinces		
Punjab		
Burma		
Bengal		
Eastern Bengal		
3. Chambers of Commerce and other Commercial Associations grouped together in each of the Provinces—		
Bengal	4	
Bombay		
Madras		
Punjab		
N.-W. Provinces		
4. Political Associations of over 10 years' standing in Bengal, Bombay, Madras or the Indian National Congress to return three members.	3	
5. Land-holders, nobles of Bengal, Eastern Bengal, Bombay, Madras, Punjab, N.-W. Provinces	4	*N.B.*—Member to be elected need not necessarily be confined to the member of that class but of any other class.
6. Electorate formed of Mahomedans of a stated property, qualification and education.	2	

B.

Provincial Council.

Associations which return members at present.	Number of seats to be allotted in enlarged Councils.	Remarks.
1. City Municipality	3	One seat to all the City Municipalities in each district.
2. District Local Boards	3	One seat each to all District Local Boards in each district.
3. University	1	
4. Chamber of Commerce	1	
5. Mill-owners' Association	1	
6. Any other recognised trade association or groups of such association.	1	
7. An electorate formed of all recognised political association of over 10 years' standing.	1	
8. Graduates' association electorate formed of all graduates of over 10 years' standing.	1	
9. An electorate formed in each Division of all *bonâ fide* agriculturists who pay more than Rs. 200 as annual assessment.	3	*N.B.*—One in each Division. Member to be elected not necessarily a member of that class.
10. An electorate formed of all income-tax payers who pay more than Rs. 200.	2	One for Bombay City and for the rest of the Presidency proper.
11. Inamdars and Jaghirdars	2	
12. Special electorates of Mahomedans having certain property and educational qualifications.	1	Reserved.
13. For Sind	3	
1. Chamber of Commerce	1	Three seats.
2. Inamdars	1	
3. For (9), (10) as above	1	

C.

Advisory Council.

(1) An elective principle to some substantial degree at least must be introduced in the formation of such Councils.

(2) That Ruling Chiefs in such Councils should only be consulted in questions of general military policy such as Imperial Service Troops, Cadet Corps or any other questions of a large administrative principle which is common to them and British India.

(3) That such Councils should meet at least twice a year.

(4) That there should be a sort of moral guarantee that no administrative or legislative measure would be introduced or passed by Government unless it is supported by three-fourths of such councillors.

(5) Generally the Council should be consulted in a body and not individually, informally and privately as proposed and that, too, for purely not consultative purposes.

(6) That it should include representatives of all classes who are morally and intellectually wellequipped except those whose advice is needed as experts.

(7) That such a Council should at least have the initiative of tendering occasional addresses to the Viceroy and Provincial Rulers on the wants and grievances of the people when Government too should take an opportunity of enunciating large measures of general policy as is done at the time of opening proroguing British Parliament.

Hon'ble Mr. Gokuldas Kahandas Parekh, B.A., LL. B.,

GIRGAUM, BOMBAY:
13th December 1907.

To—R. E. ENTHOVEN, Esq., I.C.S.,
Acting Secretary to the Government of Bombay, General Department.

Sir,

With reference to your letter No. 6534 of the 31st of October last, I have the honour to submit my views on the schemes of reform proposed in the letters Nos. 2310-7, dated 24th of August last, from the Secretary to the Government of India to the Secretaries of the different Provincial Governments and the Honourable the Chief Commissioner, Central Provinces, a copy of which accompanies the said letter.

2. In connection with the question of Advisory Councils, Imperial and Provincial, I am of opinion that if they are so constitued as to be able to voice the views of the people of the country and composed of persons in whom the people have confidence, they cannot fail to be of considerable utility. I am however of opinion that Advisory Councils constituted in a manner described in the letter of the Secretary to the Government of India are not likely to give the people of India wider opportunities of expressing their views on administrative matters. They will not be of any appreciable help in preventing misunderstanding and ministerpretation of the motives and measures of Government and promoting a better understanding between the Government and the governed.

3. With reference to the suggestion that a certain number of Ruling Chiefs should be put upon the Imperial Advisory Council, I think their presence in the Council will not be of any use in promoting closer relations between the Government and the people. In the first instance the Ruling Chiefs would have no direct interest in the British territories and their inhabitants about whom they may be asked to advise; they are generally inaccessible; they are too high to know much of the views and wants of the people; they are in the habit of looking at administrative questions from the official point of view and in many respects the conditions of Government in the territories of Indian Ruling Chiefs are quite dissimiliar from those that exist in the British territories. The Ruling Chiefs are not much outspoken; they are generally averse to expressing views which they believe to be not acceptable to the higher officers and they would be most unwilling to express such views when it is not necessary to do so, either in their own interest or in the interest of their subjects. These Chiefs by their position and surroundings are least fitted to be mouthpieces for conveying the views of the people to Government or of those of Government to the people.

4. I am also of opinion that Ruling Chief's of ability and self-respect will not be agreeable to serve upon an Advisory Council, the advice of which the Government may accept or reject, when they would be exposed to the odium of all unpopular measures in respect of which Government may seek their advice.

5. Though I am opposed to the idea of Ruling Chiefs being placed upon Advisory Councils which have to advise on questions of administration in British territories, I am of opinion that an Advisory Council composed of them will be very desirable in advising Government on questions relating to their policy in dealing with Native States and other questions which affect their welfare.

6. Then, with reference to the presence of territorial magnates, *i.e.*, landholders of high dignity and status, upon the Imperial Advisory Council, I am of opinion that though a small minority of them many be desirable to represent their special interest, a Council in which they have the sole or predominant voice cannot be regarded as a reliable one, nor will their advice command the confidence or respect of the people. These land-holders represent only one interest. They represent the interest of a small minority. One circumstance

that has to be borne in mind in connection with them is that whatever might have been their position in the times previous to the advent of the British Government, they have not been able to maintain that position and are not now much respected by the people on account of their possessions outside the circle of their dependents and their tenantry. They have ceased to command influence among the people. It is unnecessary to dwell at length upon the reasons which have led to this result. It may be that they remained behind in profiting by the spread of education ; or that a majority of them got into habits of improvidence and extravagance and sank into debts and for a long time Government were unable to see their way to devise suitable measures to extricate them from their difficulties ; or that in these peaceful times there was no scope for the display of those high qualities which in previous times had brought honour, wealth and prosperity to their ancestors ; or their pride prevented them from taking occupations which they did not regard as honourable and they fell into habits of laziness ; or it may be that the condition of constant pupillage in which they have been kept by Government and their officers have destroyed their spirit of self-reliance and their energy and business habits have nearly disappeared. Whatever may be the reason, the present representatives of the old landed gentry of the country have ceased to be regarded as the leaders of the people.

7. Most of the representatives of the ancient landlord gentry are understood not to be able to protect their own properties and their own personal interests. Protective legislation has to be made to save them from the effect of their own foolish acts. The class is behind the rest of the country in education saving a few honourable exceptions. Most of these landed proprietors are so much under the influence of the Collectors or other officers who exercise supervision over them and these officers are vested with such large and general powers over them that very few of them would dare do anything which does not meet with their approval. Under these circumstances, I am of opinion that representatives chosen out of this class are not likely to have ability, information and courage to be the exponents of the views of the people, nor will the people feel any respect or confidence in the advice that they give to Government in connection with their affairs.

8. I shall now state how, according to my ideas, an Advisory Council ought to be constituted. It ought to be elected. The men who form the Advisory Council must certainly be persons in whom the people at large have confidence. If Councillors are to be appointed irrespective of the wishes of the people, it makes no difference to them whether such Advisory Council exists or not. As it would be optional with Government whether to act upon the advice of the Council or not, I think there will be no harm if the whole body is elected. But if Government wish that some of the members of the Council may be nominated, the different Provincial Governments between themselves may be permitted to nominate Councillors equal to one-third of the total number.

9. Under this scheme I would propose 14 advisors on behalf of this province :—1 representative of the City of Bombay, 3 representatives of the urban population of the Mofussil, 4 representatives of the rural population of the Mofussil, 1 representative of the European merchants, 1 representative of the Indian merchants, 1 representative of the mill-owners of the province, 2 representatives of the educated and professional classes consisting of University graduates of a certain standing, and 1 representative of the zamindar or landlord class. The number of the represenratives of the other provinces should be fixed by reference to their population, education, wealth and contribution to the public revenue and the representation should be on the above lines.

10. I agree with the proposal that the members of the Imperial Advisory Council should hold office for a term of about five years and be eligible for re-appointment. Its functions may be purely consultative, but Government should not carry out any measure which meets with the disapproval of more than three-fourths of its numbers.

11. As regards the form of consulation, Government may consult the members individually or collectively ; but when there is any collective consultation , unless when there is any special reason to the contrary, the consultation should be open and public. If the consultation is public, members will feel a greater sense of their responsibility and are likely to bring more care and attention to bear on the questions that are the subject-matter of consultation. Views privately given would be deserving of much less weight, as in such cases there would be more room for intrigue and private considerations are more likely to influence them more than when they are given collectively and openly.

12. In connection with the question of the Imperial Advisory Council I have one more remark to make. When a particular interest is to be represented in the Advisory Council, the eletorate that has to make the election should not be restricted to select its representative out of its own body, but may be permitted to go outside the body for the selection. Education has not sufficiently advanced in India and it may very often happen that there may be no one of the persons representing that interest who would be able to command confidence and competent to discuss and advise on important public questions from the standpoint of that interest. Under such circumstances it would be a great injustice to the body to force it to elect as its representative a person whom it does not regard sufficiently competent to voice its opinions and feelings or in whom it has not sfficient confidence. The interest itself ought to be the best judge whether it ought to be represented by one of its own body or an outsider ; and when the interest itself feels that an outsider is necessary, that it should be represented by an outsider, there should be nothing to prevent it from being represented in that manner.

13. With reference to the question of the Provincial Advisory Councils no useful observations can be made unless a scheme has been framed and presented for discussion, but no such scheme is formulated. The scheme should define the approximate number of the members and the number to be taken from each of the different interests. I think in this Council each district ought to be represented in addition to the representation of each important interest. The remarks I have made in connection with the Imperial Council, that the members should be elected, that interests may be allowed to be represented by outsiders, and that the consultations should be open and public, apply also to the Provincial Councils.

14. Proceeding next to the question of the enlargement of the Legislative Councils, Imperial as well as Provincial, it will be noted that the letter of the Secretary to the Government of India views with disapproval at the number of Pleaders and Barristers that have been returned by the District Boards and the District Municipalities : it states that the existing elective system has signally failed to represent other important elements of the community, and it seeks to provide a counterpoise for the prominence enjoyed by the educated classes by creating an additional electorate recruited from the landed and moneyed classes.

15. The people of the country, on the other hand, look at this question from a different standpoint. The higher offices of the public service of this country are filled by gentlemen of the highest ability and education and the official side in the Legislative Councils is represented by the ablest, the cleverest and the most experienced officers out of this service. Most of the questions that come before the Legislative Councils affect the people generally and there are very few matters in which the interests of one section of the community conflict with those of another. Differences of interests between the persons following different trades and occupations have not yet become so emphasised as to create a desire for the representation of any particular interest as apart from the interest of the whole community. Under these circumstances it is nothing unusual if the voters of the District Boards and Municipal Boards do not prefer to choose a comparatively uneducated agriculturist or a trader for their representative in the Legislative Council, but choose in his stead a person who is as near as possible in ability, information and skill to the official representatives of Government in the Legislative Council. I am unable to understand why Government should feel disappointed at this result. It would be most undesirable that while on the one hand the measures of Government are supported by the best intelligence and ability available, they should be

ineffectually criticised owing to inexperience, want of sufficient education, knowledge and skill on the part of the non-official members.

16. There is another point which it is necessary to note. The lawyers in India is not a separate class who have to watch the interests of their class which are different from the interests of the land-holding, commercial and agricultural communities. They come out of all classes of the people, big and small landholders, merchants, manufacturers and agriculturists. Many of them belong to and represent the moneyed classes. In India education has not yet spread so widely as to permeate through all the sections of the society. All classes do not get opportunities to be trained in and habituated to the discussions of public questions. They wish that their wants and views should be brought to the notice of Government. Feeling themselves unable to do so they wish to be represented by persons who are able to do this better than themselves. The circumstance that in the election by the District Boards and the District Municipalities the lawyers are preferred cannot really be attributed to the fact of their having as lawyers any particular influence, but because most of the electors understand that they are better qualified to act as the exponents of their wants and wishes than persons chosen from any other class of the community.

17. I understand that Government precludo from discussion the question whether there should be or should not be a standing official majority in the Imperial and Provincial Legislative Councils, and I therefore refrain myself from expressing my views on it.

18. In the scheme formulated by the Government of India out of 26 non-official members 2 are experts, to be nominated by the Viceroy for special purposes when necessary and 1 is a Ruling Chief who has no interests whatever involved in the work of the Legislative Council. Of the remaining 23, 16 members are proposed to represent minorities, the 2 members of the Chambers of Commerce of Calcutta and Bombay represent the non-official European community, 7 are to represent the nobles and the great land-owners, 2 are Mahomodans and 4 are to be specially nominated by the Viceroy to represent minorities or special interests. The only persons who may to some extent be said to represent the population of 250 millions would be the 7 persons who are returned by the non-official members of the Provincial Councils. I submit that a representation of 7 out of 54 given to the people of the country is most inadequate. I think that in a Council of 54 there should be at least 20 representatives of the people at large. I think the Municipal Corporations of the Cities of Calcutta, Bombay and Madras should be allowed each to elect a member; the agricultural classes through the District Boards should be allowed to elect 1 member for each province; the professional and educational classes of each province should be allowed to elect 1 member and Indian merchants and manufacturers where they have formed themselves into associations should be allowed to elect 1 member.

19. As regards the class of great land-holders I have already expressed my views. They would not necessarily represent the class of small landholders; in several respects their interests do not coincide. When 7 out of 23 seats are reserved for the large land-holders' class, the representation of this class would be disproportionately high when compared with that of the other sections of the community.

20. With reference to the special representation of the Mahomedan community I do not propose to offer any observations here. In connection with the question of the expansion of the Provincial Legislative Council I wish to offer a few remarks on the policy of the representation by castes and creeds.

21. In connection with the question of the Provincial Legislative Councils I submit that it would be inadvisable to require any special qualification for the members of the Council. If any appreciable difference be made between the pecuniary qualifications of the voters and the candidates, there may be a fear of gentlemen, otherwise the best eligible and who command the highest confidence of the people being shut out. The electors' field of election should not in any way be narrowed.

22. I beg next to submit that it would be most undesirable if elements of race, caste or religion are allowed to enter into the election of members of the Provincial Legislative Council. Questions in which the race, caste or religious interests of the different communities clash with each other rarely come before Legislative Councils. As things now stand the members of different creeds and race hardly think of their difference in this matter and harmoniously work towards the attainment of common good. At the time of making an election caste and race distinctions are altogether left aside and what is in the mind of electors when voting at an election is generally who is best qualified to advocate their cause. If elections are made on caste, race and creed basis, the spirit of harmony and toleration will be lost and that of narrowness and caste and race jealousies will be introduced. Persons would be elected on account of race and creed considerations irrespective of the question whether they are best suited in helping Government on Legislative questions.

23. I further submit that the proposal in respect of District Boards of assigning and distributing seats to be filled by election among occupational groups and of selecting certain castes as representing each group appears to me open to the most serious objections. Apart from the question that it would considerably increase the spirit of dissension and quarrelling, this proposal must raise difficult and complicated questions of administration, would tend to promote intrigues among the officers of Government, and would increase difficulties in the work of Government. Again, when Government have no objection to allow the Mahomedans to vote as a body, it is unjust that a different rule should be applied to the Hindus and they should be prevented from voting as a body, but they should be permitted to vote by occupational sections in such a way that the landlord section should vote for a landlord only, the agriculturist for an agriculturist only, and the trader for a trader only. If Government feel that occupational interests are not properly represented, the best remedy is to concentrate the interests and not to split them in such a way that there would be occupational interests on one side and the creed interests on the other. So far as the administration is concerned, the needs of an agriculturist would be the same whether he is a Hindu or a Mahomedan and the needs of a trader would be the same whether he is a Hindu or a Mahomedan, but according to the proposal made the Mahomedan agriculturist is prevented from joining hands with his Hindu brethren in electing a man who best advocates the agriculturist interests and in the same way about the other interests. If Government consider that there should be occupational representations I submit that in the present condition of education in the country Government will not consider it proper to restrict them to elect out of their own class or occupation, but leave them liberty to select any person in whom they may have confidence.

24. I am of opinion that the the Provincial Legislative Council may now be expanded by allowing each district to send a representative instead of each of the divisions sending one. Under the present conditions the members that represent the different divisions have not full knowledge of the wants and needs of each of the districts that they represent. I also think that the Mill-owners' Association who represent a very important industry should be allowed to elect one representative. I think the different associations of Indian merchants such as the Piece-goods Merchants' Association and the Rice Merchants' Association, etc, should between them be allowed to elect one representative and that an electorate composed of graduates of a particular standing be constituted to elect a member representing the educated classes.

25. In connection with the budget the letter remarks that the discussion is of a discursive and unfruitful character; but so long as the Council has to discuss a budget which has actually been sanctioned and which cannot be altered and when the members have no right to move amendments, the present condition of things must continue. I suggest, however, that if preliminary to the submission of the budget to the Government of India for sanction there is an informal conference between the Member of Government who is in charge of the budget and the non-official members and the non-official members are permitted to move one or two amendments subject to a time limit which Government may fix, the discussion is likely to be more pointed and useful.

26. In connection with interpellations I think it would be desirable if Government were to form rules for publishing their replies to questions sent to them by the non-official members, say, every two months when the Council is not sitting.

27. After the success of the experiments of local self-government and the reformed Legislative Councils that came into existence in 1893, the people of this country expected that the new shemes will be progressive, but they feel much disappointed, and I think the public are justified in regarding that the schemes that are proposed will have the effect of rather carrying the country backward instead of carrying it forward.

I have the honour to be,
Sir,
Your most obedient servant,
GOKULDAS K. PAREKH.

Indian Merchants' Chamber and Bureau.

THE INDIAN MERCHANTS' CHAMBER AND BUREAU,
77—79, APOLLO STREET :
Bombay, 10th December 1907.

From—Mr. MUNMOHANDAS RAMJI,
Chairman, "The Indian merchants' Chamber and Bureau," Bombay,

To—R. E. ENTHOVEN, Esq., I.C.S.
Acting Secretary, General Department of the Government of Bombay.

Dear Sir,

The attention of the Committee of my Chamber and Bureau having been drawn to the Circular letter of the Government of India, dated 26th August 1907, is was resolved, in view of the advisability of the Indian mercantile interests of this great city being properly represented in the Councils of the Empire, to ascertain the views of the following leading Associations which severally represent these interests, *viz* .—

(1) The Bombay Native Piece-goods Merchants' Association.
(2) The Grain Merchants' Association.
(3) The Diamond Merchants' Association.
(4) The Bombay Cotton Exchange Company, Limited.

These were accordingly addressed on the subject, as will be more particularly seen from the annexed copy of the letter forwarded to them.

On receipt of the replies of the aforementioned bodies (copies of which are also annexed), my Committee proceeded to consider the proposal adumbrated for the expansion of the Legislative Councils in the Circular letter of 26th August 1907, and resolved that the following representation be made to the Government of India through your Government.

Having regard to the fact that Indian mercantile men form an important and integral factor of the British Indian Empire, and that their interests are paramount in the economic condition of the country, my Committee earnestly hope that the representation will receive a sympathetic and favourable consideration at the hands of His Excellency the Viceroy and Governor General in Council.

It appears from the Circular letter that it is proposed to allot two seats in the Imperial Legislative Council to mercantile interests, which are to be filled by representatives from the Bombay and Bengal Chambers of Commerce.

My Committee view with deep regret this proposal because, as they respectfully beg to point out, it will entirely leave out of account the large interests of

the great Native Mercantile Community of India, and especially of Bombay. My Committee are sure that it cannot be the intention of the Government to ignore altogether such interests, which are equal to, if not superior to, the interests of the European mercantile members of Bengal and Bombay.

Without, in any way, deprecating the claims of these, my Committee beg to point out that Indian mercantile interests have an equal claim to be adequately and properly represented on the proposed expanded Council.

The two Chambers, it may be pointed out here, are exclusively European, havings perhaps not more than five or six Indian members; as a matter of fact, there is not a single Indian merchant on their Committees.

Thus those bodies cannot be said to represent even partially, let alone wholly the enormous interest of the Indian mercantile public.

Moreover, my Committee respectfully urge that the interests of the Indian merchants are sometimes not indentical with, but opposed to, those of the European merchants.

The two are sometimes in conflict, for, while the European members look at matters from their own point of view, the Indians find them prejudicial.

Such being the actual state of affairs, my Committee wish to press upon the attention of the Government the extreme importance of recognizing Indian mercantile interests, side by side with European. To ignore the claims of the former would not only be unfair, but would prove a great bar in the way of the Government in gaining a proper knowledge about the views and feelings of such a large and important class. The denial of their claims would be opposed to the liberal spirit of the policy of the Government, so long maintained and so often publicly declared, namely, equal rights to all classes of His Majesty's subjects.

If all large interests are to be seriously considered and recognized, then my Committee are strongly of opinion that the interests of so important a body as Indian merchants could not be ignored.

From the annexed papers it will be seen that the annual turnover of commerce in the hands of Indian merchants amounts to forty crores of rupees, a figure which represents about one-third part of the trade of the Bombay Presidency. The total aggregate of members of all the commercial bodies is twelve hundred, which is no mean index of the importance and strength of leading Indian merchants of Bombay. For the reasons set forth above, my Chamber repectfully pray that His Excellency the Viceroy and Governor General in Council will favourably consider this representation, emanating from a truly representative body of Indian merchants and recognize their claim for at least one seat on the proposed expanded Council of the Empire.

In conclusion, I beg to state that, though this representation relates primarily to the expansion of the Imperial Legislative Council, it applies with still greater force to the scheme of the expansion of the Bombay Provincial Council, to which body Indian merchants of Bombay have a very strong right of sending representatives on account of the preponderance of their interests in this Presidency.

I beg to remain,
Sir,
Your most obedient servant,

MUNMOHUNDAS RAMJI,
Chairman.

PURSHOTAMDAS THAKURDAS,
Vice-Chairman.

JAYASUKHLAL KRISHNALAL MEHTA,
Secretary.

APPENDICES.

(Copy of letter sent by the Indian Merchants' Chamber and Bureau to several leading Indian Mercantile Associations of Bombay.)

77—79, Apollo Street:

Bombay, dated 20th September 1907.

From—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay;

To—The Chairman (name of the Association).

Dear Sir,

You are no doubt aware of the scheme of the expansion of the Legislative Councils, recently published by the Government of India for the consideration and suggestions of the public. A copy of the State Despatch on the subject is herewith enclosed for your information. As the Committee of this Chamber are about to submit their representation on the subject, namely, on the great desirability of representing the vast Native commercial and trading interests on the proposed Legislative Councils, I am directed to state that the Committee will be glad to know the wishes of your Association on the matter.

An early answer will greatly oblige.

I beg to remain,
Sir,
Your most obedient servant,
Jayasukhlal Krishnalal Mehta,
Secretary.

No. 292 of 1906-07.

BOMBAY NATIVE PIECE-GOODS MERCHANTS' ASSOCIATION.

Sheth Mulji Jetha's Cloth Market Hall:

Bombay, 11th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter of 20th September 1907 was duly considered by our Committee, who have directed us to reply as follows.

The Bombay Native Piece-goods Merchants' Association is in full sympathy with the views of your Chamber in the matter of the proposed representation of important mercantile interests adumbrated in the Circular letter of the Government of India.

The Committee think that it is absolutely essential that the Association which have the largest piece-goods interests in this Presidency should have its representative on the proposed Legislative Council. It is only fair that, when European Chambers are to be allowed the privilege of such representation, the interests, not only of the Piece-goods Association, but also of the Cotton Exchange Association, the Grain Merchants' Association, the Diamond Merchants' Association, should have either the right of sending their respective representatives or should be represented by so influential a body as your own Chamber.

It may be of some interest to your Chamber, while sending the proposed representation to the Government, to know that our Association alone has four hundred members, all leading Native merchants dealing in piece-goods whose imported value yearly averages ten crores.

We trust, therefore, that if each individual interest referred to cannot have a seat, at any rate your Chamber, as representing all those interests, should certainly be enfranchised for the proposed expanded Council.

Yours faithfully,
ગીરધરદાસ જૈઠાભાઈ,
i.e., Girdhardas Jaithabhai,
Dharamsi Hemraj,
Honorary Joint Secretaries.

No. 252.

THE GRAIN MERCHANTS' ASSOCIATION.

2057, Musjid Bunder Road:

Bombay, 19th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter of the 20th September 1907 was duly considered by our Committee, who have directed me to reply as follows.

The Grain Merchants' Association is in full sympathy with the views of your Chamber in the matter of the proposed representation of important mercantile interests adumbrated in the Circular letter of the Government of India of 26th August 1907.

The Committee think that it is absolutely essential that the Association which has the largest grain interests in the Presidency should have its representative on the proposed Legislative Council. It is only fair that, when European Chambers are to be allowed the privilege of such representation, the interests, not only of the Grain Merchants' Association, but also of the Bombay Native Piece-goods Merchants' Association, the Cotton Exchange Association, should have either the right of sending their respective representatives or should be represented by so influential a body as your own Chamber.

It may be of some interest to your Chamber, while sending the proposed representation to the Government, to know that our Association alone has 500 members, all leading Native grain merchants, whose yearly turnover averages twelve crores of rupees.

We trust, therefore, that if each individual interest referred to cannot have a seat, at any rate your Chamber as representing all these interests, should certainly be enfranchised for the proposed expanded Council.

I have the honour to be,
Sir,
Your most obedient servant,
Lalshanker Harprasad,
Secretary.

THE BOMBAY COTTON EXCHANGE COMPANY, LIMITED.

391-A, Colaba:

Bombay, 3rd October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

Your letter dated 20th ultimo, to the address of the President of the Cotton Exchange, was laid before the Board of Directors held on the 28th ultimo, and I am directed to state, in reply, that our association approves of your idea of, and accords its support to, submitting a representation to Government on the

subject of the great desirability of representing the vast Indian commercial interests on the proposed enlarged Legislative Councils, thus putting our Indian Chamber on an equal footing with the European Chamber of Commerce.

I beg to remain,
Dear Sir,
Your most obedient servant,
BOMANJEE S. MISTRI,
Secretary.

THE BOMBAY COTTON EXCHANGE COMPANY, LIMITED.

391-A, COLABA:
Bombay, 21st October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

In reply to your letter of 11th instant, I am instructed to say that our Company represents, besides the Indian section of local cotton merchants, the interests of local mills, too, in the cotton trade. The number of members of our Association is 88 (subject to variation from time to time), and their annual average turnover exceeds 15 crores.

I beg to remain,
Dear Sir,
Your most obedient servant,
BOMANJEE S. MISTRI,
Secretary.

THE BOMBAY DIAMOND MERCHANTS' ASSOCIATION.

JHAVERI BAZAR KHARAKUVA:
Bombay, 7th October 1907.

To—The Secretary, The Indian Merchants' Chamber and Bureau, Bombay.

Dear Sir,

I beg to acknowledge the receipt of your kind favour, dated 20th ultimo, and note the contents fully. The letter was placed before the meeting of the members of this Association held on the 6th instant, and I am directed to inform you that this Association accords with the movement of the Committee, and thinks it essential to submit a representation on the proposed Legislative Councils through which the needs and sentiments of the vast commercial community can be well expressed.

I, on behalf of the Association, quite agree to what the Committee of the Indian Merchants' Chamber decide in respect of representation.

Wishing a success to the representation,

Yours faithfully,
REVASHANKER JAGJIVAN,
Honorary Secretary.

Bombay Presidency Trades Association.

BOMBAY PRESIDENCY TRADES ASSOCIATION, LIMITED
29, ESPLANADE ROAD, FORT,
Bombay, 23rd December 1907.

To—The Secretary to Government, General Department, Bombay.

Sir,—I have the honour to enclose a petition to His Excellency the Governor in Council and shall be much obliged if you will be good enough to submit the same at as early a date as convenient.

I have, etc.,
H. GREGORY HYDE,
Master,
Bombay Presidency Trades Association, Limited.

To—The Right Hon'ble Sir GEORGE SYDENHAM CLARKE, G.C.M.G., G.C.I.E., etc., etc.,
Governor of Bombay and Presidency in Council.

The humble petition of the Bombay Presidency Trades Association, Limited, of Bombay.

Sheweth as follows:—

1. The Association is a body duly incorporated under the provisions of the Indian Companies Act, 1882.

2. Its 35 members have invested, roughly, nearly a crore of rupees in their several businesses, and employ a very considerable number of high class assistants on high salaries, and contribute largely to the Imperial and local taxes and revenues.

3. The purposes for which the Association has been formed, and which it steadily keeps in view are, as stated in its Memorandum of Association (amongst other things), the following:—

(*a*) To promote, consider, watch over and safeguard the interests, general or particular, of the trading community of the Bombay Presidency;

(*b*) To consider or watch any Legislative or other measures affecting trade and if deemed advisable, to address Government with respect thereto; and

(*c*) To collect and circulate statistics and other information relating to trade.

4. It is, therefore, submitted that the Association occupies an important position in the trading world, and makes it an important factor to be dealt with.

5. Government have frequently asked for, and obtained and acted on its views and opinions on points of administration in relation to the Customs and other departments of the State, and also in regard to matters for the time being pending in the Legislative Council. The Association is also from time to time furnished by Government with particulars of the business to be transacted at the meetings of the Council and with copies of the questions to be asked thereat.

6. The interests of the Association are, moreover, naturally bound up with all that pertains to the welfare and prosperity of the city, and in particular with its expansion and improvement on the lines sketched by Government in a recent communication to several of the local authorities. The members of the Association being also large importers of goods and merchandise, they are deeply interested in the success of the trade of the port, and the extension and improvement of the Docks and other works and in everything that facilitates transit by railway and other means of communication.

7. As it is understood that Your Excellency's Council is about to be enlarged with a view to strengthening it with the advice and counsel of representatives of the different classes of the population of the Presidency, the Associa-

tion beg to urge that the election to it of a representative of the Association whose knowledge and great business experience of trade requirements and matters in general could not fail to be of the greatest advantage to Government and the public at large.

8. A member of the Trades Association of Calcutta has a seat in the Council of His Excellency the Lieutenant-Governor of Bengal.

The Association therefore prays that Your Excellency in Council will be pleased to favourably entertain their request that a seat on the Council may be reserved for at least one of the members (nominees) of the Association.

And the Association as in duty bound shall ever pray, etc.

The seal of the Bombay Presidency Trades Association, Limited, was on the 23rd day of December 1907 hereunto affixed in the presence of

H. GREGORY HYDE,
Master.

Mr. Bomanji Ardeshir Dalal.

Rustumpura, Panch Mahals, 28th December 1907.

From—BOMANJI ADESHIR DALAL, Esq.,

To—The Secretary to Government, General Department.

I have the honour to acknowledge receipt of a copy of Government Resolution No. 6533, General Department, dated 31st October last, regarding the enlargement of Legislative Councils forwarded to me for information and opinion on the 16th instant.

In reply I respectfully beg to express my complete accord with the principle laid down in the letter from the Government of India annexed thereto (Nos. 2310—2317), *viz.*, that no "scheme of constitutional reform would meet the real requirement of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of moderate men, who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence." Hitherto the so-called educated classes consisting mostly of lawyers have professed to voice the needs and sentiments of the masses and have in a majority of cases pressed upon Government their own views in the name of the masses. But their stake in the welfare of the country is but small compared with that of the landowning and commercial classes who are better qualified to speak in the name of the masses and to give expression to their feelings and aspirations.

It is therefore desirable on the part of Government to give these classes wider opportunities of expressing their views on administrative matters without exposing them to the rough and trouble ordeal of an electoral struggle with men who in many cases are socially their inferiors. I would go further and say that those classes have a right to be called upon to render a larger measure of assistance to the Executive Government than they at present have opportunities of doing.

As regards the Ruling Chiefs I am humbly of opinion that they should not be, as a rule, called upon to meddle in matters affecting British India. The assistance of some of the more enlightened and progressive Chiefs may on very rare occasions be sought with advantage by Government. They should, however,

be allowed a larger scope on the administration of the affairs of their own States.

With the above exception the proposals outlined by the Government regarding the constitution of Advisory Councils will, if carried out, result in making a considerable advance in the direction of bringing all classes of people into closer relation with the Government and its officers.

As regards representation of classes and interest in His Excellency the Governor General's Legislative Council, I humbly submit that it would be invidious to give any special representation to any particular community. The ablest and the most respected leaders of Native opinion, to whatever community they may belong, ought rather to be invited to take part in the Legislative Council.

With regard to the elected members of the Provincial Councils the qualifications required both for electors and candidates need to be raised rather than that representation should be based on race, caste or religion.

The Universities and other educated and experienced bodies might be given a larger share in the election of candidates to the Provincial Legislative Councils, and so, too, some of the leading Native Chambers of Commerce and Merchants' Association and leading landholders might have a right to send representatives to these Councils.

Mr. Ram Mohunroy Jaswantrai Desai, Inamdar of Vintoj, Halol, in the Panch Mahals District.

To—The Secretary, Government of Bombay.

Sir,

I have the honour most respectfully to submit for the kind consideration of Government the following few suggestions on the draft scheme about the proposed Imperial and Provincial Advisory and the expansion of the Imperial and Provincial Legislative Councils, placed before the public in or about August last.

It could not but have given great satisfaction to all thoughtful Indians to see that time has arrived when Government consider it right to take a step forward as regards educating and associating the people in the governing of the country. The draft scheme in its language and tone bespeaks great earnestness and anxiety for the well-being of the masses; and a noble resolve to invigorate weak spots in the methods of carrying on Government permeates the whole spirit of it.

There seems to be, however, an apparent conflict between generosity and responsibility, and if the latter has to some extent won, it must be admitted to be due to the fact that Government, who have very guardedly to pilot the ship of state through inter-actions, re-actions and counter-actions of party strifes and race rivalries, can surely hold themselves justified in feeling their way very cautiously. When the recent doings in some parts of British India, which may be real signs of a national awakening as is claimed for them, are causing grave uneasiness and heart-burnings in the Congress camp itself, it cannot be wondered that Government do not look on them with favour. The draft scheme therefore deserves all praise, and coming as it does in the wake of a period of disorder proves conclusively that the confidence of Government in the faithfulness of the nation remains unshaken. To the Indians themselves loyalty to the British Throne and trust in the righteousness of the British Rule are become a part of their life-creed, whatever differences of opinion may exist between them and Government as regards individual measures and policies. The *Pax Britannica* is come to be as indispensable to them as the bread and water by which men live.

2. It would undoubtedly have rejoiced the people to see in these Councils assemblies carrying on certain functions of Government, entrusted in the beginning to deal with some such matters as public charities, private trusts,

religious and social questions, and Municipal and District Local Boards control, etc., and proceeding on—if they deserved the confidence—to the guidance of railways, irrigation and other public works, etc., matters which could have been entrusted as an experimental measure to them without great detriment to the prestige of power or Government, the circle of their jurisdiction with great care and gradually being widened.

But this grant of the consultative bodies, etc., comes at a time when Government believe themselves justified in bringing into force measures which have been thought to be repressive and re-actionary in their nature, and it is therefore a matter for congratulation that India gets even so much. It now remains for the people to deserve the great trust and to act so as to win the regard of Government, without which their self-expression, however promising, will certainly remain barren. Unless and until the country in its large majorities is able to secure their good-will and trust, Government will most probably deem it their duty to maintain the policy put forth in Mr. Morley's dictum that—in these Councils official majority must preponderate.

The Legislative Councils under the proposed scheme of expansion being as they will be governed to some extent by the elective franchise, and the Councils of Notables being declared to be purely advisory bodies, with no legislative or administrative powers and no functional obligations, the principle of nomination, which Government are putting on a re-trial, but this time on a grander scale, should be welcomed by the nation in all fairness.

I beg leave humbly to submit that nomination, if it brings together really representative men, would be superior to the present system of election which —although noble and exalted in theory—is in actual practice, as has aptly been remarked in the draft scheme, often disgusting and degrading; the notoriously selfish and vulgar contests of election campaigns deterring many a man, good and able, from going in for the membership.

Thus although nomination in governing the constitution of Advisory Councils can do an amount of good, there is one factor in the practice thereof which, if not guarded against, may render the remedy worse than the evil. The power of making selections which rests absolutely with Government will be exercised by its officials. These gentlemen, however just and capable, are likely occasionally to be carried away as human beings by prejudices or predispositions in mistaking reasonable opposition for selfish obstinacy. The inefficiency of nominated members is hence a baneful factor to be earnestly watched and closely guarded against. And therefore as a remedy, I beg respectfully to submit, Government will do well now and again to bring pertinently to the notice of the officers its earnest desire of elucidating true public opinion and making these nominations as perfectly representative as possible; as the principles of election and nomination will be working side by side, one in the Legislative and the other in the Advisory Councils, the latter will have to receive very careful attention and conscientious handling in order to prove its thorough success. For, otherwise, this great endowment of Government will remain simply fruitless.

Nomination has one important advantage over election, and it is this: in the latter any person, of whatever capacity, can get in, by hook or by crook, who manages to secure a majority of votes; while under the former, Government can send in really representative and experienced men, which, if practised in a majority of instances, cannot fail to obtain for the Councils and membership the very highest regard due to their position.

3. I beg leave now respectfully to propose the way in which the membership of the Provincial and Imperial Advisory Councils should, in my humble opinion, be distributed. Inasmuch as full Councils are only occasionally to be called, but ordinarily members individually, in committees, or by circulars are to be consulted, they would have become much more representative and not unwieldy, had the limit of membership been extended to 100, instead of being as at present proposed to be confined to 60. The membership in the Provincial Councils could then have been raised to 50 or 60 without any great inconvenience

and disregard to the principle of proportion. But as it is, that for the Imperial being fixed at 60, I would respectfully submit that the number of members for the Provincial Council be 35, the distribution of seats being made on about the lines herein suggested :—

The Provincial Advisory Council.

1. 5—among Native Chiefs and administrators as well as great territorial magnates; this class may include ministers and Dewans of Native States also.

II. 5
- 2—among petty land-owners and zamindars, paying Government assessment of about Rs. 100 per annum; it is this middle class of watandars that is in close and direct touch with the masses, having to carry-on most of its affairs through its representative men; and not the great landed nobles whose estates, etc., are managed almost entirely by their karbharis and agents.
- 3—among merchants, manufacturers, miners, planters and artizan classes, etc.; the advantage of ascertaining their views on certain governmental measures cannot be valued too highly.

III. 5—among retired Government and Native States officers, who are bound to be experienced and capable and have grown grey with age and respect among the people. They are sure to be a real help to Government having been much more in touch with the administrative methods and workings than any other classes.

IV. 5
- 3—among Native Presidents and members of Municipalities.
- 2—among Native members of District Local Boards.

V. 5
- 2—among Fellows of the Universities, 1 being reserved for the Vice-Chancellor *ex-officio*, and 1 for Native fellows
- 1—among the President and members of the local Chamber of Commerce.
- 2—among the Indian and Anglo-Indian Editors of dailies or weeklies.

The Native Press in India, however young or inexperienced, is rapidly rising to be a living force, for good or evil. It is for Government to take it by the hand and associating it with itself in the governing, endow it with a new sense of responsibility. In order to keep both the sides of the balance equal the nomination of one Anglo-Indian and one Native journalist would supply a real desideratum and do permanent good. Educated India, though in small minority wields unsuspected considerable power over the masses who are bound to follow its lead as much as the body obeys the head: and the Press and the University are their most natural representatives.

Again, among the provisions made by Government in order to bring out representative men for these Councils, educational standpoint appears to be everywhere specially kept in view, though more in the case of Mahomedans than other Indians, probably because the former are a little more backward than the latter and therefore it is not necessary to enter at any length into this important question.

VI. 10—among the leaders of classes, castes and races, and their priests :—

- 4—among Hindus, including Brahmos and Sikhs, who are indigenous to particular provinces.
- 2—among Mahomedans.
- 1 „ Jains.
- 1 „ Parsis.
- 1 „ low castes and backward communities.
- 1 „ Jews, Eurasians and Native Christians.

There are at various places recognized leaders of the people, Nagar Seths, Seths of the Mahajans and communities and others, who, though not coming under any of the abovementioned heads, often exercise authority not less than, and High Priests who wield power often more potently than, Government officers even, over their respective followings. On inquiry it will soon be patent to Government that they are no negligible entity from the point of utility in the scheme under consideration.

35. Total number of members.

The Imperial Advisory Council.

I. 20—among Native Chiefs, administrators, great territorial magnates nobles, ministers and Diwáns of Native States. His Excellency Lord Lytton's noble scheme of making Native Princes Imperial Councillors and associating them in the governing of the country, which being perhaps in advance of the times, has remained so long on paper, gets a new lease of life under this provision and will surely have better opportunities of justifying its conception. Native Princes, coming as they will in closer touch with Government, and feeling greatly the responsibility laid on them, will begin to think and act more freely, more earnestly for themselves; Native States also may be the gainers by their rulers viewing and reviewing the principles and practice in all their *pros* and *cons*, which they will be called upon to discuss, relating to and current in British territories and ending as a natural consequence in adapting the same to the requirements of their subject-peoples. But there are a couple of possible drawbacks to the thorough success of this portion of the scheme, which will have to be looked to; what Government wish for would certainly be independent opinion about any question referred to by them, and it is also very likely that Native Chiefs would prefer, from the peculiar nature of their relations with Residents and Political Agents, to have the fewest differences possible from the latter in material points. Government will therefore have to request these officials to maintain strictly a policy of non-interference as regards Council matters; otherwise there may be, it is to be feared, little chance of getting healthy and independent criticism from these noble councillors. Again, the discussions carried on in the same assembly among members consisting of men, of all sorts and conditions, coming from ruling dynasties and from the classes and the masses, and having and enjoying an apparent equality of membership, are certain ultimately to lessen appreciably the high respect in which the latter hold the former. The institution of two separate Chambers would probably do away with this difficulty.

II. 14—among the Provincial Advisory Councils, two from each (7 × 2), making in all 14.

III. 26
- 10—among the leaders of classes and races and High Priests.
  - 4—among Hindus.
  - 2 „ Mahomedans.
  - 1 „ Jains.
  - 1 „ Párs is.
  - 1 „ low and backward castes.
  - 1 „ Jews, Eurasians, and Native Christians.
- 5—among the Native Fellows of Universities, each sending one member.
- 3—among retired Government or Native States officers.
- 2—among the members of the Chambers of Commerce, Bombay and Calcutta, sending one each.
- 2—among the Anglo-Indian and Indian Editors, one each.
- 2—merchants, etc., and the smaller zamindars, one each.
- 2—among the members of Municipalities.

[The suggestions as regards Division I apply with equal force to those (Division I) for the Provincial Advisory Council.]

60 Total number of membership.

4. *The proposed expansion of the Legislative Councils.*—In this part of the scheme there are to be met with some praiseworthy additions, and representation will probably be the gainer by elections being conducted along the lines suggested therein; but it is respectfully submitted that, as in the case of nominations, it would be but fair to give the principal of election the fullest possible scope; and therefore to election should be allotted all the non-official places Government could spare. For, instead of, as in the case of Provincial Legislative Council, Government *nominating* voters after consulation with Panchávats, etc., it would purhaps be better to give elective franchise to certain specified bodies and to ask them to *elect* their own voters.

Place should also be made for the elected representatives of the Universities, of merchents, etc., and also for those of the smaller landed gentry.

Some places being reserved for Mahomedans, it would be more in the fitness of things that those for other communities should also be created in proportion.

Inasmuch as Government have been pleased to come out with a definite and carefully thought out plan as regards the constituency of these Councils and as all such schemes, coming from whatever quarters, must be experimental in their nature, it would be the best that the measure which must have emanated as a result of expert opinion should first receive a fair trial. It is therefore unnecessary, I humbly beg to state, to enter here into minute details as regards it.

5. The plan suggested for crippling lengthy debates by making them follow consultations, it is sincerely to be hoped, will work real and substantial good. In such matters as these the committee is invariably superior to the Senate and often better state of things is brought about round a table than on the chamber floor. The interchange of views and consultative deliberations which will precede Council debates are sure to recompense the loss of time occasioned by the introduction of this system of prior conferences.

6. I now am coming to a point, I fear, on which Government seem definitely to have made up their mind and probably on strong grounds, and so the less said about it the better it would be. But I will try to put the matter before Government as shortly and respectfully as I can, which I believe to be highly essential, because I fear that Government may be liable to misrepresentation as regards its present action or in future be possibly involved in heated controversies about the subject.

The question I mean is that of making race distinctions. I would be the last person to grudge Government's taking by the hand of Mahomedans who are a very backward community at present, and whose forefathers even in the beginning of the last century divided with Bráhmans almost a monopoly of official places and patronage. They are a noble, generous and intelligent race, and as the state of things brought about is really deplorable, Government could surely see some other way to facilitate their advance; but to go back upon race, distinctions and creed patronage, which are abandoned everywhere in the Empire by British Government, may perhaps be reactionary as to its possible effects.

Looked upon from a historical standpoint the plea does not seem to hold ground. Canada and the United States and the recent Governments of Orangia and Transvaal, not to speak of older organizations, contain mixed populations. Transvaal indeed has shown in late elections almost a reprehensible greed of race interests and yet very little, if any, fault has been found with the state of things by the Anglo-Indian Press, which is a very high authority in matters which affect all British interests throughout the world. Thus when in all other places race distinctions at least among people with equal rights and responsibilities are not thought necessary, it is most respectfully submitted, there is no reason for their introduction here also. Such distinctions will but dwarf the national, all-Indian spirit, slowly but surely coming into being, fostered by English education and British ideals.

If, however, this is a temporary measure only, to be so brought into force that the sensibility of other creeds and races may not feel the sting thereof, there can be nothing to fear from it. The one thing therefore that Government

will have to do, in order to do away with the possibility of future petitionings and race troubles, is as suggested above in clause 3, etc., to provide proportionate space for the representatives of all the chief creeds and races.

7. In conclusion, I beg, most dutifully and respectfully, to lay before Government my cordial good wishes for the success of these great measures. It will now remain for the people to realise their responsibility as regards this noble gift and to act so as to deserve well both of Government, and of their future generations for whom they will be leaving a benefitous and rich inheritance.

With heartfelt prayers to the Almighty Lord for the unqualified usefulness and success of these new schemes.

I have, etc.,
RAM MOHUNROY JASWANTRAI DESAI,
Inámdár of Vintoj, etc.

Hálol, Panch Maháls,
Dated the 3rd January 1908.

Jaint Report of the Commissioners of Divisions with their Notes of Dissent.

No. T.R.-68, dated the 10th January 1908.

From— J. DEC. ATKINS, Esq., I.C.S., Commissioner, N. D.,
W. DODERET, Esq., I.C.S., Commissioner, C. D.,
The Hon'ble Mr. R. P. BARROW, I.C.S., Commissioner, S. D.,

To—The Secretary to Government, General Department.

We have the honour to submit the report called for in Government Resolution No. 6533, dated the 31st October 1907.

2. We will endeavour in the first place to deal with the large body of non-official criticism—mainly destructive—of the principles underlying the proposals of the Government of India, and in the second place attempt to present to Government a constructive scheme for the two sets of Councils. We may say that as regards Advisory Councils we are not unanimous.

3. To take the Advisory Councils first, it will be observed that the main points of non-official criticism may be summarized as under:—

(*a*) The scheme does not recognize the elective principle.

(*b*) It is contended that in so far as the Imperial Council is concerned, a body composed entirely of territorial magnates will be unable to advise the Government of India as regards the varied interests appertaining to the numerous communities spread over the Indian Peninsula. It is urged that the territorial magnates are not cognisant of those varied interests, and it is more than hinted by some writers that the Indian Chiefs as a body do not possess that degree of enlightenment and education which ought to be a necessary qualification for the possession of an adviser of such an august body as the Government of India.

(*c*) It is contended that the scheme of occasional, non-collective and confidential consultation will not conduce to that healthy expression of opinion so essential in an advisor.

(*d*) It is urged that the scheme disappoints public opinion in that no power of initiative is given to the Councils.

(*e*) And finally it is claimed that such bodies should have a deciding and decisive voice in matters referred to them, provided that a large majority, generally stated at three-fourths, is unanimous on a particular question.

4. Before proceeding to deal *seriatim* with the five points noted above, we would beg leave to remark that the whole purport of the projected reform appears to have been misunderstood by non-official critics. It is assumed that it is the intention of the Government of India to call into being the germs of Parliamentary Government from which in the eflux of time the full-grown form of representative Government might be involved by enlarging the basis of

representation. As we understand the proposals, nothing more was intended than to provide Government with a readily accessible body comprising noblemen and gentlemen, representing the best opinion available in the country, who could be consulted on matters affecting the public weal.

5. With regard to (*a*) (non-recognition of the elective principle) we would take leave to remark that the objection urged against a system of nomination, namely, that the nominees would not feel at liberty to tender to Government their free and unbiassed opinion, contains within itself the most conclusive reason why a system of election to these Councils would be unsuitable in present-day conditions. For it is clear that if it be admitted that the gentlemen to be nominated by Government as being the most valued advisers in this Presidency are restrained by the very fact of such nomination from freely expressing their opinions, they and others, who would be their competitors in an election, must be generally unfitted for expressing any opinion at all, and cannot have reached that state of enlightenment when the *mode* of appointment ceases to affect the opinion of the person called into consultation. The truth is that the elective principle, an exotic of the West, is still on its trial in the East, where for centuries the opposite principle of nomination has obtained. The latter prevails in the methods adopted in selecting the principle advisers and often the subordinate public servants of Native Rulers. It prevails in the system of caste panchâyats. And finally the acknowledged apathy of the general body of electors in Local Board and petty Municipal elections indicates that the elective principle is in India little understood, except perhaps by the small body of educated men, who have taken the greatest advantage thereof.

6. With regard to the second objection, we assume that it was the intention of the Government of India to constitute for their own Advisory Council a body composed of the highest in the land for consultation on large questions of policy concerning which a Ruler of a Native State would be qualified to give as the result of his own experience in the art of governance, a valuable opinion. We are not altogether prepared to admit that the modern Indian Ruler, trained as he now is in special colleges and having acquired, in the course of travel both in the East and in the West, a broad and varied view of men and things, is not a capable adviser of the Supreme Government. And we assume that, having admitted the necessity of their interests besides that of the landowners being directly represented in the Provincial Councils, though not in the Council of India, it is the intention of the Supreme Government to leave matters with which trade and professions are mainly concerned for discussion in local areas.

7. With regard to objections (*c*) and (*d*) we regret that we have been unable to arrive at a unanimous opinion as to the functions to be required of Advisory Councils if constituted: we have accordingly recorded to our opinions separately.

8. As regards (*e*) as it is not intended to create miniature Parliaments, the suggestion that a majority of $\frac{3}{4}$ths of the Council should have power to impose their wish on the Executive need not be considered further.

9. Assuming, as we understand we are entitled to do, that the scheme put forward in outline by the Government of India is purely tentative, that frank criticism of details is desired, and that the principal of neither portion of the scheme has been so definitely decided upon as to preclude our questioning its suitability, we would respectfully express the opinion that the Advisory Council, and more especially the Provincial Advisory Council, is not unlikely to exasperate the educated classes and those who claim to be their representatives, as professing to embody a concession which, when examined, will be found to concede no more than is already enjoyed, that it is not required by present-day needs, and that it may conceivably prove a source of weakness to Government.

10. As we understand the scheme, it provides for the constitution of a Council the members of which will be consulted, occasionally collectively, but more frequently individually, on a few points with regard to which Government desire to be informed on the opinions and wishes of the people. The Council will have neither power of inititation nor even permission to suggest, of its own motion, measures of improvement or reform for the consideration of Government. When consulted in session its deliberation will be presided over by one

of the high officials of State, and in that case it will of course be afforded an opportunity of ascertaining the motives and intentions of Government with regard to the particular subject under discussion. When, however, the consultation is individual—that is to say, in what will probably be the majority of cases—and its results are treated as confidential, the members of the Council who are apparently to be provided with no machinery for obtaining information will have no more knowledge of the motives of Government than any intelligent reader of the public journals may acquire for himself. We would with deference submit that since there is no small probability of the general meetings of the Council being of rare occurrence there is no small risk of its members being unable to perform the second, and not perhaps the least important, of the two functions required of the Council.

11. We would take leave to represent our respectful conviction that a formally constituted Advisory Council will furnish Government with no more capable advisers on general questions than are now at their disposal. The Council can be formed only from that very class of loyal, substantial and well informed men whom Government even now, either directly or through the medium of their district officers, consult before undertaking important measures, and we are unable to discover the probability of any material advantage to the State accruing from the process which the Government of India have described as giving "clear defination and continuity to methods already partially and occasionally adopted."

12. Lastly we entertained the apprehension that on occasion the Council may hamper Government in the exercise of their discretion. *Ex-hypothesi* the Council must consist of men whose opinions Government consider worth having and certainly reliable, and it appears to us to follow logically that whenever the Council is consulted in session its advice must usually be accepted, adverse though it may be to the desires of Government. To neglect its advice when tendered would be to make the institution of the Council a farce and its members objects for public ridicule. It may quite conceivably happen that some measure of reform, especially one touching some popular custom of long standing, which Government know to be desirable and right, may fail to commend itself to the people at large or to a majority of their leaders, who sit on the Advisory Council, and there is, we would submit, some ground for fearing that Government may find their hands tied and their power curtailed by an agency designed to assist and strengthen.

13. Assuming that Advisory Councils are to be constituted, we consider that in the case of the Provincial Councils a small number of members—not less than ten—should suffice for all practical purposes. We would beg leave to point out that a high money qualification does not necessarily imply that the possessor of a large income would be a qualified adviser and hence we do not suggest it. We would rather that the qualifications necessary for a Councillor should be laid down somewhat on the following lines: Divisional lists should be prepared containing the names of (*a*) territorial magnates and substantial landholders of sufficient capacity, wealth and trustworthiness, fit in every way to fulfil the functions of advisers; (*b*) eminent professional men, not omitting retired officials; (*c*) prominent merchants. We would deprecate the fixing of any proportion which these interests should bear to the total number of Councillors, for the reason that our enquiries show that, so far as this Presidency is concerned, the numbers under each of the above heads is limited and may vary from time to time among themselves. We would lay stress on the point that Councillors may, with the general advance in education, be reasonably required to have a good knowledge of the English language. And, finally, considering that the system is one of nomination, we would leave His Excellency the Governor liberty to choose his own advisers from among the entries in a carefully prepared list, without the needless formality of subjecting his choice to the approval of the Viceroy, a device which is characteristic of a system of over-centralization.

14. According to the scheme laid down by the Government of India the Bombay Presidency might reasonably expect to send 6 territorial magnates, out of a total of 40, to the Imperial Advisory Council. In the practical application

of this projected allocation we are confronted with the difficulty that we have been unable to compile a sufficiently large list of such persons, who by reason of their intelligence as well as in virtue of their financial qualifications could be considered fit for the responsible position of Imperial advisers. We are driven therefore to suggest that the number of representatives to be sent from Bombay to the Imperial Advisory Council should be restricted to 3 and that these representatives should be elected by the Provincial Council, the only qualification to be insisted upon being that the representatives selected should be themselves substantial land-owners.

15. We now turn to the question of the expantion of the Legislative Councils. It is urged by several non-officials that it is a useless formality to expand these Councils unless the non-official members are given a decisive voice in the deliberations. One official (Mr. Orr, Collector of Ahmednagar) has stated that he would like to see a trial of the experiment of reducing the official element below the strength of the non-official element in those bodies, provided that certain safeguards in the shape of a veto and the exclusion of members who have been convicted of an offence or have been bound over under Chapter VIII, Civil Procedure Code, or are obviously disloyal, are provided. The Government of India have laid it down as a cardinal principle that the official majority on these Councils must be maintained, and we conclude that the point is beyond discussion. We would, however, beg leave to remark that the acknowledged difficulty of creating a satisfactory electorate should give reason to pause before any scheme, involving the transfer of legislative power from the Executive to a body of non-officials, who incompletely represent public opinion, is adopted. We are further of the opinion that the exercise of the veto might give rise to situations which it is desirable to avoid. The veto is an expedient adapted to more advanced countries and is only exercised in extreme cases. There is no guarantee that public opinion in this country is sufficiently advanced to render the exercise of the veto necessary only on rare occasions and in unusual circumstances.

16. There has been considerable comment on the question of caste and class representation. We agree with Mr. Jackson, the Collector of Násik, that it is idle to ignore the fact that separate castes and therefore separate interests exist in this country, and we think that any scheme which fails to secure adequate representation to all prominent castes or classes is open to the objection urged by the Supreme Government against the result of the present system of election. It must be confessed, however, that apart from the educated professional classes very little real interest is taken in even Council elections, and that the history of the past shows that less forward communities are content to send lawyers to Council as their representatives. That this process must continue until the general body of the electorate is awakened to political life seems to be inevitable. We see, therefore, little advantage in creating a fictitious and apathetic supplementary electorate for the backward classes, and in the formulation of any such scheme we should be confronted with almost insuperable difficulties. In the forefront is the obstacle that to secure complete representation of individual castes, legislation would be required to remodel the Municipal and Local Board electorates. Any raising of the franchise for these elections would result in the exclusion of a considerable body of petty ratepayers of the backward classes, who under the present system have, at any rate, a voice in the election of representatives to the local bodies. That the educated professional classes preponderate on these bodies is the inevitable result of the apathy and want of interest shown by less advanced communities even in their local affairs. And as things are the output of work is better in quality, speaking generally, when the local bodies are composed in the main of members of the educated professional classes, than we imagine it would be if they were otherwise constituted. Any attempt to redress the balance would, owing to the large number of separate castes and their sub-divisions, result in the creation of an unwieldy supplementary electorate and would necessitate the election by each of the classes or castes represented in the supplementary electorate, of members from their own class or caste. There would be the further difficulty that it would be an invidious task to lay down which castes should have separate representation and which not. We do not think that it is desirable to

accentuate caste differences in this way and we are conscious that the principle of election by a particular caste of a representative of that caste alone, conflicts with the broader principle on which the elective system is based, namely, the right of an elector to choose his own representative: nor is there evidence, as far as this Presidency is concerned, to show that the elected members of the professional classes have failed to represent the interests of other classes, or unduly put forward their own. The conclusion emerges that an electorate which cannot be trusted to take care of its own interests is unfit to be entrusted with the exercise of the power of election at all, and this is probably the truth as far as present-day India is concerned.

17. If the above be conceded, we are driven to suggest that the inequalities of the elective method can best be removed by the device of nomination which would ensure such limited representation as is necessary for the less advanced communities and castes, and we are encouraged to advocate this for another reason, namely, that in the case of Mahomedans no regularly constituted Anjumans exist. It is true that in large cities, such as Ahmedabad, societies exist, but it is also well known that they are not representative and that considerable jealousies exist among the different sections of the community, which are reflected in the acts and discussions of the Anjumans. As regards other communities and castes, no doubt caste panchâyats exist, but they are irregularly constituted bodies and their jurisdiction extends only to the decision of purely caste questions. They are in no sense representative bodies and amongst them are to be found members who are chosen more for their proficiency in deciding knotty questions of caste custom and usage than for their social standing. They would therefore in no way be useful as electoral colleges.

18. We now proceed to the consideration of a constructive scheme for the Legislative Councils, taking the Provincial Council first. We regard it as axiomatic that it is necessary to restrict the number of Councillors in order to ensure the prompt despatch of business and also in view of the limited number of high officials, who can conveniently be spared from their ordinary duties for the purpose of providing an official majority at the meetings of the Council. We propose therefore that the Council should be limited to 32 members, of whom 11 should be elected and 21 nominated. The elected members should be chosen by the following electorates :—

	Number of representatives.
By Municipalities in the Northern Division ...	1
By Local Boards in the Central Division ...	1
By Local Boards in the Southern Division ...	1
By the Bombay Municipality	1
By the Chamber of Commerce, Bombay ...	1
By recognised Native Trades' Associations ...	1
By the Chamber of Commerce, Karáchi ...	1
By the Sind Jághirdárs	1
By the Sardárs of the Deccan	1
By the Bombay Mill-owners' Association ... / By the Ahmedabad Mill-owners' Association ...	1(alternately)
By the Senate of Bombay University ...	1
Total ...	11

Of the 21 seats available for nomination we would allot 7 to non-officials, it being understood that 3 seats (one for each Commissioner's Division in the Presidency proper) would be reserved for land-holders, one for the Tálukdárs in Gujarát and one for Sind.

19. We consider that the present representation of Municipalities in the Northern Division on the one hand and of Local Boards in the Central and Southern Divisions on the other cannot well be discontinued. The representatives chosen by these bodies may be regarded as representatives of the advanced opinion of the Mofussil—an opinion which undoubtedly deserves representation though not directly representative of persons with a great stake in the landed interests of the country. With regard to the proposal to prescribe

special qualifications for members to be elected by these bodies we are of opinion, judging by the experience of the past, that no such prescription is necessary, for it may be assumed that they will continue to elect the individuals who are in their opinion most likely to adequately represent their special interests. Similarly the Bombay Municipality seems to be entitled to retain its representative as voicing educated opinion in the City of Bombay.

20. The Chambers of Commerce in Bombay and Karáchi are excellent institutions for the representation of the general European commercial interests of those cities, and we consider that the Native Trades' Associations are equally entitled to representation.

The mill industry is so prominent and so important in Western India that we have been induced to suggest that the Bombay and the Ahmedabad Millowners' Associations should be represented on the Legislative Council. The position of Bombay needs no discussion, and as regerds Ahmedabad we would record our opinion that the steady growth of the city as a commercial centre, especially during the past decade, entitles it to be recognized as a factor in industrial politics. It possesses some 50 factories managed by men who in intelligence equal, while in close attention to business they possibly out-rival, their Bombay competitors. A representative millowner from Ahmedabad would furthermore represent three interests—the mill industry in particular; capital and the local interests of the second city in the Presidency in general. We would gladly have recommended a separate representative for each city, but are prevented from doing so owing to the necessity of restricting the members of the enlarged Council. We consider that alternate representation will for the present effectually safeguard the interests of both.

21. In the matter of professional interests the Bombay University at present forms the best electorate we can suggest. The special representation of professional interests appears to us to be altogether impracticable. A money test is not a test of intellectual wealth and the mere possession of a University degree would be too wide and too intangible a prescription to impose. Nor are we persuaded that a professional man *qua* his profession requires to have his electoral interests specially safeguarded. It is recognized—nay, even eagerly urged by non-official critics—that by the very force of his intellectual qualifications he is enabled to champion the cause of his fellowmen engaged in other walks of life, and the fact that in the past he has not failed to secure a voicein the representative institutions of his land leads us to expect that in the future he will continue to dominate electorates in which by reason of qualifications other than those of his profession he has a vote.

22. The Sardárs of the Deccan and the Sind Jághirdárs and land owners now each select a representative for the Council and we would recommend that they should continue to do so. They will adequately represent the great landlord interest in a way no other electorate could, and there probably will be little question that they are in every way entitled to separate representation, especially in view of the opinion of the Government of India that landed interests should receive adequate representation on the enlarged Councils.

23. We have suggested that the representation of the smaller land holders should be by nomination rather than by election. After giving the matter our best consideration we find that there are considerable difficulties in the way of forming a satisfactory electorate. We feel thal to create an electorate composed entirely of revenue-payers paying an amount fixed, say, at Rs. 5,000 or over, would not necessarily imply that the interests of the smaller land holders would be in safer hands than under some scheme of nomination from a carefully selected list of land holders, not necessarily possessed of a given income, but certainly endowed with intelligence and having a *boná fide* and substantial interest in land. We note that most of the larger land holders are Inámdárs whose interests are often opposed to those of their tenants. We realize that a money qualification suitable for one district would be unsuitable for another. We fear that having regard to the indefinite sub-division of land and the incomplete state of the record of rights it might frequently be discovered that a landholder entered in the list of electors as paying a large amount of land revenue was in reality a very small holder in his own right. And, lastly, we are aware that the payment of a small amount of land revenue in the shape of quit-rent

is not inconsistent with the possession of a large income from land in the shape of rent. Such anomalies as these could only be remedied by very careful enquiry into and scrutiny of nominal rolls of electors which would be a work of time. In view of these difficulties, and bearing in mind the general unsuitability of an elective system for a class of the population who have hitherto evinced little interest in choosing representatives in their petty local affairs, and in deference to the desire of Government to formulate some scheme for the enlarged Councils which can speedily be introduced, we would advocate the resort to direct nomination as being the most satisfactory temporary solution of the problem of giving direct representation to land holders. We advocate territorial representation with a view to interesting the land holding classes in legislative questions affecting their local area, and we consider that the most convenient method is to have one representative for each Commissioner's Division. In point of population the Northern Division with $3\frac{1}{2}$ millions is unequal to the Central Division with 6 and the Southern Division with 5. But the inequality in numbers in the Northern Division is more than redressed by the acknowledged greater intelligence and wealth of the Gujarát peasantry.

24. Divisional lists of all substantial land holders might be prepared after careful local enquiry. These lists might eventually form the basis of a nominated electorate, should it be found advisable hereafter to apply the elective principle to the selection of representatives of the landed interests. They would be framed on a non-racial, non-caste basis, and entry therein should not be difficult of attainment by a substantial man with genuine and ascertainable interests in the soil.

25. We consider that the Gujarát Tálukdárs may fairly be allotted one nominated seat. We should have liked to suggest the election of a representative by this class from among themselves. But there are certain obstacles in the way. It would be difficult to fix the payment of a particular amount of "Jama" (quota of land revenue) as the qualification of a tálukdári elector. Estates in Gujarát vary from the true "táluka" or large estate, held by such Tálukdárs as the Thákors of Amod and Sanand, where succession is governed by the law of primogeniture, to the petty holdings of the Chuval Tálukdárs in Viramgám, which have already been considerably sub-divided and are liable to further subdivision in the future. Instances could be cited of Tálukdárs (*e.g.*, Utelia) who are superior in point of education and intelligence to other Tálukdárs who own larger estates. Finally, as the legal definition of "Tálukdár" includes a mortgagee in possession and covers the cases of those persons who have acquired an interest in tálukdári estates by right of purchase without being descended from the original grantee of the estate, it is desirable to secure by the method of nomination that the true squire and not the money-lender shall represent the interests of the yeomanry of Gujárat.

26. Our scheme of nomination thus leaves three sheets for Muhammadans or representatives of other communities which may fail to secure representation in the elections.

27. Fourteen nominations would be reserved for officials. At present ten officials are represented on the Council, and it would not be difficult to find four others who could be selected to sit on the Council, with due regard to the convenient discharge of their ordinary duties.

28. We would suggest that the representative of the Bombay Legislative Council to be elected by the nobles and great land owners of the Bombay Presidency to the Viceregal Legislative Council should be elected by the whole body of the non-official members of the Provincial Legislative Council, but should belong only to one of the following classes of constituent members of the Provincial Council :—

The nominated land holders.
Sind Jághirdárs.
Gujarát Tálukdárs.
Deccan Sardárs (if not a Ruling Chief).

29. Similarly, owing to the difficulties already described in the course of this report as regards the creation of a satisfactory and representative Muhammedan electorate, we would recommend that the whole body of the non-official

members of the Provincial Council should elect a Muhammadan member of the Provincial Council to represent that community in the Viceregal Council.

30. Turning, in conclusion, to the question of the discussion of the Budget in Council we venture to offer this criticism of the suggestion made by the Government of India, that while they undoubtedly tend to a more complete understanding of the items of the Budget by the Additional Members, they yet make no provision for an effective discussion of the current year's Budget before it has been sanctioned, nor for allowing Government who are responsible for the Budget the advantage of the local experience of members in deciding how surplus revenues can most profitably be spent or a deficit met with the minimum dislocation of the machinery of general administration. It would, we conceive, be no part of our province on the present reference to comment on the faultiness of the existing arrangements for the passing of the budget, but we venture to point out that those arrangements render it almost impossible for the Budget to be discussed in the Provincial Council until it has received the sanction of the Government of India. It would, in our respectful opinion, be of material advantage if a skeleton Budget were first prepared and fully discussed in the Provincial Council before being cast into final shape by the Honourable Board for submission to the Government of India.

31. The reports of the Collectors and opinions of officials and non-officials are being submitted separately.

Note of Dissent.

I am unable to accept the proposals of Messrs. Doderet and Barrow, in paragraphs 13 and 14 of the report, for the constitution of Provincial and Imperial Advisory Councils. I fear that such Councils would be regarded by the public as a sham, and in fact would be little better than a sham. The members as a class, though worthy and intelligent men, useful for the discussion of local affairs, would be out of place as the constituted advisers of Government. Their advice would be less weighty than the advice of Collectors of the Presidency, and, though the representatives of the up-country districts, they would not necessarily be better representatives thereof than the elected members of the Legislative Council. The latter would in fact be their rivals and competitors, competing for popular favour and also for the attention of Government. An Advisory Council that did not carry weight would be worse than no Council and would be mischievous. It is necessary, beyond everything, that an Advisory Council, if constituted at all, should command respect and should not be *Ludibrium*. The only sort of Council likely to command the requisite respect is a very small and select Council, having no pretensions to be representative, and consisting exclusively of men of the highest capacity and reputation as Indian statesmen. It is impossible to explain my meaning without mentioning names: so I venture to say that the sort of Advisory Council that would command the respect of Government on the one hand and the public on the other would at the present moment consist of His Highness the Aga Khan, Mr. Justice Chandavarkar, Sir Phirozsha Mehta, the Honourable Mr. Gokhale and Mr. T. J. Bennett (now in India). Such a Council of statesmen could give, on great questions, really weighty advice, so weighty indeed that, if it were unanimous, the Executive Government would be unable to ignore it. The members of the Council would in fact come to be recognized as assessors of the Executive Government. Questions of principal alone would be the province of these Councillors: individual cases would be beyond their sphere: there should be no possibility of their becoming petition-brokers.

If such a Council were appointed, it might be given the status of a Privy Council. The members ought, at the same time, to be Privy Councillors of the Governor of Bombay for Bombay questions, and of the Viceroy for Indian questions. There would then be no separate Advisory Council for India. The Viceroy would—and could—depend on the Privy Councillors of the various provinces. They would be more useful to him than Ruling Chiefs and territorial magnates. Though the number of Privy Councillors for each province must necessarily be very small it cannot be a fixed number. There must be elasticity. There must be room for the Telang or Ranade of the future. And even for such a man a seat on such a Council would be an object of ambition.

J. DEC. ATKINS,
Commissioner, N. D.

Note of Dissent.

Assuming that it is open to us to discuss the necessity for Advisory Councils, then I would record my view that such Councils, if constituted with proper safeguards against the possibility of encroachment on the powers of the Executive, would materially assist Government to make their intentions and motives better known to the general public. At present Government possess no recognized agency such as is supplied by the semi-official newspapers in Europe of making known the official view. Non-official opinion is consulted and non-official views are elicited in an informal manner by Government. All that it is proposed to do is to systematize this occasional and inchoate consultation by creating a regularly-constituted consultative body which would meet at stated intervals. I am of opinion that the formal recognition of the principle of consulting non-official opinion, and the greater publicity of such consultation in the future, will be a gain to the administration.

I am opposed to giving the Councils any power of making suggestions to Government because (i) the Legislative Councils already possess the right of interpellation, (ii) the power is liable to abuse. It should rest with Government to decide what questions they will seek advice on and it should not be in the power of the Council to hamper the Executive with unsolicited advice. Free and full communication of motives and intentions concerning all matters on which advice is not specifically sought and which it is to the public interest to divulge there should and would be. Thus freer transmission of authentic information to the general public would be secured.

W. DODERET,
Commissioner, C. D.

Note.

Paragraph 7 of our report indicates that there is considerable diversity of opinion between us as to the share of responsibility which should be made over to the Advisory Council should the Government of India hold the institution to be necessary. I will endeavour to explain as briefly as possible my personal views on this point.

I adhere to the opinion expressed in paragraphs 9 to 13 of our report that the formal constitution of a Council will not only probably prove ineffectual towards the ends which the Government of India have in view, but may possibly tend to fetter the freedom and tie the hands of Government. It is needless, of course, to labour this point further, and I will only note on what appear to me to be essentials if these Advisory Councils are called into being.

The functions of the Council have been clearly defined—they are to advise and to act as Government interpreters—and the point for consideration is whether, under the outlined scheme, they will ever be in a position to effectively perform their dual obligations. I am respectfully of opinion that they must fail to do so unless it be required that the Council shall meet at regular intervals and conceded that its members are entitled to ask questions as well as authorized and even encouraged to suggest reforms and changes for the consideration of Government.

To me it appears that to leave the meetings of the Council to be fixed by chance whenever its existence is not overlooked will gradually result in a meeting becoming a thing of the rarest occurrence and the bulk of the advice received being obtained from individual members. The Council if constituted must never cease to be, at least at periodic intervals, before the public. It should, I think, meet at least once a year for collective discussion of matters referred to it by Government so that there may be an open acknowledgment of its utility in the eyes of Government.

I fail to see how the Council may reasonably be expected to truly interpret to the people the intentions of Government with respect to any measure under consideration unless it may ask for the information the absence of which would cave it ignorant of that which it is desired it should publish. I do not for a

moment suggest that at a collective meeting members should be allowed to pound Government with formal questions to which replies must be given; all I suggest is that the Council should have at its disposal some machinery for getting at the Government view. I would suggest that any member, not on behalf of the Council but on his own, should be permitted to write in to Government and ask for information needed to clear his own doubts or uncertainties. I would note that a prescribed yearly general meeting would as an additional advantage afford a regularly recurring opportunity for an exposition of Government views and policy.

I consider it most essential that to give the Council a chance of real vitality and to make it of unmistakeable use to Government and the country the members should have, not what is usually called the right of interpellation, but clear authority to make in their collective capacity suggestions of all kinds for the consideration of Government. This would be giving the members no right which they do not even now possess as private citizens, for any man is at liberty to ask Government to do this, that or the other although Government may not be disposed to allow any weight to the representations made. Suggestions made by the Advisory Council are certain not to be frivolous and might often be most valuable, for the Council is by hypothesis to comprise the best material we can find. No obligation to act on the suggestion would be thrown on Government, nor would the Council suffer from the rejection of any of its own original proposals the same loss of public respect as would follow the rejection of its advice on a particular subject tendered by request.

R. P. BARROW,
Commissioner, S. D.

Chamber of Commerce, Karáchi.

No. 56, dated the 28th January 1908.

From—The Secretary, Karáchi Chamber of Commerce,

To—The Acting Secretary to Government, General Department.

With reference to your letter No. 6534 of the 31st October and Government Resolution No. 6533 of the same date on the subject of the enlargement of Legislative Councils and connected questions, the only comments my Committee desire to make are as follows:—

1. No provision appears to have been made for giving the commercial interests any adequate representation on the proposed Imperial Advisory Council.

2. No opportunity for influencing the expenditure of public revenues beyond what may result from a more detailed criticism of a budget *already prepared* appears to be contemplated.

3. No advance upon the present system of representation of the commercial interests of Karáchi and Sind appears to be contemplated.

2. With regard to 1 and 2, my Committee would respectfully urge that it would be in the interests of the commercial communities of India and therefore in the best interests of India as a whole, if an advance in the directions indicated were made. Especially would this be the case if expenditure on Railway, Irrigation, Telegraphs and the Postal Department could be in some measure influenced by the wishes of the mercantile communities of India.

3. With regard to 3, this Chamber was in 1892 granted the privilege of recommending a member for nomination to the Legislative Council of His Excellency the Governor of Bombay. Owing to an alteration in the constitution of the Council in 1895, this privilege was withdrawn. My Committee would respectfully urge that the status of the Chamber is now such that it should be placed on the same footing as Bombay in the matter of commercial representation.

Jain Young Men's Association, Jaipur.

No. 294, dated Jaipur, the 6th January, 1908.

From—G. DHADDA, Esq., President, Jain Young Men's Association;

To—The Private Secretary to His Excellency the Governor of Bombay.

I have the honour to forward herewith copy of the Resolution unanimously passed at Conference of the Jain Young Men's Association of India, held at Surat on the 29th, 30th and 31st December 1907, and request you to kindly lay it before His Excellency the Governor for favourable consideration.

Resolution XII.

That the various Provincial Governments be requested to consider favourably the claims of the Jain community to have their own representatives on the Legislative Councils of the various provinces and the President be authorized to submit the prayer duly to the Government concerned.

Ráo Báhadur Motilal Chunilal, President, Broach City Municipality.

No. 269, dated the 14th December 1907,

From—Ráo Bahádur MOTILAL CHUNILAL, President, Broach City Municipality,

To—The Acting Secretary to Government, General Department.

In response to the Government letter No. 6534, dated 31st October, I have the honour to submit my respectful opinion as well as my humble suggestions on the formation of the Advisory Councils and the enlargement of the Legislative Councils and questions connected therewith.

2. I has been proposed in Resolution to form the Imperial Advisory Council chiefly out of the Ruling Chiefs and the territorial magnates of the country. But I doubt whether the rulling Chiefs will receive this proposal in the same spirit in which it is offered. Rulers of prominent Native States, such as the Nizám, the Gáekwár, the Scindia, the Holkár, the Máhárájas of Mysore and Kashmere and a host of others will be very loath to accept places in an Advisory Council where the sense of dignity and independence which they are prone to entertain is likely to be offended. It is true, no doubt, that some of them were prepared to play the sattellite to the Supreme Power in the pre-British period, but the times and the forms of the paramount Government never fail to make corresponding changes in the notion of independence.

3. Besides, I fear that the Ruling Chiefs will not be, in any way, useful instruments for diffusing correct information in regard to the motive of Government, nor will they be able to correct erroneous and mischievous statements of facts or purposes. The Indian Rulers, with the few exceptions, have neither the eloquence to undeceive the people nor the opportunities to communicate their thoughts nor the willingness to stand on the same platform with any but their peers. They have their own code of State etiquette and dignity; and if their own inclinations are consulted, I think they will very probably prefer to be left alone.

4. For these reasons it will be better if the Ruling Chiefs are excused from joining the Advisory Council, but a separate Council of their own might with advantage be formed, where questions relating to the common interest of the Native States and the British Government, in other words international questions, may be discussed, but no question affecting the internal affairs of individual State should be brought within the purview of this Council.

5. In my humble opinion the Imperial Advisory Council of the Rulers may be formed of the members given below:—

(1) The Viceroy.
(2) Twenty ruling Chiefs.
(3) The Commander-in-Chief for India.
(4) The Governors of Bombay and Madras.
(5) The Lieutenant-Governors.
(6) The Chief Commissioners of the Central Provinces.
(7) The members of the Executive Council of the Viceroy and the Governors of Madras and Bombay.

6. From the Resolution it is difficult to understand what business, and that also to what extent, the Advisory Council shall perform. It has been stated in the Resolution that "the body of advisors" should have the peculiarity of "requiring no legislative recognition and possessing no formal powers of initiative;" that the members of this body are to be consulted individually or collectively at the discretion of the Governor-General; and that they can meet only when called together. These conditions, would, I think, hinder the attainment of the objects for which this Council is sought to be instituted.

7. The want of legislative recognition and formal powers of initiative will make the existence of the Council merely nominal, and consequently no constitutional requirements will be satisfied, and no greater sense of responsibility will be felt by those whose advice is sought. Moreover, the Councillors will fail to command the respect and influence the minds of the people because no active share will be given to them in the administration of the country.

8. The only object for instituting this Council appears to me to be the diffusion of correct information about the acts and intention of the Government. But the Councillors will not be in a position to explain the motives of the Government and to correct "erroneous and mischievous statements of facts or purpose" imputed to them unless they are very intimately associated with the Government by being called together twice or thrice a year, and allowed to exchange views by discussing formally as well as informally all the questions mooted or measures contemplated. Close contact and free intercourse with Government alone will make them realise the real objects and intentions of the Government.

9. I would respectfully beg to suggest that the Imperial Advisory Council should consists of the following:—

(1)	Two of the non-ruling Chiefs and Nobles (whose annual income is not less than Rs. 50,000) from each of the Provinces of (1) Bombay, (2) Madras, (3) Bengal, (4) Eastern Bengal, (5) the United Provinces, (6) Punjab, (7) Burma, and (8) one from the Central Provinces	15
(2)	Mill-owners	3
(3)	Tea-planter	1
(4)	Mine-owners	2
(5)	Representatives of the Chambers of Commerce existing in the country	2
(6)	Representatives of the political associations existing in the country	2
(7)	Representatives of the Railway Companies	2
(8)	Representatives of the Native States of—	
	1 Hyderabad 1 Mysore 1 Baroda 1 Gwalior 1 Kashmere 1 Jeypur and Udeypur (alternately) 1 Patiála	7
(9)	Eminent Lawyers	2
(10)	Eminent Medical Men	2
(11)	Eminent Educationists	2

(12) Eminent Engineers and Scientists 2

(13) The Presidents of the Municipalities 2
(The selection being made by rotation from among the Presidents of the Metropolitan or other big Municipalities of cities with a population of 200,000 and upwards.)

(14) Government pensioners of high position who have, while in the service, served in various high offices and acquired considerable experience of the administration 2

(15) Military representatives to be selected from the distinguished Military officers of the Native States Armies and pensioned Military officers of the Indian Army 2

(16) Gentlemen whom His Excellency the Viceroy may consider from their special qualifications and intelligence to be worthy of nomination on this Council 4

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10. I may be allowed to note here that the allotment of special seats to Mahomedan members has the undesirable tendency to create invidious controversies, and to hinder the "promotion of intimate relations between the component parts of the Indian Empire." All the appointments being *by nomination*, it will be very easy for the Government to silently maintain the principle by a representative selection from all the different races and communities.

11. As to the Bombay Provincial Advisory Council, I beg, with your permission, to suggest the following members :—

A.—Land-holders 12

1 member from the Zamindárs of Sind.
1 member from the 3rd, 4th and 5th classes of the Chiefs of Káthiáwár.
1 member from the Tálukdárs of Gujarát.
1 member from the Sardárs of the Deccan.
1 member from the Khots of Konkan.
1 member from the Chiefs of the 3rd and lower classes of Mahi Kantha, Pálanpur and Rewa Kantha Agencies.
6 land-holders whose annual income from lands is not less than Rs. 5,000 per annum—one from each of the Provinces of Gujarát, Konkan, Karnátak, Sind, Khándesh (including Ahmednagar and Násik) and Deccan (including Poona, Sholapur and Sátára).

B.—Industry 4

2 members from the mill-owners of the Presidency.
1 member from the Railway Companies.
1 member from miscellaneous industries.

C.—Commerce and Capital 8

1 merchant from Bombay.
1 merchant from Sind,
1 merchant from Gujarát.
1 merchant from Káthiáwár.
1 merchant from Karnátak (Kánarese-speaking districts).
1 merchant from the Deccan (Poona, Soláput and Sátára).
1 merchant from Khándesh (including Násik and Ahmednagar).
1 merchant from the Konkan (Thána, Kolába and Ratnágiri).

D.—Professions 8

2 eminent Medical Men.
2 eminent Lawyers.
2 eminent Engineers and Scientists.
2 eminent Educationists.

E.—Municipalities and Administration 8

2 Presidents of the City Municipalities.
2 Government pensioners who have rendered brilliant services in different departments.
4 Gentlemen whom His Excellency the Governor may select for special qualifications.

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12. The members consisting the different races in the Bombay Presidency (exclusive of the Bombay City) is as follows :—

Hindus	11,685,000
Jains	213,000
Mahomedans	3,620,000
Pársis	27,000
Eurasians, Christians and Jews ...	116,000
[Europeans are excluded because the non-official population is insignificant.]	
	15,661,000

Taking this population, as well as the vital consideration of the differences of race and language, it will be very convenient to divide this Presidency into the following groups :—

(1) Sind, (2) Káthiáwár, (3) Gujarát, (4) Konkan, (5) Karnátic, (6) Deccan (Poona, Sholápur and Sátára), (7) Khándesh (including Nagar and Násik) and (8) Bombay City.

By a judicious system of selection, His Excellency the Governor will be enabled to select five representatives from each of the divisions and one at least from the smaller and two from the larger districts, and thus a proper representation of each district and community may be easily ensued.

13. I have already said under the head "Imperial Advisory Council" why special seats need not be reserved for the Mahomedans, and the same arguments apply to the Provincial Advisory Councils also. The Mahomedan population is about 3,900,000 (including Bombay) as against 12,000,000 Hindus. The large Mahomedan population of Sind and the numerous Mahomedan merchants of Bombay and the Barristers will afford a large field to select about ten Mahomedan gentlemen which would seem to be the proper number, in proportion to the population, to represent the community. The population of other religions may be approximately taken (including Bombay) as follows :—

Jains	225,000
Pársis	80,000
Eurasians, Christians and Jews, etc.	175,000

Legislative Councils.

Imperial.

14. After a careful perusal of that portion of the Resolution which deals with the Imperial Legislative Council, what strikes me more is the entire ignoring of all the other numerous industries and professions except the land-holders, the Chambers of Commerce and the Mahomedans. This appears to me to go against the very intention of the Government as given in paragraph 9 of the letter. It is explicitly stated that "the Government of India are far from denying that the professional classes are entitled to a share of representation, proportioned not merely to their numbers, which are small, but to their influence which is large and tends continually to increase." But the scheme as given in paragraph 12 shuts out nearly all the influential professions. This will inevitably evoke general disapproval even from the most conservative. In my humble opinion the Imperial Legislative Council will be more aptly representative of the varied shades of opinion in the country, if it is formed on some such line as I venture to give below :—

A.—*Elected*—

(*a*) Land-holders 8

7 land-holders by the Nobles and the great land-holders of Madras, Bombay, Bengal, East Bengal and Assam, the United Provinces, the Punjab and the Central Provinces; the franchise being given to those whose annual income is Rs. 25,000 and upwards.
1 by the Tea Planters' Association.

(*b*) Commerce 10

8 { 1 merchant to be elected from each of the abovementioned 7 Provinces and 1 from Burma.

1 to be elected by the Chambers of Commerce in India.

1 to be elected by all the banking firms in India.

(*c*) Industry 3

1 to be elected by the mill-owners in India.

1 to be elected by the mine-owners in India.

1 to be elected by the Railway Companies.

(*d*) Professions 6

1 Lawyer to be elected by the Barristers and High Court Pleaders.

1 Doctor to be elected by Graduates in Medicine of over 10 years' standing.

1 Engineer and Scientist to be elected by the Graduates in Engineering and Science only.

1 Educationist to be elected by proprietors of private and aided Colleges.

2 Government pensioners to be elected by those in receipt of a pension of Rs. 200 and upwards per mensem.

(*e*) Provincial 7

1 member by the non-official members of each of the 7 Provincial Councils.

(*f*) Special by nomination 5

2 Mahomedans, provided the elected number is less than 9.

1 Eurasian and Native Christian, provided no one is elected under other heads.

2 Experts.

The Government may fix the number of Government officers.

15. No one whose annual income is less than Rs. 25,000 should be allowed to stand a candidate because he must have sufficient means to keep up the dignity of a Councillor of the Imperial Legislative Council.

16. The Bombay Legislative Council formed on the following lines will be fully representative of all the occupations and interests in the land.

The whole Presidency should be divided into the following six divisions so that the language, commercial and numerical interest may be equalised :—

	Population.
A.—Gujarát (five districts of Ahmedabad, Kaira, Panch Maháls, Broach and Surat)	2,702,000
B.—Konkan (Thána, Kolába and Ratnágiri)	2,585,000
C.—Carnátic (Kánara, Dhárwár, Belgaum and Bijápur)	3,397,000
D.—Deccan (Sholápur, Poona and Sátára)	2,863,000
E.—Khándesh (East and West, Násik and Nagar) ...	3,082,000
F.—Sind	3,250,000

Elected Members.

(*a*) Land-holders 7

1 from the Zamindárs of Sind.
1 from the Tálukdárs of Gujarát.
1 from the Khots of Konkan.
1 from the Bhil Chiefs and Inámdárs of Khándesh.
1 from the Sardárs of Deccan.
1 from the Sardárs of Karnátic.
1 from the Chiefs of Káthiáwár.

(*b*) Representatives of the Municipalities and the Local Boards, combined 7

1 Sind.
1 Gujarat.
1 Konkan.
1 Karnatic.
1 Deccan.
1 Khandesh.
1 The Bombay Municipality.

(*c*) Representatives of professions 7

1 Lawyer (the Barristers, Attorneys, Solicitors, LL.B.'s and High Court Pleaders of more than five years' standing being given the franchise).

I have proposed one seat for the Lawyers because some will possibly be elected by the Municipalities and the District Local Boards.

2 Doctors (all M.D.'s, M.B.'s, L.M. & S. and holders of diploma of Indian and European Universities in Medicine, Surgery and Veterinary of more than five years' standing should be given the franchise).

2 Engineers and Scientists (all holders of degrees in Engineering and Science of five years' standing and the pensioned Executive Engineers to have the franchise).

2 Educationists (all Graduates of European and Indian Universities holding degrees in Arts, Philosophy, Divinity, and the Principals and Professors of private and aided Colleges to have the franchise).

(*d*) Representatives of industry and commerce 7

1 of Railway Companies.
2 of Mill-owners.
1 of the Chambers of Commerce of Bombay and Karachi.
1 of Banks.
1 of the merchants whose annual income exceeds Rs. 25,000.
1 of the Port Trusts of Bombay and Karachi.

(*e*) Special representatives 4

4 Government officers to be elected, *viz.*—

1 by the Provincial Judicial Departments including Statutory Civilians.

1 by the Provincial Revenue Department including Statutory Civilians.

1 by the Provincial Police Force (Indian Superintendents of Police, Assistants and Deputies).

1 by the Educational Provincial Service.

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(*f*) Non-official gentlemen whom His Excellency the Governor may consider worthy of nomination 8

Out of these 8 as many Mahomedan gentlemen may be appointed as would bring the total number of elected and nominated Mahomedans to 8 which is the maximum number which can be allowed in the ratio of the population and commercial and agriculturist interest as compared to the Hindus. As some Parsis and Europeans will be elected and also some Mahomedans by the different electorates the number of Hindus in the ratio of the population will, perhaps, be less than that of the Mahomedans; therefore, a general provision to appoint 8 non-officials "whom His Excellency the Governor may consider worthy of nomination" will meet the requirements on each occasion. There are other conditions necessary for proper representation which would also, I submit, be enforced. The candidate should belong to the same class from which he is elected, *e. g.*, the Zamindars of Sind can elect as their representative only a Zamindar, and the Lawyers can elect only a Lawyer. The candidate should not be only a resident of the area for which he is elected, but he should also be following the profession, which he represents, within his electorate.

17. The Government of India and Secretary of State have desired that the official majority should be maintained under any circumstances. It will be possible to carry out their orders by nominating all the Heads of Departments and the Collectors of the districts as members. The following list may be found suitable. Even leaving a large margin for unavoidable absences, the working majority will, I believe, be always available :—

2 members of the Executive Council of the Government.
1 Lieutenant-General Commanding Bombay Presidency.
1 Lord Bishop.
1 The Chief Justice.
1 The Commissioner of Customs.
4 Divisional Commissioners, including Sind.
1 Inspector-General of Police.
1 The Director of Public Instruction.
1 The Chief Secretary to Government.
1 The Accountant General.
1 The Surgeon-General with the Government of Bombay.
1 The Director of Agriculture.
1 The Secretary to Government, Political, Special and Judicial Departments.
1 Do. do. General and Educational Departments.
1 The Chief Engineer, Public Works Department.

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1 The Settlement Commissioner and Inspector-General of Registration, etc.
1 The Advocate General.
1 The Remembrancer of Legal Affairs.
1 Agent to the Governor, Káthiáwár.
1 The Post Master General.
1 The Sanitary Commissioner.
1 The Conservator of Forests.
23 Collectors of Districts, including Sind.
1 The Collector of Bombay.
1 The Collector of Salt Revenue.
1 Principal, Grant Medical College.
1 The Municipal Commissioner of Bombay.
1 The Chairman, Bombay Improvement Trust.
1 The Commissioner of Police, Bombay.

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18. I fully agree with the views of the Government of India that the interests of smaller communities like the Mahomedans should be secured by obtaining a proper representation of them, but I very respectfully venture to submit that the mode thought of, *viz.*, allotting special seats, would create invidious distinction, which it is, on moral and political grounds, undesirable if the same object can be attained otherwise. I verily think that from the large Mahomedan population of Sind and the big Mahomedan merchants of Bombay some Mahomedan gentlemen will be elected. Of the seats which my scheme proposes, some will be occupied by the election of Parsi gentlemen and some by that of Europeans and perhaps one or two by the Jains, many of whom are rich merchants and mill-owners. The number of Hindu members will, therefore, probably be, in the ratio of population, in equal population with the Mahomedan members. I have proposed seats for nomination by His Excellency without any reservation as to the community so that it may be possible for him to nominate the gentlemen of any community whose representation in election may be found on any occasion to fall short of the proportion in the ratio of the population. The new scheme may be expected to be in force for a fairly long period before any change will be made, but it may not be long when the Government themselves might find that the Mahomedan representation by election is, if not more, in the ratio of the population and at

that time the seats which it is intended to reserve exclusively for that community will be found to be excessive. But if there is no communal reservation made, His Excellency will be able to meet the requirements of the time without any legal embarrassment. I am also humbly of opinion that the creditable advance made by the community in education is due more to the answering policy of Government in maintaining firmly the policy of appointment to posts in the service of Government on the educational standard, but if that principle is relaxed and special grace shown to the community, their future educational progress will be a little slower. It is therefore desirable in the interest of the community itself as a whole and also in that of the Empire not to show any special favour by reserving any seats for any community whatever, but practical favour can, when necessary, be shown by nominating as many members of that community as might be deemed proper to give it an adequate representation at every time the Councils are formed. When it is known that nominated seats are intended to make up deficient representation of any community and Hindus, Parsis and Christians all alike are eligible to be nominated thereto when any of these communities is not properly represented, there will not remain any cause for grumbling or criticizing by any community.

19. In conclusion I beg to take the responsibility of the foregoing views upon me alone and are not binding on the Municipality over which I preside. The Municipality has appointed a special committee consisting of Dr. Barjorji Sorabsha Munsifna, Vice-President, Mr. Kirpashankar Bhagwavji Vyas and Mr. Ambashanker Uttamram Malji, a copy of whose report to the Municipal Council is hereto appended for immediate reference, but I will submit my formal report embodying the opinion of the Municipality when the same has been adopted at the next Special General Meeting which is fixed for the 14th instant.

Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karachi.

Karáchi, 5th February 1908.

To—The Acting Secretary to Government, General Department, Bombay.

Sir,

Enlargement of Legislative Councils, etc.

I have the honour to acknowledge receipt of your letter No. 6534 of the 31st October 1907. I have carefully studied the letter from the Government of India, No. 2310—2317, and am fully in accord with the principle of giving to the educated and influential classes in this country opportunities for coming into closer contact with the officers of Government, for expressing their views on matters of practical administration, and for giving to those who are capable and efficient a larger share (wherever practicable) than at present in the actual work of Government.

With regard to the several proposals outlined by the Government of India, I venture to give below the conclusions I have arrived at with regard to each.

An Imperial Advisory Council.

Regarding successful commerce as the ultimate source of all social, economic and political strength, it appears to me desirable that the proposed Imperial Advisory Council should include representatives of the commercial communities.

Provincial Advisory Councils.

The scheme seems wholly admirable. "Industry, commerce and capital" are, I notice, all especially mentioned as sections of society that it is essential should be adequately represented.

Legislative Councils.

If Advisory Councils be brought into existence, there does not appear to me any necessity for further enlarging existing Legislative Councils. Debates are already exceedingly verbose, and constructive work of a legislative character is more likely to be hampered than facilitated, if the number of Councillors be still further increased.

Discussion of the Budget.

The proposal to discuss the budget in more detail is a move forward, provided at the same time two radical changes are made in the present methods of procedure—(1) discussion should take place *before* the budget is finally adopted by Government; and (2) the Council should be given authority to control in some measure the allotment of expenditure under such heads as Irrigation, Railways, Telegraphs, Post Office, Education and Police. These are changes that might well be introduced when it is remembered that Government, by the number of its official representatives on Council will continue to maintain its executive authority in undiminished strength.

I have, etc.,

M. DEP. WEBB.

Confidential.

His Highness, Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.

LEGISLATIVE COUNCIL REFORMS.

The questions which arise, directly and indirectly, out of the Government of India's communication on the subject of Council Reforms, are so numerous, so varied and at the same time of such far-reaching importance that it is impossible to exhaustively deal with them, unless one has ample amount of space, which, however, it is not practicable for each individual, who gives his opinion, to utilize; so that I will confine myself to only those questions that either concern the Mahomedan community to which I belong, or to general questions of such vital and imperial importance as I may be called upon by a call of duty as a loyal and devoted subject of His Majesty the King-Emperor, to raise my voice and bring my honest, independent opinion prominently before the Government. Moreover, it is not only my own strong personal opinion that I write, but my firm convictions based on much careful information which I have been at pains to collect, by personal conversation and deliberate communications carried on with a view to thoroughly acquaint myself with the trend of public opinion, and with the views of leading Mahomedans of all schools of thought not only in this Presidency, but in all parts of the country.

2. Nor have I limited my enquiry to such Mahomedans alone who take an active part in politics—educated men belonging to legal and other professions—but I have tried every avenue of reliable information—from practical men of the world to landlords and traders, and men who have been either prominently connected with mercantile and commercial interests or identified themselves with the industrial development of the country. I have carefully weighed the views expressed by prominent men in various walks of life—politicians and non-politicians. Most of the opinions point in general results to the same conclusions as I have arrived, after much careful thought and consideration of various circumstances applying to the peculiar conditions of Mahomedan Political Life.

IMPERIAL ADVISORY COUNCIL.

3. Before considering, in detail, the question of Mahomedan Representation in which I am greatly interested, I will proceed to deal, first of all, with that important Imperial question, the Imperial Advisory Council of Notables, the possible failure of which involves serious consequences to the State. As a loyal subject of the Emperor, I feel, therefore, very strongly on the subject and I am sure I would be wanting in my duty towards the Government and the country if I hesitated in freely expressing my opinion thereon. The suggested Advisory Council of 20 Ruling Chiefs and 40 Notables sounds very well in theory, but I doubt very much that it is so in practice. Politically it is inexpedient; and I very much doubt its wisdom, from a practical point of view. In my humble opinion, it is a great mistake to mix ruling Princes with other men on one and the same Advisory Council. There are so many arguments against and not many that I know of in its favour. I have had opportunities to discuss the question with many men qualified to pronounce an opinion thereon, but so far I have not yet met one man who approves its wisdom in an unqualified manner; nor have I even heard one voice in its favour. Every one with whom I have come in contact has pronounced it as inpracticable or so defective as to easily ensure its failure. The arguments urged against it seem to me to be absolutely convincing. The hereditary pride of Ruling Chiefs, their notions of themselves, their rank and their status and dignity make it highly improbable that they would freely mix up with even each other, but more so with those who are only landlords and who do not belong to a princely family or who have no

royal blood in them. Most of them at least, if not all, will consider it derogatory to their dignity and honour to sit side by side with persons whom they do not consider to be their equals; in fact there are not forty aristocratic persons of sufficient intelligence and knowledge, who may be deemed worthy of sitting side by side with twenty Ruling Chiefs. Their natural jealousy with each other would lead to a divergence of opinion which would only end into confusion. Those who know anything of Indian Princes will not fail to assert that it is impossible to secure an unanimity among them, however non-contentious and simple an issue may be.

4. But apart from these valid considerations, there are, to my mind, other solid and substantial reasons of state and expediency as to why these Princes should be kept aloof from other elements in the Advisory Council. But to this aspect of the question I shall presently refer again.

5. To begin with, the preliminary objection that can be urged against the Advisory Council of Notables is that the majority of Native Chiefs are not always up to date in regard to their knowledge of the ever-changing conditions of modern British India, and its problems, with which they are imperfectly acquainted. The problems they have to deal with all these years are different from the problems that concern British India, and with which the British statesmen are now confronted. They know nothing of the new desires and new spirit of the people in British India and their needs and requirements.

6. It will not be easy to reconcile the Princes to the new duty they will be called upon to perform as Imperial Advisors. Some of them could hardly find leisure—they are so engrossed in their own state or in luxury—to give more than a cursory attention to the questions that come before the Advisory Council regarding British India, even if they have an inclination to do so.

7. To my mind the proposal is of doubtful utility and a doubtful honour to Native Princes to be called upon to give advice in company with ordinary subjects and which might or might not be accepted. In the latter case, the result could not but be unpleasant, as the Chiefs whose advice is not accepted might take it as a personal effront and want of confidence in them. I think unanimity in such a Council will be an impossibility.

8. But as I have hinted above, the chief difficulty lies in their being brought into contact with forty other men. There are discontented people and agitators in British India: and they have acquired a great deal of influence in Native papers; and it is quite possible that notwithstanding the extreme care to keep out any disturbing element, a representative of theirs might get into the Advisory Council and might come in contact with the Native Chiefs. This would be a bad augury for the future of the Advisory Council. Besides, the action of the Chiefs would, when they supported Government proposals, expose them to the venomous shafts of agitators and the bitter attack of that portion of the Native Press which is always at the beck and call of the discontented agitators. Such bitter attacks would adversely affect the position of the Chiefs, their traditions, and their prestige among their own people. There is a type of Native Chiefs, too, who delight in attacking Government and its measures in private, and if a Prince of that character finds himself on the Advisory Council, which is probable, and if he plays into the hands of a discontented agitator or a rapid press, it will terribly complicate matters and expose Government to all kinds of novel abuse. It would mislead the credulous masses of the native public and bring into being another element of unrest and disorder: and it will probably affect other Chiefs. The action of the loyal Chiefs who sympathise with the measures of Government would be misrepresented and adversely criticised by their countrymen in British India and even by their own subjects. I am thoroughly convinced of the fact, and I, therefore, repeat it that many of the Native Chiefs would not like to mix up with their colleagues; that it would not be possible to blend the orthodox and advanced types of Princes into a harmonious whole; that India does not contain forty non-ruling educated and enlightened men worthy of sitting with the Ruling Chiefs.

9. However, far be it from me to offer merely destructive criticisms. I quite recognize the desire of Government to give the Aristocracy of India the influence which should be theirs, and if it is deemed necessary to utilize the influence and advice of the Native Chiefs on Imperial questions that affect the relations of the Imperial Government with Feudatory States, there is an easy way out of the difficulty. I should take the liberty of suggesting that there should be two Imperial Advisory Councils, one consisting of Ruling Chiefs only and the other consisting of sixty Notables for the whole of India. If the Government of India so desire, four or five Aristocratic members from the Assembly of the sixty Notables might be selected to assist the Chiefs in their deliberations on Imperial questions. These four or five members should be out and out the best and most tried men in British India.

10. The best thing, all the same, is to keep the Chiefs entirely apart from non-ruling Chiefs, and confine them to such questions as do not affect British India; but if it is thought essentially necessary that they should be consulted on British Indian measures of exceptional importance, then, as a compromise, I should suggest the addition of four or five carefully selected non-Ruling Chiefs to their number. But as I have said above it would be wise to refer to them only such questions as concern the ruling Princes of India and as come within their special province. If this is done—if the modifications I have suggested are adopted—then I have nothing more to say about the Imperial Advisory Council. I do not wish to reflect in any way upon the qualifications or abilities of Native Chiefs in general, some of whom are as clever and versatile as any eminent Indian statesman, but these are exceptions and not a rule. Under the circumstances, if the vitality of the Imperial Advisory Council is to be kept unimpaired, then only such questions as they are qualified to pronounce an opinion upon, by reason of their personal experience, should be referred to them. The course of forming two Advisory Councils that I have suggested will on the one hand give the Native Princes an opportunity to give their opinions on questions of sufficient moment to themselves and so would establish happy relations between the paramount power and the Feudatory Native States, while on the other hand, the other Council of forty Notables including territorial magnates of every province, and landlords and leading merchant princes of every province would give a direct representation to the stable classes of British India. With these few remarks I will now pass on to the Provincial Advisory Council.

PROVINCIAL ADVISORY COUNCIL.

11. As to the Provincial Advisory Councils, I fail to see what kind of work can be constantly referred to them by the Local Government, when we take into consideration the fact that the number of questions of public interest is limited, and that all Imperial things go to the Imperial Advisory Council. When we still further take into consideration that provincial measures are to be discussed in the greatly enlarged Legislative Council, it is apparent that there will not be sufficient business for the consideration of a Provincial Advisory Council. Still that depends a great deal upon the personality of a Lieutenant-Governor or a Governor of a Province if he be really anxious to find work for this Provincial Council and if he referred everything to them, he may succeed in getting some utility out of them, but I doubt very much that the majority of Local Governments would all the time consult a non-representative and irresponsible Advisory Council. In most provinces these local Notables will have not much to do, and their importance will, therefore, be minimized. It is only constant and important work which could give prestige to the Assembly. I may humbly suggest that it would be a good thing to put off the institution of the Provincial Assemblies of Notables for a few years till the public are educated to take a still more active interest in public affairs. Let us wait for the experience and result of the working of the Imperial Advisory Council. Then there will be time to consider the lines on which such Provincial Assemblies can be usefully employed. With these remarks I will now proceed to the consideration of the question of Mahomedan representation.

MAHOMEDAN REPRESENTATION.

12. As a Mahomedan, I am grateful to see—and the vast majority of Mahomedans, too, are grateful—that Government has recognized the principle of special representation for the Mahomedan minorities in the provinces where they are actually in minorities. This is, as it should be, in consonance with the political and historical importance of a loyal community which the Government has recognized. But like all the gentlemen with whom I have conversed or communicated, I fell surprised—nay, I am painfully shocked—to learn that Government suggest nominating two of the four Mahomedan representatives. I fell constrained to raise my voice against such an arrangement. It must be remembered that in allotting four representatives to us, Government give us no more than our due right of representation according to the number of the population. In common with the vast majority of Mahomedans I fell that we must be allowed to elect our four representatives. If we are denied this, the result will be that we will have less elected members than what is our due in the Imperial Legislative Council. And that is no reason why Government should, out of these four, reserve the right of nominating two members and leave only two to the electorates. Government must remember that Mahomedans nominated by them cannot be of a representative character, and even if they be so, they can never carry that weight and importance which an elected and popular representative does carry. If Government had allowed two Mahomedans more than their purely numerical strength in the country deserved, then we could see the reasonableness of their right to nominate such two members. If it were a case of a special favour, then, of course, Government could very well reserve to itself the right of nominating two members. In giving them four representatives, Government give them nothing more than what they are entitled to, and they are not justified in robbing them of two seats by reserving them for nomination. The Government sticks to the letter, but breaks the spirit. To be plain, of what Government gives with one hand it takes away half with the other. If the Mahomedans are allowed—as they ought to be allowed—to elect four members, the body of electors could easily be found. Those who pay a very high income-tax, or who have very high scientific qualifications, or who have held seats previously in the Legislative Councils in their respective provinces, or those who hold high honours and titles from Government, may be turned into a constituency for electing those four Mahomedan members. I take a strong exception to the proposal of Government to keep the nomination of two members in their hands. Government have not in the past distinguished themselves by the way in which they have selected Mahomedans for seats in the Councils. In some of the provinces for years together they have appointed the same members. These men have in a way monopolized the seats on the Council. If we look back to Bombay, for instance, for thirty years, we find that only three or four names from the City of Bombay itself appear as the members of Council. Again, in other provinces if Government ask the opinion of or obtain information from various individuals, as I have constantly done, they will find a great deal of discontent in consequence of many deserving men being excluded from the Council owing to the faulty system of nomination. Government officials do not come into close contact with the people—and this is not due to any fault of theirs—but once they come into contact with an individual with whom they are impressed, they at once give him a lift and appoint him again and again to a seat in the Council, forgetting that there are many others whom the officials have not had the good fortune of coming in contact with, but who are nevertheless able and well qualified to a seat in the Council, and are far more representative of real Mahomedan opinion than those who are official nominees.

13. Again as to the Mahomedans who are nominated to the Councils, I doubt that even a fair porportion of them would have ever been returned by electors. Only those men who take sufficient interests in public affairs would stand for election while in case of nominations by Government, men who are wanting in public spirit and who are not in touch with the masses, and therefore unable to represent them, will succeed in being members of the Council, either through advantages of birth or fortune or other adventitious circumstances. It will benefit

sycophants, and nincompoops who have no influence in the community and once such persons are lucky enough to get into Council they will enjoy the monopoly thereof. It is said that it is not necessary to throw open all the seats to election as gentlemen of position refused to offer themselves as candidates to an electorate, because they disliked canvassing. If these gentlemen have not the public spirit to canvas and the moral courage to face a defeat, why then Government should encourage men, who had not sufficient patriotism to come forward for election, by nominating them as Councillors. Therefore, as a loyal subject to His Majesty, and as the leader of the Mahomedan deputation that waited on His Excellency Lord Minto in October 1906, I protest most emphatically against the proposal of Government to give only two seats to Mahomedan electors, and I earnestly appeal to it to hand over all the four seats to the electors. I may add here that if Government persist in keeping two of the four Mahomedan seats for nomination, then I most respectfully urge that in fairness and justice to Mahomedans half the number of seats in the Imperial Councils allowed to Provincial electors should be filled by Government nomination instead of by election by Local Councils.

LOCAL LEGISLATIVE COUNCIL.

14. The question of local Legislative Council except in Bombay does not concern me. I have already expressed my opinion that the four Mahomedan seats for the Imperial Council should be reserved for election and the arguments that I have urged for it also hold good in the case of Local Council. As far as the general principle of election goes, I think that a fair arrangement would be to apportion the seats for Bombay like this :—

One seat might be given to the Mahomedans of Sind, another to Bombay City, one to Northern and one to the Southern Division, and the fifth to the Central Division.

15. It may be urged that in some divisions the Mahomedan population is small, and, therefore, franchise should not be conferred upon them. But it should be borne in mind that persons living in one area are not acquainted with the peculiar needs and conditions of other areas, and therefore each division should be allowed to send one representative. The electors should be those who pay a high income-tax or the University graduates. So far as the City of Bombay is concerned, the standard of qualifications required for electors might be raised by fixing the amount of income-tax at double the amount required from the mofussil electors and the educational qualification should be M.A. instead of B.A. But in case the Government at any time considered it necessary to have expert Mahomedan opinion, they might nominate their own man.

16. In conclusion, I beg to state that I have offered the criticism in no carping spirit. I recognise the good intention of Government to broad base the fabric of Legislative Machinery and I have spoken my mind frankly and fully because I am convinced the value of the reforms will be judged by the results and if they fail to produce the desired end, then it will give a peg to the agitators on which to hang their real or imaginary grievances. I am, therefore, much concerned with the success of the experiments and if the shortcomings in the Government proposals that I have pointed out are remedied a distinct step forward would be said to have been taken towards safeguarding the interest of minorities. I therefore once more humbly pray to Government to uphold my arguments and hand over the four Mahomedan seats for election.

Report of the Commissioner in Sind.

No. T.-255, dated the 11th February 1908.

From—A. D. Younghusband, Esq., C.S.I., I.C.S., Commissioner in Sind;

To—His Excellency the Right Honourable Sir George Sydenham Clarke, G.C.M.G., Governor, and President in Council, Bombay.

Right Honourable Sir,

As desired in Government Resolution No. 6533, dated the 31st October 1907, I have the honour to submit my opinion on the proposals for the enlargement of Legislative Councils and kindred matters contained in the letter of the Government of India in the Home Department, No. 2311, dated the 24th August 1907.

2. On the merits of the general policy underlying these proposals it is scarcely necessary that I should enlarge. I accept unreservedly the view of the supreme Government that an experiment should be undertaken in the direction of constituting Imperial and Provincial Advisory Councils and of enlarging the existing Legislative Councils on a more popular and really representative basis.

3. But, in considering this policy from the point of view of the Province of Sind, I cannot but feel that the occasion is one for laying special emphasis on the utter natural aloofness of this province from the Presidency of Bombay to which, for administrative purposes, it has been annexed, but from which it is geographically remote and in physical characteristics dissimilar, and with the population of which its people have nothing in common, and practically no sort of inter-communication. If then in the administration of Sind the views of the people are to be more largely consulted than at present, it is essential to secure that it shall be the views of the people of Sind, and not of the people of the Bombay Presidency. A separate Legislative Council is not suggested; but it is hoped that the present opportunity may be taken of securing for Sind more direct representation, both on the Imperial and on Your Excellency's Legislative Councils. On the other hand, Sind questions should be entirely excluded from the scope of the references which may be made to any Advisory Council constituted for the presidency. If Sind is to have the benefit of a Provincial Advisory Council at all, it should be a separate Council of its own, sitting in the Province, and treating the questions referred to it from the point of view of the people of the Province.

4. With regard to the proposed Imperial Advisory Council, it is enough to say that it is hoped that His Excellency the Viceroy will be able to see his way to the appointment of at least one Sind member, and will realize that no ruling Chiefs or territorial magnates of the Presidency can be regarded as having claims to represent the people of Sind. I may here add that the suggestion of the Karachi Chamber of Commerce for the provision of some representation of commercial interests on the Imperial Advisory Council appears to me to deserve sympathetic consideration.

5. On the enlarged Imperial Legislative Council also it is hoped that room may at least occasionally be found for one special representative of Sind interests, which are at the same time very largely Mahomedan interests. Perhaps the simplest suggestion, and the one presenting least difficulty, to this end is that Sind should be added to the number of Provinces to which the 18th paragraph of the Government of India letter proposes to give in rotation the privilege of electing a Mahomedan member. If this should for any reason be deemed impracticable, it can only be hoped that His Excellency the Viceroy, in his selection of representatives of minorities and special interests, will occasionally be pleased to take into his consideration the exceptional conditions of Sind.

6. Turning now to Your Excellency's Legislative Council, it is to be hoped that any enlargement of this which may be in contemplation will include a larger representation of Sind, no less than of the divisions of the

Presidency proper. At present the jaghirdars and zemindars of Sind paying Rs. 1,000 land revenue return one member to the Council, the number of the electorate being 989. And in practice the Chairman of the Karachi Chamber of Commerce is usually or invariably nominated to one of the seats at Your Excellency's disposal. The Chamber have expressed a wish that the privilege of recommending a representative, which formerly belonged to them may now be restored, and it is hoped that, along with other reforms, there will be no difficulty in making this small concession, which would not practically affect the constitution of the Council.

7. I would strongly advocate the addition to Your Excellency's Council of a representative of Sind Municipalities, to be elected on lines similar to those now prescribed for the Municipalities of the Northern Division. The Hindus of the Province, though numerically a minority of the population, are an exceptionally able and influential minority, whose views deserve attention. The best of them are to be found in the large towns, where indeed the majority of the population is Hindu and a member returned by the Municipalities might be expected ordinarily to be a Hindu, and would primarily represent Hindu interests. If such an additional member is allowed, it would perhaps be advisable to stipulate that the representative of the jaghirdars and zemindars must be a member of their own body. Even so there would always be some danger of the seat falling to a Hindu whose real interests were far more urban than rural, and whose land-holding qualification was purely incidental. From some points of views it might be desirable to insist on the zemindars' representative being always a Mahomedan; but I am disposed to deprecate any unnecessary stress being laid on racial or religious distinctions; and I do not consider it necessary in the present connection.

8. The conditions of the Municipal franchise in Sind are not in my opinion open to the criticism suggested in paragraph 21 of the Government of India letter. The qualification alike for voters and for councillors is payment of not less than Rs. 10 house-tax or Rs. 20 direct taxes of other kinds. There has never been any complaint of Municipal councillors being elected who have not a substantial stake in the Municipality. And I do not anticipate any such danger in respect of persons who may be elected to represent the Municipalities in the Legislative Council. There seems therefore no need for introducing special qualifications for such persons. Proposals similar to those in paragraph 22 (*c*) of the letter have, I may observe, been repeatedly and exhaustively discussed in Sind of late years, and a full report on the question was recently submitted to Government. The general view, in which I concur, is that election on a basis of class representation is unnecessary and unsuitable to the conditions of Sind, and that inequalities in representation resulting from Municipal elections can best be rectified by a judicious use of the power of nomination. A difficulty which has to be reckoned with here is that capable representatives of (*e.g.*) the Mahomedan interest are not invariably to be found in the particular Municipality.

9. Similar considerations apply to the qualifications prescribed by section 10 of Bombay Act I of 1884 for voters and candidates in the case of our District Local Boards. Should the future constitution of the Bombay Legislative Council be such as to justify any further representation of Sind than has been already suggested, it might be practicable to allow the District Local Boards to return a member, on lines similar to those at present prescribed for the District Local Boards of the Central and Southern Divisions of the Presidency. But it is to be observed that the rural interests, with which these Boards are concerned, will be already the special care of the representative of zemindars and jaghirdars. And perhaps it would be best that any further seats on the Council which it may be practicable to reserve for Sind should be filled by nomination of Your Excellency on the recommendation of the Commissioner in Sind, who will be in the best position to judge from time to time what special interests in the Province are most in need of representation, and what individuals can most safely and suitably be trusted to represent them. Among the special interests which might well receive their share of consideration are those of the Parsi and domiciled Christian communities, and of Indian traders.

10. As regards the Provincial Advisory Council, I have already expressed my view that Sind should be excluded from the purview of any such Council that may be constituted for the Bombay Presidency, and that, if advice on questions affecting the administration of this Province is to be sought from a Council, it should be from a local one, composed of inhabitants of the Province, and meeting in the Province. As to the constitution of such a Council, I am of opinion that it might include representatives of the Karachi Chamber of Commerce and Port Trust, of the Karachi and Hyderabad Municipalities, of the other Municipalities of the Province collectively, of the Local Boards, and of the jaghirdars and zemindars. The last-named representative, as also the representative of the Chamber of Commerce, would be identical with those recommended for the Provincial Legislative Council, and all Sind members of that Council, as also any Sind member or members of either of the Imperial Councils, should be *ex-officio* members of this local Advisory Council. The members should have the same status as members of Provincial Advisory Councils elsewhere.

11. Mr. Mules, Collector of Karachi, has suggested that the Sind Advisory Council should consist of any local members of the Imperial Councils and of Your Excellency's Legislative Council together with representatives of each of the principal racial sections of the community. While on the whole disposed to prefer my own suggestion, I consider his a very good one, and should be quite prepared to accept it as an alternative.

12. I append the opinions of Collectors in Sind, together with those of other persons which have reached me either through them or direct.

I have, etc.,
A. D. YOUNGHUSBAND,
Commissioner in Sind.

From

THE BOMBAY PRESIDENCY ASSOCIATION,

APOLLO BUNDER, FORT,

Bombay, 24th February 1908.

To

THE SECRETARY TO GOVERNMENT,
GENERAL DEPARTMENT.
BOMBAY.

Sir,

We are directed by the Council of the Bombay Presidency Association to respectfully submit the following representation with reguard to the proposal contained in the Letter from the Government of India, Home Department (Public) No. 2311, dated the 24th August 1907.

2. The Council readily acknowledge their appreciation of the Government's desire **to give the people of India wider opportunities of expressing their views on administrative matters**: to make adequate provision that **the needs and sentiments of the masses may find expression through those acquainted with their daily life and qualified to speak with authority on their behalf; to bring all classes into closer relations with Government and its Officers and enable them to take a more effective part in shaping the action of Government**; and, in the result, **to give them larger share in the actual work of administration and more extensive employment in the higher offices of the State.**

3. The Council are grateful to the Government of India for **recognising the essential justice** of the claim that has been put forward on the public behalf in the above matters, and for declaring the conviction that it is possible without neglecting other interest and obligations to move forward gradually but in no grudging spirit towards **the fulfilment of the pledge which the people of India are entitled to regard as inviolable.**

4. The Council cannot at the same time refrain from expressing their keen disappointment and regret that the proposals put forward in the Government of India's letter are hardly calculated in any sufficient or satisfactory measures to carry out the Gov-

ernment's desire or to fulfil the Government's pledge. The Council however note with satisfaction that the proposals are only tentative and provisional and that Government have invited careful scrutiny, sympathetic consideration and detailed statements of desired alterations on behalf of the public. The Council thankfully avail of this invitation to submit for the consideration of Government the following representation showing in detail the objections they entertain and the alterations they would request.

5. The Council are fully persuaded of the advisability of adequate provision for the representation of the landed aristocracy and the mercantile and industrial classes in the proposed scheme for constitutional reform. But the Council cannot admit that the needs and sentiments of the masses will find expression through the Ruling Chiefs or the territorial magnates or the merchant princes or the leaders of industry,—whose interests are dissimilar if not adverse,—and who are neither acquainted with their daily life nor qualified to speak with authority on their behalf. Such needs and sentiments must find expression only through the educated class which has sprung from the masses, which is acquainted with life in the village and in the smaller town; and which has mixed freely with the agricultural, commercial and industrial people. At the same time this Council take leave to doubt if the landed aristocracy and the mercantile and industrial classes are anxious to be afforded the opportunity of expressing their views on matters of legislation and practical administration by their own months. They as a rule have not requisite capacity and would prefer to express their views through capable and trusted spokesmen, net confined to their own ranks.

6. The difficulty of Government in making their measures and motives generally undertsood and in correcting erroneous and mischievous statements of facts or purpose imputed to them, is due, the Council respectfully venture to submit, to causes which it has generally been in the power of Government to prevent or provide against. The right of interpellation accorded in 1892 has failed of its full purpose not so much because the elected non-official Councillors have been slow to avail of it to the fullest extent, as because of the restrictions unduly placed on the full exercise of that right, and the disinclination on the part of the members of Government, manifested with painful frequence to reply with frankness and fulness. The Council have often observed

with regret that the Official tendency has been more to resent the exercise of the right and keep the non-official members at arm's length than to take the public into the confidence of the rulers.

7. The proposed establishment of Advisory Councils is a measure which the Council would be disposed to regard with hopefulness if the proposal were unattended with conditions which must deprive it of the greater portion of its usefulness and may even render it capable of public mischief.

THE IMPERIAL ADVISORY COUNCIL.

8. The Government of India propose the formation of an Imperial Advisory Council for purely consultative purposes as follows:—

(*a*) It is to be composed of 60 Members for the whole of India including 20 Ruling Chiefs and a suitable number of territorial magnates of every Province where land-holders of sufficient status and dignity are to be found.

(*b*) These Members are to be appointed by the Viceroy and are to hold office for five years but to be re-eligible for appointment.

(*c*) They are to receive no legislative recognition and to be vested with no formal powers of any sort.

(*d*) Their functions are to be purely advisory and they should deal with matters specifically referred to them from time to time.

(*e*) They are to be consulted individually or collectively or by means of committees, at the will of Government. When occasionally called together either in whole or in part for collective deliberation their proceedings are to be, as a rule, private, informal and confidential, and would not be published although Government might make any use of them which Government thought proper.

9. The principal object in view is declared by Government to be free and close consultation whereby to elicit on administrative measures and proposals for action the opinions of those qualified to advise in all ranks of society. Such a Council is also to be an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

THE RULING CHIEFS.

10. The Council are at a loss to understand how the independent Rulers of Native States, which do not form part of British India, can appropriately or usefully form part of an organisation undertaken for these objects.

11. The association of the Great Ruling Chiefs with the Governor General in the guardianship of Common and Imperial interests, which has become more practicable because of the closer conformity of general principles and methods of administration in the more advanced Native States to those in British territory, is acknowledged by the Council to be a measure likely to be of great benefit alike to the Imperial Government and to the Ruling Chiefs. But the Council venture to submit that such a measure however useful and admirable in itself can form no appreciable part of a constitutional scheme intended to reform the administration of British India or to promote the welfare of its people.

12. No doubt common interests have arisen; and it is true that in such questions as those relating to famine and plague and education as also to customs, salt, opium and Abkari and Railways which affect the subjects of the Ruling Chiefs equally with the people in British India, the co-operation of the Independent Chiefs and Princes would satisfy a growing want, and tend to promote more intimate relations between the component parts of the Indian Empire. But the Council must point out that such co-operation will be the co-operation by Ruling Chiefs in their own States in measures recommended or approved by the British authorities. These measures might fairly be expected to be beneficial to their subjects. But it is not possible to claim for such a proposal any credit for reforming the administration, or for gratifying public aspirations, in British India.

13. The interests of the Native States have always appealed to the Presidency Association's sympathy and the Council would avail themselves of the occasion to submit that questions defining the relations of those States to the Paramount Power and questions relating to succession and adoption and the co-operation of the Protected States in the Defence of the Indian Empire may now well be recognised as matters on which also free and frank consultation between the Ruling Chiefs and the Governor General is desirable and is likely to satisfy a long-felt want.

14. For such purposes as the above the establishment and recognition of a determinate body of advisers from the ranks of the Ruling Chiefs would undoubtedly be a step which would commend itself to public opinion. The Ruling Chiefs may with dignity and usefulness find a scope there for the exercise of their legitimate influence, particularly if they are invited, as the Council respectfully think they ought to be, to take part therein not as nominees of the Governor General, but as entitled thereto, in the case of the greater Chiefs, by right of their own high position, and in that of others, by the suffrages of their compeers.

15. But to call upon the Ruling Chiefs to sit side by side with the territorial magnates who are subjects of the British Government, take a more prominent part in public life, render a larger measure of assistance to the Executive, make known their feelings and wishes on administrative and legislative questions, and take a more effective part in shaping the action of Government in British India, seems to the Council of this Association undesirable in the interests of the Chiefs themselves, no less than in the public interest.

16. It cannot but injure the Ruling Chiefs in public estimation and in their own self respect to be appointed members of a body with no recognized status and no real powers, whose members might be consulted individually or partially or wholly at will, whose advice and opinions might be disregarded, and whose responsibilities might be misapprehended. It can be neither fair nor kind to place them in a position where they must choose between the good will of those on whom the peaceful enjoyment of their powers in their own States must largely depend, and the interests of people outside their own territories with whose wants and grievances they can have no direct concern.

17. It cannot be to the public interest, to invest the Ruling Chiefs with any power to influence administration or legislation in British India. They are absolute rulers who can have little direct sympathy with the aspirations of the people for political progress. They have hardly any personal knowledge of administrative problems or of the wants of the people in British India. The great majority of Native States are too small to afford scope for a close study of great administrative problems. The Chiefs themselves have mostly been debarred from independence of thought and action. They cannot be expected to understand, and still less to interpret, the new aspirations which stir society to its depths in British India. There

can be no frank interchange of views without equal knowledge, equal capacity, equal sense of responsibility, and equal independence, on the part of those who consult and those who are consulted. The conditions do not and cannot exist in the case of the majority of the Ruling Chiefs, under present circumstances.

THE TERRITORIAL MAGNATES.

18. The case with regard to the territorial magnates and the landed aristocracy is not dissimilar except that they are subjects of the British Government and are entitled as such to exercise their legitimate influence and to have their wants and wishes and views duly considered in all measures of administration and legislation. They may be expected to become valued mediators between the Government and those who come within the circle of their influence; and their co-operation in measures of administration, particularly in those relating to famine and plague, may become of increasing value as higher education penetrates to them and developes their fitness for such employment.

19. The Council, however, feel constrained to submit that the territorial magnates and the landed aristocrats generally have hitherto given no proof of their qualification for taking a more prominent part in public life or of their anxiety to be afforded the opportunity of expressing their views on matters of legislation and practical administration. Rightly or wrongly the effect of British Rule has tended not to develope but to obliterate their social influence and individual usefulness; and any attempt at artificial resurrection now would be undesirable, as it must be futile. The social evolution of the country can only be mischievously retarded by such attempts.

20. The Council note that in the Government of India's letter no argument has been advanced for giving to the territorial magnates what is obviously a disproportionate importance in the Advisory Councils. In the Bombay Presidency territorial magnates like those on the Bengal side do not exist. We have only the Talukdars of Gujarat, the Zamindars of Sindh and the Sirdars of the Deccan. The sudden change in Government's estimation in regard to the landed aristocracy has been more a matter of public surprise than of public acceptance. They have hitherto been regarded very differently. The Statute Book bears witness to a number of measures passed to save

these territorial magnates from themselves. In the course of the last 30 years five different measures have been passed for the purpose. Many

Acts XIV of 1876: XX of 1881: XI of 1834: XX of 1896: & 11 of 1906. } of them are hopelessly involved in debt,

and are incapable of managing even their own affairs. Their encumbered estates are administered by Special Officers. Education has made no noted advance among them. Very few of them know the English language. The general level of their attainments is far from high. They have as much by their own short comings as from circumstances beyond their control ceased to be the natural and hereditary leaders of the people. The Ryot has hitherto looked upon them with the acquiescence of the authorities as a class from whose oppression he required to be saved. Trade and industry have received from them no appreciable support. Nor have they shown themselves capable of enlightened sympathy with progressive movements.

21. The Council have already admitted their title for the exercise of their legitimate influence, in so far as they are capable of doing so. But at the best they can express only one phase of Indian opinion, the opinion of a very limited and generally a selfish and an unenlightened class. Their dependence on the executive will, besides, hamper their freedom of opinion. The Council respectfully submit that to rely on their views or opinions as carrrying with them the suffrages of the people would be a grave mistake and a public misfortune.

THE MIDDLE CLASSES.

22. One remarkable feature of the scheme for an Imperial Advisory Council is the total absence from it of the representatives of trade and industry, and the professional classes generally. It is difficult for the Council to understand if they have been excluded intentionally or inadvertently. But whatever the reasons for their omission may be, the Council must submit that the great merchant princes and pioneers of industry have an equal stake in the country and are not less powerful and stable elements of Indian Society; and that the educated men of the middle classes have by their knowledge, independence and disinterested devotion to the public interest secured to themselves the confidence of the general public which Government cannot prudently or safely ignore. The exclusion of these elements must necessarily create

the suspicion that in the proposed reform the authorities wished to retain the power to select such opinions only as they will be pleased to hear, and to secure the same by preference from the least advanced and independent classes.

THE EXECUTIVE AUTHORITY.

23. The total exclusion of the elective element from the organisation of the Imperial Advisory Council cannot be regarded as a step in constitutional progress or as proof of Government's confidence in those whose opinion and advice are declared to be **the indispensable foundation upon which good administration is built up.** If all the Members are to be nominated by the Viceroy the result must be that those only will be appointed who will be recommended by the local authorities, for His Excellency cannot be supposed to exercise the privilege from any personal knowledge. The local authorities are not likely to select or recommend as advisers those conspicuous for their independence or opposition to the prevailing policy, and the Viceroy's choice must be hampered thus on the side which should in the public interest find adequate representation. Appointed members are not unlikely to be swayed by the feeling that they should act in accordance with the wishes of those to whom they owe the honour of their recommendation; and to be deterred from expressing themselves with requisite freedom against the measures of those who have the power of influencing their reappointment. Even if they acted without such bias or fear the public could not be blamed if it attributed their agreement not to honest conviction but to interested complaisance. Such a result cannot be desired by Government and the Council trust Government will be persuaded of the advisability of providing against it.

24. If a determinate body of advisers is created requiring no legislative recognition; possessing no formal powers of initiative; to be summoned at will and consulted at pleasure; to have its opinions taken in such manner as the Executive may please, and its proceedings kept private, informal and confidential; to have its advice and opinions regarded or disregarded as the Executive may choose and not to be published but to be made use of as the Executive may think proper,—the consequence can only be what His Majesty's present Secretary of State for India declared in Parliament when speaking in opposition to Mr. H. Robert's amendment to the address (26-2-06) :—

> **"I would point out that these Advisory Boards would have no responsibility and I doubt whether good results would follow."**

25. Such conditions and procedure as are above laid down will make the whole scheme valueless and illusory. It will only mean that the Executive will do what it has always done, except that its selected advisers will have their names published and they will be called Imperial Councillors. It will be no improvement to have the choice restricted and the circle narrowed, when hitherto there has been no restriction and no limitation, and Government can consult whom they please and when and how they please.

26. The Council of the Presidency Association respectfully submit that there is no occasion for any protest that the authority and responsibility of the Executive Government should remain unimpaired. They are not aware that any responsible spokesmen or representatives voicing the growing aspirations which it is the purpose of the Government Scheme to satisfy have desired otherwise. All that has been claimed by them is that their authority should be less uncontrolled and their responsibility made more amenable to public opinion.

27. No control can be exercised by a body which has **no legislative recognition** and which is **vested with no formal powers of any sort.** The privilege of being consulted will be a barren privilege if matters are to be referred to it only when the Executive is so minded and there is no guarantee that its views shall be respected. Its work will be a thankless task when there is no security that the public shall know its true opinions and advice. **Individual** consultation will only give rise to interested intrigues to which **secrecy** will only ensure security from the risk of exposure. No useful assistance can be expected from a body whose deliberations are to be shielded from public knowledge and public criticism by being kept **private, informal and confidential.** Opinion and advice so evoked can neither be representative nor free. They will not be representative because they will be the advice and opinion of a privileged and select few. They will not be free when there is no power of initative and no right to discuss the general policy, and when even the right of petition—the right to express popular wishes and wants and seek relief—is withheld. There can thus be no legiti-

mate or proper outlet for public opinion through such a body; and official responsibility will remain as distant from its reach and influence as it has been hitherto.

ORIENTAL POLICY.

28. The letter from the Government of India seeks to defend the scheme as **in accordance with the best traditions of oriental policy which has always recognised that the Sovereign should consult competent advisers and should after consultation exercise his rule in accordance with what he deems to be the best mind of his people.** It adds, somewhat gratuitously as the Council are constrained to think, that the **scheme would thus be no innovation in principal as are some applications of Western methods to Eastern society.** The Government of India seem to the Council to have paid greater attention to Oriental policy in the days of its decline than in those of its prime. When Oriential Princes held consultations in open Durbar they paid homage perhaps unconsciously to a form, no doubt very crude, of representative Government. No Oriental Prince as a rule set aside at his will the opinion of the Majority of those whom he consulted, and acted as he pleased, if he was a really sagacious and successful Ruler. In all well regulated and settled States the advice of those consulted in open Durbar was substantially as little liable to be set aside by the Prince's prerogative as any measure passed by the Houses of Parliament is liable to the Sovereign's Veto under the British Constitution. Neither must it be forgotten that the Oriental Ruler had advantages which Rulers who are not of the same race cannot enjoy; and that to the latter the checks which prevail against arbitrary authority in the West are all the more necessary than to the former.

29. The Council of this Association would moreover respectfully request attention to the fact that the Policy to which the Government of India now seem so strangely inclined was when propounded nearly 50 years ago deliberately abjured by the British Parliament. Prior to the passing of the India Council's Act of 1861 Mr. Ayrton in the House of Commons and Lords Ellenborough and Grey in the House of Lords had suggested the adoption of similar Oriental Policy without acceptance. Mr. Ayrton had asked Sir Charles Word to strike out many of the complicated provisions of the Act and to **render the whole measure more consonant**

with the simplicity of Asiatic Ideas. Lord Ellenbourough had declared that the best form of legislative machinery suited to India was **the Durbur in which an Indian Prince would simply consult his subjects and ascertain their wishes and would then act as he thought proper.** His Lordship had also advocated that **the Council should carry on its business in Secret Sessions and in confidential intercourse.** Lord Grey had moved an amendment to the above purpose, but the amendment was negatived without division after the Earl de Grey and Ripon had declared on behalf of His Majesty's Government that the amendment **sought to establish a body of a novel character and without precedent in any previous system pursued of England since the acquisition by it of its Indian possessions.** Such a Council, Earl de Grey and Ripon said, "**would have no real power, would be unable to influence the Governor General and would find its opinions constantly disregarded, in which case men of influence and weight would decline to sit upon it and, as a deliberative body, it would fall into desuetude and disgrace.**"

30. The Council of this Association would have been disposed to view with considerable alarm the Government of Indias declaration in favour of Oriental policy and its traditions but for the recent unmistakable declaration at Arbroath of His Majesty's Secretary of State for India himself—

> "**We are representatives not of Oriental civilisation but of Western civilisation, its methods, its principles and its practice.**"

This is the lesson which India has learnt, and the policy India has been taught to appreciate and to accept, from its earliest connection with British authority, and the Council feel sure that any departure therefrom and any attempt to slide back to Oriental traditions at this late hour would tend only to disturb the public mind and to discredit the Government's position.

31. The scheme for an Imperial Advisory Council seems to the Council, therefore, to require complete modification, if not abandonment. with the exception of the purposes for which the Ruling Chiefs may well be consulted as above submitted, there seems no real scope for its usefulness. The Administrative measures with regard to

which in the main Advisory Councils are to be created and utilized will not always be the same for all India. With regard to them the Provincial Councils with, as the Council venture to suggest, District Advisory Councils are all that is required. The Government of India will of course always be kept informed of the advice and opinions of these bodies. An Imperial Advisory Council would, so far as it confirmed such advice and opinions, be a superfluity; and might, if it is disagreed with them, become an embarassment, or, if it helped to overrule them, be a source of grave mischief.

THE PROVINCIAL ADVISORY COUNCILS.

32. With regard to the Provincial Advisory Councils, so far as the Provisions and conditions, to which the Council have drawn attention above, apply to them, the Council of this Association trust they need not repeat the objections and the desirable alterations to which they have thought it their duty to request the attention of Government in the above remarks.

The Council note that the Government of India desire that the local Governments should be furnished with a selected body of advisers **chosen upon a wider basis** whom these Governments should consult upon all measures of Importance; and that it deems it **"Essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included in these Advisory Councils.**

33. It is suggested that the number required for this purpose might be made up by adding to the Provincial members of the Imperial Advisory Council representing the great land-holders of the Province, representatives of the other important Provincial interests who would be nominated for the Viceroy's approval by the Head of the Local Government. The Council have already submitted that the Ruling Chiefs should find no place and are not entitled to any voice in the consideration of measures of administration in British India. There are no such territorial Magnates in this Presidency as the Maharajas of Burdwan and Benares and Durbhunga. The landed interests and the interests of commerce, industry, capital, and the professional classes should, the Council respectfully submit, be represented in the Provincial Advisory Council by a commensurate number of elected Members, if Government really desire to bring these classes into closer association with the authorities, and to enable them

to have an effective voice in shaping the action of Government in regard to measures of administration and proposals for action.

34. The mode of Procedure lald down in the scheme should, the Council respectfully request, be so modified as to leave ample scope for initiative and independent usefulness. The Advisory Council should be left free to suggest action, or submit advice, or formulate objections, as might be necessary in respect of all important measures affecting the population within their Province, instead of being restricted to such functions only at the will of the authorities. Such measures should be statutorily determined. The Council also request that the provision for individual consultations ought to be omitted; as such consultations are more likely to injure than promote the public interest by encouraging intrigue and giving free play to interested motives, by creating distrust among the members themselves, and by removing all sense of responsibility from the entire body. The Council of this Association venture to believe that such a modification will not be unacceptable, as the Government of India have themselves declared that they **attach the highest importance to collective deliberation since opinions thus obtained are different from and frequently more valuable than those elicited by individual consultations.** The Council would further request that such collective deliberations should not be private and confidential but should be open to public knowledge and public criticism which alone can ensure the necessary sense of responsibility on the part of the Advisory Councils; and the necessary confidence in them on the part of the people concerned.

35. The association of the non-official Europeans with the Indian representatives in the Provincial Advisory Councils is in every way most desirable. Such association, however, can be effectual in promoting a better understanding and in removing injurious prejudices and misconceptions only if common consultation and collective deliberation, which will furnish occasions for the necessary intercourse, are adopted in preference to individual consultations and private references.

36. The Council are respectfully of opinion that, unless sufficient provision is made for giving effect to the advice and opinions of the Advisory Councils, the Scheme must end in disappointment and discredit. If the Advisory Council unanimously disapprove of any administrative

measure, it should be abandoned. If two-thirds of the body disapprove of it, it should be altered to make it acceptable or should be postponed for a season. The best men available for such weighty functions would naturally avoid a position so disparaging when they know that their advice and opinions may be disregarded without check or control. Where there is no power there will be no responsibility. The men who will lend themselves to a position of questionable credit and doubtful usefulness will not be the men who can inspire general confidence. And in the result a scheme fraught with fair promise excellent usefulness and capable of great extension as a constitutional experiment will, as was remarked by the Earl de Grey and Ripon in 1861, fall into "desuetude and disgrace."

DISTRICT ADVISORY COUNCILS.

37. The Council are strongly of opinion that District Advisory Councils at the lower end are more desirable than an Imperial Adivisory Council at the higher. All the useful service that is expected of such Councils is not only more needed but is capable of being rendered more effectually and more advantageously in the Districts than in the Provinces or at the seat of the Supreme Government. The interests that are likely to be affected by administrative measures and proposals for action are more generally the interests of the populations in the District; and there such measures and proposals are likely to be more keenly felt and to be discussed with more informed knowledge. The education and training for public usefulness which the newly-created functions are calculated to afford will supply a needed want; and a healtheir public tone and a larger sense of public responsibility will call into existence a class which will be the best interpreter alike of the Government's intentions and of the people's wants.

38. The Council trust they need not add that in the case of the District Advisory Councils they would request the same safeguards and modifications that they have requested for the Provincial Advisory Council, *viz.*,—

(*a*) The election of the majority of the members instead of the nomination of the entire body.

(*b*) Larger initiative instead of the restricted function of giving advice only when the authorities please.

(*c*) Statutory determination of the measures on which they would be entitled to give advice.

(*d*) Collective deliberations in public instead of individual consultations or private references.

(*e*) Sufficient provision against the total disregard of the advice and opinions of those consulted.

39. With elected members possessing the public confidence and voicing with knowledge and independence the public opinion: with unrestricted opportunities and greater initiative: with collective deliberations open to public knowledge and subject to public criticism: and with due provision for giving effect to their advice and opinions, the Advisory Councils—both District and Provincial—may be regarded hopefully, and may reasonably be expected to render excellent service both to the Government and the people. The Council of this Association trust, therefore, that the views and suggestions submitted above may commend themselves to Government as calculated to promote the wishes that have prompted the authorities to propound the scheme.

THE LEGISLATIVE COUNCILS.

40. Before proceeding to discuss the proposed changes in regard to the Imperial and Provincial Legislative Councils, the Council of this Association desire respectfully to submit their views in reference to the general remarks and propositions advanced in Sir Harold Stuart's letter on behalf of the Government of India.

41. The Council regret to note that the general tendency of these remarks and propositions is to disparage publicly the labours of devoted and disinterested men without good or adequate cause, and to discredit a class which has necessarily failed to attract the sympathies of the authorities, because it has criticised their acts and exposed their failings with knowledge, independence, and courage. It is for Government to consider if it is in accordance with their own dignity that in a public document on an occasion of such grave importance such official animosity should be publicly displayed. But the Council are respectfully of opinion that it is not in accordance with good policy for Government to draw a line of separation between the educated Indians and those whose assistance is openly invoked to furnish a counterpoise, indicating a marked distrust of the former alike undeserved and unconcealed.

42. That the masses of the population of this vast country are thoroughly loyal to the Sovereign was shown on the death of the great Queen-

Empress by a depth of grief and fervour of devotio n which were as unmistakable as they were unexpected. This feeling of loyalty, the Council venture to declare emphatically, has permeated to the masses through the efforts not of the classes whose assistance is now invoked and relied upon, but of the educated Indians who have been so unwisely and ungenerously singled out for official disparagement and distrust.

43. In his speech before the Imperial Legislative Council at Simla in October last Sir Harvey Adamson after declaring that—

> "The Government of India have all along recognised that the unrest is not solely the outcome of seditious agitation, but has its basis in the natural aspirations of the educated Indians"—

complained that the large and generous scheme of reform formulated by Government to meet those aspirations had not been sufficiently appreciated as an earnest of their desire to meet the grievances. The Council think it their duty to point out that such a result is very largely due to the undisguised hostility to the educated Indians which unfortunately characterises the whole tenor of the letter in which the scheme of reform has been placed before the public. The Council hope and trust that neither His Majesty's Government nor the Government of India seriously entertain any such feeling; and they would respectfully suggest that in the public interest the impression which Sir Harold Stuart's letter has undoubtedly given rise to may be removed.

THE ELECTIVE PRINCIPLE.

44. The absence of any recognition of the Elective Principle in Lord Cross's Bill was its great drawback; for it was generally felt that Parliament had disappointed the just aspirations of Indians for reform of the Councils on a partially elective basis, by ignoring the principle in the Bill, and leaving it for adoption to the good sense and discrimination of the Government of India only. It is necessary in this regard to quote the following from **Mr. Gladstone's** speech during the Debate on the Bill of 1892 :—

> "It is evident that the great question—and it is one of great and profound interest—before the House is that of the introduction of the elective element in to the Government of India. That question overshadows and absorbs everything else. It is a question of vital importance..... What we want is to get at the real heart and mind, the most upright sentiments and the most enlightened thoughts, of the people of India.....There are of course dangers in the way. There is the danger of subserviency. There is another danger and that is the danger of having persons who represent cliques or interests and who may claim the honor of representing India."

45. The responsibilities of governing a country alien in religion, habits, manners, and modes of life and thought, particularly when as now it is undergoing vast and constant transformation must increase appreciably in the near future ; and questions will arise which Government cannot be in a position to approach in ignorance of public feeling or by reliance only on the opinions of the selected few. It is by the aid of the elective element alone that Government would be enabled to judge how far the support of the people at large recommended any proposed or suggested measure of legislation. And unless the number of elected representatives was commensurate Government would not be adequately relieved of these grave responsibilities.

46. The Council feel it their duty to submit their respectful protest against the remark in Sir Harold Stuart's letter that " **it is admitted that in the case of the Provincial Councils the results** (of the introduction of the elective element) **have not justified the expectations that were formed**". The Council are not only not aware of any such admission but they would respectfully remind the Government of India that ever since 1893 the Governors and Heads of the Presidencies and Provinces where the reformed Councils exist have declared from their own personal knowledge their complete satisfaction with the work and their unqualified admiration of the assistance which elected Members of the Provincial Legislative Councils have performed and rendered from time to time. Even in the Imperial Legislative Council the services rendered by the elected representatives have been publicly acknowledged. The Council of this Association must for obvious reasons refrain from individual eulogy ; but they cannot hesitate to remark that the elected Members have rendered more efficient, more valuable, and more constant assistance to good

Government than the nominated Members either in the Imperial or the Provincial Legislatures.

THE PREPONDERANCE OF LAWYERS.

47. With regard to the complaint that the Elective System has given to the legal profession a preponderance in the Provincial Legislatures to which it is not entitled, and that it has signally failed to represent other important elements of the community, the Council think it their duty to point out that such a complaint is neither reasonable nor fair. No doubt the number of lawyers and pleaders is greater than the number of landholders elected by the District Boards and District Municipalities to the Provincial Councils; but there is a twofold fallacy in the argument which is sought to be drawn from it. In the first place no account seems to have been taken of the well known circumstance that a greater number of the lawyers themselves are landholders. In the second place it is forgotten that the lawyers do not sit in the Councils as the spokesmen or representatives of their own particular and professional interests. The Professional class is not like the class of merchants or of landholders and has never sought to claim special representation.

48. That lawyers do preponderate is due only to their possessing the public confidence of all classes because of their capacity and their virtues. Their proficiency and success in their career give stronger and more trustworthy proof, than is otherwise available, of industry and capacity and self-denial. Their career forces them on the public attention and furnishes life-long training for the services required of them in the legislature. By education, observation, independence of thought and capacity to argue, they gain the suffrages of all classes as the men best fitted to give voice to their views and wishes. They do not seek to represent any single class; and they are impartial advocates of the interests of all classes. They are in no way dependent on the executive, and are therefore trusted as independent exponents of public grievances and popular aspirations. With minds disciplined by the study of law, and with accurate knowledge of its principles and practice, they are the fittest and most efficient representatives of the bulk of the population whose legitimate interests are chiefly involved in the work entrusted by the constitution to the Legislature. In every age and in every country the lawyers have been

the champions of the people's rights and the defenders of their liberties. They have at once the knowledge to detect and the power to resist the illegitimate encroachments of authority. It is therefore not the fault but the merit of the elective system, that it has helped and will help to bring to the service of this country, with its diverse creeds and castes and races, those who combine with unselfish devotion and patriotism the highest qualifications to form a correct estimate of the greater problems which are likely to come to the front in greater measure, and which must be correctly solved, if our Legislative Councils are to accomplish the work entrusted to and expected of them.

49. There can be no force in the complaint about the preponderance of lawyers in the Legislature unless it can be shown that it has worked to the public detriment. The Council are glad to note that this has not been shown in Sir Harold Stuart's letter. The evidence furnished by the records of the improved legislature since 1893 points entirely to the conclusion that our legislation would show much poorer results if you strike out of it the work done by the lawyers. The Council of this Association must confine their remarks to the Bombay Presidency of which alone they can speak with full knowledge. They would therefore respectfully invite the attention of the Government of India to the work of the lawyers in the Bombay Legislative Council. They have represented and advocated alike the interests of the agriculturist and the occupant and the landlord and the Sowcar in recent revenue legislation. No one espoused the cause of the poor ryot in Gujrat with greater devotion and fuller knowledge than the distinguished pleader who represents the Northern Division of this Presidency in the local Council. When the Hon'ble Member's remarks were challenged in Council by the authorities he obtained a commission and assisted at the enquiry with unselfish devotion and untiring labour and the results of the enquiry not only established the substantial correctness of his views, but have led to administrative measures remedying effectively the grievances complained of. In the legislation affecting the District Boards, the District and Local Municipalities, as well as the Municipality for the city of Bombay, it was the lawyers and the lawyers in the main who moulded it to no small purpose in the interests of the urban and rural populations alike. During the recent debate on the Police Act their services were effectual in safeguarding the people's rights and in resisting

illegitimate authority, as the success of the various amendments moved by them attests. These are only a few of the conspicuous instances of their valuable work, as the Council do not wish to trouble Government at greater length than is absolutely necessary.

THE EDUCATED CLASS.

50. The Council of this Association feel painfully the necessity of requesting the serious attention of the Government of India to the deplorable impression which has been created on the public mind by the unsympathetic if not hostile attitude evinced in Sir Harold Stuart's letter towards the class of educated men in this country. The gravest concern and wide-spread apprehension are felt on all sides that the authorities should seek to eliminate from public life the educated element and to divest the educated class of its legitimate influence in matters affecting the public at large. The educated class in India is the proud product of British Rule. It is the only class in this country imbued with ways of thought more akin to those of the rulers, and with keener and more sincere appreciation of the benefits conferred by and expected from good Government. Loyalty to British Rule had its origin in the enlightened appreciation of its present and potential good by the educated class which accepted it not as a necessity but as a benefit; and as already stated above that loyalty has permeated from that class to the masses. To discriminate between the legitimate aspirations voiced by the responsible leading men in that class and the illegitimate views to which they are opposed, is not a task beyond the capacity of Government. To alienate the entire class by denying its legitimate aspirations and leaving it no reasonable prospect of steady development is a course which ought prudently to be avoided. There is obvious danger in driving the educated Indians into a despondent mood by leaving them no occupation for present ambition and no hopes for the future. The British Government cannot afford to neglect, and cannot smother with advantage, the opinion of the educated class because it has become inconveniently articulate for some of the authorities. To draft a few of the educated class into official service will not be enough. The qualifications of the educated non-officials must be afforded free scope to control the conduct of public affairs and to supervise administrative action. It is by their co-operation that the rulers and the ruled among all classes will be brought together and official efficiency will not be impaired but will be strengthened. The educated class must mould the mind of the

rising and future generations and to look upon it with unconcealed distrust is a policy which only the enemies of British rule can view with approval.

THE POLICY OF COUNTERPOISE.

51. The keynote of the proposals for reform is the creation of a counterpoise to the influence of the educated class. This of course will be no difficult task. The highest and lowest classes are generally adverse to the thinking and intellectual class. The former oppose it because its tendencies are hostile to their interests; and the latter because those tendencies are apt to assail their prejudices. But the task will be unworthy of enlightened and beneficent statesmanship.

52. There can be no objection, and there should be none, to Government giving to the landed and monied classes sufficient inducement to enter political life and full scope for the exercise of their legitimate influence. But for Government to call to their aid the interested and the unthinking in order to check the increasing influence of those who advocate reforms commensurate with the growing needs of advancing communities is altogether different and altogether objectionable. The counterpoise may for a time help to maintain the Executive at its present level of excessive power; and though the Council of this Association cannot believe that such is the intention, they cannot disguise from themselves that such will be the end; and they must respectfully point out that such an end will not be compatible with Government's desire to rally the better mind of the communities to their side.

53. The Council respectfully submit that the proper aim of the reforms now required should be not cleavage or counterpoise but the readjustment and expansion of the proportionate representation of the different communities so as on the one hand to enable Government to secure the benefit of the knowledge, experience, advice and co-operation of the most capable and the best trusted representatives of all classes and interests; and on the other to stimulate and encourage the latter to strive and work for the common good by promoting the advancement and welfare of all, irrespective of class and race and creed.

TERRITORIAL REPRESENTATION.

54. The Council must take exception to the remark that **territorial representation is unsuited to India**. The territorial principle cannot be unsuitable in regard to the requirements of administration and legislation when it has entered so largely into the people's life in so many directions.

55. There can be no more rigid institution than the caste system among Hindus and even that has been penetrated by territorial influence. Homogeneous institutions like the Brahmin and other castes are divided into sub-castes on the basis of territory, so that men of the same caste are prohibited thereby from intermarriage and not seldom from interdining. The Mahomedans too are divided by territorial influence into distinct bodies like the Punjaubee Mahomedans, the Mahratta Mahomedans, and the Bengalee Mahomedans ; and the Gujeratee Bohras and the Cutchee Memons.

56. Indian Kingdoms and Principalities were founded and based only on the territorial principle. There has never been a King of the Mahrattas or a Raja of the Rajputs or an Emperor of the Punjaubees. We have only had the Emperor of Hindoostan, the Nizam of Hyderabad, the Raja of Satara, the Nawab of the Carnatic, the Maharajas of Udaypore and Mysore and Kolhapore, the Gaekwar of Baroda, the Holkar of Indore, or the Scindia of Gwalior.

57. Hindu law has not stood unaffected by the territorial principle ; and to day the High Courts interpret and administer it differently in the different provinces according to the commentaries of the learned with their distinct modes of interpretation, and separate schools of thought, in Calcutta and Benares and Madras and Bombay.

58. From the earliest times the village community has formed in India the unit of the political and administrative system. Each village community was an organic whole composed of men of different castes and creeds and containing men of every occupation such as the priest and the landowner, the cultivator and the tradesman, the carpenter and the smith, the potter and the barber, the shoe-maker and the sweeper. Its only basis was the land or territory it occupied. This system has stood every test and has come to be recognised as that most suited to the country. It was accepted alike by every Hindu and Mahomedan Ruler; and if of late it has failed to be so recognised and accepted the change has not counted towards progress or public welfare.

59. It is a grave mistake in spite of all this evidence of the effect of territorial influence on the national life, to declare that territorial representation is unsuited to India, and to endeavour to replace it by a system of artificial devices injurious to the public interest, and of racial and class and religious distinctions, which can only promote discord and disunion.

THE PROPOSED ELECTORATES.

60. All attempts to base political institutions on considerations of class interests or caste prejudices or racial and religious differences seem to the Council of this Association so entirely dangerous that they earnestly request the Government of India to give their most serious consideration to the all but universal protest and the general feeling of alarm and distrust with which the proposals contained in Sir Harold Stuart's letter have been received.

61. These attempts involve a violent departure from the principles and policy hitherto recognised and pursued by the British Government, which has always stood outside all class and racial and religious considerations with strict impartiality. Such a departure will only increase the difficulties of Government by placing it in opposition to the powerful tendencies which now prevail and which have been fostered hitherto by wise persistence in the strictest neutrality. If racial and social idiosyncracies and differences have not altogether ceased to exist, they should not be utilised for marking the ultimate direction, or shaping the final aim, of the policy which Government should pursue. To bring the differing races and creeds into harmony with each other, and to induce the best minds in all communities to apply themselves to what is necessary and practicable for promoting the common good should, the Council earnestly submit, be the only aim of British policy, and the great task to which Government should apply itself.

62. The electors hitherto have paid little heed to race or creed or social rank, but have chosen the men who most faithfully represented and were capable of most effectively enforcing their views. Instead of encouraging this course the new Policy will encourage class ascendancy, and religious and sectarian partisanship with the inevitable result that Government itself will be distrusted by one party or another.

THE PREPONDERANCE OF HINDUS.

63. If under the present system the Hindus largely preponderate and comparatively few Mahomedans have been elected that is due to causes which have not been fully recognised in Sir Harold Stuart's letter.

64. Electorates everywhere are based on numbers, property, and education as the main qualifications. If the Hindus are an over-whelmingly numerical majority, and if the qualifications of property and education are found in them in no smaller proportion than in others, they are in the Council's opinion perfectly entitled to proportionately larger representation than any other community. Every attempt to interfere with a right so obvious must lead to discontent which it is not prudent to provoke nor safe to despise.

65. To single out 62 millions from a population of nearly 300 millions for exclusive and exceptional treatment on account of their religion would be an attempt impolitic enough to be perilous. If the Mahomedans under special or exceptional circumstances require their proper rights or interests to be safeguarded by special measures, the same consideration and the same protection should be afforded to the Hindus under similar circumstances. To leave the Mahomedan majority where it exists unfettered, and to seek to provide checks against the Hindu majority alone, must appear to the latter an act of intolerance on the part of Government which they are entitled to resent.

66. When it is proposed in the case of District and Local Boards to distribute the seats set apart for election among occupational groups of Hindu landholders, cultivators, traders and professional classes and to select certain castes as representing each group, the question must arise why when there are Mahomedan cultivators, traders, landholders and professional classes there should be a differential treatment of the latter from the former. The Council can see no justification for the different and contradictory lines thus suggested for the election of Hindu and Mahomedan representatives.

67. It is said in Sir Harold Stuart's letter that the general principle to be borne in mind is to give the widest representation to classes, races and interests subject to the condition of maintaining the official majority. Apart from the reasons and considerations submitted above,

the Council respectfully take leave to doubt if such an attempt would be practicable.

68. As regards interests, the Council fail to see what is the Mahomedan or Christian or Parsee interest which is opposed to the Hindu interest in matters of legislation. Conflicting interests arise and come into play only in the case of Government employment and Government favours in matters of administration. As long as the same laws are made and administered irrespective of race or religion or caste, there is no need and no good ground for recognising differences between Hindus and Mahomedans in the Legislative Councils whose primary concern is to make laws. The interests of Mahomedans and Hindus are identical under British Rule, and the best way of safeguarding and promoting them is for Hindus and Mahomedans to work together in a spirit of co-operation and mutual sympathy. What is most desirable is to keep out what is narrow and bigoted, and to rally to the cause of good government the sound sober and conciliatory element from both the communities, so that the Mahomedan and Hindu members in our Legislature may be regarded and may regard themselves not as representatives of their respective communities but of the electorate as a whole.

69. This is the policy which has been hitherto followed; and its tendency has been unmistakably to unify the different races, classes and creeds into a political whole. The Council cannot believe that it is desired to counteract this beneficent tendency; and the Council trust that the Government of India will eliminate from their proposals the devices and distinctions which are calculated to have that effect.

70. Attention has been invited to the address of the Mahomedan Deputation to H. E. the Viceroy in October last, and it is observed that the Government of India concurred with the presenters of the address who had complained that neither in the Imperial nor in the Provincial Legislative Councils had the Mahomedan community received a measure of representation commensurate with its numbers and political and historical importance. As regards numbers the Council will not repeat what they have already submitted above. It must not be forgotten that there is a large Mahomedan population of Hindu descent living in the same way as, and with habits and modes of thought akin to those of, the Hindus in many parts of the country.

71. As regards political and historical importance it is necessary to point out that too much stress has been laid on the point; and a good deal of what has been urged is historically incorrect. The Mahomedan Empire was already in its decline when the British power came upon the scene. The Mahratta power was then at least not less important politically. The Rajputs were certainly not less important historically. With the exception of Deccan Hyderabad and Bhopal there is no Mahomedan Native State of first class importance like Mysore and Cashmere and Travancore, or the Mahratta States of Baroda, and Kolhapore, and Indore, and Gwalior; or the Sikh States of Patiala and Nabha, or the Rajput States of Udeypore, and Meywar, and Jodhpore, and Jeypore.

72. With the exception of those Mahomedans who strive naturally enough to get a larger share of public employment and honours, the wants and needs of the Mahomedan masses, agriculturists, artisans, merchants, traders, and labourers are very much the same as these of the population of which they form part. Whatever might be imagined and said to the contrary, their attitude towards the Anglo-Indian administration and their views of local questions are identical with those of their Hindu neighbours.

73. That the great and important Mahomedan community should have adequate representation in the Councils and in all public affairs is what this Council are prepared to advocate and recommend without reserve. They have every sympathy with Mahomedan aspirations and they feel bound to point out that those aspirations have never been ignored, but have always been promoted by the political activities of the Hindu and other communities in this country. Every movement for securing greater rights for the populations at large has benefited the Mahomedans not less than the other communities. It has opened up avenues for public recognition and for public employment to the Mahomedans equally with the other communities; and if the Mahomedans have failed to avail of it all to the extent they desire, the result is due to their unfortunate backwardness in taking advantage of the educational facilities provided by Government, and not to the selfishness or opposition of the other communities. Government themselves have used every effort to put them into line with the other communities, and if the effort has not been as successful as it might have been, it is unjust to ascribe the failure to any other cause than the want of sufficient materials and the absence of the requisite number of those qualified to avail of the advantages offered to all classes and communities without exception.

74. It is due to the general movement towards progress and development that the most capable Mahomedans have been able to secure some of the highest posts in the public service. The seats on the Benches of the High Courts and of the Magistracy have not been the monopoly of the Hindus, and if Mahomedans have been able to attain to them by their capacity and talents, it is due not to the special efforts of that community or the special favour of Government, but to the success of the general demand that the natives of this country should not find the avenues to the highest employment closed to their ambition and deserts.

75. In the Corporation of the City of Bombay every capable Mahomedan has been called to the President's post by the acclamation of all communities. In the Town Councils and Standing Committees a larger number of Mahomedan gentlemen than was justified by the number of Mahomedans in the Corporation was elected by their Hindu and Parsee colleagues. In the Legislative Councils the Mahomedans have seats commensurate with their numbers and qualifications. The non-official Members of the Bombay Legislative Council have never been guided in their choice by narrow distinctions of caste or creed or race. They have elected a Parsi and a Mahomedan and a Hindu with equal appreciation when he was the fittest for that honour. Sir Pherozeshah Mehta and the Hon. Mr. Sayani were elected with the same unanimity as the Hon. Mr. Gokhale. From Madras, too, the non-official Members of the Provincial Legislative Council have sent to the Imperial Council Mahomedan representatives like the late Meer Humayun Jah Bahadur, C.I.E., and the Hon'ble Nawab Syed Mahammad Saheb Bahadur, who has been chosen twice in succession for that high honour. From the United Provinces, again, the non-official Members chose the late Nawab Faiyazali Khan of Pahasu as their representative in the Imperial Council. The landowners of Behar, of whom nine-tenths are Hindus, unanimously chose at the last election the Hon'ble Mr. Sharif-ud-din, a Mahomedan, as their representative in the Bengal Legislative Council. These facts so creditable to the Hindus should not be lost sight of. In absolute justice to them it should be recognised that whenever really qualified

representatives were available from the Mahomedan community, they have found no difficulty in obtaining the generous suffrages of their Hindu colleagues.

76. There is no reason whatever to doubt that, if such results can be pointed out in the short space between 1893 and now, better results will and must be attained with the increase of progress and enlightenment, provided of course the authorities do not interfere with mistaken measures which are calculated to encourage and exasperate racial and religious animosities.

77. There is no injustice in the fact that the Hindu representatives are found in a majority when on any and every secular test they prove themselves entitled thereto. To encourage any idea of injustice on that account can serve no honest purpose. It is not honest or fair to the Hindus to attribute their advantage to anything unworthy when the legitimate and solid claims of number, property and education are demonstrably on their side. It is not honest or fair to the Mahomedans to encourage delusive hopes and keep them in darkness as to the true causes of the backwardness of which they are becoming conscious and for which the remedy is so largely in their own hands.

To hold the balance evenly between Hindus and Mahomedans is undoubtedly an obligation of Government; and this Council accept unreservedly the principle that the representation of minorities should be adequately provided for. No scheme for providing such representation can give universal satisfaction; and the British Parliament itself has not succeeded in devising a scheme which can satisfy all parties. But the Council would respectfully suggest the following for Government's favourable consideration :—

(*a*) That the electorates should be fixed on a territorial basis.

(*b*) That the requisite number of members should be assigned to each electorate.

(*c*) That the proportion of Mahomedan and Hindu Members should be determined according to local circumstances, whichever community happens to be in a minority.

(*d*) That the members should be elected by the general body of Voters.

79. Whatever arrangement is adopted to safeguard or protect the rights of the minority, it is essential that such an arrangement should be uniform, and not devised specially in the interests of one community. Government cannot afford to introduce a scheme invidious to the Hindus, and open to the suspicion that the authorities favoured one particular community.

80. The Council must, therefore, submit the strongest objection to the adoption of the measures suggested in Sir Harold Stuart's letter (para. 17) for giving **additional facilities and special privileges** to the Mahomedan community by creating a **special Mahomedan electorate** to elect Mahomedan Members exclusively, in addition to the Mahomedan Members who may secure election in the ordinary manner. These measures are bound to create in the public body feelings of race and religious animosities dangerous to peace and contentment; and in the legislature itself a spirit of faction which will mar the utility, and lower in public esteem the character, of the Legislative Councils.

81. The Council venture to believe that the proposals submitted by them (*ante* para. 78) would sufficiently protect the rights of the minority wherever it exists, avoid all individiousness, promote no discord, and ensure the election of both Hindus and Mahomedans of the right type as the trusted representatives of the entire electorate.

NOMINATIONS.

82. It is stated that the Government of India do not think it necessary to throw open all the seats to election, but hold it advisable to reserve a proportion of seats to be filled as at present by nomination because Indian gentlemen of position refuse to be candidates before a wide electorate.

83. The obligation to seek the suffrages of the people compels those who seek it to consider the interests of their countrymen in general; and there is no reason why Indian gentlemen of position should escape it by refusing to be candidates before a wide electorate. The Mahomedan Deputation to His Excellency the Viceroy expressed in no uncertain language their dissatisfaction with the results of nominations. Generally they help only to create a non-effective if not mischievous element always ready and willing to conform to the wishes of those to whom they owe their selection. It is most desirable that people should know when Members agree with Government that the agreement is arrived at as the result of

independent views. The value of the agreement is diminished when people understand that it is the expression of the views of those who are nominated and who desire re-nomination.

84. The system of nominations has only this to recommend it that it enables Government to redress the balance if and when the results of the elections render it necessary and advisable. The Council respectfully submit that with this power in their hands which can be exercised wisely and to good purpose, Government need not resort to any special and invidious device for safeguarding the rights of a particular community where it is in a minority.

85. Nominations will also be the only means for the representation on the Legislative Councils of the official element.

OFFICIAL MAJORITIES.

86. The Council respectfully trust that they need not entertain any apprehension of being accused of a desire to **dispute the legitimacy of the Paramount Power itself** if they take the liberty to deny the validity of the principle that the maintenance of a standing official majority is **the legitimate and necessary consequence of the nature of the Paramount Power in India.** Of course the principle is **accepted by Government**; but that does not and cannot mean that it has **never been disputed,** or, that it is **not an open question.** To argue that those who object to any particular form in which British supremacy is exercised object therefore to the existence of British supremacy itself is alike unreasonable and undignified on the part of the authorities. Nobody in India dreams of claiming that the Legislative Councils should wield the **sceptre.** All that is claimed is that they should not be reduced to a position of constant impotence and inutility.

87. The Government of India themselves admit that the provision for an official majority imposes **the necessity of limiting the number of Non-official Members.** It obviously therefore cripples so far the usefulness of the Legislature by preventing the adequate and efficient representation of the varied interests which are entitled to representation. This in itself would be sufficient cause for enquiring and considering carefully the necessity for the provision of official majorities.

88. The existence of a Standing Majority must minimise the sense of power and therefore of responsibility on the part of the Non-official

Members, and increase the sense of power and of irresponsibility on the part of the Officials. Both these results are to be deprecated and should as much as possible be provided against.

89. The Council can see no necessity for a numerical majority of Officials **strong enough to be independent of the fluctuations caused by the occasional absence of Official Members** when admittedly the withdrawal from their important administrative functions of such a large number of Officials of standing and experience cannot take place **without detriment to the public interest.** In the ordinary sphere of legislation, if the non-official members both Indian and European, drawn from so many different directions and representing so many varied interests, were to combine and oppose the proposals of Government, it cannot weaken the power or injure the prestige of Government to yield to the opinion of such a majority. The time has come when it may be safely recognised that greater confidence on the part of Government in the people's representatives would beget greater confidence on the part of the people in Government itself; and that unreasonable and excessive distrust on the part of Government can benefit neither the rulers nor the ruled.

90. Questions may no doubt arise on which it may not be advisable to yield to the opinion of the combined non-official majority; and among them the most important will be the questions relating to the financial administration. In such a case what this Council would claim for the majority is the power of delaying measures so as to ensure their reconsideration by the Government, or a reference to a higher constitutional authority, unless their emergency is such as to make any delay injurious to the public interest in the opinion of Government. In the latter case the power of veto which will always vest in His Excellency the Viceroy would be a sufficient safeguard. In the former case the Council would request that if Government do not think it proper to reconsider their measures or proposals, the opinions of the majority may be recorded, and the matter may be referred to a higher tribunal as a Court of final appeal.

PARLIAMENTARY COMMITTEE.

91. This Tribunal or Court of appeal should draw its authority and strength from the British Parliament. There is no question that under the constitution the Government of India and His Majesty's Secretary of

State for India in Council are responsible to Parliament in the last resort; and there can be no question of the propriety of a Committee appointed by Parliament being the final referee, when the majority of Members in the Imperial Legislative Council record their votes against the proposals or measures of the Government of India. Provision may be made for drawing up a reference, where the reasons for the majority's vote may be submitted, with the Government of India's reasons for differing from them.

92. Such a Committee should be composed of Members of both Houses of Parliament, and from both the great parties, so as to secure to the final authority the highest prestige and the confidence of all parties. The liberty of action of the Government of India would be controlled only by the decision of Parliament through its appointed delegates, and their prestige and power would suffer no diminution, but remain as hitherto under the constitution. The only difference will be that the control of Parliament will be more real and effectual in matters of the greatest moment to the Indian people.

THE IMPERIAL LEGISLATIVE COUNCIL.

93. Under the India Councils Act of 1892 the number of additional Members of the Imperial Legislative Council was fixed at not less than 10 and not more than 16. Under Section 1 (4) of the Act, Regulations were framed by the Viceroy and published by notification dated the 23rd June 1893 declaring that of the additional Members not more than 6 should be officials and that 5 should be non-officials recommended, one each by the Non-official Members of the provincial Councils of Madras, Bombay, Bengal and the United Provinces, and one by the Calcutta Chamber of Commerce. It was left to His Excellency the Viceroy to nominate at his discretion to the remaining seats not filled by the officials such additional Members as he pleased for the due representation of the different classes. The Members of the Executive Council, the Lieutenant-Governor of Bengal, the Commander-in-Chief, and His Excellency the Viceroy were to be Members *ex-officio*. The composition of the Imperial Legislative Council was thus made up of the maximum number of 25 as follows:—

9 Members *ex-officio* including the Viceroy.

6 Official Members.

4 Non-official Members elected by the four Presidencies and Provinces.

1 Non-official Member elected by the Chamber of Commerce.

5 Additional Members nominated by the Viceroy.

94. It is now proposed that the maximum strength of the Imperial Legislative Council shall be 53, and including the Viceroy 54, made up as follows:—

9 Members Ex-officio including the Viceroy.

20 Official Members.

18 Elected Members.

7 Members nominated by the Viceroy.

THE NOMINATED OFFICIAL MEMBERS.

95. When the Official Members under the existing regulations were not to be more than 6 out of 25, the proposed change would increase their number to 20 out of 54. When the increase in the whole Council would be somewhat over double their present maximum number, the increase in the Official Members would be somewhat over-treble their present maximum number. The only reason put forward is the necessity for an Official Majority. As to this the Council of this Association have already submitted their remarks.

96. If the figures are examined carefully they show that His Excellency the Viceroy can always count upon a much too excessive Majority. The elected Members are only 18 of whom the two recommended by the Chambers of Commerce will be Europeans. This Council cannot understand the necessity of a Majority composed of 37 members, Ex-officio, Officials, nominated, and Europeans, against 16 elected Non-Official Indian Members. They respectfully trust Government themselves will see the obviously excessive disproportion, and will be disposed to regard with favour this Council's request that there should not be more than 16 Officials as Additional Members.

THE NOMINATED NON-OFFICIAL MEMBERS.

97. The Nomination of a Ruling Chief as an Additional Member seems to this Council neither necessary nor appropriate; for the reasons already submitted above they would request Government, alike in the interests of the Ruling Chiefs themselves and of the public, to abandon the idea.

98. As to the 6 Additional Non-official Members to be nominated by the Viceroy as experts, and as representatives of minorities and special interests, of whom not less than two are to be Mahomedans, this Council respectfully trust that considering the variety of important interests that must remain unrepresented if the proposals are not altered, the Government of India will not be indisposed to reduce the number. There is already a provision for the special election of 2 Mahomedan Members; and the further provision for at least 2 Additional Nominated Mahomedan Members is not necessary. It is also, for the reasons already submitted above, very undesireable. This Council would therefore request that the number of Nominated Non-official Members may be reduced to four of whom the Viceroy may appoint as many Mahomedans as His Excellency finds necessary according to surrounding circumstances. It is by no means unlikely that the Provincial Councils themselves would elect Mahomedans to the Imperial Council as the Councils of Madras, Bombay, and the United Provinces have already done, as shown above. Those of the Punjab and Eastern Bengal and Assam can with reason be expected at least to do likewise.

THE ELECTED MEMBERS.

99. It is more important in the public interest to consider the number and composition of the elected Members. As the proposals of Government stand there number is fixed at 18 to be elected thus :—

By the Chambers of Commerce	2
By the Non-Official Members of the Provincial Councils	7
By the Nobles and great land-owners	7
By Mahomedans	2

It is submitted with the greatest respect that to leave 7 Members to be elected by the representatives of the vast masses who can be counted to so many millions, and to reserve 11 Members for election by Minorities and special interests, is calculated to cause the greatest concern, if not dismay, to those who have advocated a reform of the existing system. It is not a step towards progress but towards retrogression. The changes proposed are not for the general good of the masses, but for the special behoof of the classes. They seem intended not to satisfy the aspirations of the educated but to place the educated at a disadvantage. It is difficult to understand how if the Government of India believed as Sir Harvey Adamson declared

on the 18th October last that **the unrest in India has its basis in the natural expirations of educated Indians,** they could persuade themselves than they were giving a proof of their desire to meet the grievances by a change of which it is difficult to admit the justice or generosity.

100. The real increase of the people's representatives is from 4 to 7; and this increase is due to the addition of the 3 Provincial Councils of Eastern Bengal and Assam, and of the Punjab, and Burma, which do not now possess the privilege of electing representatives to the Imperial Council. The Council fail to see how the aspirations of the educated Indians in Madras and Bombay and Bengal and the United Provinces are met by including Eastern Bengal and Assam and the Punjab and Burma within the pale.

THE GREAT LANDHOLDERS.

101. It is said that the Government of India are impressed with the necessity for giving substantial representation to the great landowners who not only constitute the aristocratic and stable elements in Indian Society but also represent the interests of landholders great and small. It is proposed therefore :

(*a*) That seven Members should be elected direct to the Imperial Council—one from each Presidency or Province—by a provincial electorate varying in size from one hundred to one hundred and fifty composed of landowners paying not less than ten thousand rupees a year as land revenue; or

(*b*) That a representative of the landholders should be elected to the Imperial Council by the landholding Members of the Provincial Councils either from among their own number or from landholders paying not less than ten thousand rupees a year as land revenue; or

(*c*) That seven representatives of this class should be obtained on the Imperial Council by a system of nomination.

The Council of this Association are not surprised at Government's embarrassment. As regards the first, Government themselves point out how unsatisfactory and objectionable it may prove. As regards the second, it is difficult to understand what Government mean by the landholding Members, and if lawyers and merchants holding land can

claim the privilege. As regards the third it is perfectly intelligible and would certainly be feasible; but it would mean only an increase of the number of Government nominees.

102. It is, however, not the method of their election, or their nomination by Government which need create any concern. It is the proposal itself which is most objectionable. To give to an electorate of from seven hundred to one thousand privilege electors the same number of representatives as are given to so many voiceless millions in the whole country, has been universally felt as a painful mockery by those whose aspirations, admittedly legitimate, it is the avowed desire of Government to satisfy.

103. The insistence that the **Members elected to represent this class must themselves belong to it** has been interpreted as a desire on the part of the authorities to exclude from the Legislature the cultured and the capable, even if they command the confidence of the privileged few. This is not an unreasonable interpretation. Government have no right to restrict the choice of the seven hundred or one thausand landholders, and to insist that they shall not elect a man however capable and however trustworthy only because he is poor. What reason can there be to tell the landholders that they shall not elect representatives like the Honorable Mr. Gokhale, if such is their will and confidence?

104. This Council would earnestly request Government to reconsider this part of their scheme and to modify it so that the vast interests of the public at large may not be sacrificed to the interests of the privileged few. It has been already shown above that the importance attached to the latter is not in keeping with their present position. In the Bombay Presidency there are very few landholders who pay not less than Rs. 10,000 a year as land revenue. Neither can it be said fairly or correctly that they represent the interests of all landholders great and small. No doubt in a few of the other Presidencies and Provinces there is a larger and more influential class of landholders. And if it is the desire of Government that they should be specially represented, this Council respectfully submit that the number of representatives allotted to them should not be more than three.

THE CHAMBERS OF COMMERCE.

105. The proposal to give the Chambers of Commerce in Calcutta and Bombay the right to elect two representatives, is one to which this

Council will not object if at the same time the great mercantile interests of the larger number of Indian merchants are duly represented. the Indian merchants are not excluded from the Chambers of Commerce in Calcutta and Bombay, but it is the fact that these Chambers represent principally the interests and wishes of the European Mercantile Community; and the interests of the Indian Mercantile Community will remain unrepresented as the proposals now stand.

106. In the Bombay Presidency we have the Millowners' Association, the Association of Piece Goods' Merchants, and a large and increasing class of other merchants and traders, who are entitled to equal representation with those whom the Chambers of Commerce represent. All over India this class is growing in numbers and importance; and this Council respectfully submit that Government should in justice to them make provision for their due representation in the Imperial Council by giving them the privilege of electing two members from all the Presidencies and Provinces. Those who pay a certain amount of Income Tax may be given the right to vote, and Electoral Colleges may be formed according to the importance and value of the different trades and industries in the different Presidencies and Provinces. If necessary the right may be exercised by rotation.

THE ELECTED REPRESENTATIVES OF THE POPULATIONS.

107. The Council respectfully submit that the number of representatives elected to the Imperial Council by the Non-official Members of the Provincial Councils should be raised from seven to sixteen, so as to allow two members each to the eight different Presidencies and Provinces of (1) Madras, (2) Bombay, (3) Bengal, (4) Eastern Bengal and Assam, (5) The United Provinces, (6) The Punjab, (7) The Central Provinces, and (8) Burma. The Imperial Council will thus be composed of:—

His Excellency the Viceroy	1
The Ex-officio Members	8
The Nominated Officials	16
The Nominated Non-officials	4
The Non-officials elected by the Chambers of Commerce	2
The Non-officials elected by the Indian Mercantile Communities	2

The representatives of the Landholders 3
The Elected Representatives from the Provincial Councils 16
The Elected Representatives of the Mahomedan Community 2

It may be fairly presumed that the Government can count on no obstruction or unreasonable opposition from the 30 representatives composed of the Ex-officio Members (excluding the Viceroy) the Official Members, the Nominated Non-officials, and the Members representing the Chambers of Commerce in Calcutta and Bombay. These as against the 23 elected Members would for all ordinary purposes furnish a sufficient and reliable majority. The Council of this Association are fully persuaded that there is no desire any where at any time to defeat the Executive; and that the legitimate aspirations of those who desire only that the public interests should be sufficiently represented shall be satisfied if the above suggestions are favourably received.

108. The Council would submit very earnestly that those who are allowed the privilege to elect the representatives should be unfettered in their choice, and that no restrictions of property or wealth may be imposed as to those who claim or may receive the confidence of the different electorates.

THE PROVINCIAL LEGISLATIVE COUNCILS.

109. The remarks submitted below have reference only to the Bombay Legislative Council. Under the Act of 1892 it was laid down that the number of Additional Members should, besides the Advocate General, be not less than eight and not more than twenty. Under S. 1 (4) of the Act, Regulations were framed whereby it was provided that in Bombay, of the persons, other than the Advocate General, to be nominated additional Members not more than nine should be Officials, and that nominal tions to eight seats should be made by His Excellency the Governor on the recommendation of—

A. The Corporation of Bombay.

B. Such Municipal Corporations or Group or Groups of Corporations other than the Bombay City Corporation as the Governor in Council may prescribe by Notification.

C. District Local Boards.

D. The Sirdars of the Deccan and such other class of Landholders.

E. Associations of Merchants Manufacturers and tradesmen.

F. The Senate of the Bombay University.

Not more than one Member each was allowed to the Bombay Corporation and to the University Senate, and as regards the rest it was provided that at least one member should be nominated on the recommendation of each of them. It was left to His Excellency's discretion to nominate persons to such of the remaining seats as were not filled by officials as should in his opinion secure a fair representation of the different classes of the Community.

110. The Government of Bombay regretted (See G.R. No. 115 of 17-5-93) that with the number of seats for election laid down by the Regulations **it was impossible to meet the legitimate wishes of the several public bodies to have the privilege of election granted to them.** They apportioned the 8 seats thus:—

3. To Local Boards and Municipalities.
2. To the Chambers of Commerce at Bombay and Karachi.
2. To the Deccan Sirdars and the Sind Zamindars.
1. To the University.

THE MUNICIPALITIES and DISTRICT BOARDS.

111. It is stated in Sir Harold Stuart's letter that at present the large number of the elected members of the Provincial Councils, who again constitute the majority of the electorate for the Imperial Council, are chosen by the Municipalities and District Boards. That such is not the case in Bombay is shown by the above.

112. It is complained that on an examination of the franchises framed for the Municipalities and District Boards it was found that the qualifications required both for electors and for candidates were **extraordinary low.** The qualifications for candidates and voters in the District Municipalities of Bombay are (under S. 12 of Act III of 1901):—

(*a*) Every Honorary Magistrate.
(*b*) Every Fellow and every Graduate of any University.

(*c*) Every Advocate and every Pleader holding a Sanad from the High Court.

(*d*) Every Juror and Assessor resident in the District.

(*e*) Every person paying taxes, other than octroi or toll, of an amount not less than the minimum fixed by the Governor in Council or the Commissioner.

113. There is one particular feature of this subject which ought not to escape attention, and that is the proportion of the Ex-officio and nominated to the elected Members in the District Municipalities and the District and Taluka Local Boards. The following are from the Administration Report for 1904-05 based on the Census of 1901 :—

MUNICIPALITY.

Division.	Population.	Ex-Officio Members.	Nominated Members.	Elected Members.
Northern	743,823	135	204	181
Central	778,118	158	284	402
Southern	453,616	99	171	228
Sindh	391,861	76	217	73

Thus for a total population of 2,380,745 within Municipal limits throughout the Presidency there were 2,252 Councillors of whom 881 alone were elected. The remaining 1,371 were made up of 473 Members Ex-officio and 898 nominated. In all there were 603 Officials and 1,043 Non-officials.

LOCAL BOARDS.

Division.	Area in Square miles.	Population	Members. Ex-officio.	Nominated.	Elected.
Northern ...	13,710	3,513,532	11	390	327
Central ...	37,160	5,944,447	6	631	576
Southern ...	3,998	1,167,927	15	85	65
Sindh ...	48,823	2,822,469	10	431	309

Here again for a total population of 17,351,827 (or 17 and a half millions nearly) there were 3,607 Members of whom only 1,608 were elected. Of the remaining 1,999 the nominated Members were 1,957. There were in all 762 Official and 2,845 Non-official Members.

114. It is not accurate to speak of the **franchises devised with a view to the management of Local affairs the unsuitable foundation for the election of legislators.** It is not the elected Members of the Municipalities and Local Boards who alone choose the elected members of the Provincial Councils. All the Non-official Members including the Government Nominees choose them. Of the total Non-official Members in the Local Boards numbering 2,845 the Government Nominees number 1237 or about 44 per cent. Of the total Non-official Members in the District Municipalities numbering 1,649, the Government Nominees number 753 or about 43 per cent. At present the Non-official members, of the District Municipalities in the Northern Division, and, of the Local Boards in the Central and Southern Division, elect one representative each to the Provincial Council.

115. The Council of this Association are thankful that the Government of India **do not propose to withdraw from the District Boards and Municipalities the privilege of election to the Provincial Councils enjoyed for the last 14 years.** As regards changing the present system of voting it is not easy for this Council to criticise the fancy franchise proposals suggested in the letter. Neither will it be appropriate to do so until they know which of them has received the approval of the Local Government. The Bombay Government have enunciated no scheme as yet. In the Madras Presidency the Local Government have done so, and his Council need do no more than respectfully point to the result. There is very general disapproval and very painful disappointment.

116. It is stated that **a solution might perhaps be arrived at by introducing special qualifications for members of Council while leaving the electoral franchise in other respects unchanged** This repeated desire to attempt to fetter the choice of those who are given the privilege of electing Members is perhaps the least satisfactory part of the Government proposals. That classes and interests and races and castes shall elect members from among their own class or race or caste is a proposal which has not unreasonably been regarded as an attempt on the part of the administration to emasculate the privilege for the purpose of replacing those who are the most capable and the most apt, by those who are likely to have no capacity or aptitude, to control or criticise its conduct.

117. It seems to the Council that the proposals to distribute the seats to be filled by elected among occupational groups and to select certain castes as representing each group is one unsuited to the conditions of the country, and impracticable. The suggestion that in a particular area to which 8 members are allotted 4 should be reserved for Mahomedans if their number is large enough, and that the remaining 4 should be distributed among Hindus so as to give one seat to landholders and one to traders and one to cultivators and one to artisans, seems to the Council invidious, because there is no fair reason for treating the Hindus differently from the Mahomedans; and incapable of realisation, because no such clear line of demarcation among the occuaptions exists anywhere.

118. There is no definite proposal before the public of the number and composition of the Provincial Councils and it is difficult for this Council to know how the suggestions of the Government of India are to be adopted and carried out in this Presidency. They have already submitted there views as to the principles and general propositions advanced in Sir Harold Stuart's letter. It only remains for them respectfully to request that the following suggestions for the number and composition of the Legislative Council of this Presidency may receive favourable consideration. Admittedly, the Municipal and District Boards, the University, the Presidency Corporations, the Trades Associations, the Industrial Interests, and Indian Commerce, are essential elements entitled to adequate representation in the Provincial Councils. This Council would therefore, propose that the Presidency Council may be composed of seventy-five Members including His Excellency the Governor and the 2 Members of the Executive Council who shall of course be members Ex-officio; and that the 72 additional Members may be divided equally into Elected and Nominated Members. The 36 Members may be elected thus :—

By the 22 Districts in the Presidency	22

N. B. To provide for the representation of the urban and rural interests equally this Council would suggest that the 22 Districts should be formed into eleven groups of two Districts each with the right to elect two Members and that in each group the District Municipalities and Local Boards should elect one Member each.

By the Corporation for the City of Bombay . .	1
By the Senate of the University	1
By the registered Graduates of 10 years standing .	1
By the Chamber of Commerce, Bombay . . .	1
By Do. Do. Karachi . . .	1
By the Millowner's Association	1
By the Native Merchants	1
By the Sirdars and Inamdars of the Deccan . .	1
By the Zemindars of Sindh	1
By the Talukdars and Khots (alternately) .	1
Mahomedan Members (one from each Division) to safeguard the rights of the Minority	4
	36

The 36 Nominated Members will be composed of course of Officials and Non-officials, and with regard to them this Council need do no more than request attention to what has been already submitted above in regard to the principles and general propositions which are to be borne in mind.

INTERPELLATIONS.

119. There should be no other Restriction on the right of interpellation than that which Government has the undoubted right to impose by refusing to answer any question on the ground that it was not in consonance with the public interest to do so at the time.

120. Under the present Rules it is required that the questions should be so framed as to purely request information and must not be in an argumentative or hypothetical form; and no discussion is permitted in respect of an answer given to any question. This Council would request that reasons for putting a question should be allowed to accompany it, so that there should be no misapprehension as to its object, and so that there should be no excuse for the generally unsatisfactory nature of the reply. They would also request that supplementary questions should be allowed when the answers do not give the required information through inadvertence or misapprehension.

121. Considering that there are no meetings of the Imperial Council from April to January as a rule, and that the Provincial Councils sit at long intervals, it is desirable that Members should be allowed the privilege of sending written interpellations at stated intervals when the Councils are not sitting. These written interpellations may be allowed every two months. This will prevent the accumulation of interpellations which swell their number to an extent which has been complained of. It will also be of advantage that long intervals should not elapse before explanations are given in respect of measures and motives when they are misunderstood, and before corrections are made in respect of erroneous or mischievous statements of fact or purpose imputed to the administration.

122. This Council would further request the following:—

(*a*) That any Member may submit a request or move a Resolution for the production of papers relating to any question, and be allowed to divide the Council if their production is refused.

(*b*) That when more than a third of the Elected Members request the President of the Legislative Councils that any question of importance required immediate or early discussion, a meeting of the Council should be called for that purpose without unnecessary delay.

This will enable Government to give timely explanation of their policy, and remove the misconceptions and misapprehensions to which Sir Harold Stuart's letter has drawn attention.

THE BUDGET DEBATES.

123. This Council are thankful that the unsatisfactory character of these debates, and the necessity for a remedy are admitted and recognised. The proposal that the Budget should be discussed in the first instance by separate heads or groups of heads which would be explained severally by the member in administrative charge, to be followed by a general debate, will be a step in the right direction. The change will no doubt afford far better opportunities than now for systematic criticism, and will perhaps help to make the discursion less discussive. But this Council are respectfully of opinion that it will not help to make the discussion less unfruitful.

124. Both in the Imperial and in the Provincial Councils these debates are carried on under the blighting conviction that whatever might be said, however diligently the members might devote themselves to their task, and however ably they might perform it, the result must be the same whether they are right or wrong in their views. It is this sense of want of power which makes the discussion so unfruitful, by discouraging all initiative, and removing to no inconsiderable extent the required sense of responsibility. The advantages of mere discussions of the budgets without the power to move Resolutions and to claim divisions and record votes are not clear to this Council.

125. The power to vote on financial questions is the most useful and important that could be conferred on the Members. There is no reason to apprehend a misuse of the power; and this Council feel sure that if the confidence of Government is extended to them, it will not be misplaced. No one could dream in India of putting the Government out of power thereby. The importance of divisions on the budget proposals lies in this, that it will help to concentrate public attention and will enable Government to gauge the public feeling and opinion. It will remove the obvious necessity which at present compels member after member from among the non-official representatives to repeat the same arguments. The usual complaint that too much importance is attached to mere talk is not fair to Members when they are deprived of the means of declaring their opinion by votes.

126. As already submitted above, Government will usually be in a position to command a majority, and if under exceptional circumstances the majority goes against them, it will emphasise the necessity for reconsideration, or for reference to the superior authority vested in a committee appointed by Parliament. There can be no danger, therefore, in an adverse vote.

127. It may not be unimportant to request the attention of the Government of India to what passed in the House of Commons during the debate on cl. 38 of the India Councils Act of 1861. When Sir Charles Wood said that **no financial measure should be introduced without the previous sanction of the Governor General,** Mr. Bright asked if it was meant that **no Member should be able to propose a Resolution on the question of Revenue as they could in that House.** The

reply of H. M'.s Secretary of State was that **the effect of the clause would be precisely the same as in England.** Half a century has nearly intervened since, and what was so clearly contemplated then may not unreasonably be claimed now, and may be safely allowed.

128. It is not desired that there should be no limit fixed to the budget debates. If one amendment is allowed to each Member, if a week's time limit is fixed for the whole debate, and if the order of amendments is regulated by His Excellency the President of the Council, all inconvenient results will be avoided.

129. This Council would respectfully submit for consideration the advisability of a Preliminary Conference, between the Members representing the Government and the elected non-official Members of the Council, on the budget proposals, both in the Imperial and in the Provincial Legislative Councils. It would ensure a free and frank interchange of views, and to a great extent prevent the necessity and inconvenience of open opposition to Government's proposals.

130. As regards the budget debates in the Bombay Provincial Council there is the additional difficulty arising from the fact that the local budget has been determined and acted upon before it is brought up for discussion before the Council. This reduces the discussion to meaningless exhibition involving considerable discredit. It is not impossible to make some provision for preventing it. The Imperial budget may well be passed in the first week in March; and the Provincial budget before the end of the same month. If necessary, the exodus to the hills may well be postponed for a short time in the public interest.

131. The Rules for debate which now prevail ought also to be altered as they result in the grave inconvenience that the Members of Government make observations which can be replied to or refuted generally after a year's interval. The rules now require all the additional Members **in the Imperial Council** to speak consecutively, beginning with the latest addition, and the Members of Government remain reserved till the end. It is the general practice in the Provincial Council that the non-official Members should speak first, the official Members next, and the ex-officio Members last. The observations of

the Official and especially of the Ex-Officio Members either remain altogether unanswered or can be answered only in the following year. This is a grave disadvantage to those who criticise the measures or policy of Government. If when any objection is made or amendment is proposed observations in reply are at once made on Government's behalf, they may, if satisfactory, put an end to further unnecessary talk; and, if otherwise, may be rebutted at once by those who differ. The value of discussion will thus be enhanced and the waste of time will be greatly reduced.

THE EXECUTIVE COUNCIL.

132. The ommision of some provision for the entrance of Indian gentlemen into the Executive Councils of the Provincial and Imperial Governments invites consideration. No reason whatever is advanced to show that such a provision is inadvisable or impracticable. This Council respectfully submit that the time has come when such a reasonable demand should be acceded to. Already two Indian Members have been appointed as colleagues of His Majesty's Secretary of State for India in Council. That step has been taken, as Mr. Morley himself declared recently, with the view to show not by words alone but by act that the **Indian is perfectly worthy of being given a share in the Councils of the Paramount Power,** and thus to do something **to soothe the discontent due to racial domination.** This Council earnestly trust that the same generous and wise measure may at no distant date be adopted both by the Imperial and Local Governments by the admission of one or two Indian Members into the Executive Council of His Excellency the Viceroy; and by the addition of two Indian Members to the Executive Councils of the Local Governments. In this way only can the object which Government themselvs have at heart, *viz.* of enabling all classes to take a more effective part in shaping the action of Government, and a larger share in the work of administration, can be effectively and substantially carried out.

133. In conclusion, the Council of this Association are aware that they owe an apology to Government for the great length of this submission. But the importance of the occasion and the number of subjects discussed in Sir Harold Stuart's letter have made it necessary. They have earnestly desired to omit no criticism, and withhold no comment or suggestion, which may help Government in their great and difficult task of giving the people gradually, but with courage and trustfulness, those rights and privileges which have been withheld too long, but which may well satisfy even now the aspirations of all reasonable and well intentioned subjects of His Majesty in **India**.

We have the honour to be,
Sir,
Your most obedient servants,

PHEROZESHAH M. MEHTA,
President and Chairman of the Council
DINSHAH EDALJI WACHA,
AMRIUDIN TYABJI,
CHEMANLAL H. SETALVAD,
Honorary Secretaries.

The Bombay Municipal Corporation.

1909
No. 7564.

Municipal Corporation Office,
Bombay, 28th February 1908.

From—JAMES MACDONALD, Esq., Chairman of a meeting of the Municipal Corporation of Bombay held on the 27th February 1908,

To—The Secretary to the Government, General Department.

Sir,

With reference to the correspondence ending with your letter No. 933 dated the 18th February 1908, regarding the proposed enlargement of Legislative Councils and connected questions, I have the honour by the desire of Municipal Corporation of Bombay to submit for the consideration of Government the following representation on the subject.

2. At the outset I am desired to state that the Corporation cordially approve of the desire of the Governor General in Council that the Legislative Councils in India should now be enlarged to the fullest extent possible and that these bodies should be so constituted in respect of non-official members as "to give the people of India wider opportunities of expressing their views on administrative matters," "to take a more effective part in shaping the action of Government" and thus to lead "to a larger share in the actual work of administration and more extensive employment in the higher offices of the State."

3. Coming to the specific proposals made in the Resolution of the Government of India, I am to state that the Corporation have thought it desirable to confine their rpresentation to the requirements of the City of Bombay only and they beg to submit for the consideration of Government the following suggestions :—

(1) That in view of the proposed enlargement of the local Legislative Council the Corporation's representation should be proportionately increased.

(2) That the representation of the University on the Council should remain the same as at present.

(3) That the Trades Association be given a voice in the election to the Council and be associated for this purpose in some manner with the Chamber of Commerce in electing their representative to the Council.

(4) That the Indian Mercantile Community, including the Mill industry, be given the right of returning two members to the Council, one of these being elected by the Mill-owners' Association and the other by the Indian Mercantile Community through the medium of properly organised Associations, care being taken by the imposition of a minimum subscription or entrance fee or otherwise to secure their representative character.

(5) That adequate representation by election should be conceded to important minorities such as the Mahomedan and the Parsi Communities.

(6) That when representation is given according to community, profession or residence, the representative elected shall be of that community, profession or residence.

4. I am further desired to point out in the scheme put forward by the Government of India for the enlargement of the Imperial Legislative Council no provision has been made to give representation by election to the native mercantile community of the City of Bombay. The Corporation consider it desirable to invite the attention of Government to this omission and to express their desire that provision should be made to give to this important interest adequate representation by election on that Body.

5. In conclusion, I am to express the regret of the Corporation for the delay that has taken place in submitting their views on the subject.

I have, etc.,

(Signed) JAMES MACDONALD,
Chairman.

From—The Honourable Mr. Ibrahim Rahimtoola, C.I.E.

To—The Secretary to the Government, General Department.

SIR,

I have the honour to acknowledge receipt of your letter No. 6534 of 31st October 1907, enclosing a copy of Government Resolution No. 6534, regarding the enlargement of Legislative Councils and connected questions. In submitting the following views on some of the points involved in the propsals, I have to express my regret at my inability to forward them earlier.

I very heartily welcome the desire of the Governor-General in Council, in formulating the proposals for the enlargement of the Legislative Covncils, to give due and ample representation to the different classes and interests of the community. I concur in the view that, under the system of administration prevailing at present in India, it is essential that Government should always be able to reckon on a numerical majority in the Legislative Councils. I do so specially for the reason that the function of these Councils is not merely to make laws, but also to amend and repeal existing statutes. It would create a very undesirable state of affairs if the ruling authority was obliged, for want of numerical majority in the Council, to veto measures comming with the sanction of the vote of a majority of the Legislative Councils. While readily conceding, for reasons mentioned the dseirability of retaining a clear Government majority, I strongly feel that some provision should be made to prevent the official majority from acting arbitrarily. A clear Government majority means the power of carrying any Legislative measure in spite of, and in the face of, a strong adverse public opinion. I think it is essential that some safeguard should be provided to prevent such an arbitrary exercise of the power of the mojority, and I respectfully submit that, in amending the Council's Act, a special section should be introduced, by which a measure before these Councils must become postponed for a period of six months in the event of a large majority of the elected members voting against it. The present procedure in the matter of Legislative measures for the various Provinces requires that they have to be previously submitted for sanction to the Government of India and the Secretary of State. These two authorities, after making such enqniries as they deem necessary, authorise the introduction of the measure in the Provincial Councils. At the time when such sanction is accorded, the non-official view is generally not before them. The public come to know of the measure when it is published in the *Government Gazette* after the requisite sanction of the higher authorities has been previously obtained. If it appears to them objectionable their objections find expression in the Vernrcular Press and in the representations of public bodies. Any criticism or representations at that stage lose most of their value. The main principles of the proposed Legislation become fixed between the Local and the Imperial Governments before publication, and they are almost always strictly adhered to. The only opportunity which the non-official element get for discussion and amendment is in the Select Committee, but on that body also Government provide a clear official majority. In these deliberations slight changes on matters of detail are alone possible; the principles having been previously settled remain unaltered. The clear Government majorities can thus prove efficient weapons for the exercise of arbitrary authority.

The suggestion I have ventured to submit while securing to Government a clear majority will, to a great extent, safeguard the interests of the public. I would give to a certain large majority of the elected members the right to ensure postponement for a period of, say, six months. The new section should provide that when any measure is submitted for consideration before a Legislative Council, and when it is found on the matter being put to the vote that three-fourths of the number of elected Councillors vote against it, it must be considered as postponed, and must not be brought forward for reconsideration within a period of, say, six months. The proportion of elected members to whom I desire the power to be conceded has been fixed so high in order to prevent wilful obstruction, and if Government so wish I would not object to raise it even to four-fifths. I would also provide that in any case of this kind

where the required proportion of elected members have recorded their votes against a measure, and the matter, is considered of a most urgent character, H. E. the Viceroy should have the power to overrule the wishes of the elected members, and by special sanction authorise the re-introduction of the measure within the period of postponement fixed by the new section.

My suggestion, while securing to the representatives of the people the right to prevent the Provincial Government from an arbitary exercise of the power which a clear majority provides, ensures against wilful obstruction on the part of non-official members, and has the further advantage of leaving the hands of Government reasonably free in urgent matters.

The reasons which have induced me to recommend a postponement for a reasonable period in preference to the rejection of the measures are perfectly obvious. I wish to ensure that the sanction to be given to Provincial Legislation by the Governor General in Council and the Secretary of State should become real and not nominal. At present such sanction is obtained on the *exparte* representation of provincial Governments. The public do not get any chance of being heard till after the sanction is accorded. In all cases in which there is no feeling in the matter amongst the public the present procedure may be allowed. But in cases in which there happens to be a pronounced adverse opinion the higher authorities should obtain an opportunity of reconsidering their sanction. This will be secured under the suggestion I have made. The speeches delivered in the Legislative Councils are reported in full in the proceedings, and after the vote is taken and a measure becomes postponed, all the arguments urged against it by the non-official members would be published in the proceedings, and the sanctioning authorities would thereby be put in possession of the complete case both official and non-official. The Governor-General in Council and the Secretary of State will thereby be enabled to give a considered opinion, and this may well be accepted as final.

There is an additional advantage in giving effect to the suggestion I have made. If one thing has clearly come out of the wide-spread criticism to which the reform proposals have been subjectd, it is that the public do not secure any additional powers under the scheme. It is quite true that an opportunity will be afforded to a larger number of people to give expression to their views before the ruling authorities, but the power to force upon the people unpopular and distasteful legislation will remain unimpaired. The extent of the reforms thus allowed, while enabling more interests to voice their views, falls far short of the legitimate aspirations of the people. I would, therefore, strongly urge upon Government the desirability of conceding at least the very limited power to the people which I have suggested. It will enable them to be effectively heard in matters in which there may happen to be a pronounced difference of opinion amongst the official and non-offiicial members of the Legislative Councils.

It is gratifying to find that Government have recognised the right of the Muhamadan minority to representation by election on the Legislative Councils. I am in entire agreement with the views expressed in the letter under acknowledgment, justifying the proposal of the Government of India to concede this right. While recognising the spirit in which the right is conceded I regret to observe that only two elective seats are allotted to this important commuuity on the Imperial Legislative Council. The future constitution of the enlarged Legislative Councils, foreshadowed in the letter of the Government of India, provides 25 non-official seats by election and nomination. Out of these, 2 by election and 2 by nomination are allotted to the Muhamadan community. I venture to submit that both on the consideration of their numerical strength and their historical and political importance, to which the Government of India have very rightly given due weight, the Muhamadan community is entitled to largar representation. A reference has been made on the subject in Mr. Secretary Stewart's letter, and it is pointed out that the Muhamadan community may secure one or two seats by election in Provinces in which they are numerically in a majority. The election of a Muhamadan will largely depend not upon the numerical strength of the

community so far as the population is concerned, but upon the numerical communal strength upon the constituencies brought into existence. I am not in a position to express any opinion as to whether, in the Provincess referred to, the Muhamadans will be in a majority in the electorates created under the scheme. But apart from this aspect of the question I am strongly of opinion that more than four seats on the Imperial Council should be alloted to the Muhamadan community. With this view I would submit for the consideration of Government the desirability of throwing, open to election all the four seats which have been reserved for the Muhamadans in the scheme. The two nomination seats set aside for the Musalmáns should be converted into elective seats. If the expectation of Government in the matter of ordinary elections in the two Provinces is realized, the community will secure adequate representation on the Imperial Council which their numbers and their political and historical importance entitle them to. If such expectation is not fulfilled, then one or two nomination seats out of those still remaining in the discretion of H. E. the Viceroy should be filled by the appointment of Muhammadans.

In submitting this suggestion I wish it to be clearly understood that I am most strongly in favour of obtaining for the Muhamadan community their full representation by election. The Musalmáns have had in the past representation by nomination on the Legislative Councils, the Municipal and Local Boards, and it is this form of representation against which the community has complained. In future we desire representation by election as far as possible in decided preference to nomination. I do not wish to enter into any arguments in justification of this course. The reasons for such preferene are so obvious that it is quite unnecessary to lengthen this communication by detailing them. I am not convinced by the plea advanced by Government that better class of candidates will be detered from offering themselves for election against men of inferior social statues. I am strongly of opinion that those men who do not possess the courage to face a constituency of their own co-religionists residing in their own districts have no right to be considered as representative men. I would go a step further and say that Government have no right to interfere in the free choice of the community as to the person they desire to be represented by. He may belong to a lower rung of the social ladder, but if he proves at the polling booth that he enjoys the confidence of the people he should be allowed to be the exponent of their views. It cannot reasonably be argued that under such circumstances Government should step in and select their representative who should be some one other than the person whom the Muhamadans would elect. If the apprehensions entertained by Government come to be realized, and members of the educated middle classes are elected under the scheme, it will serve as a most useful lesson to the upper class Muhamadans, and will have the effect of bestirring them into throwing off their lethargy in matters educational and induce them by educational and other efforte to try and occupy the position their wealth and status may rightly warrant. If represer tation is to be conceded to the Muhamadans, let it be quite real. Let them select the men in whom they have confidence and through whom they desire to be heard, irrespective of considerations which appear to me foreign to the point.

I have seen it urged that if Government decide to concede representation by election to important minorities, such as the Muhammadans, it should be laid down that such elections shall be made by the other constituencies brought into existence. In other words, it is suggested that the representatives of the Muhamadans should be selected not by them but by an electorate in which the sister-communities will largely predomidate. If the Muhamadan community is to secure a spokesman to voice their views in the Councils of the State let him be selected by themselves and not by others. It is manifestly absurd to say, for instance, that representation by election should be conceded to the Pársis but that a member of that community should be selected not by themselves but by the Muhamadans. Such a procedure would cut at the very root of direct representation, and I trust Governmedt will pay no heed to it.

I notice that under the scheme formulated by Government, representation by election has been provided for the Calcutta and the Bombay Chambers of Commerce. These bodies are very largely European and represent the important

mercantile interests of the European community in the two principal cities in the country. Subject to the remarks I propose to make later on the question of the constituencies to be created for electing representatives to the Bombay Legislative Council, I readily recognise the desirability of providing adequate representation to the European mercantile community of India. The only suggestion I should like to offer is that it would be preferable to treat these seats on the same principle as the elective seats provided for the Muhamadan community. This course will ensure the privilege being enjoyed at different times by all the important European trade centres in India.

I wish to invite the attention of Government to the omission that is noticeable in the scheme in the matter of representation by election of the vast Indian mercantile interest in the country. No provision has been made to secure to indian trade, commerce and industries any direct representation at all. The claims of this important interest are so strong and so obvious that I do not propose to dilate upon them. I trust, now that the matter has been brought to their notice, the omission will be rectified.

Dealing with the Imperial Advisory Councils, I am in entire agreement with the views generally expressed that they will serve no useful purpose if the members are drawn largely from the ruling Chiefs and territorial magnates. No one can question the right of Government to consult such people only as they chose. They can easily do this without the creation of any special Councils for the purpose. If, however, the object of government is to elicit the real views of the people as a help towards better government and if they propose to give statutory status to these Councils, I venture to submit that that object can alone be attained by recruiting largely from the educated classes. The principle of nomination that is proposed to be applied to these Councils will frustrate the object in view. In dealing with the Legislative Councils I have readily recognized the necessity of having a clear Government majority. This provision ensures the power of action in a manner that Government may deem best. Such being the case I fail to see why, in the constitution of Councils purely advisory, wider opportunities are not proposed to be offered to the popular element. The final determining voice in all matters being in the hands of the Government of India they ought to invite the free expression of views held by the different classes and communities through their accredited representatives. I would strongly advocate the policy of inviting opinions from quarters which can most intelligently and competently submit them. It is best to know fully all that can be said against the views entertained by Government in order to enable them to judge carefully the *pros* and *cons* of every question. It is only in this way that a considered opinion can be formed. Measures emanating from Government after they have been revised in the light of the criticism to which they may have been previously subjected will stand a much better chance of acceptance than those formulated under the existing system. Such criticism though made confidentially, if so desired, will serve a really useful purpose and will undoutedly conduce to better government.

If Advisory Councils are proposed to be brought into existence for this object, and if they are constituted in such a manner as to secure it, then I would welcome the measure as a step in the right direction. On all occasions when I have had an opportunity of doing so I have impressed upon the high officials on this side of India the extreme desirability of consulting popular representatives before any measures are decided upon and published. It usually takes a long time before all the officers concerned are consulted and each measure assumes adefinite shape. Instead of publishing it forthwith I have strongly advocated the desirabilily of taking into their confidence the representatives of the people. If it is once recognized that the people who have distinguished themselves in public life are actuated by as keen a desire as Government to promote the welfare and well-being of the people, that the interest of both are in no way antagonistic but common, that both desire the greatest good of the people, much of the feeling of estrangement, which does unfortunately prevail, would be swept away and the official and the non-official element would be able to work harmoniously together towards a common end. The gain to the country under such a system would be immense. In one of his

speeches the Hon'ble Mr. Muir Mackenzie, the then Acting Governor of Bombay, expressed himself emphatically in favour of what he called the round-table conferences. It is this form of exchange of views which I have always advocated. Let the papers be first submitted confidentially for perusal to representative Indians and then let the officer in charge call them together and personally discuss the matter with them. I am fully confident that if this was done much of the prevailing dissatisfaction will be largely dissipated and greater confidence and good feeling will take its place.

As far as I can see, the suggestion I have ventured to submit is not open to any objection. The ultimate power of taking action will remain absolutely with Government, and they can, if so inclined, refuse to be guided by the opinions which will be elicited under the new system. The difference will be that while at present action is proposed to be taken in ignorance of the views and sentiments of the people, in future Government will be fully aware of these and will have had an opportunity of considering all the points that can be urged on the other side. Believing as I do that Government and the representatives of the people are both actuated by the earnest desire to secure the greatest good of the people I have not the least doubt that the result of consultations and round-table conferences will be eminently satisfactory and will lead to smooth and better government. Let Advisory Councils be constituted on some system of this kind, and I feel certain they will be heartily welcomed and will do a great amount of good.

I will now deal with the enlargement of the Bombay Legislative Council. It would have greatly facilitated an expression of opinion if the public had before them the outlines of the scheme which is proposed to be introduced here. The Government of India, in notifying the reform proposals, have published the basis on which the Imperial Legislative Council is proposed to be enlarged. If the same procedure had been followed in the case of the Local Council, I would have been in a better position to discuss the matter. I have seen some suggestions made on the subject, but before dealing with them I wish to express the earnest hope that adequate representation will be provided in the scheme for the important Muhamadan minority both in the City of Bombay and in the Mofussil. The right of the Muhamadan minority to representation by election has been recognized by the Government of India, and I feel confident that in the scheme for the enlargement of the Bombay Legislative Council adequate provision will be made for such representation. I do not therefore propose to deal further with the subject.

In determining the constituencies for the Local Legislative Council I hope care will be taken to ensure the realization of the object underlying the reform proposals. The Government of India state that their object is "to give the people of India wider opportunities of expressing their views on administrative matters," "to take a more effective part in shaping the action of Government," and thus to lead "to a larger share in the actual work of administration and more extensive employment in the higher offices of the State." It is clearly the intention of the authorities to invite free expression of non-official opinion with a view to better government and to educate the people to take greater interest in the work of administration and to qualify them for greater political privileges in the future. In order that these objects may be fulfilled it is essential that the right of election to the Legislative Councils should be enjoyed by as large a number of people as is reasonably possible. To enlarge the number of elective seats on the Council and to restrict the number of voters in each electorate will, in my opinion, frustrate the very object with which the reform proposals have been formulated.

In the representation which the Bombay Municipal Corporation has submitted for the consideration of Government they recommend that the City should secure a minimum of seven and a maximum of nine elective seats. Much will, of course, depend upon the extent to which the Local Council is proposed to be enlarged, but I may be permitted to say that, in fixing the number of elective seats to be provided for the Muhamadan community, care should be taken that adequate representation, commensurate not only with their numerical strength but with their importance in other respects, will be ensured.

I venture to trust that nothing short of two elective seats will be provided for the Muhamadans of the City in the scheme which the Local Government will have to frame for the future constitution of the Provincial Council.

Reverting to the question of the constituencies to be created for electing Councillors, I notice that, if effect is given to the recommendation of the Corporation, the total number of voters for the seven or nine seats which may be alloted to the City's representation will not exceed 1,500. It appears to me that out of a total population of a million souls, to fix upon only 1,500 men to enjoy the right of voting will hardly be in consonance with the primary object of the scheme. To give effect to it a much larger number of people should be invited to exercise the privilege. This can easily be done if the basis of income-tax and educational attainments is substituted for bodies or associations in the formation of electorates. To my mind the constituencies should be—

(1) the European merchants and traders paying a certain amount of income-tax;

(2) the Indian merchants and traders selected on the same basis;

(3) persons substantially interested in the industries of the Presidency;

(4) Fellows of the University and Graduates of ten years' standing;

(5) communal representation on the basis of income-tax and educational qualifications.

Besides the manifest advantage of securing larger constituencies for the elections, my suggestion has many other points in its favour. It confers the right to people who become entitled to it not because they belong to any association but on the ground that they have a substantial stake in the interest concerned. Dealing with trade and commerce, I think the best test for this purpose is the payment of income-tax. A man may have no real interest in trade or commerce and may still belong to one of these associations and thereby exercise an important influence in the election, while another person, not belonging to it, who may be largely so interested, would have no voice in the selection of a representative. I can see no reason why a person, fully qualified in every sense of the word to have a voice in the election of a representative for a special interest, should be forced to become a member of an association, to get a vote to which he is otherwise clearly entitled. Why should Government force him to pay the entrance fee and annual subscription to an association in order to secure the privilege of voting when the extent of his interest in that particular representation can be otherwise clearly proved? I do not think there is the smallest justification for Government, by giving the right of election to associations, to compel people to become members thereof.

This system is open to another and a more serious objection. Each association has its rules and regulations for the admission of members. New members are admitted either by the vote of the whole body or that of the Managing Committee. Each association very rightly retains in its own hands the absolute power of admission into its numbers. But it is obvious that such power is open to grave abuse. The total number of members can easily be largely increased or unduly narrowed down. I cannot see why, in order to secure the right of voting, a fully qualified person should be at the mercy of a small body of individuals, themselves keenly interested in the elections. He can be effectively shut out of his right by being refused to be enrolled as a member. Under this system cliquism can have full sway and legitimate aspirations can be suppressed.

Any system which is open to the objections I have briefly referred ought not to receive the sanction of Government. Let the privilege be conceded to people not because they belong to any body or association but on the ground that they are clearly entitled to it, on some independent test which may be generally applicable.

In my opinion the best test for the representation of trades and commerce is the payment of a certain amount of income-tax, while for industries the

right of voting should be given to owners of industrial concerns and large shareholders. For communal elections I would recommend the basis of income-tax and educational qualifications.

For the representation of the University I would associate Graduates of ten years' standing with the Fellows of the University.

My object in doing so is not only to enlarge the numerical strength of the constituency but also to introduce a substantial proportion of non-official element into the electorate, and to give the educated classes a voice in the election. Under the scheme Government have provided a clear official majority, and they will secure it outside the seats thrown open to election. It is, therefore, necessary that in all constituencies the non-official independent element should predominate. The present number of Fellows who have the right of voting is about 250, but under the operation of the Universities Act this number will be gradually reduced to 100. A very large proportion of these will be chosen by Government for a definite term of office. It is to my mind necessary that a large non-official element should be associated with them for the choice of a representative.

In order that there may be no misapprehension on the point I wish to state that my remarks do not apply to the Bombay Corporation, as that is a body constituted by an Act of the Legislature and consits largely of elected councillors.

In conclusion, I may be permitted to tender to Government our grateful thanks for the recognition of the right of the Muhamadan community to direct representation by election on the Legislative Councils, and to express the hope that, in formulating the final scheme, care will be taken to provide adequate representation for them commensurate not only with their numbers but also with their historical and political importance.

I have the honour to be,
Sir,
Your most obedient servant,
IBRAHIM RAHIMTOOLA.

Bombay, 21st March 1908.

XVII

No. 1746A.

FROM E. A. GAIT, ESQ., C.I.E., I.C.S.,

Chief Secretary to the Government of Bengal,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

Dated Caclutta, the 29th February 1908.

APPOINTMENT.

SIR,

IN Sir Harold Stuart's letter No. 2312, dated 24th August last, the Government of India set forth "provisional and tentative proposals" to give the people of India wider opportunities of expressing their views on administrative matters. The Government of India requested that, after consultation with important bodies and individuals, representative of the various classes of the community, this Government should submit its matured conclusions to the Government of India on each branch of the subject. The replies of the public bodies and individuals consulted have now been received. A list of them is appended, they are forwarded with this letter.

The present situation.

2. In paragraphs 2 and 3 of Sir Harold Stuart's letter the Government of India pointed out the great advance that has taken place in the development of the educated classes sinces' Lord Dufferin's Government passed the Councils Act of 1892. Education has penetrated to circles which were then hardly affected by its influence. The Ruling Chiefs and the landholding and commercial classes are now become qualified to take a more prominent part in public life and to render a larger measure of assistance to the executive Government. They are anxious to be afforded an opportunity of expressing their views on matters of practical administration. It is now essential to make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have no sufficient inducement to enter public life and find little scope for the exercise of their legitimate influence. In all this the Lieutenant-Governor heartily agrees with the Government of India. He concurs also in the conclusion that, subject to this essentail condition that the executive authority of the Government is maintained in undiminished strength, the time has come for a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers, of increasing their opportunities of making known their feelings and wishes, and of giving them a larger share in the actual work of administration. The difficulty encountered in making Government measures and motives generally intelligible, and in correcting erroneous and often mischievous statements of fact or purpose on the part of the Government, is also fully recognised. This difficulty demands that means for confidential and intimate consultation between Government and its subjects should be devised. The Government of India have therefore proposed Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils.

Are Advisory Councils necessary?

3. The first question that arises is whether the creation of Advisory Councils as a means for this free and close consultation is necessary or desirable, or whether the object in view might not be secured by extending and enlarging the functions of the Legislative Councils. *Primâ facie* it would appear that, if satisfactory measures could be adopted for

providing that a Legislative Council should be fairly representative of all sections of the community, there would be obvious advantages in consulting its members rather than in creating an entirely new body. Under the present law the Legislative Council can meet only when there is legal business to be transacted. It cannot meet even for the purposes of allowing interpellations. This has been found to be a serious drawback to the usefulness of the Council in Bengal; and the Lieutenant-Governor has been compelled occasionally to call the Council together for purely formal business so as to enable the members to exercise the right of interpellation which they greatly value. There seems no reason why the law should not be amended in this respect, so as to secure more regular and frequent meetings of the Council. In this province the Lieutenant-Governor has made considerable use of the non-official members of his Council in the way of ascertaining non-official opinion on important questions; and if the Council were enlarged as is now proposed, the field of selection would be considerably extended. The great advantage of consulting members of the Legislative Council is, that the gentlemen consulted feel, or ought to feel, that they have a clearly defined share in, and serious responsibility for the administration.

4. On the other hand, there is this objection to making use of the Legislative Council as an advisory body, that it is to a great extent elected, whereas it may reasonably be urged that the head of the Government should be allowed entire freedom in selecting his own advisers, just as in England the King selects the members of His Majesty's Privy Council. Another objection is that there are certain interests or classes which cannot be represented on the Legislative Council, and which at the same time it is desirable to have represented on an Advisory Council. Instances will readily suggest themselves. The principal argument, however, in favour of the creation of a new body to be known as an Advisory Council is, that the Head of the Government should be able to choose his own advisers, and many of those whom he might desire to choose might not be found on the Legislative Council at all. The Lieutenant-Governor considers the proposal to have Imperial and Provincial Advisory Councils an excellent one. The idea is not entirely new; for there have been many Heads of Local Governments, and also officers holding charges under Local Governments, who have habitually consulted certain Indian (and some times also European) gentlemen in regard to questions of importance. These gentlemen have ordinarily been consulted individually, but sometimes also collectively. They have been selected on account of the opinion of their position and intelligence and uprightness held by the officer who desired their advice. Where they have been treated in a frank and confidential manner, experience has shown that this is a valuable way not only of obtaining information and ascertaining the views and feelings of the people, but also of removing misconception regarding the intentions of Government. It is therefore desirable that such a system should be more formally adopted, and more generally and permanently organised.

5. The objects with which some District Officers, Commissioners of Divisions and Heads of Government have hitherto consulted, fully and frankly gentlemen of position and capable of giving advice have been twofold, namely:—

(1) to discuss a particular question fully with these gentlemen, so as to ascertain how it might present itself to the public mind, and what difficulties there might be from the point of view of the public in adopting the course which seemed *primâ facie* reasonable, and to obtain suggestions and advice regarding any measure under discussion, and

(2) to explain clearly to those consulted the object of a particular measure, so that they might intelligently follow the course of policy adopted, and be able to understand themselves, and explain to others, its real object.

In other words, the objects which the Government of India now have before them are precisely the same objects which have influenced certain officers to adopt for themselves something like the system which it is now

proposed to organize. Each officer has chosen his own advisers. Sometimes the Head of a Government has left for his successor a list of gentlemen likely to be able to give good advice or to render assistance in ascertaining and enlightening public opinion; and these gentlemen have remained the advisers of the new Head of the Government until he has been able to select advisers for himself. Similarly the Lieutenant-Governor urged on Commissioners and District Officers, that the Darbar lists should be utilized by them for making notes as to the capacity and worth of gentlemen whose names are on the list, so that a record may be left to be utilized by any succeeding officer, until he should become himself sufficiently acquainted with the people to select his own advisers. The principle underlying the proposals of the Government of India is therefore one which the Lieutenant-Governor's experience has led him to recognize as valuable, and which he thinks should be accepted.

The Government of India's proposals for the Imperial Advisory Council.

6. Turning now to the proposals of the Government of India, the Lieutenant-Governor observes that it is proposed "that the Imperial Advisory Council should consist of about 60 members for the whole of India, including about 20 Ruling Chiefs and a suitable number of territorial nagnates of every province where landholders of sufficient dignity and status are to be found." It is not quite clear whether this is meant to be an exhaustive definition of the constitution of the Council. It has indeed been said, in paragraph 4 of Sir Harold Stuart's letter, that it would be a great advantage to associate the great Ruling Chiefs and the territorial magnates of British India with the Governor-General in the guardianship of common and imperial interests; and it is proposed to achieve this object by the establishment and recognition of a determinate body of advisers, who would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation. But the reference made in a previous part of the letter to the educated classes, and the recognition given to the stake in the country possessed by both "the landholding and commercial classes," lead the Lieutenant-Governor to think that the definition above quoted is not exhaustive. At the same time there is no reference in the definition to certain classes which in His Honour's opinion ought clearly to be represented; and the distinct inclusion of these classes in the constitution of the Provincial Advisory Councils indicates that their omission from the Imperial Advisory Council is intended.

7. Among these the first that suggests itself is the educated class. Sir Harold Stuart's letter begins with a clear statement of the advance which education has made of recent years; and it does not appear logical to omit the direct representation of education from the Imperal Advisory Council. This may partly explain the coolness with which the scheme has been received in the Indian press. No doubt education will be represented on the Council, even if constituted on a rigid interpretation of the definition above quoted, in the person of some of the Chiefs and territorial magnates who will be members; but that would give no representation of the educated classes as such. Later on in Sir Harold Stuart's letter it is said that "the Government of India are far from denying that the professional classes are entitled to a share of representation, proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase." This passage indicates the objection to the proposed constitution of the Imperial Advisory Council which is now being started. Education should be directly represented. It would be perfectly easy for His Excellency the Viceroy to select, in any province in India, one or more representatives of the educated and professional classes, whom it would be a great advantage to have on the Imperial Advisory Council, and association with whom would be only honourable to the Ruling Chiefs and territorial magnates. It will be found that most of the gentlemen consulted are strongly in favour of some such representation of the educated classess. Without this the scheme will not be a popular scheme. It will not satisfy the growing aspiration of the educated among all classes. It will not gain their confidence. On this account it will less effectively bridge the gulf which tends to separate the

rulers and ruled in India. It is a step forward to enlist the support of those who have a real stake in the country; but it would be retrogade to alienate the educated class which we have ourselves created.

8. The Lieutenant-Governor is also much in sympathy with those who think that in the Imperial Council there should be some representation of commerce and industry. When the Advisory Council is convened as a body it would be decidedly disadvantageous to have the great interests of commerce and industry unrepresented. On account of the practical advantage to be derived from the presence of members representing these great interests, their representation is distinctly desirable. It is also desirable on grounds of policy, as emphasising the necessity in India at the present time for commercial and industrial advancement, and the importance of commercial and industrial interests. As already stated, the Government of India have distinctly associated in Sir Harold Stuart's letter "the landholding and commercial classes" as "possessing a material stake in the country and representing the most powerful and stable elements of Indian Society." It is perhaps unnecessary to make any suggestion as to the precise constitution of the Council. To have about one half composed of the great landlords, and the other half divided equally between the Ruling Chiefs and the representatives of Commerce, Industry and the Learned Professions would not be unreasonable.

9. The next point calling for consideration, is the method of consulting these bodies. The proposal is, to have a determinate body of advisers who would be consulted individually by the Governor-General or the head of the Local Government, and would occasionally be called together, either in whole or in part for the purpose of collective deliberation. This proposal has not been thoroughly understood by all the gentlemen consulted by this Government. The proposal is, that the members should be consulted (*a*) individually, (*b*) as many together as the subject may seem to require, or (*c*) all together in certain cases. This seems a perfectly sound proposal; and when it is thus carefully stated, the mere statement disposes of the unfavourable criticism which some have made. Experience shows the great value of personal consultation and discussion with Indian gentlemen. Such personal discussion leads to frank and confidential expression of opinion which cannot always, at present at least, be obtained when others are present. At the same time, the advantages of conferences are fully established by experience. A circular letter or separate personal conferences with individuals may secure the franker expression of individual opinions; but it prevents the consideration of other opinions; it shuts out from consideration many points of view which might otherwise be suggested; it leaves every one more ignorant of the advice given by his fellows, of the decision of Government, and of the grounds for that decision, that he otherwise would have been. The exchange of views and opinions at a meeting is thus found of the greatest importance.

10. In regard to the Imperial Advisory Councils, there remains the question as to whether the proceedings and results of the collective consultation should not be recorded. It appears to the Lieutenant-Governor that, when the members of the Advisory Council are called together, either in one section or as a whole, a record should be kept of the consultation, so that His Excellency the Viceroy may have before him, at any time, a record of the opinions of his Advisory Councillors, as they were actually expressed at the time. This need not in any way interfere with the private informal and confidential character of the consultation. It has been pointed out indeed by some that, if the opinions are wholly confidential, then no one is aware of the support which the Government may have received from these confidential advisers, the mouths of the Councillors are shut, they cannot explain the objects of Government, and people will be unable to judge of the manner in which the Councillors are exercising their influence. In regard to the last point there may be considerable danger. It is intended that the Councillors should frankly advise the Viceroy; not that they should play a part before the public. But the objections to keeping the discussions confidential are strong. What is proposed in paragraph 5 (7) of Sir Harold Stuart's letter, namely, that, after confidencial discussion, it may be advisable to provide for some public conferences, seems to meet the difficulty. In other words, after there has been confidential discussion, the Councillors may go on, either

on the same day or on a future date, to a discussion, the proceedings of which will be made known to the public. This seems a sound proposal. At the same time it is clearly important to preserve the confidential character of the communications between His Excellency the Viceroy and his Councillors until it has been decided by him in consultation with them, that their views may be given to the public. It seems also necessary to provide that the wish of any Councillor to have his views recorded as confidential, and not given to the public, should be respected.

11. Another point which deserves special attention is the sixth clause of the scheme, as laid down in paragraph 5 of Sir Harold Stuart's letter, where it is said, that "the functions of the Imperial Advisory Council should be purely advisory; and it will deal only with such matters as may be specifically refered to it from time to time." This takes from the Council all power of initiation, which has been interpreted by gentlemen consulted to mean that individual Councillors, or the Councillors assembled together, may not make any suggestion in regard to any matter which has not been distinctly referred to them by the Viceroy. The Lieutenant-Governor does not believe that this can be the intention. There may be difficulties in the way of allowing the Councillors assembled together, either in part or in whole, by His Excellency's mandate, to discuss any question which has not been referred to them, though His Honour does not clearly see such difficulties. The Councillors ought certainly not to be assembled for any purpose except by the order of the Viceroy. But they should apparently be left free to make any suggestions which they may see fit to make, when they actually assemble by His Excellency's order, provided that the Viceroy should have the power to veto discussion. There may be difficulties in this which His Honour does not see. There is, however, one matter in respect of which he has no doubt, namely, that Advisory Councillors should be allowed individually, either by letter to the Viceroy or in an interview with His Excellency, to make any representations that they may choose to make, in regard to any question which interests them, whether they are consulted about it or not. Gentlemen of their position have that privilege now; and it cannot have been intended to deprive them of it.

Provincial Advisory Council.

12. One point which may be mentioned as having attracted attention in regard to the Provincial Advisory Council is that it is distinctly stated, that when the members of the Council are consulted individually, they are to be consulted by letter, and are to submit their views in writing. The object of this is not apparent. It is often far more valuable for the Head of a Government to send for a gentleman and talk the question over with him than to write a letter asking for his opinion. Even exceptionally intelligent gentlemen are apt to misapprehend or misunderstand, in some degree, the object of a reference; and a quiet friendly personal discussion often prevents considerable difficulty. It may be that the object of the provision to which reference is now made, is that the opinion of the gentlemen consulted should be properly recorded, especially if it is going to be used afterwards in any reference to the Government of India or otherwise. But this can easily be achieved without excluding personal consultation and discussion, which are ordinarily of far greater value than consultation by letter. The Lieutenant-Governor would recommend that it should be distinctly stated that the proceedings of the Provincial Advisory Council, like those of the Imperial Advisory Council, are to be private, informal and confidential, until it is decided by the Head of the Government, in consultation with the members of the Council, that they may be made public, and that it should be added that any Advisory Councillor should have a right to ask that his opinion be kept confidential.

13. Subject to the above remarks the Lieutenant-Governor would approve entirely of the proposals regarding these Advisory Councils. It is not necessary to emphasise the necessity for the greatest care (especially at the first) in selecting the members. The constitution of the Imperial Council should be modified, so as to include the commercial, industrial and professional class; and the term of office should be a substantial one (say five years), with eligibility for re-appointment. About thirty members might form the Bengal Provincial Council, representing large and small landholders, Feudatory Chiefs, the

Bengal and National Chambers of Commerce, the Tea and Indigo Industries, Professions, the University, District Boards and Municipalities. If the proceedings are absolutely confidential in the first instance, with publication when that seems expedient to all, there will be great advantage from the establishment of these Councils. The precise conditions under which proceedings will be public or will remain confidential, as the case may be, ought to be distinctly laid down. Individual Advisory Councillors should be consulted in any way which may seem fit to the Viceroy or the Head of the Local Government, as the case may be; and the opinion obtained should be placed on record, if required. Where Councillors are consulted collectively, a record should ordinarily be preserved. In no case should any opinion be made public without the consent of the Councillor or Councillors concerned. Under these conditions the Lieutenant-Governor believes that the scheme would have great success.

Enlargement of Legislative Councils.

14. In paragraphs 8 to 10 of Sir Harold Stuart's letter the Government of India discuss the necessity for the enlargement of Legislative Councils. It is pointed out that, when the Councils were enlarged and the elective principle introduced under the Indian Councils Act of 1892, an endeavour was made to constitute the electorates so that the more important classes and interests should, as far as possible, be represented, but in the case of Provincial Councils, it is admitted that the results have not justified the expectations formed. It is stated that out of 54 members elected by District Boards to the Provincial Councils only 10 have been landholders, while 36 have been Barristers and Pleaders; and similarly out of 43 members elected by the District Municipalities 40 have been Barristers and Pleaders, and only two landholders. This state of things is decidedly unsatisfactory, especially in regard to the District Boards; but the facts are not quite so bad as the figures represent. Although an unduly large proportion of lawyers have got into the Council in the past, it cannot be said that they do not at all represent the landed interest. Many of them are themselves fairly large landholders. Some of them are in close touch with the landed class; and in certain cases they owe their election into Council largely to the votes of members of these classes. At the same time, it is undoubtedly true that the object aimed at, namely, the representation of all the more important classes and interests, has not been achieved; and even nomination has failed adequately to supply the defect. Anything approaching adequate representation of the different classes cannot be secured without a very considerable enlargement of the Councils. As, however, this view is universally accepted, it is unnecessary to say anything more about it.

Proposed constitution of the Imperial Legislative Council.

15. In respect of the proposed constitution of the Imperial Legislative Council, as sketched in paragraph 12 of Sir Harold Stuart's letter, there are not many remarks to make. Nothing need be said about classes A and B, that is the *ex-officio* members and the officials nominated by the Viceroy. The former are already fixed; and no one can take any objection to any of them being on the Council. The number of the latter will depend on the number of the non-official members. These, that is, the non-official members, are the only members whom it is necessary to discuss. The first of these (C) is a Ruling Chief to be nominated by the Viceroy. To this no exception can be taken; for it cannot be held that the Ruling Chiefs are altogether without concern in Imperial Legislation. I am therefore to pass on to class D, namely, the elected Members. All the proposals made in regard to this class may be accepted; but there are certain additional interests which appear to the Lieutenant-Governor to require representation. The first of these is the Universities. Sir Andrew Fraser is of opinion that there should be one member representing the Universities, as a separate and additional member under class D. Such a member would not only represent the educated classes generally, but would especially represent the important interests of the Universities. This seems to be very desirable. The question as to the best method of appointing such a member then arises. In the opinion of the Lieutenant-Governor he should be elected by all the five Universities together, and not by each University in rotation. It does not

seem a matter of much difficulty, to devise a constituency composed of representatives of all the Universities who might elect this number for the Imperial Council.

16. The Chamber of Commerce, in their letter No. 27, dated 11th January last, copy of which is appended, proposed to increase by two the number of non-official Europeans, so as to represent the planting and manufacturing industries of Northern India; and the Government of India, in Mr. Fell's letter No. 212, dated 21st January last, have requested that the claims of the domiciled community to representation should be considered. Both of these claims are entitled to much consideration. But it will probably be best not to include these three new members under class D, but to include them under class E: that is to say, to raise the number of the latter class (non-officials nominated by the Viceroy to represent minorities or special interests) from four to seven. The special interests thus to be represented should then include not only racial minorities such as Eurasians, Muhammadans, Parsis and Jains when these require representation, but also large industries such as tea, jute, mines indigo, cotton and the like. The Viceroy ought to be unfettered in his decision as to the particular interests requiring to be represented from time to time, subject to the proviso that there must be not less than four Muhammadan members in the Council. But when an interest has been selected as requiring representation, the usual practice should be to ask the association (if there is one) which represents that interest to select a particular person to be nominated; or (if there is no such association) to devise some other means of ascertaining the wishes of those concerned as to the nomination.

17. It does not seem to the Lieutenant-Governor necessary to have an official majority of three in Council, excluding the Viceroy; but that is what is given in the sketch of the Council in paragraph 12 of Sir Harold Stuart's letter. It is proposed to have, excluding His Excellency, 28 officials and 25 non-officials in the Council. In fact, as the experts need not always be non-officials, the official majority may even, under the proposed constitution, be more than three. It would probably suffice if the officials and non-officials were equal in number. It is inconceivable that all the non-official members, coming as they will from so many different classes, and representing so many different interests, will ever combine against the Government; and even if they did so, they would not be in a majority, if the officials, excluding the Viceroy, were equal to them in number. The experts to be nominated under class F would either be officials, when they might be nominated under class B, or the representatives of special interests, when they might be nominated under class E. If they were only required temporarily for one particular measure, they might be nominated (in the manner indicated by the Chamber of Commerce in their letter) to advise without having a vote. The Lieutenant-Governor would therefore recommend that the four additional members above indicated be added, and that the separate class F be excluded altogether. The constitution of the Council would then be:—

Official members in classes A and B	28
Non-officials under classes C, D and E, together with the four additional non-officials now proposed . .	27

This would leave an official majority of one, excluding the Viceroy.

18. In dealing with the method of election of the members under class D, it is unnecessary to say anything about subdivisions (*a* and *b*) The present system of election of the members representing the Chamber of Commerce in Calcutta and Bombay, and of those recommended by the non-official members of the Provincial Councils, may remain unaltered. As regards subdivision (*c*), the principle may be accepted that the Provincial electorate should have, roughly, a strength of from 100 to 150 members. Payment of cesses indicating an annual value of a certain figure, say half a lakh, should, as far as Bengal is concerned, give the franchise. It ought to be laid down that the member elected to represent the nobles and great landowners of a Province, must himself belong to that class. There will be no difficulty in massing together for voting purposes all the qualified landholders of this Province. Most of the large landholders have houses in Calcutta; and those

who have not would find no difficulty in coming here for so important an object. The Lieutenant-Governor does not propose therefore any system for alternately representing different parts of the Province.

19. As regards the election of Muhammadans [subdivision (*d*)], the Lieutenant-Governor would suggest that a voter should have one or other of the following qualifications:—

(1) He should have an income of Rs. 15,000, to be ascertained from the valuation in the Road-cess returns, or from the Income-tax returns, as the case may be. A qualification of Rs. 25,000 is regarded by representative Muhammadans in this Province as too high.

(2) He should be a graduate of any University of five years' standing. There is no reason for limiting this qualification to graduates of Indian Universities. A graduate of an English University has quite as strong a claim. This educational qualification has been urged by representative Muhammadans in the Province. It is, however, open to question whether it should not be omitted altogether, or whether it should not be confined either to Masters and Doctors or to Muhammadan Fellows of the University.

(3) He should be a titleholder.

There would be no difficulty in forming a constituency in this Province on these lines. The seats assigned to Muhammadans in the Imperial Council should be given in turn to the different Provinces at the discretion of His Excellency the Viceroy. The Lieutenant-Governor does not generally approve of the alternate representation of different Provinces; but he is unable to suggest any better method of obtaining the Muhammadan representatives referred to in subdivision (*d*).

The constitution of the Provincial Council.

20. I am now to consider the enlargement of the Provincial Legislative Council. The number of non-official members of the Council would be limited by the number of officials available. It would be quite possible to provide, say, 18 official members. It would be possible to provide a few more; but this would not be necessary, unless there were more than 18 non-official members. Sir Andrew Fraser sees no reason whatever for having more official than non-official members, excluding the Lieutenant-Governor from the list. He does not consider it at all likely that, in any case, all the non-official members would combine against the Government; and, even if they did, the Government would still retain its majority in the casting vote of the Lieutenant-Governor. The non-official members, whom the Lieutenant-Governor would propose, are the following:—

(1) One member for each of the six existing Divisions and a representative of the new Division to be created by the partition of the Patna Division	7
(2) The representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation, and the University, as at present, and a new representative of Indian Commerce	5
(3) Representatives of the landed proprietors, who must be zamindars elected by zamindars	2
(4) Representatives of any special class requiring representation	4
Total of non-official members	18
Add—Official members	18
Total Members of Council	36

21. This would give a Council of 36 members, excluding the Lieutenant-Governor. The representatives of the Divisions would be elected for each Division alternately by the agency of the Municipalities and District Boards, so as to have not less than three members representing either District Boards, or Municipalities on the Council. The system of electing the representatives of these bodies would remain unchanged, except that it would be provided that a

candidate must be a resident qualified voter, and that the word 'resident' means that the candidate has his family-home in the locality. The new representative of Indian Commerce has been demanded very earnestly by Indians in Bengal, especially in Calcutta. It has been proposed that he might be taken alternately from the National and Marwari Chambers of Commerce. The two representatives of the landed proprietors would represent the large and the small zamindars, respectively. The zamindars of each class in each district would elect their delegate; and these delegates would meet in Calcutta and elect a member for nomination to the Council. This would be much better than alternate representation for different parts of the Province by rotation. The special classes to be represented under the fourth item in the above list would be selected by the Lieutenant-Governor as occasion seemed to require; and suitable arrangements for electing representatives would be made. It will be observed that this method provides for the representation of the domiciled community (as well as any other), provided that it were found that this community had not been adequately represented in the other elections. The above scheme gives a maximum of 36 members of Council, excluding the Lieutenant-Governor. If it was not necessary to include four representatives of special classes, the Council would not be quite so large. These views are the result of a full discussion of the whole subject at a conference consisting of the Members of the Board of Revenue, Heads of Departments, Commissioners of Divisions, and a considerable number of non-official gentlemen, members of the Bengal Council and others, representing the different classes of the community, who were invited to share in the discussion.

Representatives of Municipalities and District Boards.

22. In paragraph 21 of Sir Harold Stuart's letter, the Government of India make certain remarks regarding the franchise upon which the election of the Bengal members of the Provincial Council ultimately rests. With these remarks the Lieutenant-Governor is in complete accord. The franchise, in connection with the District Boards especially, has failed altogether to secure a due representation of different classes. This matter has engaged the serious attention of the Lieutenant-Governor. He has consulted most of the District Officers and all executive officers in the province of senior rank to theirs. He has also consulted many non-officials, both privately and in formal conferences, the results of which have been placed on record. He is very clearly of opinion that the system must be modified very materially. It is in the districts, in the work of Local Boards and Municipalities, that Government first of all requires the co-operation of the people; and it is there that real education in self-Government must be given. It is the men who do work in the interior that are best fitted to take a worthy place in the Provincial and Imperial Councils. It is in Local Self-Government that sound political training is to be obtained. This has been practically lost to the classes who have a real stake in the country. They have hardly been directly represented at all amongst the elected members of the District and Local Boards: that is to say, the most important interests in the country, and the divers classes concerned in these interests, have not been represented.

23. The Government sometimes succeeds in getting advisers and coadjutors, whose interest in the country makes them both prudent and useful, by selecting them from amongst certain classes and nominating them to the local bodies. It is admitted that the system of election under the present law will not secure such persons: and an attempt is made to remedy the defect by a system of nomination. The electoral system has not been introduced in the majority of the districts of the Province; and even where it is introduced, it is supplemented by a system of nomination. Good men are not infrequently secured in this way; but the men nominated are in a very invidious position. An influential and very capable zamindar, for example, who has a large stake in the country, may be nominated to the District Board or to the Provincial Council; but when he has been thus nominated, he is, by some at least, regarded as a man who has been "captured" by the Government. He is credited with nothing but a desire to please the Government. This may be absolutely unjust. He may, and very often does, speak perfectly frankly the views that are in his mind; but he does not always get credit with the outer world for sincerely representing the views of his fellow countrymen and, all

the time, he feels that he is the object of the suspicion, and often the object of the vituperation, of his own countrymen. It is a most undesirable position. What is required is, to get the same class of men, without putting them into this position. This is nowhere more important than in the District or Local Boards.

24. It is so highly inexpedient as to be practically impossible to go back on what has been done in regard to the franchise, that is to say, to withdraw from any one the privilege of the franchise which has been given to him. The scheme which the Lieutenant Governor has in his mind—and it has received the full concurrence of all the officers he has consulted and also of the non-officials, including all the non-official members of the Bengal Council—is that those who now enjoy the franchise should be divided into such sections as will secure the representation of different classes and interests. It is unnecessary in this letter to go into the details of the scheme which the Lieutenant-Governor has framed and separately placed before the Government of India. It will be enough here to indicate briefly the lines on which the scheme has been framed. First of all, there must be separate representation of the large zamindars. The electors must be zamindars and their representative must be a zamindar. The smaller zamindars should be similarly represented separately. A third electorate of agriculturists, namely, the smallest class of landowners and the larger raiyats or tenants, also require separate representation. A fourth electorate would consist of the professional classes; and a fifth, of the trading classes. Finally, a sixth constituency would be formed to provide for the representation of any special interest. It is proposed that, so far as non-officials are concerned, nomination should cease altogether and separate constituencies should be formed which should provide for the election of persons representing all the various interests. A system such as this would provide a non-official element which could be thoroughly trusted, subject to financial and other limitations provided by rule, and to the supervision of the District Officer and Commissioner, to do good work in the District and Local Boards. A few official members would be added; the Subdivisional Officer to the Local Board, and one or two officials, such as the Inspector of Schools, the Civil Surgeon, and the like to the District Board.

25. As has already been stated, this scheme has met with the universal approval of the officers and non-official gentlemen consulted. The Lieutenant-Governor has greatly regretted that it could not be carried through at once. In Sir Harold Stuart's letter [paragraph 22 (*c*)] encouragement was given to the introduction of such a scheme in Local Boards. And it appeared a very opportune time to carry it through when it received such widespread support. It has, however, been deemed expedient to postpone the consideration of this scheme until the matters under discussion in this letter are disposed of. When it is possible to take it up and carry it out, it will provide a reasonable hope of sound representation in the Provincial Council. This reform of the electoral system of District and Local Boards is an urgent necessity. On the other hand, there does not appear to the Lieutenant-Governor to be any special necessity at the present time for interfering with the electoral system of Municipalities. It can be considered later.

26. In paragraph 22 of Sir Harold Stuart's letter, the opinion of this Government is requested regarding the desirability of providing for the representation of special classes other than the Muhammadans. The Lieutenant-Governor does not consider that this is necessary. There are undoubtedly considerable sections of the population, such as the so-called Kolarian tribes and numerous depressed castes, which are not, and probably never will be, represented in Council under existing conditions; but this cannot be helped. These classes must trust to Government for protection whenever their interests clash with those of other classes.

Special classes.

27. In paragraph 23 of Sir Harold Stuart's letter, the Government of India state that they are anxious to introduce such changes in the existing system of discussion of the budget in Council as will make the debates on the budget less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. The Lieutenant-Governor considers that the

Budget discussion in Council.

best way to effect this object will be to have one or two unofficial discussions with representative members of the Legislative Council before the budget is formally laid before the Council. He would suggest that there might be two such discussions, one in the first week of February before the second edition of the Provincial budget is submitted to the Government of India through the Accountant-General, and the other in the first week of March before the third edition of the budget is submitted. The Committee appointed to hold these unofficial discussions would be of the nature of a Select Committee, and might consist of the Hon'ble Members of the Board of Revenue, the Secretaries to the Local Government and half of the non-official members of Council, nominated for the purpose with special regard to their representative character.

28. At the first meeting a preliminary note on the budget, briefly explaining the general lines thereof, with statements of both receipts and expenditure, showing under each of the major heads the actuals of the preceding year, the sanctioned estimate and the revised estimates for the current year, and the budget estimate for the ensuing year, should be laid before the members by the Financial Secretary. This note should also show all additional recurring charges and the principal items of a non-recurring nature proposed to be incurred during the ensuing year. The Public Works Department should also furnish a note showing all important items in their programme for the year, with the estimated cost of each, which would form an appendix to the Financial Secretary's note. At the second meeting a further note would be laid on the table by the Financial Secretary, giving revised estimates based on later actuals and on such suggestions made at the previous meeting as could be adopted, and giving separate figures under the principal minor heads subordinate to major heads.

29. For the purpose of the debates in Council, the suggestion thrown out by His Honour the Lieutenant-Governor in his speech on the budget debate last year might be given effect to, namely, that statements should be appended to the budget explaining the principal reforms in progress and in contemplation in the several Departments of Government. For the purpose of these statements the subjects should be grouped together according to the departments dealt with by the different Secretaries. This would greatly simplify the discussion. In order also to give fuller effect to the intentions of Government, two days should be allowed for the discussion of the budget in Council. This would give the Hon'ble Members the fullest opportunity for discussion compatible with the exigencies of the administration.

30. In reference to the remark contained in the last sentence of paragraph 23 of Sir Harold Stuart's letter, that "it might perhaps on occasion be found possible to alter the budget actually under review," I am to point out that under the existing arrangements the budget cannot be altered after it is laid before the Council. Unless therefore the Government of India are prepared to authorize alteration after the budget has been finally passed in the Imperial Financial Department, it will not be possible to give effect to the suggestion.

31. The Lieutenant-Governor has nothing further to add regarding the schemes proposed for consideration in Sir Harold Stuart's letter.

I have the honour to be,

Sir,

Your most obedient servant,

E. A. GAIT,

Chief Secretary to the Govt. of Bengal.

APPENDIX.

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From—The Maharaja Dhiraj of Burdwan.

To—His Honour the Lieutenant-Governor of Bengal.

Imperial Advisory Council.

I think that the proposal of the Government of India is a sound one, and the idea should be put into effect and the scheme launched without much delay. The constitution as contained in the letter might be accepted as the basis; for, I am sure it will undergo some changes as we proceed and as experience reveals itself, specially when we may have to take into consideration any such worthy criticism or proposals as might appear hereafter.

2. At the very outset, however, I desire to say that in the 24th and 25th lines of paragraph 4 of the letter it contains the following words "and possessing in themselves no formal powers of initiation." This of course means that whenever the Government will desire to consult the Council the Councillors will give their advice, but they will not be entitled to prefer any advice, by taking an initiative on any subject that is not referred to them, even, if any such matter in their opinion be one on which they as advisers consider the measure to be too strong or weak, improper, unfair or impolitic, in any way, and feel it their duty to bring the matter before the Government. Therefore I think that the Councillors should have some privilege at any rate of taking initiative steps on all such matters, and represent such cases to the Government either in writing, confidentially, individually or collectively, or by waiting on the Viceroy either individually or collectively. The Government might consider on receipt of such communications or deputations whether or not in its opinion the advices of the Councillors are worthy of consideration. This point I want Your Honour to carefully consider, and if you agree with me I trust that you will kindly take necessary steps.

3. About the formation of the Council as stated in paragraph 5 (3) of Sir Harold Stuart's letter, *i. e.*, that of the sixty members it is desired to take about 20 Ruling Chiefs and about 40 territorial magnates from every province under the Government of India, I may be permitted to observe that for political reasons it might be quite right to have about 20 Ruling Chiefs in the Council; but I really do not see how these Chiefs could be of much help in giving counsel on schemes and on the subjects referred to them which mainly concern the administration of country under direct British rule. This body no doubt will be directly interested only when questions of famine, education, railway, canals (specially passing through or close to their territories), Imperial Service Troops and Imperial Cadet Corps, etc., are referred to them. Of course when any question of general principles is discussed, their advice and opinion would certainly be useful and helpful; but in questions affecting the general interest of the landholders and tenants, trade, commerce, industry and other professions in British territory they could not be of much help.

4. Moreover, this proposal does not contemplate to take in any specially qualified persons of education and culture, nor does it embrace any representatives from classes, such as industry, commerce, capital and other important professions to advise on questions relating to these subjects, of which they would undoubtedly be the most likely persons to have special experience and knowledge. I think therefore that representatives from such important classes should be taken into the Council; specially as they will also be able to represent the opinions of those who discuss things in the press and also represent a certain amount of the popular views. For these reasons I beg to suggest that of the 60 Councillors proposed I would have 15 Ruling Chiefs, 30 territorial magnates from the different provinces, and 15 educated representatives from the industrial, Commercial, capital and other professional classes, so that the Council would then be complete and a really representative body.

5. I consider that the functions of the Advisory Council seem to be very little. It is impossible at present to say anything about its practical

utility until it is put into practice and its usefulness gradually appreciated. There is no doubt, however, that through these Councillors the Government will be able to make its measures and motives generally understood by the people and also be able to correct erroneous and often mischievous statements of fact or purpose imputed to it.

6. In paragraph 5 (7) it is stated that the proceedings of the Council will "as a rule be private, informal and confidential, and they would not be published although Government would be at liberty to make any use of them it thought proper." There is no general objection to this paragraph, but I should like to suggest that when any member is consulted individually (as stated in the middle of paragraph 4) if any member expressly desires when submitting his opinion that his opinion should be treated as strictly confidential such a request should be respected and the opinion of such a member should not be made public or used otherwise.

Provincial Advisory Council.

7. I consider that the constitution, functions and proceedings as contained in paragraph 6 of Sir Harold Stuart's letter may be accepted as it is, as a basis of establishing the Council. It provides for the representatives of all classes of people which I consider to be a sound thing.

8. There is one point, however, which vastly differs from the proceedings of the "Imperial Advisory Council" and which calls for remarks—while the proceedings of the "Imperial Council" are clearly stated as "private, informal and confidential" the proceedings of the "Provincial Council" when consulted collectively are to be recorded by a Secretary to Government, But it does not say whether these proceedings should be treated as "private, informal and confidential." No doubt this is what is implied; nevertheless this point should be made clear. I propose that the proceedings of the "Provincial Advisory Council" be treated as "private, informal and confidential" like the proceedings of the "Imperial Advisory Council." In this points the same principles should equally apply to both the advisory councils.

9, There is another point which I wish to allude to, *i.e.*, that should there be no real objection, the members of the Council might be consulted by the Governors of the Provinces by personal interviews wherever it is possible, without taking their opinion in writing. This course, I think, is important, for many members will be saved the trouble of writing out their opinions as well as be perhaps, able to be more explicit than they would care or dare to be when putting down their views in writting. As stated in paragraph 5 above, here also I desire to say that when any member is consulted individually and submits his opinion in writing, confidentially, and expressly desires that his opinion sh ould not be made public, his request should be respected and his opinion should not be made public or used otherwise.

10. I generally approve of the proposals for the proceedings of the Council as contained in paragraph 7 of Sir Harold Stuart's letter. I think this will be of great use and will have the effect of preventing many erroneous rumours and imputations of improper motives on the Government actions.

11. I think that some general rules might be framed under which the Advisory Council is to meet and the procedure to be followed by that body. Something on the line of the meetings of the Legislative Council or other Council meetings would serve the purpose.

A suggestion.

12. One other matter of detail I desire to suggest, namely, that a rule should be made under which the cost of travelling, etc., of the Councillors of both Advisory Councils is to be paid by Government when they attend the meetings unless of course they be residents of the city where the Council meets.

13. In conclusion, I beg to request Your Honour that I might be permitted to supplement my opinion hereafter if, after going through the criticisms which are bound to appear in the papers, etc., I think such an action to be necessary.

Dated the 20th September 1907.

From— The Nawab Bahadur of Murshidabad,

To—His Honour the Lieutenant-Governor of Bengal.

THE sealed cover containing your letter of the 13th instant enclosing copy of Sir Harold Stuart's letter No. 2310, dated 24th ultimo, has been redirected to me here from Murshidabad. I am here for a short change, temporary cessation from work having been advised for me after my recent indisposition. I should otherwise have been very glad to have the subject-matter of Sir Harold's letter personally talked over with Your Honour. But, as it is, the subject being a very important one, I have given it the careful consideration it deserves, having already thought over the matter since its publication in the newspapers. I give below, as concisely as I can, my views on the schemes.

2. (I) As regards the Imperial Advisory Council, I am afraid (*a*) the constitution proposed will not meet all requirements. I do not forget that the main object which underlies the scheme is the giving the people of India wider opportunities of expressing their views on administrative matters. I do not think that sixty ruling Chiefs and "territorial magnates," as such, will be sufficient either as exponents of public opinion on administrative measures, as channels for the diffusion of correct information on public matters, for correcting imputations based upon incorrect information, or for free consultation in matters of public importance. To me it seems that the development of the educated classes has made such advances as can in no way be ignored in the formulation of any scheme the real object of which is the taking the people into the confidence of Government for a free and close consultation in matters of common and Imperial interest. Moderate representatives of the educated classes, who have an adequate sense of responsibility and who have proved themselves worthy of the confidence of Government, are no less capable of making Government measures and motives more generally known and better understood. I do not for one moment imply that among the ruling Chiefs and the "territorial magnates" there are not many who, having taken advantage of the opportunities placed at their disposal and benefiting by the educational advantages, have not qualified themselves to advise Government on matters of importance; but at the same time I think that the claims of the educated classes, the creation of the Government itself, can hardly be overlooked. Shortly, therefore, so far as regards the constitution of the Advisory Council, I think that, of the sixty Imperial Advisors, at least one-sixth, that is, ten, should be representatives of the educated classes, men of approved loyalty and character, of moderate views and unselfish motives. These ten will represent the interests of a variety of departments and branches, and will make the scheme as acceptable as can be expected under existing circumstances.

3. (*b*) Properly constituted, that is, the best available persons being chosen, there is no reason why the Imperial Advisory Council should not very satisfactorily discharge the functions which the scheme would expect of them. The necessity,however, will be enhanced of getting the best available persons. These being secured, the success of the advisory body seems to be assured. But I should suggest and submit that the functions of the Council should not be merely consultative, but should extend to empower the Councillors to suggest measures and bring to the notice of Government the state of public feeling, public requirements and various other kinds which Government may not otherwise be in a position to know. Such suggestions and information received from persons in actual touch with the people are sure to prove more beneficial to Government than mere advice offered when consulted. Thus constituted with extended function, the utility of the Council is sure to be enhanced.

4. (*c*) As regards the proceedings of the Council, I think that the whole body of the Councillors should be consulted individually or collectively in all questions of Imperial and common interest.

5. (II) Then as regards Provincial Advisory Councils, my observations regarding the constitution of the Imperial Advisory Council (*a*) apply equally to them. I think that the educated classes cannot be wholly ignored in consideration of the object with which the Councils are proposed to be formed. I do not think the constitutional requirements of the country will be adequately met if

the responsible leaders and representatives of the educated society, representing the masses, who, in a country, where education has not made such strides and has not yet penetrated into the lower strata, must, of necessity, for some time yet at least, be represented by them, were excluded from enjoying the privilege of being the confidential recipients of such information as the Government would give and of being the mouth-pieces of a people who cannot represent themselves otherwise.

6. (*b*) The function of the Provincial Advisory Council need not prove useless if only the right persons are selected and if they are extended on the line suggested by me in regard to the Imperial Advisory Council.

7. (*c*) Their proceedings may be by correspondence or personal discussion, as the importance or urgency of each particular case will call for. There is no reason why their deliberations should not be private before the result can be put into definite shape for public consideration or criticism.

Dated 20th the September 1907.

From—The Late Maharaja Bahadur Sir Jotindra Mohun Tagore, K.C.S.I.,

To—His Honour the Lieutenant-Governor of Bengal.

I have received Your honour's favour of the 13th instant, requesting an expression of my opinion on the constitution of the proposed Advisory Councils. I wish I could confer with Your Honour personaliy on the subject. I could then fully and freely explain my views. As this is not possible at present. I must satisfy myself by giving brief replies to the questions Your Honour has been pleased to put to me.

2. The conception of establishing Advisory Councils is, no doubt, excellent. The organisation, if it be discriminately constructed and sufficiently well developed, will be productive of great benefit. The Imperial Council, it is proposed, will be composed of ruling Chiefs and territorial magnates. The former will be gratified and perhaps benefited by their association with the Viceroy in guarding Imperial interests; and the latter will feel honoured by being appointed confidential advisers of the representative of their Sovereign. They are the natural and hereditary leaders of the people, and the recognition of their status and influence will serve to strengthen their attachment to the British Raj, and induce them to readily co-operate with the Government in the effective administration of the Empire.

3. The constitution of the Imperial Council, however, as it is contemplated at present, does not seem to my mind to be quite a sound one. The ruling Chiefs live isolated from British India, and do not, I presume, take any active interest in the general administration of the country. They have no touch with the people and are ignorant of their needs and sentiments. I do not think, therefore, that they will be able to give any material advice in administrative matters. The large landholders have so long been unaccustomed to take any prominent share in public life, that their want of training and experience, however well disposed they may be to assist in administrative work, will not enable them to render any valuable services. It will be necessary, therefore, to introduce new and more vigorous elements into the organisation to ensure its success. To be really useful and not merely ornamental, the Council must be strengthened by men outside the sphere of ruling Chiefs and territorial magnates. Educated and cultured men, of moderate political views, of trained intelligence and energy, and of proved merit and ability should be invited to become members of such a Council to vitalise the organization, and to make it fit to produce substantial work

4. If I may be permitted to speak frankly, young and inexperienced British officers, encouraged by the spirit of latter-dry legislation, have done their level best to undermine, by openly pronouncing their radical views, the influence and position of zamindars and landholders and to destroy harmony and good-will between them and their tenants. It is, therefore, absolutely essential in the interest of good government to counteract the evil effect of the mischievous and radical propaganda. There are men among the educated classes—men of sterling worth who, by their sound training and intimate knowledge of the trend of aggressive radical thought of the present day, and being more in touch with the people themselves, are qualified to meet the specious arguments against the propertied classes and to preserve equilibrium among the different elements composing the Council. It is my firm belief that, under present conditions, if propertied classes and our educated men be judiciously combined, their joint influence would be productive of incalculable benefit to the State, in promoting the welfare of the mass of the people—especially when we consider that our educated men belong mostly to the upper middle class (who form part of the mass themselves), and their opinions and counsels would naturally have greater effect upon them.

5. It goes without saying that the success of the Council would mainly depend upon the men chosen as Councillors. They should be most discriminately selected, and they should possess, as Manu, the ancient law-giver of India, says, all the qualifications essential in trusted and competent advisers—men of mature age and experience, who have the capacity of throughly grasping, in all their bearings, the subjects presented for consideration, and can freely, but respectfully, represent their views to His Excellency the Viceroy, or to his representative who may be deputed to confer with them.

6. It is difficult to understand, from the scheme before me, the real function of the Council. I am unable to see what useful purpose can be served by the work assigned to it. It appears to me that this work is indefinite in its character. In the first place, the Councillors will not be allowed any original powers of initiation. If these powers be withheld from them, I do not see what incentive they will have to devote their time, talent and energy to the consideration of any question, however vitally it may affect the welfare of the people, especially when they have the discouraging pronouncement before them that the Viceroy may or not may accept their views. Under such a depressing consciousness, men would hardly take any interest in questions placed before them and be willing to sacrifice their time and energy upon any fruitless deliberation.

7. The principal object in view for organising such a Council is that it may supply "a means for free and close consultation." But there will be no record of this consultation. No trace of the opinion given will be left behind. The Government of India may use the opinion tendered for any purpose of its own, but strict silence is enjoined upon the Councillors. It is believed that "only confidential communications will secure frank interchange of opinion." Granting this remark to be generally true, there are, I beleive, occasions when such communications, if guardedly worded and judiciously selected, would, when published, be of immense value. The Government of India say that the Council should be made "an agency for the diffusion of correct information upon the acts, intentions and objects of the Government." It is thus expected that "the Councils should be interpreters of Government to the people"; but if all communications with them be of a private and confidential nature, the mouths of the Councillors would be shut and their hands would be tied, and they would have no opportunity, nor incentive, to correct misstatements or remove erroneous impressions. To perform this task effectually, motives of action must be thoroughly explained; but this cannot be done unless the Councillors are at liberty to disclose the information placed before them. Considering both the advantages and the disadvantages of "free and confidential communications," I am inclined to think that—except on those questions in the consideration of which inviolable secrecy must be maintained—the opinions of Councillors taken either individually or collectively on all important subjects should be published. Such publication would be of great value, inasmuch as it would show to the people that the Councillors have exercised their utmost influence and made most strenuous exertions to do their duty both to their countrymen and to the Government by a correct representation of popular opinion on any given subject. The consciousness of doing this duty would act as an invigorating stimulus and afford them a healthy inducement to express their views freely on all measures of Government, both actual and prospective. It must be always borne in mind that the views of the Councillors will be of importance only when they are based on an appreciation of the needs, wishes and sentiments of the people. Without an adequate sense of responsibility, the deliberations of even the most trusted advisers of Government would be utterly fruitless.

8. The total number of teritorial magnates is to be forty. This is to be distributed, of course, among the eight provinces of British India. I am of opinion that the number should be distributed in proportion to the area and importance of the provinces.

9. My remarks with regard to the constitution of the Imperial Advisory Council apply with equal force to the consitution of the Provincial Councils. The organisation of the latter body is to be on a wider basis. Representatives of "other important provincial interests" are to be admitted to it. There is, I think, a material difference between proceedings of the Imperial and the Provincial Council, as the latter are not to be "informal and confidential" and are to be reduced to writing. This is a material advantage, as it will enable the heads of the Government to have a permanent record of the opinions of their Councillors.

10. The admission of the representatives of smaller landholders, of industry, of commerce, of capital, and of the "professional classes" (including of course the educated classes) would be of great benefit.

11. There may be (according to the Oriental custom) some difficulty, considering the dignity and the high position of the ruling Chiefs, in associating them, in the Imperial Council, with our educated men who have comparatively a lower social status; but in Provincial Councils no such difficulty is likely to be experienced; and I believe that in the long run the latter body would prove of greater utility than the former, for if I may be permitted to give my honest opinion, the Provincial Council would ultimately do more substantial work than the Imperial Council.

12. The provision for tendering "a collective opinion" would, to my mind, be also an advantage, as it could be employed, when necessary, to correct all prejudices and misconceptions, by its publication, and would serve to strengthen both the hands of the Government and of the Councillors.

13. The Provincial Council is to be of a smaller size, but it ought not to be so small as not to be capable of including representatives of all important interests. I believe the number, considering the variety of interests, ought not to be less than thirty at least.

14. In this connection I wish to say that consultation with, and the expression of opinion of, a smaller number of Councillors, selected with reference to the special nature and importance of a given subject, would be of greater value than either individual or collective opinion taken in the manner proposed.

15. In conclusion, I do not wish to say anything in this place about the proposed reform of the Legislative Council. The condition that "official majority must be maintained" would, according to popular opinion, considerably interfere with the usefulness expected of it and would not be able to secure the confidence of our countrymen in its work and would thus fail to meet their requirements and satisfy their aspirations.

Dated the 21st September 1907.

From—His Highness the Maharaja of Cooch Behar,
To—His Honour the Lieutenant-Governor of Bengal.

I AM in receipt of Your Honour's confidential communication of the 3rd instant, enclosing a copy of Sir Harold Stuart's letter No. 2310, dated the 24th ultimo.

2. Your Honour has been good enough to ask me to candidly express my views on the proposals made by the Government of India relating to the Imperial and Provincial Advisory Councils. I explained briefly my views to you at a personal interview thejday before yesterday; and I now give expression to those opinions more fully.

3. I will first take the Imperial Advisory Council.

(*a*) In my humble opinion the Imperial Advisory Council should consist of two sections, one composed entirely of Ruling Chiefs, and the other of territorial magnates and representatives of commerce, industry, capital and the professions. In suggesting the inclusion of representatives of commerce, etc., I consider the Council will be more complete and representative and therefore better able to cope with all questions affecting Imperial policy. Of the 60 members which will form the Council, 20 as suggested should be Ruling Chiefs; the remaining 40 may be divided as follows: 28 territorial magnates and 12 representatives of commerce, industry, capital and the professions distributed equally.

(*b*) As regards their functions, I quite agree that they should be purely advisory for the present, but I would suggest certain modifications—

(1) The Council should be called together at least once a year as a collective body. This will afford the Councillors an opportunity of exchanging their views and discussing questions of Imperial interest at least once a year, even if there be no question referred to them by Government.

(2) Their opinions should be recorded and, if considered advisable or necessary by Government, made public.

(3) Dissenting opinion should be recorded, if so desired, by the dissenting Councillors.

(4) The Ruling Chiefs should meet separately when matters affecting them personally or their States are in question.

I hold that our opinions in a collective form would be of greater value to Government and will carry greater weight with the public.

(*c*) The proceedings of the Council, when called together for collective consultation, may be private and confidential but not informal, and such proceedings should be always recorded.

4. I also think that any member or body of members of the Council, singly or collectively, should have the privilege of bringing to the notice of Government such matters as they consider of Imperial importance, with a view to their discussion in Council.

5. With reference to the Provincial Advisory Councils, in my opinion, Ruling Chiefs, as a rule, should not be included. I would also suggest that the Provincial Advisory Councillors be consulted oftener collectively than individually. As I have suggested in the case of the Imperial Advisory Council, the Provincial Advisory Councillors should have the privilege of requesting Government to seek the advice of the Provincial Council in regard to matters of grave importance other than those referred to them.

6. I must thank Your Honour for the opportunity you have kindly given me of explaining my views on such an important matter. I have no doubt the proposed Councils will be of material assistance to Government and will be the means of maintaining and strengthening that cordial relationship between the rulers and the ruled, which is the aim of Government.

Dated the 22nd September 1907.

From—The Maharaja of Darbhanga,
To—His Honour the Lieutenant-Governor of Bengal.

I WAS away in Bankipore, and Your Honour's letter reached me after my return some days after you had sent it. This and the difficulty of the question explain the delay in replying. I am very sorry Your Honour did not order me down to Calcutta when you were there. It would have been far more satisfactory to have talked over the matter with you.

Your Honour asks me about the constitution of the Council and the desirability or otherwise of advising "other classes." The second question is a most difficult one to answer. I suppose the Associations will recommend the inclusion of other classes, but I would suggest that the Government of India should at present confine its selection to the classes mentioned in the Resolution and after some time appoint individuals like Sir Gurudas Banarji, regarding whose loyalty and integrity there can be no question. It will be invidious to say what classes should be included and excluded; and the only way of evading the difficulty appears to me to put in certain individuals of proved merit and judgment as circumstances permit.

I would suggest also that the whole sixty should not be appointed at once: that the first appointments at least of Princes and noblemen should be unexceptionable. The noblemen should be only those about whose proved loyalty and merit there can be no question and who are *at the same time* in touch with the people. This must be the case if they are to be interpreters of Government to the people and, as a necessary corollary, interpreters of the people to the Government. The position will be one of very great, and I may also add, thankless responsibility. The first appointments will be most closely scrutinised, and the success of the scheme will greatly depend on the way it is worked during the first few years: I am decidedly of opinion that no one who asks to be a Councillor should be made a Councillor.

(*b*) *Functions and utility of the Advisory Council.*—I believe we have discussed this aspect of the question at Belvedere. If the relationship of the Heads of Government with the Councillors are to be, if I may say so, such as exist between you and me, I am confident that much good will result, but not otherwise. There must be mutual trust and confidence. If not, the opinions offered will necessarily be of very indifferent value. The position of the Councillors will be, if I understand the duties rightly, one of no power but very great responsibility. The integrity of the Councillors on the one hand and the confidence that may be reposed upon them by Government will be determining factors in securing the success of the experiment. Let all Indians and friends of India pray to the Almighty that it will result in India's good.

(*c*) I quite agree in these proposals of consulting the Councillors "individually, collectively, either in whole or in part." There will of course be occasions for following each separate course.

PROVINCIAL COUNCILS.

The proposals of the Government of India in paragraphs 6 and 7 appear to me to be admirable both as regards their functions and constitution, but I would respectfully urge that the importance of "private informal and confidential" proceedings should not be minimised, as I strongly believe that these will not be less useful to Government than written communications. I would also demur to the proposal that opinions are to be presented in writing only. There are yet many persons, especially amongst the landed aristocracy, like the late Maharaja of Sonbarsa, whose knowledge and experience of their special subjects will enable them to give opinions of considerable value, but who cannot give a competent written opinion, and on whom this restriction will press rather unfairly. There will be also cases where a man, even if he can express himself properly in writing, will not care to do so with the same freedom as he would if he was addressing the Head of a Local Government at a private interview. I submit that this aspect of the question should not be lost sight of

I would make the term of the appointment of the Advisory as well as the Legislative Councils at least five years, if it is not possible to make it equal to

the Parliamentary term of seven years. Two years is much too short a period for a man who does not belong to the Bar or to the Press to make himself properly conversant with public questions.

In conclusion, I would submit to Your Honour's consideration and to that of the Government of India, in case Your Honour approves of this idea, that there should be advisory bodies—they need not be termed Councils—for each division and each district, at least so far as your provinces are concerned. I am most certain that these Divisional and District Committees will be most helpful to the cause of sound administration and in keeping the Commissioners and the Collectors in touch with the people. I trust that influential persons in each division and district will be glad to serve, that a compact body of local helpers will be selected and that a considerable amount of the suspicion that is bred in ignorance will disappear.

I hope Your Honour will be pleased to tell me if any portion of these remarks meets with your approval, and that you will give me a little longer notice in case you may care to ask my opinion on the remaining portions of the Resolution.

No. 692, dated Calcutta, the 10th October 1907.

From—T. A. MILNE, ESQ., Honorary Secretary, Anglo-Indian Association,

To—The Chief Secretary to the Government of Bengal.

I AM directed by the Council of the Anglo-Indian Association to submit the following representation in reply to your letter No. 1977A.—D., dated the 18th September 1907.

2. The Council observe with some regret, not unmingled with surprise, that the scheme of representation presented for public criticism is in the main a scheme for Indianising the administration, and hardly takes that account of the agents and instruments of the British capitalists, who have done so much to develop the resources of the country and increase its wealth, which any such scheme would naturally be expected to take.

3. The Association does not venture to question the paramount right of the Indian masses to consideration. But the Government knows, as well as all intelligent observers of the conditions prevailing in the country, that, while the only Indian class which possesses much influence among, or much knowledge of the feelings of, the masses, is the class of resident country magnates from Rajas down to hereditary landholders on the one hand; on the other, the class of our Indian fellow-subjects which has become most urgent and successful in its demands has not only done comparatively little, if anything, for the benefit of the masses, but comes little into contact with them, and probably knows less of their feelings and their wants than an ordinary District Officer of experience and average ability.

4. It may therefore amount to a wrong to the masses to give a disproportionate share of representation to professional men and politicians residing and working chiefly in cities, or securing the support of bodies like District Boards in the mofussil.

5. While referring to the securing of votes, the Council of this Association would most respectfully question the wisdom of introducing into, or enlarging within, this country, an elective machinery and electioneering methods based on British models, which have been shaped by experiences for which no equivalent is to be found in India. With every desire to refrain from any language that need be objected to upon any ground, the Council feel bound to acknowledge the truth of the remark that Municipal elections in Calcutta usually represent the determination of some one person to elect himself and to secure the confirmation of his self-election by a process that can only nominally be described as a rational exercise of the franchise by genuine voters. So-called elections out of Calcutta among our Indian fellow-subjects are believed to possess all the disadvantages and none of the advantages, if they have any, of city elections.

6. The Council believe that the small share allowed to non-official Europeans in the mofussil in voting is more real because of their upbringing before coming to India, and their truer sense of the privilege of voting.

7. The remarks offered on the practical alienation of Indian town communities from Indian rural masses do not apply to non-official Europeans in or out of cities, because they do not pretend to represent the Indian masses but their own class, which holds a peculiar position in India and one of growing importance.

8. The Council submit that in all such schemes as the present, the respective claims of the masses of India, of Indian townfolk, and of non-official Europeans, ought to be carefully considered in their true perspective which an earnest effort has been made in this letter not indeed to delineate for the first time, but to place in its proper position in relation to any scheme of representation.

9. As regards their own community, the Council realise that their comparative insignificance in numbers, if in no other respect, has usually led to their being virtually ignored in all large schemes. They respectfully submit that the valuable services which they have rendered the State at all times,

alike in war and during peace, establish for them a distinct claim to be regarded as a useful minority which ought not to be ignored in the body politic. Whether Government intend to recognise them at all in the present scheme, the papers circulated do not afford them any means of ascertaining.

10. The Council recall with satisfaction the remarks made by the Hon'ble Mr. E. N. Baker when passing the present Calcutta Municipal Act through the Legislature that the Domiciled Community had as good a claim as, or a better one than, some others which had demanded to be recognised. The whole community would feel deeply thankful if some practical expression were now given to this opinion.

11. One suggestion has been published of which advantage might be taken. It is that responsible Associations already exist which represent different classes in the country, and that if these were allowed to recommend representatives whom the Government might afterwards appoint or not as it thought fit, a much truer representation might be secured than any now obtained by existing electioneering methods.

12. In conclusion, I am directed respectfully to urge that while the detailed arrangements proposed for discussions in legislatures seem to hold out prospects of somewhat better results than any which have followed the reading of lengthy and discursive essays, no concessions such as those now contemplated to our Indian fellow-subjects seems likely to satisfy the unreasonable demands that have been advanced for a preponderating influence in the Administration.

Dated the 24th October 1907.

From—The Maharaja of Moharbhanj,

To—The Chief Secretary to the Government of Bengal.

WITH reference to your letter dated the 18th September 1907, inviting my views on the matters dealt with in the letter of the Government of India, No. 2312, dated the 24th August 1907, I have to say that the measures which the Government proposes to adopt with the object of satisfying the constitutional requirement of the Indian Empire, cannot but be regarded as a move in the right direction and will be specially welcome to the ruling Chiefs and the territorial magnates, whose claim to a share in the counsels of the Empire has received liberal recognition. As observed by the Government of India, the ruling Chiefs and the landed aristocracy possess a material stake in the country and represent the most powerful and stable elements of Indian society, and any advice coming from them will be all the more responsible. By bringing these classes into closer relations with the Government and its officers, I am sure the expectations of the Government of India that correct information will be diffused and erroneous and mischievous impressions removed as regards the acts, the objects, and the intentions of the Government, will be fully justified.

2. With reference to the Imperial Advisory Council, I may suggest that when it is summoned to meet for deliberation the ruling Chiefs may be allowed to sit separate from the other members. Family traditions may stand in the way of their sitting and deliberating all together. There would, I believe, be no objection to their discussing matters with others in an informal way, after formal deliberations.

3. I would further suggest that one-fourth of the members of the Imperial Advisory Council may be selected from classes other than the ruling Chiefs and the landed aristocracy. Selections may be made from the classes representing commerce, industry, capital, &c. Retired Government servants, such as retired High Court Judges, may find a place in it. Persons of moderate views, who have attained to a position of eminence and influence in their professions or communities, may also be appointed. This would give a wider basis to the Imperial Advisory Council, and would ensure questions which come before it being considered from different points of view. Concentration of different elements and interests may lead to protracted discussions and difference of opinion, when the Council meets, but I believe the result would be beneficial than otherwise, and the advice that would be given would be more authoritative and representative.

4. In order to enable members to study fully the questions upon which their opinion is asked, they should be allowed the privilege of asking, when necessary, for information and papers which bear upon such questions and their request should be complied with unless the Government thinks that it would not be conducive to the public interest to supply such information or papers.

5. The Imperial Advisory Council should meet at least once in the year. This would not only enable members to meet and discuss all questions of importance collectively, but would enable them to meet the head of Government and high officers at least once in the year. This would be the means by which confidential and intimate consultation with the Government may be possible.

6. What I have stated in paragraphs 4 and 5 above apply to the Provincial Advisory Council as well. I have nothing to add to what has been stated in the letter of the Government of India about the selection of its members.

7. As regards the enlargement of the Legislative Councils, I have no suggestions to offer. The proposals of the Government of India commend themselves to me.

Dated Calcutta, the 30th October 1907.

From—Nawab A. F.M. Abdur Rahman,

To—The Officiating Under Secretary to the Government of Bengal.

I have the honour to acknowledge with thanks receipt of your memorandum No. 1906A.—D., dated the 14th September 1907, forwarding a copy of the Resolution of the Government of India, No. 2310—2317, dated the 24th August 1907, on the question of the constitution of Advisory Councils and enlargement of Legislative Councils.

2. In reply, I beg to express my fullest approval of the proposal of Government to constitute Advisory Councils for the purpose of confidential and intimate consultation between Government and its subjects. In these Councils, men who belong to the class of agitators, however cultured they may be, should be eliminated as much as possible, and only men of proved loyalty and ability, either territorial magnates or others should be appointed. I am also strongly in favour of a continuance of the policy of Government to elicit the opinions of Indian gentlemen in all ranks of society on various administrative measures. Indian gentlemen who have had the privilege of advising Government on various matters for a number of years should be encouraged by continued confidence of Government.

3. With regard to the constitution of the Provincial Advisory Councils, I have no objection to a selected body of advisors being chosen on a wider basis; but I am of opinion that the members of the enlarged Bengal Legislative Council, as a rule, should not be permitted to sit on the Bengal Provincial Advisory Council, as they are likely to carry with them the traditions and characteristics of the former, and afford opportunities for fruitless discussions. I beg to suggest that members representing industry, commerce, capital and the professional classes, should be grouped into different sections to advise upon the particular interests they represent.

4. I also beg to observe that in the constitution of the Bengal Provincial Advisory Council, a due representation of classes should not be overlooked, and a certain proportionate number of Muhammadans should be appointed in order to secure adequate representation of that body. I venture to suggest that the number of this Council be fixed at 25, of which at least 4 may be Muhammadans, and that the latter may be selected from among suitable gentlemen, whose names are submitted by the Commissioners of Divisions, and from among representative Muhammadans of proved loyalty and merit residing in the metropolis.

5. As to the constitution of the Imperial Legislative Council, I cordially support the proposals of the Government of India, and respectfully convey to Government the grateful thanks of the Muhammadan community for the representation of their special interests on that august body. With regard to the mode of election of Muhammadans, so far as Bengal and Eastern Bengal and Assam are concerned, I am not in favour of a special Muhammadan electorate. My intimate knowledge of the Muhammadans of the Old and New Provinces induces me firmly to believe that a special Muhammadan electorate cannot be safely constituted on a workable basis. I therefore respectfully beg to suggest that the Muhammadan seats be filled by nomination, until Muhammadans are sufficiently advanced educationally to appreciate the advantages of the franchise and are above the influence and intrigues of wire-pullers and others.

6. I am also of opinion that of the four seats which the Government of India have proposed to set apart for Muhammadans, those for Bengal and Eastern Bengal and Assam be filled by nomination by His Excellency the Viceroy, and the remaining seats be filled by election by the other Provinces on the lines indicated in paragraph 18 of the Resolution of the Government of India.

7. I also beg to submit that the four Muhammadan seats in the Bengal Legislative Council should be filled by His Honour the Lieutenant-Governor by nomination from among non-official and official Muhammadans of proved loyalty, merit and ability.

No. 110, dated Calcutta, the 6th November 1907.

From—Nawab Bahadur Syed Ameer Hoossein, c.i.e., Honorary Secretary to the Central National Muhammadan Association,

To—The Chief Secretary to the Government of Bengal.

I am directed by the Committee of the Central National Muhammadan Association to acknowledge the receipt of your confidential letter No. 1985 A.—D. of the 18th September 1907, forwarding a copy of the Government of India Circular No. 2312 of the 24th August 1907, and in reply beg to state as follows.

2. The principles enunciated in the circular letter of Sir Harold Stuart can hardly be improved upon, and they breathe a genuine desire on the part of Government to an enhancement of the political rights and privileges of the people of India. But the subject as elucidated in the various paragraphs of this letter shows the difficulties that are to be met with at every stage of the several schemes of "Constitutional reforms" laid out in this letter, and the Committee avail of the opportunity so kindly afforded them by His Honour the Lieutenant-Governor to submit the expressions of their views on the subject.

3. *The Imperial Advisory Council.*—No one will deny that the time has arrived for the creation and formation of the Imperial Advisory Council, nor can any one gainsay the advantages that will be derived therefrom, and the question of questions is what should be deemed the sufficient size and weight of this Council.

4. Of the several sub-sections in which paragraph 5 is divided, sub-sections (1), (2), (4) and (5) must meet with concurrence from every one of us, but if this Advisory Council is to be an agency for the diffusion of correct information upon the acts, intentions and objects of Government, the Committee do not think 60 members, of which 20 are to be the Ruling Chiefs, could diffuse correct information *throughout India*.

5. The procedure or method of nomination to the Council should be clearly defined and laid down at the very outset. This is particularly necessary in the case of the 20 Ruling Chiefs. The number of Ruling Chiefs throughout India being virtually fixed and limited, their nomination could easily be fixed by rotation, so that they themselves may not feel that their appointment is due to chance or caprice. The rotation should, however, be so arrived at, as to have a number of the Chiefs of the first importance in each batch of 20. For instance, if the Nizam, Kashmere, Mysore and Baroda were included in the first batch of 20, and if they were displaced on the termination of their five years' office, for (unless it is the intention of Government to make these first-class Chiefs a permanent fixture) this probably will have to be done by a batch of 20 Chiefs of a secondary importance, the collective weight and importance of these 20 Chiefs of the second batch of advisers will be such as to cause the advice they may give not to be acceptable to Chiefs of the first importance, it being felt by such that the advice emanating from feudatories who are not their equals, and whose subjects and territories being insignificant in comparison with their own, they may be considered incapable to advise Government on matters which may affect their bigger States. It will, therefore, be necessary to avoid friction and heart-burning, to determine at the very outset that the appointment of the Ruling Chiefs should be by rotation. In each batch should be included some of the Ruling Chiefs of the first importance; say, if the Nizam, Kashmere, and Travancore are in the first bath, in the succeeding batch should be Mysore, Baroda, and Jaypore. In other words, all these leading Chiefs should not be in the first Council so as to reduce the importance of the succeeding Council.

6. When these 20 Ruling Chiefs are excluded, if the number of the Council is to be 60, then only 40 remains to be selected from among the "territorial magnates" of the whole of India, and taking the provinces and great administrative divisions of the country to be 10, we find there will be only 4 for each province or division, and the Committee are of opinion this is too small a number for the proper diffusion of the correct information *throughout* India. The number of the Imperial Advisory Council should therefore be increased by at least 20 and brought up to 80.

7. As regards sub-section 6, paragraph 5, while the functions of the Council may be confined to what is laid down in this clause, the Committee would nevertheless expressly lay down that it will be open to any Imperial Councillor to bring to the notice of Government any question which he may think deserves being brought under the consideration of the Advisory Council. This provision is necessary, as it will induce the Imperial Councillors to take interest in the public questions of the day.

8. As regards sub-section 7, paragraph 5, the Committee are strongly of opinion that the proceedings of the Advisory Council should be strictly confidential. But apart from the idea somewhat vaguely expressed in the way of public conferences, the seal of privacy and confidence should only be maintained, say for five years, after the question discussed is disposed of confidentially by the Advisory Council, unless it shall be at the expiry of the five years expressed by the Governor-General in Council that this subject should still remain confidential.

9. One other remark the Committee desire to make in connection with the Imperial Advisory Council, and that is, if the number be increased, the European non-official community should have its representative on the Council.

10. *Provincial Advisory Council.*—The Committee are fully in accord with the views of Government as stated in paragraphs 6 and 7, but Government have left unsettled one or two matters which should be fully determined upon before the final formation and establishment of these Councils. It is presumed the appointments to the Provincial Council will be made by the Governors and the Lieutenant-Governors, respectively, and not by the Governor-General, and as those of the Imperial Council are to be designated Imperial Councillors, these will be called Provincial Councillors in contra-distinction to those of the Imperial Advisory Council.

11. The Committee understand from the language of paragraph 6 that the Imperial Councillors belonging to the province will be *ipso facto* members of the Provincial Advisory Council representing the great landholders. The members of the Provincial Council should not exceed 40. This number should suffice to enable the Council to enhance all the interests of sufficient importance to claim representation on behalf of the small landholders, industry, commerce and professional classes, and also retired Government officers.

12. *Enlargement of the Legislative Council.*—Paragraphs 8 to 11 of the circular letter clearly indicate the desire of Government to be further enlightened as to how this enlargement of the Legislative Councils should be effected so as to give representation to the views of the different races, classes, corporations and associations. These paragraphs therefore need no comment, save that the Committee are fully of opinion that the official majority must be maintained as long as there is no possibility of *party government* coming into vogue in the administration of this country.

13. As regards paragraph 12, the Committee are not sure whether 54 will not make the Council somewhat unwieldy; but considering the various interests which have to be represented they cannot see how the number of members constituting the Council can be curtailed; but if it could be curtailed without injury to the various classes concerned, the Committee should like to see the maximum strength reduced.

14. The Committee beg to suggest that for the representative under D (*b*) the choice of the electors should not be limited to a selection from amongst themselves only, but it should be open to the non-official members to elect any one who has been a member of the Legislative Council of the province, so that their choice may not be limited to the 6 or 7 non-official members then serving on the Provincial Council.

15. As regards paragraph 14, this question will have to be considered most carefully in connection with the special peculiarities of each province; for instance, in Bengal it will be possible to find many more than 150 landholders paying land revenue of Rs. 10,000 per annum, but, in provinces where the *raiyatwari* system prevails, it will hardly be possible to find 150 persons in the whole province who individually pay land revenue to that amount. In such cases the franchise should be conferred on those whose income may be a substantial one according to the discretion of the Local Government.

16. Paragraphs 16 to 19 appertain to the Muhammadan community, and the Committee beg to be permitted to add their humble testimony of gratitude and thanks to the countless grateful communications already sent to the Government of India for the careful and kindly regard and interest manifested in these paragraphs for the welfare and well-being of the Muhammadans; and if anything were wanting to attaching our community in its devotion and loyalty to the British Raj, these kindly and thoughtful sentiments of the Government as expressed in these paragraphs will certainly go to supply and fill the deficiency, if any there be.

17. To the views expressed in these paragraphs the Committee can add nothing of their own. They appear to meet all the requirements of the day of our community. The Committee would, however, only observe that to paragraph 18 (*a*) their remarks under paragraph 14 hereof apply, and that the electorate under A should be constituted of both past and present non-official members of the Provincial Council, while under C it is desirable that Muhammadans holding the pecuniary qualifications mentioned therein should form a portion of the electorate.

18. *The Provincial Legislative Council.*—Government have stated a truism when they state in paragraph 21 that the Municipal and Local Board franchises are extraordinarily low. This has been the view of many who take interest in this subject, and the Committee shall be glad to see not only the Municipal or Board members' qualification for nomination to the Legislative Council being raised, but also if the qualification for membership of the Boards were raised.

19. When Local Self-Government by means of Municipalities or Local Boards was first inaugurated or rather introduced by Lord Ripon, it was an experiment, and it was then thought desirable to make the franchise as less as possible to induce the people to take interest in Local Self-Government; but since that period, to use the phraseology of the circular letter, the extent of the advance that has taken place in the development of the educated classes who are anxious to be afforded an opportunity of discharging their public duties is now so great that the franchise may safely be raised without any loss or detriment to public interest.

20. The Committee entirely agree in the views expressed by the Government of India in paragraph 22, sub-sections A, B, and C.

21. *Discussion of the Budget in Legislative Council.*—The Committee would respectfully suggest that the preliminary discussion should be of an informal character something of the kind inaugurated last year by His Honour the Lieutenant-Governor at Belvedere, for it will be a most desirable improvement to the present discussion of the Budget.

22. The Committee would here suggest that with the enlargement of the Council a time-limit should be imposed to a speech, and on no account should members be allowed year after year to harp on their own time-worn hobbies or theories which had been fully argued time out of mind in former years, unless the member is able to advance new facts or fresh arguments in support of these theories; but the member should be allowed just to refer to the question in which he is interested, but which still remain undetermined.

Dated Uttarpara, the 9th November 1907.

From—Raja Peary Mohan Mukherji,

To—The Under-Secretary to the Government of Bengal.

With reference to your memorandum No. 1904A.—D., dated the 14th of September last, I have the honour to submit the following observations on the subjects on which opinion has been invited in the letter of the Government of India, No. 2310-2317, dated the 24th of August 1907 :—

1. The proposal for an Imperial Advisory Council for purely consultative purposes is justly based on a recognition of the value of the opinions on matters of practical administration of the ruling Chiefs and territorial magnates of proper dignity and status. In many cases their rank and wealth form but a small portion of their eminence, and it is but reasonable to expect that any defect in their political outfit would, in a short time, be made up by, the very sense of the responsibility of the great and sacred trust reposed in them as Imperial Councillors. Specious arguments in favour of associating with them men of academic distinction may no doubt be advanced, but it should be borne in mind that in India, at any rate, it is not the talkers but men of action who have made its history. On questions of legislation and other measures affecting the interests of millions of men, the opinions of men with mere intellectual attainments hold only a secondary place compared with the opinions of men of position and character, men to whom the Almighty has vouchsafed the influence of example. Even for the purposes of judicial administration Lord Lyndhurst is reported to have said :—"When I want a Judge I look out for a gentleman ; if he knows a little law, so much the better but it is only a secondary consideration." One of the effects of associating the ruling Chiefs with practised speakers would be to check free discussion and make them tongue-tied. The reason assigned by Gibbon for not opening his mouth in Parliament is true to nature :—"The great speakers fill me with despair, the bad ones with terror."

2. I do not attach much importance to the fact that the opinions of the Councillors will not have any binding force or legal effect. In the initial stages of the institution it would be enough if Government be simply informed of the opinions of the ruling Chiefs and territorial magnates on particular administrative questions. If a large number of the Councillors hold a certain opinions, that opinion would have a moral effect which no Viceroy would care to ignore.

3. The service which these trusted advisers will render by disseminating among their subjects and tenants and other people under their influence the intentions and motives of Government in regard to particular measures would be invaluable.

4. In every respect, therefore, both as regard the constitution and scope of the Imperial Advisory Council, the scheme appears to have been happily conceived and the proposals of the Government of India to be unexceptionable.

5. So far as the scope and constitution of the Provincial Advisory Councils have been indicated in the Government letter, I am of opinion that these Councils would be of great benefit to the administration.

6. As regards the enlargement of the Imperial Legislative Council I am of opinion that so far as "official majority" and restriction of election to persons belonging to the class form parts of the scheme, it is based on sound principles. The most objectionable feature of the scheme, however, seems to be the introduction of the principle of representation by creed. If Muhammadans be given a definite number of representatives in Councils, persons of other creeds might as well justly claim to have on the Council a minimum number of their representatives proportionate to the number of their population. In the absence of such recognition, unworthy motives might be ascribed to Government and such apparent neglect would inevitably lead to the creation of mutual jealousy and rivalry among the different sections of the community.

7. The scheme propounded by the Government of India is a most welcome advance on the present system of administration. It would be a marked step in constitutional progress and promote more intimate relations between the different factors which compose the Indian Empire.

No. 1565, dated Bankipore, the 10th November 1907.

From—Babu Krishna Sahay, Honorary Secretary, Behar Landholders' Association,

To—The Chief Secretary to the Government of Bengal.

I have the honour to acknowledge the receipt of your letter no. 1978A.—D., dated the 18th September 1907, forwarding therewith copy of a letter no. 2312, dated the 24th August 1907, from the Government of India regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, and in reply thereto I am desired by the Committee of the Bihar Landholders' Association to express their thanks and worm appreciation for the recognition by the Government of India of the importance of the landholders as a class and their claims to a due representation in the Councils of the Government. Considering that the letter under reply outlines only the broad features of the scheme now in contemplation for associating more largely the people of this country in the actual work of administration, leaving the details thereof for future consideration the Committee have confined themselves only to the points raised in the scheme and venture to offer the following suggestion in regard to them.

2. *The Imperial Advisory Council.*—The Committee are of opinion that the "Imperial Councillors" should not only be titled as such, but that special privileges be conferred on them befitting their high position and their admission into the Councils of the Empire.

3. As regards its constitution, the Committee think that in order to make it thoroughly representative and useful it should not only consist of the ruling Chiefs and the territorial magnates, as suggested, but should also include the representatives from the commercial, industrial, educational and professional classes. If this Council is to consist of 60 members, 20 seats may go to the ruling Chiefs, 20 allotted to the territorial magnates, and 20 should go to the representatives of the commercial, industrial, educational and professional classes collectively.

4. While the Council may be a purely consultative body, its utility may be further increased by conceding to it and its members individually the right to take the initiative in bringing any particular matter affecting the well-being of the country to the notice of Government.

5. The proceedings of the meetings of the Council, in the opinion of the Committee, should not in all cases be strictly confidential and private, but may also, according to the requirement of the circumstances or the exigencies of the political situation of the country, be given publicity to, with of course the consent of the Councillor and the sanction of Government. Such a course is likely to enhance the value of the proceedings and assure the public mind of the reasons underlying a particular course of action adopted by Government in regard to any legislative measure or executive action.

6. *The Provincial Advisory Councils.*—As regards the constitution of the Provincial Advisory Councils, the Committee are of opinion that the Bengal Advisory Council should consist of as many members as there are districts in the province, having regard to a due representation of all classes of which the Government contemplates forming this Council.

7. As to its function and proceedings, the Committee are of opinion that they should be similar to those suggested in the preceding paragraph in regard to the Imperial Advisory Council.

8. *The Imperial Legislative Council.*—With regard to the expansion of the Imperial Legislative Council, the Committee generally approve of the scheme propounded in the letter of Sir Harold Stuart and note with satisfaction the desire of Government to give the landholders as a class a substantial representation on it. They think that this will not only be regarded as a boon conferred upon the landlords, but would also greatly add to the weight of the deliberations of the Council. They consider, however, that the qualifications of voters should be determined by the income of the landlords and not by the amount of land revenue that they pay; and should in the case of Muhammadans be somewhat lower than that of the Hindus.

9. *The Provincial Legislative Council.*—The Committee are unable to agree to the scheme outlined by the Government of India for the representation of classes on the local Council. It seems to them, regard being had to the variety of race, caste and religion among the people, that it is not feasible to form an electorate on that basis, and even if any could be formed, it might land the administration into difficulties which might prove very embarrassing. I am to add, however, that the Committee approve of the suggestion to introduce a system of franchise by forming electoral groups without making use of the caste organisation for it, on the basis of the four classes as specified in the letter under reply and fixing for each electoral group a distinct and appropriate qualification for voting. As suggested, the qualifications for the landholders may here be the payment of a certain sum as land revenue or cesses, for cultivators a certain amount as rent, and for traders and professional men a certain amount as income-tax, and thus raise the franchise.

Dated Muzaffarpur, the 12th November 1907.

From—T. R. FILGATE, ESQ., General Secretary, Bihar Planters' Association, Ld.,

To—The Offg. Chief Secretary to the Government of Bengal,

With reference to your no. 1979A.—D., dated the 18th September 1907, I have the honour to submit the opinion of the Bihar Planters' Association on Officiating Secretary to the Government of India's letter no. 2310—2317, dated 24th August 1907. This Association approve of the suggestions of the Government of India, but are of opinion that in order that there should be no weakening of the paramount British power in India, it is essential that both in the Supreme and Provincial Legislative Councils there should be a majority of official members.

2. Taking into consideration the stake they have in the country and the fact of the commercial and industrial development of India by British capital a larger non-official European representation should be provided for on the Provincial and Supreme Councils, and furthermore the Association are of opinion that the large interests the European community have in Bihar and elsewhere in the mufassal entitle them to representation by Europeans.

Dated Calcutta, the 12th November 1907.

From—Rai Sita Nath Ray Bahadur, Honorary Secretary, Bengal National Chamber of Commerce,

To—The Officiating Chief Secretary to the Government of Bengal.

I have the honor to acknowledge receipt of your letter no. 1983A—D., dated the 18th September last, forwarding copy of a letter from the Government of India in connection with the formation of Advisory Councils and the enlargement of the Legislative Councils and inviting an expression of opinion of the Bengal National Chamber of Commerce thereon.

2. The Committee of the Chamber beg to submit the following observations on the subject.

3. The Committee observe with satisfaction that the Imperial Government of their own initiative intended to introduce measures of constitutional reform which have in view the bringing together of the people of the country in closer contact with the works of administration. The Committee rejoice to see that the scheme formulated recognises that ruling Chiefs and landholding classes, possessing a material stake in the country and representing the most powerful and stable elements of Indian society, should take a more prominent part in public life and render a larger measure of assistance to the Executive Government. Further, it is stated that for "the present at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life and are qualified to speak with authority on their behalf." For the attainment of this object the Government of India propose to establish Imperial and Provincial Advisory Councils. As regards the Imperial Advisory Council, it is proposed that it should consist of about 60 members, including about 20 ruling Chiefs and a suitable number of "territorial magnates." The Council will be purely advisory, without any legal status and with no formal power of any sort. The proceedings of the Council will be private, informal, and confidential.

4. The Committee agree in thinking that the "territorial magnates," which they presume mean principal landholders, rajas, zamindars, are the natural medium by which the requirements of the tenants might be properly ascertained and through whom the object and reason of any measure adopted by Government may be rightly communicated to them without any fear of misrepresentation or misconstructions; but they can, however, in no sense be called the representatives of the people.

5. As a matter of Imperial policy, the inclusion of the ruling Chiefs in the Council may be desirable, but the Committee consider that their advice will be of little practical value owing to their knowledge being confined to the requirements of their own territories and to their ignorance of conditions, wants, and aspirations of the people residing in British India. It is also doubtful whether so many independent ruling Chiefs could be brought together and whether they would give expression to their frank and independent opinion when such opinion would militate against the avowed views of the Government. If they are to be associated only for the purpose of co-operation in certain measures, such as famine relief or education, that could be attained by other independent means. The appearance of the ruling Chief in the deliberations of the Council means heavy expenses to them, which will be considered as a great burden.

6. The Committee consider that the possition of the Councillors will be an anomalous one, as they will have no defined work, no legal status, and no formal and recognised position. Their opinion will, therefore, carry very little weight either with the people or the Government which may accept or reject

it as they may please. In these circumstances, the Committee submit that it is very doubtful whether the members, be they the ruling Chiefs or "territorial magnates," rajas or landholders, would care to serve with alacrity at the sacrifice of their time, energy and money, if they come to realise that no statutory obligation will be attached to their opinion.

7. The same remarks apply to the constitution of Provincial Advisory Councils which have to perform analogous functions.

8. In order to make the Councils more effective and useful the Committee submit that it is absolutely necessary that the Councillors should be vested with some statutory functions, should enjoy certain privileges, and should be called together for the purpose of deleberation twice or thrice a year, whenever any important measure, financial or administrative, is proposed to be introduced by the Government, and that it will be binding on the Government not to pass any measure when it is disapproved by a majority of, say, two-third or three-fourths of the members. Unless some such power is vested in them, it will be merely an apology for a Council. The Committee do not for a moment suggest that the paramount power of the Government should in any way be weakened, but what they want to emphasize is that the opinion of the members, who are in a manner the mouthpiece of the people, should have due weight, and any representation made by them about the wants and grievances of the people should not be lightly passed over.

9. To make the Advisory Councils, both Imperial and Provincial, really useful and practical working bodies, it is, the Committee consider, of the utmost importance that leading intelligent Indian merchants, propertied men and men of culture, of mature age and experience, should be associated with the "territorial magnates." The even balancing of various interests, intellect and wealth will go to strengthen the Councils, add to their dignity, and lend a healthy tone to their deleberations and advices which will be respected alike by the rulers and the ruled. Otherwise the Councils as proposed would be ornamental but not useful bodies. In view of the importance of the internal trade it is essential that it should be represented on the Council boards by Indian merchants of position and wealth.

10. The Committee do not see any reason why the Imperial Advisory Council should in all matters deliberate in secret, and why the proceedings should not be recorded and preserved for future use. Deliberations made openly and publicly will command respect and confidence and the Councillors themselves will be impressed with a proper sense of responsibility when expressing their views. On special occasions, whenever necessary their deliberations might be treated as confidential.

11. The Committee are glad to observe that an attempt is being made to expand the Legislative Councils with a view to meet the growing needs of the country and aspirations of its people. But the principles of creed representation and the proportion of elected members do not meet with their approval. If the distribution of seats in Councils is analysed, it will be seen that a very small portion of seats has been left for election. In fact, only seven members who are to be elected by the non-official members of the Provincial Councils and a certain number to be elected by the nobles and landholders, may be reckoned upon as representing the interest of the people and who may to a great extent be relied upon to give expression to their views and sentiments. The principle that the Government should always be able to reckon on a numerical majority and that this majority should be strong enough to be independent of the minor fluctuation that may be caused by the occasional absence of an official member, has been carried rather to far; and in furtherance of this the Government has propounded a scheme by which it will have an overwhelming majority and the voice of the minority will be practically drowned.

12. The Committee regret to observe that any special favour should be shown to a particular creed by reserving a certain number of seats for them in supersession of the claims of all other races and creeds. If the principle of creed representation is to be recognised as is proposed in the case of Muhammadans, then Sikhs, Parsis, Native Christians, Buddhists and followers of other creeds would have equal claims to a similar recognition, and it would be a gross injustice if no special provision be made for their representation.

13. The criterion of fitness of members should, in the humble opinion of the Committee, be their intellectual capacity, and any departure from it would lower the dignity of the Council in the estimation of the people.

14. In a Legislative Council expert opinion is absolutely necessary, and though Government propose to counteract the influence of the professional classes by the creation of new electorates for the landed and monied classes, it would not be a wise policy to reduce to a minimum the lawyer element in Council.

15. The Committee regret to observe that while the Chambers of Commerce of Bombay and Calcutta have been given the privilege of electing members, the Indian Chamber which represent the internal trade of the country have been altogether ignored. Some provisions should be made to remedy this defect.

16. The test that the payment of Rs. 10,000 in the shape of Government revenue (including probably Road and Public Works cesses) will give a landholder the right to vote and make him eligible for a seat in the Council, is in the opinion of the Committee too high, and it would have the effect of narrowing the electorate to a limited few and its fallacy would be apparent from the following few illustrations.

17. There is a small zamindar in the district of Howrah who owns a very large estate in the district of Chittagong, but assessed with a disproportionately high Government revenue for which he has to pay for Government revenue and cesses about Rs. 55,000 a year, but his margin of profit, after payment of Government demands and the establishment charges, is very small indeed, amounting to about Rs. 5,000 a year, if not less. While the estate was under his own management he could hardly realise enough rent to meet the Government demands and the result was that he soon got involved in debts; he had therefore the good sense to make over the estate to the Court of Wards in Chittagong which is able through the certificate procedure to realise a much larger amount and thereby pay the Government revenue every *kist* regularly, besides gradually liquidating his debts.

18. There is another small zamindar in Calcutta who has a large estate in the Diamond Harbour, sub-division of the 24-Parganas for which he has to pay Government revenue including cesses about Rs. 28,000, but his profit is almost *nil*, and at every *kist* he has to borrow money to meet the Government demands. Now under the test proposed, while the above two impecunious landlords, because of their paying revenues of about Rs. 55,000 and Rs. 28,000, would be entitled to vote and be members of the Imperial Legislative Council, the propietor of *Aula Fuljuri*, a very large estate in Backerganj, the Government revenue with which is only about Rs. 300, but which yields a net profit of about $1\frac{1}{2}$ or 2 lakhs of rupees a year, would, if he had no other estate, be debarred from the right of voting and would be deemed ineligible for a seat.

19. The instances cited above will illustrate that the mere payment of a certain amount of Government revenue is not a proper test and is not criterion of one's wealth, income or position.

20. The Committee therefore suggest that the payment of Rs. 2,000 Government revenue and cesses or a net income of Rs. 25,000 from landed property, or payment of income-tax on an income of Rs. 25,000 should entitle a person to vote or become a member of the Imperial Legislative Council.

21. As regards the constitution of the Provincial Council, the remarks of the Committee on the principle of creed representation apply with equal force. In the opinion of the Committee, the appointment of Muhammadans, *qua* Mahammadans, irrespective of all considerations of fitness, in preference to others of different creeds, possessing, it might be, higher abilities and wider experience, will be looked upon as a retrograde step and will tend to lower the dignity of the Council.

22. The Committee regret to observe that no provision has been made for the representation of the educated, professional and commercial classes, who by their intellectual superiority and experience are best fitted to assist Government in the deliberations of the Council.

23. It also strikes the Committee that in the matter of the franchise as detailed in pragraphs 17 and 22 of the letter of the Government of India, undue favour has been shown towards the Muhammadans, which the other races will naturally take exception to and which, in the opinion of the Committee, should be modified. For instance, if a Muhammadan graduate should have the franchise to elect a Muhammadan representative, it is not conceivable why the same privilege should not be enjoyed by a Hindu or a Christian graduate or a graduate of any other race. The limit as to the amount of income-tax payable in both the cases markedly differentiates the classes, and this restriction should, the Committee consider, be removed.

24. The proposal made for the discussion of the Budget is no doubt an improvement, but the Committee think it falls far short of the expectation of the Indian people. Unless the members are allowed to move amendments and to raise debate on matters relating to the Budget and to alter any of its items, the academical review of a financial arrangement "even if it be borne in mind by Government when making arrangement for subsequent years" cannot be of much use. The Committee submit that the representatives of the people should be allowed a substantive voice in the administration of the finance, and the settlement of the Budget should, at least a month before the debate takes place, be referred to a Select Committee of even number of official and elected members of the Council, the Budget items to be fixed according to their recommendations.

25. The Committee beg further to suggest that some portion of the revenue should be ear-marked and left to the control of the non-official members to be utilised by them for such purposes as might be conducive to the welfare of the people.

26. In conclusion, the Committee are thankful to Government for the formation of the Advisory Councils and enlargement of the Legislative Councils, which they consider as a step in the right direction, and it will be a great satisfaction if Government could see their way to adopt the suggestions made by the Chamber. They consider these measures as the first instalment of a series of other measures which will lead to still higher concessions being granted in the future.

Dated Bhagalpur, the 28th November 1907.

From—Rai Tarini Prasad Bahadur, Honorary Secretary, Bhagalpur Landholder's Association,

To—The Chief Secretary to the Government of Bengal.

I have the honour to submit by the direction of the Association its veiws on the scheme for the formation of Advisory Councils and the enlargement of Legislative Councils as proposed in the Government of India Despatch No. 2310—2317, dated Simla, the 24th August 1907 (Home Department).

2. The Association is thankful to Government for the solicitude shown for giving a wider representation to the landed interests of the country, and thinks that it affords good grounds to hope that better results will follow therefrom.

The Association considers that the proposal to form Advisory Councils is decidedly a step in the right direction. It only thinks that the scheme as proposed in the despatch requires to be considerably modified in order to make the Councils really useful. The object of Government in forming these Councils is to create means for obtaining appropriate advice from competent persons in respect of measures of Government, as also of making Government measures and motives generally understood by the people. In order to make such advice really valuable, it should repres[illegible] the veiws, ordinarily, of the people of the country. Consequently, the advis[illegible] ought to be such men as can properly represent such views. The scheme does not lay down any rule as to how these advisers are to be appointed. It only says that the Viceroy should appoint them himself, or on the nomination of the local authorities. This Association suggests that it would be better and more desirable if the appointments be made chiefly on the basis of election by the people. The despatch alludes to the traditions of old Oriental policy and states that the Sovereign used to make it his business to consult competent advisers. This Association begs to point out that the advisers have to be competent, that is, they should be such persons as would be able to represent the views of the people. At the present day, the best way of finding such persons is by election by the people. It is very desirable that, when the Councillors are appointed, the appointments should always include only such persons as are really competent to represent these views.

3. The scheme contemplates that only ruling Chiefs and territorial magnates should be appointed to form the Imperial Advisory Council. The Committee of the Association further submits that this will be a very narrow field. There ought to be in the Council persons representing trade and commerce, the industries and education, professions and capital. It further submits that as the ruling Chiefs can hardly have any knowledge or information about the internal circumstances of British India, their advice would be useful only as to matters affecting themselves and imperial policy and may be sought in regard to these matters. About the professional classes, although the despatch makes certain unfavourable observations on them, this Association ventures to submit that they form a powerful body in the country and ought to have their representatives in the Councils. In almost all cases where professional men were in the past elected to the Council, even by Landholders. Associations they did not exercise their power and influence for the aggrandisement of themselves or of their professions, but did so for the welfare of their constituencies and the Association strongly deprecates the slur cast on the professional classes in the Government letter. As a matter of fact all the landholders, when submitting their views to the Government, consult their professional advisers.

4. The state of things in ancient India has undergone great change. In those days the territorial magnates had considerable real influence over the people and could guide their opinions, but during British administration that influence has largely disappeared, the British Courts and authorities having

taken much power to themselves. It is, therefore, necessary that in addition to the territorial magnates, the other interests, especially education interests, should obtain representation.

5. The despatch states that these Councils should receive no legislative recognition and should not be vested with formal powers of any sort. This Association ventures to think that such a course will not make the Councils attractive to really representative men of the country. It will not also bring home to the members sufficient sense of responsibility, as only real responsible work can create it. It is necessary, therefore, that statutory recognition should be given to these Councils.

6. The Committee of this Association begs further to suggest that although, generally, it will be in the discretion of the Government to refer matters to the Councils for advice, still the rules ought to provide and make it incumbent on Government that it should invariably seek their advice in all matters relating to the Budget before it is framed, and in all matters relating to any particular measure of legislation before a determination is arrived at, for placing it before the Legistative Councils, and generally in all other important matters affecting the interest of the country. While the mind of Government is not yet settled, such advice ought to be sought, so that in coming to a determination it may really have the benefit of it. The Councils should also have the right of initiation in placing their views before Government in important matters affecting the interest of the country when they may think it necessary to do so.

7. The scheme provides that all advice given by the Council should be informal and confiidential and would not be published, although Government will be at liberty to make any use of them. This Association submits that such a wholesale provision for privacy is likely to diminish the sense of responsibility in both parties. It is, therefore, suggested that a return of all cases where Government acts in contravention of the advice given by a majority of the Councillors should be periodically submitted to the Secretary of State with a view to the ultimate submission of the same to Parliament and published, giving the matter on which advice was sought, the advice given, and the reasons why Government acted against it.

8. With reference to the Imperial Legislative Council, the Association views with satisfaction that in the scheme framed in the despatch, provision has been made for 7 members to be elected by the nobles and great landowners of the country. But it thinks that the alternative provision for election of these 7 members by the landholding members of the Provincial Councils is not satisfactory. In each province the election should be made by a separate electorate of moderate size. The landholding members of the Provincial Councils wlll be few in number and the great body of landholders in the Province cannot consider that the provision for election by those few members would be satisfactory. As such election is to come on once in five years, it cannot operate as a hardship on the landholders. The Association agrees with Government in thinking that the members elected to represent the classes must themselves belong to those classes, but submits that in Behar the proper test of eligibility for a franchise should not be that of Government revenue paid but the amount of income of the landholder, which may be fixed at Rs. 50,000 a year.

9. In the Imperial Legislative Council these should be members from all sections of the community. It appears that officials, trade representatives, and landholding interests have been, to some extent, properly taken in. But the industries, agriculture, education, and the professions have all been included under 12 (*2*), D (*b*), which provides for 7 members, that is, one member for each province. There is no direct recognition of these interests in the rules, but as the Provincial Councils are likely to contain members representing these interests, they may elect such members. Our Association thinks that for the interests of the country, a more suitable provision should be made for the representation of these classes. Seven more members may be added to the Imperial Council from the seven provinces.

10. Paragraph 12 of the despatch provides for the election of two members to the Imperial Council by Muhammadans. Our Association has every sympathy for them and would be glad to see that they are fully represented in

the Imperial Council. On the score of a provision being made in their favour, our Association has little to say. But as a matter of principle, it seems that it is unbecoming to class them along with trade, landholding interests, and interests represented by the non-official members of the Provincial Councils. When the right of election is granted to a certain class, it ought to be granted to all other similar classes. Consequently the provision in 12 (*2*) (*d*) seems unsatisafctory. If it be necessary to allow due and adequate representation to the Muhammadans, that may be done by increasing the number under head 12 (*2*) (*e*), and the Viceroy himself, with the object of nominating members, may frame rules for election.

11. With regard to the Provincial Legislative Councils, our Association notes with regret some of the directions given in the despatch for electing members to these Councils. The scheme proposed is a new departure altogether and is not quite in harmony with the traditions of British rule in India. It is based on consideration of the different races, castes and religions in the Provinces, and is not only complicated but fraught with evil, as it would have the inevitable effect of accentuating the difference among the different races and religions of the country and of bringing in its train all the concomitant evils thereof. Bengal, Madras, and Bombay have under the auspices of British rule made suffiicent progress, and a scheme based on these differences is not likely to suit them. Our Association thinks that separate electorates for the various interests of the country may be formed to elect their respective representatives for the Provincial Councils, these interests being the landholding, capital, industries and manufactures, commerce and trade, labour and service, education and professions.

12. The Association views with satisfaction the scheme put down in the despatch for improving the character of the Budget Debate, but submits that it should be found possible to make provision for altering the Budget under review on good ground shown in the debate for such alteration. It is a measure of doubtful utility only to provide that the discussion made one year in the Council should be remembered ta the time when the Budget for the next year is framed. The observations made in pragraph 6 of the letter will be found, it is hoped, of great utility in this connection.

No. 59, dated Cuttack, 10th December 1907.

From—Babu Ram Sankar Roy, Secretary to the Orissa Association,
To—The Chief Secretary to the Government of Bengal.

With reference to your letter No. 1981A.—D., dated the 18th September last, forwarding the Government of India's letter regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, and inviting an expression of opinion of the Orissa Association, I have the honour to submit the following opinion of the Association.

2. The Association while appreciating the initiative taken by the Government of India in proposing measures to bring "all classes of the people into closer touch and relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions," would at the outset submit that Western culture and education have awakened, in the best minds of all classes, aspirations to be not only associated with the Government in the "guardianship of common and imperial interests," but to have a larger sphere of self-Government under the guidance of the paramount power. The Association fully appreciate the generous recognition by Government of the same as the legitimate consequence of the liberal education which they have given and their endeavour to afford every facility and opportunity for their gradual attainment. But the Association after mature deliberation are of opinion that the measures proposed are not commensurate with the noble intentions of Government and are likely to bring about contrary results.

3. It is stated that "no constitutional reform would meet the real requirements of the present time which did not make adequate provisions for representing the landed aristocracy of India, the mercantile and industrial classes," "as possessing a material stake in the country and representing the powerful and stable elements of Indian society and the great body of moderate men who under existing conditions have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence." Now, there are no classes in Indian society whose interests are not intimately connected with the land of their birth and intermingled with one another, and all the classes have in consequence a material stake in the country such as to invest it with that stability of interest which is essential for their existence, growth and future progress.

4. *Imperial Advisory Councils.*—This Council is proposed to be composed of ruling Chiefs and territorial magnates. The avowed objects of Government being to afford all classes increased opportunities of making known their feelings and wishes in respect of administrative and legislative questions, the Association consider that by confining the Imperial Council to the aforesaid bodies without reference to their culture and independence of character, the only criterion of eligibility which the extent of advance of education at a rapid pace during the last twenty years has not only justified but demanded its recognition, seems to be disregarded. These ruling Chiefs beyond their dominion, and the territorial magnates, do not now hold the same position and influence of hereditary leaders as before. In this respect the best traditions of Oriental polity as also other social and religious traditions are fast melting away under the strong and levelling influence of Western education and ideas, and such a wise and statesmanlike Government as the British would not fail to recognize and grasp the new elements and conditions which are working so fast such marvellous changes in the Eastern minds who do and must slip away from the influence of so called hereditary leaders, who cannot combine with their dignity and status strong personalities endowed with education and moral character. It is a matter of common knowledge that wealth yields its influence to the power of intellect and character, and this fact is amply borne out by the complaint about the low return of the representative of the former in the Legislative Councils whose interests are so anxiously sought to be safeguarded.

5. The Association further beg to observe that the knowledge and experience of the ruling Chiefs being based upon special local conditions confined within the narrow limits of their respective States, and they having very little opportunities of knowing the real requirements of the British subjects, their opinion on matters affecting the interests of British subjects would not be of much value. Their inclusion in such large numbers would hardly inspire confidence in the minds of the people, who would question their competency on account of their peculiar political position to advise and, if necessary, give their independent opinion, even though they might happen to be otherwise competent.

6. The Association would, therefore, suggest that not only such of them who on account of their culture and independence of character have acquired the confidence of the people might be selected, but their number should be reduced in order to give greater room to the natural leaders, that is persons of culture and independence of character in British India whose services would be more valuable in matters affecting British subjects.

7. The Association would further suggest that half the number of members composing the Council might, with great advantage, be selected by election from the Provincial Councils and the representatives of recognized public Associations.

8. The Council being devoid of powers of any sort and possessing no power to initiate any measure, their proceedings being private, informal and confidental, there is hardly any guarantee of their being impressed with a sense of responsibility, hardly any incentive for ungrudging patience and painstaking which the gravity of the questions to be dealt with will entail. If there is any serious difficulty in the way of any legislative recognition of their proceedings, the Association do not see any objection to their being vested with some power to suggest any administrative or legislative measure after collective consultation. The Government cannot have failed to notice the popular demand for the aquisition of an effective voice in administrative and legislative matters. No reform which is not some concession to such demand sufficient to inspire confidence would hardly satisfy the aspirations of the best minds in all classes of Indian society whose co-operation the Government is so anxious to seek, even for the purpose of removing erroneous impressions regarding the motives and intention of Government.

9. Besides, the condition of secrecy will frustrate the main object of utilizing the Counsellors as interpreters between the Government and the people, for it will reduce their responsibility to a shadow and take away the edge of all incentive for a free and independent expression of their opinions. The Association would, therefore, suggest that their opinions and proceedings should be published in order that they might satisfy public curiosity and give them greater weight and value, and remove all suspicions against their independent character, as the people will have little confidence in those who would hesitate to give their frank opinions the light of publicity.

10. *Provincial Advisory Council.*—The general observations made above in connection with the Imperial Council apply *mutatis mutandis* to the Provincial Council. As the Council will be organized on a wider basis, the Association would point out the necessity of extending the principle of election to at least one-half of the entire number composing the Council, the other half being selected by nomination. The Municipal and District Boards at present exercise the power of electing members to the Legislative Council. In vesting these bodies and also recognized public Associations or other Unions representing special interest in the district with powers of election, the Government will not only invest these bodies with a greater sense of responsibility and infuse them with greater activity, but through them effectually make known to the public the motives and intentions of Government. The Association believe that such a measure will be a gratifying step forward towards the "fulfilment in no ungrudging spirit of a pledge which the people of India are entitled to regard as inviolable."

11. *Imperial Legislative Council.*—The Association before submitting their opinion on the measures proposed would at the outset humbly subimit that there is hardly any justification for the complaint about the preponderance of the legal profession in the Legislative Councils. The very fact of their influence

being on the increase is an admission of their special qualification due to their special training and independence of character and their close touch with all classes and interests, and this entitles them to represent the views and wishes of all classes and interests in matters affecting them by any legislative measure. They are not only men of culture but have landed or monied interests, and it would hardly be wise and politic to minimize their influence, as is anticipated to result from the principle under which the Council is proposed to be constituted.

12. A seat for a ruling Chief in the Council seems to be quite unnecessary, as he will be unfit on account of his ignorance of the requirements of the British subjects to give any help in any legislative measure. That seat may be more advantageously spared for a backward province, to be filled up by nomination of a man of culture and independence of character.

13. For reasons stated at length above, the Association would humbly suggest that seats should be allotted to the representatives of the five great Universities in India and recognized public Associations and Unions representing special interests.

14. The Association would suggest that in forming electorates for landholders the amount of land revenue, Rs 10,000, giving a right to vote, should be reduced to Rs. 2,000 in order to encourage these landholders to take greater interest in public affairs. So far as Orissa is concerned, the reduction is necessary, as otherwise the right will be extended only to a very few, most of whom are again non-resident.

15. *Provincial Legislative Council.*—No definite scheme has yet been formulated for the organization of the Provincial Legislative Council, and the Association are therefore unable to give any definite opinion upon it.

16. The Association would generally deprecate any undue importance being attached to racial, caste, or class representation in the organization of Municipal or Local Boards, without having due regard to their efficiency and competency in the management of the affairs of such Boards.

17. The Association would suggest that to give each part of the Province an equal share or facility in the exercise of its right of representation, one seat for each Commissioner's division might with advantage be reserved to be filled up by election by the District Board or Municipalities (by turns or jointly) in the division. This step will afford each division to repre sent its special needs and requirements.

18. In conclusion, the Association would earnestly press upon the attention of Government the special claims of Orissa for a seat in the Legislative as well as in the Advisory Councils. Having regard to the special land-tenure system of Orissa, and the backward condition of the people, with their peculiar manners and customs, it would be giving bare justice to allow them special facility for constant representation of their interestes in the Council. In the absence of proper representation their interests have not only greatly suffered but at times been overlooked in the matter of legislation. Some legislative measures suited to the advanced conditions in Bengal proper have been made applicable to, or have been extended to, the limited and backward conditions in Orissa, and in consequence, practical difficulties have arisen in their application and operation, and have most injuriously affected the interests of the less advanced classes in Orissa. The local officials, if referred to, will bear out the truth of this statement. As the territorial magnates or big landholders in Orissa are only very few, and most of whom are even non-residents, the Association would suggest that the Municipalities and recognized Associations in Orissa might be vested with the power of selecting a special representative for Orissa in the Provincial Legislative Councils.

No. 397, dated Calcutta, the 10th December 1907.

From—Maharaj-Kumar Sir Prodyot Coomar Tagore, Honorary Secretary, British Indian Association.
To—The Offg. Chief Secretary to the Government of Bengal.

I beg to acknowledge receipt of your letter, with enclosure, No. 1976A.—D., dated the 18th September 1907, requesting an expression of opinion of the British Indian Association on the proposed formation of Advisory Councils and the enlargement of the Legislative Councils. In reply I am desired by the Committee of the Association to submit the following observations for the consideration of His Honour the Lieutenant-Governor.

The Imperial Advisory Council.

2. The Committee cordially approve of the proposal for establishing both Imperial and Provincial Advisory Councils. The Imperial Council will be invested with much dignity and will command great respect, and, if well-constructed, will supply the means of giving political education to the ruling chiefs and territorial magnates. It will ultimately form the nucleus of an Upper House, having immense possibilities before it. When sufficiently well-developed it will be a source of great power to the Government and the people. The Government of India are right in saying that the establishment of such a Council would be no innovation in principle, as an organisation of this nature existed in ancient India. Such an institution was recognized by ancient Hindu polity, and Hindu sovereigns in the plenitude of their power were guided in all their measures, domestic or foreign, by the counsels of competent advisers. The revival of the institution, if it be adapted to modern requirements, is sure to meet with general satisfaction. The Councillors will be brought into closer relations with the Government, and will be greatly honoured and benefited by being intimately associated with the Viceroy in safeguarding Imperial interests.

3. The constitution of the Council, however, is, in the opinion of the Committee, wanting in several essentially useful elements to make it complete and capable of advising Government on questions of Imperial importance in connection with the administration of the country. The ruling chiefs have no intercourse in daily life with the residents of British India, and have little opportunities to know "the needs and sentiments of the masses of the people." The landed aristocracy, or the territorial magnates, who are recognised as "the hereditary leaders of the people," and some of whom are very capable and intellectually advanced, will represent, however worthily, only one special interest—though the largest interest,—namely, the landed interest. But there are a great many other interests unconnected with land, the representatives of which ought to be introduced into the Council. To make it a really useful body of advisers to the Government, persons of culture and experience and of well-balanced political opinion, who are fully capable of freely expressing their views on all questions of public importance, and—what is most important of all—of diffusing correct information as to facts and intentions of the Government, should be associated with the Ruling Chiefs and the territorial magnates on the Council. In this connection, the Committee are reminded of the words of Manu, one of the oldest law-givers of India, when he speaks of the *personnel* of the advisers of Kings. They ought to be men "of property and culture, able and experienced, who are capable of thoroughly grasping in all their bearings the subjects presented for consideration."

4. Neither the functions nor the proceedings prescribed for the Council commend themselves to the Committee. They are not of a substantial character. The Councillors will possess no powers to initiate any measure, and will not be held responsible for their work. They may individually, collectively, or by Committees be consulted on any actual or prospective measures of Government, but the result of the consultations or deliberations will not be recorded, and no trace of the work done by them will be left behind. The functions are to be purely advisory, and they are not to be vested with formal powers of any sort. Strict silence is to be maintained by them in regard to their relations with the Government. The proceedings are to be private,

informal and confidential. The Committee believe that under such conditions it would be difficult to induce really good men to accept the office of Councillors. They are expected to act as interpreters between the Government and the people, but if they are to maintain inviolable secrecy and silence with respect to all questions placed before them for consideration, how can they be qualified, or able, to correct misconceptions or erroneous impressions, or to explain the motives of official action? For this purpose, it is absolutely necessary that the Councillors should be empowered, under proper safeguards, to use all the information placed before them. This is necessary for another powerful reason. In order that the Councillors may effectually be able to influence the people, they must acquire their confidence, and this cannot be acquired unless the people are convinced that full information is given to them, and that there is nothing veiled in mystery. The Committee would suggest that, when necessary, individual opinions, or collective deliberations, should be published for the purpose of satisfying legitimate public curiosity, and also for strengthening the influence and the weight of the advice of the Councillors. Let secrecy be by all means maintained, when such secrecy is required for public weal, but when it is harmful, and would be calculated to unnecessarily mystify the people, it should not be enjoined, as it would destroy public confidence. The Committee, therefore, respectfully venture to propose that as regards the functions of the Council, the members should have the privilege of bringing to the notice of Government such matters as they consider of importance, and of inviting discussion thereon at a conference.

5. The number of Councillors should be distributed in proportion to the area, population, importance and varied interests of each Province.

Provincial Advisory Councils.

6. The Committee are gratified to notice that there is to be material difference between the constitution, the functions and the proceedings of the Imperial and those of the Provincial Councils. The latter are to be organized on a far wider basis, though the analogy between the two Councils is to be formally maintained. Besides Provincial magnates, there are to be in the Provincial Councils representatives of the smaller landholders, of industry and commerce, of capital, and of what are called "the professional classes," the latter including, no doubt, educated and cultured men of the Province. Thus the representatives of all important interests of the Province are to be admitted in the Council. The Committee are also glad to observe that the opinions and deliberations of the Councillors, taken either individually or collectively, are to be recorded. In this way, without destroying the advantage of close and confidential communication, importance will be given to the proceedings; and the written record may enable the Government, when necessary, to appeal to the people by publishing the matured opinions of their natural and hereditary leaders. The Association of non-official Europeans, representing important interests, with representative Indian gentlemen, is to be welcomed on various grounds. They will be mutually benefited by such intimate association.

7. The Provincial Advisory Councils are to be of smaller size. But they ought not to be so small as to be incapable of including in them the representatives of all important Provincial interests. In Bengal the number ought not to be less then thirty-five. All the different districts of the Province, in the opinion of the Committee, should be adequately represented.

8. The Committee would beg His Honour to consider their remarks, with regard to the constitution, functions and proceedings of the Imperial Council, as equally applicable to those of the Provincial Advisory Councils.

The Imperial Legislative Council.

9. The principle upon which the proposed enlargement of the Legislative Councils is based marks a most gratifying step in constitutional progress. The proposed addition to existing members of the Council, representing various

important interests, will be of great public advantage. The Councillors, under the proposed system, will be able to adequately represent the thoughts, feelings and wants of different classes of the people, and bring to the knowledge of the Legislature the most pressing requirements of the country. Their views are sure to have considerable weight with Government. The details of the scheme, however, require careful consideration.

10. The pronouncement that "official majority" must be maintained will, the Committee regret to say, have the effect of considerably diminishing the value of the work done by the Council. The number of seats has been increased to 53, with the Viceroy to 54. Excluding the experts, there are to be 23 non-official members. The number seems to be large, but taken side by side with 29 official votes, its significance is not of great value. It is clear, therefore, that the proposal for enlargement of the Council would in no way alter its official character. The non-official members would, as regards effective voting power, be left exactly where they were. The proceedings will be lengthened by academic discussions without affording any appreciable public benefit. Then, again, the most valuable time of a large number of official members would be wasted to the detriment of public service. This is a consideration which, in the interest of good government, ought not to be overlooked.

11. The Committee fail to understand why a standard official majority in the Council should be insisted on. Any suspicion that the paramount power of the Government would ever be disputed is entirely baseless. A conflict of opinion between the official and non-official members, where public welfare is concerned, is a far-fetched contingency. Even if it should ever occur, the remedy is in the hands of the Viceroy. He has the casting vote and the power of *veto*, and on emergent occasions, for special purposes, for special legislation, in which exceptional Government intesests are concerned, he is empowered to nominate members whose support could be most safely reckoned upon. In distributing seats in the Council, the good old English maxim that "confidence begets confidence" should never be forgotten. Equality of votes may, at first sight, seem to be too large a political concession. But, when carefully examined, it will be found to be a source of great political strength and not of weakness. It will be calculated to ensure the cordial co-operation of the people, and this by itself is an immense political gain.

12. The Committee are unable to realise the justice or expediency of granting four seats to Muhammadans as Muhammadans. They are opposed to creed-legislation. If one religious class be favoured, members of all the prevailing religions in India would clamour for special representation. Already they understand, more than one religious community have put in their claim. Ever since the establishment of British rule, class distinctions, in legislative matters, have not been observed. Neither the substantive nor the adjective law of the land has been found unsuitable to the requirements of any community. The Committee cannot conceive of any emergent occasion when special legislation for Muhammadans would be necessary. If such an occasion should ever occur, votes for special purposes, reserved in the hands of the Viceroy, would supply what might be needed. Competent Hindus, Muhammadans, Parsis and Christians have hitherto been admitted to the Council, no because they were members of different religions, but because they were distinguished members of the Indian community, and no objection has ever been raised to their admission. We have been told that special preference should be shown to Muhammadans on account of their numbers, and social, political and historical importance. The Committee do not see the value of the so-called "importance," and fail to find any reason why they should be singled out for special treatment, or why a separate Muhammadan electorate should be created. Exclusive electorates are mischievous and tend to break the growing solidarity of the various races in India. The Muhammadans or rather more correctly speaking, those who profess the Muhammadan faith, constitute about 21 per cent. of the whole population of India, the bulk of whom belong to East Bengal, the Punjab and the Frontier Provinces. The Committee venture to invite Government to consider whether the above facts could justify the creation of a special constituency based on any special religion. They would suggest that the item D (*d*) in the scheme for the constitution of the Council be omitted to make room for the representatives of the several Universities of India.

13. Two alternative proposals are made for forming electorates of landholders—an independent electorate in each Province, or an electorate formed of landholders of Provincial Councils. The number of electors in the latter body would be necessarily very small; the Committee would, therefore, prefer an independent electorate. But they submit that the amount of land revenue *per se* will not in many cases give the correct financial position of a landholder. A net income of Rs. 12,000 from landed properties ascertained from the Road Cess returns or otherwise should be the minimum qualification.

14. The Committee regret that the claims of education to representation in the Imperial Council have been ignored. It cannot be too often repeated that men of property and of culture must be associated together, for political purposes, and they cannot be separated from each other without impairing the efficiency of both. The Committee, therefore, beg to recommend that a certain number of seats be reserved for the five great Universities of the country.

The Provincial Legislative Councils.

15. There is no definite scheme for the organization of Provincial Legislative Councils, and it is not possible to offer any opinion upon it till it is clearly formulated. The general principle which Provincial Governments are enjoined to follow in organizing these Councils is that "the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained." Stringent provisions are directed to be made regarding representation based on racial, religious and caste or class distinctions. Local Boards forming electorates are to be composed of voters recruited from most heterogeneous groups of men. As the constitutions of the Provincial Councils, it is said, must largely depend upon the Municipal and other Local Boards, the organization of the latter bodies must be so changed that landlords, traders, capitalists, professional men, cultivators artisans and other occupational classes may be freely admitted into them. The effect of all these revolutionary changes would be that all respectable men, belonging to the higher classes of society, would keep themselves aloof from taking a share in public affairs. Landlords as a class would refuse to sit on the Board with men who are their own raiyats, and who are *mudies, banias,* or people belonging to the lower strata of society. Good and respectable persons would not be induced, under such conditions, to offer themselves as candidates for election for the Council, or to take their seats as electors.

16. The defects of racial, religious, caste and class representation are manifold, and the Committee consider it inimical to popular advancement. It cannot but be viewed with great disapprobation. If such representation be adopted, social and political progress would be checked, and the country would be subjected to the most enervating influences.

17. The Government of India say that "for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf." This pronouncement is not compatible with the injunction that the widest representation should be granted to races, creeds, castes and "occupational groups"—who mainly compose the masses above referred to. The Committee find from the Census Reports that 78 to 80 per cent. of the people are agriculturists or cultivators, who, as a rule, are steeped in ignorance. They are acquainted with their crops and cattle, but are entirely ignorant of the mysteries of political representation. A time may come when their level of intelligence may be raised, but that time has not yet arrived. Cultivators and the occupational groups must wait for a long time yet before they can aspire to an adequate recognition of their political rights.

18. The remarks made by the Government of India against Municipalities and District Boards regarding the men elected by them for the Provincial Councils are neither just nor merited. The gentleman selected are invariably qualified to occupy the office of legislators. The remarks are based upon misapprehension of their social status, pecuniary means and political influence. In most cases, if not in all, they are landholders or propertied men, in addition to being cultured men or members of the so-called professional classes. If a

school-master, or a lawyer is sometimes selected, he is so chosen because he is a cultured man, in comfortable circumstances, who commands extensive social influence, and is well qualified to speak with authority on behalf of the people. These men are the ornaments of our society, and represent the intellectual forces of the nation.

19. The Committee beg to propose that the non-official portion of the Bengal Council may be constituted as follows:—

(*a*) Each Division should return a member through the District Boards and Municipalities alternately;

(*b*) The Chambers of Commerce—European and Indian,—the Trades Association, the Calcutta Corporation and the Calcutta University should each return a member;

(*c*) Large landed proprietors or territorial magnates should return two members from amongst them, the minimum qualification being a net income of Rs. 25,000 a year from landed properties;

(*d*) Smaller landed proprietors should return two members, the minimum qualification being a net income of Rs. 12,000 a year from landed properties;

(*e*) Two non-official members nominated by Government to represent minorities or special interests.

Budget Discussions.

20. The Committee have only one word to say with regard to the proposed Budget Discussions. The Government of India propose that the Budget may be discussed by "separate heads." The Committee generally approve of the proposal, but they are afraid that such discussion would not be productive of any practical benefit. Proceedings may be lengthened, and valuable time may be wasted, but the core of the evil would not be touched. The faltering and hesitating suggestion made, that the additional light thrown by the discussion may enable the authorities to alter the Budget under consideration, holds out but a very feeble hope of amendment. That in "subsequent years" the discussions may bear fruit is an equally vain expectation. Some other radical change is necessary, in which the representative leaders of the people may take a prominent part, to make the Budget Discussions productive of real benefit to the country. In dealing with questions of raising taxes and other sources of income, and in questions concerning national expenditure, the representatives of the people should have a powerful voice. Such a reform would meet national requirements, and satisfy national aspirations.

21. In conclusion, the Committee would recommend the holding of informal conferences before making definite financial arrangements for the year. The Bengal Government, the Committee understand, held such a meeting during the present year with profitable results.

No. 25—O., dated Calcutta, the 10th January 1908.
From—H. M. Haywood, Esq., Secretary, Indian Tea Association,
To—The Chief Secretary to the Government of Bengal.

I am directed by the Committee of the Indian Tea Association to address you with reference to the proposals recently made by the Government of India, in their letter No. 2310-17, dated 24th August 1907, to the Local Governments and Administrations, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils. The Committee have had an opportunity of submitting their views on the proposals as a whole to the Government of Eastern Bengal and Assam, and all they desire here is to make certain suggestions in regard to the representation of the industry on the Advisory and Legislative Councils of Bengal.

2. The Committee think it well to preface their remarks with some statistics which will serve to indicate the importance of the industry. In the whole of India the quantity of land under actual tea cultivation was, in 1906, 531,808 acres, while the land occupied by planters, although not under tea, was 1,011,815 acres. The capital of the Joint Stock Tea Companies registered in India and in London amounts to nearly 22 crores of rupees, to which has to be added the large amount of private capital engaged in the industry; and all this capital is irrevocably sunk in the country. More than five-sixths of the area under tea is situated in the Provinces of Bengal and Eastern Bengal and Assam, and the whole of the tea industry of Northern India is very largely controlled from Calcutta. The Committee therefore think it reasonable to ask that this Association should be allowed a representative on each of the two Provincial Councils of Bengal. They are aware that, as the Bengal Legislative Council has been hitherto constituted, it has not been possible to make room for a representative of the tea industry, but they submit that in any scheme of enlargement it should be made possible to place at its disposal one seat. Although representation is already given to the general commercial interests of the Province, it is strongly felt that the importance of the interests represented by this Association amply warrant the Committee in making this request, and they trust that it will receive the sympathetic consideration of Government. In the absence of detailed information as to the functions of the proposed Advisory Council, the Committee are not easily able to determine to what extent the questions likely to come before it will be of interest to their own industry, but important questions affecting the latter can hardly be excluded from its deliberations, and they accordingly ask that a seat on this Council also should be allotted to a representative of tea interests.

No. 27—1908, dated Calcutta, the 11th January 1908.

From—H. M. Haywood, Esq., Secretary, Bengal Chamber of Commerce,
To—The Chief Secretary to the Government of Bengal.

I am directed to acknowledge the receipt of your letter No. 1982A.—D., dated 18th September 1907, in which you ask for the views of the Bengal Chamber of Commerce upon the proposals, which have been recently made by the Government of India, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

Letter No. 2310-17, dated 24th August 1907, from the Government of India, Home Department, to the Local Governments and Adminstrations.

2. Before proceeding to consider these proposals in detail, the Committee of the Chamber wish to record their sense of satisfaction at the step which has thus been taken by the Government. For years past they have been impressed with the need which exists for bringing all classes of the people into closer relationship with Government and its officers, and any measures designed to achieve this end are bound to be supported by the commercial community. The legislation of 1892 undoubtedly marked a great advance. The free discussion of the annual financial proposals of the Government, which was then permitted for the first time, was in itself an innovation of no small consequence. And the enlargement of the Councils, the introduction of the elective principle, and the other changes which were also then made, have rendered possible the further scheme of reform which is now under discussion.

General.

3. But while the Committee thus welcome the measure, as evidencing the desire of the Government of India to move forward in the path of constitutional reform, they do not hesitate to criticise certain of its principal details. They offer their criticism the more freely, because they observe that the scheme is, in its main features, entirely provisional and suggestive. It is not their wish to enter into political questions, nor do they propose to offer any opinion as to what classes of the Indian population should be represented, or upon what principle the representatives should be elected or nominated. They are concerned more particularly with the position to be accorded to the commercial community in the Councils; and they say at once that they consider the proposals to be in this respect altogether inadequate. As the scheme stands at present, the commercial element is to be entirely excluded from the Imperial Advisory Council. With regard to the Provincial Advisory Councils, it is stated in the letter from the Government of India that "the association of non-official Europeans standing for these important interests (industry, commerce, capital, etc.,) with the natural leaders of Indian society in common consultation on matters of public importance, would tend to promote a better understanding and to clear away on both sides injurious prejudices and misconceptions." This somewhat indefinite statement is the only reference to the point so far as these Councils are concerned, and it gives no idea of the extent to which the interests in question will be represented. Coming next to the Imperial Legislative Council, the Committee find that, of the fifty-four members, two only are presumably to be non-official Europeans, although it is possible that one more may be nominated by His Excellency the Viceroy. The representation of the community on the Provincial Legislative Councils is not defined, but in paragraph 11 of the letter it is mentioned.

Representation of Commerce.

4. The Committee of the Chamber are not unmindful of the fact that, in framing their proposals, the Government of India had, of course, to consider the country as a whole. But even so, they cannot help feeling that the interests for which the non-official Europeans stand have been, to a large extent, overlooked. The fact that these interests vary in size and importance in the different provinces no doubt contributes to the difficulty of providing for their adequate representation. For, while in some parts of the country they are of small extent, in others, and notably in North-East India, they are of great

Extent of Commercial interests.

magnitude. In Eastern Bengal and Assam they are concerned chiefly with planting; but in Bengal proper both manufacturing industries and mining enterprise have made remarkable progress under European direction. The value of the jute manufactured goods exported from Calcutta amounted to more than Rs. 15½ crores in 1906-07; while upwards of 8 million tons of coal were raised from the Bengal mines. The general commercial interests of the province are also of far greater consequence than those of any other province, and they are rapidly expanding. How rapid the expansion has been is shown by the fact that during the last fifteen years the shipping entered at the port of Calcutta has increased from rather more than 2½ million tons to close upon 6¼ million tons yearly. And at the present time Calcutta is responsible for about 42 per cent. of the total value of the import and export trade of India. For while the trade of the whole country (excluding treasure) aggregated Rs. 284 crores during the last official year, that of Calcutta amounted to Rs. 120 crores. It is an admitted fact that the bulk of this trade may be correctly termed European; and the figures lend much support to the claim that those who are so largely concerned with the commerce and industry of the province are entitled to adequate representation in both the Imperial and Provincial Advisory and Legislative Councils.

Imperial Advisory Councils.

5. The existence of the official majority makes the provision of an adequate representation of European interests on the Legislative Councils a matter of difficulty. But this difficulty will not be experienced in the case of the Advisory Councils; for as they are to be consultative bodies only, the question of an official majority will not arise. Upon the Advisory Councils, therefore, the European element may expect to be fully represented; and the Committee of the Chamber would venture respectfully to express a hope that the Government of India, in reconsidering their scheme, will be able to provide for this. The functions and duties of the Imperial Advisory Council are not defined in detail in the papers, but agricultural, commercial and industrial questions can hardly be excluded from its discussions. If this assumption be correct, it will not be unreasonable for the Committee to suggest that two seats on this Council should be allotted to Europeans. One of these might be given to a nominee of those of the community who are engaged in commerce and industry in the great towns; and the other to a nominee of the planting and zamindary interest in the mofussil.

Provincial Advisory Councils.

6. Coming next to the Provincial Advisory Councils, the Committee restrict their suggestions to the Council for Bengal, in which there should be, they consider, not fewer than seven European members. The general commercial, industrial and shipping interests of the province are, as has been already shown, of quite sufficient consequence to be given one seat; and the mining, tea and jute industries may justly claim to be entitled to separate representation. The European zamindary and planting interests of the province should also not be overlooked, and in that behalf, the Behar Planters' Association might be permitted to nominate one representative, while a second could be chosen from the lower parts of the province. The growing importance of the interests centred in the Calcutta Trades' Association should likewise be borne in mind; and the Committee suggest that that body should be permitted to nominate a member.

Imperial Legislative Council.

7. The Committee now turn to the other and, as they think, equally important branch of the present proposals, namely, the enlargement of the Imperial and Provincial Legislative Councils. Dealing first with the Imperial Council, they notice that the scheme outlined in paragraph 12 of the letter is tentative only. They are glad that this is so, because they do not hesitate to say that in their opinion mercantile interests would be most inadequately represented in a Council constituted on the lines suggested. They recognise and admit the limitations which are imposed upon the Government by their determination to maintain an official majority. But a full examination of the whole scheme raises the question whether this principle is not being carried somewhat beyond what is absolutely necessary. The Committee are inclined to think that it is, but they do not seek to emphasise this opinion on the present

occasion; for the object which they have in view can be attained without any real encroachment being made on the official majority.

8. The scheme defined in the Government letter provides for a Council of fifty-four members, including His Excellency the Viceroy. Excluding His Excellency, twenty-eight of this members are to be officials, and twenty-five are to be non-officials. Of the official members, eight will be the members of the Executive Council, and the remaining twenty are to be appointed for the purpose of maintaining the official majority. The proposal which the Committee of the Chamber venture to make is that, of the non-officials members, the two experts who may be nominated when necessary by His Excellency for special purposes should either not be permitted to vote at all, or should vote only under such restrictions as may, in the opinion of Government, be advisable. If this were done, it would be possible to limit the number of additional officials to eighteen, and to increase the number of non-official Europeans by two. The Council would then consist of twenty-seven official members, including His Excellency, and the some number of non-official members. But as two of the latter would only be appointed for short periods in special circumstances, and would only vote, if they voted at all, under restrictions, there would still remain a permanent official majority of two members.

9. It may be urged that the Indian representation might be curtailed to such an extent as to permit of the appointment of two additional European non-officials. But the Committee of the Chamber do not support this view, firstly, because they recognise the importance of an adequate representation of Indian interest, and, secondly, because, as they understand the matter, the Government do not suggest that so many additional officials members are necessary, except for the purpose of maintaining the majority. If the majority can be maintained, as the Committee think it can, with fewer officials, there would appear to be no objection to the adoption of their proposal. Should the Government be inclined to consider it favourably, they would recommend that the two additional non-officials should represent, respectively, the planting and the manufacturing industries of Northern India. The nominee of the planting interest might be selected alternately by the Indian Tea Association and by the Behar Planters' Association. And as the principal manufactories under European management are situated in Bengal and the United Provinces, the Bengal Chamber of Commerce and the Upper India Chamber might be entrusted alternately with the selection of the representatives of this interest. In order that the European community of Southern India may be provided for, the Committee suggest that one of the four members, who are to be nominated by His Excellency in behalf of minorities, should always be a European non-official from the Madras Presidency.

Provincial Legislative Councils.

10. The Provincial Legislative Councils still remain for consideration. The Committee are unacquainted with the views entertained by the Government of Bengal in regard to the composition of the Bengal Council. But they have observed that His Honour Sir John Hewett is of opinion that the Council for the United Provinces might consist of thirty-five or thirty-six members, of whom about seventeen would be non-officials. Assuming that the Bengal Council would not be of smaller dimensions, the Committee would recommend that there should be at least five non-official European members. Two of these might be appointed by the Chamber of Commerce, one on behalf of the general commercial interest, and the second as representative of the jute and other manufacturing industries, while the third could be nominated by the Indian Tea Association. The Calcutta Trades' Association would, of course, continue to appoint a member; and the fifth seat could be filled by a representative—to be nominated by His Honour the Lieutenant-Governor—of the European zamindars and landholders of the province.

The Budget.

11. Reference has been already made to the valuable change which was introduced fifteen years ago in regard to the Budget. The further advance which is now proposed will be now less highly appreciated by all concerned in commerce and finance; but the Committee of the Chamber venture to think that it does not go quite far enough. It is stated in the letter that, although the remarks

offered in the course of the discussion may perhaps occasionally result in the alteration of the Budget under review, they will usually be borne in mind by the Government of India, or the Local Governments, when making financial arrangements in subsequent years. But this is surely the principal defect of the existing system, and, so long as it is maintained, the Committee question if the debate will be divested of the unreality which is admitted to be one of its characteristics at present. They hold the view that the Budget should be submitted to the Council in the form of financial proposals, in regard to which the Government would be prepared to consider any criticism which might be offered. If this were done, and if the Government accepted and acted upon such of the suggestions as might meet with their approval, the debate would almost certainly become less discursive and much more real and practical that it is now. For the speakers would be in much closer relation with the policy and aims of Government than they can possibly be under a system whereby their ideas and proposals cannot ordinarily be considered until the financial arrangements for subsequent years are being formulated.

XVIII.

No. 3977-A., dated Calcutta, the 24th July 1908.

From—F. W. Duke, Esq., I.C.S., Officiating Chief Secretary to the Government of Bengal,

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

In continuation of Mr. Gait's letter No. 1746-A., dated the 29th February 1908, I am directed to submit a copy of a letter from the Secretary to the Calcutta Trades Association, dated the 30th June 1908, regarding the representation of the European non-official community on the Imperial Advisory Council and of that Association on the Bengal Provincial Advisory Council. In paragraphs 8 and 13 of Mr. Gait's letter the Lieutenant-Governor has already expressed his views regarding the constitution of these Councils.

2. The Trades Association requests that its representation on the Bengal Legislative Council may be legally secured. Under the existing Regulations for the nomination of Members of the Council, this Association has not the right of recommending a representative. The Association has, however, always been represented on the Council since 1861, and on the occurrence of a vacancy, the Lieutenant-Governor invariably invites that body to recommend a person for nomination to one of the three non-official seats which are not filled on the recommendation of the prescribed public bodies and associations. In this connection I am to invite attention to the proposals made in paragraph 20 of the letter of the 29th February 1908, referred to above.

Dated Calcutta, the 30th June 1908.

From—G. Hickie, Esq., Secretary to the Calcutta Trades Association,

To—The Chief Secretary to the Government of Bengal.

I have the honour to address you with regard to the proposals which are now before the Government on the subject of the enlargement of the Legislative Councils, Imperial and Provincial, and the establishment of the Advisory Councils.

2. The Committee of the Trades Association have read with much interest the letter which has been addressed by the Secretary to the Government of India is the Home Department to the Government of Bengal in which the new scheme is exhaustively dealt with, and as public opinion is invited on the question, the Committee desire to place before His Honour the Lieutenant-Governor their views on some of the points referred to.

3. The Committee regard the principle underlying the whole scheme as one that will commend itself to all sections of the community: at the same time they notice with regret that in dealing with the reconstitution of the Imperial Advisory Council, the Government of India have found no place for a representative of the commercial community. The Committee trust that upon further consideration the claims of the European non-official community to representation on this Council will be recognised.

4. In regard to the Advisory Council for the Province of Bengal in which this Association is directly interested, it is observed that the Government of India propose that it shall comprise the great landholders, the smaller landlords, the industry and commerce of the province, as well as the professional classes; the association too of non-official Europeans standing for these important interests with the natural leaders of Indian society will, it is hoped, add to the utility of the Council. It appears to the Committee of the Association that the constitution of this Council might be extended to include adequate representation of the interests of the European trading community which in the scheme under notice has been practically ignored.

5. In this connection the Committee would beg leave to submit that the opportunity should be taken while the formation of a Provincial Advisory Council and the enlargement of the Legislative Councils are under discussion, to place the representation of the interests of the trading community on a more satisfactory basis than it stands at present. In making this suggestion the Committee would point to the prominence occupied by individual members of the Trades community in all great cities even when the representation depends on the general suffrage and not on sectional representation; they would further, in passing, observe that *Trade guilds* were the origin of Municipal freedom. These facts, if they convey any meaning, bear testimony to the fitness of the Trades as a class for the duties and responsibilities of public life, and for which in India they are well equipped by their intimate knowledge of the country and its people, knowledge acquired by the journeys far and wide to all parts of the land, and of a kind not ordinarly attainable by the official and commercial classes. In the Advisory Council which is designed "to bring all classes of the people into closer relations with the Government," the leading representatives of the Association would, the Committee believe, by their exceptional knowledge of the people, from the Ruler of a State to the smallest landlord, be in a position to render service to the Government.

6. In regard to the Legislative Council, by the courtesy of the Lieutenant-Governor the Trades Association is now, and has been for some time, represented on the Bengal Legislative Council; the Committee respectfully submit that this privilege should be continued in the reorganised Council and conferred by legislative enactment, thereby following the procedure observed in the election of representatives on the Port Trust and Corporation of Calcutta. The interests for which this Association stands are of increasing importance and there are few Acts passed by the Legislature which do not affect those interests either directly or indirectly. As the oldest public body in the city it has been consulted by the Government on all important questions which have arisen since its formation nearly eight years ago, and the development of Calcutta during that period has been materially influenced and advanced by its operations and by the community its represents. We now respectfully request that the Association and the important interests it represents may have distinct representation on the proposed Provincial Advisory Council, and that its representation on the Bengal Legislative Council may be legally secured.

XIX

No. 447 OF 1908.

FROM

THE HON'BLE MR. J. M. HOLMS, C.S.I.,
CHIEF SECRETARY TO GOVERNMENT,
UNITED PROVINCES,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Allahabad, the 16th March 1908.

SIR,

GENERAL ADMINISTRATION DEPT.

I AM directed to reply to your letter no. 2310—2317, dated the 24th August 1907, dealing with the creation of Advisory Councils and the enlargement of the Legislative Councils and other connected matters, in which you request this Government to submit its matured conclusions on each branch of the subject, together with a detailed statement of the alterations in the Council regulations necessary to carry its proposals into effect. His Highness the Maharaja of Benares, the British Indian Association of Oudh, the Landholders' Association for the Province of Agra, the University of Allahabad, the Upper India Chamber of Commerce and the Trustees of the Muhammadan Anglo Oriental College at Aligarh have been consulted, as well as all members of the Provincial Legislative Council, official and non-official, and all Commissioners, and in addition the Lieutenant-Governor has had the advantage of perusing a considerable number of opinions either furnished to Government by gentlemen interested in the question or published in the press. The copies of opinion which accompany this letter embrace those of all the public bodies consulted, those of all the members or former members of the Imperial or Provincial Legislative Councils which have been furnished to Government, and the opinions of the officers consulted which are of most value. I am to express regret that it was not found possible to despatch this letter so as to reach the Government of India by the desired date, the 1st of March.

2. The proposals put forwarded by the Government of India, as well as the subsidiary proposals placed by the Local Government before those consulted as a basis for discussion, have been subjected to considerable criticism. In some quarters they have been attacked as wholly inadequate: in others the criticism has been limited to the details of the proposals. The Lieutenant-Governor does not think it necessary to examine objections taken to the principle of the proposals, nor to discuss every detailed suggestion which has been made for their amendment, but will confine the expression of his opinion to those which seem to call for notice.

3. In paragraph 2 of your letter the Government of India refer to the increase that has taken place in the past twenty years in the number of scholars studying English from 298,000 to 500,000, in the

number passing the annual matriculation examination of the Indian Universities from 4,286 to 8,211 and in the number annually proceeding to the degree of Bachelor of Arts from 708 to 1,570. The United Provinces have not moved in the matter of education as rapidly as some other parts of India. Twenty years ago the number studying English was 30,972 (including 10,100 in the lower primary stage, in which English is no longer taught); the University of Allahabad had only just been established; the students who passed the matriculation examination numbered 477, and 66 proceeded to the Bachelor of Arts degree. In 1907, there were 37,804 students studying English, 772 students who passed the matriculation examination, and 245 who proceeded to the degree of Bachelor of Arts. Out of the total population of India, inclusive of Europeans and Eurasians, 75 per ten thousand were recorded at the last census as knowing English: the corresponding figure in the United Provinces was only 40. English is disseminated in these provinces to a very much smaller extent than in the other large provinces, and they are, it is to be regretted, very backward in education in the varnacular languages also. The number returned as literate at the last census over the whole of India was 105 per thousand; in Madras it was 128, in Bombay 125, and in Bengal 109, in the United Provinces it was 59. In the cities the figures were for the whole of India 308, for Madras 400, for Bengal 339, for Bombay 404, and for the United Provinces 196.

A Legislative Council in these provinces was established by the proclamation issued by Her late Majesty on the 9th of November 1886, many years after the establishment of Legislative Councils in the Presidencies of Fort St. George, and Bombay, and the Lieutenant-Governorship of Bengal. In considering the proposals made by the Government of India it is, in the Lieutenant-Governor's opinion desirable that due regard should be paid to the backwardness in education of these provinces. It would be unwise to treat every part of India alike in the matter of the number of members of which its Legislative Council should be composed and the manner in which it should be constituted. If, then, some of the proposals which will be made in this letter, fall short of what will be attempted in other provinces, the reason is to be found in the fact which will, the Lieutenant-Governor feels assured, be admitted by all those who are well acquainted with them, that these provinces are not so ripe as some other parts of the country for measures of reform directed to giving the people wider opportunities of expressing their views on administrative matters.

4. The first proposal put forward in your letter is that for the creation of Advisory Councils, Imperial and Provincial. These Councils are designed to ensure a more free and a more intimate consulation with those who are in a position to offer counsel of value than is afforded by the present Legislative Councils. The Lieutenant-Governor was, when he began to study this proposals of the Government of India, apprehensive that it might not be possible to give to these Councils sufficient occupation after they had been called into being, and that they might perish of inanition. But he no longer thinks that apprehension to be justifiable. There are many directions in which the Government could look

to them for advice and aid. It is not, His Honour thinks, necessary or desirable to attempt an enumeration of the matters that might be referred to them for advice, but among questions that have recently had to be considered in these provinces, and in regard to which the opinion of such a body would have been of value, are measures against the plague, the extension of primary education, the administration of secondary education in its higher grades, developments in technical and industrial education, the working of co-operative credit societies, municipal taxation, the housing of the poor in congested areas and connected sanitary questions, and the organization of charitable famine relief. In the view, then, that there will be occupation for such Councils the Lieutenant-Governor welcomes the proposal to create them.

5. Before proceeding to refer to the proposals for the constitution of these Councils it seems desirable to notice a difference which the Government of India appear to make between the Imperial Advisory Council and the Provincial Advisory Council. In the last sentence of paragraph 4 of your letter it is stated that the Imperial Advisory Council will be consulted by the Governor General either individually or collectively, or by means of committees appointed from among their number, on questions of sufficient moment to call for their advice; they are to be used not only to draw out opinion on measures in contemplation, but also to diffuse correct information regarding the acts, intentions, and objects of the Government. As regards the Provincial Advisory Councils, it is said in paragraph 6 of the letter that each Local Government should be at liberty to consult its Advisory Council, either individually or collectively! in regard to any provincial question. In the former case they would be consulted by letter and would submit their views in writing: in the latter case they would be specially called together by the Head of the province and would tender a collective opinion. There thus appears to be a difference in treatment between the two Councils, in that the Government of India contemplate that opinions should be called for from committees of the Imperial Advisory Council, but not from committees of the Provincial Advisory Council. The Lieutenant-Governor feels unable to support the proposal that Government should formally consult a portion only of an Advisory Council.

Imperial Advisory Council.

6. The Lieutenant-Governor cordially agrees with the idea of associating the ruling chiefs in the general conduct of the affairs of British India, believing them to be likely to be shrewd and competent advisers on matters connected with our administration. The opinion of those consulted by this Government is practically unanimous that the forty members whom the Government of India propose to associate with twenty ruling Chiefs in constituting the Imperial Advisory Council should not be confined to the class of territorial magnates, and with this view the Lieutenant-Governor entirely concurs. He considers that, in the constitution of the Imperial Advisory Council, provision should be made for eminent retired Indians of either the judicial or executive service or other services of Government and for gentlemen who have been distinguished in the professions or public

services or who have been selected by Government for titles and honours. I am therefore to suggest that the constitution of the Council should be modified so that it may contain twenty ruling Chiefs, twenty-five territorial magnates, and fifteen persons to be selected on account of their public services, their character,r their pre-eminence in other directions.

The attitude that the ruling Chiefs are likely to take up as regards their position in the Councils raises an important question. Sir John Hewett has reason to believe, from conversations that he has had with some of them, that they do not altogether appreciate their being grouped together with the territorial magnates of British India, as they have been in paragraph 4 of the Government of India's letter. They are there spoken of, along with the territorial magnates of British India as the hereditary leaders of the people both in British India and the native states. It has been represented to His Honour that they would like to see some distinction drawn between them and the other members of the Council, and in His Honour's opinion this wish is a very reasonable one. It might be acceded to by declaring that the ruling Chiefs, when appointed to the Imperial Advisory Council, should be appointed for life, the other members being appointed for five years. The tenure of office of either a ruling Chief or any other member of the Council would be determinable also on his committing any act showing him to be unworthy to remain in it.

7. Various suggestions have been made to this Government that a portion of the Advisory Councils should be elected, but this idea appears to the Lieutenant-Governor to be inconsistent with the whole scheme of the functions of the Councils being advisory. Nor is the idea of an Advisory Council that of a Council to be established by legislative authority, and His Honour is unable to support the suggestions which have been made for the legislative recognition of the Advisory Councils, and the creation of a constitution for them by legislation.

8. The functions which the Government of India propose to assign to the Imperial Advisory Council are stated in paragraph 5 (6) and (7) of your letter. It is proposed that these should be purely advisory, and that the Council should deal only with such matters as may be specifically referred to it from time to time; that the proceedings of the Council when called together for collective consultation should, as a rule, be private, informal, and confidential, and that they should not be published, although Government should be at liberty to make any use of them that it might think proper. It has been very strongly represented that the Imperial Council, as well as the Provincial Advisory Councils, should be empowered to bring matters of their own motion to the notice of Government, and that much of the advantage that would ensue from the establishment of the Councils would be lost if their functions were restricted in the manner proposed. It is also suggested that they should be epowered to request Government to give information on any particular subject. The Lieutenant-Governor supports both these suggestions. The Government could always refuse to give information upon any particular subject, but, inasmuch as one of the chief functions

of the Councils will be to diffuse correct information regarding its acts, intentions and objects, it seems most desirable that they should be in a position to ascertain what these acts, intentions and objects are. The Lieutenant Governor is not in accord with the proposal that the proceedings of the Imperial Advisory Council when called together for collective consultation should, as a rule, be private, informal and confidential. The Government would naturally retain the power of declaring that any individual matter must be treated as confidential, and it might often happen that the Council itself would prefer that its deliberations upon a particular question should be so treated. The rule in His Honour's opinion, should be that no proceedings, except in regard to matters specifically declared by the Government of India to be confidential, need be confidential unless the Council so determine.

9. Another suggestion that has been made is that it is desirable that the Imperial Advisory Council as well as the Provincial Advisory Council should be called together at stated intervals. If they are to be of value, it appears certainly desirable that they should be necessarily called together at least once a year. The further question arises whether the members of the Council should be able to take action so that they may be specially called together on other occasions, and I am to suggest that a rule might be made that the Council should be called together on the request of not less than one-third of the members.

It is urged by some that the Government should defer to the views of the majority of the Council and that, supposing such numbers as two-thirds three-fourths of the Council are opposed to a proposal, the Government should not proceed with it. The Government would naturally pay deference to so strong an opinion, but the proposal that it should be compelled to act upon the advice seems to be inconsistent with the position of these Councils as advisory.

Provincial Advisory Councils.

10. The scheme outlined for the Provincial Advisory Council is that it should consist of "a select body of advisers chosen upon a wider basis whom it should be understood that Provincial Governments would consult upon all measures of importance affecting the populations committed to their charge." The nucleus of the Provincial Advisory Council would be the provincial members of the Imperial Council. The Provincial Councils are to be smaller in size than the Imperial Council, but it is intended "that their membership shall be large enough to embrace all interests of sufficient importance to claim representation on such a body." The great landowners would be represented by the Imperial councillors, and arrangements have to be made to include representatives of the smaller landholders, industry, commerce, capital, and the professional classes, while non-official Europeans are to be associated with the leaders of Indian society. The Local Government is to be at liberty to consult its Advisory Council either individually, or collectively, in regard to any provincial question; in the former case the consultations are to be by letter, and in the latter in an assembly where it would give a collective opinion. A provision, not made in regard to the Imperial Council is that when the Provincial Advisory Council is specially called together to give a collective opinion the

Held or the Government himself, or some high official deputed by him for the purpose, should preside over their deliberations, and tha the conclusions arrived at should be recorded by one of the Secretaries to Government. Exception is taken, and in the Lieutenant-Governor's opinion very rightly, to this proposal. He holds that the Council should be free to choose its owa president and secretary and conduct its deliberations in the absence of any Government official.

11. In the proposals which this Government circulated far criticism the number suggested for the Provincial Advisory Council was twenty-five. A good many of those consulted hold that this number is not sufficiently large, and the Lieutenant-Governor, on reconsideration thinks that the number might be fixed at thirty-five.

The constitution of the Council need not be strictly defined. The Lieutenant-Governor should be at liberty to nominate the members after due consideration, not only of the interests to be represented but—what is at least of equal importance—of the best men who are available. The nucleus of the Council would consist of the representatives of the provinces on the Imperial Advisory Council, while the Lieutenant-Governor will arrange to nominate four out of the elected members of the Legislative Council. The balance will be available to represent the landholders, small and great, if the latter are insufficiently represented by the members of the Imperial Council, industry, commerce, the planting community, the professional classes, and educational and religions interests. It is not proposed to specify the proportion of the different classes, *e. g.* Muhammadans and Europeans, to be represented or to enumerate too closely those entitled to be represented or to assign specified numbers of seats to different parts of the provinces.

A proposal is made that when the Lieutenant-Governor visits a division he might call together the members of the Advisory Council belonging to that division. Any formal calling together of the Council except as a whole appears undesirable, but the Lieutenant-Governor would naturally take advantage of his presence among representatives of the Council to discuss matters with them in which they were interested.

Enlargement of the Legislative Councils.

12. It is remarked in paragraph 9 of your letter that the expectation that the electorates constituted on the enlargement of the Council would ensure the representation as far as possible of all the more important classes and interests, has not been realized. The figures given in your letter seem to give general support to this conclusion, but the remark which follows that the district boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interests is not supported by experience in these provinces. An element of error may have been imported into the figures quoted in support of this conclusion owing to each individual member, even though he may have been re-elected several times having been counted once only. The facts as they relate to these provinces lead to a conclusion different from that arrived at by the Government of India. Since 1893, when the system of election was first introduced in the United Provinces, there have been seven general elections to the seats thrown open, namely one each for two groups

of district boards and one each for two groups of municipalities. The representives of the district boards who have been elected in the course of the last fourteen years have invariably been landholders, though one of them was a banker as well, and another, who was twice reelected, was also a retired judicial officer. On three occasions landholders were nominated by Government to represent one of the groups of district boards owing to no one having obtained the requisite majority of votes. All the gentlemen who have represented district boards in the past fourteen years have been talukdars of Oudh or large landholders of Agra. The representatives appointed to the seats thrown open to election by municipalities during the same period have been only four in number; one of those, a taluqdar of Oudh as well as a lawyer, has been elected at each of the seven elections, while two lawyers, were each elected three times respectively, and the fourth, a landholder, once. Thus half of the representatives of municipalities have been gentlemen with a substantial stake in the land, and out of twenty-eight representatives of district boards and municipalities in the past fourteen years twenty-two have been landholders. The only other elective bodies at present, besides the district boards and municipalities, are the Senate of the University of Allahabad and the Upper India Chamber of Commerce. The former, as is only to be expected, has always recommended lawyers, and the latter representatives of commerce. In the past fourteen years, of the two members nominated by the Lieutenant-Governor at his own discretion he has on thirteen occasions nominated landholders and on one occasion a retired judicial officer of eminence. If, then, representatives of two interests are shown as shared equally between these interests, out of the fifty-six appointments of non-officials made either after election or otherwise, 29½ or 53 per cent. have represented the land, 19 or 34 per cent. the law, and 7½ or 13 per cent. commerce and banking. These figures show that it is not the case in the United Provinces that the professional classes, as represented by the Bar, have been given a virtual monopoly of representation. Two features, however, stand out—the fact that no Muhammadan has ever been elected to the Council, and the fact that the representation of commercial interests other than those of the Upper India Chamber of Commerce has been inadequate.

The Imperial Legislative Council.

13. The provisional proposals for the constitution of this Council are stated in paragraph 12 of the Government of Ind a's letter. The Lieutenant-Governor does not deem it necessary to express any opinion regarding the details of these proposals except in so far as they concern the members to be elected by the Chambers of Commerce, by the nobles and great landholders of the United Provinces, and by the Muhammadans of the United Provinces respectively, and except on the question of wehther any classes not specially provided for ought to be included.

14. In the first place, His Honour desires to support the suggestion which has been made by the Upper India Chamber of Commerce that it and the Punjab Chamber should have the right of electing a representative either alternately or jointly. He is aware from his personal experience that the Chambers of Commerce on the sea-board do not always understand and appreciate the needs of commerce in the

interior of the country, and that the interests of the sea-board Chambers may clash at times with those of inland ones.

15. In the matter of election of members by the great landholders of the United Provinces His Honour is unable to approve of either of the alternatives to election by the landholding class that are mentioned in paragraph 15 of the Government of India's letter. The first is that a representative of the landholders should be elected to the Imperial Council by the landholding members of the Provincial Council either from among their own number or from among landholders paying the amount of land revenue that may be fixed as giving the right to vote for, or to be a member of, the Provincial Council. Election in this manner would not satisfy the landholding classes. The second suggestion is that in some provinces representatives of the landholding classes might be better obtained by a system of nomination. In the United Provinces this would not be the case. The Lieutenant Governor considers that in present circumstances the representatives of the landholders in these provinces on the Imperial Legislative Council might be taken alternately from Agra and Oudh, and with this view most of those consulted agree. The British Indian Association of Oudh is a body which can certainly claim to elect its own representative. There is no association of equal position in Agra, for the Landholders' Association for the Province of Agra is not fully representative of the landholders of that province, while it admits persons who, being landholders themselves, are interested in the welfare of landholders and tenants. The Lieutenant-Governor, however, apprehends no difficulty in arranging for a suitable electorate for select representatives of the landholders in Agra. A suggestion has been made that this electorate should be nominated by Government, but it does not commend itself to the Lieutenant-Governor.

The amount of land revenue which will give a right to vote in Agra might suitably be fixed at Rs. 10,000 a year. Such a franchise will give an electorate of 284 persons, which, though higher than the figure of from 100 to 150 suggested by the Government of India, is, in His Honour's opinion, not inconveniently high. And the Lieutenant-Governor thinks that it ought also to include all title holders who hold the title of Raja or Nawab, or the hereditary titles of Mirza Bahadur, Mirza, Rajwar, Rai, Rao Bahadur, Rao, Diwan, or Chaudhri which have been officially recognized by the Government. This suggestion will not involve a large addition to the electorate, while it will have the effect of including in it some gentlemen, such as the Rajas of Rampura and Jagamanpur and the Rao of Gopalpara in the Jalaun district, who have great influence in the country-side, but do not now possess landed property paying Rs. 10,000 of revenue a year. The Lieutenant Governor supports the proposal of the Maharaja of Benares that a landholder, in order to qualify for election as a representative, should reside on his estate at least six months in the year, and he should also be qualified as an elector.

The method of recording the votes of this electorate presents some difficulties. It is out of the question to arrange for the meeting in one place of so large an electorate resident over so wide an area, and the

Maharja of Benares has suggested that the electors for each district should elect a representative and that the body of representatives should attend at Allahabad and vote there. In order to carry out this proposal the number of representatives for each district would have to be allotted according to the voting power of the district. But this voting power varies so much (some districts have no landholders paying Rs. 1,000 or over as land revenue, while others have over twenty) that the suggestion could not be given effect to. Again, it has been suggested that the electors resident in a particular division might elect one or more representatives for the division according to their voting power and that the divisional representatives might meet for the election at Allahabad, the candidate securing the largest number of votes being elected to avoid the difficulties which occur under the present rules in elections by representatives of district and municipal boards, which require that a candidate to be elected must obtain the support of the majority of the representatives. Under this scheme the number to meet and vote at Allahabad would be about 30. Past experience, however, shows the great difficulty of collecting voters in electorates distributed over smaller areas than the province of Agra, and the Lieutenant-Governor despairs of being able to make suitable arrangements for the collection of voters from every part of it in one place. He is unable to suggest any better arrangement for recording the votes than that voters should be allowed to send them by registered post, the letter after having been closed being attested by the seal of the office of the District Magistrate so as to prevent false votes from being sent.

16. As regards the election of a member of the Imperial Legislative Council by the Muhammadan community, it is generally agreed that in the United Provinces a limit of Rs. 25,000 per annum for the minimum amount of land revenue or the income on which income-tax is paid is too high for the Muhammadan electorate; and this is borne out by the figures, which show an electorate on this basis as one of thirty-four persons only. A more suitable electorate would be one formed on the basis of a similar limit of Rs. 10,000 per annum, which would give 160 persons. To these should be added the Muhammdan members of the Provincial Legislative Council, the Muhammadan Fellows of the Allahabad University (some 20 in number), and such of the Trustees of the Muhammadan Anglo-Oriental College at Aligarh as are resident in these provinces and are not otherwise qualified. The Lieutenant-Governor is unable to support the proposal of the Raja of Mahmudabad to give votes to Muhammadan graduates of over six years' standing. As regards the method of voting, the Raja has suggested that the electors of this class and those of the classes of large landholders and income-tax payers in each division should each elect a representative, and that these representatives (three for each division) along with the other electors should meet at Allahabad and elect a provincial representative. An analysis of the voting power of each division shows that it varies so much that such a scheme would be impracticable. I am to suggest that, as in the case of the representative of the large landholders of Agra, voting for the Muhammadan representative should be by registered post after the cover of the letter has been stamped with the Magistrate's seal.

I am to say that it appears to be desirable that, when Muhammadan representatives are elected from two of the six provinces named, the Muhammadan seats to be filled by nomination should be distributed over the unrepresented provinces. It is of course out of the question that the special representation of the Muhammadan community can be carried to the extent that the Trustees of the Muhammadan Anglo-Oriental College and their President desire, namely, that each of the eight larger provinces should always have an elected Muhammadan representative. The Lieutenant-Governor is unable to support a further recommendation made by the Trustees that they should also have the power to elect a representative of their body on the Imperial Council. On the other hand, he does not agree with the arguments against the reservation of seats for Muhammadans on which the Hon'ble Rai Nihal Chand Bahadur and the Hon'ble Munshi Madho Lal lay stress in their opinions, nor with the recommendation of the Hon'ble Rai Sunder Lal Bahadur that if seats are reserved for Muhammadans they should be reserved for other communities also. In the United Provinces out of a population of 47½ millions, 40½ millions are Hindus and 6¾ millions Muhammadans; the Jains number 84,400, the Sikhs 15,300, Christians of different races 102,000, and Aryas 65,000. These figures disclose no need for any further special representation for these provinces.

17. In this connection I am to refer to Mr. Fell's letter no. 213, dated the 21st January 1908, asking that the question of the claims of the Eurasian community to representation on the Councils in India should be given special consideration. According to the last census there are in these provinces 5,218 Eurasians, but it is likely that the number is understated on account of the reluctance of Eurasians to record themselves separately from Europeans. Out of the Eurasians recorded as such in the United Provinces, 3,456 only are estimated to be educated, and the number of males among the total number was 1,839. It is therefore quite clear that no separate representation of this community is required in these proivnces. It ought to be possible to select a representative of the Eurasian community to sit on the Provincial Advisory Council, but no special right need be given to this body to elect a member on either the Imperial or the Local Legislative Council.

18. The Maharaja of Benares has put forward a scheme which is ingenious, but does not appear to be feasible, under which the number of official members on the Imperial Legislative Council should be reduced, and the position of the Government secured by giving them a double vote on certain scheduled matters and reserving to the Viceroy the right of veto in other cases. Another suggestion affecting the constitution of the Council which has been made is that special provision should be made for an elected representative of Indian commerce as distinguished from a European one. His Honour thinks very strongly that there should be a representative of Indian commerce on the Imperial Council, but he is unable to suggest a method by which he could be chosen by election. He is therefore in favour of a representative of Indian commerce being nominated to the Council. He is opposed to another proposal that has been put forward that the Indian Universities

should be allowed in rotation to nominate a member to the Council. Each University will be empowered to elect a member of the Provincial Legislative Council, and it will through its representative have an effective voice in the selection of an elected member from its province on the Imperial Council.

Provincial Legislative Council.

19. The United Provinces Legislative Council is at present composed of the Lieutenant-Governor and seven other officials and eight non-officials; the non-officials are five Hindus, two Muhammadans, and one European, and of these all the Hindus and the European are elected, while the two Muhammadans are nominated; both the Muhammadans and three out of the five Hindus are landholders. No representative of Indian commerce is on the Council nor any representative of the agricultural classes other than the landholders. The Lieutenant-Governor does not consider that it is possible to arrange effectually at present for representation by election of Indian commerce. As Sir James LaTouche pointed out, no Chamber of Commerce to represent the interests of Indians only exists, and there is no prominent leading industry in the provinces which demands representation. The agricultural classes, apart from the landholders, are, speaking generally, poorly educated and cannot, for some time at all events, be directly represented.

The intention of the Government of India is that the provincial Council should be enlarged to the fullest extent compatible with the necessary authority of Government, it being constituted in respect of the non-official members so as to give due and ample representation to the different classes and interests of the community. In paragraph 3 of this letter the reasons for not treating these provinces in the same way as other more advanced provinces have been set forth, and it was for these reasons that when opinions on the constitution of the Council were asked for the Lieutenant-Governor suggested that a Council of thirty-five or thirty-six members might be suitable. Some of those who have given their opinions would have a Provincial Legislative Council as large as the reconstituted Imperial Council. The Lieutenant-Governor does not think this is necessary, but on a reconsideration of the matter, he is prepared to advocate the increase of the number of the Provincial Council to 45. Should these provinces in the future approximate more nearly to the large provinces on the seaboard in material wealth, industrial prosperity, and the general spread of education, it may become possible to raise the number to that which may be fixed for Madras, Bombay, and Bengal. From this point of view the scheme of election and representation which is now put forward should be regarded as tentative only, and liable to revision in the light of further experience both in respect of increase in the numbers and alteration of the method of election.

20. In paragraph 10 of your letter under reply the Government of India lay it down as essential that the Government should always be able to reckon on a numerical majority, and that the majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. In

the suggestions put forward for the constitution of the Imperial Legislative Council it is proposed that it should be composed of 28 officials, including His Excellency the Viceroy and Governor General, and a maximum of 26 non-officials. The present constitution of the Provincial Council in the United provinces is, as stated in paragraph 19 of this letter, 8 officials (including the Lieutenant-Governor) and 8 non-officials. Sir John Hewett thinks that the Government majority in the Provincial Council of 45 members will be effectively provided for by constituting it so as to consist of 23 officials (including the Lieutenant-Governor) and 22 non-officials. The following is the list of officials who, in his opinion, might be ordinarily appointed to the Council without any serious hindrance to the performance of their ordinary duties being involved in their attendance at its meetings:—

the Lieutenant-Governor,
the two Members of the Board of Revenue,
the General Officer Commanding the Lucknow Division,
the five Secretaries to Government,
the Inspectors General of Police, Civil Hospitals, and Prisons,
the Directors of Public Instruction and of Land Records and Agriculture,
the Sanitary Commissioner,
the Legal Remembrancer,
the Government Advocate,
four Commissioners,
a district officer, and
the Superintending Engineer of the Lucknow circle.

The proposal to appoint to the Council the General Officer Commanding the Lucknow Division, if the Government of India in the Army Department see no objection, is a novel one, but, in the judgment of the Lieutenant-Governor, one that can readily be justified by the fact that, in a province that contains 21 cantonments with a population of 187,505, matters connected with cantonments from time to time come under the purview of the Council. As the budget will in future be discussed in parts, it will be of great advantage that the head of the department whose business is under consideration should be present to assist in the debate as well as the Secretary to Government charged with the supervision of that particular department. The attendance of four Commissioners can, when necessary, be secured without any inconvenience. The Commissioners of Allahabad and Lucknow could usually be appointed members of the Council, and Benares and Fyzabad are a very short distance from either Allahabad or Lucknow.

21. The proposals that the Lieutenant-Governor desires to make regarding the selection of the 22 non-official members of the Council are the following:—

A.—That sixteen members should be elected by the following electorates:—

(1) 1 by the Upper India Chamber of Commerce, as at present;

(2) 1 by the Senate of the University of Allahabad, as at present;
(3) 8 by the district boards and certain municipal boards of each division, except Kumaun, one for each division;
(4) 2 by the municipal boards of the following six cities; Allahabad, Lucknow, Benares, Cawnpore, Agra and Bareilly, in rotation, two of these cities each having a representative for a term of two years;
(5) 1 by the British Indian Association of Oudh, to represent the landholders of Oudh;
(6) 1 by the landholders of Agra;
(7) 2 by the Muhammadan community;

B.—That six members should be nominated by the Government,—

(1) 1 as representative of Kumaun when a suitable representative is available;
(2) 2 Muhammadans, one of whom would be a trustee of the Muhammadan Anglo-Oriental College resident in the United Provinces;
(3) 3 as representatives of special classes who cannot be represented by election, as, for example, the Indian commercial classes and the planting community.

22. The suggestions for the representation of the general community which were placed as a basis for discussion before those consulted were that two out of the six largest municipalities should each in rotation elect a member, and that the small municipalities should be grouped so as to elect two representatives, while the district boards should elect three representatives—two from Agra and one from Oudh. The Lieutenant-Governor from the first, however, recognized that this scheme might be deemed to be defective in that it did not provide as much as is desirable for the representation of local interests. The six large municipalities have, indeed, in many respects identity of interests. But the system at present in force of grouping together municipal boards which have little in common (involving as it does the inclusion in one electorate of municipalities as far apart as Dehra Dun and Gorakhpur in the first group and Muttra and Ballia in the second) does not give much opportunity for election to members living at a distance from the head quarters of the provinces, for, so long as the electors are divided into groups and asked to travel long distances from the sphere of their own influence, the candidates at head quarters must, as has been observed in certain comments made in the public press, have a better chance of success. To the present grouping of district boards which includes tracts so dissimilar as the Meerut, Agra, Rohilkhand and Lucknow divisions in the first group and as the Allahabad, Gorakhpur, Benares and Fyzabad divisions in the second, these remarks have equal application. A proposal has been made to group the municipalities into four groups according to divisions for the purpose of forming an electorate, but this scheme, though reasonable

in some ways, is defective in that it would give a disproportionate share of representation to the two groups consisting of the Benares and Gorakhpur divisions and of the Lucknow and Fyzabad divisions respectively. The view that representation of the general population by divisions would be the best means to ensure that different interests should be safeguarded is held by many. There are indeed, not a few points of difference between the western and the eastern tracts, and, after a careful consideration of the question, the Lieutenant-Governor has come to the conclusion thatmo re real representation would be secured if a representative came from each division. In Kumaun, owing to the backward character of the country, all the members of the three district boards are appointed and not elected, while there are only three municipalities in the division, none of which has a population of over 20,000. Nor are theremany leading men in the division. For these reasons the Lieutenant-Governor thinks it advisable to exclude it from the scheme of election. Its representation can be best secured by nominating a representative of it when a suitable man is available. For the election of representatives in the other eight divisions of the provinces the Lieutenant-Governor would propose to group the municipalities and district boards of the other divisions together, giving to each district board two votes and to each municipality voting power on the following scale:—

4 representatives in towns of over 100,000,
3 „ „ between 100,000 and 50,000
2 „ „ „ 50,000 and 20,000, and
1 representative „ of 20,000 and less,

the power of appointing representatives being limited to those municipalities that contain a population of 20,000 or more, or with a less population are situated at the head quarters of districts, or are already included in the electorate mentioned in this Government's notification no. 44C./ III—807A., dated the 19th July 1899, printed at page 34 of the Laws and Rules of the Legislative Council of the United Provinces. The effect of this arrangement would be to give the following voters in the different divisions:—

	Municipalities.	*District board.*	*Total.*
Meerut	20	12	32
Agra	15	12	27
Rohilkhand... ...	24	12	36
Lucknow	10	12	22
Fyzabad	7	12	19
Allahabad	13	14	27
Benares	12	10	22
Gorakhpur	4	6	10

The small number of electors in the Gorakhpur division is at first sight a defect of this scheme, but it is not many years since the Gorakhpur division was separated from the Benares division, with which it has many affinities, and the Lieutenant-Governor thinks that the two divisions may be amalgamated for purposes of electing two members to the Provincial Legislative Council on the condition that electors of both divisions assembled together should elect one representative of the Benares division and one representative of the Gorakhpur division. In

the years in which any of the six large municipalities which are to be given special representation have representatives in the Council they would not be allowed to vote for divisional representatives.

The qualifications for the representatives both of the large municipalities and of the divisions which the Lieutenant-Governor would propose are that they should be ordinarily resident within the area which they represent, and that they pay either land revenue of not less than Rs. 3,000 per annum or income-tax on income of not less than that amount. Election by the municipal boards of the large municipalities in turn would present no difficulties, while the representatives of the district boards and selected municipal boards of a division would assemble at the divisional head-quarters and elect the divisional representative on the Privincial Council.

23. The election of the two representatives of the landholders does not present any great difficulty. A representative of Oudh might be elected by the British Indian Association and of Agra by an electorate consisting of landholders who pay at least Rs. 5,000 land revenue a year. Such an electorate would consist of 672 persons. As has already been pointed out, the Landholders Association of Agra has no title to represent the whole of the landlords in that province. The British Indian Association would be free to nominate any one of its members, while in the case of Agra a candidate for election should be qualified to vote. No feasible way of voting in Agra suggests itself except that the votes should be sent by registered post, after the cover had been sealed by the District Magistrate in the way already suggested. The election of the representative of the British Indian Association would be made at a special meeting called for the purpose.

24. The Government of India suggest that the Muhammadan electorate for the purpose of filling the two seats on the Provincial Council should include all payers of income-tax and all payers of a fixed amount of land revenue sufficiently low to embrace the great body of substantial landholders. A limit of Rs. 5,000 both in the case of land revenue and of the income on which income-tax is paid would give an electorate of 408 persons. This limit seems to the Lieutenant-Governor to be sufficiently low, and with the addition of Muhammadan Fellows of the Allahabad University (20 in number) and registered Muhammadan graduates of an Indian University of over five years' standing the total electorate would probably exceed 700 persons. There is no registration of the graduates of the Allahabad University, but from the time degrees began to be given in 1889 up to five years ago 459 Muhammadans obtained degrees, though there are no means of ascertaining how many of these have died or left the provinces. A system of registration of names and addresses would have to be introduced, and only those resident in the provinces should be allowed to vote. The Muhammadan electorate might conveniently be divided into two groups, each of which would elect a member—(1) the four northern and north-western divisions, which have a Muhammadan population of 3,273,000, and (2) the two Oudh divisions and the three eastern divisions, which have a Muhammadan population of 3,458,000.

An electorate of between 700 and 800 persons divided between these two groups would not be too large: they might send their votes by registered post in the way suggested in other cases.

While the Lieutenant-Governor fully accepts the principle of giving special representation to the Muhammadans on the Provincial as well as on the Imperial Legislative Council, he cannot support the claim made by the Trustees of the Muhammadan Anglo-Oriental College that the Council should be enlarged so as to allow of the Muhammadans of each division electing a Muhammadan member or their claim that they themselves should be permitted to nominate a Muhammadan member. He is, however, prepared to nominate from among the Trustees of the Muhammadan Anglo-Oriental College resident within the provinces one of the two Muhammadans to be nominated to the Provincial Council. He is not able to accept the contention that, if the idea of having special representation of the Muhammadans of the provinces is carried out, instead of there being separate representation for Muhammadans, it should be left to mixed constituencies to elect Muhammandans among others, and that the Government should fix a minimum number of Muhammandans to be elected to the Council and itself nominate the number necessary if the minimum is not reached at the elections. The past experience of the United Provinces shows that with a mixed electorate Muhammadans will never be elected, and this suggestion cannot be entertained. Nor can the proposal that all the Muhammadan members should be nominated by Government. The qualifications of Muhammadan candidates should, the Lieutenant-Governor suggests, be that they should be qualified as electors, and should have at least the same property qualifications as are proposed for candidates for the representation of division.

25. I am now to refer to the remarks contained in paragraphs 21 and 22 of your letter regarding the electorate for municipalities and district boards. The election of members not only of the Provincial, but also in large degree of the Imperial, Council rests ultimately, it is said, on the local franchise, and the first question therefore which arises is the correlation of local and provincial or Imperial representation, and the necessity of adapting the local franchise in order to secure suitable representatives for the central Councils. On this point the Government of India observe that the qualifications required both for electors and for candidates are extraordinarily low; the franchises, they say, where primarily devised with a view not to election of Councils, but to the management of local affairs, and their unsuitability as a foundation for the election of legislators seems to have escaped notice in 1893.

These remarks are not, I am to say, fully applicable to these provinces. For district boards the qualifications, which are prescribed in rules made by the Local Government under section 56, United Provinces Act III of 1906, are the same for electors and for candidates and the selection of electors rests almost entirely with the District Magistrate. The persons qualified in each tahsil are—

(1) honorary magistrates having jurisdiction;

(2) a number fixed by the Commissioner on the recommendation of the District Magistrate, not being less than twenty-five nor more than one hundred, of such other persons literate not less than twenty-one years of age, and residing or owning landed property or carrying on trade or business in the tahsil, as the District Magistrate, having regard to their position, interest, or influence in the tahsil, may consider fit persons to be electors. Ordinarily the number of electors is fixed at fifty or sixty for each tahsil, and the bulk of them are landowners.

Under the Municipal Act (United Provinces Act I of 1900) the Local Government may make rules applicable to all or any municipalities as to the qualifications of electors and of candidates for election. These qualifications vary from one municipality to another. In most municipalities an elector must be—

twenty-one years of age; and an owner or occupier of premises paying an annual rental for which the minimum fixed is generally Rs. 24 or Rs. 36; or

in receipt of an income not less than Rs. 120 to Rs. 500 per annum, or assessed to pay in Imperial or municipal taxation a sum for which the minimum generally fixed is Rs. 2 or Rs. 3 per annum;

while a candidate must be a magistrate having jurisdiction or an elector who is—

an owner or occupier of premises paying an annual rental for which the minimum generally fixed is Rs. 72, and in the large municipalities Rs. 120 to Rs. 300, or

in receipt of an income not less than Rs. 360 to Rs. 2,500.

The Government of India have drawn attention particularly to the qualifications demanded in Bengal, and have observed that in other provinces they are of much the same order of magnitude; in these provinces, however, so far at least as district boards are concerned, they are distinctly higher and it can certainly not be said that the representatives either of district boards or of municipalities elected to the Provincial Council have been unsuited to their position.

Experience, then, has not established any necessity for a general enhancement of electoral qualifications, and on general grounds also it appears to the Lieutenant Governor that no such enhancement is called for. He is quite prepared to admit that in particular municipalities the existing franchise may be too low, though every case would have to be considered on its merits, and in small municipalities a low qualification is essential for the preservation of a sufficient electorate. But the objects to be kept in view in fixing qualifications for representation on local bodies and on Provincial and Imperial Councils are distinct, and it would be a mistake to confuse them. The proper course is, Sir John Hewett would urge, to fix for municipalities and district boards such qualifications as their functions demand, and to impose additional qualifications for candidates who seek election to the Provincial and Imperial Councils.

26. The second question that arises in connection with the electorate of municipalities and district boards is the application to them of the principle of class representation. This matter, it may be observed, was considered by the Government of India, partly at least, in relation to a general scheme in which class representation on municipal and local boards was suggested as the basis [paragraph 22(*c*)] of class representation in the Provincial Council. The proposal of this Government, however, proceeds on different lines, the electorate which will return representatives of special classes being constituted independently of local bodies, and the question of class representation has now to be considered merely in its bearing on local interests.

In considering this question it is necessary first of all to examine the constitution of existing boards, and returns have therefore been compiled which give the following results. Of 663 members of district boards (exclusive of official members), 455 are Hindus and 189 are Muhammadans : of the Hindus 115 are Brahmans, 114 Rajputs, 63 Kayasths, 60 Vaish or Banias and 51 Khatris ; 526 are landholders, of whom 36 are also traders (bankers and money lenders) and 71 are lawyers. Of 965 members of municipal boards (exclusive of official members) 562 are Hindus and 310 are Muhammadans ; among the Hindus the Kayasths and Brahmans take the lead with 132 and 127 members, followed by Banias (107), Vaish (86), and Khatri (55) ; landholders are still in the majority, returning 428 members, of whom 54 are engaged also in trade, but the proportion of lawyers (207) and of bankers, traders and money lenders (150) is much higher than in the case of district boards. These results appear to the Lieutenant Governor to be,on the whole, satisfactory. The proportion of Muhammadans to Hindus in the municipal population is as 1 to 1·6, and for the provinces as a whole roughly as 1 to 6 : the proportion among members of municipalities is as 1 to 1·8 and on district boards as 1 to 2·4, and though the Muhammadans are no doubt entitled to more than a proportional representation, it cannot be said that the present system affects them unfavourably. The conclusion drawn from the statistics is confirmed by the reports received from District Magistrates ; it is only in a few exceptional cases that Muhammadans fail to obtain a fair share of the representation, and the Lieutenant Governor thinks it would be a pity to disturb the generally amicable relations at present existing between Hindus and Muhammadans by introducing religious distinctions into the electoral system. As between Hindus the representation of a few castes is no doubt out of all proportion to their numbers, but it must be remembered that the mass of the Hindu population is to be found in the lower castes—Chamars, Ahirs, Pasis, and the like,—the separate representation of which is not within the range of practical politics, and the Lieutenant Governor doubts whether any system of caste representation is either necessary or workable. It will be observed that on district boards a full share of the representation is obtained by the Rajputs, the only large caste apart from the professional and trading classes, the members of which are qualified by education and position to be representatives.

27. The question of the possibility of representation by occupational groups remains to be considered. On district boards the only occupation the interests of which have to be considered is agriculture and it has been seen that the landowning interest is fully represented while the time has not yet come for election by tenants of representatives taken from their own class. In municipalities as in district boards the bulk of the representation still goes to the landowners, who stand in both for the upper classes ; and trade also secures its proper share. The remainder, it may be said, is secured by lawyers, not only because it is to their interest as professional men to keep themselves before the public, but because, apart from landowners and business men, they are practically the only class with sufficient capacity and education to fill the position. That the legal element should be largely represented appears under present conditions to be inevitable, and the Lieutenant-Governor is not in favour of any artificial reduction of its influence. And, apart from this, it is not clear what interests within a municipality except those of trade can be differentiated or require separate representation. The considerations which apply to the case are essentially different from those governing the case of Provincial Councils, which deal with general as well as local questions in all branches of the administration. The subjects with which, on the other hand, a municipality has to deal are limited in number ; they affect the community, not by classes but individually, and they are considered in their application only to the special conditions of the single town. Apart from trade, which has a special interest in some municipal questions, such as taxations, and which is adequately represented, it is difficult therefore to see what occupational groups could be formed for municipalities. There is a local solidarity which it is not desirable to break up, and the question with regard to municipal representatives appears to be, not so much what interests they represent, as whether they are suitable men to administer the affairs of their town and to safeguard the general interests of its inhabitants.

28. Finally even if class representations were considered desirable its introduction would be seriously impeded by a peculiarity that exists in the actual working of district boards and municipalities. It is not as an attendant at district board meetings at headquarters that a member of a district board is most useful, but as an unofficial inspector of roads, school, and the like in his tahsil. The same argument applies if with somewhat less force, to municipalities. Districts boards and municipalities are not in the main deliberative bodies ; their chief function is administration, and the administrative unit is not the district but the tahsil, it is not the town but the ward. Now the number of representatives of each ward or tahsil is necessarily very small It would be impossible, therefore, without making the boards unwieldy to apply to either the principal of class representation, and to ignore the actual organization and deal with the district or town as a whole would undoubtedly impair the efficiency and usefulness of the boards. Taking a general view of the case, the Lieutenant-Governor does not indeed, regard the present system as free from defects or its results as in all cases satisfactory. He believes, for example, that the method

now in force of preparation of electoral rolls in municipalities by members of the board is open to abuse, and that it would be preferable to have the rolls made up by an independent authority. The procedure of the ballot also, which does not at present secure the independence of the voter, may require amendment. And in the case of district boards the Lieutenant Governor is prepared to abolish the present system of nominating electors and to substitute a definite franchise entitling all persons to vote who are possessed of certain qualifications. Amendments of this nature do not, however, depart from the principle of the existing system, but merely seek to give that system greater reality. And if, again there are individual cases in which the application of the system leads to inequalities, with the result that the Muhammadans in one town or the traders in another fail to secure their proper share of representation, such inequalities should in his judgment be corrected by local expedients, by the re-allocation of wards for example, or an increase in the number of nominated members and not by the introduction of new methods, such as the subdivision of the electorate which is certain to cause much more heart burning than the extended use on specific occasions of the power of nomination. On the whole, therefore, the Lieutenant Governor agrees with the general consensus of opinion, official and non-official, that there is no necessity for any radical change of principal, and the application to local bodies of any system of class representation appears to him uncalled for and inexpedient.

29. A few miscellaneous matters may now be referred to. The question of residential and proprietary qualifications has been dealt with under each class of candidate; but the suggestion that a knowledge of English, that is of the language in which the proceedings of Council are conducted, should be insisted on may be mentioned. Such a rule might exclude members whose presence on the Council would be desirable, and it does not appear to be needed for the Provincial Council any more than for the Imperial Council. It has been suggested that the number of officials in the Council might be reduced were Government to reserve to itself the right of veto to be exercised when necessary; but it is clear that nothing could be more undesirable than a constant exercise of the right of veto by the Government. The general opinion is that the uneducated classes must remain without direct representation, and it is difficult to see how this is to be avoided. A criticism of the scheme which has been put forward is that the monied classes as well as the tenantry have not received due attention. The case of the tenantry has already been referred to, but provision is needed for the representation of the monied classes. It may be hoped that some of them may be elected by the large municipalities, and in any case the Lieutenant Governor proposes by the exercise of his powers of nomination to ensure that they are represented in the Council. It has been suggested that all merchants, manufacturers, capitalists, and bankers paying income-tax of Rs. 250 or over should be formed into an electorate and given a member, but at present no satisfactory electorate of the kind could be formed.

30. A matter to which I am to invite the attention of the Government of India is the difficulty that is now felt owing to the Lieutenant-

Governor not being able to call together his Legislative Council except when there is legislative business to bring forward. The need for legislation in these provinces is not acute, and it is to be hoped that it will not become so; but there is a strong feeling, and to His Honour's mind a justifiable one, that the Council ought to be able to meet once every quarter, and he would be glad to see the law altered to admit of this.

31. The Lieutenant Governor heartily agrees with the proposals made in paragraph 23 of the letter of the Government of India regarding the discussion of the budget, and proposes to present the budget to an informal committee of the Provincial Legislative Council in the form of financial proposals in respect of which the Government is prepared to consider criticism. He is not prepared to advocate the conferment on members of the Provincial Council of the right to move amendments in the budget at a meeting of the Council. Were there no other objection to a change of this nature he does not understand how it would be possible to adopt it in respect of the financial statement of a Local Government, which has to be definitely and finally sanctioned by the Government of India before it can come before the Provincial Council.

32. In conclusion, I am to submit a detailed statement of the alterations that should be made in the regulations of the Provincial Legislative Council in order to carry into effect the proposals contained in this letter.

I have the honour to be,
SIR,
Your most obedient servant,
J. M. HOLMS,
Chief Secretary.

APPENDIX

Draft rules for the discussion of the financial statement.

I.—Preliminary.

1. In these rules—

"Council" means the Council of the Lieutenant Governor of the United Provinces of Agra and Oudh, assembled for the purpose of making Laws and Regulations.

"Member" means a member of the Council of the Lieutenant Governor for making Laws and Regulations.

"Secretary" means the officer appointed by the Lieutenant Governor to perform the duties of Secretary to the Council.

II.—Rules for the discussion of the financial statement.

2. The Financial Statement of the Government of the United Provinces shall be explained in Council every year and a printed copy given to each member.

3. The statement shall be explained by sections, each section comprising such heads, or groups of heads, in the statement as the Lieutenant Governor shall, from time to time, determine. After each section has been explained, each member shall be at liberty to offer any observations he may wish to make touching the matters with which such section deals, and the member who has explained the section shall have the right of reply.

4. The explanation and discussion of the statement referred to in rule 3 shall be followed by a debate in which each member may address the Council on the statement generally, and the debate shall be closed by the Lieutenant Governor or, in his absence, the member presiding under section 45 of the Indian Councils Acts, 1861, making such observations, if any, as he may consider necessary.

5. The discussion will be limited to those branches of revenue and expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial finance.

III.—Rules for asking Questions.

[As in present rules.]

Draft Regulations.

I.—The Lieutenant-Governor of the United Provinces of Agra and Oudh has been authorized by the proclamation of the Governor General in Council in the Home Department No. dated to nominate forty-four councillors for his assistance in making Laws and Regulations. Of these forty-four councillors not more than twenty-two shall be officials.

II.—The nominations to sixteen seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies, associations, and classes of persons respectively, namely—

A—such municipal boards as the Lieutenant-Governor may from time to time prescribe by notification in the Gazette;

B—such groups consisting of municipal and district boards as the Lieutenant-Governor may by notification as aforesaid appoint for this purpose in each division of the United Provinces except Kamaun;

C—the Upper India Chamber of Commerce;

D—the Senate of the University of Allahabad;

E—the British Indian Association of Oudh;

F—such landholders or classes of landholders in the province of Agra as the Lieutenant-Governor may from time to time declare in the manner aforesaid to be duly qualified in this behalf;

G—such members of the Muhammadan community as the Lieutenant-Governor may from time to time declare in the manner aforesaid to be duly qualified in this behalf.

III.—The number of councillors to be recommended by the bodies and classes of persons described in rule II shall (except as hereinafter provided in rule VIII) be as follows, namely:—

(*a*) in the case of the bodies described under A, two councillors, the right of recommendation being exercised by such bodies in turn or in such other manner as the Lieutenant-Governor may from time to time prescribe by notification in the Gazette;

(*b*) in the case of the bodies described under B, one councillor for each division;

(*c*) in the case of the class of persons described under G, two councillors;

(*d*) in the cases of the bodies and classes of persons described under C, D, E, and F, one councillor each.

IV.—The Lieutenant-Governor may at his discretion nominate persons who are not officials to such of the remaining seats as shall not be filled by officials.

V.—When a vacancy occurs, or at any time within three months of the date when a vacancy will occur in the ordinary course of events, and is to be filled under rule II of these Regulations, the Lieutenant-Governor shall cause notice to be given to the proper body or group of bodies or association or class of persons to recommend a person for nomination by the Lieutenant-Governor:

Provided that in the case of a class of persons such notice shall be given by a notification in the Gazette.

VI.—The recommendation shall be made—

(*a*) in the case of a municipal board or of the Senate of the University, by a majority of the votes of the board, or Senate respectively;

(*b*) in the case of associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(*c*) in the case of a group consisting of municipal and district boards, by a majority of the votes of representatives to be appointed by such boards according to such scale as the Lieutenant-Governor shall from time to time prescribe;

(*d*) in the case of a class of persons, by a majority of the votes of the persons composing the class.

VII.—No person shall be eligible for recommendation in the following cases unless he fulfils the conditions herein described, that is to say—

(*a*) where the recommendation is to be made by a municipal board, the person to be recommended must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount, and must reside within the municipality for at least six months of every year;

(*b*) where the recommendation is to be made by a group consisting of municipal and district boards, the person to be recommended must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount, and must reside within the division in which such group is situated for at least six months of every year;

(*c*) where the recommendation is to be made by the landholders of the province of Agra, the person to be recommended must pay land revenue of not less than Rs. 5,000 a year;

(*d*) where the recommendation is to be made by members of the Muhammadan community, the person to be recommended must be duly qualified to make a recommendation under rule II-G and, if he is not so qualified by virtue of the payment of land revenue of a certain amount or of income-tax on an income of a certain amount, he must pay land revenue of not less than Rs. 3,000 a year or income-tax on an income of like amount.

VIII.—If within three months after receiving notice as provided by rule V the body or association or group of bodies or class of persons fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person belonging to the class which the body, or association, or group or class of persons is deemed to represent.

IX—If the Lieutenant-Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh notice shall be issued as provided in rule V and the procedure laid down in rules VI and VIII shall apply.

X.—(*a*) As soon as conveniently may be after these Regulations come into force sixteen of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of sixteen vacancies available at once for the purpose, the Lieutenant-Governor shall determine at his discretion, subject always to the provisions of rule III, to which of the bodies or groups or classes of persons notice shall be given to recommend the persons to fill up such vacancies as may then be available: and so whenever and as often as any further vacancies among non-official councillors become available, until the full number of sixteen has been completed.

LIST OF ENCLOSURES.

Opinions of—

1. British Indian Association, Oudh.
2. Landholders' Association for the province of Agra.
3. Allahabad University.
4. Upper India Chamber of Commerce.
5. Trustees, Muhammadan Anglo-Oriental College, Aligarh.
6. His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G. C. I. E., of Benares.
7. The Hon'ble Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad.
8. The Hon'ble Nawab Mumtaz-ud-Daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu.
9. The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Kila Partabgarh.
10. The Hon'ble Rai Sri Ram Bahadur, C.I.E., Lucknow.
11. The Hon'ble Rai Nihal Chand Bahadur, Landowner, Muzaffarnagar.
12. The Hon'ble Rai Sundar Lal Bahadur, C.I.E., Allahabad.
13. The Hon'ble Munshi Madho Lal, Member, Imperial Legislative Council.
14. Raja Rampal Singh, C.I.E., of Kori Sudauli, Rae Bareli.
15. The Hon'ble Mr. A. W. Cruickshank, C.S.I, Senior Member, Board of Revenue, United Provinces.
16. H. C. A. Conybeare, Esq., I.C.S., Commissioner of Meerut.
17. A. L. Saunders, Esq. I.C.S., Commissioner of Lucknow.
18. W. R. Partridge, Esq., I.C.S., Commissioner of Gorakhpur.
19. H. V. Lovett, Esq., I.C.S., Commissioner of Benares.
20. E. A. Molony, Esq., I.C.S., Collector of Gorakhpur.
21. The Hon'ble Mr. B. Lindsay, I.C.S., Secretary to the Legislative Council, and Legal Remembrancer to Government, United Provinces.
22. C. E. Crowford, Esq., I.C.S., Collector of Azamgarh.
23. H. T. Morgan, Esq., I.C.S., Collector of Basti.
24. Abdullah *ibn* Khan Bahadur Yusuf Ali Esq., Assistant Commissioner, Sultanpur.

No. 2, dated Lucknow, the 6th January 1908.

From—Maharaja Sir Bhagwati Prasad Singh, K.C.I.E., *of Balarampur, President, British Indian, Association, Oudh,*

To—Chief Secretary to Government, United Provinces.

Sir,—I have the honour to acknowledge the receipt of G. O. no. 1517/III 416-1907, dated the 7th October 1907 (with its enclosures), relating to the question of the constitution of the Provincial Advisory Council and the expansion of the Local Legislative Council.

2. In the first place the British Indian Association, Oudh, beg to tender their hearty thanks to His Honour the Lieutenant-Governor for giving a favourable response to their prayer and alloting a seat permanently to a representative of the Association in the Legislatve Council of the United Provinces.

3. The Government order referred to, together with its enclosures, was taken into consideration by the members at a meeting of the executive committee of the Association, and I beg to submit herewith the conclusions arrived at by them and their suggestions relating to the points on which the Government has been pleased to ask the opinion of the Asssciation.

The Provincial Advisory Council.

4. It appears that His Honour the Lieutenant Governor considers that the number of members of the Provincial Advisory Council may be fixed at twenty-five. The Association think that it is not open to them to say anything with regard to an increase in the numercial strength.

5. In the circumstances, the Association beg to submit their suggestions as regards the constitution only of the Provincial Advisory Council. They consider that the principal object of the Government in establishing such a council is to have a medium through which Government may be able to acquaint itself fully with the views of the different sections of the community on subjects of public importance, and to get the advice of the representatives of those communities on such subjects. It is not seldom, that interests of the different sections of community are not identical but rather divergent. It is therefore essential, as pointed out in paragraph 6 of Government of India's letter, that the membership of the Provincial Advisory Council should embrace all interests of sufficient importance, and that not only the landholding class, but industry, commerce, capital, and the professional classes should have their representatives in such Council.

6. With due regard to the aforesaid principals the Association beg to submit their suggestions relating to the constitution of the proposed Advisory Council of these provinces. They think that if the selection of members be made on basis like those indicated below, all the important communities and interests will have a proper representation. The Council should consist of :—

Ruling chiefs	2
Taluqdars of Oudh	3
Representative of other landholders of Oudh	1
Representatives of landholders of the province of Agra	4
Representative of the Upper India Chamber of Commerce	1
,, Indian merchants	1
,, municipal boards, Oudh	1
,, the municipal boards of the province of Agra	1
,, the district boards, Oudh	1
,, ,, of the province of Agra	1
,, the Allahabad University	1
,, the Indian Bar, Oudh	1
,, ,, Agra	1
,, the mills and other industries	1
Non-official Europeans	1
Capitalists of Oudh	1
,, the province of Agra	1
Representatives of other inrerests and communities whom the Government may think fit to be represented ... ... — ...	2
Thus making a total of ...	25

IMPERIAL LEGISLATIVE COUNCIL.

7. On the subject of representation of the landholders of the province of Oudh in the Imperial Legislative Council, the Government order expresses the view that only one seat is to be allotted to the landholders of both the Provinces of Oudh and Agra in that Council, and the representative from each province is to be taken alternately. The Association most respectfully beg to submit that the Government will be graciously pleased to confer on them the privilege of sending their representative in each term and not alternately. In paragraph 18 of their letter the Government of India have been pleased to recognize the necessity for giving substantial representation in the Imperial Legislative Council to great landholders. The British Indian Association of Oudh cannot sufficiently express their feeling of gratitude to His Excellancy the Governor General in Council for making the pronouncement of a policy indicative of such wise and sound statesmanship. Relying on the expression of policy and on the consideration that the Taluqdars of Oudh occupy a high and permanent position in the rank of the landed aristocracy of India; that the aggregate sum of, the land revenue paid by them comes to Rs. 1,00,21,201-2-0 annually: that their Association, *viz.*, the British Indian Association, is one of the oldest institutions of that class, having been founded nearly half a century ago: and that they have always been the recipients of special privileges and distinctions from the Government, they venture to submit that the Government will be pleased to bestow on them the privilege asked for by them.

PROVINCIAL LEGISLATIVE COUNCIL.

8. The British Indian Association are grateful to the Government for enlarging the number of non-official members on the Local Legislative Council. They, however beg to submit that an alteration should be made in the proposal contained in the Government order respecting the representation of the municipal boards. Instead of allowing the Lucknow municipal board to elect a representative every third time, and placing the other municipalities of Oudh in a group with others of the province of Agra, all municipalities of Oudh should form one electorate as in the case of Oudh district boards. The constitution of such an electorate will bring in more homogeneity and will result in a member being returned to the local council who will be better acquainted with the wants and requirements of his constituencies. The Association approve the rest of the proposals contained in the Government order on the subject of election or nomination of councillors.

9. On the subject of the qualifications of electors and candidates for election as members of the municipal boards, the Association do not consider that any changes are necessary: they think that the method at present followed is a suitable one and is adapted to the needs of respective municipalities.

10. As regards the electors and candidates for election as members of district boards, the Association are of opinion that some property test should be attached to them. They would suggest that only those persons should be qualified to be brought on the list of electors and should be eligible as members who are either landholders paying Government revenue of Rs. 300 or upwards, or other persons paying income-tax on an annual income of Rs. 1,200.

11. The Association do not consider that any other qualification than that of being a member of the British Indian Association should be required of a candidate for nomination as representative in the Local Legislative Council of the landholders of Oudh, to be nominated by the British Indian Association.

No. 1646, dated Allahabad, the 11th January 1908.

From—Honorary Secretaries, Landholders Association for the Province of Agra,

To—Chief Secretary to Government, United Provinces.

SIR,—In compliance with G. O. no. 1516/III 416-1907, dated the 7th October 1907, we are directed to submit the views of this Association on the proposals

of the Government of India and the Local Government regarding the creation of Advisory Councils and enlargement of Legislative Councils.

2. While the Association fully appreciates the sprit which has prompted the Government of India in initiating the proposals for the promotion of constitutional government in this country, and while it finds itself generally in agreement with that Government and the Government of these provinces as to the manner in which it is contemplated to give effect to these proposals we are directed to indicate a few points, chiefly of detail, on which the Association is of opinion that the proposals might be modified with advantage.

PROVINCIAL ADVISORY COUNCIL.

3. As regards the proposed Advisory Council for these provinces, the Association is of opinion that twenty-five members cannot adequately represent the vast territory of these provinces. As the function of this council will, to a large extent, be similar to those of the Imperial Advisory Council, its members will no doubt be expected to interpret the acts and intentions of Government to the people of the area which they represent in the council. Bearing this consideration in mind, the Association is of opinion that twenty-five members can scarcely be expected to efficiently act as interpreters to forty-eight districts.

4. The Association ventures to think that the voice of the members of the council will carry greater weight with the people if at least a portion of them are elected by the leading men of the area which they represent. We are therefore to suggest for the consideration of Government whether it would not be advisable to appoint a portion of the members by election, the remainder being nominated by the Government.

5. As industry, commerce, capital, and the professional classes are to be represented in the council along with the landholding class, the Association would, in consideration of the preponderance of this class, suggest that at least half the members of the council should be landholders.

6. It appears to the Association that it would be an advantage to Government as well as to the people if the Council were authorized not only to advise Government on matters on which it is consulted, but on such matters as appear to it to call for consideration by Government.

7. In the absence of any provision in the proposal of the Government of India or the Local Government as to when and how often the Provincial Advisory Council should meet, the Association would suggest that the Council should meet at least once a year, and in special circumstances on the requisition of one-third of its member.

PROVINCIAL LEGISLATIVE COUNCIL.

8. The Association agrees with the proposal contained in paragraph 3 of your letter regarding the composition of the non-official portion of the Provincial Legislative Council except as to the following points, on which we are to make the suggestions noted below.

9. As all the merchants, traders, capitalists, and manufacturers in these provinces are not represented on the Chamber of Commerce, Cawnpore, the Association would suggest that the Council should include a member elected by such merchants and other mentioned above as are unconnected with the Chamber of Commerce, provided that they pay an income tax not less than Rs. 130 per annum.

10. The council is to have two representatives of district boards from Agra province and only one from Oudh. This is no doubt due to the large area and population of the former province. For the same reason this Association would suggest the landholders of the Agra province, being represented by two members—one to be nominated by it and one elected by other recognized landholders' associations in the province.

11. There is a diversity of views in this Association regarding (*a*) the special representation of the Muhammadan community in the Council, (*b*) the qualifications of members of municipal and district boards and of their electors, and (*c*) the principle

of assigning a fixed proportion of seats in these boards to each of the principal classes into which the population is divided by race, caste or religion, and in the absence of unanimity the Association refrains from expressing any views on these three subjects.

88. The Association thinks it necessary that members of the council should be residents of circles from which they are elected, and should have an annual income of at least Rs. 5,000 and a fair knowledge of the language in which the proceedings of the council are conducted.

IMPERIAL LEGISLATIVE COUNCIL.

13. The Association would suggest the landholders of the United Provinces of Agra and Oudh being represented in this council by one member to be elected by landholders paying a land revenue of not less than Rs. 10,000: but if this suggestion cannot be accepted and the representative of the landholders in these provinces is taken alternately from Agra and Oudh, we are to suggest that the electorate for Agra should consist of this Association and other recognised landholders' associations in the Agra province, the number of votes assigned to each association being determined by the Local Government.

UNIVERSITY OF ALLAHABAD.

Report of the sub-committee appointed under resolution no. 89 of the meeting of the Syndicate held on the 15th November 1907, as accepted by the Senate at its meeting held on the 13th January 1908

READ—

(i) Letter of the Chief Secretary to Government, United Provinces, No. 1514—III—416-1907 dated the 7th October 1907.

(ii) Letter of the Government of India No. 2310-17, dated the 24th August 1907.

The sub-committee are of opinion as follows:—

I.—As to the proposed Imperial and Provincial Councils—

(*a*) that it will promote free discussion and frank expression of opinion if the meetings of the councils are presided over by a non-official chairman, but in view of the possible difficulties in the selection of such a chairman in the case of the Imperial Advisory Council, which will comprise twenty ruling chiefs among its members, the meetings of the said council should, as proposed by the Government, be presided over by His Excellency the Viceroy, or some high official nominated by him, but in the case of the Provincial Advisory Council, the meetings should be presided over by a non-official chairman appointed by the Government;

(*b*) that the scope of the work of the two councils should not be limited to giving advice when asked, but that they should have the right to tender advice and also to invite the attention of the Government to matters which in their opinion call for the consideration of the Legislature of the Executive Government;

(*c*) that meetings of the council should be called whenever the Government thinks expedient, but at least once a year, and in the case of the Provincial Council on the request of not less than ten members;

(*d*) that any measure against which three-fourths of the members vote should be deferred for further consideration for a year except when the Governor General in Council declares the measure to be urgent;

(*e*) that the Government would get a more useful Imperial Advisory Council if its choice were not restricted, as appears to be the intention, to ruling chiefs and territorial magnates, and they would suggest that other persons of eminent position, such as retired High Court Judges, Vice-Chancellors, and ex-Vice-Chancellors of Indian Universities, those who have rendered eminent services to the State, Prime Ministers of

Native States, retired civilians settled in the country, professional men of distinguished attainments should also be eligible for appointment;

(*f*) that the general scheme as indicated in paragraph 6 of the letter of the Government of India, which requires that all interests of sufficient importance should be represented in the Provincial Council be approved and that the number suggested in the Chief Secretary's letter, *viz.*, twenty-five for the Council, is sufficient and that the various interests should be thus represented, *viz.*—

(*a*) Zamindars by nine members;

(*b*) Capital, industry, and commerce by three members

(*c*) The University. of Allahabad by two members;

(*d*) The professions by two members;

(*e*) Hindu, Muhammadan, Christian, and Jain religions by five members.

The remaining members to be selected by the Government to represent any other interests which the Government considers should also be represented.

II.—As to Imperial and Provincial Legislative Councils:—

(*a*) that the members appointed and elected should have a sufficient knowledge of English to be able to follow the discussions in Council and that all voters should be literate:

(*b*) that the electors for seats under section 12D (*c*) should be landholders paying not less than Rs. 5,000 as Government revenue, or who own land assessed to Government revenue at the same amount, and also all persons paying income-tax on not less than Rs. 5,000. The candidates for membership should pay Rs. 25,000 or more on account of Government revenue or own land assessed to a like amount, or should pay income-tax on like amount.

(*c*) that as to paragraph 17 of the Government of India's letter the franchise in the case of Muhammadans appears to be unnecessarily low.

III.—As to paragraph 22 of the Government of India's letter:—

(*a*) that there is much force in what is said in the concluding portion of a letter published in the *Pioneer* of the 2nd December 1907, headed "Government reform proposals," and the sub-committee would deprecate the further extension of class representation;

(*b*) that with the time at the disposal of the sub-committee it is not possible to make detailed proposals as to paragraph 4 of the Chief Secretary's letter, but they would suggest that the claims of education as well as of the professions should be recognized, and that all graduates of not less than five years' standing should be entitled to vote for and should be eligible for election as members, both of district and municipal boards. Subject to this they would retain the existing franchise and rules for the qualification of candidates for the board;

(*c*) that residential and property qualifications for representation of boards in the Legislative Council should be prescribed. In the case of representation of district boards the proprietary qualifications should not be restricted to payment of land revenue, as this would exclude an important and daily increasing number of persons carrying on trade or business outside municipal limits; they should be eligible if paying sufficient amount of income-tax.

Dated Cawnpore, the 2nd January 1908.

From—A. SHAKESPEAR, ESQ., *Secretary to the Upper India Chamber of Commerce,*

To—Chief Secretary to Government, United Provinces.

SIR,—In continuation of my letter dated the 11th November last, I am directed to submit the views of my committee on the proposals referred to in your letter no. 1514 III—416-1907 of the 7th/14th October last, and in doing so to

express their regret that this communication has been unavoidably delayed a couple of days beyond the appointed time.

Provincial Advisory Councils.—As regards the constitution of the Provincial Advisory Council, the committee consider that the following important interests should be represented by Government nominations :—

2 Unofficial members for commerce and industry, one of whom, if possible, to be specially selected for his connection with indigenous industries.
1 Unofficial member for banking and finance.
„ education.
„ the legal profession.
„ municipal affairs.

3. With regard to the qualifications of candidates for seats on municipal and district boards, there is a very prevalent belief that in both cases the position of members is in many instances sought for, and made use of, as a means of self aggrandizement or an opening for making money. The committee would like to see the management of local affairs more in the hands of persons having the real interests of the rate-payers at heart, and they are of opinion that the Government of India's suggestions for the amendment of the system governing election to municipal boards would do much to improve the status of these corporations and their utility.

There seems to be no doubt that, be the reason what it may, the electorate is not using its voting rights to the advantage of the rate-payers, of which the extremely small number which apears at the poll is clear evidence, and it is questionable whether Government would not do well to make wider use of their powers of nomination in the case of municipal and district boards, until with the speard of education the electorate comes to better realize the advantage of local self-government.

4. The committee agree with the conclusion arrived at by the Government of India, that the importance of any particular section of the community, and not its numerical strength, should be the determining factor in fixing the number of seats to be allotted to each class of the population. To alter the franchise without at the same time bringing about a re-distribution of the seats on the municipal and district boards bearing some relation to the various roups into which Government consider the population should be divided, would not, the committee consider, tend to confer any benefit on the community at large.

5. *The Imperial Advisory Council.*—The committee approve of the proposals set forth by the Government of India, and have no recommendations to offer in this connection.

6, *The Imperial Legislative Council.*—The committee agree as to the desirability of enlarging the Imperial Legislative Council, and, in general, as to the procedure which it is proposed to adopt. They consider, however, that in view of the highly important interests connected with the trade and industries of northern India, and which cannot be held to be adequately represented by the Chambers of Commerce of Calcutta and Bombay, the Upper India and the Punjab Chambers of Commerce should be allowed the privilege of electing a commercial member alternately or jointly.

7. The committee also approve of the proposal that one member should be elected by each Provincial Legislative Council to the Imperial Legislative Council.

8. The committee are at one with the Government of India as to the changes proposed to be introduced in the discussion of the budget in the Imperial Legislative Council, *vide* paragraph 28 of the Government of India's letter.

Dated Aligarh, the 20th December 1907.

From—Nawab Vikar-ul-mulk Maulvi Mushtak Husain,
Honorary Secretary to the Trustees, Muhammadan Anglo-Oriental College, Aligarh, United Provinces.

To—Chief Secretary to Government, United Provinces.

Sir,—The scheme for the reform and enlargement of the existing Legislative Councils and the creation of the Imperial and Provincial Advisory Councils as authorized in the Government of India letter no. 2310—2317, dated the 24th

August 1907, and explained, with reference to its application to the particular requirements of the Provinces of Agra and Oudh, in the letter of the United Provinces Government no. 1518-117—41-1907, dated the 7th October 1907, has been carefully considered by the Muhammadan Anglo-Oriental College Aligarh Trustees, who beg to thank His Honour the Lieutenant-Governor for giving them an opportunity of expressing their views upon a measure which is of such supreme impor tanceboth to the Government and the people of this country.

It may be mentioned at the outset that the Trustees have examined the scheme mainly from the point of view of the Muhammadans of India, whose due and real representation in the councils is the chief object of the suggestions made in the following remarks on the proposed reform scheme.

With a view to a clear expression of their views, the Trustees have considered the main points of the scheme in the following order :—

(1) The desirablity of establishing the Imperial and Provincial Advisory Councils.
(2) The constitution of such councils and the method of selecting their members.
(3) The functions and meetings of such councils.
(4) The proposed changes in the constitutions of the Imperial Legislative Council, with special reference to the representation of Muhammadans.
(5) Electorate for the election of Muhammadan members for the Imperial Legislative Council.
(6) The proposed changes in the constitution of the Provincial Legislative Council of the United Provinces with special reference to the representation of Muhammadans.
(7) Electorate for the election of Muhammadan members for the Provincial Legislative Council of these provinces.

I.—The desirability of establishing the imperial and Provincial Advisory Councils.

The Trustees fully endorse the view that the establishment of these councils would prove beneficial both to the Government and the country. Those who know the real situation in India must be aware of the influence which the ruling chiefs, territorial magnates, and the landed aristocracy possess and, in fact, exercise upon the ideas and sentiments of the people in general. The association of what are termed as the "stable element" in Indian society with the ruling power and the intellectually advanced sections of the Indian people will be a distinct step forward in the direction of general advancement of the country. So far the elements which are proposed to be included in these councils have practically kept aloof from and have not been in touch with the Government in its great work of governing India, but under the proposed scheme they will play an important part at times of need and crisis. The Trustees therefore welcome the establishment of these councils.

II.—The constitution of the Imperial and Provincial Advisory Councils and methods of selecting their members (paragraph 5 of the Government of India's letter.)

As regards this matter, the Trustees are of opinion that it may safely be left to the discretion of the Government, who are themselves anxious to secure due representation of his section of the Indian people. They merely wish to add that the Muhammadan element in these councils should be sufficient to secure due representation of Muhammadans inhabiting the various provinces of India.

III.—The functions and meetings of the Imperial and Provincial Advisory Councils.

In paragraph 4 of the Government of India's letter it is laid down that "the establishment and recognition of a determinate body of advisers, who, while requiring no legislative recognition and possessing in themselves no formal powers of initiative would be consulted individually by the Governor General and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people would, in the opinion of the Government of India, be a marked step in constitutional progress."

From the above it appears that the function of these councils would be confined to their members expressing their opinion when consulted either individually or collectivelly. The trustees are of opinion that the members of these councils should also be empowered to lay their views on their own initiative as members of these councils, before the Government on any question which in their opinion may be of sufficient importance to call for such action on their part, and they should also have the right as members of these councils to request information on any particular subject from the Government. This would give the members of these councils a real interest in their work and position and would tend to make these councils really useful institutions.

The Trustees further think that it would be desirable to hold a meeting, so far as practicable, of all the members of the Imperial Advisory Council at least once in every three years, and of the Provincial Advisory Councils at least once every year. Such meetings would bring home to the people the existence of these councils as living institutions, and would be an effective means of impressing upon their members the importance and responsibility of their position.

IV. The proposed changes in the Constitution of the Imperial Legislative Council.

The Trustees fully endorse the view, as explained in paragraph 10 of the Government of India letter, that whatever may be the constitution of the legislative councils, it must always be subject to two main principles :—

(1) that the Government should have a standing majority "independent of the minor fluctuations that may be caused by the occasional absence of an official member;"

(2) that the legislative councils "should be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community."

The Trustees believe that the proposition requiring a standing and effective majority for the Government is, with regard to the situation in India, the first and an absolute condition for all schemes of reform, and is so important, sound, and axiomatic that no time or word need be wasted in stating or supporting it.

As regards the second principle quoted above, the Trustees not only feel satisfied but grateful to find that justice and need of "due and ample representation" of "the different classes and interests of the community" have at last been publicly recognized by the Government of India. The Trustees have naturallay examined and considered this scheme with special reference to the "due and ample representation" of the Muhammadan community of India, on whose behalf they venture to express their opinion and convey it to the Government.

According to the scheme as set forth in paragraph 12 of the Government of India letter, the total number of members in the Imperial Legislative Council would be fifty-three or including His Excellency the Viceroy, fifty-four.

So far as the proposals under heads A, B and C of sub-paragraph 2 of paragraph 12 of the Government of India letter are concerned, the Trustees do not think it necessary to offer any suggestion, as they regard them fair and reasonable.

Coming to head D of the same sub-paragraph, the Trustees think that the proposals laid down in sub-heads (*a*), (*b*) and (*c*) also appear to them reasonable and do not call for any special remark.

The total number of non-official members, according to the proposed scheme now under consideration, would be, including a ruling chief, twenty-five. Of these eighteen are to be elected by various electorates and seven to be nominated by His Excellency the Viceroy. Of the eighteen elected members, two are to be [under sub-head (*d*) of head D, sub-paragraph (2) of paragraph 12 of the Government of India letter] Muhammadans; and of the seven nominated members also two will be Muhammadans. Thus out of a total of twenty-five non-official members, both elected and nominated, there will be at least four Muhammadan members in the Council.

The Trustees believe that the recognition by the Government of India of the principle of having a fixed number of Muhammadan seats in these councils is most satisfactory, and they feel grateful to the Government of India for acknowledging in such clear terms in paragraph 16 of their letter that "neither on the Provincial nor in the Imperial Legislative Councils has the Muhammadan community hitherto received a measure of representation commensurate with its numbers and political and historical importance," and that "the total representation thus effected has not been commensurate with its right to which the Muhammadan community is entitled." But the chief question before the Trustees has been whether the number of seats allotted in the proposed schemes to the Muhammadans of India would secure to them "due and ample" representation "commensurate with their political and historical importance" and sufficient for their special needs in this country.

After nature consideration the Trustees are of of opinion that the measure of representation allowed to the Muhammadans of India in the scheme now under consideration, far from being "due and ample," actually falls sort of their needs and requirements. It need not be pointed out now that the Muhammadans constitute a distinct community not only in the country as a whole, but also in each province, and that those inhabiting the various provinces of the country have besides their national needs, which are common to the community as a whole, special interests of their own which are peculiar to their situation in particular provinces. The country is so large, the various provinces are so far apart and have such a wide variety of needs and conditions, that for the proper and due representation of each province a special study and thorough knowledge of local conditions and circumstances would be necessary, which a member from a distant province is not likely to possess or acquire. The Trustees beg therefore to suggest that each of the eight provinces namely (1) Bengal, (2) Eastern Bengal and Assam, (3) Bombay, (4) Madras, (5) United Provinces of Agra and Oudh, (6) Punjab (7) Central Provinces and Berar (8) Burma, should each have at least one elected Muhammadan representation.

The Trustees desire to state that, so far as they are aware of the wishes of the community as a whole, Muhammadans of each province wish to have the right of being represented by an elected member. It is true that out of the six members who are, under this scheme, to be nominated by his Excellency the Viceroy two will be Muhammadans, but to have one province represented by a member who is elected and another by one who is nominated would not be desirable; and after taking everything into consideration the Trustees endorse the view advocated, in the address of His Excellency the Viceroy, by the Muhammadan deputation in October 1906 that the Muhammadans be granted the right of returning by election their representatives on the councils.

According to the scheme under consideration, Muhammadans are given the right of electing two members only, and therefore out of the eight provinces mentioned above only two at a time would be represented by such members, which means that every province, after its turn is over, will be without an elected representative for at least seven years. For instance, if the two elected members be returned from the provinces of Bengal and Eastern Bengal for a period of two years, say for 1908-9 their turn will not come again till 1916.

The object of the proposed reforms being to afford greater opportunities to the people, through their accredited representatives, to convey their wishes and sentiments to the Government, it appears to the Trustees only fair to ask that Muhammadans of each province be granted an equal opportunity for this purpose. It is not always that such reforms are or can be undertaken by the Government, and it is after a long experience that they have now recognized the distinct character of Muhammadan interests in this country. If, therefore, the Muhammadans of India fail to get the rights which alone can secure to them "due and ample" representation the Trustees apprehend that such an opportunity they are not likely to have for a long time to come.

In addition to the above-mentioned eight members, the Trustees respectfully beg to pay for the privilege of returning one member, on their own behalf, to the Imperial Legislative Council, and they wish to base their request upon the following grounds :—

It is needless to tell the Government of the history, the works, and the success of what is called "the Aligarh movement," for no one knows it better than the Government. It is enough to observe that, ever since the advent of British rule in India the Indian Musalmans had kept themselves entirely aloof from all those conditions, and institutions which were the result of British Government in this country. The aloofness on their part naturally created a breach between them and the Government, and the consequent was that on the one hand the Muhamadans as a community not only failed to appreciate the blessing of British rule and the great qualities of the English people, but looked upon them with suspicion and distrust; and on the other the Government failed to realize the real sentiments and estimate the real value of this important section of the Indian people and regarded them as antagonistic to the new régime. It was the late Sir Saiyid, the founder of the Aligarh movement, who first realized that both sides were in the wrong, and that their attitude towards each other was the result of ignorance, and that, as a matter of fact the essential interests of both were identical. Having realized this great fact, he set to impress it both upon the Government and on his co-religionists. But he found that without educating his community he would not be able to remove the barrier of ignorance which lay between them and the Government, and therefore he started the educational movement which culminated in the foundation of the Aligarh College and the establishment of the Muhammadan educational conference. The chief work of the Aligarh movement has been on the one hand (1) to make the Indian Musalmans understand that the permanence of British rule, in full vigour and strength, in India is the first condition of their own safety and continual advance, and (2) to impress upon them the absolute necessity of receiving English high education and sound training, and thereby qualifying themselves to take their place as useful citizens of the great British Empire, and on the other to convince the Government that Muhammadans are not only loyal to the Government by sentiment but also by self-interest, and that their progress and advance would mean so much strength to the Government.

The success of the Aligarh movement may be measured by the representative character of the address presented on behalf of the Muhammadan deputation to His Excellency the Viceroy on the 1st October 1906. Their address embodied the essential principles and features of the Aligarh movement endorsed practically by the whole community and recognized by His Excellency the Viceroy in the following passage of his reply :—

"Aligarh has won its laurels. Its students have gone forth to fight the battle of life strong in the tenets of their own religion, strong in the precepts of loyalty and patriotism, and now, when there is much that is critical in the political future of India, the inspiration of Sir Saiyid Ahmad Khan and the teachings of Aligarh shine forth brilliantly in the pride of Muhammadan history, in the loyalty, common sense, and sound reasoning so eloquently expressed in your address."

Thus it may fairly be claimed that the Aligarh movement is not confined to any particular province or part of India but represents the united sense and sentiments of practically the whole of that portion of the Muhammadan community in this country of which the voice counts for something and which exercises a real influence on the rest of that community. The Trustees, who have been in charge of this movement from the lifetime of its founder, may therefore be allowed to submit that there is no other corporate body of Muhammadans in India that reflects the views of the community in the manner and to the extent in which they themselves have the honour of doing so.

Therefore, if they desire to have the privilege of returning a member to the Imperial Legislative Council, they do so for the benefit of their community, whose best interest it has been their constant duty to study and advocate.

It may be stated that the body of the Trustees consists of Muhammadan gentlemen of position, learning, and influence representing almost all the provinces of India and all sections of the community. Among them are to be found talukdars, nawabs and raises such as—

(1) the Hon'ble Nawab Sir Amir-ud-din Khan, K.C.I.E., Wali of Loharu State (Punjab);
(2) the Hon'ble Raja Ali Muhammad Khan Bahadur of Mahmudabad (Oudh);
(3) the Hon'ble Nawab Sir Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu (United Provinces);
(4) the Hon'ble Nawab Emad-ul-mulk Maulvi Saiyid Husain, Bilgrami (Hyderabad);
(5) Nawabzada Nasr-ul-lah Khan (Bombay);
(6) Sardar Yar Muhammad Khan, C.I.E., Prime Minister, Jaora State (Central India);
(7) the Hon'ble Nawab Saiyid Amir Hasan Khan Bahadur, C.I.E., of Calcutta (Bengal);
(8) the Hon'ble Nawab Bahadur Khawaja Salim-ul-lah Khan, C.S.I., of Dacca;
(9) Nawab Vikar-ul-mulk Maulvi Mustak Husain Sahib of Amroha (United Provinces);
(10) Mushir-ud-daula Mumtaz-ul-Mulk, Khalifa Saiyid Muhammad Husain of Patiala State (Punjab);
(11) the Hon'ble Nawab Fateh Ali Khan Bahadur Qazalbash, C.I.E., of Lahore (Punjab);
(12) the Hon'ble Raja Tasadduq Rasul Khan, C.S.I., of Jahangirabad (Oudh);
(13) Khan Bahadur Mirza Shujaat Ali Beg, Persian Vice-Consul, Calcutta;

and many other big landholders representing the "stable elements." Besides them the Trustees have among themselves the most distinguished of the educated and intellectual people such as—

(1) Shams-ul-Ulama Maulana Hafiz Doctor Nazir Ahmad Sahib, LLD., of Delhi (Punjab);
(2) Shams-ul-Ulama Maulvi Khwaja Altaf Husain Sahib Hall, President, All India Muhammadan Educational Conference, Karachi, (Sindh);
(3) Shams-ul-Ulama Maulvi Amjad Ali Sahib, Professor, Muir Central College, Allahabad (United Provinces);
(4) Shams-ul-Ulama Khan Bahadur Maulvi Muhammad Zaka-ullah Sahib (Delhi);
(5) Khan Bahadur Saiyid Ashraf-ud-din Sahib, Matawalli, Imambara, Hooghly (Bengal);
(6) Surgeon-Major Saiyid Hasan, Bilgrami, of Hyderabad (Deccan), London;
(7) Hakim Muhammad Ajmal Khan Sahib, Delhi,
(8) Haji Muhammad Ismail Khan Sahib, Aligarh,
(9) Saiyid Aftab Ahmad Khan, Esq., B.A., (Cantab.), Barrister-at-Law, Aligarh;
(10) Saiyid Sultan Ahmad Khan, Esq., B.A., (Cantab.), Chief Justice, Gwalior State;
(11) the Hon'ble Khan Bahadur Muhammad Shah Din, Barrister-at-Law, Lahore;
(12) Maulvi Nazir Ahmad Sahib, B.A., LL.B. Judge, Kashmir State;
(13) Muhammad Rafique, Esq., Barrister-at-Law, District and Sessions Judge, Fyzabad;
(14) Nawab Muhammad Ishak Khan Bahadur, S.C.S., District and Sessions Judge, Farrukhabad;

(15) Saiyid Muhammad Ali, Esq., C.S., District and Sessions Judge, Mirzapur;
(16) Maulvi Aziz Mirza, Esq., B.A., (Hyderabad, Home Secretary to His Highness the Nizam's Government;
(17) Khan Bahadur Colonel Abdul Majid Khan, Foreign Minister, Patiala State;
(18) Saiyid Ali Inam, Esq., Barrister-at-Law, Bankipur, Patna (Behar);
(19) Shaikh Abdul Kadir, Esq., B.A., Barrister-at-Law, Delhi;
(20) Maulvi Nizam-ud-din Hasan, B.A., LL.B., Deputy Commissioner, Central Provinces;
(21) Maulvi Abdul Majid, Esq., Barrister-at-Law, Allahabad:

and many other distinguished graduates of the Indian Universities who are in the Government service as Deputy Collectors and Extra Assistant Commissioners.

It may also be pointed out that on the one hand the Trustees are frequently in touch with the "*Visitors*" of the Aligarh College, among whom are included such names as—

(1) His Highness Nawab Sahib of Rampur,
(2) His Highness Sir Agha Khan, G.C.S.I.;
(3) the Hon'ble Justice Amir Ali, C.I.E.;
(4) the Hon'ble Mr. Theodore Morison:

and with the Heads of the Governments and high officials, and on the other, through the operations and annual meetings, at various centres in India, of the All India Muhammadan Educational Conference, which is a part of the Aligarh movement, they come in direct and constant contract with all sections and classes of Musalmans in widely distant portions of the country.

Thus the Trustees believe they are justified in regarding themselves as a thoroughly representative body, recognized as such both by the Government and the Muhammadan community as a whole and they therefore trust that the privilege they have prayed for will be granted to them.

But the Trustees wish it to be clearly understood that they do not prefer this claim merely as managers of an educational institution, but rather in their capacity of directors and organizers of the "Aligarh movement," which comprehends many important interests of the community. Their work as managers of the Muhammadan Anglo-Oriental College is only a part (regulated by fixed rules and regulations) of what Sir Saiyid Ahmad Khan did and they themselves have been doing ever since the beginning of this movement. The body of the trustees consists practically of all the leaders of the community in various parts of the country, and the fact of their connection with the great trust at Aligarh must not be allowed to deprive them of their position as representatives of their co-religionists in matters other than educational.

The suggestions made by the Trustees, would, if accepted, necessitate an increase in the number of the members of the Imperial Council: but considering the extent or the country and the importance and varied nature of the interests involved it may be submitted that any such increase would be amply justified by the nature of the case.

V.—Electorate for the election of Muhammadan members for the Imperial Council.

It has been suggested above that the eight provinces and the trurtees of the Muhammadan Anglo-Oriental College, Aligarh, as a body, should be given the right of returning one member each to the Imperial Legislative Council. So far as the election of the representative of the Trustees is concerned, they, as a corporate body would constitute the electorate and, by a majority of votes, elect one of their members as their representative.

As regards electorates for Muhammadan non-official members from each province the Trustees beg to suggest the following constitution for such electorates:—

(*a*) Muhammadan non-official members of the Provincial Legislative Council.
(*b*) Muhammadan fellows of the Provincial University, and in the case of the Central Provinces and Burma those fellows who represent these provinces in any of the Provincial Universities.

(*c*) Muhammadans paying a land revenue of Rs. 10,000 per annum.
(*d*) Muhammadans paying income-tax on Rs. 10,000 per annum.
(*e*) The Trustees of the Muhammadan Anglo-Oriental College permanently residing in the province concerned, if there be any.

The first four of the above five heads do not call for any remark as they are based upon the suggestions of the Muhammadan deputation to His Excellency the Viceroy. The Trustees have ventured to suggest the reduction of the amounts of land revenue and income-tax payable by electors in view of the present financial position of many of the Muhummadan aristocracy, and in order to make the Council more representative.

The fifth head has already been explained above when explaining the position the Trustees occupy in the community, and the extent to which they are competent to represent their best interests. By including the Provincial Trustees in the proposed electorates, the Government will have the advantage of consulting, so to speak, the united voice of practically the whole community in the election of provincial representatives for the Imperial Council.

VI.—The proposed changes in the constitution of the Provincial Legislative Council.

After a careful consideration of the needs and requirement of the Muhammadans of these provinces, the Trustees beg to suggest that Muhammadan inhabitants of each division should be given the right to elect one Muhammadan non-official member of the Provincial Legislative Council from among themselves.

In addition to the above, the Trustees pray for a similar privilege for themselves, that is to say for the right of electing one of themselves as a member of the Provincial Legislative Council. In connection with these suggestion it may be stated that of the total number of seventy Trustees of the Muhammadan Anglo-Oriental College, Aligarh, thirty are elected from among the Muhammadans of these provinces alone the rest being distributed throughout the other parts of India.

So far as the Muhammadans of the United Provinces are concerned, it would be difficult to find for them another body of men so influential and representative as the Provincial Trustees of the college.

As regards the claim of one Muhammadan member for each division, it may be respectfully submitted that, the Muhammadans being in the minority in these provinces, their needs and wishes riquire special study and thorough local knowledge to be successfully placed before the Government.

It is true that these suggestions, if accepted, would necessitate the increase in the number of members of the Council, both official and non-official, but the object to be gained is, in the opinion of the Trustees, of sufficient importance to justify such an increase.

VII.—Electorate for the election of Muhammadan members for Provincial Legislative Council of these Provinces.

In this connection it would be better to begin with municipal and district board franchise. The Trustees are of opinion that in each municipality and district board the number of Muhammadan members should be fixed, and they should be returned by Muhammadan electors residing in any particular municipality or within the limits of a district board.

The Trustees suggest that the qualification for electors should remain the same as at present, and that a rental or an income of Rs. 10 a month should be required as a qualification for a candidate for membership of the municipal board; and in the case of district boards payment of Rs. 100 as land revenue should be necessary as a qualification for the membership.

Thus the electorate for non-official Muhammadan members of the Provincial Council should consist of the following:—

(1) Muhammadan members of municipal and district board.
(2) Muhammadan fellows of the Allahabad University.
(3) Muhammadan graduates of the Allahabad University of five years' standing residing in these provinces.

(4) United Provinces Muhammadan landholders paying Rs. 3,000 as revenue.
(5) Muhammadan gentlemen paying income-tax on Rs. 3,000 a year.

No. 561, dated Ramnagar the 30th November 1907.

From—His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G.C.I.E., *of Benares,*

To—*Agent, Governor-General, Benares.*

Sir,—I have the honour to acknowledge receipt of your letter No. 5-I—83 dated the 21st ultimo, forwarding copy of G. O. no. 1560-III—116-1907, dated the 10th October 1907, inviting my opinion about the proposed Advisory and the enlargement of the Legislative Councils. I have very carefully considered the proposals and take the liberty to express my opinion about them as follows.

2. First, as to the creation of an Advisory Council :—

From the preamble given in the letter of Sir Harold Stuart, I find that His Excellency the Viceroy is introducing this reform with a view (*a*) to associate the ruling chiefs, big landholders, and commercial classes who are the most powerful and stable elements of the Indian society, more closely with the actual administration of the country; (*b*) to know the real needs and sentiments of the people through their natural leaders and make the true motives of the Government known to the masses of the people through the same agency; (*c*) to encourage the aristocratic and other important classes to take larger share in the actual work of administration and make them fit for more extensive employment in the higher offices of the State, subject of course to the proviso that the executive authority of the Government is maintained in undiminished strength. In the light of the above-quoted principles I would examine the concrete proposals made for the establishment, constitution, and working of this Council.

3. There can be no two opinions as to the advisability of associating the great ruling chiefs and the territorial magnates of British India with the Governor General in the guardianship of the common and imperial interests; and at the same time it is also very necessary that they be not vested with any formal power or receive a legislative recognition. By being thus bound down the Council will lose the great object for which it is established, as the freedom of expressing ideas and opinions will be hampered by other considerations and the healthy, frank, unrestrained, and unprejudiced opinion will not be coming forth.

4. I fully agree with the Government in the seven conditions laid down for the creation, nomination and working of the Council with one exception only, which is as follows :—

I would not bind down the Council to deal with such matters only as might be specifically referred to it from time to time. If the councillors are responsible to inform the Government of the true needs and sentiments of the people and to make known to the latter the real motives of the Government, they might be authorised to communicate to His Excellency the Viceroy any matter of sufficient importance even without being asked for and at the same time express their opinions about them. Similarly, they might be empowered to ask the Government confidentially about such subjects and measures which, in their opinion, were likely to give wrong impression to the people. Until these two important privileges are granted, the councillors will naturally fall short of the expectations formed of them, and they will not take the trouble to keep themselves informed of the real needs and sentiments of the people, and will remain only a set of irresponsible advisers. The grant of these powers will make them mindful of the confidence which the Government was reposing in them and they will try to prove themselves worthy of it. By this means the Government will be in a position to know much more of the people and the people much more of the Government, and the Viceroy will receive very timely notice of many a momentous subject agitating the public mind, which somtimes these days he receives rather too late; and the people will at the same time know without any fuss what was the true

motive of the Government regarding any particular measure. Of course the Government shall reserve to itself the power to refuse to give information regarding any matter which, in its opinion, it will not be in the public interest to disclose.

5. In this way there will be a continuous free and confidential interchange of ideas and opinions between the Head of the Government and the leaders of the people, which will very effectually bridge the great gulf that lies between the rulers and the ruled just at present.

6. I would also propose that all correspondence passing between the councillors and the Government be recorded confidentially for use if need were, and their opinions about all matters be carefully noted down, although the Government shall not be bound to follow them. It will also be very beneficial if, before introducing a bill in the Legislative Council, the Government might consult these councillors about the measure, subject, of coures, to the proviso that the matter is not of a sufficiently urgent nature which would admit of no delay.

7. As to the composition of the Council I agree in the proposal to have it composed of ruling chiefs and territorial magnates, but I would like to include in it such other persons of note who, although neither ruling chiefs nor territorial magnates, are still looked upon by the people with equal, if not greater, respect, and who know much more of the country and wield greater influence over the people than the princes themselves. I would also associate with them some of the merchant princes and the pioneers of commerce and industry, who are no less a powerful and stable element of the Indian society. Such, for instance, His Highness Aga Khan is neither a ruling chief nor a territorial magnate, but his influence amongst his people and the respect which he commands in the country far exceed those which a ruling chief possesses. The late Sir Sheshadri Iyer of Mysore, the late Sir Saiyid Ahmad Khan, Baba Khem Karan Bedi of the Punjab, and many others might, be so instanced. Persons of their influence and parts would be real acquisitions to the Council. Similarly, such merchant princes as the late Jamshedji Jeejeebhoy or Sir David Sassoon, and such pioneers of industry and commerce as the late Mr. Jamshedjee N. Tata of Bombay, or Messrs. Cooper and Allen of Cawnpore, would add to the weight of the Council and its usefulness. I would, therefore, propose that from out of the total number of sixty, fifteen seats be allowed to ruling chiefs and twenty-five to territorial magnates in British India, five to noblemen in native states, eight merchant princes and pioneers of industry and commerce (both native and European), and seven to specially qualified persons of note. The last might be elected by the aforesaid fifty-three members and appointed after the approval of the Governor General.

8. As to the Provincial Advisory Council, I agree to all the proposals made, subject to the modifications suggested, as to their functions in the case of the imperial councillors. I would also not have a Government official presiding over their deliberations or a Government secretary recording their proceedings and conclusions. I would leave them free to choose their president and secretary, as free discussion will not be possible in the presence of Government officers. Of course a Government secretary ought to be close at hand for the purpose of furnishing such information as might be required regarding the matters under discussion.

9. As to the enlargement of the Legislative Councils, I fully agree with the statement that the elective system introduced into it did not fulfil the expectations formed. The more respectable classes whose opinions would have been of value to the Government and whose interests were affected by the different measures passed, were left in the dark, and their places were taken by the people who had nothing to recommend themselves except the fluency of the tongue. Both the head and the hand had to give way to the lungs.

10. The objects of the Government of India in enlarging these Councils appear to me as follows :—

(*a*) To give the people of India more voice in the administration of the country.
(*b*) To give due representation to all important classes, crafts, and creeds in the Council and to see that it is not monopolized by a particular section or class.

(*c*) To introduce the elective element in the administration of the country so far as it is compatible with the safety of the interests of the different societies and creeds of India.

(*d*) To encourage the aristocracy of the country, who stand shy just at present, to enter the public life and take part in its actual administration; subject to the condition that

(*e*) The official majority be strong enough to carry out important measures which otherwise might be hampered by the non-official members.

There can be no divergence of opinion about the soundness of the above principles, but it is necessary to see how they would stand the test of actual working.

11. I fully admit the fact that it is not advisable in any case to leave the legislative business of the Government of India at the mercy of the non-official members, and specially with such members as have filled the post till now. But at the same time it is a pity to sever specially experienced and talented Government officials from their work and coop them up in Calcutta during the most important part of the year, for the purpose of simply serving as a counterpoise to the non-official members and to counteract the evil of their adverse votes. This, in my opinion, will not be in the true interest of the country. Such officers of the Government as will be chosen to sit in the Legislative Council will, in most cases, be the cream of the service, and it will be a bad policy to enlist them in a corps of sinecures to simply attend certain meetings in a year and "ditto" the proposals of the Government. The opinion of such officers is necessarily taken before any important bill is introduced in the Council, and it is not necessary to drag them once again to Calcutta at great personal inconvenience and no less expense, what to say to the detriment of the public service, simply to approve of the measures to which they have already given their assent.

12. There is really no good in enlarging the Legislative Councils when its composition will cause so much difficulty. The enlargement of the Councils is intended to be of real benefit to the country and it is not intended to honour the few political agitators. The Council is also expected to be a working Council and not simply an Advisory Council. As the matter stands just now the non-official members know full well that they will not be able to carry out any measure in the Council, and that any matter, however objectionable in their opinion, will certainly be carried out if the Government so desires. The feeling makes the non-official members feel that they are only a set of irresponsible advisers and their post is really an honorary one. They have no sense of responsibility weighing over them, and the result is that we have much more light talks in the Council which would never be forthcoming if the members were weighed down with a sense of responsibility. They know that their action can have no effect upon the actual administration of the country, and so they prefer to talk whatever is uppermost in their mind.

13. The scheme proposed for the enlargement of the Councils will give satisfaction to no party and will not improve the usefulness of the Council. I would therefore propose a bold scheme which, if carried out, would, in my opinion be hailed with unmixed satisfaction throughout the country and would be a measure of real benefit to the people and would pave the way for further progress and reform in future.

14. I would leave the composition of the Council as proposed in the draft scheme as it is, but cut down the number of official additional members from twenty to seven. One officer from each province will be quite sufficient to watch its interests. There will thus be fifteen officials and twenty-five non-official members, and the total strength of the Council will be forty or, including the Viceroy, forty-one. All measures except the following, which should be scheduled together, might be permitted to be carried out by a majority of votes, subject to the very material safeguard that the Viceroy shall have the power of vetoing any such measure passed by the Council which, in his opinion, might not be in the public interest. The Viceroy should also have the power to dissolve the Council before time if they prove unworthy of their office.

15. The measures which I would exclude from being carried out by a majority of votes and would like to be put in a schedule would be the following :—

(*a*) All measures relating to military administration.

(*b*) All measures relating to sedition or disaffection.

(*c*) All measures affecting any religion.

(*d*) All measures affecting the fiscal arrangements of the country.

(*e*) All measures regarding the imposition or remission of taxation.

(*f*) All measures tending to affect the executive authority of the Government or interfering with administration or of political nature.

(*g*) The framing of the budget.

(*h*) Any other measure which, in the opinion of His Excellency the Viceroy, might be put in the schedule.

For these scheduled measures I would make it legal for the vote of each official member to be counted as two. In this way there will be thirty-two votes for the sixteen official members including the Viceroy, and as there will be only twenty-five non-official members there will be a clear majority of seven on the official side. As the members will prove themselves worthy of the confidence reposed in them, some of the above-named measures would be taken out of the schedule list. I am inclined to believe that this will be a real education for the people of India in the art of administration. The whole tone of non-official members will be changed for the better in no time and the administration of the country will be immensely improved and facilitated.

16. But in case the Government is not prepared to sanction this scheme and would adhere to the principle of numerical official majority and at the same time must enlarge the Council, I would propose to allot seven places out of the twenty places to be filled with officials under the head "B" from the seven principal provinces of India, and there maining thirteen seats filled by Secretaries and Under Secretaries of the Government, who are always at the headquarters and can be easily summoned to attend the meetings of the Councils and vote with the Government without any great interruption to their regular works. I would strongly deprecate the employment of district and divisional officers of the Government for such purpose.

17. In the composition of the non-official members I have nothing to add except that I would expunge the words "not less than two to be Muhammadans" from the head "E." I fully agree in the view that Muhammadans are a very important element of the Indian society, and they must get a place in the Legislative Councils commensurate with their numerical strength and their high position. I would regard the four places reserved for them out of the twenty-two (excluding the ruling chiefs and the experts) rather t o little. But it is possible that they might be returned in large numbers under the heads "B" and "C," and then it might not be necessary to nominate them under the heads "E." I would therefore not place any restraint upon the choice of the Viceroy. He might nominate all four Muhammadans if necessary.

18. Now as to the electors for electing the landholders, I think it very desirable to have a provincial list of such electors numbering between 100 and 150. This will give an idea of importance and responsibility to the electors themselves and shall have a beneficial effect upon the guild. The actual amount of revenue giving the right to vote should be left to be determined by the Local Governments, as they would raise or lower the amount in view of the number of such landholders available in the province. These electors might assemble at the headquarters of their district and elect one of their members to be their representative. Representative from each district would then assemble at the capital of the province and, under the presidency of the Commissioner of the place, give their votes by ballots for the candidates. The indispensable qualifications for a candidate ought to be (*a*) that he knows English language sufficiently to understand the proceedings before the Council (or in special cases is wealthy enough to employ a highly

educated secretary to translate all the proceedings for his consideration); (*b*) that he must be paying a land revenue to the Government not less than rupees ten thousand; (*c*) that he must be living in his own estate at least for six months in a year (an absentee landlord would be of no practical use to the Council). The above proposals will be very useful and will result in securing a man of proper stamp. If the election will be limited to the non-official members of the Provincial Councils it will be of very little use and will not serve the purpose which the Government has in view.

19. As for the election of the Muhammadan representatives in the Council, it is wholly undesirable on more grounds than one to have an all India electorate for the election of Muhammadan candidates. The proposals put forward by the prominent members of the Muhammadan deputation which waited on His Excellency the Viceroy in October 1906 seems to be very workable with some modifications, *i.e.*, the Muhammadan non-official members of the Provincial Councils, the Muhammadan fellows of the local Universities, the Muhammadans paying income tax upon an annual income of not less than Rs. 20,000, and Muhammadan landholders paying Government Revenue of Rs. 20,000, and upwards might be asked to return one member for the Imperial Council. Two provinces in rotation will thus return two members every two years. The Punjab and the United Provinces, the Bengal and the Eastern Bengal and Assam, Bombay and Madras, might return members alternately, and the Viceroy's nominee in case of necessity might be chosen from the other provinces which don't return members that year, and if need were, he might nominate one from each of the four remaining provinces if the Muhammadans are not sufficiently returned under other heads.

20. As to the Provincial Legislative Councils, I have nothing to add to the Government proposal, which seems very well considered. I have, however, to point out one thing. It proposes that the distinction of classes, such as landholders, traders, cultivators and artizans, should be made in the case of Hindus only, and the Muhammadans might be returned as one class. This ought not to be done, as the Muhammadans of the present day are as much divided into such classes as the Hindus. The weavers of Benares are a very important class in themselves, and so are some other classes also. I would therefore agree with the latter proposal of the Government, *i.e.*, simply forming electoral groups on the basis of the four classes specified above, without regard of creed and fixing for each group a distinct and appropriate franchise. And if Muhammadans be not sufficiently returned then, the omission might be supplied by nomination.

21. As to the discussion of the budget, I have nothing to add to the Government proposal, which seems all that is desirable in the present state of the country.

I hope the above proposal which I have taken the liberty to express will meet with the approval of the Government. I have very frankly given my opinion on the Government proposals, and, though this letter has become unduly large, I hope you will excuse me for it as I had to express my ideas as fully as I possibly could.

Dated the 31st December 1907.

From—The Hon'ble Raja Muhammad Ali Muhammad Khan,
Khan Bahadur, *Talukdar of Mahmudabad, Oudh,*

To—Chief Secretary to Government, United Provinces.

Sir,—I beg to acknowledge the honour done to me by your letter no. 1518-III—416, of 1907, dated Nani Tal, the 7th of October last, which has afforded me the opportunity of laying before the Government my views upon the important proposals of reform there referred to. I am glad to avail myself of this opportunity, and hereby submit my humble opinions for the consideration of the Government as briefly as possible.

The first point noted in the letter under reply is the constitution of the Provincial Advisory Council. The number of members proposed by His Honour for this council will, I think, meet general approval, but, having regard to the principle adopted by

the Government of India in their letter of which a copy has been forwarded to me, a certain minimum number is also required to be fixed for Muhammadan members, and I am strongly of opinion that this number should not be less than eight. With this qualification I would suggest that the 24 members of the said Council should be made up as follows:—

2 Ruling chiefs.
3 Talukdars of Oudh.
4 Landholders of Agra.
1 Landholder of Oudh.
1 Representative of Allahabad University.
1 „ Muhammadan Anglo-Oriental College, Aligarh, trustees.
1 „ the legal profession of Agra.
1 „ „ „ Oudh.
1 „ the Chamber of Commerce.
1 „ Indian mercantile community.
1 „ the banking community.
1 „ railways.
2 Representatives of municipal boards.
2 „ district boards.
1 Representative of non-official European community.
2 Representatives of minorities or other interests which may, in the opinion of the Local Government, require to be safeguarded.

With regard to the qualifications of the members of the Provincil Advisory Council, I am inclined to think that no one should ordinarily be eligible unless he pays Government revenue amounting to rupees six thousand or income-tax on a like amount (or perhaps also) if the aggregate of his revenue and the taxed income amounts to the said figures.

I may also mention that, in my opinion, the term of office of the members of this Council should be the same as that fixed for the Imperial Advisory Council.

As to the number and composition of the non-official portion of the Provincial Legislative Council, I believe the suggestions of His Honour would satisfy all reasonable requirements of the present if only in one respect it is slightly modified. I refer to the case of the Muhammadan community, and I would suggest that of its two representatives proposed to be nominated by Government one should be nominated on the recommendation of the trustees of Aligarh College.

With reference to the municipal and dstrict boards I am of opinion that these electorates do not require any alterations. The circumstances of each municipal and district board will have to be separately considered, and no rule can be satisfactory which fixes a uniform standard of qualification either in all municipal boards or even in all the district boards. I therefore think it would be better to retain the existing franchise for both municipal and district boards.

Then with regard to the qualifications of candidates for the board, I understand that in municipal boards there is already a distinction made between the qualifications of electors and of candidates, and no alteration of general application appears to be called for in this respect. But for district boards, where no such distinction is observed, I am of opinion that the following qualifications should be fixed for candidates to district boards:—

(1) Honorary Magistrates, honorary munsifs, and village munsifs having jurisdiction in the district.
(2) Landholders paying Government revenue amounting to not less than Rs. 500.
(3) Under-proprietors in Oudh and tenants at fixed rates in Agra paying rent amounting to not less than Rs. 500.
(4) Residents outside municipalities.

Again, with regard to the representatives of the municipal and district boards on the Provincial Legislative Council, I am of opinion that a residential qualification is not needed, but no candidate should be eligible for such seats unless he pays a Government revenue of not less than Rs. 3,000 or income-tax on a like amount or the aggregate of his revenue and taxed income amounts to not less than Rs. 3,000.

In conclusion, with the Municipal and district boards, paragraph 22 of the letter of the Government of India suggest that Local Government should introduce into their system of election and nomination for these boards the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided. Having regard to this view, I am of opinion that for each district and municipal board a minimum number of seats should be reserved for Muhammadans, and that these seats should be filled by elections in which the Muhammadan electors alone take part (as was also suggested by the Muhammadan deputation), or by nomination in localities where, owing to smallness of Muhammadan population or other causes, it would be impracticable to have any Muhammadan electorate.

As to the Muhammadan electorate for the Imperial Legislative Council, the proposals of the Muhammadan deputation, referred to in paragraph 5 of your letter, with regard to the amount of land revenue and income-tax the payment of which should form the qualification of an ordinary elector, seem to me to fix the limit at too high a figure. Even the limit of Rs. 10,000 which we seem to suggest does not appear to me to be sufficiently low to satisfy the needs and circumstances of the Muhammadan community. The qualification of a Muhammadan elector to the Imperial Legislative Council should not be higher than that required from a candidate for the Imperial Legislative Council. I would, therefore, suggest that the electorate should be formed from the four classes mentioned in paragraph 5 of your letter, with this modification that in respect of classes (*c*) and (*d*) the limit of land revenue and taxed income should be reduced to Rs. 3,000, which I have proposed for the candidates for the Provincial Legislative Council. To these four classes the Government might add a fifth corresponding with class (*b*) mentioned in paragraph 6 of your letter as under:—

(*e*) Muhammadan graduates of any Indian or British university of more than six years' standing.

An important question with regard to the Muhammadan electorate, however constituted and whether for the Governor General's Council or for the Provincial Legislative Council, is the method of carrying out the elections. It appears doubtful if it would be possible to collect together the whole electorate of a province in one place on the same day, and even if their votes could be properly taken at different places, the canvassing of votes would involve an amount of trouble and expense which few would be willing to undertake.

The Government of India obviously recognize this, as appears from the concluding part of paragraph 17 of their letter, but they provide what seems to me to be not an unpopular remedy, but one that hardly avoids the difficulty.

I am of opinon that the difficulty should be met by providing that, except the classes (*a*) and (*b*), the members of the other three classes, (*c*), (*d*) and (*e*), of the Muhammadan electorate should assemble at the headquarters of their division and should each elect one of their members to represent them, and these representatives (three from each division), together with all the members of the classes (*a*) and (*b*), could conveniently meet together for electing a councillor on behalf of all. If this suggestion is accepted I believe that the objection of Indian gentlemen of position to offer themselves as candidates to avoid electorate will be practically removed, and with it the reason as given in the said paragraph 17 of the letter of the Government of India for filling half the seats allotted to the Muhammadans by nomination instead of by election.

With reference to paragraph 6 of your letter I have already expressed my opinion on the points raised in the first two sentences. As regards a Muhammadan electorate for the Provincial Council I take the same view as that suggested in your letter with this exception that, in my opinion, for classes (*c*) and (*d*) the limit of land revenue and taxed income should be reduced to Rs. 1,000.

With regard to paragraph 7 of your letter I strongly feel that, having regard to the distinctive status which they occupy by reason of their unquestionable loyalty and

historic privileges, which the Government has always been pleased to accord to them, the talukdars of Oudh deserve that one of their members should at all times be on the Imperial Legislative Council.

For the landholders of the province of Agra I am of opinion that the Northern Landholders' Association is not sufficiently representative of the whole province, and the best thing would be to form an electorate by fixing property qualification. I would suggest that all landholders paying Government Revenue amounting to not less than Rs. 5,000 should be entitled to elect a representative on the Imperial and Local Legislative Councils. As to the candidates for the Imperial Council, I think they should be landholders paying land revenue amounting to not less than Rs. 10,000.

Dated Aligarh, the 27th December 1907.

From—The Hon'ble Nawab Mumtaz-ud-daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., *of Pahasu*,

To—*Chief Secretary to Government, United Provinces.*

Sir,—In reply to your letter No. 1418/416-III of 1907, dated the 7th of October 1907, I beg to make the following suggestions regarding the matters referred to in the above letter:—

I.—Construction of Provincal Advisory Council.

In connection with this head the suggestions in Government of India's letter, paragraph 16, are to be followed, and therefore after considering the purposes for which the Council is to be organized I would suggest that the Council should consist of about thirty members and its composition may be as follows:—

1 Member nominated by the Allahabad University.
1 Member to be nominated by the Chamber of Commerce, Cawnpore.
1 Representative of the legal profession to be elected by the representatives of the various Bar Associations in the Province.
6 Representatives of the six municipalities of towns, namely Allahabad, Agra, Benares, Cawnpore, Lucknow and Bareilly.
9 Representatives of the other municipal towns, one from each division.
3 Representatives of district boards—two for Agra and one for Oudh.
2 Representatives of the landholders of Agra, to be elected.
1 Representative of the landholders of Oudh to be nominated by the British Indian Association of Oudh.
4 Representatives of the Muhammadan community—one to be nominated by the Trustees of the Muhammadan Anglo-Oriental College at Aligarh, two by other Muhammadan Anjumans, and one by Government.
2 Representatives of the non-official Europeans.

II.—Composition of the non-official portion of the Provincial Council.

The suggestion of His Honour the Lieutenant-Governor in this respect is very fair, and it requires no addition or alteration.

III.—Qualifications for Electorate and Candidates for Seats in Municipal Board.

In addition to the condition already laid down for electors and candidates, I think that the standard of income of electors should be a little raised. No person should be eligible to vote unless he possesses property yielding an income of, or residing in a house of which the rent is not less than, five rupees a month. In the case of district boards only one condition regarding the candidates should be attached—that he should either posses property of which the yearly revenue paid is not less than hundred rupees a year or he should pay income-tax on an income of rupees five hundred.

I quite agree with the suggestion of His Honour the Lieutenant-Governor in requiring the qualifications from the representatives of district and municipal boards on the Provincial Legislative Council.

In the case of the representative of the district board the amount o land revenue required should be not less than Rs. 5,000 a year, and in the case of the representative of the municipal board such amount should not be lees than Rs. 3,000 a year.

I may further be allowed to say that in each municipality and district board there should be a fixed number of Muhammadan members to be elected by Muhammadan electors.

I have no suggestion to make in the electorate suggested in paragraphs 5 and 6 of His Honour the Lieutenant-Governor's letter.

The electorate for the elected Muhammadan member of the Provincial Legislative Council :—

1. Muhammadan members of municipal and district boards.
2. Muhammadan fellows of the Allahabad University.
3. Graduates of the Allahabad University (of five years' standing, residing in these provinces).
4. The landholders paying Rs. 3,000 Government revenue.
5. Other Muhammadan gentlemen paying income-tax on Rs. 3,000 a year.

As regards the representation of Muhammadans of India in the Imperial Legislative Council I have to submit that the number of Muhammadan members in that Council should be eight, one member to be elected from each of the following provinces :—

1. Province of Eastern Bengal and Assam.
2. Bengal.
3. Punjab.
4. United Provinces of Agra and Oudh.
5. Bombay.
6. Madras.
7. Central Provinces and Berar.
8. Burma.

The electorate should be constituted on the lines similar to those suggested in the case of Provincial Legislative Councils and increase to be made in the amount of land revenue and income-tax paid by the elector.

Electorate to elect the representative of the landholders of Agra in the Provincial Council.

As there is no such association of landholders in the province of Agra as there exists in Oudh, therefore the electorate to elect the representatative of the province of Agra should consist of all landholders paying rupees 10,000 (ten thousand) or above land revenue to Government.

I think no other qualification is necessary for such a representative except that he should be elected by the majority of landholders forming the electorate.

Dated the 27th December 1907.

From—The Hon'ble Raja Partab Bahadur Singh, C.I.E., *of Kila Partabgarh, Oudh,*

To—Chief Secretary to Government, United Provinces.

Sir,—I have the honour to acknowledge your letter of the 7th October last, jointly addressed to me and the Honourable Rai Sri Ram Bahadur, C. I. E.

The first point upon which I have been asked to submit my opinion relates to the constitution of the Provincial Advisory Council. His Honour has fixed the number of this council at 25. But having regard to the scope of the Provincial Advisory Council, which should be large enough to include the great landholders, smaller landholders, industry, commerce, capital and the professional classes, it is submitted with great respect that the number fixed is low. It may suitably be raised to 30. Out of these 30 seats, 10 seats may be allotted to Oudh and the remaining 20 seats may be assigned to the Province of Agra. The Imperial Advisory Council will consist of 40 great landholders out of a total number of 60. There are altogether eight provinces into which British India is divided.

Calculated roughly, five Imperial advisory councillors may be chosen from the United Provinces, although it is quite possible a larger number may be taken. But it is always safe to base our calculations upon the minimum number to which our province may be entitled. Five provincial members of the Imperial Advisory Council will form the nucleus of the Provincial Advisory Council. These five gentlemen will

represent the great landholders. Out of these five two may be allotted to Oudh and three to Agra. Ten seats to be allotted to Oudh may therefore be filled in this way :—

1. Provincial Imperial advisory councillors representing the great talukdars of Fyzabad and Lucknow divisions	2
2. One talukdar, and one smaller landholder paying a Government revenue of at least Rs. 2,000 a year of the Lucknow division	2
3. One talukdar, and one smaller landowner paying a Government revenue of at least Rs. 2,000 a year of the Fyzabad division	2
4. Representative of lawyers	1
5. Representative of capitalists	1
6. Representative of commerce	1
7. Representative of industry	1
Total ...	10

Oudh being essentially an agricultural province, the number of landholders to be selected for the Provincial Advisory Council may suitably be fixed at six.

To represent the Bar any lawyer of fifteen years' standing and of requisite status and experience may be selected.

To represent capital, commerce, and industry any gentleman standing for those interests, provided he is of the age of majority and pays income tax upon an annual income of Rs. 5,000, may be appointed.

In the same way twenty seats assigned to Agra may be filled as below :—

1. Ruling chief	1
2. Provincial members of the Imperial advisory council representing the great landholders	3
3. Seven smaller landholders, one from each division, paying a Government revenue not less than Rs. 2,000 a year	7
4. Lawyers	2
5. Representatives of commerce	2
6. Representative of industry	2
7. Representative of capitalists	2
8. One European member of the Upper India Chamber of Commerce ...	1
Total ...	20

The qualification for lawyers and representatives of other interests should be the same as have been suggested for Oudh.

The second point relates to the constitution of the Provincial Legislative Council.

Under the existing regulations there are only eight non-official members of the Provincial Legislative Council. His Honour proposes to raise that number to 17. I have examined the existing franchises as well as those suggested by His Honour with some diligence and care. But to my great regret I find that they are not sufficiently elastic to give the widest representation to the different classes and interests which require to be represented. Take, for instance, the existing groups of municipalities, which will remain unchanged under the scheme laid down by His Honour. Can the interests of Rae Bareli or those of Gonda or Bahraich be sufficiently represented by a member of the municipality of Saharanpur, who may be elected to represent those interests under the present arrangement? A difficulty is also experienced in canvassing by the candidate before so large an electorate with a greater portion of which he is quite unfamiliar. To be brief, such an electorate is open to all objections which are enumerated with sufficient clearness and precision in paragraph 15 of the letter of the Government of India, which you have been kind enough to enclose with your letter. The same objections hold good in respect of the present groups of the district boards. And it is apprehended that His Honour's proposals which give one seat more to the district boards will not solve matters to the fullest extent.

The right of special representation proposed to be given to the six large municipalities—Lucknow, Allahabad, Cawnpore, Bareilly, Benares, and Agra,—to elect two members in rotation, does not command itself to my humble view. There does not

appear to be any necessity why the populations of those large towns should be honoured with this special privilege; which might involve other more urgent and important interests being ignored. Moreover, if the importance of those large towns calls for any special representation, it is open to this objection that at any rate in the four years out of any six successive years the interests of the two towns not allowed to elect in those years by the rotation rule will go unrepresented.

The suggestion has been made that in the Provincial Legislative Council a certain number of seats may be assigned to Muhammadans in order that they may be filled exclusively by them. The principle of this rule is also open to objection.

It will tend to widen the gulf between Hindus and Muhammadans, which is not desirable. The necessary result of this rule will be that in other electorates an attempt will be made not to return Muhammadan candidates. And the Muhammadans themselves will feel great diffidence of offering themselves as candidates before other electorate. It may also create the desire of having special privilege of representation in other small communities, whose interests may be slightly different from those of the community in general. In this way the Christians, the Sikhs, the Jains, the Parsis, and several other communities that may be named, may claim for this privilege. The idea may go on diffusing as widely as possible, until it may stop one does not know where.

With these preliminary observations in view I proceed to formulate my own proposals for the constitution of the Provincial Legislative Council.

The United Provinces Legislative Council may consist of 54 members, out of which 26 may be non-officials, who may be appointed as below :—

1. Representatives of district boards (one from each division) to be elected ...	9
2. Representatives of municipal boards (one from each division) to be elected ...	9
3. Representative of the Senate of the Allahabad University to be elected ...	1
4. Representative of the Upper India Chamber of Commerce to be elected ...	1
5. Two representatives of landowners (one for Oudh and one for Agra) to be elected	2
6. To be nominated by the Government	4
Total ...	26

It may in the first sight appear that the above number, *viz.*, 26 of the non-official members would create difficulties in securing the majority of the official members, but the following distribution easily solves the apparent difficulty.

The official members may consist of the following :—

1. His Honour the Lieutenant Governor		1
2. Members of the Board of Revenue		2
3. Secretaries to the Government		4
4. Legal Remembrancer and Government Advocate		2
5. Nine Heads of departments—		
Director of Agriculture and Commerce		
Inspector-General of Civil Hospitals		
Registrar, Co-operative Credit Societies		
Director of Public Instruction		
Inspector-General of Prisons		
Sanitary Commissioner		10
Chief Plague Officer, United Provinces of Agra and Oudh ...		
Inspector-General of Police		
Inspector-General of Registration and Commissioner of Excise and Stamps		
Director of industry (new post)		
6. Commissioners of divisions		9
Total	...	28

Gentleman paying income tax or paying at least Rs. 1,000 per year as Government revenue may be appointed electors to elect representatives of district and municipal boards.

The candidate for the Legislative Council must be a gentleman paying income-tax upon an annual income of Rs. 2,000 or annual land revenue of Rs. 2,000. But the rule may be relaxed by the Government in favour of any gentleman of special qualifications upon the unanimous recommendation of the electors concerned.

The proposal of the Government that a representative of the talukdars of Oudh may be nominated by the British Indian Association appears to be sound.

The proposal that an electorate for the province of Agra to elect a representative of landowners may be formed consisting of landowners paying Government revenue of Rs. 10,000 per year is perhaps open to this objection that it imposes a very high qualification, not in accordance with the status of the landed interests of all the divisions of that province. In fact there are certain districts in the province of Agra where there is not a single landowner paying a Government revenue of Rs. 10,000. Therefore it may reasonably be reduced to Rs. 2,000.

The proposal of His Honour that the representatives of landowners in these provinces on the Imperial Legislative Council might be taken alternately from Agra and Oudh is an excellent one.

As regards their qualifications I would humbly suggest that in order to give a wider scope for representation the amount of Government revenue paid by them may be fixed at Rs. 2,000 a year for Agra and for Oudh a talukdar member of British Indian Association will suffice.

Dated Lucknow, the 26th December 1907.

From—The Hon'ble Rai Sri Ram Bahadur, C.I.E., *Member, Legislative Council, United Provinces.*

To—*Chief Secretary to Government, United Provinces.*

Sir,—I have the honour to acknowledge the receipt of G. O. no. 1515 III—416, dated the 7th October 1907 (with its enclosure), and of G. O. no. 1571 III—416, dated the 13th idem, asking for my views on the proposals for the establishment of an Advisory Council for these provinces and the expansion of the Provincial Legislative Council. I beg to submit my views on these two subjects as follows :—

Provincial Advisory Council.

2. The first question relating to the constitution of the Provincial Advisory Council is the fixing of the number of its members. His Honour the Lieutenant Governor considers that the number of the members may be fixed at 25. Regarding the numerical strength of these councils the Government of India, in paragraph 6 of their Home department letter no. 2310 2317, dated the 24th August 1907, say : "Membership should be large enough to embrace all interests of sufficient importance to claim representation on them." As the object of establishing these institutions is to "elicit the opinions on administrative measures and proposals for action of those qualified to advise" the Government "in all ranks of society" and "of giving the people of India wider opportunities of expressing their views on administrative matters," the Government of India in their letter above alluded to very appropriately say further that the selection of members should be so made as to represent not only the great landholders of the provinces, but also "smaller landholders, industry, commerce, capital, and professional classes."

3. The territorial area which is officially designated the United Provinces has for its population a conglomeration of peoples, inhabiting its different tracts who have dissimilarity not only in customs, lunguages and land tenures but also in local sentiments. Except religion, there is very little in common among peoples of Bundelkhand, Kumaun, Oudh or other portions of the province of Agra. This diversity exists even among the people of the different divisions of the last-named province; take, for example, the population of the Benares and that of the Meerut division. With respect to population the United Provinces now occupy the first place among all the provinces of India, the number being 47,691,782. Having regard to the principles laid down by the Government of India regarding the constitution of the Provincial Advisory Councils and the peculiar circumstances of these provinces, it is respectfully submitted that 25 is not an adequate number of members for the proposed Advisory Council; the number should be fixed in such a way as to embrace the representation not only of the different classes and interests, but also of territorial units so that each division may be properly represented. This object cannot, in my humble opinion, be attained by limiting the number to 25.

4. In the paragraph immediately following I beg to offer my suggestions as to how the 25 seats proposed by the Government should be allotted so as to secure the representation of the different interests and classes, as far as it is pssible to do so with such a limited number. This distribution does not, however, take into account the principle of territorial representation. In my opinion by raising the number to 35 and by readjusting the allotment of seats, proper territorial representation might be obtained.

5. If the number of 25 be retained I would suggest that the selection of members should be made as indicated below :—

From ruling chiefs	2
From talukdars and landholders of Oudh	4
From landholders of the province of Agra	4
From non-official Europeans, districts of Agra	2
From non-official Europeans, districts of Oudh	1
From municipalities of Agra and Oudh respectively	2
From Upper India Chamber of Commerce	1
From Indian merchants	1
From Allahabad University	1
From bankers and capitalists of Agra and Oudh	2
From Indian Bars of Agra and Oudh	2
From mill owners and other industries	1
From other such communities and classes whom the Government may consider that they should be represented	2
Total ...	25

6. Neither the Government of India's letter not the Government order does give any indication of the weight to be attached to the advice of the members of the Advisory Councils. I venture to suggest that in laying down the principles on which the rules for regulating the procedure for these Councils are to be framed there should be a distinct provision to the effect that, in case the opinion of a fixed majority of the members, say two-thirds, is unanimous on a certain question, than, notwithstanding the fact that that opinion be in conflict with the official view, the Government should accept the unanimous view of the majority. Unless some rule as indicated above is made and is followed by the Government the Councils will not be of much practical usefulness.

Expansion of the Provincial Legislative Council.

7. The Government order proposes to raise the number of non-official members to 17. The Government, it appears, wishes to fix this number not from any desire to have only a comparatively small number of non-official members, but on account of the difficulty which it feels in getting a larger number of official members of requisite qualification and sufficient experience to attend the council meetings without detriment to the interests of the public service, the avowed policy of Government being to have a preponderance of the official over the non-official element at all the council boards. Though in my humble opinion the number of non-official members as proposed by the Government is inadequate for a province like ours, having such a large population who have different manners and customs and interests of various natures, yet having regard to the policy which the Government pursues in having the official majority, I refrain from suggesting an augmentation in the non-official element.

8. Coming now to the question of representation of the different communities and bodies, I find that the Government proposal is to give four seats to the municipalities of these provinces. Two of these seats are to be filled by representatives of the six larger towns having a population of over 100,000; two of these towns each to have a representative for a term of two years. The other two seats are contemplated to be allotted to the representatives of two groups, to be formed of smaller municipalities having a population of over 20,000 and of the four towns of over 100,000 inhabitants not represented. I respectfully beg to say that, in my opinion, the allotment of seats to the municipal boards as set forth above appears to be open to several objections. I have always considered the groupings at present in force not to be

proper ones. The proposal to give to only two out of the six larger municipalities the franchise of electing one representative each and leaving the other four to be joined with the groups of minor municipalities is open to this objection that the two former towns will, as a matter of certainty, be directly represented, while the latter four will be grouped with a number of minor municipalities and have the mere chance of getting one of their citizens elected. They will remain under this disadvantage until their turn comes to return representatives individually. As regards the proposal of grouping together of the four larger towns and the smaller municipalities into two constituencies, I beg to submit that it does not seem to me to be a suitable arrangement. The principle which, in my opinion, ought to be observed in forming the constituencies should be that the electorates be constituted of tracts inhabited by persons who have some homogeneity, community of interest and unity in local sentiments. It can hardly be said that the system at present in force is based on a due consideration of the principle of proper representation. I therefore beg to suggest that, instead of the two different kinds of municipal representations indicated in the Government order under reply, all the municipalities having a population of over 10,000 inhabitants should be formed into four separate groups, each of which should include the municipalities of two divisions, as indicated below, except the first group, to which the municipalities of the hill districts should also be added :—

I group	Meerut division. Rohilkhand division. Kumaun division.
II group	Allahabad division. Agra division.
III group	Benares division. Gorakhpur division.
IV group	Lucknow division. Fyzabad division.

The four proposed seats should be allotted to the representatives of each of these groups. I admit that the grouping suggested by me is not free from objections; but as the Government proposal limits the number of seats to four, I beg to urge that, in view of all the circumstances bearing on the question, my suggestion may receive due consideration. I subjoin below a list of the municipalities having populations of over 10,000 and classified according to the proposed groups: —

	Name of division.	*Names of municipalities.*
I group ...	1. Meerut ...	Meerut. Saharanpur. Aligarh. Khurja. Dehra Dun. Hardwar Union. Deoband. Muzaffarnagar. Roorkee. Kairana. Kandhla. Hapur. Sardhana. Ghaziabad. Bulandshahr. Sikandrabad. Hathras. Atrauli.
	2. Bareilly ...	Sikandra Rao. Bareilly. Nagina. Najibabad. Bijnor. Chandpur. Budaun. Sahaswan. Moradabad. Amroha. Sambhal. Chandausi. Shahjahanpur. Tilhar. Pilibhit
	3. Kumaun ...	Kashipur.

	Name of division.	*Names of municipalities.*
II group	1. Allahabad	Allahabad.
		Jhansi.
		Mau Ranipur.
		Lalitpur.
		Kunch.
		Kalpi.
		Cawnpore.
		Fatehpur.
		Banda.
	2. Agra	Agra.
		Firozabad.
		Farrukhabad.
		Mainpuri.
		Etawah.
		Kasganj.
		Jalesar.
		Soron.
		Muttra.
		Brindaban.
III group	1. Benares	Benares.
		Mirzapur.
		Jaunpur.
		Ghazipur.
		Ballia.
	2. Gorakhpur	Gorakhpur.
		Azamgarh.
IV group	1. Lucknow	Lucknow.
		Unao
		Rae Bareli.
		Sitapur.
		Khairabad.
		Shahabad.
		Sandila.
		Hardoi.
		Lakhimpur.
	2. Fyzabad	Fyzabad.
		Tanda.
		Balrampur.
		Gonda.
		Bahraich.
		Nanpara.
		Bara Banki.

9. As regards the question what would be a suitable electorate to elect a representative of the landholders of the province of Agra, I beg to say that as that province has no Landholders' Association, like the British Indian Association of Oudh, which consists of the representatives of the landholding classes of all its districts, I would suggest that in the first-named province the electorate should be constituted of the landholders of all the districts who pay a Government revenue of Rs. 5,000 or upwards. The franchise to elect a representative from among themselves should be given to that electorate. The qualification of payment of Rs. 10,000 annual revenue will be rather too high, and I do not think that in some of the districts zamindars paying revenue to that extent will be found. The qualifications for a candidate for election to membership should be the same as those for electors.

10. Respecting the qualification of the representative to be nominated by the British Indian Association of Oudh, I think that every member of the association should be eligible for nomination. No condition as to the amount of land revenue payable by the candidate should be imposed.

11. On the question of allotting four seats to the representatives of the Muhammadan community—two by election and two by nomination,—I beg to submit that the power of nomination by the Government should be exercised in case no Muhammadan member is elected or nominated by the other bodies and electorates to whom the privilege of election or nomination is proposed to be given. If no Muhammadan member or members are returned by any other means Government should nominate one or two Muhammadan members to complete the full number of four and not otherwise.

12. Subject to the modifications suggested by me as above, I approve of the rest of the proposals contained in the Government order for the election or nomination of non-official members.

13. The subject of qualification to be possessed by the electorate to elect candidates for seats in the municipal boards is a very complicated and difficult one. According to the rules at present in force the qualifications both of voters and of candidates

for election as members vary in the different municipalities. The conditions of these municipalities are so different that no uniform test can be laid down with regard to the qualifications either of the voters or of the members. I would like that the existing franchise should be retained and no alterations made. In my opinion, except the residential no proprietary qualification should be required from representatives of the municipal, boards, on the Provincial Legislative Council. The elective system was introduced for the first time in 1893, and the elections which have since then taken place in these provinces, so far as I know, have not been subjected to any criticism, nor have they ever been received with disapproval, either by the public or by the Government.

14. There remains the question of qualification required from the electors and candidates for seats in the district boards. The way of the preparation of lists of electors now in vogue, especially the manner of fixing the number of electors is very unsatisfactory. I consider the fixing of some proprietary qualification to be essential. Only those persons should be considered qualified to be voters or eligible for membership of district boards who are landholders and pay at least Rs. 300 a year as Government revenue or those who pay income-tax on annual incomes of Rs. 1,200 or upwards. No special qualification except that of residence should be required from persons who are candidates for council membership.

Opinion of the Honourable Rai Nihal Chand Bahadur, *dated Muzaffarnagar 17th December* 1907.

Imperial Advisory Council.

1. The motives which have actuated the Government of India to establish Advisory Councils and to extend the Legislative Councils for satisfying the constitutional requirements of the Indian Empire and giving the people wider opportunities of expressing their views on administrative matters, are noble and benevolent, and the people are much thankful to His Excellency the Viceroy. But I cannot help pointing out that the scheme has not been framed on such liberal lines as the people expected, which was probably due to the late lamentable disturbances in Bengal and the Punjab. It was given out that some short-sighted persons advised the Government to give up the idea of extending the rights of representation to the people; but, thanks to the Right Honourable Mr. Morley and His Excellency Lord Minto, that they were not prevailed upon by such advices and drew up the present scheme to elicit public opinion. Since then certain circumstances have shown that the disturbances were not due to disloyalty of the people to the British throne, but that some irresponsible persons were at the bottom of them.

People now entertain high hopes and expect that by the time the scheme will be laid before His Excellency the Viceroy for final disposal, nothing will stand in the way of giving them their legitimate rights and privileges, and the matter will be dealt with in a more liberal and statesmanlike spirit.

2. As to the fact that the people of India have sufficiently advanced to get wider opportunities of expressing their views on administrative matters, the Government remark:—"The reforms then introduced (by the passing of the Councils Act, 1892) comprising the enlargement of the Legislative Councils, the recognition of the elective principle, the admission of the interpellation and the free discussion of the budget were held to be justified by the spread of English education, by the increased employment of natives of India in the actual administration of the country and by the indubitable proof which they had given of their intellectual fitness for such employment," and that "the extent of the advance that has since taken place in the development of the educated classes can hardly be judged by statistical tests. But it may be mentioned that within the last 20 years the number of scholars studying English has risen from 298,000 to 505,000, whilst the number of students passing the annual Matriculation Examination of the Indian Universities has increased from 4,286 in 1886 to 8,211 in 1905, and the number of Bachelors of Arts from 708 in the former year to 1,570 in the latter. During this period higher education has penetrated to circles which, a generation ago, had hardly been affected by its influence." It is further remarked "that for

the present at any rate the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life and are qualified to speak with authority on their behalf." And that "the Governor General in Council has been much struck by the difficulty encountered by the Government of India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them." Here I would like to say that in framing the scheme, the future progress in education that the Indian people are bound to make under the benevolent British Government should also be kept in view.

3. The Hindu law, as well as the Muhammadan law and the established usages of the country have made it obligatory on the kings to consult the people on their affairs. The Government say:—"The traditions of oriental polity have always recognized that the Sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. . . . Accordingly, all Indian Governments and all administrative officers in their respective positions have made it their business to elicit the opinions on administrative measures and proposals for action of those qualified to advise them in all ranks of society; and this process will, of course, be continued. Such advice and opinion as are thus obtained are the indispensable foundation upon which good administration is built up, and the regular consultation of persons qualified to give them is part of the necessary procedure of Government."

4 Now, the question arises, that if the old system of consulting people individually answers the purpose, why the new system of Advisory Councils is contemplated; and if not, why it is to be kept up along with the Advisory Councils. The fact seems to be, that the old system of eliciting opinions is defective and should be improved.

5. The Government of India believe that the proposals submitted by them represented a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers, and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions. The Government remark that "these are the provincial and tentative proposals, and lay them before the public in the fullest confidence that they will receive the careful scrutiny and sympathetic consideration that their high importance demands."

6. The main features of the Advisory Councils as proposed are (1) that all the Members of the Advisory Councils are to be appointed by the Government (2) the Council is to consist of the ruling chiefs and the territorial magnates only, (3) it will consist of about 60 members (4) it will not be vested with formal powers of any sort (5) its functions will be purely advisory and it will deal only with such matters as might be specially referred to it from time to time and (6) the proceedings of the Council will be private, informal and confidential and would not be published although Government would be at liberty to make any use of them that it thought proper.

7. I fail to understand how the objects in view can be attained from these Advisory Councils unless their scope is extended. With due deference to Government I beg to submit that these proposals require reconsideration and I beg to make the following suggestions which I hope, if approved by the Government, will make these councils really useful and more acceptable to the people.

8. Instead of the proposal that all the members of the Imperial Advisory Council would be appointed by the Government, I would suggest that elective principles should not be ignored in these councils when even the district and municipal boards have been given that right; if the number is to be kept 60, and 20 of them are to be ruling chiefs as proposed by the Government; the rest 40, three-fourths *i.e.*, 30, may be appointed by election from among the territorial magnates, landholding classes, industry, commerce, appointed by capital and professional classes and the remaining one-fourth, *i.e.*, 10, may be appointed by nomination.

The experience gained in England and other European countries as well as in India has been that the system of nomination is nowhere looked upon with favour. Before Lord Ripon's time there were district committees for education, dispensary and other branches of administration, the members of which were nominated by the district authorities, but they did not work satisfactorily. Lord Ripon then introduced the system of Local Self-Government and gave the people the right of election. That system has worked statisfactorily during the last 22 years and its utility has all along been recognized by the Imperial and Local Governments and is also appreciated by the people. Therefore the objects of the Government in establishing these] Advisory Councils could best be secured only by having those men on the council in whom people have confidence and trust and who are well acquainted with their wants and wishes. If the members will be nominated by the Government they could not be called representatives of the poople. As matters stand the official members support the Government's views, and the appointed non-official members also deem it their duty to do so. Those who have experience of the district and municipal boards and of the Imperial and Provincial Legislative Councils will testify to it. In the times of the East India Company officials in the Government service used to be appointed in England by recruitment, but this system was found defect and was replaced by the system of competition. This supports the view that the system of election is better than nomination. Even the Muhammadans in their address presented to the Viceroy in October 1906 expressed their disapproval to the system of nomination in the following words:—"While, therefore, we are bound to acknowledge with gratitude that such representation as the Muhammadans of India have hitherto enjoyed has been due to a sense or justice and fairness on the part of Your Excellency and your illustrious predecessors in office on the heads of Local Governments by whom the Muhammadan members Legislative Chambers have almost without exception been nominated, we cannot help observing that the representation thus accorded to us has necessarily been inadequates to our requirements and has not always carried with it the approval of those whom the nominees were selected to represent. This state of things was probably under existing circumstances unavoidable, for while on the one hand the number of nominations reserved to the Viceroy and Local Government has necessarily been strictly limited, the selection on the other hand of really representative men has, in the absence of any reliable method of ascertaining the direction of popular choice, been far from easy."

9. As to the system of election I would suggest that the Provincial Advisory Councils should be composed first and they should elect 30 members for the Imperial Advisory Council from among themselves or any one else resident of the province, as is done in the case of election of members for the Imperial Legislative Council. In my opinion the Government proposal that the Imperial Advisory Council should be composed first and that its provincial members should form the nucleus of the Provincial Advisory Council is not based on sound principles.

10. In clause 3 of the Government letter it is proposed that "the Council should consist of about 60 members for the whole of India, including about 20 ruling chiefs and a suitable number of the territorials magnates; where landholders of sufficient dignity and status are to be found," but there seems to be no reason why industry, commerce capital and the professional classes should be excluded from the Advisory Councils. As to the total number of this council I beg to remark that in my humble opinion the proposed number of 60 is too small when we see that in Great Britain with a population of about four crores the number of members in the House of Commons is not less than 670 and in the House of Lords 594, while the population of British India is not less than 23 crores. In fixing the number of members of the Advisory Councils there will be no such difficulty as has been mentioned by Government in the case of fixing the number of non-official members of the Legislative Councils where the official majority is to be kept up on political grounds.

11. It is provided in clause 5 that "the councils should receive no legislative recognition and should not be vested with formal powers of any sort." I would

suggest that the council should be given a definite constitution and powers so that the members may be inclined to serve on it.

12. In clause 6 it is laid down that its functions should be purely advisory and that it should deal only with such matters as might be specifically referred to it from time to time. I would suggest that these Councils should be at liberty to bring to the notice of Government other matters also which they consider to be necessary or important for the general good of the country, also matters which they consider essential according to the circumstances of the time for the good of the Government. In that way only the Government can be in touch with the people and the objects mentioned above can be attained.

13. In clause 7 it is laid down that "the proceedings of the council when called together for collective consultation should, as a rule, be private, informal and confidential, and they would not be published." There seems to be reason why the proceedings for the council should be kept private and confidential, although Government would be at liberty to make any use of them. I would suggest that the proceedings should be made public, because such matters are to be kept confidential on political grounds will not likely be referred to them.

The Provincial Advisory Council.

14. The Local Government of United Provinces of Agra and Oudh proposed to fix the number of the Provincial Advisory Council to be 25, but in any opinion it seems to be too small and I would suggest that each district may be allowed to send to the council at least one member by election and one-third of them may be nominated by the Government. Thus there will be 48 elected and 16 nominated members. This number may seem to be very large, but the propriety of it can be judged by the fact that the population of the United Kingdom of Great Britain amounts to 41,976,827 to represent whom there are 670 members in the House of Commons, while I suggest only 64 members to represent these Provinces whose population is 47, 691,782 *i. e.* 57 lakhs more than the former. The Government of India desire that the great landholders, the smaller landholders, industry, commerce, capital and professional classes and the Europeans should be included in the councils, and it is difficult to understand how all these different interest can adequately be represented by the small number of 25.

15. I quite agree with the proposal of the Government of India that collective deliberation is more valuable than opinion elicited by individual consultation and I attach much importance to it. In my opinion individual consultation is not required at all, but in the case of absence of any member in the meeting his written opinion should be accepted.

16. I would like to suggest further that the council should meet at least twice a year and that when His Honour the Lieutenant-Governor may visit a division he should hold a meeting of the members of the council residing in that division and give them an opportunity of pointing out the local requirements.

Imperial Legislative Council.

17. In 1889 Lord Lansdowne's Government observed that "the spread of education and enlightened public spirit, and the recent organization of Local Self-Government might render it possible to give representation to the views of different races, classes and localities through the medium of corporations vested with definite powers upon a recognized administrative basis, or of association formed upon a substantial community of legitimate interest, professional, commercial and terriorial." However, when the councils were framed under the India Councils' Act, 1892, the number of non-official members on the Imperial and Provincial Councils was kept too low to represent adequately the interest of 230 millions of people under the British rule.

18. The electors tried to send to the councils such persons as were well qualified to represent their interests and such persons were mostly found among the legal professions, and it is for this reason that the lawyers predominated in the Councils.

The people of India have all along been asking the Government to increase the number of non-official members so that all classes might adequately be represented, and thanks to the Government that after all they have considered the advisability of such an extension. But it is to be regretted that even now the number of non-official members for the Imperial and Provincial Councils is not fixed on a liberal scale and is not expected to fulfil the requirements of the time. The Government indirectly admits this fact, but finds itself as if unable to do justice to the people in giving sufficient representation, on the ground that they could not spare more officials than proposed, in order to be equal to the number of the non-official members, without detriment to their duties. This difficulty, I believe, can be overcome by order methods than the proposed one. But it is absolutely desirable that the number of non-official members should be raised, having due regard to the number of persons whose interests they are going to represent. Out of the total number of 54 members on the Imperial council it is proposed to appoint 36 members by nomination, *i.e.*, 29 from among the officials and 7 from the non-officals and the remaining 18 by election. In other words the council would consist of two-thirds of the Government nominees and only one-third, of the elected members. Can such a council be said to be a representative one and can 18 members fairly represent the interests of 230 millions of the people? Not only this but even these 18 elected members are not to be elected at the free will of the electors, because their power of election has been confined to particular classes. In India, many persons of the legal profession are highly educated and devote their time and energy to the public good even at the sacrifice of their personal interest. The very fact that their number so much preponderates in the Imperial and Provincial Councils shows that the people have more confidence in them than others. It is a matter of daily experience that when a man has to appoint his representative (council) in a court of law like the High Court he would not select that Barrister or Vakil, who is a man of property or wealth, but one whom he would find a better qualified man to defend his cause. Even the most intelligent landholder or banker has to consult expert opinion in transacting his business. The business of the Legislative Councils is to pass laws, and who else on behalf of the people are best fitted to help the Government in making laws for the land than the men who have to help the administration of those laws? History tell us that almost all the philosophers, prophets, lawgivers, politicians and statesmen, &c., were men of intellect and genius and not men of property and wealth. Messrs. Disraeli, Gladstone and other English statesmen of the present day were not territorial magnates. The ministers of Akbar, *viz.* Birbal, Todermal, Khan Khana, Faizi, &c., were men of genius only. Sir Syed Ahmed Khan was not a man of property. Even the school masters so much deprecated by the Government of India have found favour in the estimation of the Secretary of State as appears from his selection of the Honourable Mr. Morrison and Hon'ble Mr. Bilgrami for his own Council.

19. Under these circumstances I beg to suggest that the number of elected members should be increased and the power of electorate for making their elections should not be hampered, but should be allowed a free hand in the use of their discretion. Regard should of course be had that the electorates may be composed of all classes and creeds.

20. It has been noted in paragraph 16 of the Government letter that "under the system of election hitherto in force Hindus largely predominate in all or almost all the electorates with the result that comparatively few Muhammadan members have been elected." With due deference to Government I regret to say that I cannot share in this view. In my humble opinion the electors try to select the best possible man for the seat without regard to his religion or profession. This was the reason of the men of legal profession predominating in the councils and of there being more Hindus than Muhammadans. In the United Provinces the Honourable Pandit Bishambar Nath, the Honourable Sir Faiyaz Ali Khan and the Honourable Rai Bahadur Sri Ram, were elected for the Imperial Council unanimously by the Hindus and Muhammadans. Religion or profession has nothing to do with such elections.

But in the proposed scheme certain seats have been allotted exclusively to the Muhammadans. This is certainly a departure from the old neutral policy of the British Government. Up to this time there was no special electorate for any religion, nor were any restrictions imposed on the electors to elect a person of a certain religion. They could elect any whom they thought to be the best qualified for representing their interests. Similiar was the case with the appointments in the Government service of all ranks. The Government appointed any they thought well qualified for the post. Although there was a predominance of Muhammadans over the Hindus in some Provinces, yet the latter, relying on the justice of the Government, did not grumble and press their claims upon the Government. But the Muhammadan gentlemen have preferred to open this controversy and press their claims, sparing neither the Hindus (for not electing Muhammadans), nor the Government officials (for selecting unfit persons) from blame. Therefore if it is advisable in the opinion of the Government to open this controversial point, it should be settled once for all and the principle upon which Government should distribute posts in the councils and in the Government service determined. In this respect the safest guide can be the proportion of a religion or class to the population of the whole Province and then suitable arrangements can be made to secure the fixed number of seats for them.

Under the present scheme out of 25 non-official members, four seats have been alloted exclusively to the Muhammadans, *i.e.*, two by election made by the Muhammadans and two by nomination made by the Government in addition to as many more seats as they will be able to get by election. Therefore great heart-burning is naturally produced in the different classes of His Majesty's subjects such as Sikhs, Parsis, Marhattas, Khatriyas, Marwaris and Eurasians. If the contemplated change in the old policy is kept up it is feared lest it will sow the seed of everlasting animosity.

PROVINCIAL LEGISLATIVE COUNCIL.

21. The number of non-official members on the council has been fairly increased and the Government of Sir John Hewett is thanked for this liberality. But I would suggest that the electors should have a free hand in making their elections and the proprietary qualifications for a member of the council should not be forced upon them. But for the sake of the members being really useful in conducting the council business which is done in England, it may safely be laid down that a person who is not a graduate or has not in the opinion of the Local Government a fair knowledge of English to be able to understand and conduct the business of the council himself will not be eligible for the post.

22. Under paragraph 3 of the Local Government's letter, four seats out of 18 non-official members, have been reserved for Muhammadans, which will be in addition to what they will secure by election. In other words, this means that the Muhammadan element in the council will never be less than one-fourth of the non-officials and it may go up to any limit. I have mentioned above my views in paragraph 20 on this subject. The proportion of Muhammadans to the population of these Provinces is only 14 per cent., and it is for the Government to decide how many seats they are entitled to get at such a time when there is so much unrest on this point in the public mind. The wisest and safest course for the Government would be to adhere to their old policy of neutrality hitherto followed and to let the people of every class come in by election.

23. In my opinion the term of office of the members of the Provincial Council may be fixed at three years as the present term of two years is too small.

24. The Council should meet at least four times a year.

Dated Allahabad, the 7th January 1908.

From—THE HON'BLE RAI SUNDAR LAL, BAHADUR, B.A., C.I.E., *Advocate, High Court, North-Western Provinces,*

To—*Chief Secretary to Government, United Provinces.*

SIR,—I have the honour to acknowledge receipt of your letter no. 1516 III.—416, dated the 7th October 1907, forwarding copy of the Government of India letter no. 2310—17, dated the 24th August 1907, relating to the question of

giving the people of India wider opportunities of expressing their views on administrative matters, for an expression of my views on the proposals. Opinion is more specially asked on matters referred to in paragraph 2 and the subsequent paragraphs of your letter under reply. Suggestions are invited as to the constitution of the Provincial Advisory Councils and the Provincial Legislative Council and the formation and recognition of electorates and public bodies to elect or nominate members to it and to the Imperial Legislative Council in Calcutta.

2. The Indian community is thankful to the Government of India for taking the question into consideration and for formulating their proposals for an expression of public opinion on them.

3. The Government of India propose to effect the object in view by—

(i) the establishment of an Imperial and also Provincial Advisory Councils;

(ii) the expression of the existing Legislative Councils, the reallotment of seats in the councils to represent various represents, and by recasting the rules for the appointment of their members.

I will take up the two proposals in their order.

IMPERIAL ADVISORY COUNCIL.

4. The object and the constitution of the proposed Imperial Advisory Council are set out in paragraphs 4 and 5 of the Government of India's letter quoted above. This council, according to paragraph 5 (3), is to consist of about 60 members for the whole of India, including—

(*a*) about 20 ruling chiefs and

(*b*) a suitable number of territorial magnates of every province where landholders of sufficient dignity and status are to be found.

As the first practical measure of its kind which has for its objects the enlistment of the co-operation of the ruling chiefs in the Government of India, I welcome it. Much of course will depend upon the selections of the chiefs for the council. The ruling chiefs, however, have no direct contract with the masses of the people under the direct Government of the British Crown, and therefore cannot be the best representatives and exponents of their views on administrative measures, which will affect the most, and it will be through the other members of the council that the views of the people of British India on such administrative measures will be really expressed. It is upon their selection that the success of the council will, I think, really depend.

5. The second class of persons who will find place in the council are described as "*territorial magnates*" and will, I imagine, be big landholders holding titles of Maharajas, Rajas, Nawabs and the like, and who come immediately below the ruling chiefs in rank. In thus restricting the field of selection I fear the council will not be, as it ought to be, as good and useful an exponent of public opinion as it should become if the range for selection had been wider and persons of the position of retired Indian Judges of the High Court, or retired Indian members of the Civil Service, or gentlemen on whom the Government has conferred titles, honours or distinctions, or gentlemen distinguished for valuable public services, or members of the professions who occupy prominent positions in life, or ministers of native states, and other persons of the same class are made eligible for appointment to it. The "ruling chiefs" and "territorial magnates" often fall back upon the advice and assistance of persons of the attainments I have mentioned in the disposal of their own affairs; and by including them the council will not only represent the landed, but also the intellectual, aristocracy of the land.

6. The council should meet at least once a year and also on the written requisition of not less than one-third of its members. It should be permitted to bring to the notice of the Government matters which in its opinion require the consideration of the Government. By confining it to its scope to a consultative body only on matters referred to it for opinion the Government would not be utilizing it to the full extent to which it can be of service to the administration. It would be better if the council could be given legislative recognition, so as to form part of the constitution of the Government of India. Although the council will not be invested with formal powers of

any sort, I think it would give the weight due to the advice of such a body if the Government made it a rule to defer for further consideration any measure against which not less than three-fourths of the members of council have voted.

PROVINCIAL ADVISORY COUNCIL.

7. The number of the members of the Provincial Advisory Council should, I think, be fixed at 30, that is 25 in addition to the provincial members of the Imperial Advisory Council. It is difficult to fix with any precision the qualifications for membership or the proposition in which members should be appointed to represent various interests in the province. It would be better that the constitution is more or less in a fluid state until more experience is gained, but I would suggest as a tentative measure a constitution on the following lines :—

That the council should consist of—

(*a*) Provincial members of the Imperial Advisory Council, about	5
(*b*) One landholder to represent each of the nine Commissionerships of the United Provinces	9
(*c*) Industry, commerce, capital and manufactures to be represented by	6
(*d*) The professions to be represented thus—	
Oudh	1
Agra	2
(*e*) University of Allahabad	2
(*f*) Non-official European, Eurasian and Native Christian communities	2
(*g*) To represent other interests not otherwise represented	3

Members of group (*a*) will represent the big landlords of the United Provinces and group (*b*) the smaller landholders. There will thus be at least 14 landholders on the council.

Group (*c*) will include a member of the Chamber of Commerce, bankers, merchants and a leading planter. There may possibly be room for one or two Europeans in this group.

Groups (*d*) and (*e*) require no explanation.

In group (*f*) the Government might appoint a member of the missionary class who has been long in touch with the people or a member of the English Bar or a retired member of the Civil Service of long Indian experience.

The last group will enable the Government to appoint representative of any particular class, creed or race who are not sufficiently represented by persons selected under the preceding groups.

8. The observations contained in paragraph 6 relating to the Imperial Advisory Council are equally applicable to this council.

9. To promote a free discussion of the matters coming before the council it seems desirable that the council should be presided over by a non-official member. This consideration applies equally to the Imperial Advisory Council, but, as it will have 20 ruling chiefs among its members, there may be possible difficulties in the selection of a non-official chairman, and I have therefore, in consideration of this aspect of the question, made no similar suggestion in connection with the Imperial Advisory Council.

10. The constitution of Imperial Legislative Council is outlined in paragraph 2 of the letter of the Government of India. I have no observation to offer under heads (A) and (B), nor to the representation of the Chambers of Commerce of Calcutta and Bombay, and of the non-official members under (D), clauses (*a*) and (*b*). If the constitution of the Provincial Councils is altered on the lines proposed in the said letter landholders will be returned much more largely by the non-official members of the Provincial Councils than they have been in the past, and it will not perhaps be necessary to give them the large separate representation that it is proposed to give them under head (D), clause (*c*).

11. It is proposed to definitely reserve four seats for Muhammadans, two of which are to be filled by election. These two Muhammadans will be elected by a separate Muhammadan electorate constituted of the following classes :—

(1) All who pay land revenue in excess of a certain amount.

(2) All payers of income-tax, this would comprise trading and professional classes exceeding Rs. 1,000 a year.

(3) All registered graduates of Indian University of more than, say five years' standing.

I think that the Muhammadans, like other minorities, should be represented by nomination made by the Government as hitherto, if not already returned by election in sufficient number. It is of course desirable that the Muhammadan community should be fully represented in the council, and their is no objection to four or even a larger number of seats being assigned to them. Under the scheme proposed Muhammadans get three special advantages over other members of the Indian communities, *viz.* :—

(*a*) a reservation of four seats in addition to any to which they may be otherwise elected ;

(*b*) election by their own co-religionists, whereas others will have to depend for their election upon the votes of their own co-religionists as well as others ;

(*c*) they obtain a very large electorate of landholders and all persons having an annual income exceeding Rs. 1,000 and in which all graduates of certain standing will be represented.

These privileges will be possessed by no other community. A Hindu, Parsi, or Christian graduate will have no franchise as such which his more lucky Muhammadan brother will enjoy. This is by no means a small advantage and I have no doubt that if it is granted to Muhammadans, every other community in India will vigorously claim it. It will be a matter of considerable practicable difficulty to adjust these claims on a satisfactory basis. In these days of caste, class and religious conferences much will be made of this apparent disparity of treatment. The best interests of the Government, I believe, require that if the Muhammadans are given the proposed special electorate, a similar special electorate on exactly the same lines should be given to other communities.

The selection of the representatives of a class, by members of that class alone, is necessary where the differences between it and other classes of the community are such as will render the nomination or election of a representative futile by the ordinary method. This does not, so far as my experience goes, exist in the case of Muhammadans. I have not come across one legislative measure in which the interests of the Hindus and Muhammadans were not common. Differences no doubt exist, but they are mainly in the question of the distribution of official patronage and honours in which the candidates themselves are very often the more interested persons.

The scheme proposed will tend to perpetuate whatever differences there are between the various communities, if not to create some more. The interests of the Government and public will be better served by a continuation of the existing system of securing representation of the minorities.

Another feature that I note in the constitution of the Imperial Legislative Council is the absence of a representative of Indian capital, industry or commerce. The Chambers of Commerce at Calcutta and Bombay will not sufficiently represent the mufassal. The representative of these bodies will very inadequately, if at all, represent the Indian side of it. A representative of the leading Indian merchants and capitalists might be elected in rotation from each province by the persons of this class who pay income-tax above a certain figure.

The universities also are not represented in it. The Indian universities might in rotation be permitted to nominate one member to the Imperial Council.

PROVINCIAL LEGISLATIVE COUNCIL.

12. The proposed constitution of the Local Legislative Council seems to be good except in two respects. Firstly, there is no Indian representatives of trade, capital or industry as such in the council. I think that all merchants, manufaturers, capitalists, bankers, &c., paying income-tax in the sum of Rs. 250 or over should be

formed into an electorate and one seat given to them for election. Similarly all Indian legal practitioners above the grade of *mukhtars* or pleaders (as the Government may determine) should (as has been proposed to be done in Madras) be formed into an electorate and elect one for a seat in the council. At present some lawyers will come in through the municipal board, but as members of other communities advance education in the municipal towns they will claim their proper share of the representation.

My observations relating to the special representation of the Muhammadans in the Imperial Legislative Council apply equally to the Provincial Legislative Council.

13. I think that there should be no change at present in the franchise, and in the qualification of members for election to the district and municipal boards, but candidates for election to the Legislative Council from the district boards or the municipal boards should have an income of not less than Rs. 5,000 a year. It would perhaps be enough to prescribe that the candidate from the district boards should pay Government revenue in the sum of Rs. 5,000 or more a year and in the case of candidates from municipality income tax on a like amount. The proposals in paragraph 22 (*c*) of the letter of the Government of India as to the constitution of municipal and district boards are not needed, and the lines on which it is proposed to reconstitute them present many practical difficulties. The reservation of seats for members of the diffirent religions, and the constitution of special electorates for each religion, are not at all called for and will bring discord where harmony now exists. It is not also practicable to frame caste or class groups of electors as suggested. Unchangeable as the East has been said to be, in these days, though one cannot change his caste, the class, *i. e.*, whether a man is an agriculturist, artizan, tradesman, soldier or a professional man, frequently changes; for example, a Brahman may be a priest, a moneylender, or merchant, or landholder, or lawyer, or medical man, as also a soldier or a cultivator. He may belong to more than one class. The same remark applies to every class or community. The success of the scheme of municipal or urban self-government depends upon the consolidation of the various communities within its territorial limits into one homogeneous whole and not upon the disintegration of its solidarity.

14. I think that a single representative of the landholders of the United Provinces of Agra and Oudh to represent the landed interest in the Imperial Council should be elected by all landholders paying revenue on the sum of Rs. 10,000 or over in both the provinces.

The proposal to give the provinces of Agra and Oudh a right to elect in alternate terms seems to be open to the objection that it places the more numerous landholders of the province of Agra on the same footing as those in the smaller province of Oudh. It tends to perpetuate the distinction between the two provinces, which ought to disappear in course of time.

15. All candidates for election as members of the Imperial or Provincial Legislative Council should possess a fair knowledge of English so that they may be able to follow the discussion and take an active part in the proceedings of the council.

I regret very much the dalay of a few days that has occurred in the submission of the reply, which I trust you will kindly overlook.

Opinion of the Hon'ble Munshi Madho Lal, *Member, Imperial Legislative Council and zamindar, United Provinces, dated Benares, the 30th December* 1907.

The object of the Government in inaugurating the proposed reforms is admittedly to give the people of India "a more effective part in shaping the action of Government," "a larger share in the actual administration and more extensive employment in the higher offices of the State." The initiative taken by His Excellency the Viceroy has not been taken a day too soon. The spread of English education amongst Indians, the indubitable proof of their intellectual fitness, the new ocial and political conditions which affect the course of Indian affairs have rendered the introduction of some such schemes as the proposed ones of paramount importance. They

are, I take it, the outcome of a generous and sympathetic policy of the British Government, with whose interest the destinies of the three hundred millions of Indians have providentially been knit together.

2. The reforms contemplated are not intended to weaken in any way the executive authority of the Government, or to impede its free action in the general conduct of affairs. The Government of India have with this view, we are informed, formulated certain proposals on which public opinion has been invited. It is obvious that the schemes put forward are tentative and are intended at best to form the bases for the public to work upon. Thanking the Government for its good intentions I proceed to an examination of the Government proposals. I shall first take up—

The Advisory Boards.

3. The regular consultation of persons in all ranks of society, qualified to advise on administrative measures, and proposals for action is, in the words of Sir Harold Stuart's letter, part of the necessary procedure of the Government; such advice and opinion are the indispensable foundation upon which good administration is built up. How to secure such advice and opinion in a *constitutionally recognized* and *well regulated form* is the question. The establishment and recognition of a determinate body of advisers would, in the opinion of the Government of India, be a marked step in constitutional progress. So far there can be no two opinions. But it is with regard to the scope and function of that determinate body that a considerable difference of opinion arises. A body of advisers, bereft of legislative recognition and shorn of powers, summoned together or consulted by letter at the will of the Head of the Government, their deliberations private and their opinions confidential, without having the privilege of volunteering advice on any matter of vital importance to the people, would, in my humble opinion, be more ornamental than useful, and would hardly subserve the end in view of affording to the people a more effective part in shaping the action of the Government.

4. I now pass on to the constitution of the Provincial Advisory Boards Assuming that the Board for the United Provinces should consist of 25 members only as suggested in the Chief Secretary's letter, dated the 7th October 1907 (though I should like to have double the number), I would distribute the seats as under:—

9 to municipal boards, each division sending up one member.
9 to district boards, each division sending up one member.
1 to a nominee of the British Indian Association, Oudh, Lucknow.
1 to a nominee of the Landholders' Association of Agra, Allahabad.
2 seats to University men, to be elected by M.As., D.Scs., and M.Ds., of not less than five years' standing and B. As., M. Bs., or L.M.Ss., and B. C. Es., of not less than ten years' standing.
2 seats to members of the legal profession to be nominated by the Bar Associations of the High Court, Allahabad and Judicial Commissioner's Court, Lucknow.
1 seat to trade, commerce, and industry to be nominated by the Chamber of Commerce.

5. To make the proposed body of advisers helpful adjuncts of the machinery of administration they ought to have a legal status; be required to meet periodically; be authorized to submit to Government, *suo motu*, their views on administrative questions. I would have the Provincial Advisory Board of the United Provinces assemble at least twice a year—once at Allahabad, say in November, and once at Lucknow, say in March. I would have such of the numbers of the Provincial Advisory Board as reside within a revenue division summoned for consultation on the occasion of the visit of the Lieutenant-Governor to that division. I would grant to the members every facility to correspond with the responsible officers of the Government on all important administrative questions and to obtain correct information thereon or in connection therewith. I would, on an emergency, let at least seven members sign a requisition and call for an extraordinary sitting of the Board. I would let each member hold office for three years and make him eligible for reappointment or re-election for a further like period.

The Imperial Advisory Council.

6. I regret I am unable to agree in the proposed method for the constitution of the Imperial Advisory Council. Granting that the council should not consist of more than 60 persons, I would recruit them in the manner following :—

32 seats to be representatives elected by the non-official members of the eight Provincial Advisory Boards.

8 seats to representatives of trade, industry and commerce, one nominated by each Local Government or Administration.

8 seats to territorial magnates, one nominated by each Local Government or Administration.

10 seats to ruling chiefs nominated by the Viceroy.

2 seats to representatives of minorities to be nominated by the Viceroy

Every Provincial Advisory Board should nominate not more than four representatives from amongst them, the election being made by ballot and determined by a majority of votes. The head of each Provincial Government should nominate a representative of the territorial magnates of the province, who may or may not be a member of his Advisory Board. Similarly a representative of trade, industry and commerce may be nominated.

The Provincial Legislative Council.

7. With regard to the Legislative Councils I congratulate the Government upon its desire to enlarge them to the fullest extent compatible with the necessary authority of the Government. The advance in education, the change in the social conditions, the growth of political aspirations of the children of the soil demand the enlargement of the Legislative Councils. The proposal to give the landed and the moneyed interests in the country a chance to voice their opinion on legislative measures would no doubt tend to a better understanding betwen the rulers and the ruled. As the Government of India rightly observes, the needs and sentiments of the masses of the people must find expression through those who from their knowledge, experience and education are qualified to speak on their behalf. That no particular class should have a monopoly of representation is but fair : it is equally fair and necessary that no class disabilities should be permitted. That men of law and literature should preponderate in the Legislative Councils under the elective system is not surprising. One cannot fairly expect an unlettered man of means to assist in the making of the law of the land. While every attempt should be made to focus all shades of opinion on public questions, the real work of formulating the law cannot be expected properly to be done by an illiterate or an uneducated person who is not fitted for the task by his ignorance of the language in which that law is framed.

8. The Government naturally desires always to have a standing majority of its own in the Legislative Councils. It is equally natural on the part of the people to desire to have their interests fully represented in the councils by their own nominees if the Government really means to make the councils sufficiently large to be representative of the various and varied peoples over whom it exercises sway, the numbers of non-official members should be substantially increased In order to counterpoise the strengthened non-official opinion in the Legislative Councils, the appointment of an inconveniently large number of Government officers would be needed. But the necessity of their presence might be obviated if the Government reserved to itself the right of veto, which could, whenever necessary, be exercised, full reasons therefor being recorded and published. The existing machinery of Government is such that the collection of official opinion on any question is a simple affair. It is the non-official opinion which, in the absence of a well-organized system, it is practically impossible to properly ascertain. Assuming that the membership of the Provincial Legislative Council should be limited to 37, I would suggest that it be formed thus :

10 seats to be allotted to municipal boards with a population of not less than 100,000.

5 seats to minor municipalities.

4 seats to the district boards.

1 seat to the Chamber of Commerce, Cawnpore.

1 seat to the University of Allanabad.

4 seats to the Secretaries to the Government.

1 seat to a Medical or Sanitary Officer of Government.

1 seat to a Member of the Board of Revenue.

4 seats to Commissioners of divisions.

2 seats to landholders to be nominated—one by the British Indian Association of Oudh and the other by the Landholders' Association, Agra (the candidate should be one who pays Government revenue of not less than Rs. 25,000 per annum).

2 seats to trade or commerce to be selected by the Local Government (the candidate should be one who pays income tax of not less than Rs. 100 per annum).

2 seats to representatives of minorities to be nominated by the Government.

9. I am strongly averse to any representation based on race, religion or guild as being opposed to the admittedly salutary and sound principle of Government neutrality that has always been the characteristic feature of the British administration in India in its dealings with the different religious and class interests in this land of various races and creeds. From the municipal boards I would limit the representation in the council to such members as have an annual income of not less than Rs. 2,000 and possess the necessary knowledge of English to enable them to follow the proceedings of the council. I am not of opinion that the present rules regarding the qualification of candidates for election to municipal boards in the United Provinces, which, generally speaking, answer fairly well, should be altered. But I am of opinion that the conditions of membership of dirtrict boards should be changed, being based more largely on the elective principle as is now the cases with the membership of municipal boards and confined to men paying Government revenue of not less than Rs. 500 per annum.

The Imperial Legislative Council.

10. Having indicated the lines on which the Provincial Legislative Councils may be built up, I shall now proceed, in the only logical and convenient mode of dealing with the question possible, to constitute the Imperial Legislative Council. To make it representative of all interests and classes the only way is to recruit its non-official members from recognized electorates, *viz.* the Provincial Legislative Councils. Any other method of recruitment is bound to fail, and I would strongly urge the Government not to take the retrograde step of discarding the elective system. I am decidedly of opinion that any method of racial or sectarian nomination and religious representation is foredoomed to failure and is sure to lead to difficulties. Bearing this in mind I would suggest that the Imperial Legislative Council should consist of the following assuming that its maximum strength might be 54 only :—

(*a*) *Ex officio*, the Lieutenant Governor of Bengal or of the Punjab (as the case may be), the Commander-in-Chief, and the members of the Executive Council	8
(*b*) Additional officials to be nominated one by each principal Government	8
(*c*) A ruling chief to be nominated by the Viceroy	1
(*d*) A territorial magnate	1
(*e*) Representatives of the Chambers of Commerce of Calcutta, Madras, Bombay, Karachi and Cawnpore	5
(*f*) Representatives of Provincial Legislative Councils of Bombay, Madras, Bengal, Eastern Bengal and Assam, United Provinces, Punjab and Burma, (three from each)	21
(*g*) Representatives of the Central Provinces, Berar and Ajmer, Merwara, to be nominated by recognized public bodies within the Provincial Administrations	2
(*h*) Non-officials to be nominated by the Viceroy to represent minorities or special interests	4
(*i*) Experts to be nominated by the Viceroy when necessary or by any community whose interests may be specially concerned	1
(*j*) Two representatives of the Press (Anglo Indian and Indian) one of each, the paper being of not less than ten years' standing, the nomination being made by the Press	2
Total	53
Including His Excellency the Viceroy	54

Such a council of nominated and elected representatives would, I think, mee the present requirements of the country.

II. In conclusion I venture to suggest that if two members of the Advisory Boards and the Imperial Advisory Council, one to be nominated by Government and the other to be elected by the Board or Council, be required to be always at the headquarters of Government in order to be within easy reach of the Government, free consulation would be facilitated.

Opinion of RAJA RAMPAL SINGH, C.I.E., *Talukdar of Kori Sudauli, district Rae Bareli, dated the 25th December 1907.*

I NEVER studied the question of reform scheme with a view to write anything on it, though I have been perusing with interest the literature that has appeared on it from time to time in the press. But now as you have been pleased to call an expression of opinion from me, I beg to submit it in a brief form for there is no time to discuss the scheme in detail with reasons.

The scheme consists of two heads of reform :—

(1) Advisory Councils (Provincial and Imperial).

(2) Expansion of Legislative Councils (Provincial and Imperial).

Taking the needs of India into consideration I strongly support the proposal of Advisory Councils, both Imperial and Provincial, but I do not quite agree with the consitution and the restricted functions that the scheme proposes to give them. In order to satisfy the public and to make these bodies fulfil the objects for which they are proposed to be formed and for other various reasons which I need not detail here, I think it necessary that one-third of the members of the Advisory Councils, both Provincial and Imperial, should be elected members and the rest should be nominated by the Government. I beg to suggest that the Provincial Advisory Councils should consist of 30 members. Out of these 15 should be nominated by the Government from amongst the landlords paying revenue not less than Rs. 10,000 a year and five should be taken as representatives of other interests and 10 should be elected by the registered graduates of any university of 15 years' standing, but residing within the province to all intents and purposes. In the same way the Imperial Advisory Councils should have two-thirds of its members nominated by the Government and one-third of its members elected by the different Provincial Advisory Councils. That is to say that the Imperial Advisory Council should consist of 63 members instead of 60 and out of these 21 should be ruling chiefs, 21 should be nominated by the Government from amongst the territorial magnates who shall be members of the Provincial Advisory Councils of the different provinces (three from each province), and 21 should be elected by the Provincial Advisory Councils (three from each province). These councils should not only deal with matters that may be specifically refered to them, but should also be given the privilege of bringing before the Government of their own accord any matter that they may think important for the country or for the Government. The proceeding of these councils should not, as a rule, be kept private, but should be published as the country has a right to know them.

As regards the constitution of the Imperial Council as proposed in paragraph 12 and page 5 of Government of India's letter I have not much to say. In sub-section 2(*e*) of the same paragraph, after the words " Non-official nominated by the Viceroy . . . Muhammadans " the words " Provided they are in the minority " should be added. I do not think it is intended that if a sufficient number of Muhammadans be elected, the Government will even then nominate two Muhammadnas to make the number too large. In my opinion if the Government is bent upon reserving a few seats for the Muhammadans, the number of the seats should be fixed once for all. The proposal in the scheme is apt to cause bad blood between the Hindus and the Muhammadans, who have been living as brothers for centuries, and the Government will be blamed for that. The same should be the case with the Provincial Councils.

In the scheme of the Local Government for Provincial Council I beg to suggest that there should be two representatives for the municipalities of Agra Province and one representative for the municipalities of Oudh as is the case with district boards.

In the case of the members of Legislative Councils, both Imperial and Provincial, it should be made a strict rule that no member should be taken, unless he has a sufficient knowledge of English to understand the proceedings of the council.

No. 4660/XII—601A., dated the 17th December 1907.

From—HON'BLE MR. A. W. CRUICKSHANK, C.S.I., *Senior Member, Board of Revenue, United Provinces,*

To—Chief Secretary to Government, United Provinces.

SIR,—I have the honour, in compliance with your no. 1519/III—416, dated the 7th October 1907, to submit my opinion on the points therein indicated.

Of the wisdom of increasing the opportunities of ascertaining the views of the ruling chiefs and their subjects—as well as those of the inhabitants of British India—on essential items in the social, industrial and political life of the Empire there can be no shadow of doubt.

The saying, attributed to the wisest of Eastern kings, " Where no counsel is the people fall, but in the multitude of counsellers there is safety," is as true now as erstwhile.

Whether the proposals in paragraph 5(*d*)(1) to (7) of the Government of India letter no. 2310/2317, dated the 24th August 1907, as to the creation of an Imperial Advisory Council, are the most suitable expedients for eliciting the real opinion of the imperial counsellers, and through them of the people they are intended to present, is one of the subjects on which I am requested by the Local Government to submit my opinion.

I may promise my remarks by stating my conviction that a council of counsellers is an idea more consonant to the ideals of Western civilization and freedom of expression of the thought than to the practice of the secretive East.

Whether the members of the proposed Advisory Council called together for collective consultation would be the ready exponents of the views of their countrymen may be open to question. That the opinions of these selected counsellers obtained individually and confidentially would be of the highest value is a matter that goes without saying. I believe, however (I write subject to correction), that under existing arrangements ruling chiefs can be, and are, consulted individually and confidentially on matters of imperial or local importance affecting the interests of India or the states over which they rule.

In such confidential correspondence a ruling chief is much more likely to enunciate with freedom and sincerity his personal knowledge and real opinion that in a collective assembly, where he would be hampered by doubt as to what his compeers might think of his attitude. He knows that such confidential corrospondence will be kept sacred.

Though the proceedings of the proposed Advisory Council would not be published and would ostensibly be private, informal and confidential, there is no ruling chief or other counseller but would in his heart of hearts fear that in some way or other the veil of secrecy might be lifted. This might quite unconsciously be effected by some counseller unable to maintain a guard upon his lips.

The apprehension, based possible on experience, of the extreme difficulty or keeping oral communication confidential might tend to restrain open disclosure of real facts and opinions in council.

Ruling chiefs would no doubt appreciate the honour of being individually consulted by His Majesty the King-Emperor's Viceroy on matters connected with the public weal. It is however, a point deserving deliberate consideration whether ruling chiefs would appreciate as a distinction the privilege of sitting in an Advisory Council

with approximately twice their number of other counsellers, not ruling chiefs, however estimable and respectable such others might be.

Ruling chiefs differ in dignity *inter se* as regards salutes, titles, measure of independence and other considerations of birth, caste, creed and social rank, but each one of them considers himself politically superior to the most distinguished subject of His Majesty the Emperor, who is not a ruler. It is proposed that all the members should be appointed for a term of five years and at the end of that term should be eligible for re-appointment.

I have no hesitation in recording that this limitation of the term of appointment would be unpalatable to all ruling chiefs, who would naturally think that, if fit to be counsellers at all, they are fit to hold that distinction for life or at least *quamdiu se bene gesserint*.

The term of five years for appointment of others than ruling chiefs on the Advisory Council seems open to little objection, but I would strongly advise permanence of appointment in the case of ruling chiefs. Briefly, the ruling chiefs selected as imperial counsellers should be recognised as a different grade of counseller from the subjects of His Majesty the King-Emperor in British India.

With regard to the selection of counsellers for British India, it would avoid much invidious distinction and at the same time add to the dignity of the Imperial and Local Legislative Councils if the members of the last-named councils were *ex-officio* members of the Imperial Advisory Council. If this would swell the number of the Imperial Advisory Council too much, the members of Provincial Legislative Councils might send delegates.

It is possible that the consultation collectively of the Imperial Advisory Council would involve considerable expense on the members, and it is not apparent whether it is intended to provide against such a contingency.

For the constitution of the Local Advisory Council, presumably to be composed chiefly, if not entirely, of non-officials, I would suggest—

(*a*) whatever number of imperial advisory counsellers (other than members of the Local Legislative Council) may be chosen for the representation of the territories in the Local Government concerned, the same individuals should also be included in the Local Advisory Council;

(*b*) the non-official members of the Local Legislative Council;

(*c*) if more than those in (a) and (*b*) are required, they should be selected by Government from the list of Muhammadan and Hindu title-holders, who are presumably the *élite* of their respective classes.

The enlargement of the Imperial and Provincial Legislative Councils on the lines proposed by the Government of India is a wise measure and should enlist the sympathy of all.

The proposal of the Government of India as to the selected and nominated members seem open to little criticism.

Turning to the proposals of His Honour the Lieutenant-Governor with reference to the number of members and the constitution of the *Local Legislative Council*, I have nothing to suggest. These proposals would secure a fairly representative body of expounds of the opinion of the most important classes of the community.

Lastly, the proposed extension of the discussion of the Budget on the lines proposed in paragraph 29 of the Government of India letter is a distinct step in advance. The present system is undoubtedly discursive and eventuates in a collection of chiefly infructuous observations rather than an informing debate.

No. 2572/XV—7, dated the 30th December 1907.

From—H. C. Conybeare, Esq., *Commissioner, Meerut Division,*

To—Chief Secretary to Government, United Provinces.

Sir,—In obedience to your letter no. 1520—III—416 dated the 7th October last, I have the honour to submit an opinion on the correspondence therewith sent regarding the constitution of Legislative and Advisory Councils.

Advisory Councils.

2. With the remarks made regarding Imperial and Provincial Advisory Councils by paragraphs 4 to 7 of the Government of India's letter of the 24th August last I venture in the main to concur. Provincial Advisory Councils need probably consist of not more than 30 members, that is half the number composing the Imperial Advisory Council. I would not allot any rigidly fixed number of seats on the Provincial Advisory Council to any particular class, but would leave it to the Lieutenant-Governor to nominate as many of any class as he considers expedient with regard to the circumstances of the time. Not less than half of this council should, in my opinion, however, be territorial magnates, of whom in the United Provinces we have a sufficiency. The rest might be retired native military officers of distinction, past or present chairmen or vice-chairmen of the Cawnpore Chamber of Commerce, eminent railway officials, the Vice-Chancellor of the Allahabad University, and a professional man or two, preferably doctors and engineers, as the legal profession, including retired judges such as the Hon'ble Munshi Madho Lal, will always be sufficiently represented amongst the landholders. The fact to be recollected in constituting such councils is that at present the military, the landed, the manufacturing and commercial, and the railway interests are the principal interests of India. Although very vocal, the professional element is so small that it may almost be ignored. It seems unnecessary in these provinces separately to represent the European planters, as several of these gentlemen, General Sir Robert Hume for instance in Dehra Dun or Mr. Holdsworth in Gorakhpur, would probably be eligible as influential landholders. I would not, as suggested by the Government of India, appoint small landholders unless, in addition to being landholders, they happened to be important representatives of some special interest. It seems almost superfluous to add that the Lieutenant-Governor of the time would certainly appoint an adequate proportion of Muhammadans to his Advisory Council.

Imperial Legislative Council.

3. Differing from paragraph 10 of the Government of India's letter, I should myself think that a large number of senior officers of different departments could be spared from their duties for a few days to vote with the Government in the Imperial Legislative Council. The official members need not belong to the Indian Civil Service only. Colonels of regiments, Inspectors-General of all descriptions, Postmasters-General, Superintending Engineers, retired native officers of distinction, and many others might be trusted loyally to support the Government, as well as to supply a rather needful width of experience. It might be understood that they were present to vote rather than to read wearisome essays. Most of them would be quite content to accept those conditions.

4. For the word "officials" in paragraph 21 (2)B of the same letter I would substitute the words "civil and military officers." The proposals do not, in my opinion sufficiently recognize the fact that in India military interests are paramount. I would, moreover, amend this paragraph as suggested by paragraph 15, appointing the seven representatives of the territorial class by nomination and not by election. An elective system would introduce a number of members whose primary occupation was not that of landholders. A wealthy moneylender is in these provinces almost always a landlord, and often a bad landlord. As a moneylender he has much influence over other proprietors; and he could always therefore command votes at the landholder's elections for the Imperial Legislative Council. A prosperous lawyer also generally owns land; and he, too, by promises of advocating a permanent settlement or otherwise, might obtain votes enough to make him an Imperial Legislative councillor. A landholding Hindu priest, again, who promised to suppress, if possible, the slaughter of bovine cattle would be almost certain of election.

Provincial Legislative Council.

5. The system which the Government of India's twenty-second paragraph suggests for securing class representation would in practice probably be found too

complicated. In these provinces no change in the qualifications of electors and of candidates for district boards seems necessary. But the qualifications for membership of municipal board are generally inadequate; and I remember a man who had been imprisoned for receiving stolen property obtaining a seat on such a board. No one who is not literate and who does not pay income tax or a land revenue of Rs. 1,000 yearly should, in my judgment, be accepted as a candidate for the board of any municipality. If that precaution were adopted the varying franchises of the different municipalities might be allowed to remain as at present. It seems unnecessary to fix any property qualification for the persons elected to Provincial Legislative Councils by district and municipal boards, as these persons have always hitherto been men of considerable substance.

BUDGET DEBATES.

6. In their twenty-third paragraph the Government of India invite suggestions regarding the discussion of the budgets in Imperial and Provincial Councils. The change chiefly needed seems the suppression as far as possible of written speeches and the substitution of debates in the conversational style. At present the budget discussions are no more debates than penny readings are. Those members alone who do not know English should be allowed to furnish written abstract translations of their speeches. The rest should be required to speak as members of European Parliaments speak, with the aid of notes only. India can probably furnish shorthand writers quite capable of reporting and of gramatically revising such speeches.

No. 1958/XV—726, dated the 3rd January 1908.

From—A. L. SAUNDERS, ESQ., *Commissioner, Lucknow division,*

To—Chief Secretary to Government, United Provinces.

SIR,—In reply to your letter No. 1520, dated the 7th October 1907, asking for opinions on the proposed expansion of Imperial and Provincial Councils, I have the honour to say that I consulted the Deputy Commissioners of Lucknow, Kheri, Rae Bareli, Sitapur and Hardoi, but have only received replies from the two latter, of which I enclose copies. As the time fixed by Government for an answer has elapsed, I do not wait for further replies.

2. As regards the constitution of the Provincial Advisory Council I think that the nomination to this council had better remain in the hands of His Honour the Lieutenant-Governor without fettering his discretion as to selections, except of course that the Imperial Advisory Councillors would, as stated in paragraph 6 of the Government of India's letter, be members. Apparently the Imperial Council is to be appointed in this manner, the only restriction on His Excellency the Viceroy's selecting being that about one-third are to be ruling chiefs. For the Provincial Council the right of membership might be reserved to the Raja of Teri, the Nawab of Rampur, the Maharaja of Benares, and the President of the British Indian Association. Otherwise I think there should be no restriction.

3. As to the Provincial Legislative Council the number suggested in your letters enclosed seems suitable. The representation of the different interests enumerated also seems open to no objection except, perhaps, the representation of the lesser municipalities and of district boards. There is, I think, an object to be gained by giving a representative to a specified important city, such as the six towns enumerated, but a group of local bodies, either towns or districts, seems to me a most unsatisfactory constituency. There is no common interest and no local solidarity and the election falls into the hands of the professional politician. Both large towns and district boards will obtain representation otherwise, through both non-official and official members. This objection of course does not apply to the adaptation of the electoral registers of municipal or district boards for the purpose of elections to the councils.

4. It would be better, I think, to extend the system of class representation, which is more suited to this country. A class to which, I think, specified representation should be secured is the Army. One member of the Legislative Council should be a pensioned native officer. It is a most important class and they will never canvass for election. The Eurasian and Native Christian community should also be represented.

5. I agree in the suggestion made at the end of G. O. no 1514, etc., dated the 7th October, that the existing franchises for both municipal and district boards should be retained, and additional qualifications proposed for the Provincial Legislative Council. The former are conceivably open to improvement, but if so, it would be better to deal with the question from the point of view of the fitness of the constitution of those boards for their proper functions. The additional qualifications should, as suggested, be (a) residential (b) the payment of land revenue or income tax, for rural or urban representatives respectively.

No. 1560/XV—27, dated the 24th January 1908.

From—W. R. PARTRIDGE, ESQ., *Offg. Commissioner, Gorakhpur Division,*

To—Chief Secretary to Government, United Provinces.

SIR,—In reply to your no. 1520/III—416, dated the 7th October 1907, I have the honour to enclose copies of the opinions submitted by the district officers of this division as per margin.

No. 496/XII—240 (VIII), dated the 22nd November 1907, from the Collector of Gorakhpur.
No. 957/XV—2, dated the 15th December 1907, from the Collector of Basti.
No. 66/XV—5, dated the 20th January 1908, from the Collector of Azamgarh.

The delay in receipt of the Azamgarh reply accounts for the delay in the submission of an answer to your letter.

2. I agree generally with Mr. Molony's views, with the exception of paragraphs 8 and 11 of his letter. His apprehensions seem to me groundless. The Government of India would not propose such a measure as the introduction of an inconvertible paper currency without the sanction of the Secretary of State first obtained, and he would not direct or sanction the introduction of such a measure unless there were sufficient reasons for it.

3. *Paragraph 3 of G. O. no.* 1514/*III*—416, *dated the 7th October* 1907.—I can suggest no alteration in the composition proposed, but I think paragraphs 5 and 6 of Mr. Crawford's letter deserve consideration

4. *Paragraph 4 of G. O. no.* 1514/III—416, *dated the 7th October* 1907.—As regards the qualifications for electors and candidates for seat on district boards, I think it will be generally admitted that the elections of members of district boards have been hitherto very much in the nature of a farce. The electors in each tahsil are a very small number, and there is practically no competition whatever for election.

As far as my experience goes, the retiring members are generally re-elected without a contest.

District board's powers have been lately largely extended, and if it is desired to make them really representative, the number of electors might be considerably increased.

At present the electors are "a number fixed by Commissioner on recommendation of the district magistrate (25 to 100), persons literate, not less than 21 years of age, and residing or owning landed property and carrying on business in the tahsil, selected by the district magistrate on consideration of their position, interest and influence in the tahsil."

The Government order of 6th June 1906, quoted on page 52 of District Board's Manual, says that in all ordinary tahsils the number of electors ought to be at least 50.

I suggest that in all ordinary tahsils the number so nominated should be at least 100 and that in addition all village headmen, who are able to read and write, be given a vote.

These men are presumably men of some importance in their villages, or at any rate they ought to be, for rule 6 on page 167—VI, Manual says—

"In appointing village headmen the magistrate shall have regard to character, position and influence."

Government have been looking about for some way of making the position one of some little honour, and this seems an opportunity.

How many of the village headmen in these provinces are able to read and write is a question which at present nobody is in a position to answer with exactitude.

I should imagine that on an average at least 200 per tahsil in these provinces can do so.

If that be so, the electorate for each tahsil for the district board would be at least 300 instead of somewhere between 25 and 100.

Of course it is possible that if such a change were made the electors would still take no interest whatever in the elections, but we should at least have given them the chance.

Every man entitled to vote at election to the district board should, I think, be, as at present eligible for election as a member of the district board.

I would retain the existing franchise for municipal boards and also the qualifications laid down for candidates for such boards.

For representatives of district boards on the Provincial Legislative Council, a residential qualification and a proprietary qualification consisting of the payment of Rs. 2,500 per annum land revenue might be required. If it be thought that this limit is too low, I reply that there is no necessary connection between the amount of land revenue a man pays and his good sense and general capacity as a repesentative of the public or a section of the public on a legislative council. Take, for instance, Shaikh Inayat-ullah, talukdar of Saidanpur in Bara Banki district. A qualification of Rs. 5,000 annual land revenue would, I think, shut him out, but no one who knows him can deny his intelligence and shrewdness.

For representatives of municipal boards on the Provincial Legislative Council a residential qualification and a proprietary qualification, taking the shape of the payment of Rs. 2,500 land revenue or of income tax on not less than Rs. 4,000 per annum would, I think, be suitable.

5. *Paragraph* 5 *of G. O. no.* 1515/*III*—416, *dated the 7th October* 1907.—The suggestion in the first sentence of this paragraph seems to me the best arrangement practicable. I agree with the last sentence of paragraph 5 of Mr. Crawford's letter. For the representatives of the landowners on the Provincial Legislative Council, I consider a residential qualification and the payment of Rs. 5,000 per annum land revenue would be suitable. It appears to me unnecessary (paragraph 8 of Mr. Crawford's letter) to divide up the landowners in the province of Agra into two separate electoral bodies. If any leading landowner of the eastern part of the provinces is left out in the cold and would be useful on the council he could be nominated by Government, as one of the "two others nominated by the Government."

Paragraph 5 *of G. O. no.* 1576/*III*—416, *dated the 7th October* 1907.—I think the payment of Rs. 5,000 per annum land revenue would be a suitable qualification for the electors to elect the representative of the landholders in the province of Agra.

The higher the limit the smaller the electoral body, and as the Government of India say that their object is to bring "all classes of the people into closer relations with Government and its officers." I think that the larger the electoral body the better so far as is consistent with the object in view, *viz.*, the representation of a certain class of the community.

6. *Paragraph* 5, *G. O. no.* 1518/*III*—416, *dated the 7th October* 1907.—Here, too, for the reason just given, I should prefer the larger to the smaller electorate, and therefore I prefer the limit of Rs. 10,000 land revenue or Rs. 10,000 income for the purposes of income tax to the Rs. 25,000 limit. In addition there is the further consideration that the larger the number of voters the more difficult wire-pulling becomes, and the less wire-pulling we have the better.

7. *Paragraph 6 of G. O. no. 1588/III—416, dated the 7th October 1907.*—Here, again, the same consideration comes in. For (*c*) I suggest "Muhammadans paying land revenue of Rs. 2,500 or over," and for (*d*) "Muhammadans paying income tax on Rs. 4,000 or over."

8. *Paragraph 22 of the Government of India's letter.*—I am opposed to these suggestions. We are presumably not acting on the principle of "*Divide et impera*," and should rather encourage the obliteration of religious, racial, caste and occupational divisions, instead of emphasizing and encouraging them by splitting up the electorate into the watertight compartments suggested. I agree with the opinion expressed by Mr. Crawford in paragraph 4 of his letter, but my own opinion was written some days before his letter reached me.

No. 1834/XV—107, dated Benares, the 19th December 1907.

From—H. V. Lovett, Esq., *Offg. Commissioner, Benares division,*

To—*Chief Secretary to Government, United Provinces.*

Sir.—In reply to your circular no. 1520/III—416, dated the 7th October 1907, I have the honour to submit herewith a letter from His Highness the Maharaja of Benares and to state that my own views are as follows.

2. It is proposed to form an *Imperial Advisory Council*, consisting only of ruling chiefs and territorial magnates—of those who are the natural leaders of the peoples of India and have the largest stake in the country. A Brahman gentleman in Government service whom I have consulted in this connection observes—

"In Advisory Councils of olden days there were men of wisdom like Viswamitra and Vasishta and Abul Fazal and Faizi. I as an orientalist cannot help thinking that no council can be perfect unless there is in it an element not only of power, as in the present proposal, but of wisdom and sagacity, too, as distinct from power. This only can allow men of the type of the late Sir Syed Ahmad—a voice in the council as a councillor."

His Highness the Maharaja of Benares writes—

"I would like to include in it (the Imperial Advisory Council) such other persons of note who, although neither ruling chiefs nor territorial magnates, are still looked on by the people with equal, if not greater, respect and who know more of the country and wield greater influence over the people than the princes themselves, I would also associate with them some of the merchant princes and the pioneers of commerce and industry . . . His Highness Aga Khan is neither a ruling chief nor a territorial magnate, but his influence among his people and the respect which he commands in the country far exceed those which a ruling chief possesses. The late Sir Sheshadri Iyer of Mysore, the late Sir Saiyid Ahmad, Baba Khem Karan Bedi of the Punjab, and many others might be so instanced."

3. The Maharaja goes on to propose that on the Imperial Council 15 seats be allotted to ruling chiefs, 25 to territorial magnates, five to noblemen in native states, eight to "merchant princes and pioneers of industry and commerce (both native and European), and seven to specially qualified persons of note." The last seven to be elected by the 53 other members and appointed after the approval of the Governor General.

4. Other Indian gentlemen whom I have consulted seem to think that the landed interest should not be the sole interest represented in the Imperial Advisory Council, and I am myself of opinion that the best plan would be to reserve a certain number of seats on that body for persons of note and influence who are neither territorial magnates nor ruling chiefs, but have been specially selected by His Excellency the Viceroy on account of their character and pre-eminence. Otherwise I approve of the Council as proposed. I would refer you to paragraph 4 of the letter from His

Highness the Maharaja of Benares enclosed. It is obvious that Imperial advisory councillors would have the powers suggested in that paragraph. In fact such persons as would become councillors possesses them now.

5. The constitution of the proposed *Provincial Advisory Councils* is to be much more democratic. They are to be assemblies where great landlords and talukdars may find themselves sitting next to and arguing with lawyers, merchants, and school masters. The Government of India consider it essential that "smaller landholders, industry, commerce, capital and the professional classes should be included in these councils." There are also to be non-official Europeans, and the whole association is to offer its most valuable opinions in collective deliberation.

6. The following are the noteworthy criticisms on these proposed councils which have been offered by Indian gentlemen whom I have consulted:—

(*a*) that the powerful religious interest of India find no voice thereon;

(*b*) that there should be no Government official presiding over their deliberations and no Government secretary recording their proceedings and conclusions.

These are the observations of His Highness the Maharaja of Benares, who adds—

"I would leave them free to choose their president and secretary, as free discussion will not be possible in the presence of Government officers."

7. I doubt if such a mixed assemblage as that foreshadowed by the Government of India would be suitable to present conditions or would serve the purpose intended. I cannot imagine some of the territorial magnates who are to form its nucleus doing much more than sit silent throughout its deliberations. Individually no doubt they would be glad to give free opinions, but they are generally unused to argument and discussions with those who are much their inferiors in rank or special status. As Provincial Advisory Councils are to be formed, I would give to Lieutenant-Governors the fullest discretion in the nomination of their members. I would not require the Local Government necessarily to go beyond the aristocracy and the really influential representatives of the commercial and professional classes.

Should there be a pre-eminent representative of any religious community, who interests himself in public life, he should be eligible. The following might compose the Advisory Council of these Provinces:—

(*a*) Representatives of the talukdars of Oudh	6
(*b*) Representatives of the landholders of the Agra province	8
(*c*) Representatives of the commerce and industries of these provinces	5
(*d*) Specially selected by Government	6

I would not necessarily attach supreme importance to collective deliberation.

8. The suggestion of His Highness the Maharaja of Benares to make the council a body holding its meetings independently, with a Government secretary in attendance appears to me to fail to appreciate the true object of these advisory councils, which is to foster a spirit of co-operation between the governors and the governed. Nor do I in the least see why persons of the stamp to be selected as councillors should fear to speak their minds freely at such meetings so long as their intentions are honourable and straightforward.

9. The proposed constitution of the *Imperial Legislative Council* is, I think, well devised. I would suggest that representatives thereon of the greast landholding classes should be appointed by nomination and not election. Nomination would commend itself to the persons most concerned and would be in consonance with their traditions and ideas. *Moreover, it would be more likely to secure the best men available.* It may, however, be considered by higher authority that election is desirable; and in that case the proposal of His Honour the Lieutenant-Governor to elect from Agra and Oudh alternately is obviously the best solution of the problem. In Oudh the British India Association would make its election by nomination. In Agra the Northern India Landholders' Association cannot well do the same, as it is not, so far as I know, a stable working society. Moreover, I believe that it includes persons who have little or no title to be considered representative landholders. If, therefore,

landholder councillors are to be appointed after election, I would recommend the formation of a landholder electorate for the Agra province, a high proprietary and residential qualification being exacted. This seems to me the only alternative to nomination although on looking over the list of landholders of this division who pay a revenue of Rs. 10,000 or over I was startled to see how poor it is in names which indicate even mediocre education or capacity. The representative of provincial landholders, however selected, should be himself a large landholder. I am hardly in a position to offer an opinion on the Muhammadan electorate suggested by His Honour the Lieutenant-Governor.

10. In regard to the discussion of the budget in the Imperial Legislative Council some criticisms of Sir Edward Law, which appeared in the *Pioneer* of October the 24th, appeared to me worthy of consideration, but this is a matter on which my observations are superfluous.

11. Last of all I come to the *Provincial Legislative Councils*, and here to get to the root of the matter it is advisable to examine the working of our present municipal and district board elective system. My own experience of this has convinced me that it fails generally to bring to our municipal boards the real leaders of the people. It attracts too often little more than the pleader, the would-be demagogue, the nonentity who wishes to gain importance from membership, the office clerk, and other such like persons. With here and there an exception, in any time of trial the influence of these men counts for little or nothing with the people whom they are supposed to represent and indeed, is hardly exerted. As intermediaries between Government and its subjects they are often worse than useless.

12. Again, I have seen a board swamped and too much influenced by a predominant Hindu element the leaders of which belonged to the advanced party of politicians. There were a few Muhammadans, but these with one exception appeared to me to have only procured election by permission of the Hindus. However this may be, they were certainly as a rule afraid to open their mouths in opposition to the latter. The only man of any apparent backbone among them was a Government clerk who had been won round by the advanced Hindu members and almost invariably worked with them. The consequence of all this was that constant watchfulness was required to prevent jobs and schemes which were intended to promote the exclusive interests of the majority. On one occasion I had to strongly intervene to prevent the perpetration of gross injustice.

13. On district boards there are always a good proportion of sub-divisional Government officers, and these bodies as a rule do little more than register the wishes of their chairmen. The non-official members are generally useless for any purpose whatever except the above. They are in fact, although not nominally, elected from the nominees of the tahsildars, and well qualified persons may very possibly be omitted from the latter. Moreover, the electoral groups are only a *small* section of the community. In a district where the bulk of the inhabitants are Hindus there may be a preponderance of Musalmans on the board because the big landholders are mostly Musalmans. In Benares the electoral body is manipulated through the larger landholders, who mostly live in the city, and the majority of the members of the board are lawyers or towns people who care little or nothing about the district.

14. My experience leads me to think that the qualifications prescribed for electors and candidates for municipal boards are, as a rule, too low and that class representation is sometimes required. Moreover, the qualifications for candidates should be higher than those for electors. The qualifications for electors in Allahabad, for instance, seemed to me absurdly low and I would particularly instance that board as one on which class representation is desirable. It must always be remembered that genuine independence of character is rare in this country, and that minorities require special protection on any board here which is not really dominated by its chairman. I would raise the qualifications in Allahabad and other places for both electors and candidates, and in each instance I would consider how far *class representation* based on the principle that each group of electors should elect candidates from its own group is

desirable or might be introduced. It should then perhaps be possible to procure more real representation of diverse interests and to prevent the danger of a capture of a board by a few schemers. On some boards of course the various classes of the community *are* sufficiently represented.

15. Another defect in municipal electoral systems lies in the registration of voters. In some municipalities not a tithe of those entitled to vote are ever registered at all. Mr. Radice writes of Benares, "Registration is entirely in the hands of the sitting members, and they usually take care that only those voters should be registered who will vote as they are bid. The result is that the members of the board become a close corporation, to which they can admit or from which they can exclude whomsoever they choose. If registration were once for all placed in the hand of disinterested persons *e.g.* officials, the rules would not need much alteration. Here and there it might be necessary to alter the electoral areas so as to secure the representation of a particular class, but this would seldom be necessary. Here in Benares, for instance, a Hindu city *par excellence*, the Muhammadans always secure a very fair representation as they have practically two wards at their disposal, . . . A judicious arrangement of the ward boundaries can usually secure the representation of any particular class."

16. In regard to district boards a proprietary and residential qualification should give a vote for the election of members. The system of nominating electors should be discarded. Mr. Radice has suggested that the qualifications should be—

"All residents of the districts who pay or through whom is paid Rs. 200 or more of revenue.

"All residents, exclusive of those who reside within municipal limits who pay income tax.

"All honorary magistrates who have jurisdiction in the district, exclusive of the municipality.

"All 'protected' tenants who pay Rs. 400 or more rent."

He lays stress on the desirability of "excluding city traders and bankers, who might otherwise swamp the electoral group."

17. If the principle be admitted that a district board electorate based on some such lines with residential and proprietary qualifications is desirable, the terms for its constitution will be subsequently discussed, but I agree generally with his proposal. I also agree with him in thinking that the qualifications for candidates should be materially raised. I would suggest that candidates must be electors who are either—

(a) honorary magistrates,

(*b*) or pay not less than Rs. 1,000 revenue,

(*c*) or pay not less than Rs. 2,000 rent,

(*d*) or pay an income tax not below Rs. 100.

Some such scheme as this might procure district boards of capacity, to sit on which would confer distinction.

18. With electorates for municipal and district boards reformed on lines above suggested, the electorate for the Provincial Legislative Council should be materially raised and less easily influenced by wirepullers and pecuniary considerations than it is at present credited with being. The qualifications for candidates for these councils should be residential and proprietary. The limit of proprietary qualification should not be below an annual income of Rs. 5,000 or the payment of revenue to an equal amount, as Mr. Radice suggests. He also urges that candidates should be members of the boards which elect them. In this connection he writes :—

"I consider that a provision of this kind would have a most excellent effect. It would, I believe, secure for the council men who have had actual experience of local needs and of some of the difficulties of practical administration, and it would add attraction to the membership of the boards—an attraction which would, I think, work for the good of local administration, in which few really big men ever take much interest. The objections to this proposal are unfortunately many. If the proprietary qualification is made much higher than necessary for a membership of the boards, the choice of a candidate for the council may be undesirably limited; if it is made the same, persons who have not sufficient means or status to render them independent may be elected. A return showing the income, as far as can be ascertained, of members of district and municipal boards as at present constituted might afford a guide; without this it is difficult to say whether the suggestion is practicable. I consider it, however, none the less desirable."

It would, I think, be desirable to stipulate that representatives of municipal or district boards on the Provincial Legislative Council should have had at least three years' municipal or district board experience in these provinces. Such a stipulation appears to me reasonable enough, and should undoubtedly tend to raise the tone and prestige of our boards.

19. The only criticism which I would offer regarding the composition of the Provincial Legislative Council as proposed by His Honour the Lieutenant Governor is that the representative of the landholders of Agra should be a resident landholder himself with a high proprietary qualification. He should, in my opinion, be selected by nomination; but if he must be elected, he might be chosen by the landholder electorate which appoints to the Imperial Legislative Council. He should be a resident landholder of considerable estate.

20. Similary in the case of Muhammadan candidates a residential qualification should be essential. An Indian gentleman whom I have consulted urges that "Indian capitalists, merchants and tradesmen should have a representative on the council." He writes: "The Chamber of Commerce, Cawnpore, has been allowed to elect a member for the council, but it is believed that the said Chamber represents the European interest . . . . As the interest of the one class often clashes with another, the Indian capitalists, merchants and tradesmen should have a fair claim for representation on the Council."

I see no objection to the adoption of this proposal.

21. In conclusion, the Collector of Benares writes: "I have taken the opportunity of discussing the proposals of the Government of India with many people, but have been unable to elicit anything very illuminating. Many of the criticisms were of the type of those to be seen every day in the vernacular or Anglo-vernacular press. The suggestions, however, may be mentioned. One is that the advisory councils should be called together at least once a year to listen to a general exposition of the policy of Government, and another that the advisory councils should be empowered to meet *suo motu*."

To the former proposal I see no objection. The policy of Government is at present expounded by the Lieutenant-Governor at the budget meeting of the Legislative Council. The latter proposal appears to me somewhat similar to the proposal of the Maharaja of Benares that the meetings of the advisory council should not be under the presidency of His Honour the Lieutenant-Governor or a Government official. This council is the council of the Administrative Head of the provinces. It is he who should convene it and preside over its meetings. It would of course always be open to individual members to suggest to him that a meeting might be called.

No. 496-XII—240 (VIII), dated the 22nd November 1907.

From—E. A. Molony, Esq., *Collector of Gorakhpur*,

To—*Commissioner, Gorakhpur division.*

Sir,—With reference to your no. 295/XV—27, dated the 22nd October 1907, on the subject of the proposed constitutional changes, I have the honour to give my opinion as follows.

2. There is no doubt whatever that it is advisable that the Government of India should have a better machinery than at present exists for ascertaining the general desires of the people on the matters of importance that arise from time to time and of making understood the reason for various measures concerning which misconceptions have arisen and are in future likely to arise.

3. If the proposed measures are likely to tend towards the attainment of these objects they are distinctly a step in the right direction.

4. I have no doubt whatever that the representation of minorities as aimed at in the proposals is a very wise and statesmanlike measure.

5. Taking first the proposed advisory councils. I think that it is doubtful policy not to invest them with formal powers of any sort. There is no doubt that in the eyes of the public the official status of any person depends very much on the powers and responsibilities committed to him, and I think that the absence of formal powers will seriously affect the dignity of the position of advisory councillors or especially as it appears that the conferences will be private and confidential.

I think it would be better to have a portion of each session, at least, public matters of a delicate nature being reserved for confidential deliberation.

The publication of the proceedings of the public sessions would bring the conferences before the public and, I think, raise the status of the councillors.

6. I think, [moreover], when a body or an individual has been asked to advice on any particular matter and has tendered the advice asked for, that body or individual is entitled to receive in reply the reasons of the executive for not following that advice or an assurance that the advice was being, or would be, acted on when possible.

I think that some mention of this matter might be made in the proposals as a guarantee that the advisory councils would be taken seriously.

7. It is probable that the advisory councils will not consist of advocates of revolution or sedition or dangerously rapid changes, and I would suggest that they be given the right of making suggestions. Suggestions by individual members might first be made to the president confidentially. Some suggestions would no doubt be carried out and others could be shown to be unnecessary or impossible to the satisfaction of the member making it. The remainder might be brought on to the agenda for the collective meeting and could be classed by the president as suitable for the confidential or the public sessions.

In this manner I think that a fair number of reasonable and moderate proposals would receive the seal of support by a public body representaitve of the opinions of the vast body of the people who are opposed to violent or revolutionary changes, but who would be glad to see improvements where possible in the administration.

The resolutions of the executive that would doubtless be published for public information on the public resolutions of the advisory councils should serve to explain to the public the reason for the policy of the Government.

8. In paragraph 10 of the resolution of the Government of India the necessity for maintaining an official majority is laid down. This principle is very good in its way, but it is capable of being pressed to unnecessary lengths.

If the official members are held to be bound by the "mandate" theory it seems to me that the legislative councils may as well be made advisory. Supposing, for instance, that a mordern Muhammad Tughlak were to rise to a position which enabled him to propose an inconvertible paper currency, I take it that if the "mandate" theory were carried to its ultimate conclusion, much damage might be caused.

I think that in the maintenance of the executive power some check should be placed on the possibility of too great centralization of that power.

9. *Paragraph 14 of the letter of the Government of India.*—I think a land revenue of Rs. 10,000 per annum would be a fair qualification for a votor for the Imperial Council, and I think that the representative might be chosen alternately from Agra and Oudh.

10. *Paragraph 18 of the letter of the Government of India.*—I think that an income of Rs. 10,000 should be the qualification for the Musalman electorate for the Imperial Legislative Council.

11. *Paragraph 21 of the letter of the Government of India.*—There is no doubt that the question of the municipal franchise requires consideration. I do not think that the district board franchise requires any alteration.

12. I am not in favour of making the constituencies consist of homogeneous occupational groups. In this district at least the Musalmans have a fair representation

on the municipal board, and it is not necessary to divide the constituencies by religion. Here fortunately the Hindus and Musalmans get on amicably together.

13. In the municipal franchise the crying necessity is, I think, to make the ballot a reality. At present the system styles itself voting by ballot, but it does not in any way safeguard the secret of how a man has voted.

In many places I fear the result is that the voters are more influenced by the power of a candidate to make himself unpleasant than by their opinion of his capacity to administer local affairs. Occasionally cases occur when men of most notorious bad character get on to the boards to the great discredit of the system of local self-government. Good men of course shun membership under such circumstances.

I am further of opinion that all illiterate voters should be disfranchised.

14. For the constitution of the Provincial advisory council I would suggest—

(*a*) the Imperial advisory councillors belonging to the province;

(*b*) an equal number of men chosen from the list of darbaris and title-holders;

(*c*) a representative from the railways;

(*d*) two or three representatives from each of the following interests—

(i) manufacturers,

(ii) other capitalists or traders,

(iii) universities,

(iv) the professional classes;

(*e*) one or two more representatives when required for any unrepresented minority that should have a representative.

No. 745, dated Allahabad, the 23rd December 1907.

From—The Hon'ble Mr. B. Lindsay, *Secretary, Legislative Council and Legal Remembrancer to Government, United Provinces,*

To—Chief Secretary to Government, United Provinces.

Sir,—In compliance with the request contained in your letter no. 1519/III—416, dated the 7th October 1907, I have the honour to submit herewith a note of my opinion on the proposals relating to the establishment of Imperial and Provincial advisory councils, and the enlargement of the Imperial and Provincial Legislative Councils.

Note.

I.—The Provincial Advisory Council.

The scheme outlined in paragraph 6 of the Government of India's letter contemplates the constitution of a Provincial advisory council which is to be, as far as possible, representative of all the important interests in the province.

In considering the introduction of a scheme of this nature into the United Provinces we ought to bear in mind that these provinces include two areas which, though grouped together for purposes of administration, are nevertheless, from the point of view of their respective histories, in many ways distinct.

The province of Oudh has been in our occupation for just fifty years, and the circumstances under which we assumed possession rendered it necessary to provide for it a special system of land tenure, and a code of personal law which, in so far as it affects the body of large landed proprietors, is together different from the ordinary Muhammadan and Hindu law which obtains in the province of Agra.

Economic conditions, too, vary in these two areas. Oudh is at present a purely agricultural province; industrial and commercial enterprise is, so far, confined to the province of Agra.

It seems necessary, therefore, to postulate that in any scheme involving representation the province of Oudh should have special representatives of its own.

Again, we have the very large area of Kumaun, in which the conditions differ entirely from those of the provinces of Agra and Oudh. Its inhabitants constitute

a class by themselves: it has a distinct system of land tenure of its own, and a personal law which has its own peculiarities.

As yet a backward province it is not materially affected by the administrative measures applied to other portions of the United Provinces; but its assimilation to the rest of the provinces in the matter of administration is only a question of time, and when this problem is attacked it would be of the greatest advantage to have a representative of Kumaun on a council which would presumably be consulted in the matter.

According to the proposals of the Local Government the Provincial advisory council for these provinces is to consist of 25 members, amongst whom would be included the provincial representaitves nominated to the Imperial advisory council. The number of these representatives is not stated; but if we assume the number to be four, we are left to consider how the remaining 21 seats on the Provincial council should be distributed.

Having regard to the population of the areas, and the importance of the different local interests to be represented, I would suggest that these 21 seats should be allotted as follows:—

To Agra	14
To Oudh	6
To Kumaun	1

The interests of the great landholders of the provinces as a whole are sufficiently provided for by assigning to them the four seats to which they will be entitled as members of the Imperial advisory council, and we have only to provide for the other interests which are referred to in paragraph 6 of the Government of India's letter.

In the case of Oudh we may leave out of consideration industrial and commercial interests; and of the six seats reserved for this province, five might be apportioned to representatives of the minor landed gentry and one to a representative of the professional classes. Of the five seats assigned to minor landholders three might go to Hindus and two to Mahammadans.

In dividing three seats available for Hindus it would be advisable to provide as far as possible for caste representation. The majority of the minor Oudh proprietors belong to the Thakur class, but there are landholders of other castes whose opinions would be of value. There ought to be no difficulty in selecting the representatives of the minor talukdars and zamindars of Oudh. We know who the educated and influential members of this class are; and we can also avail ourselves of the advice of the British Indian Association, which is the recognised mouthpiece of talukdari opinion.

In the case of the Agra province we have a greater diversity of interests to deal with. In the case of the landed proprietors we have representatives of castes which are not included in this category in Oudh. The Jats, for example, are a numerous body in the western districts and have at least one influential member in the person of the Raja of Mursan. Similarly in the eastern districts the Kurmis, a numerous body, have a leader in the Rai of Padrauna (Gorakhpur district).

If we assign six out of the 14 seats for the Agra province to representatives of the minor landed interests, we might so arrange as to have one representative from each division. Four seats might be given to Hindus and two to Muhammadans, representation by castes being secured as far as possible in the case of the Hindus. We are left then with six seats to be divided among the other interests which are entitled to representation.

In considering the allotment of these seats I find it difficult to suggest what other interests than industry and commerce could be represented by non-official Europeans, whose inclusion in the council is made a point of by the Government of India. At the present time there are no Europeans in these provinces that I know

of holding substantial landed interests except a few grantees in the Basti and Gorakhpur districts, and those, I believe, are, now absentees. Possibly it would be advisable to have one non-official European as a representative of the educational interest. On the whole I should say the eight seats might best be allotted as follows:

(*a*) Three to representatives of industry and commerce, one of whom should be an European.

(*b*) Three to representatives of education, one to be an European.

(*c*) Two to representatives of the professional classes.

To sum up, the constitution of the Provincial Advisory Council which I suggest is as follows:—

(*a*) Oudh—		
(i) to represent minor landed interests	5	
(ii) to represent professional classes	1	
		6
(*b*) Agra—		
(i) to represent minor landed interests	6	
(ii) to represent industry and commerce	3	
(iii) to represent education	3	
(iv) to represent professional classes	2	
		14
(*c*) Kumaun		1
(*d*) Members of the Imperial advisory council		4
Total		25

II.—The Imperial Legislative Council.

According to paragraph 12 of the Government of India's letter there are to be eighteen elected members on the Imperial Legislative Council, of whom two will be representatives of the Chambers of Commerce of Calcutta and Bombay. The others are to be elected by various classes in the different provinces.

(*A*).—The non-official members of each Provincial Legislative Council are to have the privilege of sending one member to the Imperial council.

In the case of the United Provinces it is proposed to have seventeen non-official members on the Provincial council, and I think there is no need to seek an electorate outside this body. The candidate should be himself a member of the Provincial council, and membership should be the qualification for voting.

(*B*).—*Representation of nobles and great landowners.*—The proposals of the Local Government are that the member of this class to be returned to the Imperial council should be selected alternately from Agra and Oudh; that in the case of Oudh the representative should be the nominee of the British Indian Association, and that in the case of Agra he should be elected.

To these proposals there cannot, in my opinion, be any objection.

The question then remains as to the constitution of the electoral body in the Agra province to which the task of selection would be entrusted.

It seems necessary to fix a high proprietary qualification for this franchise, and the Government of India express the opinion that the minimum standard of qualification should be the payment of Rs. 10,000 a year Government revenue.

If we accept this as a reasonable standard the electorate in the Agra province will number 283.

If payment of Rs. 25,000 a year land revenue be set up as the standard, the number of qualified electors is reduced to seventy-two. By adopting the higher standard we obtain one advantage in facilitating the process of election.

The lower standard will, on the other hand, provide for that wider representation which the whole scheme of enlarged councils is designed to secure, and for this reason I am in favour of the adoption of Rs. 10,000 limit. I do not think that an electoral list of 280 odd is too large in the case of large landed proprietors.

Another reason way I advocate this standard is that in the case of Muhammadan representatives I propose that the qualification should be the same.

One point will have to be decided which is not mooted in the letter of the Government of India, *viz.*, whether or not the right to vote is to be given to females as well as to males. Out of the 283 landed proprietors in the Agra province paying Rs. 10,000 a year revenue and upwards at the present time no less than thirty-nine are females. This number is not of course likely to remain constant, and the fact that at a given time the person in possession of a large revenue-paying estate is a female is a matter of accident pure and simple. There will, however, always be females who, if the only qualification is to be the payment of land revenue, will be entitled to a vote. The usual arguments *pro* and *con* in the problem of female suffrage may be advanced in support of either proposition. But as the object is to secure the representation of an influential class, I think it would be only fair to allow a female vote in this case, subject of course to any safeguards which might be deemed expedient in order to prevent the exercise of undue influence.

In paragraph 15 of the Government of India's letter it is suggested that there may be objections to the adoption of the principle of election in the case of a heterogeneous body of landowners scattered over the entire area of a province. I see no reason for apprehending that an electoral body composed of landed proprietors possessing the qualification proposed would fail to return a suitable representative. I think we ought to assume, until experience has proved the contrary, that the proprietors of large estates have sufficient independence to enable them to resist any attempt to coerce their opinion; while the fact that the electorate is distributed over a large area appears to me to negative rather than to confirm any theory that there will be an opportunity for the exercise of improper practices.

The wirepuller finds greater scope for activity among an electorate which is confined to a small area.

(*C*)—*Muhammadan representation.*—There are to be two elected Muhammadan members of the Imperial Legislative Council. The proposals of the Government of India as to the method of election are to be found in paragraph 18 of its letter The intention appears to be that each of the six specified provinces should elect two representatives in turn.

As an improvement on this plan I would suggest that on each occasion, when the council is being constituted or reconstituted, two of these provinces should be allowed to return one representative each; and that the other two seats reserved for nominees should be divided among the four unrepresented provinces. In this way we should ensure the representation of four out of the six provinces on every Imperial council.

As regards the Muhammadan electorate the suggestion is that it should consist of—

(*a*) Muhammadan non-official members of the Provincial councils;
(*b*) Muhammadan Fellows of the local University;
(*c*) Muhammadans paying income tax upon an annual income of Rs. 25,000 or an amount of land revenue which would indicate a corresponding income.

I agree that the classes mentioned in (*a*) and (*b*) should have the right to vote. As for (*c*) we can in these provinces compile a list of voters who would be qualified for the franchise on the terms set out above, but the list would be a small one. The standard of Rs. 25,000 appears to me to be pitched too high, much too high in the case of Muhammadans, who are not a wealthy community.

I am in favour of the alternative standard proposed by the Government of these provinces, *viz.*, the payment of Rs. 10,000 a year as land revenue or the payment of income tax on the same amount. This would give us an electorate of about two hundred, a sufficiently large (but not too large) body, which would fairly represent the enlightened opinion of the Muhammadan community.

III.—The Provincial Legislative Council.

Paragraph 20 of the Government of India's letter lays down the cardinal principle to be observed in the constitution of Provincial legislative bodies, namely, that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained.

It is pointed out that the present system has failed to secure representation on these lines, and that the defect lies in the methods by which elections are made to the municipal and district boards, the constitution of which determines, to a great extent, the character of the provincial councils. To this defect is attributed the undue predominance of the professional classes in the legislative councils.

Treated in the abstract, the proposition that a legislative body should be as widely representative as possible is one the truth of which no one would be concerned to deny. Legislation assumes many shapes and affects a large variety of interests in which particular sections of the community are vitally concerned, and measures of law which have received the stamp of approval from representatives of the classes which are to be affected by them are those most likely to achieve their object.

An ideal legislative assembly would comprise representatives of all important sections of the community, but in India such an ideal appears to me to be for the present unattainable. We cannot entrust the discussion and approval of legislative measures to persons who have neither the intelligence nor education to qualify them for the task. It follows, therefore, that the uneducated classes must remain without any direct representation in a council the function of which is to pass laws. For the present the only course appears to be to leave the representation of such sections of the community to the official members whose duty it is to safeguard the interests of all classes.

With regard to the constitution of municipal boards and the influence exerted by such boards on the character of the council, I am not disposed to hold that we have any substantial grounds for interfering with the present system of municipal elections.

The *raison d'être* of municipal boards is not to furnish members for a legislative assembly, but to regulate and administer parochial affairs. Municipal boards are concerned with matters affecting the community individually and not by classes, and I fail to see how any principle of class representation can properly be applied in the election of such bodies. I believe I am right in saying that in these provinces it has been left to the municipalities themselves to determine who of the inhabitants shall have a right to vote at municipal elections. As Government has hitherto refrained from laying down any general rules to regulate the qualifications for electoral franchise in municipalities it may well be doubted whether it is expedient to intervene now. Again, it is difficult to conceive how any rules of general application could be laid down in this matter. There are great diversities in the circumstances of municipalities, and it would be imposible to apply to a small municipality in a rural district the standard which might fairly be laid down for a populous town municipality. These remarks apply alike to qualifications for the right to vote and to qualifications for candidature.

It is admitted that the problem of municipal franchise is an intricate one, and it seems to me advisable to leave the present system of municipal election alone as long as it serves in an adequate manner the purpose for which it was directly intended.

On the other hand, when we come to consider the question of the representation of municipal bodies on the Provincial Legislative Council, it is clear that Government is entitled to lay down a standard of qualification which seems to be essential in the case of a member of a legislative body. A person whose social standing, education and experience may well entitle him to have a voice in the control of the affairs of his own town is not necessarily qualified to deal with questions which affect the community of a province at large.

In the case of district boards I do admit that there is scope for the system of representation by classes. These boards control the administration of large areas, and

in the exercise of their functions they are called upon to consider the interests of different classes of the community. They deal with such problems as education, public works, the improvement of agriculture and industries, public vaccination, sanitation and the establishment of famine preventive works. We might therefore very well alter the electoral system of the district boards so as to provide for representation on a wider basis than we have now. Under the present rules the minimum number of elected members for each board is twelve, and it would be possible under these conditions to secure the representation of occupational groups in the manner suggested in the Government of India's letter. If necesry the boards might be enlarged for this object.

No difficulty can arise here as in the case of municipal boards, for Government has always kept in its own hands the power of selectiug the electoral body, and the electoral body is small, not exceeding 100 members for each tahsil of a District. Any alteration we should make would be in the direction of enlarging the list of voters, and would not be open to the objection of being a reactionary measure. I would propose, therefore, that the electorate for district boards should be enlarged by the bestowal of a right to vote upon the better class tenants, artizans, and traders in each tahsil. A tenant paying a rental of Rs. 100 a year, a trader paying an income tax of Rs. 20 a year, and an artizan paying any income tax at all should all have a right to vote, and every district board should have at least one representative from each of these classes.

As in the case of municipal boards, so in the case of district boards, it is necessary to lay down a special qualification for those who aspire to represent district boards on the Provincial Legislative Council. Insistence on this special qualification will no doubt debar tenants, petty traders and artizans from direct representation; for it is not likely that any member of these classes will fulfil the required conditions at present. We do, however, achieve something in the way of wider representation by giving these sections of the community seats on the district boards and the right to vote for representatives of those boards on the Council.

The proposal of this Government is to allot four seats on the Provincial Legislative Council to representatives of municipalities. Two of these places are to be divided among the six large municipal towns in turn, the remaining two being reserved for representatives of the smaller municipal towns and of the large municipal towns which are for the time being without a member. There are at present in these provinces (according to the Municipal Manual) eighty-nine municipalities divided into five classes on the basis of population. Under our present system only forty out of these have a voice in the election of municipal representatives on the council. These forty consist of—

Class I	...	...	...	7
Class II	...	...	...	10
Class III	...	...	...	13
Class IV	...	...	...	10

so that six municipalities of class III, twenty-six of class IV, and all of class V are excluded from participation in the elections.

It is now proposed to restrict representation on the council to municipalities having a population of over 20,000; that is to say to the municipalities which fall within classes I, II, and III only, the number of which is thirty-six. The result will be that fewer municipalities will be represented (thirty-six as against forty) while ten municipalities of class IV which now enjoy the right to vote will be deprived of it.

On this score the proposals of this Government appear open to objection as involving a restriction instead of an extension of representation. I think it would be sounder, and more in harmony with the policy of the Government of India as expressed in their letter, to provide for the representation of all municipalities. By doing so I think we should stimulate the interest taken in local self-government.

I agree that the large municipal towns are entitled to separate representation, but I think at the same time that this is adequately secured by the allotment of two seats.

I would suggest that the two remaining seats should be reserved exclusively to the smaller municipalities, giving one of them to a representative from municipalities of classes II and III (twenty-nine in number) and the other to a candidate chosen by classes IV and V (fifty-three in number).

In carrying out this proposal it would be necessary to lay down different standards of qualification. We could not hope to obtain from minor municipalities representatives of the same standing as we should get from the large cities.

For municipal candidates for the council I should fix the qualifications as follows.—

(I) Class I	Income of not less than Rs. 5,000 a year.
(II) Classes II and III . .	Income of not less than Rs. 3,000 a year.
(III) „ IV and V . .	Income of not less than Rs. 1,500 a year.

In all cases residence within a municipality to be an indispensable condition. (Literacy is of cource assumed to be an essential qualification in the case of all candidates for the council).

District boards.—These are to supply three members to the council—two from Agra and one from Oudh. I have already put forward suggestions for the reconstitution of these boards on a more thoroughly representative basis.

The qualifications necessary in a candidate for the council from these boards should, in my opinion, be—

(*a*) in the case of landowners, payment of not less than Rs. 5,000 a year land revenue;

(*b*) in the case of traders, an income of not less that Rs. 5,000 a year. Every candidate to be a resident of these provinces.

Landholders.—This class is to furnish two members of the council—one elected from Agra, the other being nominated for Oudh by the British Indian Association. I think this number is sufficient, particularly as one or two of the three district boards representatives will in all likelihood be drawn from this section of the community.

The qualification for a seat should be in this instance the payment of land revenue of not less than Rs. 5,000 a year. I should prescribe the same qualification for a right to vote. To fix a lower standard would give us an inconveniently large electorate.

Muhammadans.—The proposal is to have four Muhammadan membsrs—elected and two nominated.

In the case of elected members the electoral body is to consist of—

(*a*) Muhammadan fellows of the Allahabad University;

(*b*) Muhammadan registered graduates;

(*c*) Muhammadans paying land revenue Rs. 5,000 a year and upwards;

(*d*) Muhammadans paying income tax on Rs. 5,000 a year.

I am in favour of this scale of qualifications, although as regards (*d*) it is less liberal than the proposal made in paragraph 17 of the Government of India's letter to confer the franchise upon all Muhammadans who pay any income tax at all. India's suggestion would give us an unduly large electorate and would probably result in an undue representation of the trading and professional classes.

The qualifications prescribed for Muhammadan electors would serve as qualications for candidates as well. I do not think any special qualification for these latter is called for. The reservation of two seats by nomination will enable the Local Government to arrange for the representation of any special section or sections of the Muhammadan community which may be deemed expedient.

No. 66/XV—5, dated the 20th January 1908.

From—C. E. Crawford, Esq., *Magistrate and Collector of Azamgarh,*

To—Commissioner, Gorakhpur Division.

Sir,—With reference to your no. 297/XV—27, dated the 22nd October 1907, I have the honour to say that I have consulted the members of the district and

municipal boards and the leading officials and gentlemen of the district, and to report as follows.

2. To begin with the composition of district and municipal boards. Setting aside the general question of the representation of Muhammadans, it was agreed that the present system of district board election was satisfactory, and that the members may be regarded as fairly representative of the landholding interest and the people generally as far as they are concerned with matters within the purview of the district board. It was suggested that the elector's lists required rather more inspection and supervision by the Collector personally. With these opinions I agree. There seems to me no necessity for endeavouring to force occupational group on the district board, and the idea of having representatives of tenants as opposed to landholders is entirely inapplicable to this district.

3. With regard to the municipal board the present system is not so satisfactory as the trading classes are almost entirely excluded from representation. It is said that this is not regarded as a grievance, and that the efficient members of those classes are not willing to give up the necessary time, but this absence of traders on the board is certainly a serious defect and in my opinion requires remedy. I would suggest that a certain number of seats should be reserved for persons actively engaged in banking and commerce; this number to be fixed by Government after consideration of the circumstances of each municipality. The general opinion here is decidedly adverse to the constitution of occupational electorates, and I personally cannot see that there is any necessity for them. It will be time to consider the matter when it is seen that members elected by the ordinary constituencies are not really as representative traders as could be obtained from election by a trading constituency. It will not, I think, be difficult to select the wards in which one or more seats should be reserved for the trading classes.

4. With regard to the representation of Muhammadans it cannot be denied that there is a strong body of Muhammadan opinion in favour of a determination of the number of seats due to Muhammadans, and the constitution of a separate Muhammadan electorate for those seats. It seems to me, however, distinctly undesirable for Government to admit that there is any real difference of interest between Hindus and Muhammadans in mattersof district and municipal administration or to discriminate between them until it is absolutely compelled to do so. The original constitution of separate electorates would certainly lead to ill-feeling, and, I believe, to the election of intolerant rather than tolerant persons on either side. I would suggest that any determination of Muhammadan seats be confined to those boards from which it is clear that they are being habitually excluded, and that senior inequalities due to apathy or chance rather than design be rectified by nomination. When the number of Muhammadan seats has to be deprived the election should be left in the hands of the ordinary constituency until it is clear that Muhammadans so elected are not truly representative of their co-religionists.

5. To continue this question into the constitution of the Provincial Legislative Council, the necessity for some special representation of Muhammadans may be admitted and no exception can be taken to the proposal that they should elect two members themselves. But for Government to bind itself to nominate two more regardless of any that may be elected to the seats open to general election, is at any rate liable to be construed as a declaration that the other seats are in practice to be reserved for Hindus. This seems to be an undesirable declaration to make,—at any rate until it is clear that even with the largely extended number of seats open to election Muhammadans have no chance of being elected by a mixed constituency of Hindus and Muhammadans. I would suggest that Government should reserve these two seats for the purpose of rectifying irequalities should such arise, if necessary assuring the Muhammadans that the total number of seats occupied by them shall never be less than four.

6. As to the proposed constitution of the council, no one has made any suggestion for altering the distribution proposed by His Honour the Lieutenant-Governor except that the confining of municipal representation to towns of over 20,000 excludes the town of Azamgarh itself. This town appears to have at least as good a claim to representation as outlying municipalities in other districts with population of over 20,000, and I would suggest that all headquarters municipalities should be represented or at any rate all with population of over 10,000.

7. With respect to the qualifications for membership of municipal and district boards, the general opinion (with which I agree) is that no new qualification is required, and I am not aware that any persons have been elected here who would have been excluded by any reasonable qualification. With respect to the membership of council, as long the present system of election at a meeting is observed, there does not appear any great reason to apprehend that persons of insufficient standing will be elected; but as it is possible that a class of professional politicians may arise, it would, I think, be advisable to fix some moderate proprietary qualification at the outset as a matter of course rather than to introduce it afterwards.

8. With regard to the system of election in the case of the two Muhammadan members, no one here has any suggestion to offer. I presume that votes may be recorded in the district of residence of the voter, as otherwise the candidates at the election centre will have an overwhelming advantage and election is likely to fall into the hands of a small section of the electors—a most undesirable result. With respect to the representative of the landholders of Agra it would appear advisable to select him alternatively from the western and eastern halves of the province. The conditions of the two are very different, and a system of election by landholders paying over a certain fixed amount of revenue would, I believe, give a permanent preponderance of votes to the western districts. It seems probable that a better system of election in this case would be for landowners of each district paying over a certain amount of revenue varying according to the conditions of the district to meet and elect a representative and the representatives could then meet and elect a member for their section of the province. It has been suggested to me—and this seems a very reasonable suggestion—that in all these special electorates titleholders of the class concerned should have a vote regardless of their income.

9. Their remains, then, the question of the advisory council. The members of the municipal board have sent me proposals for the election of this council (with the exeption of four members) by the district and municipal boards of each division. I do not imagine that a useful council will be obtained in this manner, but the proposal seems sound in one respect, namely, that every division should be represented on the council, and I would suggest that one prominent landholder should be selected from each division in the province which is not already represented on the Provincial council by an Imperial council. I presume that a certain number of the councillors will be selected from the elected non-official members of the Legislative Council, and do not think that public opinion at all requires or desires any further admission of the elective element into this council.

The only other suggestio n I have to make is that one, or possibly two, retired servants of Government should invariably be appointed councillors. There are no better advisers avaliable.

No. 957/XV—2, dated the 15th December 1907.

From—H. T. MORGAN, ESQ., *Collector of Basti*,

To—*Commissioner, Gorakhpur division.*

SIR,—With reference to your endrosement no. 296/XV—27, dated the 22nd October 1907, asking for opinion on the proposals contained in G. G. O. no. 2310—2317, dated the 24th August 1907, in regard to advisory councils, &c., I have the honour to report that I have endeavoured to discover what local opinion is on the subject, but have not obtained anything more than negative criticisms.

2. As regards the Imperial advisory council, the feeling is that the proposals made in paragraph 5 of the Government of India's letter are inconsistent with the

reasons for the proposals given in paragraph 2. It is contended that with a few honourable exceptions native chiefs and territorial magnates know nothing of the wants and aspiration of the people, and that a council which includes this element only will be out of touch with the country. If the council is to be representative of the people it should contain some proportion of elected members. It is also urged that the council should be invested with some power of initiative, and that its proceedings should be public in order to give effect to the wishes of the Government of India as expressed in paragraph 3 of their letter. All these suggestions appear to overlook entirely the essential difference between an advisory council and a legislative or executive council and the fact that the large mass of the people look up to the territorial magnates as their natural leaders.

3. As regards the Provincial advisory council, it is contended that the legal profession and educationists should find adequate representation. This, however, is already conceded by the Government of India in paragraph 6 of their letter. Probably five members will be imperial councillors. Of the rest eight might be representative of the smaller landholders, who form the backbone of the country, four of the professional classes, six of the commercial and trading classes, and two of the non-official Europeans.

4. As regards the constitutions of the Imperial Legislative Council it is suggested that commerce should be represented by at least four members instead of two, and that two of these at least should be Indians. It is also suggested that the Universities should have two representatives, and the professional classes two more; and that the experts nominated by the Viceroy should be Indians whenever possible.

5. Similarly on the Provincial Legislative Council they would have two representatives of the University and two of the legal profession. The latter suggestion appears to be entirely superfluous considering that the representatives of boards are generally of that profession, and that their number has hitherto crowded out other interests.

6. I have not been able to obtain any opinion of any value on the matter of elections for boards. All are agreed that the present system of election is a farce, but attribute this rather to the extent of official control over the board than to the fact that the selection of voters rests ultimately with the patwari. Any distinction of electors on the basis of caste or religion is deprecated, and this although it is admitted that in India religion and politics have generally gone together and that caste associations are probably stronger to-day than they have ever been before. The idea seems to be that the recognition by the State of any connection between caste or religion and politics would endanger the results of western education. The suggestion that the electorate should be divided into classes representing large landholders, small landholders, tenants, artizans, traders, and professional classes, and that each class should have seats alloted them, meets with greater favour. The qualifications for the landed classes would remain as at present; the voters in the other classes would be payers of income tax.

No. 743/XV—42-3, dated Sultanpur, the 14th December 1907.

From—ABDULLAH *ibn* KHAN BAHADUR YUSUF ALI, ESQ.,
Offg. Deputy Commissioner of Sultanpur,

To—Commissioner, Fyzabad division.

SIR,—With reference to your circular no. 23-333/XV—7-2, dated the 21st October 1907, forwarding for opinion certain proposals of the Government of India and of the Local Government on the question of giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to submit a few remarks. I regret that press of work in connection with the preparations for famine relief has precluded my giving the subject the detailed study which its importance demands.

2. I have freely consulted, in oral conference and in writing, representatives of enlightened local opinion in various walks of life. The Raja of Kurwar seems

to voice general opinion in pointing out that some educational qualification in the members, both those appointed to the advisory councils and those elected to the Legislative Councils, would make the membership more appreciated by their recipients and more respected among the public at large. The immemorial tradition of the East has been in favour of the association of "the learned" with the executive power. This tradition is carried to extreme lengths in China, where the class of the *literati* forms the official hierarchy, but it has always been recognized in both Hindu and Muhammadan systems of government, and its recognition wherever possible in the reconstitution of the machinery by which Government is to be brought into closer touch with the people of India would have the advantage of a deep-seated tradition to recommend it to the people.

3. I am aware of the crudeness of some of the proposals that are put forward on this head, such, for example as an "entrance" qualification for members of the advisory and Legislative councils. Nor do I lose sight of the fact that university representation is among the recognized principles governing election to the Provincial Legislative Council of these provinces. But I venture to suggest that men of both the old and the new learning should have a voice in the advisory councils and in the Imperial Legislative Council, and that the principle of university representation, already recognized in the Local Government's proposals for the Provincial Legislative Council of these provinces, may be embodied in the general principles accepted by the Government of India for the constitution of Provincial Legislative Councils. To reduce the suggestion to definite shape, I would propose for consideration the following propositions:—

(*a*) That all persons holding the title of Shams-ul-Ulama or Mahamahopadhyaya or corresponding titles in Burma should be appointed to the Provincial advisory council of the province in which they reside.

(*b*) That such persons should in each province constitute a special electorate for the election of a single member from among themselves for the Imperial advisory council.

(*c*) That they should also elect from among themselves one or two members, acquainted with English, to their Provincial Legislative Council.

(*d*) That each University in British India should, in rotation, elect a member, being a graduate of that university, to the Imperial Legislative Council.

(*e*) That in all provinces in which there is a University, the University should elect one of its graduates to the Provincial Legislative Council.

4. As regards the constitution of the Provincial advisory council, if the suggestion made in paragraph 3 (*a*) above is approved, there will be for this province seven Mahamahopadhyayas and four Shams-ul-Ulamas, or eleven representatives of the old learning. Then there would be the Imperial councillors belonging to this province, and representing its aristocratic landed interest, to the number of (probably) ten. The smaller landed interest might be represented by representatives nominated by district officers, one for each district of half the province alternately for five years, to the number of twenty-four. The Chamber of Commerce, Cawnpore, the mill owners of the province, the Bar Associations of Allahabad and Lucknow, and the University of Allahabad might each have a representative to the number of five. This would give about fifty representatives in the aggregate, but the number of Shams-ul-Ulamas and Mahamahopadhyayas might vary from quinquennium to quinquennium. I would not rigidly fix the number for the Provincial advisory council. If the approximate number fifty is considered too large, the smaller landed interest might be represented by a representative for each division nominated by the Commissioner—nine for the whole province instead of twenty-four. But it will probably be found in practice that the attendance at advisory councils, when they are actually summoned to meet, will not be anything like full, and bearing this consideration in mind, I do not think that fifty would be too large a number.

5. The composition proposed for the non-official portion of the Provincial Legislative Council in the Local Government's proposals provides for the representation of all the important interests in the province. The landholders of Agra are to be represented by an elected representative, and those of Oudh by a representative nominated by the British Indian Association. The landed interest in Oudh will thus be represented by the talukdari interest only: if possible I should like to see the other landholders, not being talukdars, also represented. The election of such a member, I would suggest, might be by electors, landholders who are not talukdars, but who *may* be under-proprietors, nominated by the district officers for each of the Oudh districts. If this suggestion is accepted, the province of Agra may be put on a footing equal to Oudh by the grant of two elected representatives of the landed interest—one representing the big landholders paying in Government revenue Rs. 25,000 or over, and the other representing the smaller landholders.

6. On the subject of Muhammadan representation the proposals made in the Local Government's letter no. 1511/III—416, dated the 7th October 1907, appear to be suitable, except that for the electorate for the Imperial Legislative Council I would have Muhammadans paying a land revenue or income tax of Rs. 10,000 or over. The limit of Rs. 25,000 appears to be too high considering the circumstances of the Muhammadan community of the United Provinces.

XX

No. 40 (Home—Legislative).

No. 135.

FROM

THE HON'BLE MR. E. D. MACLAGAN, C.S.,
Chief Secretary to Government,
Punjab and its Dependencies,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Simla, 6th July 1908.

Home.
Legislative.

SIR,

WITH reference to your letter no. 2314, dated 24th August 1907, I am directed by His Honour the Lieutenant-Governor to submit, for the information of the Government of India, the opinions which have been collected in this province on the subject of the proposed creation of Advisory Councils and reform of the existing Legislative Councils. In this letter an endeavour is made to review these opinions, to appraise their value with reference to the position and status of the critics as well as to their contents, to epitomise concurrent views, and in the case of conflicting opinions to indicate the party or class in the community ranging itself on each side and the proper importance to be assigned to each. For Sir Louis Dane's final conclusions and recommendations, I am to refer you specially to paragraphs 20, 25, 26, 39 and 43—50.

2. In explanation of the form in which most of the enclosed opinions are framed, I am to say that your letter of 24th August last was circulated under cover of a letter* from this office in which the points referred for opinion were formulated in a series of questions. The numerals so constantly appearing in the replies have reference to these questions.

* No. 2643 S., dated 27th September 1907—copy enclosed.

3. The opinions received may be classified as follows:—

European officials	36
European non-officials	2
Native officials	20
Lawyers	34
Muhammadan non-officials	24
Hindu non-officials	44
Societies	25
	185

European officials.—These include the Financial Commissioner (Hon'ble Mr. Wilson), 2 Judges of the Chief Court (Sir W. O. Clark and Mr. Justice Robertson), 5 Commissioners and the Settlement Commissioner, 25 Deputy Commissioners, 1 Settlement Officer (Mr. Gibson), Colonel Dallas, Major Popham Young and 1 Assistant Commissioner.

Native officials.—These include Mr. Justice Chatterji, Khan Abdul Ghafur Khan of Zaida, Divisional Judge, Diwan Narindar Nath and Dewan Tek Chand, Deputy Commissioners, 13 Extra Assistant Commissioners and 3 Tahsildars. Only 7 of the officials are Muhammadans.

*European non-officials**.—These are Sir David Masson and Mr. G. W. Hale of the Gurgaon district.

Lawyers.—Of these 27 are Hindus, 6 Muhammadans and 1 (Mr. Parker) European.

*Muhammadan non-officials**.—The principal personages are M. Rahim Bakhsh, President, Bahawalpur Council of Regency, Hon'ble Malik Umar Hayat Khan, C.I.E., Khalifa S. Muhammad Husain of Patiála, and the Editor of the *Observer*. The remainder are of the Rais and Honorary Magistrate class with a few Zaildars.

*Hindu non-officials**.—These include Sikhs. The Rajas of Nábha, Jind, Kapúrthala, Náhan and Chamba have sent in replies, but only the Raja of Nábha has attempted to deal with the case in detail. Opinions have also been furnished by the Tika Sahib of Nábha and the Hon'ble Sardar Partap Singh. The remainder are of the Rais and Honorary Magistrate class, chiefly belonging to Lahore, Delhi and Amritsar.

Societies.—These include 10 Muhammadan bodies, 5 Hindu and Sikh Sabhas, 2 Bar Associations, 3 Municipal Committees and 5 miscellaneous (chiefly commercial) societies.

4. In resorting to the plan of counting heads for the purpose of estimating the weight of opinion it is always necessary to bear in mind the very different degree of value attaching to the opinions of the separate units, and also the circumstance that, outside the class of European officials, it would be possible to collect perhaps three times the number of opinions of persons belonging to the same classes. For instance, instead of replies from 13 Extra Assistant Commissioners, 3 Tahsildars, 34 lawyers, half a dozen Zaildars, 3 petty Municipal Committees, 3 or 4 yeomen grantees and 2 Bar Associations, it would have been possible to collect three times the number of opinions from similar sources, and the operation of counting heads might then bring out very different results. On the whole, however, the district officers have, in determining the persons to be consulted, made a good selection. In the nature of the case only persons capable of understanding the scope and meaning of the Government of India scheme could be consulted, and, as such critics in general belong to the better educated classes, it is only to be expected that in a large number of opinions there should be a bias towards those measures which tend to the realization of the aspirations of that community. The difficulty of drawing out what may be regarded as rural opinion is illustrated by the reply submitted on behalf of the Muhammadans of Shujabad that "they approved the proposals of Government," a reply which ignores the circumstance that many of the proposals of Government are alternative in form. The preponderance of Hindu opinion in the replies has also to be kept constantly in mind, especially in dealing with issues which raise the Hindu-Muhammadan question. The Hon'ble Malik Umar Hayat Khan enters a *caveat* against attaching too much importance to the various leagues, *anjumans* and *sabhas*. Many of these are no doubt one-man institutions or are operated by wire-pullers for selfish motives. It should at least be recognised that even when constituted on a more popular basis they represent the views of the urban rather than of the rural population. It is difficult to secure an adequate expression of the true views of the latter, but the graphic report which Major Fox-Strangways furnishes of his interview with Khan Bahadur Raja Aurangzeb

* Other than lawyers.

Khan will be recognised by most persons who are acquainted with the people as exhibiting a true view of the attitude towards Government and Government measures of the vast mass of the agricultural population. There are, it is true, some among those whose opinions have been submitted who can be reckoned as agriculturists and who generally seem to welcome the proposals for constitutional changes, but it will be dangerous to attach much weight to indolent or unreasoned assent of this nature. It will always be necessary to bear in mind Sir Henry Maine's warning, given specially with reference to India, against such uncritical acquiescence in vague propositions.*

5. The value of the opinions under review differs considerably. The following deserve special notice :—

European officers.—In addition to those of the Financial Commissioner and Commissioners, the opinions of Colonel Parsons, Major Popham Young, Mr. Sykes, Major Burlton, Major Fox-Strangways, Mr. Estcourt, Mr. Humphreys, Mr. Malan and Mr. deMontmorency.

Native officials.—Mr. Justice Chatterji, Diwan Narindar Nath, Khan Abdul Ghafur Khan, Narayan Das, Extra Assistant Commissioner, and Chaudhri Sardar Khan, Extra Assistant Commissioner.

Lawyers.—M. Shah Din, Muhammad Shafi, Lala Mul Chand, Rai Bahadur Lal Chand, Mr. Bhagat Ram and Mr. Ahsan-ul-Hakk.

Muhammadan non-officials.—The best are those of the gentlemen mentioned in paragraph 3.

Hindu non-officials.—The Raja of Nabha, Rai Sahib K. B. Thapar, Rai Sahib Mohan Lal, Narain Singh, Zaildar, Sardar Partap Singh and Lala Barkat Ram.

Imperial Advisory Council.

6. The *principle* of an Imperial Advisory Council has the great weight of native public opinion in its favour. The opponents of the proposal belong to two classes. The first class contains some of the most senior and experienced officers of the Punjab Commission. The second class consists of a few of the most advanced members of the educated section of the community. But while officers like Messrs. Younghusband, Diack, Millar, Sykes, Atkins, Estcourt Colonel Davies, Majors Burlton, Popham Young, Thompson, Fox-Strangways and Sir W. O. Clark foresee in the proposed Council a future of either embarrassment and trouble or of uselessness, critics like Mr. Bhagat Ram, the Ambala District Association, Mr. Gulab Singh, Mr. Nihal Chand and a few others condemn the proposals because they do not go far enough to meet their aspirations. Before referring to the views of those who consider that their should be no such Advisory Council at all, it will be well to notice the vast mass of opinion which, as above observed, accepts the principle of the Government of India proposal.

7. Perhaps it is not quite correct to say that the principle of the Government of India proposal meets with general acceptance. It is certainly not correct to do so if we regard the case as one in which the principle is bound up with and involves the details. The inclusion of Ruling Chiefs, the dominant position assigned to territorial magnates, the exclusion of the aristocracy of wealth, intellect and commerce, the limitation of the Council's functions to giving advice only when asked, the absence of legislative recognition, the secrecy imposed as regards the proceedings of the Council—all these details meet with much hostile criticism. The nature of this criticism cannot be adequately represented otherwise than by liberal quotations from the opinions which have been collected. To avoid encumbering this letter with such quotations they have been collected in three appendices, A, B and C.

* *Popular Government*, 3rd edition, page 108.

8. As will be gathered from the extracts collected in appendix A, the exclusion from the Advisory Council of representatives of all classes except Ruling Chiefs and territorial magnates meets with adverse criticism from most of those consulted. Some critics indulge in attacks on these two aristocratic classes. It cannot be denied that there is a solid substratum of truth in much that is said by way of disparagement of the aristocracy. No doubt it is much too readily assumed by these critics that Government will fail to exercise care in the selection of the individuals who are to constitute the Advisory Council. But the incessantly repeated assertion that Ruling Chiefs and territorial magnates are "not in touch" with the people cannot be disregarded. In addition to the critics who dispute the claims of the two classes favoured by the Government of India proposals, there is a considerable body of opinion, including that of the more conservative element in the province, which pleads for a recognition of ability when found in representatives of other classes of society. The magnates of commerce and industry are thought well fitted to take their place in the Imperial Council, and to deny a position therein to the leaders of thought and of public opinion among the educated classes would be regarded as a failure to appreciate the spirit of the times. This view is urged not merely by or on behalf of what may be called the Congress party, but by persons who have no sympathy with that party. As observed by the Government Pleader of Sialkot, "By these leaders from the educated classes I do not mean of course any political criminals who attempt directly or indirectly to minimise the importance of the British Government, or who would in any way reduce our genuine respect for the administration." The claims of native officials are championed by Colonel Parsons, who shows that the *arkan-i-daulat* of the oriental potentate were his great ministers and prominent officials. To take non-officials into council, he argues, is an innovation without precedent in oriental tradition. Mr. Wilson too emphasises the importance of the native official. Mr. Justice Chatterji pleads the case of the lawyers. Mr. Maynard shows that it is by no means the landed classes only that have a *stake* in the country. It is quite true, as he points out, that next to life and property there is nothing so dear to the native as his personal dignity or *izzat* and the preservation of that order of society in which a status of high degree has been acquired and is enjoyed constitutes a strong motive for a stable policy in the case of dignitaries of all classes.

9. The demand for some sort of legal recognition and for a right of initiative on behalf of the Advisory Council is made not only by pleaders and native societies, but by critics like the Raja of Nabha, the Khalifa of Patiala, Mr. Justice Robertson, Mr. Humphreys, Mr. Henriques, Major Burlton, the Tika of Anandpur and Diwan Narindar Nath. Messrs. Wilson and Douie would confer such a right on individual members of the Council, but not on that body in its corporate capacity. At the present stage of this case the question is not one upon which the attention of the persons consulted has been specially focussed, but it is easy to see that with a Council already in existence it would assume a position of very prominent importance. Mr. Maynard's remarks as to the absence of legislative recognition impairing the dignity of the membership of Advisory Councils are worthy of perusal. A selection of the opinions on this point will be found in appendix B. The inconvenience of conferring a power of initiative is noticed by Mr. Meredith, who points out that the work of the Home Department of the Government of India would certainly bel largely and unnecessarily increased.

10. The Government of India proposal that the proceedings of the Council when called together for collective consultation should as a rule be private, informal and confidential meets with considerable opposition. A perusal of the selected opinions on this head (appendix C) discloses the existence of a distinct tendency on the part of native critics not to trust their representatives to work otherwise than in the light of publicity, coupled with a feeling that the opportunity of justifying to his own people the advice and action given and taken by each councillor should not be withheld. There seems to be an apprehension that titles, rewards and honours and the sunshine of Government favour

may exercise an influence over councillors whose votes and opinions are veiled from the scrutiny of the persons who regard themselves as their constituents; and it is this influence which the same constituents desire to paralyze by exhibiting the no less-tempting bait of popularity and public favour.

11. As regards the number of members in the Imperial Advisory Council, very few of those consulted notice the point. It seems to be generally assumed that the number will be 60. Where suggestions have been made by native critics they are in the direction of increasing the total number (see Mr. Shah Din's, Lala Ram Saran Das' and Bhai Gurbaksh Singh's opinions) so as to provide for representation of all classes, and of cutting down the number of Ruling Chiefs. Messrs. Wilson and Douie consider 60 too large a number, and would reduce to 35 and 25, respectively. Mr. Malans' remarks as to the difficulty of housing 60 Imperial Councillors in Simla deserve notice.

12. A minor point may be noticed. The Raja of Jind is concerned because of the possibility that Ruling Chiefs may have to sit on seats like common or ordinary councillors, and asks for "distinct seats." Colonel Dallas is also apparently apprehensive that Rajas may suffer in dignity unless a distinction is made in the matter of seats. Major Egerton fears that the question of precedence among Ruling Chiefs may lead to misunderstandings. The language question will also prove a difficulty, but this is not noticed by critics.

13. It is next necessary to consider the opinions of those officers who do not regard it as desirable to create an Imperial Advisory Council. Many will probably agree with Messrs. Younghusband and Diack that such a Council will not be a suitable agency for the dissemination of correct information about the motives and intentions of Government. The six or seven territorial magnates from each province cannot possibly produce the same effect as can be better obtained by publication through the Local Government and its official organization. If to carry out this object the territorial magnates can secure the assistance of the Native Press, well and good. But the Native Press are not likely to lend such assistance unless is suits their political views to do so, and if it suits such views to disseminate correct information, they will be just as ready to take such information from Government as from Imperial Councillors.

14. In other respects the utility of the proposed Council is questioned. It will in Mr. Diack's opinions be an unnecessary addition to the present machinery for ascertaining the opinion of a province. If the opinion obtained through such agency is in accord with that ascertained through the Local Government, it will, as remarked by Mr. Diack, be superfluous. If it is at variance with it, which opinion is to be accepted? Is that of the Local Government to be overridden? This question is raised by Colonel Davies. Sir W. O. Clark remarks on the cumbrousness of two separate Councils so similar in their duties and personality. Mr. Sykes condemns such duplication of Councils as likely to prove an unnecessary embarrassment to Government. It is curious that so little is said by any of the persons consulted as to the functions of the Advisory Council. What will be the subject matter of their deliberations? As observed by Major Powney Thompson, almost all questions of interest to Indians are provincial rather than imperial. Mr. Diack is no doubt correct in presuming that only measures and proposals which would be applicable to India as a whole would be referred to the Council. But when an attempt is made to imagine the concrete questions which might be so referred the extreme paucity of subjects suitable for reference will become strikingly apparent. The great majority of questions would be unsuitable for reference, because they are concerned with the machinery of administration and its improvement, and because no useful opinion or advice in regard to questions of that nature can be expected from those who are ignorant of the existing machinery and its working, or who are at least ignorant of those minutiæ and technicalities without a knowledge of which a useful opinion on the subject referred could not be given. Having regard to this technical character of almost all the general questions which are the subject of reference by the executive departments of the Government of India, there is a great deal of force in the arguments by which

Colonel Parsons supports his proposition that the proper native advisers of the British Government are its own native officials, the men who are responsible for and may have to act on the advice which they give, the men who have a knowledge of the existing system and its requirements and who can best gauge the practical effect of any proposed measure. It will probably be held that the objections on the score of discipline to constituting an Advisory Council recruited from the ranks of Indian officials must prevail, but Colonel Parsons has done good service in drawing attention to the unwisdom of overlooking in favour of non-officials the claim to recognition which this class is entitled to receive. As observed by Mr. Wilson too, "It is also to be remembered that the whole of the details of administration are already carried out by educated Indians, who form the vast body of the servants of Government in this country. These men are carefully trained, and as they prove themselves fit are invested with high powers, which they usually exercise with great ability and trustworthiness; and it might well be argued that in this manner the educated classes of India already enjoy a share in the actual government of the country out of all proportion to their numbers. To those who, in the name of the educated classes, claim a greater say in measures of legislation and administration, it might well be answered that Government is ready to accept men of their class as its servants, to give them the careful training that is necessary to fit them for exercising power over their fellows, and to give due weight to their opinion when they have proved themselves worthy of regard."

15. Notwithstanding lack of utility, absence of necessity from the point of view of efficiency and possible inconveniences and embarrassments, few British officers would fail to appreciate the moral advantage and benefit to the paramount power which would accrue from the existence of a body of trusty and loyal Indians belonging to the highest ranks and to the most stable and conservative elements in the community, associated as a Council in confidential communication with the Government of the country. To the British public and to the outside world generally such an administrative development would be symbolic of a very long step in advance and would go far to attenuate much of the stock criticism which has as its sole capital the word *bureaucracy* with all its fancied enormities. But neither will educated India accept a symbol as satisfying its aspirations, nor will any body of councillors, however safe and trusty they may be as judged by antecedents, consent for long in the environing conditions of modern India to occupy a merely symbolic position.

16. What the ultimate fate of the Government of India's proposal for a council of aristocrats will be will depend upon the reception which it meets in other provinces of India as well as in the Punjab. In the Punjab this part of the scheme, intended to satisfy the aspirations of the educated classes, is by them regarded *in its unmodified form* "rather as an appearance of a concession than a real concession"*; as more or less a sham;† as a "huge mockery and a sham palliative"‡; that it is "damned with faint praise"§; that the council is regarded as consisting "of mere figure heads"‖, "who will only raise a storm of ridicule and hostile criticism."¶ Such disparagement is with the majority of the critics the prelude to suggestions for a modified Advisory Council scheme, and there is a prevailing assumption that criticism and suggestion will suffice to induce or impel the Government of India to convert a project for the establishment of a Privy Council or House of Lords into a scheme out of which the ultimate growth of a popular democratic assembly can readily be discerned.

17. On page after page of the opinions under review the word "representative" attracts notice by frequent repetition. The territorial magnates are condemned because they have ceased to *represent* any class but their own. Secrecy in the proceedings of the Advisory Council is regarded as incompatible

*Sir W. O. Clark.
†Anjuman Islamia, Ambala.
‡Nihal Chand, Bar.-at-Law.
§Mr. deMontmorency (reporting general opinion).
‖Rai Bahadur Ganga Ram.
¶Mr. Ahsan-ul-Hakk, Bar.-at-Law.

with the right which constituents claim to keep an eye in their *representatives*. Those who advocate a reduction in the number of Ruling Chiefs or an increase in the total membership of the Council do so in order to provide for the *representation* of as many sections of the people as possible on that body. The inclusion of members of the educated classes is pressed for because it is asserted that they are best fitted, not to advise Government, but to *represent* the people. This conception of a representative assembly differs *toto cælo* from the aristocratic Privy Council scheme of the Government of India. An even more fundamentally important distinction depends upon the question of the grant or withholding of the initiative and of legislative recognition. If there is to be created in India a deliberative body with powers of initiative, with publicity of proceedings and with members looking to the native press for an appreciation of their sayings and doings, it may not be found easy to devise methods for controlling its extravagances; and to revert to the *status quo ante* will be impossible. The step once taken can never be retraced.*

18. Colonel Parsons' anticipations as to the attitude of the non-official councillor cannot fail to be shared by those who study the phenomena, indications and tendencies of present day politics. "I do not believe," he says, "that the non-official councillor, albeit nominated, will be found tongue-tied or at all partial to the *jo hukam* attitude. He, on the other hand, admittedly not being 'responsible' will be likely to be less submissive than oppositionary. The tendency will be that way; experience shows it. The few elected councillors are likely to leaven the mass of nominated ones until the Councils become mere opposition benches..... A Council almost entirely in opposition would result. And in this case Government would quite possibly often be incurring the odium of passing measures which it considered called for in conflict with the advice of its councillors; a situation absolutely courted by itself ..... Disingenuous attack of proposed governmental measures, misrepresentation, exaggeration and appeals to the gallery are among the tactics employed by all parliamentary opposition benches in all western countries, and these possibly would be assimilated, elaborated and improved upon by Advisory Councils in opposition in India."

19. There is another aspect of this Imperial Advisory Council project which deserves notice. The scheme is the negation of the idea of decentralization. At a time when devolution is in the air and is rightly engaging the attention of a Royal Commission it will appear to some to be inconsistent to promote a measure which is calculated to undermine, if not distroy, the devolutionist's ideal—the district as *the* primary unit of administration. The dangers ahead are graphically portrayed by Major Popham Young, whose picture will carry conviction to many.

In paragraph 9 of the Government of India letter it is stated that when the Councils were enlarged in 1892 it was recognised that territorial representation was unsuited to India. There is distinct evidence in the papers now under review of the growth of a territorial spirit. In connection with the proposal for Provincial Councils there are numerous suggestions from all quarters of a representation based on district territorial units, and similar suggestions for the revenue divisions as constituencies for the Provincial Legislative Council. See the opinions of Messrs. deMontmorency and Henriques, Rai Bahadur Ganga Ram, Muhammad Amin Khan, Kamir (Zaildar), Kishen Lal (Pleader) Sevak Ram (Barrister), Mul Chand (Pleader), Anjuman-i-Islam, Batàla, Tika Ram Narain Singh of Anandpur, Gyan Chand, Bishen Das, Extra Assistant Commissioner, Khalifa Muhammad Hussain of Patiàla, Radha Kishen of Montgomery. The Arya Samaj and Singh Sabha, Multàn, would, like Major Popham Young, build up from below and establish District Councils as preliminary to Divisional and Provincial Councils. See also the opinion of Mohendro

* A mistake in constitutional innovation directly affects the entire community and every part of it. It may be fraught with calamity or ruin, public or private, and correction is virtually impossible. It is practically taken for granted among us that all constitutional changes are final and must be submitted to, whatever their consequences. Doubtless this assumption arises from a general belief that in these matters we are propelled by an irresistable force on a definite path towards an unavoidable end—towards democracy and death. *Essay on Progress* by Sir Henry Maine, K.C.S.I.

Nath Banerjee of Multàn. It is curious that members of the lawyer class should advocate a basis of representation under which they would probably have little chance of selection. Nevertheless there are undoubtedly in existence the germs of a "district spirit," and the spirit is one which it would be impolitic to discourage. The employment of the energies of the people in District Councils, where the realities and actualities of local administration, not the theories and aspirations of political parties, engage the attention of the constituent members, will be the policy best calculated to promote practical utility.

20. The Lieutenant-Governor's general conclusion is that the creation of an Imperial Advisory Council on the lines indicated in the letter of the Government of India is not expedient. Sir Louis Dane is adverse to the idea of having 20 Ruling Chiefs sitting along with territorial magnates. He believes that most of the important Chiefs in India are opposed to any such arrangement, and he does not think that it is likely to be found a feasible one. It is, however, possible that a smaller Council of Princes to discuss matters of imperial and general importance might be of considerable advantage. To this Council there might be admitted a few men of wide reputation throughout India as statesmen, such as the late Sir Madhava Rao, Sir Sheshadri Iyer, and Sir Sayad Ahmad. Such men could be appointed as Life Councillors, while the Chiefs would serve for shorter terms of years. They would serve to keep the discussions within practical limits. If their numbers were limited and only men of the highest reputations were appointed, it is probable that no objections to their admission would be raised by the Chiefs. The case is very different as regards territorial magnates. It is very difficult often to define the line that separates a Ruling Chief from the magnate class, and the Chiefs might easily view with considerable distrust what they might consider to be an attempt to level them down to the magnates. In any case the disadvantages of having a joint Council of Ruling Princes and magnates are so serious, both in regard to the status of the Chiefs themselves and also on the score of the difficulty of securing a common language at present without excluding some of the best Chiefs, and the undesirability of allowing the Chiefs to have too direct a voice in affairs concerning British India only, that, though some of the Punjab Chiefs might be willing to serve on such a joint Council, it does not appear to Sir Louis Dane to be desirable to incur the risks involved in any such novel departure, though he would be glad to see a Council of Ruling Princes as above suggested more closely associated with the British Government in the task of governing India as a whole.

To a Council of persons other than Ruling Chiefs there are not the same objections, but it is a matter in which the Punjab in its present stage of development could not render much assistance. As the Government of India are well aware, the Punjab has great difficulty in securing suitable non-official members even for the Imperial and Provincial Legislative Councils, and would be very hard put indeed to provide any considerable number of members for the Imperial Advisory Council. His Honour's views in this connection are further developed in paragraph 39 following in relation to the recruitment of the Imperial Legislative Council.

Provincial Advisory Council.

21. Comparatively little has been written on the subject of Provincial Advisory Councils. Most of the critics who have unburdened themselves regarding the Imperial Advisory Council are content to note that their criticisms apply equally to a provincial institution of the kind; and it is therefore to be assumed that those who accept the former only on condition that the aristocratic element shall be reduced, that the right of initiative shall be conferred, and that obligations of secrecy shall not be imposed, agree to the establishment of a Provincial Council only if the same conditions are observed. Legal recognition and statutory meetings are also by many regarded as essential. Among European officers the Provincial Advisory Council meets with much less opposition. Only Messrs. Younghusband, Millar, Henriques, Malan, Boughey and Sir W. O. Clark and Colonel Parsons of those who condemn

the Imperial Council extend their condemnation to a Provincial assembly of the kind. Mr. Diack, it is true, regards the latter as equally wanting in utility, but he "has no objection" to it. Major Popham Young has his own scheme of building up a Provincial Council out of District Councils and therefore he cannot be cited as supporting the Government of India scheme. Rai Bahadur Ganga Ram has also a building-up scheme of his own. The other native critics who are wholly hostile consist of some ten pleaders, the Ambala District Association, the Anjuman-i-Islamia at the same place and the Gurgaon Bar Association.

22. In regard to the constitution of the Provincial Advisory Council, the vast majority of those consulted say nothing on the score of number of members and it may be taken that 20, the number suggested in the Punjab Government letter, is accepted as appropriate. Several critics (see names mentioned in paragraph 21 *ante*) suggest one member per district. Majors Egerton and Fox-Strangways, Captains Elliot and Buck among Europeans, and the Indians noted in the margin, besides those who would have one member per district, are in favour of a larger Council. On the other hand, Mr. Douie points to the difficulty of securing even 20 qualified persons, and suggests that the Council should consist of 10 or 12 persons only. Mr. Justice Chatterji is also in favour of a small Council. Rai Bahadur Lal Chand of the Chief Court has recorded some remarks which go to support Mr. Douie's view that fitness to act in an advisory capacity is the principal consideration governing not only the selection of members, but the number to be selected.

Hakim Muhammad Ajmal Khan.
Bhai Gurbakhsh Singh, Gyani.
Anjuman-i-Islamia, Ludhiana.
Anjuman-i-Islamia, Punjab.
Hindu Sabha, Lahore.
Rai Sahib K. B. Thapar.
Shiv Deo Singh.
Abdul Ghafur Khan of Zaida.
Tilok Chand, Extra Assistant Commissioner.

23. The adoption of elective methods for the recruitment of the Advisory Council has very few supporters. Those which have been noted are Mr. Bosworth-Smith, Rai Bahadur Hari Chand, Ganda Sing Uberoi, Bhai Gurdit Singh, Singh Sabha, Multàn, Punjab Trades Association and Anjuman-i-Islamia, Batàla. The principle of nomination is generally approved. Many Muhammadan and some Sikh critics stipulate for class representation. Diwan Teck Chand, Khan Abdul Ghafur Khan of Zaida, and Rai Tilock Chand, Extra Assistant Commissioner, each presents a cut-and-dried detailed scheme. Two critics for the Gurdàspur district would include officials. Lala Shadi Ram would have a University representative. The Raja of Kapurthala would have no Ruling Chief on the Council. Diwan Narindar Nath thinks it anomalous that the Lieutenant-Governor should preside in the Legislative, but not in the Advisory Council. Mr. Maynard considers the grant of allowances to meet expenses to be necessary.

24. Mr. Diack and the other officers who see little *utility* in the proposed Provincial Advisory Council and the extremists who fear that it will be an ornamental body only have no doubt much reason on their side. But the ornamental largely appeals to the oriental mind and the general welcome which these Council proposals have evoked testifies to the fact. It is true, as remarked by Mr. Diack, that the Lieutenant-Governor can and does consult a great many more persons than would find places in the Advisory Council. The Council scheme would therefore come to be regarded as nothing but a plan for conferring an additional honour on some 20 native gentlemen.

25. In regard then to the proposal for a Provincial Advisory Council, Sir Louis Dane finds a difficulty in realising what such a body is to do which an expanded Legislative Council, based mainly on a system of nomination, could not do. The weight of collected opinion would restrict the Advisory Council to 15 or 20, and the Legislative Council would be a body of approximately the same or a slightly greater strength. If we have even 7 or 8 non-officials on the latter, it will be difficult to find suitable men for the former. The Lieutenant-Governor's personal opinion therefore is that the case of this province would for the present be sufficiently met if the Legislative Council were expanded to 16 or (as His Honour would propose, in order to meet the wishes of the more advanced Indian gentlemen consulted) even to 22 members, including the Lieu-

tenant-Governor. The Council or the non-official members of it could be utilised as an Advisory Council as well as for a legislative body. If the Advisory Councils worked well elsewhere, a similar body could be formed in the Punjab hereafter.

26. If for the sake of uniformity—though nothing is worse than rigid uniformity in India—we must have an Advisory Council as well in the Punjab, the Lieutenant-Governor would confine that Council to the smallest number compatible with adequate representation of the main creeds, classes and interests of the province and world urge that all the members should be selected by the Lieutenant-Governor in the exercise of his prerogative of selecting his own councillors. Five or at the most seven councillors would be sufficient, and even to secure these it might be necessary to indent in the services of members of the Legislative Council, which again might give rise to a sort of caucus in that Council—a result which would not be altogether desirable. There is of course an advantage in being able to say that in regard to a particular legislative or executive matter the Lieutenant-Governor has consulted has Advirsory Council and is supported by their opinion, but Sir Louis Dane doubts if very much weight would be given by the newspapers or educated classes generally to the collective opinion of such an Advisory Council as alone is possible in the Punjab, Indeed the main advantage of having such a body would be that non-English speaking councillors could be appointed to it and so would have some voice in public affairs. This is no doubt something, and though the Lieutenant-Governor personally feels that it would be just as well not to appoint such a body, he is perfectly willing to do so if the Government of India consider it in any way desirable provided that the members are nominated and appointed by the Lieutenant-Governor on his own initiative ; that there is no attempt to distribute them formally to given areas in the province and that the proceedings of the council are informal and cofidential. Members could be consulted individually or collectively and only the net result of their deliberations and not the opinion of individual members would in any case be published and this only would be done when it was considered to be desirable by the Lieutenant-Governor.

Imperial Legislative Council.

27. This portion of the Government of India scheme raises four questions, *viz*—

(1) Enlargement of the Council.
(2) Election by Provincial Legislative Councils.
(3) Election by land-owners.
(4) Representation of Muhammadans and minorities.

Without doubt the question of making special provision for the representation of Muhammadans has stirred up by far the largest share of interest among the native community.

28. The enlargement of the Council so as to provide additional representation for the non-official classes meets with almost universal approbation. Of the native critics, Mailk Umar Hyat Khan and Rai Tilock Chand, Extra Assistant Commissioner, alone are opposed to enlargement. Of the European officers the great majority recognise that enlargement is inveitable. Sir W. O. Clark, Mr. Robertson, Colonel Dallas and Major Fox-Strangways hold out against the proposal. Mr. Meredith would fix the number of members at 35 or 36. Mr Malan too considers that a Council of 54 would be too large. It may be taken, however, that the general sense of the officials of the province, as well as of the non-officials, is in favour of the Government of India proposal, not perhaps as desirable in itself but as inevitable.

29. The inconvenience and expense which will result from taking so many high officials away from their duties to attend the sessions of the Council is of course noticed. In the case of the Punjab there would perhaps be two officials.

annually summoned to Calcutta with the Financal Commissioner holding a third place, but only summoned for the Simla session Mr. Wilson's proposal * for meeting this inconvenience does not get rid of the difficulty. When in session the Council meets once a week or once a fortnight, and it would never do to have the additional members spending the cold weather travelling back and forward between their provinces and Calcutta. Mr. Maynard mentions two expedients for minimising the inconvenience in question. The first is that of giving to official members two or more votes, either generally or in relation to questions which the President has declared to involve the supremacy of tho executive authority. The second is the obvious one of voting by proxy. The first plan Mr. Maynard fears might form an awkward precedent and lead to the undesirable introduction of inequalities of voting in other spheres. A decorous system of voting by proxy, he thinks, might easily be devised.

* "I think they [the additional members] should as a rule be required to perform their duties as such in addition to their ordinary duties and only be summoned to actual meetings of Council, unless in the case of those members for whom really useful work can be found to justify their detention for a time at head-quarters."

30. The great majority of critics have accepted or taken for granted the number 54 proposed by the Government of India. The principle of an official majority is controverted only by Amar Singh, pleader of Jullundur, and by the Ambála District Association which would have less than one-third officials. A total in excess of 54 is proposed by the Anjuman-i-Islamia, Hoshiárpur (58), Sardar Sundar Singh (60), and three Lyallpur colonists (60). Rai Bahadur Ganga Ram has a special scheme of his own for a Council of 45. As regards the distribution of the 53 seats there are numerous proposals for readjusting the Government of India scheme. The proposals fall into two categories. Many of the Muhammadan critics put forward devices for increasing the number of seats reserved for their community. On the other hand, the many Hindus who would do away with special Muhammadan representation are ready with proposals for allotting to other interests the seats thus becoming available. The Ruling Chief meets with opposition from the Muhammadans of Lahore [Punjab Muslim League, Anjuman-i-Islamia, Punjab, Editor of *Observer*, M. Shah Din, M. Muhammad Shafi] on the ground that it is anomalous that an outsider should legislate for British India. Sir D. Masson and Rai Bahadur Lal Chand take the same view, and Mr. Douie considers that the appointment of a Ruling Chief should not be obligatory. On the other hand, five persons consulted would increase the number of Ruling Chiefs to two, *vide* opinions of Major Lowis, Rahim Bakhsh, President, Bahawalpur Council, Singh Sabha, Multán, Sultan Ahmad, Extra Assistant Commissioner, and M. Muhammad Ali.

31. The circumstance that commerce is to be represented only by the delegates of the Calcutta and Bombay Chambers of Commerce meets with adverse comment, and increased representation for commerce is asked for by Messrs. Wilson and Humphreys, Lala Harkishen Lal, the Delhi and Lahore Chambers of Commerce, Hindu Sabha, Lahore, Trades Association, Lahore, Sham Das, Multan Chand, Mehdi Shah, Mohan Lal and Chiragh Khan. Special representation for the Universities is asked for by the Arya Samaj, Multan, and three lawyers (Rai Bahadur Lal Chand, Shadi Ram and Sham Das.)

32. The proposal in paragraph 13 of the Government of India letter that the unofficial members of the Provincial Legislative Council shall elect a member for the Imperial Legislative Council meets with practically universal acceptance from native critics. Some European officials express a doubt whether the electoral body is large enough. Accordingly Mr. Wilson suggests that past and present members of the Provincial Legislative Council shall be entitled to vote, and Messrs. Douie and Sykes would include the Advisory Council in the constituency. Major Popham Young and Mr. Atkins would give to the Advisory Council the right of selection. Messrs. Diack and Younghusband would appoint by nomination. Mr. Miles Irving has recorded some remarks which are very true as to the discord which the voting for this member will create. Malik Umar Hayat Khan takes the same view, and fears that life-long enmities

will arise in consequence. Sardar Partab Singh, Rai Sahib Mohan Lal, Pir Bakhsh, Pleader, and Malik Chiragh Khan are also advocates of nomination, but otherwise native opinion is in favour of extending to the Punjab the plan already in operation in other provinces. Perhaps it is nothing but the existence of the precedent which has created the unanimity in favour of election by the non-official members of the Legislative Council. The objection noticed by Mr. Irving and Malik Umar Hayat Khan could no doubt be minimised by a system of counterpoise. If for instance the selection of a representative of the landed classes were, in accordance with the weight of opinion, to be by nomination, it could be arranged that if the Legislative Council elected a Muhammadan the landowner would be a Hindu or Sikh and *vice versâ*.

33. In regard to the method of recruitment of a member to represent the landed classes, opinion is divided as between nomination and election. In many cases no opinion is recorded or is recorded so vaguely as to be unintelligible, but so far as can be ascertained the voting is as follows:—

Class of critic.	Number for	
	Nomination.	Election.
European Officers	26	9
Native officials	13	5
Hindu non-officials (lawyers excluded)	8	20
Muhammadan non-officials (lawyers excluded)	12	7
Lawyers	12	7
Anjumans, Sabhas and Societies	4	14
European non-officials	1	1
Total	76	63

The majority in favour of nomination would probably have been much larger had not the Government of India proposals been presented as primarily one for election. The European officers who vote for election are Messrs. Agnew, Bosworth-Smith, Sykes, Wakefield, Maynard, Boyd and deMontmorency, Major Thompson and Captain Elliott. A reference to their opinions suggests the inference that they too readily assumed that the question was not one as between nomination and election, but as between different methods of election. The same remark is probably true in regard to the opinions of many of the native critics who have advocated election. The reasons against election is that, as observed by Mr. Douie, "no satisfactory electorate could be formed. If payment of a large amount of land revenue is the qualification, I fear the list of electors will include persons who in no sense belong to the aristocracy or represent the old land-owning classes." Thise is quite true.

34. An analysis of the proposals of those who vote for election indicates preference for the various methods as follows:—

	Number of votes.
(1) A constituency on the basis of amount of revenue	30
(2) Land-holding members of the Provincial Council (as suggested by Government of India)	19
(3) Various forms of electoral colleges	7
(4) Other methods	7
	63

Those who are in favour of the first of the foregoing methods differ as to the amount of revenue which should qualify for the franchise, the sums suggested

varying from Rs. 1,000 to Rs. 5,000. The majority are in favour of the larger figure. It is needless to discuss the suggestions for electoral colleges and other methods of election as the weight of opinion in the province is in favour of nomination by the Lieutenant-Governor of the member allotted under head D (*c*) of paragraph 12 of the Government of India letter. This power of nomination will, as above noted, facilitate the redressing of inequalities as between Hindus, Sikhs and Muhammadans.

35. The Government of India proposal that two members should be elected by special Muhammadan electorates has excited much controversy. It is resented by the great majority of the Hindu critics, but with one exception all the Muhammadans are in favour of such a special measure to secure their minority rights. The exception is Chaudhri Sardar Khan, Extra Assistant Commissioner. The following Hindus allow the proposal to pass without objection:—Rana Lehna Singh, Jiwan Singh, Sardar Sundar Singh, Lachmi Sahai, Sardar Arur Singh, Narain Singh, Shiv Deo Singh, Sardar Harnam Singh, Miyan Anrodh Singh, Lala Sheo Parshad, Pandit Banke Rai, Sardar Partap Singh, Diwan Tek Chand, Diwan Narindar Nath, Lala Bishen Das, Extra Assistant Commissioner, Arjan Das, Extra Assistant Commissioner, Ramji Das, Tahsildar, and Badri Pershad, Tahsildar. Many of the above, however, stipulate that some corresponding provision be made for Sikhs and also that it is not necessary to specifically reserve nominated seats for Muhammadans under head E of paragraph 12 of the Government of India letter. The bitterest opponents of any concession to Muhammadans are the Hindu lawyer class, headed by Mr. Justice Chatterji.

The majority of the European officials are opposed to the election of two members by Muhammadans. They are not opposed to the protection of the minority rights of Muhammadans. The objection is to the conferment of a right of election on Muhammadans which would not be enjoyed by members of other communities. The only European officers who support the Government of India proposal under head D (*d*) are Messrs. Maynard,* Waring, Clarke, deMotmorency, Bosworth-Smith, Malan, Henriques, Wakefield, Gibson, Irving and Boughey and Majors Egerton and Barton. It will be noticed that the names of most of the senior and more experienced officers are absent from the above list. By the latter the proposal is condemned—

(1) on account of objections to the elective system generally;

(2) on account of the difficulty of forming an electorate;

(3) because by nomination the rights of Muhammadans can be safeguarded;

(4) on account of the invidiousness of professedly class legislation in general;

(4) in particular because Hindus and Sikhs would justly resent electoral privileges being conferred on Muhammadan fellows and graduates, Muhammadan income-tax and revenue payers and Muhammadan members of the Provincial Council which would not be enjoyed by Hindus and Sikhs of the corresponding classes.

36. There is little in the Muhammadan opinions under review that would support the view that nomination, provided that their requirements in the matter of the number of seats to be reserved for their community be met, would be accepted by them in lieu of election. There are only five or six voices raised in favour of nomination, but these include M. Rahim Bakhsh, President of the Bahâwalpur Council, the Patiâla Khalifa, Makhdum Hasan Bakhsh and Malik Umar Hayat Khan. The proposal for election was included in the Government of India scheme at the instance of the Muhammadam deputation which waited on His Excellency in October 1906. It has the advocacy of the Muslim League and the various Anjumans as well as of the *Observer* newspaper, and Muhammadan opinion is therefore more or less committed to its

*Mr. Maynard prefers nomination, but thinks Government has gone too far to recede from the offer o elective privileges.

support. Doubtless the circumstance that elective privileges of the kind exclusively enjoyed would be a distinctive privilege of their religion explains the welcome which the proposal has met among the Muhammadans, but it is incumbent on an impartial Government not to lend its countenance to any such accentuation of a specially privileged position. The Muhammadan community will have no just cause for complaint if provision is made to secure for them such number of seats as their special position entitles them to occupy. This can be done without making an unnecessary parade of the privilege. The work of compilation of electoral lists and the publicity attending Muhammadan elections would unnecessarily emphasise their privileged position. Moreover, the chances which an election system would create for the lawyers, wire-pullers, Anjuman leaders and organizers and other pushing and ambitious spirits among the Muhammadan community, would excite the keen envy of the similar classes of Hindus, who would have no corresponding scope for their own advancement. Paragraphs 29 to 31 of Mr. Maynard's opinion may be referred to in this connection. Another forcible objection to the D (*d*) proposal is connected with the claims of the Sikhs. It is necessary to dilate on these. They are urgently pressed by many of the Sikh gentlemen whose opinions are among the enclosures and are of course generally admitted by European officers. There is no good reason in the case of the Punjab at least for refusing to the Sikhs a recognition accorded to the Muhammadans. Such recognition, while differing in extent, should be *ejusdem generis*. If elective privileges are conferred on Muhammadans, why not on Sikhs also? To do so would, however, further intensify the dissatisfaction of the Hindus at being excluded from elective privileges. Only by nomination can the rights of both Muhammadan and Sikh minorities be secured without giving rise to the charge of class preference.

37. Coming now to the question of numbers, the total number of Indians in the Viceroy's Council will include—

C Ruling Chief	1
D (*b*)	7
D (*c*)	7
D (*d*) and E	6
	21

Assuming that class D (*d*) will be nominated, the Viceroy will be able to utilize the appointment of Ruling Chief and the six appointments under D (*d*) and E to redress the balance of religions, should elections under D (*b*) and D (*c*) indicate the need for counterpoise. In the Punjab the member appointed under D (*c*) will also probably be nominated. Of the two Punjab members under D (*b*) and D (*c*) it will always be possible to secure that one is a Muhammadan, and it will always probably be right that it should be so. The other will be either a Hindu or a Sikh. If he is a Sikh, no special minority seat for Sikhs would be necessary, nor would such provision be necessary if the Ruling Chief were a Sikh. As regards Sikhs, then their claim on one seat under E should be subject to the proviso, that the community is unpresented under C or D. Having regard to this contingency of having to provide a Sikh seat under E, it would not be feasible to definitely appropriate more than four seats under E to Muhammadans. This would give Muhammadans a certain five seats, the fifth being the Punjab seat under D (*b*) or D (*c*). They would furthermore have the chance of another seat under E, of a seat under C (Ruling Chief), and of an Eastern Bengal seat under D (*b*) or D (*c*).

A maximum of 8 and a minimum of 5 seats would very fairly represent their just claims. Muhammadan advocacy presses for a minimum of 6, but due regard for the claims of Sikhs and the necessity for keeping one minority seat under E for other minorities, such as the Parsis, Jains, Planters and the like, points to the impossibility of definitely allocating more than 4 seats

under E to Muhammadans. Most Hindus and many European officers would avoid any definite allocation, that is to say, would ask the Muhammadan community to trust in the Government generally that their minority rights will be adequately safeguarded. It is perhaps too late to put off the Muslim community with such an assurance. If elective privileges are withheld, there will be all the more need for conciliation, and nothing less than a definite promise of four seats under E will satisfy the expectations which have been created.

38. The letter with which the Government of India proposals were circulated asked for opinions as to a Muhammdan electorate on the assumption that one is to be formed. Many of those consulted offer no suggestions under this head, chiefly because they are averse to any special Muhammadan electorate. In paragraph 18 of the Government of India letter it is mentioned that the special Muhammadan deputation to the Viceroy suggested the following electorate:—

(*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expended.

(*b*) The Muhammdan Fellows of the local University.

(*c*) Muhammadans paying income-tax on Rs. 25,000 per annum or land revenue (amount to be determined separately for each province).

Most of the opinions now under review follow the above suggestion. The opinions of Hindus and Hindu societies may be left out of account as they are not concerned. An analysis of the opinions of European officials and Muhammadans (including Anjumans, etc.) gives the following results:—

	Government of India plan (*a*).	Government of India plan (*a*), (*b*) and (*c*)	Variants of column 3.	Special.
Europeans	15	7	...	3
Muhammadans	9	7	13	4
Total .	24	14	13	7

It is assumed that "Provincial" under (*a*) means the Legislative Council. Only 2 of the 24 who recommend this plan would include the members of the Advisory Council among the electors. The objection to plan (*a*) is that the body is too small, and also that in electing under D (*b*) they will already have exercised the franchise. The variants of the Government of India plan (*a*), (*b*) and (*c*) combined are nearly all in the direction of reducing the income-tax qualification. For land revenue Rs. 5,000 is generally suggested: a few would add Muhammadan *graduates* to the electorate. The European officials who suggest special electorates are Messrs. Robertson, Douie, Meredith and Humphreys.

39. The examination in the foregoing paragraphs of the proposals for enlarging the Supreme Legislative Council assumes that the number of members will be fixed round or about the figure proposed by the Government of India. But the Lieutenant-Governor desires to repeat what has been said in paragraph 20 above in connection with the Imperial Advisory Council as to the

difficulty of providing any large Punjab contribution to the membership of either body. If however, the province is to supply members, this at present can only be done by nomination. Sir Charles Rivaz in an informal expression of his opinion recognised this difficulty. He would have allowed one or two members to be elected, but he did not indicate what electoral body would so elect the members. He said that for the Provincial Legislative Council he would allow the University to elect a member, but he did not apparently think that the University should be given a member on the Imperial Council. Indeed, unless the Imperial Council is very large, it would be impossible to allow one member to the Punjab University alone, though this University might perhaps join with other Indian Universities in electing one or more members. The number of non-official members on the Provincial Legislative Council will probably remain small, and they will be largely nominated so that it would be difficult, though not of course impossible, concede to them the righ of electing a member for the Imperial Council, whether Advisory or Legislative. The real fact is that the province is hardly sufficiently advanced to be able to provide suitable men other than officials for Councils of which the proceedings must practically be conducted in English and on Western lines. Fortunately the Punjab is a province in which due respect is still paid to age and experience. It would be little short of disastrous if we were to unsettle men's minds on this matter by having to select only young men with an imperfect education on Western lines or lawyers only as the representatives of the province. This has been to some extent the case of late years in the Punjab nominations both for the Imperial Legislative Council and for the Punjab Provincial Council. It is therefore desirable in the interests of this province that the number, whether of the Imperial Legislative Council or of an Advisory Council, if one is to be created, should not be too large, so that the few Punjab members who may be able to represent the province in these assemblies may not be so hopelessly outnumbered as to be unable to do adequate justice to the province which they represent. His Honour much regrets that such should be the case, and he can only hope that with an expanded Provincial Legislative Council and the rapid spread of literary and political education, this deficiency will soon be removed. It is pretty certain at any rate that no general elective system, suited to the present conditions of the Punjab, can be suggested, and if large Imperial Advisory and Legislative Councils are formed and the Punjab is to be represented on them, this can only be adequately done by nomination of members in such a way as to give a proper proportion ate voice to the various classes and interests of the province.

Provincial Legislative Council.

40. The first question for decision is whether an increase in number is necessary, and if so, what figure shall be adopted. There is an almost unanimous vote in favour of some increase. The following only would leave matters as they are :—

Europeans—

Colonel Dallas.
Mr. Waring.
Major Fox-Strangways.
Mr. Younghusband.
Colonel Parsons.
Mr. Malan.
Mr. Henriques.

Indians—

Malik Umer Hayat Khan.
Tilok Chand, Extra Assistant Commissioner.
Saradar Partap Singh.

The present number of members being 9 (excluding the Lieutenant-Governor), the proposals for increase mainly favour the numbers 12, 15 or 20, with

or without the Lieutenant-Governor in each case. Many of the Indian critics propose numbers in excess of 20, but any increase much beyond that total raises two difficulties, *viz.*, the difficulty of finding suitable non-officials and the inconvenience of arranging for a large official majority. As observed by Mr. Douie "the choice of even four suitable non-official members in the past has not always been free from difficulty." It will be necessary moreover to vary the *personnel* of the Council from time to time, as the constant re-appointment of the same person would be open to criticism. Accordingly the Council should not be so large as to absorb *all* the available talent. It is furthermore to be borne in mind that the officials who will represent the province on the Imperial Legislative Council will be absent from the Punjab during a portion of the cold weather, and it may not be found feasible to utilise the same officers for both Councils. This is a consideration pointing to the desirablity of a small Council. On the other hand, if the non-official members have the right of electing a member to the Imperial Legislative Council, the larger the electorate for this purpose the better. It would serve no purpose to tabulate the suggestions of the native critics. Very many of them do not clearly indicate what number they recommend, and few of them pause to consider the practical inconveniences of a large unwieldy Council. Generally, it may be stated that the favourite numbers are 20 and 25. There are, however, not a few votes in favour of 15.

41. The next question is whether the non-official members shall be elected or nominated. The Government of India have in paragraph 20 of your letter under reply given an intimation that nomination may prove to be best adapted to the provinces which are not already familiar with election. The Financial Commissioner* and all the Commissioners except Mr. Maynard are in favour of nomination. The Deputy Commissioners who would allow some of the seats to go by election are Messrs. Clarke, Boyd, deMontmorency, Atkins, Agnew, Sykes (one only), Majors Young, Burlton, Thompson and Barton and Captain O'Brien. Sir W. O. Clark would allow of the election of two members. As to native opinion, there is among Hindu critics a great preponderance in the favour of some of the members being elected. The Muhammadans, counting heads, are exactly divided, but the more influential members of the community favour nomination. The following vote for that method :—Punjab Muslim League, Delhi and Batala Anjumans, Malik Umar Hayat Khan, the President, Bahawalpur Council, the Editor of the *Observer*, three Extra Assistant Commissioners, Makhdum Hassan Shah Bakhsh of Multan and the two chief Muhammadan lawyers of Lahore—M. Shah Din and M. Muhammad Shafi. Among the few Hindus who favour the nomination of all the non-officials are Rai Bahadur Ganga Ram, Tika Ram Narayan Singh of Anandpur, Rai Sahib K. B. Thapar, Lala Ram Saran Das, Rai Sahib Mohan Lal, Sardar Partap Singh, the three principal Hindus of Delhi and two Sikh lawyers. If election were conceded in the case of representatives of the University and the educated and professional classes, then there would be a decided preponderance of opinions in favour of nomination of the remaining non-official members. Generally it may be stated that the verdict of the province as represented by the great weight of official opinion and of the most influential portion of the Muhammadan community is in favour of nomination. There is, however, a strong body of opinion in favour of the view that if a representative of the University is to have a seat, he may appropriately be chosen by election. A similar case, though not so strong a one, is made out in favour of the election of a representative of the educated and professional classes if a seat is assigned to that community. As this question of election *versus* nomination is one of considerable importance, and as His Honour is an advocate of the principle of nomination and would admit election only in the exceptional cases referred to in paragraph 44 following, it has been thought desirable to put together in an appendix (appendix D) the evidence which the present papers contain—largely

* Mr. Wilson would hereafter give each class an opportuntity of determining whether their representative shall be nominated or elected.

that of native critics—as to the unsuitability of the elective system generally in the present stage of development of this province. It will be observed that the condemnation of elections is based on concrete experience. On the other hand the advocates of election rarely support their case by either appeals to experience or by arguments. No attempt is made to traverse the allegations of those who assert that the method of election is unsuitable, distasteful to respectable candidates and productive of many abuses. There is nothing but a vague suggestion that the people are ripe for the enjoyment of elective privileges, that representatives so chosen carry the confidence of the people, and that nominated members are apt to be servile and deficient in intellectual ability.

42. As regards the desirability of prescribing the number of seats for Muhammadans, Hindus and Sikhs, respectively, the answer of majority* of Europeans and of a great majority of natives is that it is desirable that there should be, if not a rule, at least a very definite understanding as to the number of seats to be allotted to each religion, or, in the opinion of some critics, to each interest. The majority includes Messrs. Wilson, Robertson, Diack, Maynard Atkins, Agnew, Waring, Sykes and Humphreys. Among the natives the minority opposed to such a rule are a few of the more advanced societies and educated Hindus, chiefly pleaders. The Muhammadans and many of the more oldfashioned Hindus are in favour of a recognition of the claims of respective religions. Many of those who answer the question in the negative proceed to suggest the definite allocation of seats to particular interests, *e.g.*, landowners, educated classes, commerce, municipalities, &c. Of course the introduction of election *ipso facto* involves the allotment of the elective seats to the class or interest for which they are intended, but nearly all of those consulted have rightly understood the question as applicable also in the event of nomination being adopted. The question of representation of classes or interests other than religions is noticed below. It is sufficient in the present connection to note that there is an undoubted demand for a rule, assurance or understanding in the matter of the number of seats for each religion. Among those European officers who deprecate such a rule the apprehension is that it may cause strife or may unduly tie the hands of the Local Government. The opposition from native sources proceeds partly from the Hindus, who recognise that their community would be likely to secure a number of seats in excess of their claims based on population if apportionment by religions were not the rule, and partly from those whose political foresight deprecates any measure which might accentuate differences and retard the hoped for union of all classes in opposition to the British domination.

43. The scheme of utilizing Municipal Committees and District Boards as electorates which is contemplated in the Government of India letter finds but little support in this province, even in the event of the local franchises being altered in the manner proposed. In only 39 opinions it is suggested that Municipal Committees or District Boards should be utilized for constituting electorates or should receive recognition in the allotment of seats by nomination. Of these 39, one-third are lawyers. The Europeans included in the total are Sir W. O. Clark, Sir D. Masson, Messrs. Diack, Irving, deMontmorency and Clarke, Majors Young and Egerton, and Captain Buck. The general view is that these bodies are unsuitable as electorates; and that they are too heterogeneous in composition to represnt and definite interest. Some of the minority who recommend their utilization only do so on the understanding that the franchise will be reformed. Sir Louis Dane is however prepared to go with the minority, and in order to give the trading and industrial classes a larger voice in the affairs of the province, he thinks that the committees of the larger urban areas might be invited to nominate candidates, and of the candidates so nominated, one might be appointed.

* 21 against 16.

44. Apart from Municipal Committees and District Boards, the principal interests which have been mentioned as entitled to representation are:—

Agriculture and the landed interests.
Trade and Commerce.
The professional classes.
The legal profession.
The University.
Territorial interests.
The Native States.
Non-official Europeans and Eurasians.
Retired officials.
Anjumans and Sabhas.

Many of the critics have taken great pains to elaborate fancy constitutions. Among the classes whose claims to representation are brought forward are 'capitalists,' 'artizans,' 'the Press,' &c.

It will be useless to analyse these schemes. If there is to be any appropriation of seats to particular interests, an appropriation on the basis of religion will, as above noted, be more in accord with popular sentiment than an appropriation by occupational classes, and will have the advantage of including practically all Indians. An appropriation on the basis of occupation would be very difficult to work. In the Lieutenant-Governor's opinion therefore the table of membership need not particularise the interests to be represented more specifically than by reserving a certain number of places for the chief religions, for the nominees of the urban classes, for the University and for the Native States. As regards the University, it is because its graduates would constitute a highly intelligent and easily registerable electorate rather than on account of any need for representation of academical interests that its claims are urged. The creation of such a constituency will go some way to meet the demands of the educated classes for a more popular constitution for the Legislative Council, and Sir Louis Dane is therefore in favour of the Punjab University electing a member to that body. His Honour, however, sees no reason to give votes to graduates of other Universities who will be able to vote probably for their own University members elsewhere. The right of electing a member might, in the first place, be given to the Senate, and subsequently transferred to the body of graduates when experience showed that this was desirable. Some of the Chiefs of Native States whose interests in the Punjab are very closely bound up with those of the province at large might also perhaps be willing to sit as in the past.

45. With the introduction of the foregoing elements, we should have a fairly complete representation of all interests in the Punjab, and the Council, assuming the larger number of 22 including the Lieutenant-Governor to be adopted, might be constituted somewhat as follows:—

Unofficials—	
Ruling Chiefs or great officers of Native States . .	1
European and Anglo-Indian and Native Christian unofficial and commercial classes	1
University	1
Larger cities	2
Muhammadans	3
Hindus	2
Sikh	1
	11

Officials -		
Financial Commissioner	1	
Settlement Commissioner	1	
Secretaries to Government	3	including one Irrigation Secretary.
Commissioners	2	
Manager, North-Western Railway	1	
A high military officer	1	
Legal Remembrancer or Government Advocate	1	
	10	

In selecting the European and Anglo-Indian representatives the Punjab Chamber of Commerce and the Trades Association might be consulted. The University member would be elected. The distribution over the creeds of the general members need not be rigid, but the members shown for each creed would probably be the normal strength, and most, if not all, of these members would belong to the landholding classes.

The urban representatives would be selected out of members nominated by the following centres. Where the cantonment population is large the Cantonment Committee might vote jointly with the Municipal Committee for a member, as their interests also require representation. This and the fact that a considerable proportion of the Municipal Committees are nominated and that the Chairman is generally an official would tend to secure the nomination of reasonable men. As the existing committees would nominate the member for each centre, no new special electorate would be required :—

	City.	*Cantonment.*	*Total.*
Delhi	206,534	2,041	208,575
Ambála	28,200	50,433	78,633
Simla (summer population)	35,690	1,917	37,607
Jullundur	54,455	13,280	67,735
Ludhiána	48,649	...	48,649
Ferozepore	23,475	25,865	49,340
Lahore	186,884	16,080	202,964
Amritsar	161,039	1,390	162,429
Siálkot	45,374	12,582	57,956
Ráwalpindi	47,077	40,611	87,688
Multán	74,627	12,767	87,394

The Government need not be tied down by any rules as regards the official appointments to the Council, but they might in the Lieutenant-Governor's opinion be suitably distributed in the manner sketched out above.

As it would be necessary to appoint a separate Secretary to the Council, it would be well to have the Legal Remembrancer or Government Advocate on the Council itself.

The Punjab furnishes the backbone of our Indian army, and military interests are naturally great in the Province, which also contains a large number of great cantonments, many of which are thriving industrial and commercial centres. It seems, therefore, necessary to obtain the services of a high military officer to safeguard these interests as well as to give the cantonments a voice in the selection of one member.

46. Sir Louis Dane recognises that the proposals thus put forward are not entirely in accordance with the general sense of the schemes indicated in the letter of the Government of India. At the same time that letter fully recognises that having regard to the wide variety of conditions in different parts of India it is improbable that any one scheme will prove to be equally adapted to all provinces, and that it may be necessary in certain cases to resort more

freely to nomination. The Punjab has only enjoyed the benefits of British rule for 60 years; it is a province mainly of simple but brave peasant proprietors who are still happily for the most part unsophisticated. Land is not held by large owners, and the number of men paying large sums in land revenue is small as shown below :—

Number paying over Rs. 1,000 ...	273
„ „ „ „ 2,500	61
„ „ „ „ 5,000	35

The number of large income-tax-payers is also small, as appears from the following table :—

Income over Rs. 2,500	2,104
„ „ „ 5,000	723
„ „ „ 10,000	307

It would be difficult to form any suitable electoral body from such classes, as the men paying the largest land revenue are often not those who represent the bulk of the landholders. Large commercial and industrial enterprises are rare, though there is a move in the direction of such developments which we should do all in our power to foster and encourage. Hence His Honour has thought desirable to give special representation to the commercial classes. The Legislative Council has only been in existence for 10 years and is in a very rudimentary stage. Even on this it has been found very difficult to secure the services of able and experienced men of suitable age, capable of discussing questions on Western lines as must always be desirable if not inevitable in the case of all such Councils. Everything therefore points to the desirability of proceeding slowly and with the utmost caution, and Sir Louis Dane believes that in the proposals above indicated we have gone to the limit of what is desirable in the interests of the province and its people and of the security of the present form of government. It is possible that in his desire to meet the natural wishes of the educated classes, His Honour may have overstepped this limit and that he ought to have recommended a smaller Legislative Council with a more pronounced official element. His Honour has confidence, however, in the general good sense and loyalty of the Punjab, and he believes that free and open discussion in such a Council of all matters of public import can only be attended by beneficial results.

47. General assent is given to the proposal in paragraph 23 of the Government of India letter for the introduction of more reality into the budget debates in the Imperial Legislative Council. The truth is that few of those consulted know anything about the subject, but welcome a measure which carries a promise of greater freedom of debate. The objections to the present system are well put by Mr. Robertson. Whether, as he surmises, "the alteration suggested should go far towards remedying this" seems doubtful. The evil referred to is the flood of irresponsible paper eloquence intended not to influence the audience, but to appeal to the outside public. The remedy which naturally suggests itself is the prohibition of read speeches, but there is no suggestion in the Government of India letter that any change will be made in this respect. It must be admitted that the question is not without difficult. It would be impossible to prohibit notes, and it would be difficult to draw the line between documents containing copious notes and those containing large portions of text matter.

48. As regards budget debates in the Provincial Council, throughly there is a generally expressed desire that in this respect the Punjab shall be put upon a footing of equality with other provinces, some of the European official critics seem to apprehend that such debates may embarrass Government.

Such an anticipation is hardly warranted. Nothing but gain can result from any measure which will serve to dispel the generally prevailing ignorance of the actualities, the limitations and the difficulties of provincial finance, and by giving to the non-official councillors opportunities of acquiring knowledge of the working of our system and of the problems of ways and means which confront us we shall render them less irresponsible and better interpreters to the people of the true spirit of our administration. As pointed out by Mr. Wilson, the House of Commons precedent enables us to brush aside without scruple any suggestions of a right to take part in the drawing up of the budget or to tamper with it when completed. But, as observed by the Government of India, "Remarks made * * * would be borne in mind by the Local Government when making financial arrangements in subsequent years, and it might perhaps on occasion be found possible to alter the budget actually under review." It might also be well if after the first edition of the budget had been prepared to place the heads before a committee of the Council consisting of three official and two non-official members. One official member would be the Financial Secretary, who would preside. Suggestions made by the committee which could be accepted might be incorporated in the second revised issue of the budget. It is to be hoped that the result of the labour of the Royal Decentralisation Commission will be to give Local Governments a much freer hand in the allotment of the funds at their disposal, and consequently that this examination and the subsequent discussion of the budget will be more of a reality than has been the case in the past. Such discussions, the President of the Patiala Council of Regency truly observes, will be of educative value, and ought to do much good in explaining to the people the real conditions of public finance in the Punjab. At present the Punjab provincial finances are so small that very little latitude of distribution will be possible, but it ought to be possible with the additional check that such public discussions would afford to proceed further on the path of decentralisation even to the extent of giving the Punjab a larger voice in the matter of its railways and canals.

49. As to the power of interpellation in the provincial Legislative Council, the native gentlemen consulted are practically unanimous in welcoming the proposal which, as Mr. Wilson observes, is evidently very much valued. In the Lieutenant-Governor's opinion the right should be granted. The European officers who are not in favour of the proposal, and the reasons for dissent are noted below:—

Name.	*Nature of objection to interpellation.*
Colonel Davies	Not much use.
Mr. Diack	Waste of time.
Mr. Henriques	Ditto.
Colonel Dallas	Not necessary or advisable.
Mr. Millar	No good reason for innovation.
Major Fox-Strangways ...	Inexpedient.
Mr. Sykes	Not suited to existing conditions.
Mr. Meredith, Mr. Humphreys, Mr. Malan, Colonel Parsons, Mr. Waring ...	The Council is yet young. Await further experience and watch operations elsewhere.
Major Thompson, Mr. Wakefield, Mr. deMontmorency ...	No reason given.

It will be observed that the reasons against the innovation are wanting in substance. The weight of official opinion is in favour of the measure.

Mr. Wilson remarks: "It [illegible] cause some inconvenience to Governmen preparing the answers to troub[illegible] questions, but the privilege is evide much valued, and we must be prepared to face some inconvenience in ord afford members the information they desire on matters that interest th Mr. Douie refers to the greater publicity which can thereby be given t actions of Government. It would, as remarked by Mr. Estcourt, give Gov ment an opportunity to explain any course of action which has led t content in any quarter. There are many occasions on which it woul an advantage to Government to give publicity to its policy and intentions in which neither a Gazette resolution nor a Press *communiqué* would mee situation. The first is much too formal, and the second always has a sugge of *qui s'excuse s'accuse*, of lack of dignity, about it. To give an explan in reply to an interpellation is very different from volunteering an explan in a sort of defensive attitude.

Some native critics recognise that the right of interpellation may be ab and that restrictions would be necessary. The president should have the rig disallow any question as improper. It is understood that the speaker o house of Commons exercises such a right, and that all questions under scrutiny before they are printed on the agenda paper.

50. The Council might in the Lieutenant-Governor's opinion be moned with reasonable frequency, say once a month at least from Nove to April and twice between May and October, whether or not ther legislative business for discussoin. This would give members an oppor of ventilating matters of public interest and importance, and would Government to issue such explanations as the circumstances of any case render desirable.

I have the honour to be,

SIR,

Your most obedient Servant,

E. D. MACLAGAN,

Chief Secretary to Government Punj

APPENDIX (SEE PARA. 7 OF LETTER).

Ruling Chiefs and territorial magnates on the Imperial Advisory Council.

(Selected opinions.)

Major Burlton.—I do not think the Ruling Chiefs or the territorial magnates from the various provinces are in any sense in touch with the people, nor have they advanced with the times, with but few exceptions, nor, except in matters where Imperial India is concerned, do I see how Ruling Chiefs can possibly have the requisite knowledge to make their advice and opinion worth having.

I don't think that as regards this province we can say that the territorial magnates occupy the position now aa hereditary leaders of the people, which they did half a century ago. . . . We cannot ignore the leading representatives of the educated community, who in a far truer sense are leaders of the people.

Mr. Atkins.—The magnates do not represent the feeling of the country to any great extent, and much less the feeling of the party which is now striving to make itself felt and which has led to this desire on the part of Government to meet its wishes so far as is consistent with good government. The formation of such a council would be apt to aggravate rather than pacify the cry for self-government.

Mr. Ahsan-ul-Hakk, Barrister-at-Law.—The Ruling Chiefs are, as a rule, so ignorant of the affairs of their own States that it is rather difficult to believe that they shall be able to offer any intelligent and useful advice to the Viceroy on questions of vital importance.

Pandit Devi Chand, Government Pleader.—There are very few Ruling Chiefs, Sardars or territorial magnatas who can have or care to have an opportunity of seeing the people and of getting a genuine idea about their views on a given question. The information which such people get is either through the agency of newspapers or their servants and hangers-on, and which cannot in a majority of cases be relied on.

The Hon'ble Sardar Partap Singh (in a newspaper article).—I may be excused for remarking that it (the aristocracy) is far below the standard it is expected to occupy. The middle classes and masses consider them to be dullards and dissipated imbeciles, and therefore do not reckon them as their leaders of thought and action. I must paintully acknowledge that there is a good deal of truth in this statement of them.

Mr. Bhagat Ram, Barrister-at-Law, Jullundur.—I do not think, as some would have us believe, that Indian Chiefs and men of position are all as a class unworthy of being consulted in matters of the State, for among their number there are a good many who are entitled to the great esteem of their countrymen on account of their high intellect and noble virtues as men and as rulers of their subjects. Unfortunately, however, it cannot be denied that the majority of the Indian Chiefs and the territorial magnates are as much, if not more, out of touch with the people as most of the European officials.

I am certain that the Chiefs and territorial magnates will not represent any other class but their own; for the interest of the petty land-owners and those of the tenants could not safely be left to their care.

Rai Sahib K. B. Thapar.—A council consisting exclusively of Ruling Chiefs and territorial magnates would not command to the extent that it should the confidence of the people.

Mr. E. W. Parker.—While it may be highly desirable to have a separate council (on the political side so to speak) recruited from the direction, it is obvious that the Rulers and people of Protected States should have no voice in the government of British India and British subjects.

The Observer.—The idea is to confine the membership of the council practically to the Ruling Chiefs and the territorial magnates. This will detract from its representative character, and its views and deliberations will fail to command general confidence . . . . It is undeniable that the Ruling Chiefs and the territorial magnates as a class are still standing aloof from the new social and political conditions which affect the course of Indian affairs, and they can never be trusted to present to Government the point of view of the more progressive classes.

The Hon'ble Mr. Harkishen Lal.—I would omit the Ruling Princes altogether from such councils, as they are not in touch with the people of British India, and any interference on their behalf with the affairs of British Indians would expose them, their States and their character to public criticism which may not be welcome to them and which may embitter their feelings against the British subjects.

Rai Bahadur Lal Chand.—With few exceptions, speaking generally, the proposed class of members are unable to efficiently manage their own estates. They themselves stand in need of proper advice which even when tendered they are unable to appreciate and follow for want of a power of discrimination.

Even as means of diffusing correct information I am afraid the Ruling Chiefs and the territorial magnates are not likely to be of much use; I might say of any use. It is extremely improbable that they will ever condescend to personally communicate information to the people, and if it is done through their servants or ministers, it is more likely than not that the facts will not, to put it mildly, be truly represented.

Anjuman Islamia of the Punjab.—However much the Ruling Chiefs may know of their own territories, they have hardly any opportunities of knowing the wants and feelings of those who live in British India.

Rai Sahib Narayan Das, Judicial Extra Assistant Commissioner.—The persons who as a class stand most in need of advice in the management of their own affairs from the British Government and its officers are those who form the aristocracy of the country. And yet it is these very men who, according to the proposals as made, would figure as the advisers of Government in its work of administration.

Hindu Sabha, Lahore.—Neither of these classes of men are in touch with the masses of the people of British India.

Mr. Miles Irving.—So many of the territorial magnates of the Central Punjab have proved themselves incapable of managing their own affairs that there is, I think, some uneasiness lest men of this type should be selected.

Hindu members of Gurdaspur Bar.—The interests of the Ruling Chiefs and territorial magnates largely clash with those of the people, because they themselves are interested in putting down the public spirit for fear of their own subjects catching the infection of independent comment.

Mr. R. Sykes.—There does not appear to be any strong attachment to territorial magnates or to Rulers of Native States.

Mool Chand, Government Pleader, Sialkot.—To ask the natives of this country to look upon the Ruling Chiefs or the territorial magnates with awe and veneration as their hereditary leaders simply because they are such Chiefs and such magnates would be anomalous. Having been now under the British *régime* for a long time, our sense of respect and proportion cannot admit of any idea of competition with the might and magnificence of the British Sovereign and his representatives, and it will be wrong to expect us to do homage to both . . . . . The Ruling Chiefs and territorial magnates are not in touch with the daily life of the masses of the Indian population, and as to their power of serving as an agency for the diffusion of correct information upon the acts, intentions and objects of Government, I might very well say what Napoleon once said of such dignatories, 'that they spoke to no one and no one spoke to them, so they brought home no information.'

Nihal Chand, Barrister-at-Law.—The proposals of the Supreme Government to establish Advisory Councils of the type and character mentioned appear to me not only a huge mockery and a sham palliative, but a whited sepulchre breeding but loathsome maggots and ugly worms.

Mr. Maynard.—I fear that there will be disappointment in regard to the council's work as an agency for the diffusion of correct information upon the acts, intentions and objects of Government. Except when they occupy a *quasi*-patriarchal position like that of the Baloch *tumandars*, the Chiefs and magnates are not generally in very close touch with the mass of the people. Those who will understand the proceedings best will be the Europeanised, whose education and mode of life has in some measure alienated their sympathies. But even the Chief or magnate of the old-fashioned type is somewhat apt to have conceptions of his own dignity which preclude confidential intercourse with his inferiors other than personal followers and attendants . . . . . All territorial magnates are not tribal or patriarchal Chiefs. Sometimes, as is the case with the great cis-Sutlej jagirdars, they live like strangers in an enemy's conquered country.

Ganga Ram, District Judge.—The landed aristocracy, at least in the Punjab, are not sufficiently well educated to give sound and independent advice on public questions.

Kishen Lal, Pleader.—Such an aristocracy never consents to stoop down to speak to the masses.

Mr. de Montmorency.—Some object to the phrase "territorial magnates," as they say that many of the so-called territorial magnates in official favour are brainless, dissipated, inefficients.

Pensioned Risaldar Malik Chiragh Khan.—The wealthy and the big landholders are naturally ignorant of the welfare of the public at large.

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Sardar Khan, Extra Assistant Commissioner.—The Ruling Chiefs and the territorial magnates in general have of late forfeited the confidence of the people, and hence a reasonable number of *average land owners* who might be in touch with agricultural life might be selected.

Mr. Justice Chatterji.—I am doubtful whether there will be any benefit in enrolling Ruling Chiefs in the council. . . It is questionable whether they will be competent advisers, as without good educational and administrative training their opinions and sympathies will be likely to be in favour of the course they would pursue in the matter put before them had it arisen within their own territories . . . . . Further, they cannot be expected to intimately know or to carefully investigate the conditions obtaining in British India . . . . . In giving their advice they will presumbly act in ignorance of facts, and be swayed by their personal predilections.

Major Egerton.—One or two gentlemen whom I have consulted are rightly, I think, of the opinion that Ruling Chiefs are not always in touch with public feeling in India.

Mr. Donie.—I would not limit the Viceroy's choice to Ruling Chiefs and territorial magnates: real leaders of the people are to be found who belong to neither class.

Major Fox-Strangways.—The 20th Century Ruling Chief or territorial magnate may be competent to collate opinions and give them expression as a Secretary to Government, but, I maintain, he is not in touch with, nor would he represent the interests of, the men who pay the revenue and fight the battles of the Government of India.

Diwan Narindra Nath.—A tahsildar wields, as the representative of the paramount power, greater authority than a territorial magnate with an income of a lakh of rupees a year. The enormous value attached to the proprietary rights in land is only of recent orgin. During the Sikh rule in the Punjab the worth of a nobleman depended not so much on the amount of land revenue that he paid, but on the amount of land revenue that he received in jagir.

Baba Gurbakhsh Singh, Bedi.—If the council were limited to landholders only, it is just quite possible that the Government may not have disinterested opinion.

APPENDIX B (*see* PARA. 7 OF LETTER.)

Question of the initiative and of legislative recognition in connection with the Imperial Advisory Council.

(Selected opinions.)

Raja of Chamba.—These councils are not to receive any legislative recognition. I do not think such is needed unless it is considered necessary to remove any misunderstanding on the part of the people that these councils will continue to be maintained. I mention this as people are apprehensive that these councils are not likely to last long, and they are being compared with the "Councillors of the Empire" who were appointed by Lord Lytton.

Raja of Nabha.—That it should deal only with such matters as might be specifically referred to it from time to time is not well conceived. When journals of the day are suffered to criticize all administrative and executive measures of the Government so freely and openly, there can be no justification, I think, in withholding from the Chiefs and notables of the country in whose staunch and unwavering fidelity the Government has perfect trust, the right of propounding in a private conclave measures apertaining to the Government or public welfare.

Khalifa Sayad Muhammad Hussain of Patiala.—I think the members of the council should also be entitled to submit their individual views to the head of the Government on any other matter that might occur to their own minds as worth inviting the attention of Government.

It is necessary that it (the council) should have a programme fixed for it every year, and should, as a rule, hold once or twice during the year ordinary meetings.

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Both the Imperiel and Provincial Councils should have the power of informally submitting their proposals and opinions of the Supreme and Local Governments respectively . . . . . even on those matters about which they have not been formally consulted.

These councils should in my opinion receive some sort of legislative recognition and should be invested with some sort of formal work and responsibility, for, unless

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this is done, I am afraid that though they might remain as an ornament, they would be of little or no real use both to the public and the Government, and after some time the whole scheme might fall through.

Mr. Justice Robertson.—It appears to be worth considering whether it would not be well to extend to the members of such a council the right to address the President (the Viceroy, I presume) in an autograph communication on any subject of public importance . . . . . It would be well to enable councillors to offer advice, or opinions, if they so desire.

Major Burlton.—I think it should be definitely stated that they should be called upon to meet at least once a year and be allowed to present addresses on any serious occasion or necessity to Government.

Mr. Ahsan-ul-Hakk, Barrister-at-Law.—In the absence of any provisions conferring better rights upon the Chiefs and magnates, the proposals laid down in paragraphs 4 and 5 will not benefit the country materially . . . . They will only raise a storm of ridicule and hostile criticism, and defeat the praiseworthy effort of Government by creating doubts about the *bonâ fides* of this step in the minds of the people.

Hon'ble Sardar Partap Singh.—I venture to suggest one amendment to sub-paragraph (6) of paragraph 5 to the following effect:—

> "and any of its members will be at liberty to report to the Governor-General a particular state of public feeling with regard to a certain act or measure of the Government individually, and ask for such information confidentially about any particular matter as may be desirable."

Anjuman Islamia, Ludhiana.—The council should be allowed the permission to bring any point, of its own accord, to the notice of Government.

Tikka Ram Narain Singh of Anandpur.—Imperial councillors' powers must not be limited to give their opinions only on matters referred to them for consultation.

Diwan Narindra Nath.—Unless due weight is given to the opinion of the members and a sort of unwritten rule is observed as to the extreme undesirability of Government acting in opposition to the opinion of the majority, the position of Ruling Chief and territorial magnates will be worse than that of the members of the Legislative Councils, and eventually they will be unwilling to work on the council and to give their honest opinions.

Amir Ali, District Judge.—Provisions may be made for councillors to bring important matter to notice.

Gujrat Bar Association.—The members of the council should have the right to offer voluntary advice and make proposals consonant with the public interest, the main reason for this being that if no such right is given, many a matter of great public importance may never strike the Government to be put before the council.

Mr. Douie.—In the case of consultation with individuals, I would not provide that the first step must in all cases be taken by the Viceroy. I would allow every member the right to address the Viceroy on any matter of public importance.

1. There are some features in the proposals regarding the Imperial Advisory Council which might be modified with advantage. This will become clear if we consider in what light the *dignity* of membership will present itself to those who are likely to be asked to serve upon it. Side by side with an Imperial Legislative Council, having certain definitely recognised powers at law, with the right to assemble to interpellate and to discuss, and an important share in the work of legislation, it is proposed to establish another council, which will only meet when specially summoned, only express opinions on subjects specifically referred to it, enjoy no legal status or legal powers, and exercise no *authoritative* influence on the decisions of Government. When these conditions are fully realized, it will, I believe, be found that the most able and influential of the Chiefs and territorial magnates will regard membership of the Advisory Council as lacking *dignity*,* and will contrast unfavourably their own position as members with that of the men, often their social inferiors, who have attained to seats on the Legislative Council. To those who know anything of the Indian aristocracy, it is a truism that they value personal dignity above most other considerations. The supiscion that they occupied an inferior position in the Advisory Council would do much to impair the usefulness of that institution.

2. Without any surrender of the postulated supremacy and independence of the executive authority, it is possible to change these conditions for the better by giving to the proposed Imperial Advisory Council the legal right to meet and to tender collective advice on any subject on its own initiative. I suggest that, upon a requisition signed by at least five members, Government should bind itself to summon a meeting. I am also inclined to think

* In the Legislative Council His Excellency the Viceroy presides: in the Advisory Council this is not the case.

that either His Excellency the Viceroy or the Hon'ble Member in charge of the subject under discussion should preside. This would probably have no tendency to stifle discussion, if the subject were one on which strong views were held. But it would add to the *dignity* of membership.

3. Incidentally the legal right to tender collective advice unasked will meet the criticisms which have been levelled against the council as a mere device for assisting Government to resist the pressure of the educated and reforming classes. A body, which has legal authority to insist on recording its collective opinion on any subject, is in a very different position from one which lends itself to the suspicion that Government calls for advice only when advice is likely to be acceptable.

Three Pleaders of Muzaffargarh.—The Imperial Advisory Council as suggested would be an ornamental body without being of any use to the country. Either it must have some legislative recognition or at least so much that a Bill before being put before the Legislative Council be first discussed in the Advisory Council.

Mr. deMontmorency.—A contemplative council of elders without power of initiation and with doubtful power of commanding attention to their views, but saddled with certain unremunerative duties, seems to these critics a more fancied than real concession to progress.

Anjuman-i-Islamia, Multán.—The councillors should be at liberty to confidentially make any suggestion in case of need and importance to His Excellency, who of course may or may not take action on it.

Sardar Bikram Singh, Honorary Magistrate.—It should be given a statutory recognition in this wise that any matter proposed in the Imperial Legislative Council be referred to the Imperial Advisory Council.

It should meet at least once a year.

Bhai Gurdit Singh, Pleader.—When the majority of these councillors are opposed to a certain measure it ought to be abandoned.

Bhai Gulab Singh.—I would recommend that some legal status must be given to its functions. All matters should as of right be referred to it before they are finally adopted. If legislative recognition is not given to such councils, they will have very little value in the eyes of the public.

Karm Ilahi, Honorary Magistrate.—In the event of Imperial Advisory Council not being vested with formal power, satisfactory results would not issue.

Mr. Henriques.—They (the people consulted) have almost all been struck by the anomaly of a determinate body of advisors with no power of initiative.

Mr. Humphreys.—It seems to me that if these councils are ever to have any real vitality and to fulfil the object for which they have been designed, some power of initiative, subject to proper safeguards, must eventually be granted.

There should, I think, be regular times of session for the councils when questions for their collective deliberation would be considered by them. This question seems to me important if the councils are to be of any real use.

Mr. Wilson.—I would allow any member to ask for information or to make suggestions, but it should be entirely for Government to decide whether the information be given or the suggestion acted on. The council should discuss only questions referred to it by Government.

The conferment of a power of initiative is also recommended by the Anjumans Islamia of Delhi, Batála, Lahore and Ambála, by the Sanatan Dharm Sabha, Multán, and by Ram Saran Das (of Lahore), Rai Narayan Das, Extra Assistant Commissioner, Multan Chand, Banker, Bhai Gurdit Singh, Hakim Muhammad Ajmal, Khan, Ghulam Muhammad Hassan, Raj Narain, Barrister-at-Law, Sheikh Abdul Hakk, Rai Bahadur Hari Chand, and a few others.

APPENDIX C (*see* PARA. 7 OF LETTER).

Question of secrecy of proceedings of Advisory Councils.

(Selected opinions.)

Raja of Nábha.—Clause 7, paragraph 5, is well intended, but not well conceived. Where so good a number of the people do assemble and discuss, to try and keep the proceedings strictly confidential and secret is to contend against impossibility. Public curiosity is bound to be on the tiptoe on such occasions, and it is but unnatural to expect from all the members who do take part to be strictly close secret keepers.

Tikka Sahib of Nábha.—It would be highly politic to give publicity to the fact that the Government is consulting the people's representatives on the Advisory Councils, and this object, I am afraid, will be defeated if the said council does not formally meet for discussion of, and deliberation on, important public affairs, if its proceedings are always confidential and informal, and if it has no powers of initiative.

Major Burlton.—The results of their consultations and meetings should not be private and confidential, but be given the widest publicity. How can any public or section of the public have any confidence in such Star Chamber sort of meetings?

Pandit Amar Nath, Pleader.—They would not be able to withstand the press interviews and other like intrusions on the secrecy which may be entrusted to them by Government, and thus they may be the means of spreading incorrect information.

Mr. Bhagat Ram, Barrister-at-Law.—In treating the opinions of councillors as confidential the Government will afford the critics of the council a weapon which would effectually be used in undermining its influence as well as usefulness. Besides, I regret to say that I do not believe that confidential communications will secure frank expression of opinion.

Mr. Douie.—I think undue stress is laid on the privacy and confidential character of the council's proceedings. Of course the meetings should be private in the sense that press reporters should not be present, but real secrecy is little to be secured with a council of 60 or even 25 members . . . . . The mystery which envelopes the actions of Government and the motives which underlie them is often in these days a source not of strength, but of weakness.

Mr. Maynard.—Similar considerations lead me to doubt whether it is judicious to provide that the proceedings of the council should as a rule be private, informal and confidential. It is politically undesirable that Government should be charged with suppressing unpalatable advice, but such charges will certainly be made by unscrupulous opponents unless every pretex for them be removed. Nawab Bahram Khan, C.I.E., the Mazari tumandar, who is probably the ablest and most representative man in the South-West Punjab, has talked to me on this subject. He holds that a member of the Imperial Advisory Council should be in a position to satisfy his *kaum* as to the advice which he gave on any question affecting its interests, and he does not think confidential proceedings desirable.

Anjuman-i-Islamia, Multán.—Proceedings of the council should not be confidential.

Rai Sahib K. B. Thapar.—To treat proceedings of this body as confidential would be to afford the critics of the council a weapon which would be effectively used in undermining its influence as well as usefulness.

Secretary, Hindu Sabha, Amritsar.—Councillors owe some obligations and responsibility to the masses in whose behalf he or they are expected to speak with authority . . . . . Thus it is necessary that some provision be made that the councillors, with the permission of Government, may have the right of declaring to the public the opinion they had given on certain matters; in the absence of such provision, there shall be a general cry that the representatives do not properly represent the state of the masses.

Other opinions favouring publicity rather than secrecy are those of the Islamia Anjuman of Batála, the Sanatan Dharam Sabha, Multan, Barkat Ram, B. A., Abdul Aziz, Radha Kishan, Pleader, Muhammad Amin Khan, Honorary Magistrate, Rai Narayan Das, Extra Assistant Commissioner, Rai Sahib Mohan Lal, Multan Chand, Banker, Arjan Das, Extra Assistant Commissioner, and Major Barton.

APPENDIX D (PARA. 41 OF LETTER).

Objections to an elective system in the Punjab.

(Selected opinions.)

M. L. WARING, Esquire, Deputy Commissioner, Dera Ghazi Khan.

Owing to the many unedifying features of the elective system, I would not introduce it until there were a very strong and general feeling in its favour. This feeling does not appear to exist in the Punjab.

Captain A. J. O'BRIEN, Deputy Commissioner, Miánwali.

I am certain that election would result in election of wire-pullers of Lahore, and the outside districts would have no chance.

KISHEN LAL, Bahel, Pleader, Bhakkar.

The election of unofficial members through municipal and district boards would meet the case, if the members to these boards have been appointed by election: where the condition of the district is backward, the membership to be awarded by the Deputy Commissioner.

Lieutenant-Colonel C. M. DALLAS, I. A., Political Agent, Phulkián States and Bahawalpur.

All these opinions, except that of the Hon'ble Tikka Sahib of Nábha, have been given in the form of answers to the questions which form an enclosures to your letter. The opinions differ in many ways, but all, except the same hon'ble gentleman, are agreed that election pure and simple is not suited at present to the people of this country. I append also a digest of these opinions which may be of use in comparing the answers to the various questions.

The people as a whole are not yet sufficiently educated to think for themselves, and consequently their votes are either sold or else obtained by canvassers who do not shrink from all sorts of malpractices and other devices to secure them For this reason many suitable, but respectable, persons will not offer themselves for election.

Khan Bahadur Khalifa Sayad MUHAMMAD HUSSAIN.

I prefer the latter course, because I believe that if the former is adopted, the electors will be unacquainted with the candidates, and the result inevitably will be that residents of Ambála or Delhi will find themselves at a loss in trying to choose between the candidates from Rawalpindi and Multán, and *vice versâ*. The ultimate evolution of a 'representative' will become a mere matter of chance, and will lead to all sorts of malpractices, wire-pulling and speculating.

I consider election of any sort uncalled for and ill-suited to the present condition of the Sikhs.

Many native gentlemen of position and ability, who dislike presenting themselves as candidate for election, will be found ready to be appointed by nomination.

Rai Bahadur GANGA RAM, C.I.E. (late of Punjab Public Works Department, retired), Patiala.

In municipalities the system of election has signally failed, the right of voting is not exercised according to the dictates of voter's conscience, and all sorts of of malpractices are resorted to. I have known cases where most desirable candidates (in point of leading and light) have been defeated by illiterate men, simply because the latter could stoop to all sorts of devices to canvassing in order to secure votes in their favour.

The Hon'ble Sir W. O. CLARK, Chief Judge, Chief Court, Punjab.

I am opposed generally to election as entirely unsuited in this country, and I think the formation of a special voting constituency is objectionable.

Lieutenant-Colonel H. S. P. DAVIES, Commissioner, Jullunder division.

I do not consider that in the Punjab it would be possible to obtain a really representative body, except by nominations the difficulties in

any scheme of election are very great, and I am very doubtful whether election, under the present conditions, would either be popular or effective.

It is well known that a member, nominated to either a municipal committee or to a district board, considers his status rather superior to that of an elected member, and men have been known, not infrequently, to decline nomination for an elective vacancy, through their dislike of being obliged to compete with others for such a post. As long as election is regraded in this manner, it must surely be unwise to select members for the Legislative Council by this method.

The elective system, so far as it has been tried, has not proved a success, while nomination has been by no means a failure, and no sufficient arguments have been advanced to justify the change.

In spite of the preponderance of Mussalman population, the Hindus hold nearly all important posts under Government, and a large number of them is serving on municipal and district boards. In case of election the Hindus will secure a larger number of seats than is commensurate with their numerical strength in the province.

I disapprove of the principal of election in connection with Oriental Government. I hold that it is entirely foreign to the traditions of any Eastern nation, even where the nation is democratic, *e.g.*, the trans-border tribes of the North-West Frontier, and that it has proved dismal failure in the shape of local self-government in India. If the principle is insisted on, the franchise should only be extended to persons nominated by the paramount power or its officers, and there should be no qualification, whether educational, financial or social.

It would be better if the present system of the nomination of the members was allowed to continue on the Provincial Legislative Council for a few years longer. (Reasons are many and cannot be recorded in a public document like this.)

For my own part, I hope that the suggestion to increase the number of elected seats from 5 to 18 will not be carried out Although many of those who have been consulted support and wish to extend the principle of election, I am convinced that in many cases this is because they think that representation by election is looked upon as the mark of an "advanced" community. Even in the Punjab Government letter the doubt is expressed whether the Province is "as yet sufficiently advanced" for the introduation of a system of election for the Legislative Council. I venture with all deference to submit that this is not the right way of looking at the question. We all hope for and work for the advancement and progress the country, but does that necessarily imply an ideal of representation by election? I venture to think that it does not, and that the progress and advancement of the country can best be attained without Government by elected representatives. There is much in the opinions now forwarded to show that our English system of election is foreign to the

Munshi Fazal Hasan, Government Pensioner and Rais.

Major H. S. Fox-Strangways, I. A., Deputy Commissioner, Jhelum.

C. Dhanjibhoy.
Adamjee Mamoojee.
Nathu Mall, Banker.
Tansukh Rai-Kidar Nath, Banker.
S. Lukmanjee Adamjee & Co.

R. E. Younghusband, Esquire, Commissioner, Lahore Division.

traditions and genius of the people of this country. We all know that the system of election which has been introduced into our municipal committees and district boards, in this Province at all events, has been an egregious failure. In the municipality of Lahore itself, which might be expected to set an example to the rest of the Province, the purchase of votes and the personation of voters is notoriously a universal practice. Even in the elections for the Imperial Ligislative Council, it is admitted that the system of election has not been a success, and the whole tenor of the Government of India letter supports my contention that a system of election is not suited to the people of this country.

Lieutenant-Colonel C. G. Parsons, Deputy Commissioner, Lahore.

Election by the land-holding members of the Provincial Council is open to the same criticism. To impose the duty of election upon the land-holding classes (whatever reservations as to the high status for the voter were made) would be in my opinion to introduce perhaps well meant but none the less iniquitious discord among those classes. An inexcusable experimentalisation with Western methods among an Eastern race is what I would condemn it as. I consider it would be an iniquity not to be atoned for by subsequent extenuation on the plea of good intention obscured by want of insight. 'I came not to introduce peace but a sword' is the question which most readily occurs to me on comtemplating the proposal. The proposal would be the thin edge of the sword. The continual foisting of debateable Western methods on to the East is in my opinion deplorable.

Rai Sahib K. B. Thapar, Lahore.

I am in favour of maintaining the present system of nomination and would not have any of the non-official seats filled by election except that assigned to the University. I do not think that under any system of election that can be devised in this province it would be possible to give the needful representation to all the interests enumerated in Mr. Maclagan's letter and to secure the right stamp of councillors. Besides, I am not sure that it is possible to devise an elective system in this province which would prevent men being elected who could hardly be regarded as likely to enhance either the dignity or the utility of the Council. A system of nomination would, on the other hand, enable the Government to apportion the seats at their disposal with due regard to the various interests requiring nomination and without the risk being run of any particular class or interest being over represented. In filling the seats the interests of the various parts of the province would also have to be considered, and these I think would be better protected under a system of nomination than under any elective system that can possibly be invented.

E. W. Parker, Esquire, Advocate, Lahore.

The introduction of a system of election into municipalities, in Lord Ripon's Viceroyalty, on lines altogether foreign to the genius of an Oriental people and to the history and traditions of the peoples of India, has been fraught with disastrous results, the chief of

which lies in the antagonism between Hindus and Muhammadans which has since become so accentuated.

In the existing circumstances of the Punjab, I am a strong supporter of the present system of nomination, as I am persuaded to think that this province, though it is advancing with rapid strides, has not yet made sufficient progress in the arts of life to enable its population to exercise the privilege of election with manifest advantage.

It is a well known fact that, under existing conditions, very few men of light and leading present themselves for election to municipal boards, and those who do, almost invariably get defeated by men who are unscrupulous enough to use all kinds of electioneering tricks to gain a victory.

I am strongly opposed to the application of the system of election to the Punjab. This province is not yet sufficiently advanced for it, and, notwithstanding the rapid progress made of late, we are still very backward as compard with other Indian provinces. The system of nomination is by no means an ideal system, but, to my mind, it presents the lesser of two evils. If the mistakes of other provinces are not be repeated in the land of five rivers, and if the Punjab Government is to avoid the embarrassments of other Provincial Administrations, Government should be in no hurry to grant the privilege of election for the local Council to a population who cannot exercise it with advantage. I would therefore retain the present system of nomination, regard being always paid by Government, in making nominations, to the relative importance of various interests and communities and their respective claims to representation.

The fact is indisputable that gentlemen of light and leading do not offer themselves as candidates for them. Municipal boards are swamped by men who secure victory by means of the most questionable character, and party cliques and racial factions dominate their deliberations. it is impossible for any improvement to take place in their condition until their constitutions be radically changed.

Past experience has proved it beyond a shadow of doubt that given a promiscuous system of representation by election, the Muhammadan community, and for the matter of that any other minority, *e.g.*, Christians, cannot hope to succeed in placing one of their *real representatives* on the Legislative Councils of India.

Conceding in the abstract the desirability of this reform in the Legislative Councils of the country, it seems to me that time is not yet ripe for the introductions of a system of election in the Punjab. Past experience in the case of municipal boards has demonostrated beyond all doubt that the people in this province have not yet fully realised the responsibilities attached to the possession of a vote for electing representatives to the local bodies, and the results so far have been extremely unsatisfactory. I would therefore advocate, for the present, the maintenance of the existing system of nomination of members of the Provincial Council.

Khan Bahadur Mian MUHAMMAD SHAH DIN, Barrister-at-Law, Lahore.

Sheikh ABDUL AZIZ, B. A., Editor, *The Observer*, Lahore.

Mian MUHAMMAD SHAFI, Barrister-at-Law, Lahore.

Lala RAM SARAN DASS, son of Rai Bahadur Mela Ram, Lahore.

I strongly advocate that the present system of nomination by Government be maintained for some years to come for filling the unofficial seats. Various difficult and awkward points shall require solution in the circumstances, which exist in this province, to ensure a satisfactory working of the measure if election be adopted for filling those seats, and I am afraid it will not be an easy matter to effect such solution in a manner to give satisfaction to all parties concerned; while it is feared that the result may be quite unsatisfactory.

Rai Bahadur Lala LAL CHAND, Pleader, Chief Court, Punjab.

This scheme does not give the right of election in this province to rural population, which forms a very considerable majority. But in my opinion the rural population is not yet sufficiently advanced to exercise the power of election for the Provincial Council, and their interests would be best safeguarded by direct nominations made by the Government.

SIR DAVID MASSON, C.I.E., Lahore.

Many of the best men would undoubtedly not be available under an elective system, for they would not incur the risk of being worsted in an electoral struggle.

I do not consider that the Punjab is yet ripe for appointment by election: I believe that the best men would be secured by nomination rather than by election.

Rai Sahib NARAYAN DAS, Judge, Small Cause Court, Lahore.

The changes proposed seem to be intended to remove the evils which are alleged to result from the system of election at present in vogue. The remedy, however, in my humble opinion would seem to be worse than the disease. The only true solution of the difficulty, if it is found to exist, is to boldly declare that the election system based on principles in harmony with the spirit of the laws in force is unsuited to the existing circumstances of the country, and to have resort to a system of nomination such as might result in a better and more satisfactory representation of the people on the municipal and district boards.

Rai Sahib Lala MOHAN LAL, Proprietor, Mufid-i-Am Press, and Honorary Magistrate, Lahore.

I am of opinion that the wisest and safest course would be by nomination, as the time has not yet arrived for healthy election to be possible. This is proved in the election of members of district boards and municipalities, where it has been shown that it is impossible by election to secure the right body of men who have the welfare of the country and people thoroughly at heart.

MILES IRVING, Esquire, I.C.S., Deputy Commissioner, Amritsar.

The system of election has proved a signal failure in this country, and no electorate can be devised, however select, which will not be liable to be influenced by importunity coupled with family and caste connections. Instances will readily occur to memory in which sheer importunity and wirepulling have procured recommendations on behalf of entirely undeserving persons from the most unexpected quarters. The opinion of the Hindu Sabha is most frank on this point.

Rai Bahadur GOPAL DAS Bhandari, Pleader, Municipal Commissioner and Secretary, Hindu Sabha, Amritsar.

The province is not yet far advanced and mature to appreciate fully the good of the system of the election, and besides the election system should be as yet a new one in this Province and untried.

Till the electorate be complete and the electors of sufficient capacity and learning, to understand fully, and rightly, the importance and the advantages of the franchise, it shall be in no wise a right step, all at once, to introduce to its full extent the election system.

The lack of interest on the part of those appointed to supervise the preparation of the registers, and the strict scrutiny as to the means of the persons coming to get themselves registered as voters, has made bold, and given courage to many, to form a combination, with a motto not to object one another's actions, with deplorable result that a good and fit person don't stand for election, and thus causes gains an advantage of securing majority in seats and commanding a false and unreal influence. There are other evils attached, and bad results incident to the present system, and in all probability, nay, certainty, there shall be immense and untold exertion, fair and foul, to get majority in the seats of the boards and municipalities, and thus shall open door for a class of persons too ambitious, though otherwise unfit, to get a seat in Provincial Legislative Council. If the right of electing a member remains in the hands of the men of most ordinary means, incapable of understanding and estimating the worth and nature of the franchise, it is almost certain that the expense of the election shall rise to an enormous and fabulous amount, which in the end in many cases shall prove to be a source of misery and great pecuniary trouble.

Anjuman Islamia of Batala Sharif, Gurdaspur and Sujanpur, district Gurdaspur.

The present system of election of municipal and district boards is undesirable, nor capable and honourable people like thus to compete; the mode of election through municipal and district boards is not considered to suit.

Shiv Deo Singh, Siranwali.

Gentlemen of position will refuse to offer themselves as candidates to a wide electorate as they dislike canvassing and by reason of reluctance to risk the indignity of being defeated by rival candidate of inferior social status.

M. Fazl Karim, Revenue Assistant, Sialkot.

As far as this province is concerned, the best plan is to appoint such a representative by nomination. The system of election is not popular in this province even in the case of municipal and district boards, and the appointment by nomination is looked upon more honourable than that by election.

E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala.

The only question on which the majority of those consulted have been able to express a definite opinion is that dealing with nomination *versus* election. Nearly all are agreed that election will only lead to malpractices, further trouble, and will keep the best men from coming forward.

Chaudhri Hayat Muhammad, Zaildar and Honorary Magistrate, Wazirabad.

The system of nomination is the most suitable, while that of election is defective for the following few reasons:—

(1) Reasons given in paragraph 17 of Government of India letter.

(2) Reason assigned in paragraph 15 of Government of India letter.

(3) All the classes of the people are not allowed to be represented. Indeed many classes remain altogether unrepresented, a fact admitted in paragraph 16 of Government of India letter.

(4) The electorate try to get undue advantages by improper means from the elected members and often succeed in gaining their object.

(5) The candidates, and especially the more incompetent ones among them, secure their return by offering illegal gratifications to the voters and then recoup themselves by unfair means.

(6) Many elected members with a view to pleasing the electorate so as to secure their re-election in future so far from guarding the interests of the public do not care even for the interests of Government.

(7) Incompetent members are elected under the present system of election while capable men are defeated. This shows that the people of the province are incapable of electing able persons as their representatives.

(8) At the time of election there is an apprehension of a breach of the public peace and the police have to be called in to preserve order.

(9) Owing to the incapability of the electorate, Government is very often compelled to withdraw the privilege of election so as to preclude the possibility of a breach of the public peace, etc.

(10) The fact that the office of Zaildar is no longer allowed to be filled by election shows the undesirability of the system of election, which has already ruined many respectable zamindars owing to their being compelled to incur undue expenses at the time of election for pleasing the voters. Ever since the discontinuance of the system the people live peaceably and (the zaildars) have begun to perform their duties in a satisfactory manner.

(11) The nominated members will assuredly be capable men, who will never be unmindful of the rights of either the Government or the public. Wherever members have been appointed by Government they have won the confidence of the people and have also given satisfaction to the Government.

(12) If the system of election were adhered to much time would be spent. Government would have to be put to diverse troubles, and unnecessary expenses would have to be incurred.

Here the people have had very little experience of the system of election by majority of votes, and many who are qualified to vote have failed to exercise their right or have shown themselves unworthy of it. The best men have also shown much reluctance to expose themselves to the annoyance of an election, while quite willing to serve if nominated by Government. I think therefore we should be very chary at present of introducing any system of election of representatives to Councils in the Punjab.	The Hon'ble Mr. J. WILSON, C.S.I., Financial Commissioner, Punjab.
The system of election is quite unsuited, in my opinion, for the filling of such an appointment. The best men will not come forward for election; the idea, in this province at least, would be entirely repugnant to their feelings and traditions.	A. MEREDITH, Esquire, Commissioner, Delhi division.
The present system of nomination should be maintained as regards all members, whether official or non-official. The best men will not come forward for election; the idea of canvassing and posing before their fellow-countrymen as candidates is distasteful to the leading native gentlemen of this province, as far as my experience goes, and the introduction of a system of election will result in the Council being swamped with members of the legal profession. A provincial electorate, moreover, is, in my opinion, quite impracticable.	
Anything more unsatisfactory than the present constitution of and method of election to district boards it is hard to imagine, but not strange when one sees how the majority of the electorate are intellectually unfit to vote.	Captain A. C. ELLIOT, Deputy Commissioner, Hissar district.
All, except the Bar, agree to the principle of nomination instead of election.	
The elective method is, in my opinion, entirely unsuitable for the selection of a great Punjab land-owner for a seat on the Imperial Council, to judge from the deplorable features usually associated with municipal elections in this province. Nomination by the Lieutenant-Governor is the only possible solution.	W. MALAN, Esquire, Deputy Commissioner, Simla.
For the present I cannot recommend the election system because the Indians have not yet proved themselves fit to work impartially and satisfactorily. The selections by the Governments would be the safest system, and will leave no room for complaint to any one in India.	MUHAMMAD MAHMUD ALI, Ambala.
I do not think the Punjab is yet sufficiently advanced to permit of the elective principle being introduced with satisfactory results. If it were generally introduced it is almost certain, I think, that in the present state of society in the Punjab the best men would not come forward as candidates. This I consider has been sufficiently demonstrated by the attempts which have been made at various times to introduce the elective system in the Punjab.	R. HUMPHREYS, Esquire, Deputy Commissioner, Delhi district.
I very strongly urge that I am quite against the system of election, which has been the cause of many vices, and by which the object in view is not secured. I prefer nomination.	Rai Bahadur Lala HARDHIAN SINGH, Delhi.

PAPERS

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XX.

No. 2643-S. (Home—Legislative), dated the 27th September 1907.

From—The Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab,

To—All Commissioners of Divisions in the Punjab.

I am directed to forward a copy of a letter no. 2310—2317, dated the 24th of August 1907, from the Secretary to the Government of India in the Home Department, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I am to request that you will be good enough to forward your opinion on these proposals to the local Government by the 1st of December next, after having consulted the Deputy Commissioners of your Division and other selected officers whose opinion you think would be of value, and also such individuals or bodies in each district as may be taken as representatives of the various classes of the native community. Translations into Urdu of this letter and its enclosure will shortly appear in the Government Gazette, and copies can be obtained on application to the Superintendent, Punjab Government Press, Lahore.

2. It will be convenient if in replying to this letter you would be good enough to put your opinion in the form of answers to the series of questions which form an enclosure to this letter, and it is requested that the persons consulted by you should in the same way put forward their opinions in this form. This suggestion only applies to the arrangement of the subject-matter of the opinions, and is in no way intended to prevent the fullest discussion of the points which emerge from the Government of India letter.

3. With reference to the proposals made in paragraphs 4 to 5 of the Government of India letter regarding the constitution of an *Imperial Advisory Council*, the Lieutenant-Governor has no special remarks at this stage to communicate.

4. The *Provincial Advisory Councils* are discussed in paragraphs 6 and 7 of the Government of India letter. If such a council is to be constituted for the Punjab, it might perhaps consist of a nominated council of some 20 members, of whom perhaps six or seven, including one or two ruling Chiefs, would be members of the Imperial Advisory Council and the rest would be nominated (but not necessarily in any fixed proportion) to represent the landed and other interests mentioned in the Government of India letter.

5. With reference to the proposed enlargement of the *Imperial Legislative Council* (paragraphs 11 to 19 of the Government of India letter), it may be useful for you and the gentlemen whom you may consult to read the following description of the constitution of the present Imperial Legislative Council as described in Volume IV, Chapter V, of the new Imperial Gazetteer:—

"The Executive Council of the Governor-General at present (1906) consists—besides the Governor-General himself and the Commander-in-Chief, who is usually appointed by the Secretary of State to be an Extraordinary Member—of six ordinary members, of whom one must be an English or Irish Barrister or Scottish Advocate of not less than five years' standing. For the purposes of legislation, it is provided by the Indian Councils Acts of 1861 and 1892 that the Governor-General shall summon as an Additional Member the Lieutenant-Governor or Chief Commissioner of the Province in which the council is assembled, and shall also nominate such other persons, not less than ten or more than sixteen, as he may think fit. Of these Additional Members, who are appointed for two years at a time, one-half at least must be non-officials *; and, in order to give the Council an elective as well as a representative character, statutory rules now require the nominations to five seats to be made on the recommendation of the Calcutta Chamber of Commerce and the non-official members of the local Legislative Councils at Madras, Bombay, Calcutta, and Allahabad. The remaining seats may be filled in such manner as appears to the Governor-General most suitable, regard being had to the business in hand and the different classes of the community to be represented . . . . ."

* Under the existing statutory rules not more than six of the nominated Additional Members may be officials.

The maximum number of members therefore is at present 24 excluding the Viceroy, and it is now proposed to raise this figure to 53 in the manner outlined in paragraph 12 of the Government of India letter, the number of elected members being at the same time raised from 5 to 18. In dealing with the constitution of the proposed council the chief points for consideration are—

(1) The general representation of classes and interests which the composition of the council affords.

(2) The method of election by the Provincial Councils (paragraph 13 of the Government of India letter).

(3) The method of selection from the great land-owners of this province to one seat on the Imperial Council (paragraphs 14 and 15).

(4) The method of selection from the Muhammadans of this province to Muhammadan seats on the Imperial and Provincial Councils (paragraphs 16 to 18).

As regards the third of these questions, it may be noted that from enquiries made in May last it was ascertained that there were in this province 52 land-owners paying a land revenue of Rs. 5,000 and over, distributed as follows:—

Class.		Hindus.	Muhammadans.	Christians.	Total.
	Rs. Rs.				
I.—Paying land revenue	5,000 to 10,000	13	22	7	42
II.— „ „ „	10,000 „ 15,000	3	2	..	5
III.— „ „ „	15,000 „ 20,000	..	1	..	1
IV.— „ „ „	20,000 „ 25,000	..	..	1	1
V.— „ „ „	25,000 „ 50,000	2	1	..	3
Total . .		18	26	8	52

As regards the fourth question, enquiries have been instituted with a view to obtaining statistics of the classes of possible Muhammadan electors referred to in paragraph 18 of the Government of India letter, and these will be forwarded when obtained. It will be noticed that paragraph 17 refers to election for the *Provincial* Council only, see also paragraph 8 of this letter. In discussing the constitution of a special Muhammadan electorate the question whether its members should or should not be allowed to vote in the open elections also must be considered.

6. As regards the *Provincial Legislative Councils*, which form the subject of paragraphs 17 and 20 to 22 of the Government of India letter, the general system now in force in India is described as follows in the Gazetteer:—

"The subordinate Legislative Councils are constituted on the same lines generally as the superior legislature of the Governor-General. In Madras and Bombay the Governor is assisted by an Executive Council of two Ordinary Members, and these three form the nucleus of the larger Legislative Council: but in each of the other provinces the Lieutenant-Governor stands alone at the head of the local administration. The Acts of 1861 and 1892 provide that the Governor or Lieutenant-Governor, as the case may be, shall nominate as members, for two years at a time, the Advocate-General of the province or other officer acting in that capacity and—subject, save in Madras and Bombay, to the sanction of the Governor-General—such other persons, not less than eight nor more than twenty,* as he may think expedient, at least one-half being non-officials. In Madras, Bombay, Bengal, and the United Provinces some of these members are appointed on the recommendation of the groups of municipalities and district boards, Universities, Chambers of Commerce, and the like, and the elective principle is thus to some extent recognised."

* These are the maximum and minimum numbers fixed by the statute for Madras and Bombay. As regards the other provinces, the statute fixes a maximum of 20 for Bengal and 15 for the United Provinces, but otherwise leaves the numbers to be determined by the Governor-General.

The Government of India in their letter now forwarded have chiefly in view the case of provinces where a Legislative Council is of some standing and a certain number of its members are elected. In the Punjab a Legislative Council was first constituted in 1897, and it consists of not more than nine members in addition to the Lieutenant-Governor. The members are all nominated and at least one-third of them must be non-officials.

7. In considering the future constitution of the Punjab Council, the necessity of maintaining an official majority, and the limitation which this necessity imposes upon the total number (paragraph 10 of Government of India letter) must be borne in mind.

8. It is for consideration whether the province is as yet sufficiently advanced for the introduction of a system of election for the Legislative Council. The results of the present system of nomination have been that on an average the council has contained five non-official members, of whom one has been a Hindu, one a Sikh, two Muhammadans, and one a Christian. Of 19 such members appointed since the council was initiated, five have been ruling Princes or their near relatives, five have been land-owners, five have been distinguished officials of Native States or retired officials of Government, three were lawyers, and one was a banker. In considering how far the council as thus constituted has been representative of the different classes of the people, and in what manner representation should be insured if the system of appointment is altered,

it may be convenient to have before you the statistics of the last census, which show that the percentage of the agricultural to the total population in the British districts of the province is 54 per cent., the Government officials, etc., constitute 1·8 per cent., the land-holders and tenants 52 per cent., the land-holders alone 34 per cent., the commercial classes 5 per cent., the literate population 3·8 per cent., those literate in English ·4 per cent., the population of the towns 1·1 per cent., the Hindus 38·8 per cent., Sikhs 7·5 per cent., and Muhammadans 53·3 per cent. At the same time, too much importance must not be attached to these statistics, as the interests represented by a given class are often important out of all proportion to its mere numerical weight. It has in this connection been suggested that even if the present system of nomination is otherwise maintained, the Senate of the University might be asked to elect one member for the council, and there are of course advantages in this method of receiving a representative of the educated classes, but there is, on the other hand, a certain inconvenience attending the introduction of a political element into a body, which is constituted for purely educational objects. The Lieutenant-Governor would be glad if this suggestion would be considered.

As regards the possible constitution of a Muhammadan electorate for the selection of special Muhammadan members, such as is suggested in paragraph 17 of the Government of India letter, I am to say that statistics relating to the classes of electors suggested in that paragraph have been called for and will be forwarded on receipt (see also the end of paragraph 5 above).

As regards the proposed discussion of the Budget in the Legislative Council, it will be observed that the system of discussion of the Provincial Budget has not yet been introduced into the Punjab Provincial Council; but it is possible to introduce the system without difficulty if its results are thought likly to be useful. Should the Provincial Budget be brought before the council in the near future, it may be that, for some time at least, a general debate on the whole Budget would suffice for its proper discussion, but the Lieutenant-Governor would be glad to have opinions on this point, as well as on the advisability of permitting discussion.

10. The Lieutenant-Governor is sure that the officers consulted will recognise the very great importance of the questions now referred to them for opinion, and will give them their best consideration. It is specially desirable that the opinions of natives of all classes should be represented. The number of associations or individuals from whom formal written opinions will be obtained must necessarily be limited; but opportunity should be freely taken to discuss the matter verbally with as many as possible of all classes who are capable of forming an intelligent opinion upon it, and the general trend of the opinions thus elicited should be reported to Government. The officers consulted should give their opinions upon each of the questions referred to them. For instance, an officer who does not think that election should be allowed should nevertheless give his opinion, as to the best method of election, if that system is decided upon. In the Government of India letter the separate representation of Muhammadans only is considered; and the questions attached to this letter follow it. But in the Punjab the Sikh community also is of the greatest importance; and it should be considered whether any, and what, measures are necessary to ensure its adequate representation.

Questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

II. (2) *Provincial Advisory Councils.*—Do you think that a provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council, 2 by election and 2 at least by nomination, as suggested under heads D (*d*) and

E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?

(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorates would you suggest?

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

(12) If you think provisions should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

No. 4680-G., dated Lahore, the 29th November 1907.

From—H. D. CRAIK, Esq., I.C.S., Registrar, Chief Court, Punjab,

To—The Chief Secretary to the Government of the Punjab.

In reply to your letter no. 2644-S. (Home—Legislative), dated 27th September 1907, I am directed to forward herewith copies of the opinions recorded by the Hon'ble Sir W. O. Clark, Chief Judge, the Hon'ble Mr. Justice Chatterji, and the Hon'ble Mr. Justice Robertson on the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

H. D. CRAIK,

Registrar, Chief Court, Punjab.

Opinion by the Hon'ble Sir W. O. Clark, Chief Judge, Chief Court, Punjab.

I doubt if the present proposals will satisfy the desire of even the moderate Indians, who wish to see more power and influence made over to them. Advisory Councils with no powers and no legal status will not be valued by them, and will be looked upon rather as an appearance of a concession than a real concession.

It seems a somewhat cumbrous proposal to have two separate councils, so similar in their duties and personality as the Legislative and Advisory Council would be.

2. There are patent inconveniences in increasing the Legislative Councils to the extent proposed. It has suggested itself to me that the object could be attained with one council only consisting of (1) Members of the Legislative Council as at present, (2) an additional number of members (the proposed Imperial Councillors) who would have the right of discussing but not voting on legislative measure (this would obviate the necessity of increasing the number of official members), and of interpellation of the Budget

This would give these Imperial Councillors some definite position and power of influencing the Government and would ensure their being summoned at definite periods and having an opportunity of putting forward their views.

The whole council could of course still be used in the way it is now proposed to utilize the Advisory Councils.

3. I would slightly increase the Imperial Legislative Council by elected members as proposed in paragraphs 12 (2) D (*a*) (*b*), but not D (*c*) (*d*): these latter members would be much better nominated than elected.

I would have no special reservation for Muhammadans or classes. Equilibrium can be maintained by nomination, and this special reservation for Muhammadans is calculated to be disagreeable to other religions.

4. As regards the Imperial Councillors referred to in paragraph 5, I think that the ruling Chiefs are not desirable to the extent of 20. I do not think that the ruling Chiefs are as a rule sufficiently conversant with affairs in British India.

Though I am opposed generally to election as entirely unsuited in this country, and I think that the formation of a special voting constituency is objectionable, yet I should be disposed to allow certain bodies such as Municipal Committees of large towns and Senates of Universities and Chambers of Commerce, Bar Associations to elect members, and I think it is very desirable to admit a considerable number of members of the legal profession to the Advisory Council. They are highly intelligent, independent, and familiar with the sentiments of the people.

5. The above general remarks deal with questions I, III put by the Punjab Government.

As regards question II, I would deal with the Provincial Advisory Council on similar lines.

As regards question 4, I think perhaps one or two of the non-official members might be elected by the Senate and by the Municipal Committees of Amritsar, Delhi, and Lahore in rotation. The number of members might be increased from 10 to 12.

I would have no fixed rule as to representation of classes; this can be provided for by nomination.

As regards question 5, I would answer yes on all three heads.

W. O. CLARK,

Chief Judge, Chief Court, Punjab.

Opinion by the Hon'ble Mr. Justice P. C. Chatterji, Judge, Chief Court, Punjab.

In writing this note I have spoken in some matters with a certain amount of freedom which I would not ordinarily use, but without which I could not have given full expression to my views.

I shall endeavour to keep to the lines indicated in the letter of His Honour, but before I begin to discuss the questions taken up in the letter of the Government of India, I may be permitted to make one remark with reference to paragraph 9 of the letter in which the Government of India speak of the preponderance of lawyers in the Provincial as well as the Imperial Councils after the amendments of their constitution in 1892. They are pleased to say that they "do not deny that the professional classes are entitled to a share of representation proportioned not merely to their numbers, which are small, but to their influence, which is large and tends to increase. But they are not prepared to allow them a virtual monopoly of the power exercised by the council." They then proceed to devise the requisite counterpoise.

Let me observe here that this excessive representation appears not merely in the elections by district boards and municipalities, but also in the nominations by the various local Governments and the Imperial Government as well. The preponderance evidently has not been hitherto thought prejudicial and is clearly due to natural causes. Lawyers represent people in courts and in numerous other matters in ordinary life. There is nothing wonderful therefore in the electors trusting to their representation in the councils. Some of the selections, however, were educational men and their election is also capable of explanation on somewhat similar grounds, *viz.*, to the confidence reposed in them by the various classes composing the electorate with whom they come in contact in the discharge of their teaching functions.

The fact is that Indian lawyers at present represent the cream of the educated classes. The educational standard for degrees in law is high, and the work of the lawyer calls forth some of the best powers of the human mind, which get developed and matured in the practice of his profession. The best of our educated men who are conscious of

possessing abilities and who like freedom and consider there is not a sufficient opening for them in Government service naturally join the Bar. Lawyers have prominence also under the parliamentary system of England and France, and it may be observed that some of the ablest ministers of His Majesty in the present Liberal Cabinet are distinguished lawyers.

The legal profession, however, is now overstocked and no longer offers the same attractions to talented young men as before. It may be expected that a considerable section of these will in future betake themselves to other profession such as manufactures and trade. In that case the present preponderance of lawyers in the councils will probably diminish. The evil, such as it is, will considerably abate in the course of a few years, and I venture to doubt whether it is necessary to devise special measures to combat it.

I might also state here that English educated Indians are as a rule friends of the British Government, the methods of which they might desire to be changed in certain respects, but which they have not the remotest wish to see removed from the country. They also belong to the best and most intellectual classes of the population, those in fact who have administered the country from the earliest times, if they have not ruled it, and that they are not in any sense base-born as they are sometimes represented to be, particularly in certain Anglo-Indian newspapers. Brahmins, Khshatris, Kayasthas, and Vaysias form the cream of the Hindu castes, and the remark applies with more or less force to Muhammadans also. The number of base-born educated men whom once it used to be the boast of the British race to have drawn out of obscurity and subjection is still small.

With these preliminary remarks I proceed to discuss the questions raised in the letter of the Government of India.

1. *Advisory Councils.*—Purely Advisory Councils are a cumbrous device, but in the present circumstances I think on the whole they are likely to be beneficial. They would afford the representatives of the people opportunities to express their views on measures of administration affecting themselves. If this can be provided by the constitution of the councils their usefulness will be demonstrably apparent in a short time. Other advantages are stated in the letter of the Government of India.

(*a*) *Imperial Advisory Councils.*—According to the constitution proposed by the Government of India, the members of the Imperial Advisory Council are to consist of 20 ruling Chiefs and 40 territorial magnates drawn from the different provinces. The members for each province will also be members of the Advisory Council for that province. The functions of the council will consist in giving advice to His Excellency the Governor-General when asked either individually or in small groups or committees. But there is no provision for their meeting together and their advice will be confidential.

I am doubtful whether there will be any benefit in enrolling ruling Chiefs in the council. They might be interested in the affairs of India collectively in dealing with a foreign State, *viz.*, when a treaty is to be made or a war with a foreign power to be declared by the Government of India, but they have little or no interest in the administration of the internal affairs of British India. It is also questionable whether they will be competent advisers, as without good educational and administrative training their opinions and sympathies will be likely to be in favour of the course they would pursue in the matter put before them had it arisen within their own territories. The original theory of Government among Hindus is that the King is the father of his people uncontrolled in his power, but bound to follow their collective opinion. The most notable example of this is furnished by the hero of the Ramayana whose memory is cherished throughout Hindu India as the model king, and who put away his virtuous, faithful, and dearly loved wife merely because his subjects disapproved of her living with him. History does not record a greater instance of deference to public opinion by a warlike and despotic king well able, by his military powers, to enforce obedience to his authority. Among Muhammadans the despotic power of the king is controlled by the *ullema*. But modern rulers of India have hardly kept up to these ideals, and as under the ægis of British protection they are safe from foreign invasion as well as internal rebellion, there is no need for them to consult the wishes of their subjects. The only check upon them is the notice that might be taken by the paramount power if their misrule passes all bounds. There are of course a number of noble exceptions such as the Gaekwar, the Maharaja of Mysore, and some others, but the bias of the majority presumably would be in favour of the despotic use of the kingly power. Further they cannot be expected to intimately know or to carefully investigate the conditions obtaining in British India and the opinions of the better classes of His Majesty's Indian subjects. In giving their advice they will presumably act in ignorance of facts and be swayed by their personal predilections.

His Majesty the King-Emperor has certainly the right to the advice of any of them if he condescends to ask for it. They would doubtless regard the title of Councillor as a great addition to their dignity, but I am disposed to think that they would value it more if it was conferred permanently, *i.e.*, for life. It may be doubted whether they would relish the idea of its being taken away after a term.

I do not also quite see why the Imperial and Provincial Advisory Councils should be recruited on wholly different principles and why only territorial magnates should be admitted to the former and no other class of His Majesty's subjects as in the latter. The territorial magnates might form a larger proportion of it and the qualifications as to property and position of the other members might be higher, but it should possess a representative character. It must not be forgotten that the Legislative Councils have no advisory functions and can only interpellate or criticize the policy of Government at the time of Budget debate. The Advisory Councils should therefore reflect the opinions of His Majesty's subjects as a body as far as possible and not merely those of territorial magnates and of ruling Chiefs having no interest in the internal administration of the country. The Provincial Advisory Councils are thus projected on more practical and useful lines and the Imperial Advisory Council should be formed somewhat on the same model. Besides, on the proposed plan, all the members except some ruling Chiefs will have already given their opinion in the Provincial Council on questions affecting the provinces. These would often be of Imperial interest also. Thus there will be few matters on which Imperial Coucillors alone, as such, will require to be consulted, and on which they will not have already given their opinions as Provincial Councillors. If therefore besides the ruling Chiefs there are no other members who are not also on the Provincial Councils the use of the Imperial Council will be small, and it will be something of a merely ornamental body. Further the proposals contained in paragraph 5 (7) of the Government of India letter as to its mode of meeting will also tend somewhat to give it the same character. If the members have not to meet and to consult together collectively, except on rare and uncertain occasions, and there are to be merely separate references to them in secret at the Governor-General's pleasure, the public and they themselves will be likely to lose interest in their functions as well as the sense of responsibility.

I would therefore suggest that the constitution of the Imperial Advisory Council be made similar to that of Provincial Councils as respects recruitment of members, and that a definite rule be laid down fixing the mode and time of their meetings and prescribing the procedure for such meetings. The proceedings might be confidential unless specially ordered otherwise by the Governor-General.

(*b*) *Provincial Advisory Councils.*—I have stated my views above sufficiently in respect of such councils. I am disposed to think that they will be productive of considerable good. I would further suggest that a definite rule be laid down as to the time of their meeting. They might meet at least once a year if not twice. Matters previously referred to them for consideration might be threshed out at such meetings.

I further venture to think that neither kind of Advisory Council will fully meet the requirements of the times, as they are to be given no power of initiative as regards advice and would not be in constant touch with the Executive. What is wanted is a small body of responsible advisers who should give their opinion on all Government measures in so far as they affect the people and serve as a sort of medium of communication between Government and its subjects. But it is doubtful whether any such proposal is within the scope of this reference, and I therefore content myself with merely mentioning it.

Enlargement of the Imperial Legislative Council.—I consider that an expansion of this council is imperatively required. As regards its constitution, it is difficult to make an alternative proposal to that of the Government of India in paragraph 12 of their letter without proceeding on radical lines which would be inconvenient and for which the country is probably not yet fitted. I therefore refrain from proposals for a different kind of electorate, and suggest the following modifications:—

I would reduce the maximum in clause 2 A to 19 which would make the council consist of 27 officials and give them a majority of one in 53. With the Viceroy their number would be 28 or a permanent majority of two.

I have at present nothing to say against the proposal contained in sub-head (*b*) under head D of paragraph 12 (2) of the Government of India letter and explained in paragraph 13. This is merely an extension of the existing practice.

As regards sub-head (*c*) I have nothing to urge against the Government of India's proposal, but would reduce the qualifying annual revenue payable by the elector to Rs. 5,000 a year in order to allow of a proper representation of this class. A joint estate paying such sum should be held entitled to vote though the shares of the owners taken separately would disqualify them, the vote being a single one. This would constitute an electorate of 52 persons in this province—a small and easily manageable body, though it will perhaps be wanting in solidarity. But no other method will give perfectly satisfactory representation, certainly not election by the land-holding members of the Provincial Council. I speak here with particular reference to this province about which some information is before me. The election will of course be subject to confirmation by His Excellency the Viceroy.

As regards (*d*) I am inclined to take exception to the representation here allowed to Muhammadans. If the rules hitherto in force do not allow of adequate representation

of Muhammandans something doubtless ought to be done to secure that representation, but in my humble opinion the method in (*d*) appears to be open to very serious objections. The Muhammadans are entitled to adequate representation not over-representation. Now seeing the recent activity of Muhammadans in support of their interest which is of course quite legitimate and perfectly reasonable it might easily happen that they would obtain undue preponderance in numbers in the council. According to the Government of India scheme non-official Indians will be appointed mainly, if not entirely, under heads D and E and excluding sub-head (*a*) under which Europeans alone will probably be selected, there are about 20 places for them. If the Muhammadans get four places for certain under D (*c*) and E, they will obtain one-fifth of the seats, which is about the ratio they bear to the population. Then they are sure to get one if not two seats under D (*c*) and probably under D (*b*) also. They will thus get about seven or eight seats for certain and possibly more. In that event there will be over-representation in their case as compared to Hindus, allowing for the probable elections of Sikhs or Christians. In numbers they form little more than one-fourth of the Hindus. This, considering their comparative solidarity, would be over-representation and probably be resented by other classes of His Majesty's subjects.

Secondly, the concession of a special right of representation on the ground of religion is dangerous in principle and must lead to claims by other important religious minorities also, such as the Sikhs to whom a concession of this nature can hardly be made without further trenching on the rights of Hindus. Perhaps, I should say that a special favour of this nature granted to Muhammadans will probably mortify the Hindus. It must not be wholly forgotten that when they ceased to be reinforced periodically by fresh swarms from Central Asia the Empire of India was lost to Muhammadans, before the advent of the British who won it by fighting the Hindus.

The adjustment of the balance of representation in the case of Muhammadans must be left as before in the hands of Government. If the number of officials be reduced from 20 to 19 and (*d*) eliminated there will be 7 nominations in the gift of Government under E, and there will be ample margin left for rectifying inequalities in the case of Muhammadans. They are also practically sure to get 2 if not 4 seats under (*b*) and (*c*) of head D. If a fixed number is to be allotted to them at all under any head, which is to be deprecated, I would prefer a minimum of 2 under E (*i.e.*, leave the clause as it stands) to giving them any under a special sub-head like (*c*) which would cause heart-burning and probably give offence. Allowing for their importance they should get 5 seats instead of 4 which is about their proper share, and if the Government is disposed to favour them still further they might give them 6 seats out of the 20 or 21 mentioned by me. Probably the best plan is to give them an assurance that the nominations will be so made as to secure them 5 or 6 (if that is decided on) seats in all under E. The nomination will of course be made after seeing the result of the elections under sub-heads (*b*) and (*c*) of D.

To complete my remarks I further state that in case it is decided to maintain sub-clause (*d*) as it is, the electorate should be composed of men falling under classes (*a*) and (*c*) of paragraph 17 which should be made mutually exclusive but not those falling under (*b*). The concession of the right of election to Muhammadan fellows alone of the local University would be extremely objectionable and likely to offend non-Muhammadans and to give rise to opposition. There ought not to be much difficulty in compiling registers of voters falling under (*c*). The same electorate might be asked to send up some names for nomination by Government under E if sub-clause (*d*) of D is struck out. It would also be unadvisable to confer the right on the very small body of Muhammadan members of the Provincial Council as it would entirely destroy the representative character of the member who will simply reflect the views of the persons electing him.

Provincial Legislative Councils.—I was at first opposed to the creation of a Legislative Council for the Punjab, and this was the view of Sir Dennis Fitzpatrick as well. The history of the council since its formation has, I should think, to a certain extent justified the misgivings as to its usefulness originally felt, but as it is now established I am of opinion that it should be expanded.

As at present advised, I think an addition of five elected Indian members would suffice. There are five members appointed by nomination, and I think this system and the principle on which the nominations are at present made should be maintained. The elected members I would distribute thus. Two members, one Muhammadan and one Hindu or Sikh, by the land-holding electorate as shown in the figures given in the Punjab Government letter, page 2, paragraph 5. The electorate is small and may be slightly increased by lowering the annual revenue to Rs. 2,000 or Rs. 2,500, but the qualification of the member should not I think be reduced, though this has its drawbacks too. The Muhammadans might vote for the Muhammadan member and the Hindus and Sikhs for the Hindu member, and I think the Christians might be allowed to vote with the Hindus as this would tend to improve the quality of the Hindu member. But the alternative of all of them being allowed to vote for both is perhaps preferable, and I should be on the whole in favour of it.

The other two members, one Hindu and one Muhammadan, should be allowed to be elected by the district boards and the municipalities voting together and not alternately.

The electorate of both the municipalities and the district boards I believe provide for the representation of Hindus, Muhammadans, and Sikhs, and I have no doubt that where this is wanting suitable changes can be made in order to secure that result.

The fifth member might be elected by the University though this would introduce a political element in that body which is not altogether desirable. But such a measure is in force elsewhere and there can be no more feasible method of allowing representation to the English educated community.

As a counterpoise to the five elected additional members, I would suggest the nomination of four more officials and one European at the suggestion of the local Chamber of Commerce to represent trade interests. The fifth member among the five non-officials selected under the existing rules might be an Indian Christian or member of some other religious body. The council of twenty would then be fairly representative. The only drawback will be the large number of officials required for nomination, but I would minimise the difficulty by nominating one or two Indian officials. Moreover the Punjab Council does not meet often or hold its sessions for long.

I think the above scheme answers the points raised in questions 8 to 11 of the Punjab Government letter as far as I am able to answer them.

As regards question 12, I do not think special representation should be allowed to Muhammadans. The reasons have already been given. Under the scheme suggested by me, I think they will have adequate representation. If the Sikh nominated member is excluded from consideration they would have a majority over the Hindus. If he is included there can be no harm done, as Sikhs and Hindus form 46·3 per cent. of the population of the Punjab and the Muhammadans have only 7 per cent. more, a difference which cannot be conveniently taken into account in arranging for representation. I further believe, though I speak subject to correction, that the aggregate wealth of the Hindus and the number of educated men among them is greater, which is a sufficient counterpoise.

I would deprecate the formation of a special electorate for Muhammadans only as proposed in paragraph 17 of the letter of the Government of India and particularly the concession of the right of voting to class (3) where a similar right is not given to Hindu graduates who I believe are much more numerous.

Discussion of Budgets.—I consider the method of discussion of Budgets proposed by the Government of India will be beneficial and have no suggestions to make.

It will be an useful improvement if Budget was discussed in the Punjab Council also, but I hardly think a detailed discussion like that for the Imperial Budget is required for this council. I am not clear whether any motion can be proposed by non-official members, but, if it can be, sufficient notice of the contents of the Budget which will doubtless be given will enable them to do so.

Interpellation by members in the Punjab Council.—I advocate the introduction of this power. It will be beneficial and will put the Punjab on a footing of equality with other Provinces.

P. C. CHATTERJI,
Judge, Chief Court, Punjab.

Opinion by the Hon'ble Mr. Justice F. A. Robertson, Judge, Chief Court, Punjab.

Question (1).—I think some such Advisory Council would be of benefit to the country. I think that one-third, 20, is too large a proportion of ruling Chiefs, one-fourth, 15, would be better. But I think "brain and enterprise" should be represented on the council as well as the hereditary leaders of the people. There are questions of great importance constantly arising on which the hereditary leaders of the people might not be the most competent advisers, and it is in my opinion very desirable to have the intellectual and commercial leaders of the people represented as well as, what, of course, must form the main body, the hereditary leaders. The apparent intention of excluding them has given rise to much alarm and dissatisfaction among the educated Hindus. It appears to be worth consideration whether it would not be well to extend to the members of such a council the right to address the President (the Viceroy I presume) in an *autograph* communication on any subject of public importance. Such communications should be always autograph, otherwise demagogues might get hold of one or more of the members and send in their own concoctions under the member's signature. Such further restriction as may be necessary might be imposed, but it would, I think, be well to enable councillors to offer advice, or opinions, if they so desire. This at least merits further consideration.

Question (2).—I am not sure that Provincial Advisory Councils are so desirable as an Imperial one, but on the whole I think it would be a useful experiment. Subject to the remarks made above, regarding the Imperial Advisory Council, the general proposals in paragraph 6 appear to be suitable. I entirely concur in the view that "it is essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included in the council." These classes at present do not appear to understand that this is the policy to be pursued, and are rather alarmed than pleased in consequence at the proposals put forward.

Question (3).—I think it would be a great mistake to increase the size of the Imperial Legislative Council to the extent proposed. It would be an exceedingly unwieldy body, and one extremely difficult to call or to keep together. I would reduce the number to 28 thus:—

I would cut out seven non-official members to be elected by the Provincial Councils. The non-official members of those councils do not appear to me to form sufficiently large or influential or representative bodies to make them suitable constituencies for the purpose. I would then cut out the two members to be elected by Muhammadans. I think this is a proposal based on a wrong principle, and it is one which has caused much alarm and has given great offence to the Hindu community. I would retain the four seats to be filled by nominations to represent minorities, but here again I would not specifically lay down that two or any number should be *of necessity* Muhammadans. It would be rather inconvenient, if the Muhammadans were found to be already over-represented, to be obliged to nominate two more. No doubt Muhammadans will have in all probability to be nominated for some time, but the present proposal seems to be unnecessarily invidious and calculated to create unnecessary alarm and annoyance.

I would also reduce the number of the nobles and great land-owners to 4 instead of 7. This class will be so largely represented on the Advisory Council that it is not necessary to crowd the Legislative Council in order to represent them more largely.

As to the number of officials, it is difficult to see how 20 could possibly be got together.

The council as it would stand under these proposals would consist of—

Ex-officio	8
Additional officials	7
A ruling Chief	1
By Chamber of Commerce	2
By nobles and great land-owners	4
Non-officials to represent minorities	4
Experts	2

A total of 28 which is ample now that the Advisory Councils are to be established. It would consist of 15 officials and 13 non-officials.

One word more. I would ask leave to add, and that is that I think it is a great misfortune for the councils that Judges are not allowed to be members. I quite see the point that those who are to declare the law afterwards should not be members of an assembly that makes it, but two points in this connection have been overlooked. The first is that the principle is perpetually violated by the appointment of Revenue-Judicial officials, especially to the Provincial Council, when it is employed in making laws to be administrated by revenue *courts*. It is a common occurrence for the presiding officer of the head revenue court of a province to introduce a law to be entirely administered by revenue courts of which he is the chief, and very frequently such Bills contain clauses taking away jurisdiction from the ordinary civil courts and conferring it on revenue courts, several of the presiding officers of which are sure to be on the council. If it is correct for, say, a member of a Board of Revenue, or a Financial Commissioner, to be on a council passing a law of which he will, as a revenue *court* (not revenue officer), be the final exponent, it is difficult to see where the objection to putting a Judge in a similar position arises. And as a matter of fact, the appointment of one or two Judges to the Imperial Council would really be quite unobjectionable, and their presence would tend very largely to diminish a class of mistake in legislation only too common. At the same time I have no wish to see Judges of the Chief Court, still in office, on Local Legislative Councils. But retired Native Judges would be very useful and should be freely employed both in the Imperial and Provincial Councils, and officers serving in the judicial ranks, whether European or Native, might be put into Provincial Councils with advantage.

Question III (4).—I have already answered this. I think the Imperial Legislative Councils should not exceed 28, and I would cut out those members to be elected by local councils.

Question III (5).—At present I think the only possible means of selecting one of the great land-owning classes to represent the province is nomination by the local Government.

The only modifications, which appear possible, would be to allow all land-owners paying a land revenue of, say, Rs. 1,000 and upwards to vote for, say, 2 or 3 members of their own district to be placed on a Provincial list from which the local Government should select its own nominee. This would give a Provincial list of 60 to 90 for selection. Any system of direct nomination or election would, I think, be quite unsuitable and objectionable in the Punjab.

Question III (6).—I approve of the appointment of 2 Muhammadans to the Imperial Council by nomination, when necessary. But I do not think, as noted above, that the 4 places should be reserved absolutely for Muhammadans, and I think the appointments should be by nomination by the Viceroy and not by election.

As regards election, if there is to be election, I would suggest that a list of fit persons, say 20, should be nominated by Muhammadan land-owners paying land revenue of Rs. 1,000 or over; non-agricultural Muhammadans paying an income-tax representing an annual income of Rs. 25,000 on a land revenue and income-tax combined of Rs. 1,000 and over; Muhammadan Fellows of the Punjab University.

From the 20 persons so nominated the local Government of the Punjab, when it is the turn of that Province, should select its nominee.

Question IV (7).—I must say frankly that at present I doubt very much if the Punjab is sufficiently equipped for the very difficult and technical work of Legislation. It would be idle to pretend that the council has so far proved a great success. In my opinion there should only be one Legislative body for India, but if, as I presume and regret is the case, it is intended to maintain the local councils, they, at least the Punjab one, certainly require some strengthening. It would increase the number slightly, say to 12, 7 official and 5 non-official, provided new fields for recruitment can be devised.

Question IV (8).—I would have no election, but would have the whole number nominated, it being understood that of the 5, at least one should be Muhammadan, one a Hindu or Sikh, and one a non-official European. I do not think any system of election would be advisable, but if any should be introduced, the election should be of a number of suitable persons from whom the local Government should nominate.

Question IV (10).—I do not advocate any system of election, certainly not one through municipalities and district boards.

Question IV (11).—I have already answered this. I would nominate.

Question VI (12).—I think sufficient provision for the representation of Muhammadans would be made by the rule, one of the 5 should always be Muhammadan, and by using the remaining 2 nominations as might be desirable.

Question V (13).—I have consulted Mr. Justice Kensington, who is more familiar with this part of the subject than I am, and after doing so I am much in favour of the alteration suggested in paragraph 23 of the Government of India letter in regard to discussion of the Budget in the Imperial Legislative Council. The Budget debate, as at present conducted, appears to be uninitiated to be at best infructuous and at worst a source of positive mischief. The certainty, which certain members of the council now feel that nothing they may say has the smallest chance of being accepted, tends to encourage them in making wild and irresponsible speeches, which are not really addressed to the council so much as to the outside world controlled by wire-pullers. The alteration suggested should go far towards remedying this.

Question V (14).—I am inclined to say that no useful purpose would be achieved by discussion of Budget in the Punjab Legislative Council. The conditions under which a Provincial Budget is framed preclude such discussion from practical result.

At the same time, if there is any real feeling among the non-official members of the Council that they should not continue to be deprived of such facility for Budget discussion as is given in other provinces, I would concede the point rather than make a somewhat invidious distinction. But in that case it would be well to, as far as possible, introduce the system of discussion by separate heads, and I would make it clear from the start that practical suggestions only are wanted and not an aimless discussion of things in general.

Question V (15).—Yes. I do not think that it would be of advantage to introduce the power of interpellation in the Punjab Legislative Council.

F. A. ROBERTSON,

Judge, Chief Court, Punjab.

No. 3971, dated Jullundur, 2nd December 1907.

From—Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division,

To—The Chief Secretary to the Government of the Punjab.

In compliance with paragraph 1 of your letter no. 2643-S., dated the 27th September 1907, I have the honour to submit my opinion on the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

2. I have consulted the Deputy Commissioners of the five districts of this division and also certain selected persons in each district named in the list below, and the opinions elicited from them are submitted herewith in original, with translations in such cases where the replies were given in vernacular. A reply has not been received yet from the Deputy Commissioner of Hoshiarpur.

H. S. P. DAVIES, *Lieutenant-Colonel,*
Commissioner, Jullundur Division.

List.

Mr. Ahsan-ul-Haq, Barrister-at-Law, Jullundur City.
Pandit Devi Chand, Pleader, Jullundur City.
Pandit Amar Singh, Pleader, Jullundur City.
Diwan Shadi Ram, B.A., LL.B. (Cantab.), Barrister-at-Law, Ludhiana.
Rai Wazir Khan of Bhangala, Hoshiarpur District.
Mr. Bhagat Ram, Barrister-at-Law, Jullundur City.
Rana Lehna Singh of Manaswal, Hoshiarpur District.
Rai Bahadur Sham Das, Pleader, Hoshiarpur.
Maulvi Muhammad Hasan, President, Anjuman Islamia, Ludhiana.
Tika Ram Narain Singh of Anandpur, Hoshiarpur District.
Bhai Arjan Singh, Honorary Magistrate of Bagharian, Ludhiana District.
Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class.

Opinion on Punjab Government letter No. 2643-S., dated the September 1907.

The proposals formulated by the Government of India have been made with the view of giving the people of India wider opportunities of expressing their views on administrative matters, and with the particular object of devising a scheme of constitutional reference in making adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of men, who, under existing conditions, have no sufficient inducement to political life, and who find but little scope for the exercise of their legitimate influence. It is stated that these classes have profited greatly by the educational advantages offered to them under British rule, and they are anxious to be afforded an opportunity of expressing their views on matters of practical administration.

Before entering into the details of the proposals, it seems necessary to discuss the proposition stated above, and the reason for the present position of affairs. In most questions involving administrative changes or proposals for new legislations, the opinions of the heads of districts are called for, and are given not only as representing their personal views, but also as representing the general opinion of the residents of the district. Formerly the head of a district had special days set apart for visitors who were received by him at his house, and who not only expressed their views on any matters discussed, but also ventured remarks on matters of general administration. In this manner the head of the district saw all the men of influence in his district individually some five or six times during the year. Owing partly to increased pressure of work, the time the district officer is now able to allow the visitors is far less than it used to be, with the growing result that there is less informal conversation with visitors, who mostly approach him for some particular object. The result has been that his intimate acquaintance with the views held by the residents of his district is not the same as it used to be. This state of things has been further accentuated by the progress of education; men who have obtained position through their educational abilities and who, perhaps, have taken their degree in England, do not consider that they are being treated with the respect due to that position, when they have to take a seat in the verandah, as is almost always the

case, and wait until the district officer is at leisure to receive them. This leads them to discontinue such visits, and their lead is followed by others until finally the district officer has very little chance of hearing the opinions of this class except through the newspapers, which are too often unreliable. The breach which undoubtedly exists between the officers of Government and the educated classes, taken as a whole, is, I consider, not only political but in a large measure social.

As the proceedings in the Legislative Councils are, and must be, in English, the choice of members, whether by election or nomination, is necessarily very limited, owing to the small number of possible candidates who possess such a qualification. It is stated in the letter of the Government of India that out of the 388 non-official members who have been appointed to the Provincial Councils since 1893, whether by election or nomination, 36 per cent. have been lawyers and only 22 per cent. landowners. It may be accepted that, had it been possible, the proportion of land-owners would have been larger, and that the reason why so few were nominated is to be found in the fact that a greater number having English qualifications were not available. At the present moment the men who not only have a good colloquial knowledge of English, but who are also in daily communication with all classes of the community, are the lawyers: no other class can be compared with them in this respect. It is true that many of the sons of the landed gentry attain a fair knowledge of English during their course at the Aitchison College, but in many cases they either fail to keep it up and gradually forget what they had learned or else they rather lose touch with their surroundings by adopting European customs and manners. This question of language will affect the result of all elections on whatever basis they may be held, as it will speedily be recognised who lacks the power of expressing himself in English will be unable to represent the views of the electors.

I. (1) I do not consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of sufficient service to the country to warrant its formation. The government of this country is in the hands of the Governor-General in Council, and in all matters of importance it is assisted by the advice of local Government and administration. It can hardly be expected that the opinion of an Imperial Advisory Council would be accepted as against the advice of local Government and administration, and though membership of such a council might confer honour and prestige, it would have little other effect. The territorial magnates whom it is proposed to appoint to such councils would in almost every case have given their opinion on the subject to their own local Government, and it seems almost useless to call upon them again to give a confidential and secret opinion. It can hardly be supposed that any would be submitted to such a council which had not previousy been discussed with the local Governments. At the same time, I consider that it would not be unwise to associate the great ruling Chiefs with the Government of India, and to ask for their advice on matters of sufficient importance, though it is doubtful whether any advantage would be gained from their collective consultation.

If an "Imperial Advisory Council" be formed as suggested I agree with the proposals in paragraphs (2), (3), (4), (5), (6), but have doubts whether it would be possible or expedient, the collective consultations should be kept confidential. This is particularly the case if such a council is to be used as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government.

II. (2) I consider that a Provincial Advisory Council would be a useful institution. As regards its duties, there seems no objection, and at the same time no particular benefit, in the opinions recorded by individual members being treated as confidential, but I consider that any collective opinion recorded by the council should not be treated as confidential; it would be very difficult to keep secret the matter on which the council had been consulted, and in order to prevent misrepresentation of the conclusion the council had formed on such a subject it would be advisable that such opinion be published.

The Advisory Council will be specially summoned for deliberation by the heads of the province, in cases when a collective opinion is required from it, but I consider that in addition there should be an obligatory meeting at least once during each year. In paragraph 4 of the Government of India letter it is stated that the Advisory Council, when summoned for the purpose of collective deliberation, would be enabled to offer their counsel on matters affecting the welfare of the people.

The proposals made in paragraph 5 (6) are not quite the same as the above, as it is stated that the functions of the Advisory Council should be purely advisory, and that it should deal only with such matters as might be specifically referred to it from time to time. If my interpretation of paragraph 4 is correct the proposal is one which seems likely to lead to most important results, in affording means of an expression of opinion on matters affecting the welfare of the people. The collective opinion of such a body on any question of social reform would undoubtedly carry great weight with the Government, and I think would be welcomed as a constitutional method in which an authoritative opinion could be put forward.

It is one of the chief complaints against our system of government in this country that the inhabitants of the province have as yet been given no way of expressing their views in a recognised manner; this would be afforded to them under these proposals. My view is that the opinion of this council should be taken on any matter affecting the welfare of the people, which a councillor may desire to bring forward subject always to the proviso that such proposal or resolution be previously submitted to the head of the province and that he approves of its discussion. It does not follow that it need necessarily be discussed, as the council would always have the power to decline to discuss it, or to formulate any collective opinion on it.

As regards the constitution of this body, half the members should be land-owners, having not less than some fixed property qualification; the others should be as representative as possible of the various classes, having either qualifications as income-tax payers, as land-owners, or as having an educational qualification; the qualification in all cases must be sufficiently high.

I do not consider that in the Punjab it would be possible to obtain a really representative body, except by nominations the difficulties in any scheme of election are very great, and I am very doubtful whether their election, under the present conditions, would either be popular or effective. As regards minor details, my opinion is that the term of appointment of members should be limited to three years, and I am unable to agree that the deliberation of such a body should be informal, but think that specific rules of procedure should be laid down and implicitly followed.

III. (3) The proposal is to increase the council up to a total of 541 by the appointment of additional members. These additional new members would be—

14 nominated officials.
2 ,, non-officials.
13 elected members.

It seems doubtful whether, with the addition of so many members, the progress of legislation will not be rather retarded than improved, but it is difficult to see how an increased elective membership can be of much use, unless the members are raised as suggested.

III. (4) Yes. At the same time it is not stated whether the member elected is to be one from among the non-official members of the Provincial Council or not. In the latter case, I consider that qualifications, to enable a man to stand for election, should be distinctly laid down.

III. (5) I consider that in the present circumstances of the Punjab, a better result would be obtained by the nomination of a member to represent the land-owners than by any form of election. The number of land-holders on the Provincial Council would be too few to form an electorate, and an electorate composed of the entire body of land-owners would not be satisfactory, specially as there appears to be no standard of qualification.

III. (6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by nomination and 2 by election. I consider that the words "not less than two to be Muhammadans" should be struck out. It hardly seems necessary to tie the hands of the Viceroy in such matter; he would nominate non-officials to represent minorities, and his discretion need not be fettered by legislative enactment.

I have great doubts as to the advisability of reserving special appointment, by election, for Muhammadans; it introduces the matter of religion into politics, and singles out the members of a particular persuasion for special treatment. I should prefer to see these two elected appointments reserved for nomination by the Viceroy, who would always be able to consider the interests of minorities.

In case election is resorted to, I do not consider that the power of election should be put into the hands of the few Muhammadan members of the Provincial Council, but think that the electorate should be on a wider basis, the register of voters being compiled from Fellows of the Universities, payers of income-tax, and landed proprietors together.

IV. (7) Yes. I consider that a larger representation of the non-official element is required. The whole number should not exceed 20, of whom 10 should be officials, exclusive of the Lieutenant-Governor.

IV. (8) I would maintain the present system of nomination in preference to election. Both methods are open to objection, but judging from the results of elections for the district boards and municipalities, I hardly think that the best men would, under the present conditions, either stand for election or would be elected. It is well known that a member, nominated to either a municipal committee or to a district board, considers his status rather superior to that of an elected member, and men have been known, not infrequently, to decline nomination for an elective vacancy, through their dislike of being obliged to compete with others for such a post. As long

as election is regarded in this manner, it must surely be unwise to select members for the Legislative Council by this method. It may be, that by degrees, the hereditary principle will give way to election and we shall then find an electorate to our hand on the basis of the village. It does not seem improbable that, in the future, headmen of the village will obtain their posts by election and not for life but for a limited term; then they in their turn will be able to elect zaildars, who will elect representatives of tahsils, and in this way a real electorate may be formed.

But the hereditary feeling is still very strong in the country and the people are not ready to receive the principle of election on a popular basis, and if such system was commenced, there would be fear of raising up a class of professional politicians, whose opinions would not represent in any way the real opinion of the people.

On the other hand, a member nominated by Government is somewhat inclined to think that his selection is an honour paid to him personally, and in return, that it is rather his duty to support any measures of Government; this feeling is not so strong as it was, and a nominated member is beginning to recognise that his appointment is not so much personal as representative. The present choice lies between these two systems: nomination, under which members have a leaning to support measures generally, and election, under which members come in, rather with the object of destructive criticism, than with the view of assisting the deliberations of Government. The elective system, so far as it has been tried, has not proved a success, while nomination has been by no means a failure, and no sufficient arguments have been advanced to justify the change.

IV. (9) I am not in favour of determining the proportion of seats to be allotted by race, or by caste, or by religion.

IV. (10) I am unable to advocate election through municipal boards, the election of the members of such boards depending so much, as they do, on matters of purely local interest. With the present low franchise, I am also unable to advocate election through district boards, but if the franchise were raised considerably, it might form an electorate. I should prefer to have the electorate divided among tax-payers, men with education, and revenue payers.

IV. (11) The only separate representation of classes that would be possible would be on the basis of religion; I think that for the purpose of district board elections villages of the same religion should be grouped together more than they are at present, so that a fair representation of men of different religions could be obtained. In towns this could also be done by arrangement of the elective circles. I think that both district and municipal boards would be improved by the formation of such electoral groups, and by the insistence that the election should be literate and have proper qualifications higher than are necessary at present.

IV. (12) If a municipal electorate for Muhammadans is to be formed, I would suggest that the qualifications of electors should be that they were graduates of the Punjab University and were also qualified through payment of income-tax or by land revenue.

V. (13) Yes.

V. (14) The Budget as now published is almost unintelligible except to experts, but I think that if it could be expounded in a comprehensive and simple form, that there would be no necessity for detailed discussion. As education advances, people take more interest in the finances of the province, and display a laudable anxiety to know in what manner the revenues are being spent. I would rather leave it to the Advisory Councils to make suggestions on it than have a formal debate in the Legislative Council on its separate heads.

V. (15) I do not consider that the introduction into the Punjab Legislative Council of the power of interpellation would be of much use; the meetings are so few and are held at such long intervals that were such power to be granted it could be but very seldom exercised.

H. S. P. DAVIES, *Lieutenant-Colonel,*
Commissioner, Jullundur Division.

Imperial Advisory Council.

Question 1.—Personally, I do not think that an Imperial Advisory Council as sketched in the Government of India letter will be of much good. From what I have been able to gather from persons with whom I have talked over this matter, there is a general feeling that a council constituted as laid down in clause (3) of paragraph 5 would only be a sort of make-believe and not accepted as a genuine attempt by Government to cope with a difficult situation.

As regards the people and their wants, I do not think the ruling Chiefs, or the territorial magnates from the various provinces, are in any sense in touch with the

people, nor have they advanced with the times, with but few exceptions, nor, except in matters where Imperial India is concerned, do I see how ruling Chiefs can possibly have the requisite knowledge to make their advice and opinion worth having.

I don't think that as regards this province we can say that the territorial magnates occupy the position, now, as hereditary leaders of the people which they did half a century ago. For this education the British Raj is wholly responsible, and we cannot ignore the leading representatives of the educated community, who in a far truer sense are leaders of the people than those mentioned in paragraph 5, clause (3), of the letter under discussion, and who would in many respects make more competent advisers. I would have an Imperial Advisory Council most certainly; the idea I suppose is to have a sort of upper house, but to make them really useful I would invest them with responsibilities. If the ruling Chiefs' idea is to be maintained then add another 20 members, and have 20 ruling Chiefs, 30 territorial magnates, and 30 representing the educated and other classes of the community. Then, the results of their consultations and meetings should not be private and confidential, but be given the widest publicity. How can any public, or section of the public, have any confidence in such Star Chamber sort of meetings, and what good can be obtained by the public not knowing what the opinions of these councillors are. Presumably it is impossible to give them the power of assembling on their own motion, but I think it should be definitely stated that they should be called upon to meet at least once a year and be allowed to present addresses on any serious occasion or necessity to Government.

Provincial Advisory Councils.

Question (2).—No, I do not think so; as regards the Punjab, at any rate, it would be an unnecessary complication and be misunderstood. If it is decided in the affirmative, then it should be amplified as proposed by me above.

Question (3).—Yes, as follows:—

A . . . . . 8.

B . . . . . 20.

C I would eliminate, or if wanted for any special Imperial question, could be included in E for a special period only.

D Elected members—

(*a*) by Chambers of Commerce, Bombay, Calcutta, United Provinces, and the Punjab—4.

(4) (*b*) As stated in paragraph (13)—7.

(5) (*c*) I would keep the Imperial Legislative Council free from the turmoil of elections. Nor do I see how it is possible to raise a satisfactory constituency for the purpose of electing one member from an entire body of land-holders of an entire province. I think better representation would be obtained by nomination, but I would not confine the system of nomination to a representative of the great land-owners. The nominees should be the best man available, no matter what his caste, creed, or opinions might be—7.

(6) (*d*) This is, I think, unnecessary.

The Muhammadans are given quite a fair chance in (*b*). They will be entitled to two seats by nomination under E, which is a concession to the Muhammadan minority if the need arise, but there does not seem to be any necessity in the formation of a separate Muhammadan electorate for the Imperial Legislative Council, if the Provincial one is carefully constituted. If a separate Muhammadan electorate is to be formed, and it is also ruled that under (*c*) of D there are to be election, then as a matter of equity the Muhammadans must be excluded from the general electorate. But I think it is a pity to differentiate between races and creeds. If so, as regards the Punjab, the claims of our Sikh community are as equal if not more powerful than those of the Muhammadans.

If, however, there must be a Muhammadan electorate, I would make it as small as possible and confine it to the non-official members of that community in the Provincial Council. Leaving out (*d*), I would increase E to (5), of which not less than 2 to be Muhammadans, the number would be the same 53.

Provincial Legislative Council in the Punjab.

(7) *Question* (4).—In considering the future constitution of the Punjab Legislative Council the necessity of maintaining an official majority must be borne in mind. As at present constituted it consists of not more than 9 members, excluding the Lieutenant-Governor, of which one-third must be non-officials.

The new constitution might be—

A (*a*) His Honour the Lieutenant-Governor	1
(*b*) The Honourable Financial Commissioner and Settlement Commissioner	2
B Additional officials to be nominated	16
C Elected members—	
(*a*) By the Chamber of Commerce	2
(*b*) By the members of municipalities (excluding minor municipalities)	
(1) elected member for each revenue division of the Punjab . . .	5
D (*a*) Non-officials to be nominated by the Lieutenant-Governor, one for each revenue division in the Punjab, to be chosen from the elected district board members of the districts of each division	5
N.B.—This system to be eventually replaced by one of election, as time may show the advisability when the qualification of such members has been greatly raised from the present low qualifications.	
(*b*) Non-officials to be nominated by the Lieutenant-Governor to represent minorities or special interests not less than two to be Muhammadans .	4
TOTAL .	35

(8). At present I would only have as elected members the 2 non-official members elected by the Chamber of Commerce, and the 5 to be elected by the members of the various sadr municipalities of each division.

I am quite aware that this last will work unequally, and that in divisions like Lahore and Delhi the superiority of the sadr divisional town, if I may so call it, may be too great; on the other hand, if there is to be any election, what, other than the revenue division, can be the territorial limit. The only other thing is nomination all round, but that can hardly be called much of an advance, if that is all we are going to give. The people must, to a certain extent, work out their own salvation, and mistakes will undoubtedly be made. But unless a step forward is made now it will not be made for some time, and now is the time to make it. There are only two doctrines which can be accepted in this matter—(1) is that Liberty alone fits men for Liberty, and (2) the counter doctrine, "wait till they are fit." In all countries experience has shown that the latter has led to more abuses than the former, and as if we really mean to give India a constitution of its own, then the first step must be by these so-called elections.

But the qualifications both of electorate and the elected must be advanced, both district board elections and municipal towns. The latter must certainly, and, in the degree of advance, the qualifications of the elected should be greater than the electorate.

(9). I would not advocate any rule, determining the proportion of seats to be allotted to each class. This is Hot-house legislation of the worst type, and I can see no argument in favour of dividing the country into a set of political watertight compartments. Moreover, it is this very proposition which has found so much disfavour amongst the people I have discussed these propositions with. The stock argument of *divide et impera* is advanced against us with some show of reason, and it is on our part surely a retrograde step to accentuate existing difference between men of opposite creeds and castes, by our legislation than by attempting to weld a hetherogeneous mass into a homogeneous whole, with some idea of national union. The arguments advanced against this proposition are than whilst ostensibly a movement to do justice to minorities or special interests, it will result in crushing any attempt at national opinion or union, and that the sustitution of electorates on the basis of caste, class, community, religion, and occupation for the territorial electorates, which are the only natural electorates for political representation, is a step backward in the political education of India.

To my mind the most important objection to the formation of an electorate on the above basis is the fear that it will accentuate racial and religious differences, because, although in any election there is always the tendency to bitterness and racial animosity, there would be nothing to prevent a Hindu voting for a Muhammadan or *vice versâ*, or a Khatri for a Sikh, and so on, yet this would be impossible where there are class electorates, and so there never will be political or national unity.

(10) and (11). If, however, there is to be a class electorate, there would be under—

C (*b*) 5 members to be elected.

D (*a*) 5 members to be elected.

As there would no longer be any election by municipal members, or members of the district board, and these should be allotted—

Muhammadans	3 seats.
Hindus other than Sikhs	2 ,,
Sikhs	1 ,,
Christians	1 ,,
Trade	1 ,,
Profession	2 ,,

but the difficulties of forming this electorate and of preventing a professional man who is a trader by caste and a Hindu as well, of voting for more than one representative, will be almost superhuman. I certainly would not sub-divide any more.

(10) and (11). I would only advocate election for 5 members at present, one for each revenue division, and the electorate to consist of all existing municipal members of sadr municipalities after raising the status of the electorate in such towns, and the qualifications necessary to become a member.

The 5 members for the corresponding territorial electorate from district boards should at first be nominated, and the system to election extended gradually.

(12). I am against a separate electorate for Muhammadans, for reasons already stated, but if this is decided to be necessary, I would recommend the adoption of the proposals laid down in paragraph 17 of Government of India letter.

As regards the proposals in paragraph 22 of Government of India letter, if it is determined to have class representation by election in the Provincial Council, then it follows that some sort of plan as is proposed in (*c*) of this paragraph will be necessary.

It will be necessary to divide the municipalities and district boards into compartments first Muhammadans and Hindus, the proportion of each being divided according to the electorate of each, and then consider what sub-divisions of the two main divisions are necessary. There should be for each race, land-holder class, and a professional class, nothing further would be necessary for the Muhammadan community. As regards the Hindu, two other sub-divisions would be necessary to provide for the trading class and cultivating class, and the qualification for the electorates of each class are only a matter of detail; but in each class the electors must be literate.

I must confess that I don't like these political watertight compartments, and that these suggestions are only made in the event of it being decided that class representation and electorates are necessary.

Questions (5), (13), and (14).—Budget discussion should be allowed freely in both councils, and under separate heads or groups of heads.

(15). Certainly, I don't see what harm can be done, and it may be productive of much good.

P. S. M. BURLTON, *Major*,
Deputy Commissioner, Jullundur.

No. 3833, dated 16th November 1907.

From—T. Millar, Esq., C.S., Deputy Commissioner, Kangra,
To—The Commissioner, Jullundur Division.

With reference to your circular no. 161—3372, dated the 9th October 1907, I have the honour to say that within such a limited time I have not had that opportunity of consulting with others which is so necessary when such important questions are under discussion.

Questions I and II.—It is exceedingly doubtful whether any useful purpose would be served by the appointment of Advisory Councils. An extension of the Legislative Councils would, however, probably meet every demand for increased representation and at the same time confer power on the members.

But if it is deemed advisable to have an Advisory Council in this province it should be formed on the lines indicated in paragraph 4 of no. 2643-S., dated 27th September 1907, from the Chief Secretary to Government, Punjab and its Dependencies, to all Commissioners of Divisions in the Punjab; all the members being nominated not elected.

Question III.—If possible, it would probably be better if only members or ex-members of Provincial Legislative Councils were nominated to the Imperial Legislative

Council. Such a plan would probably not cause such an increase in numbers as proposed, but perhaps this would be an advantage from a working point of view. It would be a great pity to introduce any element of election or any religious distinctions. A suitable number of Muhammadans could always be obtained by nomination, the power of nominating a certain number of members being retained by the Viceroy.

Question IV. (7) I would suggest that the number of the Punjab Provincial Legislative Council be raised to 15 as a maximum.

(8) The present system of nomination should be maintained.

(9) A fixed rule determining the proportion of seats is not advisable, but if possible there should be at least—

one non-official member representing Trade and Commerce;
one non-official member representing Law;
one Hindu official member representing the great landed interests of the province;
one Sikh official representing the great landed interests of the province;
one Muhammadan official member representing the great landed interests of the province.

The questions of election and electorates introduce so many points that I would prefer to express no opinion without an opportunity of full discussion.

Question V. (13) The system of discussing the Budget in the Imperial Legislative Council as suggested in paragraph 23 of the Government of India letter might well be adopted.

(14) There would be an advantage in discussing the Provincial Budget by separate heads or groups of heads. Points raised could well be considered in the next year, if the Budget then under discussion could not be conveniently altered.

(15) There seems no good reason why the power of interpellation should be introduced into the Punjab Legislative Council.

With reference to paragraph 2 of your circular endorsement under reference, I am unable to suggest any individuals or bodies in this district who might be asked about the representation of the various classes of the native community. The district is almost entirely Hindu.

T. MILLAR,
Deputy Commissioner, Kangra.

Replies to questions circulated by the Punjab Government in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) I consider the formation of the proposed Imperial Advisory Council a great step towards popularizing British Government with the aristocratic and educated classes of India. The only suggestion I have to make in regard to the proposals contained in paragraph 4 of the Government of India letter is that the number of ruling Chiefs who are to take part in the council may be cut down to 6. Twenty is a very large number, and besides there are very few Native Chiefs who keep themselves in touch with the current events in British India.

II. (2) *Provincial Advisory Councils.*—In my opinion it is highly desirable to have a Provincial Advisory Council which might be constituted as follows:—

(*a*)	Chiefs, Princes, and Ministers of Native States	3
(*b*)	Representatives of Provincial and Divisional Darbaris . .	2
(*c*)*	Representatives of municipalities 2 and district boards 2 . .	4
(*d*)	Retired officers of Government (civil and military) one from each division	5
(*e*)	One representative of each of the following—	
(*i*)*	Senate of the Punjab University	4
(*ii*)*	Chambers of Commerce	
(*iii*)*	Members of the legal profession	
(*iv*)	Crown colonies in the Punjab	
	TOTAL . .	18

* These seats might be filled up by election and the rest by nomination.

III. (3) I am entirely in favour of the proposed enlargement of the Imperial Legislative Council and the manner in which it is proposed to distribute the seats.

I, however, wish to strike a note of caution that it would still be advisable to recruit a fairly large proportion of barristers and pleaders, and members of learned professions, as the representatives of these classes can best voice forth the statements of the people in a foreign tongue. For a long time to come the land-holding classes would not, I am afraid, be able to produce men, in sufficiently large numbers, who could efficiently take part in the council debates and who could make speeches in English or draft bills if required to do so. It seems to me that the Imperial Advisory Councils should be largely recruited from landed aristocracy, while the Legislative Councils should be manned by experts and members of what may be termed the aristocracy of letters.

III. (4) In the Punjab I would propose that the electorate for this seat should consist of all the members (official and non-official) of the Punjab Legislative Council, as well as all the members of the proposed Provincial Advisory Council.

III. (5) In a province of peasant-proprietors like the Punjab, where there are very few territorial magnates, and where the land-holders do not form a homogeneous class, it is, I think, not necessary to reserve a seat for them or to create a separate electorate in their interest. But if it is decided to take a representative of that class, then he should be selected by the Local Government from among the Provincial Darbaris.

III. (6) I approve of the proposed appointment of four Muhammadans to the Imperial Council. In clause E of paragraph 12 of Government of India it would perhaps be better to divide the four seats as follows:—

(1) Muhammadans	2
(2) Sikhs	1
(3) Indian Christians and Parsis (by rotation)	1
TOTAL . .	4

The electorate for the two Muhammadan seats by election should consist of:—

(1) Muhammadan members (official and non-official both) of Provincial, Legislative, and Advisory Council.

(2) Muhammadan members of municipalities and district boards.

(3) Muhammadan graduates of the Punjab University.

It is not necessary to add to this list Muhammadan Fellows of the University, as most of them will be included in clause 3. Similarly I do not think it advisable to include in the electorate income-tax payers or revenue payers of amounts not falling below certain figures, as the leading men among them will be found on municipalities and district boards. The standard of education is low in the Punjab. I would therefore advise not to make the electorate too wide or extensive.

IV. (7) In my opinion the Punjab Legislative Council should be constituted in such a way as to allow for the following non-official members to take part in its deliberations:—

(1) One nominated member from each division.

(2) Two elected representatives of the legal profession, one of whom should be a barrister and another a pleader.

(3) One elected representative of municipalities and district boards.

The total number, might, I think, be fixed at 18, and it might be composed as follows:—

A.—Officials (Europeans 8, Indians 2)		10
B.—Non-officials arranged as follows: if possible:—		
(1) Hindus and Sikhs	3	
(2) Muhammadans	3	
(3) Indian Christians and Europeans	2	
	—	8
TOTAL . .		18

IV. (8) I would fill 5 seats by nomination and 3 by election as explained under head IV (7).

IV. (9) If it is decided to have a class representation on the Provincial Council, then I would recommend the proposition indicated under head IV (7). The only important class, however, which stands the risk of being unrepresented in the Punjab is that of the Sikhs, so all that the Government need provide is that at least one of the five nominated seats should go to that body.

IV. (10) In my scheme only one elected seat will go to municipalities and district boards, and for this only the presidents, vice-presidents, and honorary secretaries (past and present) of these local bodies will be allowed to compete.

All practising members of the legal profession will be allowed to form an electorate to elect their own representatives.

IV. (11) I do not think the system referred to in paragraph 22 (*b*) would work well in this province. I am, moreover, not in favour of giving any official status to the socio-religious bodies like the Anjumans and Panchayats.

IV. (12) Hindus and Muhammadans are equally matched in the Punjab, and I do not think the latter require any separate representation.

V. (13) I am in favour of the Budget being discussed in the Imperial Council by separate heads, as proposed in paragraph 23 of the Government of India letter.

V. (14) Yes.

V. (15) If power of interpellation is allowed in other Provincial Legislatures, it should, I think, be allowed in the Punjab Legislative Council also. All the questions should, however, be first shown to the President, and if he objects to any of them being put his decision should be final.

TEK CHAND,

Deputy Commissioner, Ludhiana.

No. 510, dated Ferozepore, 18th November 1907.

From—C. H. ATKINS, Esq., Deputy Commissioner, Ferozepore,

To—The Commissioner, Jullundur Division.

I have the honour to submit my opinion on the Government of India proposals with regard to Imperial and Provincial Councils as requested by you in your circular letter no. 161-3372 of 9th October 1907.

C. H. ATKINS,

Deputy Commissioner, Ferozepore.

OPINION.

I. (1) I do not think that an Advisory Council so consituted is either practicable or likely to be of service.

If it be desired to consult the magnates of a province individually, this can be done without making them "councillors."

If consulted collectively the proceedings of so large a body cannot be kept confidential or private, and I do not think that an "informal" gathering would lead to any satisfactory result. Unless there is considerable formality there will be disorder and even possibly wrangling.

Again the magnates do not represent the feeling of the country to any great extent and much less the feeling of the party which is now striving to make itself felt and which has led to this desire on the part of Government to meet its wishes so far as is consistent with good government. The formation of such a council would be apt to aggravate rather than pacify the cry for self-government. I think that the Advisory Council might well be constituted by election and on a more extensive electorate than the Legislative Council.

I would have the elected members of the Imperial Legislative Council elected by the members of the Imperial Advisory Council. The members of this Advisory Council might all be elected. The number should not be large at present, but might be increased gradually.

At first the suggested number of 60 seems appropriate, say 10 from each province.

I am inclined to think that the 10 might be elected by the Provincial Advisory Council and that the 10 might be in the Punjab:—

(*a*) not less than 6 land-holders, of whom 2 should be Muhammadans, 2 Hindus, and 2 Sikhs;

(*b*) one representative of the lawyer class;

(*c*) at least one representative of the mercantile class;

(*d*) one representative of the Punjab University.

I am not sure whether they should be elected only by the members (of the Provincial Advisory Council) of the class which they represent or by the whole body of members, but I am inclined to think that the whole Provincial Council might elect all the members.

Clauses (4), (5), and (6) of paragraph 5 of the Government of India letter are appropriate, but the Imperial Advisory Council might also have the power of electing from among its members the elected members of the Imperial Legislative Council.

II. (2) I think that a Provincial Advisory Council would be a useful institution, and in the main the proposals in paragraph 6 of the Government of India letter seem appropriate.

In the Punjab I do not think that at present the members of this council should be elected.

It should be provided that each class should be represented.

A certain number should be appointed by the local Government and the other appointments left to the Commissioners with rules to ensure that each class and religion should be represented according to its relative importance in the division.

Should it be thought advisable to have the council constituted by a system of election, the electorate for the various representatives would seem to be—

(*a*) for the land-holders either the district board or the body of zaildars for each district;

(*b*) for the native mercantile classes, the income tax-payers;

(*c*) for the lawyers, the pleaders of the 1st grade and advocates;

(*d*) for the educated classes the Fellows of the Punjab University, or perhaps graduates of at least five years' standing;

(*e*) for the commercial and capitalist interest, the managers of banks, the heads of large commercial concerns, etc., etc.

The functions of the Provincial Advisory Council might be—

(1) to elect the elected members of the Provincial Legislative Council;

(2) to elect members for the Imperial Advisory Council;

(3) to deliberate and advise on matters submitted to it by the Provincial Government. The deliberation should be collective.

III. (3) I have little to suggest except that the 7 elected members D (*b*) should be elected by the Imperial Advisory Council not by the Provincial Legislative Councils: so also should the 2 Muhammadans D (*d*) and the whole 9 should include—

(*a*) at least 3 Muhammadans;

(*b*) at least 3 Hindus;

(*c*) at least 2 Sikhs.

III. (4) I have already suggested that the Imperial Advisory Council should consist of members elected by the Provincial Advisory Councils and should in turn elect 9 members of the Imperial Legislative Council. As the provinces would be equally represented in the Imperial Advisory Council and interests in India are rather religious than territorial I do not think it necessary to make a further provision that one member should necessarily be from each province.

His Excellency the Viceroy would have the power of nominating 4 members to represent any provinces that might seem to lack representation.

III. (5) I think that the 7 representatives of the great land-owners should be nominated, but if elected I think that the electorate might be the body of the Provincial Darbaris, and that the representative might be one of their number.

III. (6) With my proposals nothing further would be necessary to secure the representation of Muhammadans.

IV. (7) The number might perhaps be increased to 13, *i.e.*, 12 and His Honour the Lieutenant-Governor; of these 3 should be elected by the Provincial Advisory Council—One Muhammadan, one Hindu, and one Sikh. Two should be nominated and 7 officials, also of course nominated.

IV. (9) Yes. Muhammadans, Hindus, and Sikhs should each have one representative, of the nominated members one at least should represent the mercantile and banking class.

IV. (10) No, I think election through municipal committees most undesirable. We have not as a rule a good class of men nor a representative class on these bodies.

District boards are better, but I do not see how a direct election of some 3 or 4 members for the whole province can be made by the district boards. Most of the members of these bodies would not know the candidate. I suggest the Provincial Advisory Council as the electorate: if any of the members of this last council be elected, the district boards might serve as electorates for representatives of their several districts.

IV. (11) The electorate for both district and municipal boards is too wide and the qualifications for membership too low. If we are to get a good class of men on these bodies we must raise considerably the qualifications of both members and elector. I think that as regards municipal committee the separate representation of classes is very necessary, and I would similarly have separate lists of voters so that each class should vote for its own representative. This is not so necessary in respect to district boards for which I would (as at present in this province) make a land-holding qualification essential in the case of both members and electors.

IV. (12) I think that the district boards and municipal board if improved as I have suggested would form the best district electorate.

V. (13) Yes.
V. (14) Yes. Yes.
V. (15) Yes.

C. H. ATKINS,
Deputy Commissioner, Ferozepore.

Dated 10th November 1907.

From—Mr. AHSAN-UL-HAQ, Bar.-at-Law, Jullundur City,
To—The Commissioner, Jullundur Division.

I beg to acknowledge the receipt of your letter of the 19th October 1907, and have the honour to forward to you my opinion on the proposals contained in the papers sent to me along with your letter.

AHSAN-UL-HAQ,
Bar.-at Law, Jullundur City.

I. (1) I am doubtful whether the Imperial Advisory Council, on the lines sketched out in paragraph 4, would be of much service to the country.

The ruling Chiefs are, as a rule, so ignorant of the affairs of their own States that it is rather difficult to believe that they shall be able to offer any intelligent and useful advice to the Viceroy on questions of vital importance. To take the case of the Punjab, almost all the present ruling Chiefs are hopeless administrators. Good management and proper administration wherever it exists is due more to the state officials than to the Chief, who in most cases is a passive agent for the expression of the views of his officials.

British India has undergone a change recently. New ideas and notions have sprung up and rights and concessions that were undreamed of by the past generation are being demanded by the present one. Reasonable and proper or otherwise as these demands may be, the fact remains that they require careful consideration, and that a person requires a thorough knowledge of the advance of the times to tackle them. Now the ruling Chiefs are, as a rule, the most conservative of the Indian conservatives in these matters, and it is unlikely whether these demands will ever receive a careful and impartial hearing from them. Nor do I think that the ruling Chiefs shall be able to appreciate the full significance of these demands.

As regards the territorial magnates, they are undoubtedly the natural leaders of the people and, although as a class they can scarcely be deemed competent and intelligent advisers, they have a great many men amongst them who could be consulted with advantage about questions of importance. Their opinions carry a great deal of weight with the general public, and the influence that they exercise among their poorer neighbours is decidedly greater than that of the so-called "leaders." There are some men of this class in whom the new education and old traditions have brought about a wholesome blending of thoughts and ideas, and their advice would go a long way to solve the present difficult situation.

Viewing the provisions of paragraph 5 generally I am inclined to think that the proposal of forming an Imperial Advisory Council does not improve the state of affairs, as defined in the beginning of paragraph 4, to any marked degree.

It only means the creation of an office that will no doubt carry a great deal of *izzat* with it, but not much more, and, at best, it only means the introduction of further red-tape in the machinery of Government.

Construed very liberally the provisions lay down nothing more than this that the Viceroy can consult a given number of people (selected by himself) whenever he likes, regardless of the importance of the question pending. He has been at liberty to do this informally so far as the paragraph confers no new rights upon him.

The magnates remain much in the same position. However strongly they might feel about certain questions, they are not to be allowed to say a word till their advice is sought, and when they are allowed to express an opinion it is not obligatory for the Viceroy to follow it.

I consider that in the absence of any provisions conferring better rights upon the Chiefs and magnates the proposals laid down in paragraphs 4 and 5 will not benefit the country materially. On the other hand, I am afraid, they will only raise a storm of ridicule and hostile criticism, and defeat the praiseworthy effort of Government by creating doubts about the *bonâ fides* of this step in the minds of the people.

The step contemplated in paragraphs 4 and 5 might incidentally elevate the character of the Chiefs and magnates, but that is another matter.

II. (2) Most of the remarks that I have made about the Imperial Advisory Council apply to these councils too. The wider range of selections in the case of these councils, however, will at least guarantee a more competent body of councillors.

The plan sketched out in paragraph 6, Government of India letter, and paragraph 4, Government of Punjab letter, is rather vague, and it is somewhat difficult to express an opinion about the usefulness of these councils till some idea is given of the number of representatives of the different professions who are to be selected.

I am alive to the difficulty of allotting the membership to the different professions and occupations, and consider that it would be rather unsafe to prescribe the numbers to be selected from the different professions. I must, however, observe that the prominence given to the land-holding class scarcely provides a remedy for the present difficult situation. The land-holders are certainly the natural leaders of the people, but I question whether they represent the ideas and the ever-growing ambitious notions of the people. Again, the field of selection amongst the land-holding class is so limited that Government could never reasonably hope to have more than 2 or 3 competent advisors out of the whole lot of them in the Punjab. What we ought to have in the Advisory Council for the Punjab is a class or set of people who are constantly in touch with the general public and can advise Government by laying the real ideas of the people before it.

At the same time I welcome this happy thought on the part of the Government. The so-called "leaders" of the Indian people are constantly airing the grievances of their fellow countrymen in the press and elsewhere. When we come to look closely into their grievances we find that they relate to a class of people that does not constitute even 1 per cent. of the Indian population. If I am not mistaken nearly 75 per cent. Indians subsist on cultivation, and yet, as far as I can remember, very few, if any, of the "leaders" have championed the cause of the cultivator. The cultivators in the Punjab are a very important factor of the Empire, providing as they do material for over half of the Indian army, and any proposals that secure a representation of this class in the Advisory Council is most welcome.

The standard set forth for the selection is somewhat high, and might be reduced with advantage.

The proposal, if carried out, will save Government from such unpleasant situations as was created recently by the passing of the Colonization Bill in the Punjab Legislative Council.

III (3). Yes. This step provides for a larger representation of Indians in the Council, and is most opportune.

I have no suggestions or modifications to offer as regards the scheme sketched out in paragraph 12, Government of India letter.

(4). Yes.

(5). Yes. He should either be selected by the land-holding members of the Provincial Advisory Council or selected by nomination from amongst the land-holders of the Province, including members and non-members of the Provincial Advisory Councils.

(6) Yes. Heads A, B, D (*a*), and F would absorb 32 seats (all non-Indians) out of the proposed 54. It is only fair and just that steps should be taken to ensure the proper representation of Muhammadans by setting apart at least 4 appointments for them out of the remaining 22.

Objections have been urged against this proposal by most Hindu papers. Other communities in minority have put forward their claims. To my mind these objections are unwarranted, for head E safeguards the interests of these claimants, *e.g.*, Parsis and Indian Christians.

As regards the election of these members, I agree with the proposals described in paragraph 18, Government of India letter.

IV. (7) Considering the general advancement of this Province the present number of members is inadequate, specially the non-official element.

If this council is to form a sort of electorate for the Imperial Legislative Council its number should be increased to ensure better selection.

I would advocate that this council should consist of at least 19 members, excluding His Honour the Lieutenant-Governor—10 official and 9 non-official.

(8) The present system of nomination is open to objections.

A Legislative body, to be useful, should consist of members of different and independent opinions so that when a question comes up for decision a careful consideration may be made of all its different aspects. Judging from the past the nomination system has not secured such members.

At the same time the present condition of the Punjab, which is likely to continue for some time yet, does not ensure a proper representation of all interests by election.

In my opinion it would be desirable if some of the non-official seats were filled by nomination and some by election.

(9) The rule determining the proportion of seats to be allotted should be elastic to a certain extent.

I have advocated in IV (7) that the number of the members of the Punjab Legislative Council should be increased to at least 19—10 official and 9 non-official.

Of the 9 non-officials 6 should be elected and 3 nominated.

The principal representative classes in the Punjab, taken in order of population, are—Muhammadans, Hindus, and Sikhs. I have not been able to find out the exact percentage of these classes to the total population, but judging from the old census reports it appears that the Muhammadans form about 52 per cent., Hindus abovt 32* per cent., and the Sikhs about 8 per cent. of the total population.

I would suggest that of the 6 elected members 3 should be Muhammadans, 2 Hindus, and 1 Sikh.

The elasticity that I advocated in the beginning of this answer can be maintained by reserving the filling of the 3 remaining seats by Government nomination. The claims of the minor communities would also be safeguarded by this means.

I have purposely abstained from apportioning the seats according to the educational qualifications of the different classes.

(10) I do not advocate the election of non-official members through the municipal boards and district boards.

The electorate should consist of Fellows of the University, barristers, pleaders, 1st class municipal commissioners, members of the district boards, zaildars, divisional darbaris, and persons paying tax for incomes over Rs. 1,000 a year.

This electorate can be sub-divided into three classes for the elections of the members of different religions, *i.e.*, Muhammadans, Hindus, and Sikhs.

(11) My answer is in the affirmative both as regards paragraph 22 (*b*) and 22 (*c*) subject to the additions that I have proposed in (10).

(12) I have already expressed my views about the separate representation of Muhammadans in the council.

I think it would be desirable to fill the seats allotted by nomination after consultation with the managing committees of the leading Muhammadan associations and institutions.

V. (13), (14), (15) I regret that owing to want of sufficient knowledge of the subject mentioned in the above questions I am unable to give an expression of my opinion. I have devoted some time to the study of the subject, but have failed to grasp it.

AHSAN-UL-HAQ,

Barrister-at-Law, Jullundur City.

* The Hindu population is not really so great as appears at first sight. Sweepeers, Chamars, and other such castes are included in the Hindu population. As a matter of fact they have nothing to do with Hinduism.

Questions and answers in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

Question.

I. (1) Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

Answer.

The appointment of an Imperial Advisory Council on the lines sketched out in Government of India letter, paragraph 4, will be of great service to the country. I would not suggest any alterations regarding its duties, but I venture to state that the constitution of the council should be so modified that besides the ruling Chiefs and territorial magnates of every province, the council should have a number of men of the middle classes representing trade, professions, industries, &c.

Unless we have men of the latter class, the real object of the Advisory Council will not at all be achieved.

The object of the establishment of this Advisory Council is to enable the Government to know the views of the people as regards matters affecting the welfare of different classes living in India, and that any sort of misrepresentations or false impressions which may in any way be created on the minds of the people by false rumours or mischief-mongers may be removed, and that the members of the council so consulted may be able to disseminate the views of the Government among the people and also place the Government in possession of true information regarding any questions of importance that may be before the Government.

In my opinion this object can be best attained by having some men on the council who may be in touch with the people and who may have the opportunities of finding out the views of the people on a special subject or on a particular occasion.

As the matters now stand there are very few ruling Chiefs, Sardars, or territorial magnates, who can have or care to have an opportunity of seeing the people and of getting a genuine idea about their views on a given question.

The information which such people get is either through the agency of newspapers or their servants and hangers-on, and which cannot in a majority of cases be relied upon. The object of the Government in constituting the council seems to be to have a class of people who may help the Government with their advice and try to remove any popular misunderstanding on a particular point by putting the views of the Government before the people.

Ruling Chiefs and territorial magnates will hardly be persons who would be of much substantial help in the attainment of the very laudable object which these councils are intended to accomplish. I will therefore suggest that there should be at least two men of sufficient status, position, and intelligence from each province to represent the interests of trade, industry, and professions on the council.

II. (2) Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above on paragraph 6 of the Government of India letter regarding its constitution and duties?

Yes, the Provincial Advisory Council will also be very useful, and I have no other suggestions to make in addition to those mentioned in the Government letter.

III. (3) Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

The enlargement of the Imperial Legislative Council is absolutely necessary so that the interests of the different classes, creeds, and professions may be adequately represented on the highest Legislative body of the land.

It is necessary that all available intellect of the country may be utilized while laws which are to govern the people are being discussed.

The scheme sketched out in paragraph 12 of the Government of India letter is one which in the main is not open to objection, but I would certainly object to a particular class being specially favoured.

It is against the principles of British Government to favour any particular class or individual at the sacrifice of another. There is absolutely no reason why Muhammadans as a class should have a special and additional privilege of electing two men to the Imperial Council. If any special services may be considered as the basis of the concession, why are not Sikhs, who are really the fighting power of the Government, given the same privilege. If the fact of the Muhammandan minority as a class, as compared with other classes, be the consideration for a special advantage being given to them then there are other classes who deserve this favour in a higher degree, *i.e.*, Sikhs and Christians. If want of education be the ground for this special privilege the Sikhs cannot be said to be in a better position.

Their case is rather worse. Though Muhammadans as a class as compared with the Hindus are backward in education, still they have in recent years made a great progress, and with the special facilities given to them in that direction, they are sure to make a steady progress. If demand for extension of the councils be considered as the criterion, then Hindus have been trying hard for it since a long time, and Muhammadans have, as a class, either remained neutral or were to some extent against it. On principles of fairness and justice there is absolutely no reason why one class should have a special privilege, while in point of fitness for the post other classes can beat the Muhammadans far behind in the field.

I would therefore make this modification that I would remove sub-clause (*d*) in clause D in paragraph 12 of the Government of India letter, and would make the figure 6 instead of 4 as it now stands in clause E and would remove the words "*not less than two to be Muhammandans*" from the said clause. This would place all classes on an equal footing and give them the chances of winning the post by ability, intelligence, and capacity for work. In my humble opinion the principle "*fair*

field and no favour" ought to apply. If Muhammadans want to get a stronger representation on the council than their brethren of the other classes then they should try to improve themselves and gain the object by their own exertions.

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter?

Yes. This is what is actually desirable, and it would enable the people of all Provinces to gain an advantage of the representation of their Provincial Council on the Imperial one.

(5) Do you approve of the selection of one of the great land-owners of this Province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

I approve of the selection of one of the great land-owners of the Punjab to the Imperial Council, and that in my opinion may be done by nomination by the Government of India of the representative of the land-holders to the Imperial Council from amongst the land-holding members of the Provincial Council; but if election is to be resorted to, then the electorate should be the land-holding members of the provincial Council alone, and a general election of such a member by the land-holding classes of the country will be a thing quite unworkable and at the same time unsatisfactory.

(6) Do you approve of the proposed appointment of 4 Muhammandans to the Imperial Council, 2 by election and 2 at least by nomination as suggested under heads D (*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

No, I have given my reasons in my reply to question III (3), but if any election is to be made, I would suggest that the electorate should be composed—

(*a*) of the Muhammadan members of the Provincial Council,

(*b*) the Muhammadan Fellows of the Punjab University.

IV. (7) *The Punjab Provincial Legislative Council.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

I would propose an increase in the Punjab Legislative Council, and would suggest the number to be 25.

(8) Would you maintain the present system of nomination, or would you have any or all of the unofficial seats filled by election?

I would prefer the system of election as being a step in obtaining the best possible help from the available intellect, fitness, and experience of the Province, and would suggest that all non-official seats to the Provincial Council to be filled by election so as to enable all classes, races, and interests to be properly represented, subject of course in all cases to the condition that an official majority is maintained.

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?

I would not suggest any fixed rule determining the proportion of seats to be allotted to each class, but if that is to be adopted in any case, I would suggest the representation of the following classes and in the following proportions:—

Hindus	2 seats.
Muhammadans	2 ,,
Sikhs	1 seat.
Christians	1 ,,
Trade	1 ,,
Professions	1 ,,
TOTAL	8 seats.

The remaining 17 seats may, in my opinion, be filled up as follows:—

(1) Lieutenant-Governor	1
(2) Financial Commissioner, Legal Remembrancer, Settlement Commissioner	3
(3) Nominated members	13
TOTAL	17

(10) If election is resorted to for the appointment of all or any of the non-official members would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorate would you suggest?

I would prefer election by the municipal and district boards to any other form of election. Almost all the leading men of the towns and the district have seats on these boards, and an election from amongst them, so far as the first 6 seats for Hindus, Muhammadans, Sikhs, and Christians are concerned, would, in my opinion, be the best and simplest electorate.

In the remaining two seats for trade and professions, I would suggest that Chambers of Commerce or Trades Associations wherever they exist may be called upon to elect one member for a seat to represent their interest in the Provincial Council, while for the seat for the professions I would suggest that the best way would be to ask the University to elect one member out of their Fellows.

As regards election by the district and municipal boards, I would suggest that for the purposes of election, the whole Province should be divided into six sections representing the six revenue divisions and one division should elect one member out of the municipal committees of headquarters of the district and the district boards.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (4) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of the municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

I do not advocate any separate representation by classes at all, but if that is done, I would not carry it out in the manner proposed in paragraph 22 (*b*) and would not agree to any nomination by Government after consulting the Anjumans and panchayats and other bodies. It is absolutely necessary that there should be changes in the constitution of the municipal and district boards, but not in the manner indicated in paragraph 22 (*c*) of the Government of India letter. I would not advocate the introduction into the boards of the system of election and nomination by assigning a fixed number of seats to each of the leading classes of the population by race, caste, or religion, but would leave the present system of election and nomination unaltered. I would particularly suggest that the qualifications of the candidates for a seat in the municipal or district boards should be considerably raised.

For instance in the case of a land-holder he should be paying a considerable sum not less than Rs. 50 per annum as Government revenue.

In case of a trader his income should not be less than Rs. 40 per month.

In case of other persons the property immovable should be such as would bring him a rent of Rs. 50 a month.

For other persons who do not fall under one or other of the above classes, it is necessary that the candidate should be a graduate of some University.

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you suggest?

I would not advise that there need any provisions be made for the separate representation of Muhammadans in addition to those open to them by nomination or election in the ordinary way, and would not suggest any form of election for that purpose.

(13) Do you consider that the system of discussing the budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

Yes.

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

The Provincial Budget should in my opinion be discussed in the Punjab Legislative Council, and it should be discussed by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) Do you advocate the introduction into Punjab Legislative Council of the power of interpellation by members?

I would certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members because in most cases it leads to very useful results.

DEVI CHAND,

Pleader, Jullundur City.

12th November 1907.

Dated Jullundur City, 14th November 1907.

From—Pandit Amar Singh, Pleader, Jullundur City,

To—The Commissioner, Jullundur Division.

In reply to your circular no. 168—3519, dated the 19th October last, I have the honour to submit my opinion on the proposals contained in the papers forwarded to me therewith.

2. *Advisory Councils.*—The principal object in view in organising the Advisory Councils is certainly laudable, and as regards this there can be no difference of opinion. The further object to be kept in view is to see whether the end in view and the proposals made are compatible and consistent with each other.

3. I think the scheme of Advisory Councils is based on the misconception that ruling Chiefs, territorial magnates, and so forth are the leaders of the people in their capacity as such, that they know the needs and sentiments of the people, and are acquainted with their daily life. Over India has come a change so sweeping that the hereditary gods are displaced from their pedestal. The people know full well the position of the Chiefs and magnates in the State. Their own demoralization and apathy towards the people have driven them out of the hearts of the people. I quite agree with Hon'ble Sardar Partap Singh in his estimation of the so-called Indian aristocracy. He writes:—"I may be excused for remarking that it (aristocracy) is far below the standard it is expected to occupy. The middle classes and masses consider them to be dullards and dissipated

imbeciles, and therefore do not reckon them as their leaders of thought and action. I must painfully acknowledge that there is a great deal of truth in this statement of them." He remarks further:—

> "It is a regrettable circumstance that in all movements in which the public is concerned and which emanate from the Government the aristocracy has more or less share of co-operation, but in popular movements they are absolutely left in the back-ground, for the obvious reasons that they are too weak internally to exercise any influence over the public generally."—*C. & M. Gazette*—1-11-06.

4. I may say in a few words that the Chiefs and magnates, with a few honourable exceptions, are looked down by the people, and the feelings of contempt for them are growing rapidly. Such men should not be supposed to be the leaders of progressive India. They are unable to give expression to the needs and sentiments of the people or to make motives and measures of the Government generally understood. They themselves are understood not to be free agents in their actions or expression of opinion. The wholesale system of nomination would make them resort more and more to sycophancy and lower them still further in the eyes of the people. They would not be able to withstand the press interviews and other like intrusions on the secrecy which may be entrusted to them by the Government, and thus they may be the means of spreading incorrect information. An Advisory Council of such men only is inconsistent with the principal object in view.

5. The nomination rule, want of formal powers of any sort, and lack of legislative recognition counteract the usefulness of the institution. Furthermore the consultation and consideration of opinion given being optional with the Government the measure is not likely to give the advisers any greater sense of responsibility. The opinion will be as lightly given as it will be sought.

6. The inclusion of the educated element appears not to have been taken into consideration. This fact will give rise to certain misgivings in the mind of the people. They would think, and rightly so, that the Government have organised such a body to carry out arbitrary measures in the teeth of popular opposition with their help and then turn round and say whatever is done is done with the consensus of opinion of the Indian people. I think the inclusion of educated men of suitable position, who in this age may be said, without fear of contradiction, to be the true leaders of the people, will help to make the Advisory Council really useful to the country.

7. I am impressed with the usefulness of the Advisory Councils, but I fear the lines proposed would not lead to the end in view. In the light of my above remarks I humbly suggest some alterations in the proposals made in paragraph 5 of the Government of India letter.

8. The proposals as altered will be somewhat on the following lines:—

(1) That a Council to be called "The Imperial Advisory Council" should be formed for consultative as well as advisory purposes on all matters respecting welfare of India.

(2) That one-third of the members should be nominated by the Viceroy; (*ii*) one-third to be elected by the ruling Chiefs and magnates, not so nominated out of their own number; (*iii*) the remaining one-third to be elected by the nominees of the Viceroy and the other elected members. That members should receive the title of Imperial Councillors.

(3) That the council should consist of about 60 members for the whole of India, including 40 ruling Chiefs and territorial magnates and 20 experts, Judges of the Chief Court of the Punjab and different High Courts, and Hon'ble Members of Legislative Councils of whom taken together not less than three-fourths shall be Indians.

(4) That the members should hold office for a substantial term, say, for five years, and should be eligible for reappointment.

(5) That the council should receive no legislative recognition and should be vested with power necessary to the attainment of its purpose.

(6) That its functions should be advisory as well as consultative on all matters respecting welfare of India.

(7) That the proceedings of the council should be published. That the Government would be at liberty to prohibit publication of any matter specifically referred by them to the council. That there should be collective deliberation and not individual consultation.

9. My remarks apply to Imperial as well as Provincial Advisory Councils. I think the same principle applies to both. The Provincial Councils may be formed as indicated above.

10. *Enlargement of the Legislative Councils.*—The enlargement of the Legislative Councils as proposed entails the enlargement of the existing defects and the addition of fresh ones. The standing official majority has been a sore point, and as long as this is

maintained, there cannot be any representation of the Indian people. At present the representation of the people simply amounts to permission to enter the Council Hall and amuse the audience with fine orations. The people can on no account make themselves heard. As the Government have declared this question not open to discussion, I would ask the Government so to frame proposals for the enlargement of the Legislative Councils as to minimize the effect of standing majority.

11. The first, the foremost, and the most regrettable innovation the measure tends to make is the acceptance of the principle of granting enfranchisement on the basis of beliefs and traditions. The racial questions now rampant in the country and so violently convulsing the Indian community shall, in future, fetch their first head and spring from this principle. Under its pressure the Hindu-Muhammadan question, already expanded into Hindu-Muhammadan-Sikh question, shall assume the gigantic form of Hindu, Muhammadan, Sikh, Rajput, and Mahratta question. The racial question, to the misfortune of India, will go on adding names of communities to it and as many difficulties to confront the Government. The virulence of racial questions shall tempt the Government to resort to favouritism now towards one community and again towards the other. The policy of favouritism shall be the precursor of wide-spread discontent in the country. In that case the Government, with all the up-to-date destructive art at their command, would find it an impossibility to hold down so many millions of discontented people with Japan, China, and Russia as neighbours.

12. The proposal is innovative in another respect. The partiality to Muhammadans stands out in bold relief. No amount of emphatic assurances will do to persuade other communities to believe the country. There are other communities in minority more important than Muhammadans. The Mahrattas and Sikhs are the immediate predecessors of the British in India. There is no reason why they should not receive the same consideration at the hands of the Government. I wish to say with due reserve, but I am bound to say that the Government have long been suspected of acting on the policy of *divide et impera*, and a section of the community, beneficially affected by the measure, look upon the measure with diffidence. *Musalman* of Calcutta writes:—"But however much the principle is appreciated by the Musalmans they at least, a section of the community, doubt the sincerity of the Government in so suddenly recognising their just claims and special interests when the political atmosphere is so tempestuous. It may be a mere dodge played with a view to dissuade the community from joining the popular cause. If it be so, and if it produces the desired effect, then it must be considered as mischievous. But it cannot be productive of any mischief if we Musalmans are not carried away by the idea that the Government is overflowing kindness for us, and that we should not, therefore, do anything in furtherance of our national cause that may be detestable to our alien masters whose national interests and ours *are* quite conflicting. It is hoped, however, that this dodge, if it be any dodge at all, will not deter us from making common cause with our advanced fellow countrymen, for the regeneration of our common motherland."

The undue bias towards the Muhammadans have rendered the scheme of the enlargement of the Legislative Councils inapplicable to whole of India.

The Hindus are in minority in the Punjab and Eastern Bengal. No provision is made to protect the Hindu minority in those provinces. In consequence of this undue favour, Muhammadans will get a majority of non-official members in the Punjab Provincial Councils, and they will always return a Muhammadan to the Imperial Council. The second member is to be returned exclusively by Muhammadans. The third one, a big landlord, must also be a Muhammadan, as in the Punjab Muhammadan land-owners are in majority in the ratio of 26 to 18. This way all the members of the Imperial Council from the Punjab will be Muhammadans. Thus as far as the Punjab is concerned Hindus are nowhere. The number of Muhammadans in the Imperial Council will be out of all proportion. As the scheme stands, the number of Muhammadans in the Imperial Council will come up to 9 under head D. and E., *i.e.*, 3 for the Punjab, 2 (at least) for Eastern Bengal and Assam, 2 by election exclusively by that community, and 2 by nomination by the Viceroy.

The proposals for enlargement of the Legislative Councils requires further consideration at the hands of the Government, and I am unable to approve of them as they stand.

13. Briefly my reply to the questions forwarded to me is as follows:—

I. (1) I do not consider that an Imperial Advisory Council on the lines suggested would be of any service to the country. I have suggested alterations—*vide* paragraph 7 of this letter.

II. (2) Ditto ditto ditto.

III. (3) I do approve of the enlargement of the Council, provided the existing defect (standing official majority) is minimized and fresh defects are not allowed to creep in.

(4) Yes.

(5) Yes. In the case of this Province I would suggest the system of nomination. Nominees to be selected from different communities turn by turn.

(6) Regret I do not approve.

IV. (7) Yes. The numbers of members must be at least 20, including His Honour the Lieutenant-Governor.

(8) I would have all unofficial seats filled by election.

(9) No.

(10) I would advocate election through district or municipal boards as well as through University and Chamber of Commerce and the like institutions.

The election to the Provincial Council should not be based on the beliefs and traditions of the people.

(11) No.

(12) No.

V. (13) Yes.

(14) Yes.

(15) Yes.

AMAR SINGH, *Pleader*,

Jullundur City.

ANSWERS.

(1) I consider that an Imperial Advisory Council on the lines sketched out in paragraphs 4 and 5 of the Government of India letter would be of service to the country.

(2) The Provincial Advisory Council would be a useful institution. The only modification which I would submit in paragraph 6 of the Government letter regarding its constitution and duties is that the University of the Province should be represented in its Provincial Advisory Council.

(3) I approve of an enlargement of the Imperial Legislative Council. But I have to suggest that the right of representation should be conferred on the Indian Universities also on the same lines as the English Universities are represented in the House of Commons. In order to make the Imperial Legislative Council more useful all the important different communities should be represented in the council, and the representation should be proportionate to the numerical strength of the community.

(4) I approve of the proposal as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great landlords of this Province to the Imperial Legislative Council. A representation of the landlords should be selected to the Imperial Council by the land-holding members of the Provincial Council from among the land-holders paying the amount of land revenue that may be fixed as giving the right to vote.

(6) Please see answer no. 3.

As for the selection of the Muhammadan members for the Imperial Council I would recommend that the elected members should be elected by the Muhammadan members of the Provincial Council.

(7) I would advocate an increase in the present number of members of Provincial Legislative Council in the Punjab.

The number of members should range from 12 to 25.

(8) I approve of the system which now prevails in Madras, Bombay, and Bengal to be introduced with some necessary modifications in the Province.

(9) Please *vide* answers 3 and 7.

(10) Please *vide* answer 8.

(11) I approve of the class representation and also approve the procedure in the manner proposed in paragraph 22 (*b*) and 22 (*c*).

(13) I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23.

(14) I approve that the system of discussion of the Budget should be introduced in the Punjab Legislative Council also.

As to the part II please *vide* no. 13.

(15) I approve that the power of interpellation with some restrictions should be introduced in the Punjab Legislative Council.

SHADI RAM, B.A., LL.B., (Cantab.),
Barrister-at-Law, Ludhiana.

Translation of the opinion expressed by Rai Wazir Khan of Bhangala in the Hoshiarpur District.

I. In my opinion the constitution of an Imperial Advisory Council is much useful for the good of the country, and the suggestions made in paragraph 5 of the Government of India letter as to the constitution and purposes of the council are correct; but it is very necessary that the number of the members of it should be fixed with regard to population and the religion of the people.

II. The constitution of a Provincial Council is beneficial and the Council should be quite in accordance with the principle laid down in paragraph 6 of the Government of India letter.

III. It is very necessary to enlarge the Imperial Legislative Council, and the scheme sketched out as to it in paragraph 12 of the Government of India letter is correct, but the number of the members of it should be fixed with regard to population and the religion of the people, as it would be satisfactory.

IV. Of course the members should be selected by the Provincial Legislative Council as mentioned in detail in paragraph 13 of the Governmnt of India letter.

V. It is advisable that one of the great land-owners of this Province should be elected as a member of the Imperial Council. The mode of election should be that the zamindars should themselves elect their representative with regard to educational qualifications and abilities, due regard being had to the amount of revenue paid.

VI. The suggestion of the Government of India that 4 Muhammadans should be appointed to the Imperial Council, 2 by election and at least by nomination, is very proper. The appointment of elected members should be in the hands of such persons as are mentioned in the 3 clauses of paragraph 18 of the Government of India.

VII. The number of the members of the Punjab Legislative Council should be increased to a figure which may be considered proper by the Government.

VIII. The present system of nomination is not right. All the non-official seats should be filled by election.

IX. In every case the seats to be allotted to each class should be fixed with regard to population and religion, as no class will thus have any opportunity of complaining. This is a principle of equality and real proportion.

X. Election should be resorted to for the appointment of all unofficial members through the following persons:—

(1) Educated persons of the great land-owners.

(2) Educated persons of the large tax-payers.

(3) Graduates of the Universities.

XI. I like the representation of all classes separately in the way stated above in reply to question X.

XII. Provision should be made for the separate representation of Muhammadans in addition to that open to them in the ordinary way. It should be by election, but the electors should be a body of educated Muhammadans.

XIII. The discussion of the budget in the Legislative Council in the manner suggested in paragraph 23 of the Government of India letter is very proper, as it will afford full time and opportunity.

XIV. I consider that it is proper to discuss the Provincial Budget in the Punjab Legislative Council by separate heads in the manner given in paragraph 23 of the Government of India letter.

XV. The members of the Punjab Legislative Council should have the power of interpellation.

WAZIR KHAN,
Rais of Bhangala, Hoshiarpur District.

Dated Jullundur, 14th November 1907.

From—Mr. Bhagat Ram, Barrister-at-Law, Jullundur City,
To—The Commissioner Jullundur Division.

I have the honour to acknowledge with thanks the receipt of your office circular no. 168—3519, dated the 19th October 1907, inviting my opinion on the proposals of the Government of India for the establishment of Advisory Councils, both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Councils.

I have no doubt that the people will feel highly grateful to the Government for the solicitude which it has evinced for gaining a close insight into the views of the people, with the object of the better administration of the country. Taken generally the proposals in question constitute a distinct step in advance, and I am disposed to welcome proposals which would afford more frequent opportunities of mutual consultations and exchanging confidences between Government and the representative men among the people.

Measures, inaugurated by the Government with the best of intentions, are often opposed because its motives are misunderstood, with the deplorable result that the progress of the country is retarded.

2. As desired by Mr. Maclagan I would offer my views on the points under discussion in the order in which they have been formulated in questions appended to the Punjab Government letter.

I. (1) *Imperial Advisory Council.*—As stated above in paragraph 1, I am of opinion that Advisory Councils properly constituted would be a great boon to the country. But I have great doubt, as to whether the councils sketched out in paragraph 4 of Sir Harold Stuart's letter, dated 24th August 1907, would be of any service to Government or the people.

The main objects the Government of India have in view are—

(*a*) The association of the Indian Chiefs and territorial magnates in the guardianship of the common and Imperial interest of the country.

(*b*) The diffusion of correct information upon acts, intentions, and objects of Government among the people.

I am of opinion that the association of the Chiefs and territorial magnates in the discussion of questions concerning the people of the country in general will certainly have a beneficial effect in creating a harmonious working throughout the whole of the country, and will undoubtedly tend to improve the conditions of the subjects of most of the Native States, though the constitution and status accorded to the councillors can hardly be said to be a step towards their association with the Government. But I have not the least hesitation in saying that the councils as proposed will fail, in what I consider to be their most important function, *viz.*, the diffusion of correct information as to the motives of Government among the people.

I do not think, as some would have us believe, that Indian Chiefs and men of position are all, as a class, unworthy of being consulted in matters of the State, for among their number there are a good many who are entitled to the great esteem of their countrymen, on account of their high intellect and noble virtues as men and as rulers of their subjects. Unfortunately, however, it cannot be denied that the majority of the Indian Chiefs and the territorial magnates are as much, if not more, out of touch with the people as most of the European officials.

Besides the rigid rules and systems, which bound together the men of a class, have all given way before the advance of Western education, and the former hold, which the chieftains had upon the people, is entirely gone.

The middle and the poorer classes have taken full advantage of the opportunities, which the British Raj afforded them, for bettering their position, but the hereditary nobility and aristocracy have lagged behind in the race for culture and progress, intellectual as well as moral.

Thus it is no wonder that the territorial magnates have to a large extent ceased to occupy the high place as leaders of the people which the accident of birth had given to them.

The people at large are not disposed to recognise the claims to leadership of a class whose only merit is the ownership of a certain amount of property, but regard culture a claim for it.

My conviction is that Advisory Councils formed as suggested in the Government of India letter will not engender that confidence which they should have in order to be of any utility.

I am certain that the Chiefs and territorial magnates will not represent any other class but their own; for the interests of the petty land-owners and those of the tenants could not be safely left to their care, as they might in many instances clash with their own, leaving aside altogether the educated class, which to a great extent is influencing the future of the country.

Regarding the proposal (7), paragraph 5, of Sir Harold Stuart's letter, I am of opinion that the objects aimed at by the formation of these councils will not be attained, if the proceedings of the councils are not given publicity.

In treating the opinions of councillors as confidential the Government will afford the critics of the council a weapon which would effectually be used in undermining its influence as well as usefulness. Besides, I regret to say that I do not believe that confidential communications will secure frank expression of opinion.

I am firmly of conviction that no Advisory Council will prove useful, unless men of all shades of opinion are allowed to partake in its deliberations; a council consisting exclusively of ruling Chiefs and territorial magnates will not command to that extent that it should the respect of the people, especially the educated classes of the country. I do not think it would be difficult for the Government to find men of education and culture suitable for nomination to the Advisory Councils, outside the ranks of territorial magnates; men, who in social status and in their influence over the country men, are inferior to no territorial magnate in the land.

The inclusion of a few such men will be a long way to disarm adverse criticism. I am urged to press this view by the fact, that the educated classes have not taken kindly to the proposals of the formation of the Advisory Council, and some men go to the length of saying that these councils are likely to be used as shields, for unpopular measures, by the authorities.

II. (2) A *Provincial Advisory Council.*—A Provincial Advisory Council can be a useful institution, if conducted on the lines suggested above with regard to the Imperial Council.

III. (3) I approve of the enlargement of the Imperial Legislative Council.

I have no suggestions to make regarding points (1) and (2) of paragraph 12 of Sir Harold Stuart's letter and also as regards A., B., C. of the same paragraph, but I am opposed to 2 seats being reserved for Muhammadans under (*d*) D and 2 under clause E.

(4) I approve of the proposal of electing one member by the Provincial Council to the Imperial Legislative Council.

(5) I am not opposed to the selection of one of the great land-owners of the Province to the Imperial Council. Though I would vote for election, but I am aware of the difficulties, which election of one member from the whole Province involves and, for that reason, I think it will be better if a land-owner is nominated by the Government.

(6) Under the head (*d*) of D I would not have any members elected by Muhammadans, nor do I approve of the nomination of two Muhammadans under E. I see no reason why special advantages should be secured to any particular community.

We allow Muhammadans to take part in electing members like all other communities, and I fail to see any particular interest of that community, which is specially to be safeguarded. On principle I am opposed to creed or class representations in the Legislative Councils, and four seats out of a small number of seats will form an undue preponderance of one community, creating as it would invidious distinction, which doubtless will be resented by other communities. The constitution, sketched out by Sir Harold Stuart in paragraph 12 of his letter, is much too favourable to the Muhammadan community, and I would be sorry to see the impressions strengthened in the minds of the Hindus that at their expense the followers of Islam are unduly favoured by the Government.

If the proposal of electing two members under (*d*) D is decided upon by the Government then I would suggest that such members be elected by an electorate, as suggested in paragraph 17 of Sir Harold Stuart's letter, but if that be not found feasible then by the Muhammadan members of the Provincial Council.

IV. (7) *Provincial Legislative Council in the Punjab.*—I would advocate an increase in the present number of members, and would raise the total strength to 30.

(8) I am in favour of having all the non-official members elected.

(9) This question has already been answered in paragraph (6).

(10) I would suggest the following electorate:—

1. The municipal committees of the Punjab 1
2. The district boards of the Punjab 1
3. All graduates of 5 years' standing of any Indian University . 1
4. Every Revenue division in the Punjab to elect 2 members, leaving a majority of 4 of official members.

(11) I would suggest no change in the constitution of the municipal and district boards.

(12) I would adopt the electorate suggested in paragraph 17 of Government of India letter.

V. (13) I approve of the discussion of the Budget under separate heads as suggested in paragraph 23 in the Government of India letter.

(14) I would suggest that the Budget should be discussed in the Punjab Council only if the system of election is introduced.

(15) I would advocate the introduction of the right of interpellation in the Punjab Council.

BHAGAT RAM,

Barrister-at-Law, Jullundur City.

Translation of the replies sent by Rana Lehna Singh of Manaswal in the Hoshiarpur District.

I. (1) There is need of such an Imperial Council for the country. I concur with the proposals made in paragraph 5 of the letter.

II. (2) A Provincial Advisory Council is necessary for every Province, and I agree with the proposals, regarding its constitution and duties, made in paragraph 6 of the Government letter.

III. (3) The Imperial Legislative Council requires enlargement, and I concur with the scheme sketched out in paragraph 12 of the Government of India letter.

(4) I approve that one member should be elected as proposed in paragraph 13 of the letter.

(5) A great land-owner paying Rs. 2,000 revenue should be selected by election.

(6) The four Muhammadan members of the Imperial Council should be appointed by election.

IV. (7) The number of the members of the Provincial Legislative Council in the Punjab should be increased; and the members of every class and body should be selected with regard to position and abilities.

(8) Some offices should be filled by nomination and some by election.

(9) In every case the proportion of officers for every class should be fixed on a fixed rule.

(10) If election is resorted to for the appointment of all or any of the unofficial members it should be through district boards, having regard to abilities.

(11) As suggested in paragraph 22 (*c*) of the Government of India letter, the great land-owners paying Rs. 2,000 Government revenue and money-lenders and traders paying an income-tax of Rs. 500 should be elected.

(12) The separate representation of Muhammadans should be by election in the form suggested in paragraph 17 of the Government of India letter.

V. (13) I agree that the discussion of the Budget in the Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Provincial Budget should be discused in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) It is proper to introduce into the Punjab Legislative Council the power of interpellation by members, for a correct conclusion cannot be drawn until every point is discussed by putting questions. Hence every matter should be decided in accordance with the majority of votes.

LEHNA SINGH,

Rais of Manaswal, District Hoshiarpur.

Dated Hoshiarpur, 26th November 1907.

From—Rai Bahadur Sham Das, Government Pleader, and Vice-President, Municipal Committee, Hoshiarpur,

To—The Commissioner, Jullundur Division.

In obedience to your circular no. 172—3541, dated the 22nd October 1907, I beg to submit herewith my answers to questions on the subject of reformed councils.

I further beg to be excused for not being able to comply with your orders within the time fixed owing to sudden rush of criminal cases which did not admit of sufficient time for this purpose.

SHAM DAS,

Government Pleader, Hoshiarpur.

Answers to questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907, on the subject of reformed councils.

Question I.—(1) Such a council would, in my humble opinion, prove of immense service to the country, but I would respectfully suggest the following modifications and alterations in the proposals contained in paragraph 5 of Government of India letter.

Paragraph 5.—(3) (*a*) The number of ruling Chiefs may be reduced to ten and they must be selected from among men who have had the benefit of the high English education as well as actual administrative experience as ruling Chiefs for at least five years, and who have by their high abilities, both educational and administrative, proved their fitness for such a post of trust and responsibility.

(*b*) That the selection of territorial magnates be not confined to merely land-holding or any other class, but should be extended to people of all classes and creeds, the necessary qualification being the ability and capacity for proper discharge of the duties required of a councillor. The men should especially be selected from the trading and legal professions who alone have real touch with the general masses and are considered the best medium for voicing the public opinion, being fully conversant with the general condition and grievances of the masses.

Paragraph 5.—(7) The proceedings may be confidential, but the council should in each and every matter be consulted collectively and individual opinion wholly disregarded. The consultation must be held in a meeting with due deliberations and free and open discussions and the decisions arrived at communicated to Government.

Question II.—(2) There can be no doubt that a Provincial Advisory Council would be a very useful institution, but I think the constitution should be so arranged as to admit of the members of each Provincial Council to act as members of the Imperial Council at one and the same time. The number of members of the Imperial Council should be so fixed as to leave margin for a sufficient number of additional members other than the members of a Provincial Council: for instance, of the sixty members twenty should be such who may not be members of any Provincial Council, while the other forty should be members of the Provincial Councils.

The constitution and duties of these councils should be in accordance with the constitution and duties of the Imperial Council, and the selection should be so arranged as to represent deserving people of all classes (including land-holding, trading, and professional).

Question III.—(3) I approve of the enlargement of the Imperial Legislative Council, but beg to suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter:—

(*a*) No provision has been made in the scheme proposed to represent the interests of education which is hardly justified. The Indian Universities must be allowed the privilege of representing the educational interest in the Imperial Legislative Council, and each University may be allowed one representative at least.

(*b*) To adequately represent the commercial and industrial interests of provinces other than Calcutta and Bombay the number of commercial members should be raised. In my humble opinion these interests would be sufficiently represented if the number of commercial members is raised to five by allowing the commercial and industrial classes of the Madras, Punjab, and the United Provinces to send one representative each.

(*c*) I do not at all approve of the idea of giving the special privileges as proposed in paragraph 12 of the Government of India letter.

(4) Yes. I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this Province to the Imperial Council, and I don't think that in this case election will succeed. Nomination would be the best method of selection.

(6) I do not approve of the suggestions made under heads D (*d*) and E of paragraph 12 of the Government of India letter.

In my humble opinion no special concession or privilege should be given to any community of His Majesty's Indian subjects by reason of differences of religion or creed. This policy would be open to very serious objections, and would likely lead to unpleasant jealousies.

Question IV.—(7) I would certainly advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab to at least 20.

(8) I would suggest that at least half of the non-official seats be filled in by election.

(9) In my humble opinion seats to Hindus, Sikhs, and Muhammadans should be allotted in proportion to their population in the Province as is the case in certain municipalities, for instance, Hoshiarpur.

(10) I would suggest the following electorates:—

(*a*) Municipalities.

(*b*) District boards.

(*c*) Commercial and industrial classes.

(*d*) Universities.

(*e*) Educated classes.

(11) I approve of the suggestions made in paragraph 22 (*b*) and (*c*) of the Government of India letter.

(12) I don't think there is any pressing necessity for making a provision for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

Question V.—(13) Yes, the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes, I think the Provincial Budget should be discussed in the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes, I certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

SHAM DAS, *Rai Bahadur,*

Government Pleader and Vice-President,
Municipal Committee, Hoshiarpur.

Dated Ludhiana, 22nd November 1907.

From—MUHAMMAD HASSAN, President, Anjuman Islamia, Ludhiana,

To—The Commissioner, Jullundur Division.

I most respectfully beg to submit herewith the opinion of the Anjuman Islamia, Ludhiana, regarding the measures proposed by the Government of India for giving the people of India wider opportunities for expressing their views on administrative matters, as requested in your circular no. 172—3541, dated 22nd ultimo.

MUHAMMAD HASSAN,

President, Anjuman Islamia, Ludhiana.

Translation of the opinion of the Anjuman Islamia, Ludhiana, submitted by Muhammad Hassan, President of the Anjuman.

I. (1) So far as the answer to this question can be found from the history of India it is nothing except that such an Advisory Council would be of much service to the country. To find out whether such an Advisory Council existed in India or not and how its results proved to be for the Government and the people of this large country, though not easy and certain, as the incontinuous state of the past history has not left any such opportunity for a historian, but so far as can be ascertained, is that in the reign of two great kings who were fond of governing the country with justice and of making their government more firm appointed such Advisory Councils. Both of these kings not only succeeded in strengthening their reign in the country, but they also established their good reputation in the future generations of the people, and it is only due to this

superiority that the people of India as yet have been praising them, and it is not improper to say that their good qualities have charmed the minds of the people of India. Those great kings were Maharaja Bir Bikrama Jit and Shah Akbar. These kings constituted an Advisory Council on a very small scale. The council was called "Nauratan." The word means the Wazirs or the selected persons of the country. These persons were not selected by the people who were never consulted in their appointment, suspension, or dismissal which were made by the king alone, through his intellect and capability, keeping in view the object of governing the country well, for he had a great mind of doing justice, which principle alone guided him in making the appointment. The council thus selected consisted of members distinguished for their abilities, knowledge, experience, and wisdom, and each of them was matchless in a special branch, and free from all kinds of prejudices and partisanships. The qualities were controlled by the Government which had appointed them. Whatever opinion they used to give was given with the special intention of giving a best opinion. This quality was the only reason why their opinion was accepted. Hence the Supreme Government was in a way bound to accept their opinion and advice. The goodness of the opinion obliged the king, who had despotic authority, but who was desirous of doing justice to the people, to accept the opinion with his willingness. This was the reason that the reputation of their justice prevailed among the subjects and their government was approved and their reign established, and no opposite voice was heard from the subjects. This superior management charmed the minds of the people. The important duty of the councillors was to enquire into the condition and views of the subjects personally; and the points complained of by the people when ascertained by any of them were brought to the notice of the highest officer without adding or lessening anything. Thus the matter complained of was removed. The principle of making the highest authority agree to an arrangement, by a majority of the votes of the members of the council, was not in force in those days, for, it is possible, that the majority of the members of a council agree in an opinion, and it is also possible that the concurred matter be injurious for the people of the country, for it is possible that the voters are, on religious, tribal, personal, or political grounds, interested in having the thing done, which may affect the interests and ideas of the people badly, and the rule when put in force may put them to great inconvenience and trouble on the part of the Government. The only remedy for such cases is that the highest authority should check the opinion very intelligently, and no voter should have the courage of giving an opinion merely in hope of its being passed by the majority of votes.

The greatest misunderstanding that requires notice at all times is that the members of the council are considered the representatives of the country, and their every opinion is taken to be the opinion of the country. The opinion of the country is the opinion of all persons, but when a few persons represent it, it cannot be the opinion of the country, but is the opinion of those few persons. If a voter has succeeded in ascertaining and adducing the correct opinion of the country he has done his very sacred duty and has served the Government well. If the voter is mistaken in ascertaining the opinion of the country or has, after ascertaining it, preferred his own opinion to that and has produced his own opinion, his mistake would cause many evils and great anxiety if acted upon. This happens in cases in which matters are decided by the majority of votes, and the rights of some people of the country are totally destroyed and many other evils of various kinds take place which would not have taken place had this opinion not been acted upon.

A few persons cannot in any way be the representatives of the different tribes, classes, and persons of the country. Nor can such honest men of pure principles be available in every case, as would express the exact opinion of the people they represent. It is, therefore, very necessary and obligatory that the number of the members of the council should be extended to a limit required for the representation of any tribe not only having regard to its population, but also to its political status, although the number of the representatives may have no proportion to the population of the tribe. Until such is the state the council should only have the right of giving an opinion, so that the members of the council may have in view that their opinion can be accepted only if found excellent. Thus good opinions will be obtained. These opinions should be checked ably as was done by the former rulers. Thus a despotic Government can be of more advantage to the people of the country than a republic Government is thought to be, for the republic and parliament Government cannot be free from the objection that sometimes the majority of votes pass such opinions which are not only disadvantageous for the country, but neither of the parties considers their issue useful; and the useful arrangement becomes spoiled in laying it before too many persons for opinion. This is the reason that sometimes the management of despotic kings proves to be better than the republic and parliament Government; especially in countries where there are more than one tribe the republic or the parliament Government can in no case be useful, nor is such an arrangement possible as be free from all defects. In countries the people of which are only one nation, the Government of the members elected by them is not free from objections. In a country like India where people of different religions and tribes reside and whose political state is of a special nature, I am of opinion that, on the above grounds, only an Advisory Council, whose opinion may or may not be

accepted by the Supreme Government, can be useful, if the Supreme Government very intelligently examines the opinions expressed and keep a supervision over the councillors, so that the members may refrain from giving wrong opinions. Otherwise the same defects will result as took place in the Punjab at the close of the Sikh Government, by the appointment of the Sikh Khalsa Panchayat, for it was not controlled by any superior authority, and their opinion was not taken as a mere counsel, but it was acted upon if agreed to by the majority.

As to the proposals made in paragraph 5 (of the Government letter) regarding the constitution and duties of the council, I can say that the principles stated above throw much light on the subject. I think the council can be useful if the above state principles are followed. I therefore agree with the proposals nos. 1, 2, and 5. As to the proposal mentioned in paragraph 3, I beg to say that in the whole of the British India there are nearly 150 Chiefs of States, Nawabs, and Rajas under the British Government. These Chiefs belong to the different tribes and religions of India, and with regard to the extent of their States they are not equal, nor is the number of the Maharajas and Nawabs proportionate to the political state of the different tribes, for the number of Muhammadan Chiefs is less than the Hindu Maharajas, though, having regard to the extent of the country and power, the Government may be considering the degree of the Muhammadan Chiefs to be specially high, yet the necessary effect of this proposal seems to be that either the ruling Chiefs will be selected with regard to their degree and the extent of their State and admitted into the council of India, or one after the other will be selected without regard to their degree and country. In the case of this change, the effect of the respectable members of this part of the council will create special results, some of which are specially worthy of the Government consideration.

(*a*) The people of India, who have hitherto been considering themselves merely under the British Government and do not like the mode of government of the Native States, would in a way take themselves to be under the Native Chiefs and Nawabs, and in order to better their prospects would try to obtain the sympathy of such ruling Chiefs. This effect would produce an improper consequence in the case of the British subjects, and the Native Chiefs will create a special kind of connection with the British subjects, and the Native Chiefs, if consulted, will have the power and authority as to the life and property of the British subjects. It is also possible that the Native Chiefs, having in view their own political condition, may overlook the rights of the British subjects, for, they being the respectable members of the Advisory Council, the other members of the council, having regard to the respect due to them, and being influenced by the weight of their opinion more than the proper degree, may naturally refrain from expressing the correct opinion.

(*b*) The greatest fear is that the Native Chiefs, who have as yet been considered free from prejudices and factious feelings may by joining the council be subjected to these tribal and religious prejudices, the results of which can be understood if considered fully.

(*c*) It is also worth mention that the appointment of the Native Chiefs to the council of (British India) administration may not put the British subjects into any mistake at any time. Hence the inclusion of the ruling Chiefs in the Council is objectionable in two ways. Firstly, with regard to number and degree and the complications at the time of selection. Secondly, on account of government on the British subjects by way of giving an advice. It would have been far better that instead of these the Government should have selected able and honest persons out of the subjects who may themselves be equally affected by their opinions expressed in the council, and who may be thought well acquainted with the real circumstances of the people of the country and may be possessed of the special means of acquiring the acquaintance.

Having regard to population and the extent of the country the number of the members is also less, and should be doubled. As the land-owners are the better portion of the people of the country therefore a proper number of them should be taken as members. In electing the members due regard should be had to the political condition of other tribes at the time of nominating members.

Proposal no. 4 as to the term of office and as to appointment is very proper and reasonable.

As to the proposal no. 6 I suggest so much amendment that the council should be allowed the permission to bring any point, of its own accord, to the notice of Government, while every British subject can, with a good intention, bring matters, relating to legislation or administration, to the notice of Government. It is a different thing whether the Government would attend to it or not. Hence this Advisory Council should not be debarred from moving on any point a right which every soul enjoys already, specially because the council has no legal powers, and it is in the hands of Government to accept or reject their opinions. Hence in presence of this condition there is no need of adding the further condition contained in proposal no. 6. Of course, if time requires, special conditions may be imposed as to move matters for discussion. By this liberty all the views of the people of the country will be represented in the council,

which, when called on by Government to give an opinion on some matters, will be ready beforehand to give a good opinion; and the views and opinions now expressed in disrespectful words in political circles will all be discussed in the council of civil and responsible persons reasonably, and thus the views of the general agitation of the country will be changed in the shape of the reform of the country under the influence of the selected men of the country, and there will be an end to the general agitation now prevalent in the country, and affection with Government will improve.

As to the proposal no. 7 I fully concur. The meeting should be held only once a year.

II. Provincial Advisory Councils.—In accordance with the principles stated in reply to question no. 1, these are as necessary as the Imperial Advisory Council is. The members of the Imperial Advisory Council should not be the members of the Provincial Advisory Council at one time. This would give more opportunity, for the leading men of different tribes, to be members of the council, and the views of the country could become known through many persons, and the defect of smallness of number will thus be removed. Otherwise it is possible to happen that the greater number of the members of the Provincial Council will be filled by the members of the Imperial council, and the Provincial Council will not be found so advantageous to the country as it would have been had its members been separate from those of the Imperial Council. Moreover, it will afford opportunity to the small tribes, of special political degree, of supplying a member of theirs, and thus the local Governments will be furnished with opinions on a large scale. If the services of the members in the Provincial Advisory Council be proved to be meritorious there is no doubt that they should be promoted to the membership of the Imperial Advisory Council on the recommendation of the local Governments, and, some other member may have the opportunity of giving his opinion in his stead. Moreover, the opinion of the Provincial Advisory Council relating to matters common in both the councils may be of some help to the Imperial Advisory Council, and the Government will be in a better position to weigh and check the opinion of the Imperial Advisory Council. As the proposal of appointing these councils are based on the best principles of governing a country, which reach Government through the advantage of advice, and the acceptance or rejection of the opinion lies in the power of Government, therefore, in order to obtain detailed advice, if the number of these members be more than or equal to that of the Imperial Council members the representatives of the large population can appear before Government in a proper proportion, and there can be no harm but advantage and satisfaction of the public. In joining the Chiefs of States there is the same objection as stated before. The appointment of the members should be for a fixed period, and the power of giving an opinion should not be restricted to the points referred to as laid down in proposal no. 6 relating to the Imperial Advisory Council. In support of this opinion all the reasons given above, relating to the non-restriction of the powers of the members of the Imperial Advisory Council may be used here too.

This council should also meet annually.

I fully concur in the mode of questioning.

III. Enlargement of the Imperial Legislative Council.—Whatever has been said before relates to the Advisory Councils, and in the whole of the opinion it has been thought obligatory that the acceptance or rejection of the opinions expressed by those councils should depend on the highest authorities' abilities of check and examination. It has also been stated above that in a country populated by different tribes of different religions, not having an equal footing in it with regard to historical facts, but having had for centuries the relation of conqueror and conquered, a parliament or republic Government principles if once applied would cause an astonishing change; for the principles on which a member of a parliament is selected are suitable only to the case of one limited tribe the constitution of whose government be in view, and they cannot at all suit the country, where different tribes, having the relation of a conqueror and a conquered nation, have resided for centuries and established this status in the political and trading matters and condition, for the conqueror nation in Asia never gave a tendency towards trade. In countries where the parliament principles have been in force the nations there are trading classes and their political rights are also on an equal footing. The Muhammadans in India settled like a conqueror nation or like those having connection with them. And the Indians, who adopted the Muhammadans' religion helped and assisted the management of the Muhammadan conquerors according to the principle of Muhammadan brotherhood. And for their livelihood they adopted the means required to complete the requirements of a military conqueror and managing nation. Hence the most part of the Muhammadan population either engaged in military requirements and performed military services for generations or took up an art or labour for the requirements of the military class, but being in the religion of the conqueror nation, naturally enjoyed the preferential rights over their neighbour tribes, and in political and religious matters obtained the privileges, which a nation being in the religion of a conqueror could naturally get. It was on account of this preference that they obtained a good position in dealings and affairs over the conquered nations, a position to which they would not have been entitled had they not been in the religion of the conqueror. In spite of these circumstances, the conquered nations had for centuries nothing to complain against.

The Muhammadan kings maintained the distinction between the conqueror and conquered nations as regards the Arya people, and never allowed the residents of India equal rights with the Arya people; else the number and condition of the original residents of India was in no case so low that if they had been given rights equal to the conquered nations or the nation of a different religion it would have been improper or prejudicial to the management. Hence it cannot be declared in any case that the different tribes of India have in the administration of the country an equal right in proportion to their population; for the measure of the population proportion is much against the principles for the better government of such country and will prove to cause a great change in the political condition of the people, and the obligatory result of it would be that the condition and status of the tribe having less population would fall greatly, and their affairs would change. It is not astonishing that at any future time that nation, which once was a conqueror one and was considered respectable, may fall from the dignity owing to its population proportion, and become an inferior and neglected nation, and the priority, which it has over the other conquered tribes on account of political considerations, may fall from the degree of equality also, and it is not strange that the people with more population may think that the Muhammadans have no right to claim equal rights, whereas the grant of equal right to Muhamadan nation is to negative the preference and distinction it enjoyed for one thousand years in this country on account of being a conqueror nation or having connection with it.

As trade among the Muhammadans in India has been very less (on the ground stated above, being a conqueror nation or having been attached to it), as compared with the other subordinate tribes, and they are not accustomed to trade, and because they do not take interest, therefore the principles of trade in the present conditions cannot be enforced among them, hence election of the members for the purpose of government, on the measure of trade, is not useful for this tribe, specially because in the Legislative Council the members of the trading class will probably be elected as traders, on the Western principles of election. By the application of this mode of election the Muhammadans' political condition and status will suffer doubly. Hence enlargement of the Legislative Council in India with regard to population and trade cannot be useful to the Muhammadans. If the council be enlarged with regard to the political condition of every tribe there is no harm, and it can be useful also. For if there are many members in the ruling council of any country better laws for the country will be enacted. There is no doubt that to be a member for a tribe, and to act according to the needs of a tribe, and to lay the claims before Government by means of his best opinion and advice according to the need of the tribe, are quite different things. In case of a large number of the members it is possible that there may be a special member able to consider every point, and there may be others having a better opinion, on special points separately, and be thus preferable to men of common-sense and they be able to bring to notice such defects and qualities in any special matter and thus influence the Government authorities to agree with them, and the consequence will be that most useful laws may be passed for the country, and the wrong laws be not passed as soon the mistakes in them are pointed out.

Hence, with due regard to the principles stated above, I am of opinion that the enlargement of the Legislative Council is proper and useful. The proposal made in paragraph 12 of the Government letter as to the election of members is subject to the following objections. In nominating a ruling Chief there are the objections stated above under head of Imperial Advisory Council. If there be a necessity of joining a ruling Chief for the purpose of taking his opinion as to the law to be enacted affecting other ruling Chiefs, then there will be the following defects:—

(*a*) In accordance with the treaties made by the Government with the ruling Chiefs, and the kindness which the Government shows to them, the enactment of such laws can be of satisfaction to all the ruling Chiefs. Therefore it is unnecessary to join any one of the Chiefs in the council.

(*b*) All the reasons given before are against the inclusion of a ruling Chief.

(*c*) On account of the difference of religions and tribes, the addition of a ruling Chief to the council would create inequality in the measure of representation of the other tribes. Among the elected members would be elected two Hindu members of class (*a*) necessarily and the equality would not exist, to maintain which the appointment of the Muhammadan members was desired. As there can be other members aware of the principles of trade and willing to help in such matters therefore there is no necessity of electing them at this measure. Instead of these, members of the learned class should be substituted; or two members should necessarily be selected from the religious leaders of the Muhammadans and Hindus called Shekh-ul-Islam and Shastri, respectively.

In other proposals contained in paragraph 12 (of the Government letter) the objectionable point is that the Muhammadan community is thereby represented in a quite insufficient degree. The Government admit that in the councils the Muhammadan community hitherto have not received a measure of representation commensurate with its

number and political and historical importance. When once the cancellation of the measure of proportion has been proposed for which they are thankful, it is expedient that their representation should be sufficient. For if any important object of this kind is left out the Government would incur the displeasure of a body of politicians without actually benefitting the Muhammadans. Therefore in supporting the proposal of giving the Muhammadans a separate representation it is necessary to state that the seats reserved for them should be increased from 4 to at least 6, and it is possible as follows:—

	Government proposals.	My proposals.
A.—*Ex-officio*	8	8
B.—Additional officials to be nominated	20	19
C.—A ruling Chief to be nominated by the Viceroy	1	...
D.—Elected members—		
(*a*) by Chambers of Commerce	2	*2
(*b*) by the non-official members of Provincial Council	7	7
(*c*) by the nobles and the great land-owners	7	7
(*d*) by Muhammadans	2	4
E.—Non-officials nominated (not less than 2 to be Muhammadans	4	4
F.—Experts	2	2

* Religious leaders.

(4) I agree with the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) The intention of Government that the great land-owners should be entitled to be represented is not a new thing, and it is proper that the class of such men who are men of influence and status in the native society should be given a share in the legislative work. The proposal that one of the great land-owners of the Punjab should be selected as a member of the Imperial Council is very reasonable. He should be selected by election. A special Provincial electorate body of the zamindars paying not less than Rs. 5,000 as revenue should select one of them. A condition more strict than this as to the payment of Government revenue should not be imposed, for the number of electors will then be much less.

(6) It has been stated before, giving detailed reasons, that the appointment of 4 Muhammadans to the Imperial Council is very insufficient. As stated in reply to question no. (3) 7 Muhammadan members are required:—

D.—(*a*) Muhammadan religious leader	1
(*d*) by Muhammadans	2
E.—Non-officials nominated	2

The first-mentioned one member should be appointed by the Viceroy from the whole of India. The 4 members mentioned next should be elected from the Punjab, the United Provinces, Bengal, Eastern Bengal, Bombay, and Madras by rotation. The election to be made by the electors mentioned in clauses (*a*), (*b*), and (*c*) of paragraph 18 of the Government letter.

(7) The Provincial Legislative Council in the Punjab may be extended on the grounds given in reply to question III above. Then it can be proper and useful. As this province is near other Muhammadan countries, nay, adjoins them, and the Muhammadan population in it exceeds that of the other tribes, and it had been a part of Muhammadan government much time before the other parts of India were, therefore the condition of the Muhammadans of this Province as compared with that of the Muhammadans of other provinces is somewhat deserving of distinction. As by chance some time before the British Government one other tribe ruled this Province for a short time and destroyed the Muhammadan rights by its Sikha Shahi reign, therefore the condition of the Muhammadans of this Province is deserving of more attention of the Government. The British rule in this Province has not been so long a time as in other provinces of India; hence education has been yet backward in the Province to acquaint people with the rights of freedom; and (the Province) is not aware of how to lay its claims before (Government) without any fear or mistake. The Legislative Council for the Province was established only in 1898 hence if the members of the council be increased it should be increased mostly by the method of nomination as this alone can be useful. The number of the members of the council should be at least equal to the number of the districts in the province, for the districts of it are different in territorial nature and position. The languages used in one district are different from those used in other districts, and the customs of these districts are also different, and the circumstances of the people are also separate from those of others.

(8) Appointment by means of nomination on the grounds mentioned in reply to question no. 7 is very proper for this Province, and in no case should more than half the members be appointed by election, for there are two tribes of political importance in this province—Muhammadans and Sikhs. Though the number of Sikhs is much less than the number of Muhammadans, but because some time ago they ruled the country and the remainder of the Sikh government still exists in the shape of Rajas, jagirdars, and numerous land-owners, therefore this remainder would necessarily occupy some position of distinction in the political circle. In order to maintain the political condition of the Muhammadans it is necessary to keep in view that the total number of the Hindu and Sikh members should not exceed the Muhammadan members, for it often happens that the Sikh members join the Hindu members and express opinions against the Muhammadan rights. There is a small difference between Sikhs and Hindus. They join in eating and drinking with each other and also in their political state, and in religious duties both of them join to a great extent. It is only one tribe divided into two parts; for example, Sikh Khatris and other Khatris. Relationship also takes places among such tribes. Hence the number of Sikh members is a portion of the Hindu members in general condition, and they help each other except in a few and special matters. Under the circumstances the total number of the Sikh and Hindu members should in any case remain below the total number of the Muhammadan members.

(9) In the Punjab Province the population proportion should not be lost sight of, but should be kept in view both as regards the nominated and elected members. The increase in the Sikh members should in no case be so admitted as to create a change in this proportion, for a Sikh member will necessarily be elected from the zamindar and cultivator class. If the appointment of these members be made in the following manner the representatives of all the tribes in the Province will properly be included:—

(1) Muhammadans—
- (*a*) Agriculturists.
- (*b*) Non-agriculturists.

(2) Hindus—
- (*a*) Sikh subjects.
- (*b*) Agriculturists.
- (*c*) Non-agriculturists.

(3) Christians or other miscellaneous tribes.

The above proportion should be maintained in the nominated members also elected from the tribes (1) and (2).

As to the election of the members to be selected from the agricultural class with regard to the above proportion every revenue-payer should have the right to vote, for before the issue of the Land Alienation Act the lands passed into the hands of the non-agricultural classes, and thus it created a change in the proprietorship of the agricultural class, but they have continued to be cultivators, hence if the measure of proprietorship is adopted in their case it would be a wrong estimate. Among the non-agricultural class are included the people of many classes, most of them maintain themselves by labour, profession and art. Hence it would be hardship if only tax-payers of them be entitled to vote. The tax-paying class is only the trading class, most of whom are Hindus. Hence the payment of tax should not be a measure for voters, but among the artisans a special age and special amount of income should be the measure of voting. And among the traders, voters should be those who pay a special amount of tax.

Among the Sikhs voters should be those who either in the class of land-holders pay land revenue, or pay a certain sum as tax. And in other miscellaneous tribes the voters should be those who have received a certain amount of education or pay a certain amount of tax.

The election or nomination of these members should be in the following proportion:—

Muhammadans	7
Hindus, including 1 Sikh	4
Other tribes, including Christians	1

(10) The district boards and the municipal committees are not the correct estimate of the tribal condition, hence the election should not be restricted to these bodies only, for the district boards and the municipal committees do not contain the members of every tribe proportionate to the population, nor have all the persons, who properly have the status of being the representative of any tribe, joined these bodies in a due proportion, for no such provision was made in the rules before.

The election should be in accordance with paragraph 22 (*a*) of the Government letter, and the votes of those persons should be taken who are mentioned in reply to question no. (9).

(11) If the Muhammadan members be selected in the population proportion as against the other tribes and the same proportion be maintained in the nominated members then there is no need of a separate representation. But if this cannot be done, then these members should be increased in the population proportion, and the increase should be made by nomination or election made by the elected Muhammadan members or Muhammadan voters. The district boards and the municipal committees are unable to supply proper members as explained in reply to question no. (1) above. They may perhaps supply proper members if the tribal proportion and political conditions be introduced into them which is very difficult. Hence the most proper mode of election is that the following persons of every tribe should be proposed to be the voters, and their lists should be prepared. The voters should only be entitled to vote for the member of his own tribe and their number should be fixed beforehand and should be from among the following:—

(*a*) All those who pay land revenue to a certain extent annually, so that zamindars of average class be able to vote.

(*b*) All those who pay tax on an annual income of Rs. 2,000.

(*c*) All the registered graduates of the Punjab University of more than 5 years' standing.

(12) The reply to this question has been given above as reply to question no. (11), namely, if the Muhammadan members be elected in the proportion of population and political importance as against the other tribes and the same proportion be observed in the nomination, then there is no need of a separate representation. But if this cannot be done, then an increase should be made in them as suggested in reply to question no. (11) above; and the increase can be made in the manner mentioned in the reply to question no. (11).

V. (13) Discussion of the Budget in the Imperial Legislative Council by separate heads is very proper for convenience' sake. But it is necessary that after the result of all the heads is drawn, discussion be made in one meeting in a general manner.

(14) It would be very proper and suitable if the above manner is followed in the Punjab also.

(15) The introduction into the Punjab Council of the power of interpellation by members is necessary.

MUHAMMAD HASSAN,

President, Anjuman Islamia, Ludhiana.

Dated Anandpur, District Hoshiarpur, 9th November 1907.

From—TIKA RAMNARAYAN SINGH, Honorary Magistrate and Civil Judge, Anandpur, District Hoshiarpur,

To—The Commissioner, Jullundur Division.

I acknowledge the receipt of your esteemed letter, dated 2nd October 1907, with the object of expressing my views on questions on which opinions are desired in connection with Government of India letter no. 2310—2317, by the Government of India and the local Government from different personages. I most submissively send my views for the same in papers attached to this letter in the form of answers. I hope the answers will meet your kind perusal.

TIKA RAMNARAYAN SINGH,

Hony. Magst. and Civil Judge, Anandpur, District Hoshiarpur.

OPINION.

I. (1) *Imperial Advisory Council.*—Such a council would be of great service to the people of India.

With respect to paragraph 5, clauses (2), (6), and (7), I am of opinion that in the appointment of suitable territorial magnates our Province be given the special preference as regards number, without any distinction of dignity and status of land-holders as compared with other provinces. The reason for this is quite obvious. Punjab is the foremost Province from the military and political points of view. The Government knows the full force of it, and need not be discussed here at length. Moreover, Imperial Councillors' powers must not be limited to give their opinions only on matters referred to them for consultation. Their business must be extended somewhat, that is to say, they ought to be empowered to lay before the Viceroy any important matter having political connection without reference, and that matter must be given

full attention. The proceedings of the matter which is brought to the notice of the Viceroy without his reference, in case of mover's failure, must remain strictly confidential. As regards the other proceedings the rule laid down in paragraph 5, clause (7), is very good. The number of councillors is sufficient.

II. (2) *Provincial Advisory Council.*—This Council, too, would be of great use for the country, but the number of the members be not limited to 20. Each district must have its own representative. In this way full information would be available. I advocate no change in its constitution and duties as laid down in paragraph 6 of the Government of India's letter.

III. (3) *Imperial Legislative Council.*—If this council be enlarged better results would be obtained. The number of 53 as proposed is sufficient enough to meet the purpose.

(4) The proposal is a wise one.

(5) As the land-holding class is generally illiterate, I am of opinion that the proposal won't do any good unless greater weight be given to the personal qualifications of the land-owner than to the revenue he pays. Revenue must not only be the test of selection.

(6) The Sikh community, possessing a double capacity, *i.e.*, they are in peace as meek as a cow and in war as furious as a lion, are far behind from their Muhammadan brothers in *education* and *pecuniary* status. Though, generally speaking, the *Muhammadan population* is *greater* than the *Sikh one*, yet the latter don't lack in *fidelity*, *bravery*, and *devotedness to the Crown*, compared with the *Muhammadans*. The Sikh's *fidelity, etc.*, is known to the Government as *broad-day light*. I don't think it is needful to discuss this matter fully here, and suffice to say that the Government should show the same special favour and confer the same privileges and rights to the Sikhs which are showered down to their Muhammadan brothers. In my opinion instead of four Muhammadans, two ought to be Sikhs, one to be nominated by the Viceroy and the other be elected by the Sikh members of Provincial Advisory Council from among their community, paying an income-tax upon an annual income of Rs. 10,000 or paying an amount of land revenue, which will indicate a corresponding income, *i.e.*, of Rs. 10,000.

IV. (7) *Provincial Legislative Council.*—If the present number be increased there would be great facility for the people to express their views. In my opinion the number be raised to about 16 members. Nearly one-half must be non-officials and be chosen from among all classes.

(8) The present system of nomination would do. There is no necessity for election of the non-official seats.

(9) There are four broad classes in this Province.—(1) Singhs (commonly called Sikhs); (2) Hindus; (3) Christians; and (4) Muhammadans. Under the second heading various smaller classes step in. No fixed rule can be drawn up for the representation of these classes, that class must be fully represented whose interests coincide with the welfare of the British rule.

(10) I am against election, the Deputy Commissioner and Commissioner should form electorate of their own choice.

(11) If election be resorted to, the proposals of the Government of India as given in paragraph 22 are sound enough.

(12) Please *vide* my discussion under paragraph III, clause (6), in Imperial Legislative Council.

V. (13) and (14) *Discussion of the budget in the Legislative Council.*—The proposals for discussion in the two councils as given in paragraph 23 of the Government of India's letter is most useful.

(15) The powers of interpellation must be introduced in the Provincial Legislative Council, the matters will thus be shifted properly.

TIKA RAMNARAYAN SINGH,

Hony. Magst. and Civil Judge, Anandpur, District Hoshiarpur.

Dated Bagrian, 1st November 1907.

From—BHAI ARJAN SINGH, Honorary Magistrate, Bagrian (Ludhiana),

To—The Commissioner, Jullundur Division.

In reply to your circular letter no. 172—3541, dated 22nd October 1907, I have the honour to state that I have very carefully gone through the circular letter of the Government of India no. 2310—2317, dated the 24th August 1907, and its enclosures, regarding the enlargement of Legislative Councils and the formation of Advisory Councils. This would of course give people wider opportunities of expressing their opinions on adminis-

trative matters. But the peculiarity of these proposals which strikes one in reading the letter is the partiality shown to the Muhammadans and the want of proper consideration of the rights of other communities.

The Sikhs form a separate community of their own, and should be treated as such. From the religious point of view, they have nothing to do with the Hindus and are as distinct from them as are Muhammadans and Christians. They are not a trifle less important than the Muhammadans. Their importance is admitted by the Hon'ble Mr. E. D. Maclagan in his letter. But it is rather strange that no mention is made of their rights in the Government of India's letter under discussion. Their loyalty and unfailing faithfulness to the British Crown has won for them admiration from all quarters. Their sense of duty both in the office and in the field is best known to those who come in contact with them. Not a century ago they were the rulers of the land and could dictate law to others, but it is a strange irony of fate that their case is quite different now. The Sikhs have a firm belief that their fate is bound up with that of the English. They feel proud of saying so, as it was the prophecy of their 9th Guru, Teg Bahadur, which brought the English here, and led to the gradual extinction of the line of persecutors. This is the reason why they are so steadfastly attached to the English Government. The Government is well aware of the important part which the Sikhs play in the military administrative machinery of India. But the treatment meted out to them is not in proportion to their importance to the *State*. This is because their rights are not impressed upon the Government, and they are in minority.

It is now the intention of the Government to represent minorities also in the councils. The Sikhs are more in minority than the Muhammadans even. Considering their importance and minority it would be only fair if some special provision is made for their due representation in Imperial and the Punjab Provincial Councils, both Advisory and Legislative. I am of opinion that four seats should be set apart for the *Sikhs* in the Legislative Council of the Punjab—two to be nominated by the Government, and the other two to be elected by all the Sikhs; and that two seats should be reserved for the Sikhs in the Imperial Legislative Council—one to be nominated by the Government and the other to be elected by the Sikh members of the Provincial Legislative Council. Sikh representation should similarly be dealt with in the Imperial and Provincial Advisory Councils.

As regards the question of introduction of election system in the Provincial Legislative Council of the Punjab, I think that election should be recognised to be as necessary in the Punjab as in other sister Provinces. You may have realised the fact that our Province is sufficiently advanced for the purpose, as the principle of election is quite familiar to many people as is to be observed in municipal and other elections.

To represent the educated class of the Province, in my opinion, the Senate of the University should be empowered to elect one member to the Legislative Council. The member thus elected should be a graduate of not less than five years' standing. The representation of this class to the Imperial Council should similarly be made by all Universities by electing one member in rotation.

As regards the proposed discussion of the Provincial Budgets in Legislative Council, I recommend that the system should be introduced in the Punjab. The Budget should be laid before the council, and a general debate on it by all the members should be allowed. This would give the members ample opportunities of criticising the financial policy of the Government.

The members of the Punjab Legislative Council should also be given the power of interpellations in the council. This would tend to bring questions of public utility in a more legitimate form before the Government and would prove beneficial in the end.

These are my views on the proposed reform of councils. I am sure, in your reply to Government's letter, you would be kind enough to give proper attention to this letter of mine.

ARJAN SINGH,
Rais and Honorary Magistrate,
Bagrian (Ludhiana).

Dated 11th November 1907.

From—Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class, Jullundur,

To—The Deputy Commissioner, Jullundur.

In obedience to your kind orders I have expressed my humble opinion as required by the Government of India letter no. 2310—2317, dated 24th August 1907, and beg to lay them before you.

AHMAD SHAH, Khan Bahadur,
Honorary District Judge, 1st Class,
Jullundur.

Answers to questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) In my humble opinion the Imperial Advisory Council proposed in paragraph 4 of Government of India letter will be useful for the country, and there seems to be no need of alteration in the proposals made in paragraph 5 regarding the constitution and duties of the said council.

II. (2) In my opinion the Provincial Advisory Council will be of great service to the country, and the scheme drawn in paragraph 6 rquires no modification.

III. (3) I agree to the extension of the Imperial Legislative Council, and like no change in the proposals put forward in paragraph 12.

(4) I approve of the election of one member by the Provincial Legislative Council as is stated in paragraph 13.

(5) I approve of the nomination of one member out of the big land-owners of this Province for the Imperial Legislative Council as mentioned in paragraph 15.

(6) I entirely agree that four Muhammadans should be appointed to the Imperial Council, two to be nominated at least and two to be elected either by the Muhammadan Fellows of the Punjab University or by the Muhammadan members of the Provincial Legislative Council.

IV. (7) In my opinion the number of members should be increased in proportion to the increase suggested as regards the Imperial Council.

(8) In my opinion the existing method of nomination should be maintained; election is premature for the Indians generally.

(9) In my humble opinion appointments should be made according to a fixed rule. There are practically four communities in the Punjab—Muhammadans, Sikhs, Hindus, and Christians. In the first place each class should be represented in proportion to the number of their population. Then some weight should be attached to the historical and political importance of the Muhammadans as the Government of India letter contemplates. The Sikh community also possesses some political distinction in this Province, but numerically they are nearly half way inferior to Muhammadans. Therefore I am of opinion that two members from the Sikh community should be appointed to the Provincial Legislative Council, and these appointments should be made by nomination.

(10) I am entirely against it that all or some non-official members should be elected by the people. At present Government only can select duly qualified men.

(11) In my opinion each class should be represented separately, but I do not agree to what is stated in (*a*), (*b*), and (*c*) of paragraph 22 of Government of India letter.

(12) I fully concur with the view that Muhammadans should be allotted separate representation. Out of four, three should be nominated, and one to be elected by the graduates of five years' standing of any Indian University, domiciled in the Punjab.

V. (13) In my opinion the manner of discussion on Budget should be altered according to paragraph 23 of Government of India letter.

(14) I agree that the discussion on Budget should be conducted in the way as suggested in paragraph 23.

(15) I consider it advisable that members should be given the power of interpellation in the Provincial Legislative Council.

General Note.

I have expressed my humble opinion above as required in order of succession. I beg to draw the attention of the Government to the fact that in the Punjab most of the land-owners and men of mercantile and other professions do not possess extensive properties and large incomes as is the case in other provinces. Therefore the qualification for a Provincial Councillor should be an annual payment of Rs. 400 as land revenue in case of land-owners and an income of Rs. 2,000 per year for other persons. If election is going to be adopted at all as the means of appointment to the Provincial Advisory Council only those persons should be entitled to vote who possess the corresponding qualifications necessary for membership. Similarly if election becomes the rule for appointment to the Legislative Council, only those persons should be empowered to vote who pay an annual revenue of Rs. 1,000 a year in case of land-owners, who earn an income of Rs. 5,000 a year in case of mercantile and industrial people, who are graduates of five years' standing of any Indian University, domiciled in the Punjab, or Fellows of any University, in

case of educated classes, and who have retired from Government service after holding an office equal in grade to Extra Assistant Commissioners in the Punjab. Corresponding qualifications should of course be enjoyed by those who are going to be appointed to the Legislative Council. Besides these near relatives of ruling Chiefs in this Province should be entitled to vote and obtain seats in the councils. In the Imperial Advisory Council if the rule of election is established at all, ruling Chiefs and territorial magnates paying a land revenue of Rs. 5,000 a year or drawing an annual income of Rs. 25,000 should be classed as electors and each community should in all cases elect its own members. In conclusion I lay particular stress on nomination, because, in my humble opinion, nomination is the best means of appointment to every council at present.

AHMAD SHAH, KHAN BAHADUR,
Honorary District Judge, 1st Class,
Jullundur.

No. 1045—99-07, dated Multan, 27th November 1907.

From—M. W. FENTON, Esq., I.C.S., Officiating Commissioner, Multan Division,
To—The Chief Secretary to the Government of the Punjab.

In continuation of this office endorsement no. 1035, dated 26th November 1907, I have the honour to forward two opinions on the proposed constitutional reforms which have been submitted by the Deputy Commissioner of Jhang. The one by Chaudhuri Sardar Khan, Extra Assistant Commissioner, represents the Muhammadan view of the case. The other emanates from the members of the Jhang bar, all Hindus. Mr. Latifi, in view of his impending transfer, has not found time to record his own views.

M. W. FENTON,
Offg. Commissioner, Multan Division.

OPINION.

The institution of the Advisory Councils, Imperial as well as Provincial, proposed by the Government of India in their letter no. 2310—17, dated the 24th August 1907, would be of much use to the country and of great service to Government, provided their constitutions are arranged in such a manner as to secure the selection of such persons as are really leaders of the people and possess actual influence among their clans or tribes, and to admit of frank expression of opinion on all matters connected with the administration of the country. Otherwise the institution in question would operate as a mere blind between the subjects and the administrators, and hence would rather harm than do any good to the country by increasing discontent among the masses.

2. It is a fact that of late each and every class of the subject races, that is, the bania, the agriculturist, the trader, the workman, etc., is being affected by discontent, and hence the few mischief-mongers have got great chances of working out sedition among the masses. The original cause of all this disaffection of the people lies in the dismemberment of village societies as the result of the British method of administration. According to oriental usages and customs obtaining in this country before the advent of the British rule, all classes of the community except the land-owners were regarded as subservient to and dependents of the land-owner, and the latter never permitted them to usurp any powers over any of their fellow-classes, not to speak of the land-owner himself. With the advent of the British rule all these oriental ties were suddenly broken asunder, and the general policy of the rulers was not only to encourage the dependent classes against their leaders, but also to weaken the latter by destroying their influence among the masses. This state of affairs resulted in demoralizing the land-owners who used to be leaders of the people; and they took to efforts to win over the rulers by debasing flatteries. In the meantime the dependent classes, getting free of control and taking advantage of the ignorance of the rulers, avenged themselves each and all upon the poor land-owner, their late master, and diligently assisted rulers in not only destroying his influence, but also in completely ruining him. The banias, shoe-makers, weavers, carpenters, etc., encouraged by Government officers became deputies, tahsildars, munsifs, pleaders, munsarims, peshkars, etc., and their joint efforts were directed against the poor land-owner, who believes that these people have been set upon him by the Government, and this is the cause of his disaffection. On the other hand, the dependent classes never accustomed to power and never knowing the principles of administration were spoiled by the favours shown to them, and prompted by their natural greediness (which underlies the habits of usury) yearned for more and more power, while their gradual success encouraged them further and further. When they saw that the

land-owner was completely broken down and there was no chance of his resuming his place in the society or claiming any rights or privileges, they became avaricious of self-government, or failing that, a share in the Government of the country. These aspirations not meeting with the usual encouragement, to which they were accustomed at the hands of Government officers, led them to overawe the authorities by their discontent and misbehaviour.

3. Apart from these causes there is another reason also which led to the spread of discontent and disaffection among the masses, that is, the treatment which our Anglo-Indian rulers have, of late, been meting out to the subject races. Had it not been for the sympathetic and considerate treatment of the pioneers of the British Raj, immediately after the annexation, the country (at least the Punjab Province) would have never settled down so peacefully under the British Government. It is a mistake to believe that by better treatment the subjects would be encouraged and would eventually claim equal rights with the ruling class. With the exception of any specially mean natures no Indian would ever jump to any such conclusion. On the other hand, better treatment even to one's own slaves makes them enamoured of their master and elicit thoroughly loyal and submissive feelings. There is no doubt that the sword is a good instrument of rule, but it is impossible to have the sword ready to chastise at every moment for any reasonable length of time. Of course the subjects which are ruled by a hanging sword have no sympathy or feeling for their rulers, and hence always wish to snatch an opportunity to shake off such a Government. At any moment therefore that the sword slacks through some cause or another, the subjects jump at the throats of their rulers and the latter therefore never feel easy, even for one moment, in their life. Such a Government has no status and can never be stable, and in fact can never be termed a Government in the proper sense of the word. In the interests of better government it is always necessary to introduce honest and frank communication between the rulers and the ruled.

4. The people who are made to play certain parts on behalf of the subjects at the instance of the rulers cannot be expected to be thoroughly loyal and faithful to the interests of either the rulers or their fellow-subjects. Such people inspire no confidence, and hence have no influence among the subjects—they are known to be mere creatures of their selfishness. The people look upon their acts and words with distrust, and generally believe that their every word or action is a trick to entrap them.

5. The educated members of the society have generally sprung from the dependent classes, who are utterly void of fellow-feelings and hence have no sympathy with the masses; while their every effort is directed towards self-aggrandisement. They are therefore the last persons to be taken into the confidence of Government as representatives of the people. Thus neither the so-called leaders who have risen from dependent classes and who have assumed leadership on account of modern education and lucrative professions, nor the demoralized old type persons who are known among the people as *satbachnias* are of any use as advisers. The persons who really possess any influence among their class or race do not care for the existing methods of aggrandisement, and hence they avoid the district and other officers who sometimes do not like plain-speaking.

6. In the light of these remarks I now proceed to answer the questions on the subject.

I. (1) An Imperial Advisory Council would be of immense use to the rulers and the ruled provided its constitution and duties admit of proper councillors being selected and of these acting as advisers. The proposals in paragraph 5 might be amended as follows:—

(*a*) Only such persons should be selected for the council who will perform their duties honestly and frankly, and are really in the confidence of the people. The ruling Chiefs and the territorial magnates in general have of late forfeited the confidence of the people, and hence a reasonable number of average land-owners, who might be in touch with agricultural life, might be selected.

(*b*) Whenever any matter is referred to the Advisory Council for consultation, all councillors should have a chance of advising on the matter. With the exception of important matters of State of a confidential nature, all matter affecting the administration should be referred to the Advisory Council. Such an arrangement will not only inspire confidence in the people, but will also keep the Government informed of the state of public feelings and afford more chances to the higher authorities to know the likes and dislikes of the subject races.

II. (2) The Provincial Advisory Council will also be of great service to the country if its constitution and duties are determined in view of the remarks made in the answer to question I (1) above.

III. (3) The enlargement of the Imperial Legislative Council will be useful, but the scheme contained in paragraph 12 of the Government of India letter might be modified in the light of the following remarks:—

(*a*) The reservation of four seats for Muhammadans, particularly as proposed under heads D (*d*) and E, appears, on the face of it, as an undue favour of

one class of the subject races and hence is likely to give other races an apparent cause for heart-burning and disaffection. The internal relations of the subject races are also likely to be embittered which would stand in the way of the peace and prosperity of the country. I do not think also that the Muhammadans would profit by such a reservation of seats; and if the other communities set themselves against Muhammadans on the ground that Government is favouring them, which is not unlikely, it is probable that only few Muhammadans would be returned to the Legislative Council, and that they would be driven away from every place or office where the other communities are predominant. If all the communities are given the right of representation according to their population in each province, and in such computation the menial classes, which are classed non-Muslims, are excluded, the Muhammadans would secure 8 seats as against 12 by Hindus and 2 by Christians, *vide* table annexed (enclosure A).

(*b*) The population of British India is roughly 23 crores, and there are 22 members who are to represent the subject races, *i.e.*, one member is to be appointed for every crore of the population. According to the population of the towns all over India of these 22 members 9 should represent the urban classes while 13 should be taken from the rural population. The heads D and E of paragraph 12 (2) might therefore be amended as follows:—

(*a*)	Chamber of Commerce, Calcutta	1 Christian.
(*b*)	Chamber of Commerce, Bombay	1 alternately Hindu and Muhammadan.
(*c*)	Nobles and land-owners of Bombay and rural classes	1 Hindu.
(*d*)	Nobles and land-owners of rural classes, Punjab	1 alternately Hindu and Muhammadan.
(*e*)	Nobles and land-owners of United Provinces ..	1 ditto.
(*f*)	Nobles and land-owners of Punjab	1 Muhammadan.
(*g*)	Nobles and land-owners of Central Provinces ..	1 Hindu.
(*h*)	Nobles and land-owners of Madras	1 Muhammadan. 1 Hindu.
(*i*)	Nobles and land-owners of Bengal and Eastern Bengal and Assam	3 Hindus. 3 Muhammadans.
(*j*)	Provincial Legislative Council of Bengal and Eastern Bengal and Assam	1 Hindu.
(*k*)	Provincial Legislative Council of Madras ..	1 Christian.
(*l*)	Urban classes of Burma	1 alternately Hindu and Muhammadan.
(*m*)	Urban classes of Madras	1 Hindu.
(*n*)	Urban classes of United Provinces	2 Hindus. 1 Muhammadan.
	TOTAL	22

III. (4) The answer is contained in the answer to question III (3) above. The smaller Legislative Councils need not be given the right.

(5) According to population both members for the Punjab should be taken from the rural class, that is one Muhammadan and one alternately Hindu and Muhammadan. I would propose selection, as the rural classes are not in a position to make a proper election. If election is to be resorted to the average land-owner, say, those who pay Rs. 500 annual revenue, and average non-agriculturist, say, those who pay income-tax Rs. 5,000, should have a chance. Each revenue division should elect, say, ten members to vote at the general election by the Province.

(6) No, for reasons discussed above. If election is resorted to, I would not support election by the non-official Muhammadan members of the Provincial Legislative Councils. The electorate suggested in the Government of India letter, paragraph 18, would do. If it be found impossible to frame a list of voters under head (C) the graduates of a certain standing as suggested in paragraph 17 (3) might be substituted for voters under that head.

IV. (7) The Provincial Legislative Council should be enlarged so as to admit of a large number of officials and non-officials to take part in the discussions. There should be at least 20 members and two-thirds of the non-officials should be persons in touch with agricultural life in villages.

(8) The existing system of nomination is proper and safe so long as mere title hunters are not selected and purely *satbachnias* are avoided. If election is to be made the scheme sketched in answer of III (5) above should be adhered to for all or any of the seats open to election.

(9) According to population each class should have separate seats allotted. If 8 seats are allotted to non-official members 5 may be allotted to Musalmans, three to Hindus, and one to Sikhs.

(10) If real election is to be adhered to, the scheme mentioned in answer III (5) and referred to in answer IV (8) might be adopted because the district boards' members are generally selected and very few of them are elected by the people, and the municipalities shall have only a few members to elect, say, to the extent of one-fourth of the non-official seats at the highest.

(11) The seats on the district boards and the municipalities should also be allotted according to population, and if this is done, then the electorate might be found as suggested in paragraph 22 (*b*) of the Government of India letter.

(12) If it be found necessary to form a special Muhammadan electorate the scheme mentioned in paragraph (7) of the Government of India letter would do very well, provided that all payers of income-tax have to get a right of voting, the limit of annual revenue in the case of land-owner should be fixed at Rs. 100 or at most Rs. 250.

(13) The proposal is useful.

(14) If the budget is discussed in the Provincial Council, the scheme sketched in paragraph 23 of the Government of India letter might be followed with advantage. I think the discussion of the Provincial Budget will lead to good results.

(15) The power of interpellation would serve many useful purposes.

SARDAR KHAN,
Extra Assistant Commissioner.

JHANG:
The 7th November 1907.

ENCLOSURE A.—*Population of British India in thousands only.*

Classes.	Assam.	Bengal.	Bombay.	Burma.	Central Provinces with Berar.	Madras.	North-West Frontier Province.	Punjab.	United Provinces.	TOTAL.
Hindus	3,429	46,741	14,200	285 +9,184	10,560	34,048	134	7,574	40,757	...
Muhammadans	1,581	25,265	3,760	339	507	2,467	1,958	10,826	6,731	...
Christians	36	275	208	147	26	1,024	5	66	102	...
TOTAL	6,126	74,745	18,560	10,491	12,631	38,209	2,125	20,330	47,692	*231,909

Town population in each Province.

Hindus	139	2,698	2,255	156 +670	650	3,490	67	1,076	3,269	...
Muhammadans	34	1,087	586	116	130	574	181	1,148	1,887	...
Christians	2	68	99	32	16	204	5	33	32	...

Allocation of seats by population.

Hindus	4		1½	½	1	2	...	½	2½	12
Muhammadans	3		½	½	..	1	...	1½	1½	8
Christians	1		...	...	...	1	...	...	...	2

Division of seats according to urban and rural population.

Hindus	Urban	1	½	...	1	1	...	...	2	5
	Rural	3	...	1	1	1	...	½	½	7
Muhammadans	Urban	..	½	...	...	...	..	..	1	2
	Rural	3	...	...	...	1	1½	½	½	6
	Urban	1	...	...	...	1	...	...	...	2
Christians	Rural	...	...	...	...	...	...	...	...	...

* Includes minor provinces such as Ajmer, Merwara, Andamans, Baluchistan, and Coorg also.

SARDAR KHAN,
Extra Assistant Commissioner.

OPINION.

Imperial Advisory Council.

I. (1) When the country is going to have enlarged Legislative Councils, as proposed, in which all important interests and communities are to be adequately represented, we do not think a separate Advisory Council is necessary. Advisory Councils, whether Imperial or Provincial, will have very little to do as their constitution shows, and those functions too that are allotted to them can be discharged by the non-official members of the Legislative Councils, who are expected to be the representatives of the country.

If it be considered necessary to have Advisory Councils, then we beg to suggest the following defects in the constitution as sketched in paragraph 5 of the Government letter which may be removed:

(*a*) The Imperial Advisory Council, as proposed, cannot be representative. Only territorial magnates and ruling Chiefs can come in, there is no provision for merchant princes or professional magnates or educationists or representatives of other interests to be taken as "Imperial Councillors."

(*b*) When the object of the Government is to take advice from such councillors on important administrative measures and hold consultation with them in private, it is most essential that the members of such councils should be intelligent enough to form their own independent opinion on such difficult questions as concern the vast country like India and are to be put before them for solution. It must, therefore, be put down as a condition that only those magnates are eligible for membership who are sufficiently educated.

Provincial Advisory Councils.

II. (2) As to these councils we hold the same opinion as we have expressed with regard to Imperial Councils, but the Government of India letter makes provision in the constitution of Provincial Advisory Councils for all interests to be represented on the council, while it does not in the case of Imperial Advisory Council as pointed out above. Such a council is particularly unsuited to the Punjab. This Province has not got a large number of landholders of sufficient dignity as hinted in the Government of India letter, nor people consider such magnates as their leaders. A few enlightened persons that may be found of importance to represent different interests are sure to come on the enlarged Provincial Legislative Council.

Imperial Legislative Council.

III. (3) We are in favour of the enlargement of the Imperial Legislative Council, but in view of the principles laid down in the Government of India letter itself we suggest some modifications in paragraph 12. It is desired that all communities and interests must be adequately represented to which no exception can be had. In order that representation may be adequate those communities that constitute the majority of the population must have majority in the non-official members of the Legislative Council, but the proposed scheme keeps the Hindu community in minority in the Imperial Legislative Council while it assures majority for the Muhammadans who are only a minority in the country.

There are to be 22 members of the people, because 2 under head F are not to be permanent members and are only to be nominated by the Viceroy as experts for special purposes and one under head C is to be a ruling Chief.

Under head D, clause (*a*), there is very little chance for any Hindu or Muhammadan to be elected, a European in Calcutta and a Parsi or a European in Bombay are very probably to be taken.

Under clause (*b*) in the Provincial Councils as they are now to be constituted, the Punjab and Eastern Bengal and Assam are sure to return Muhammadans, and one other Muhammadan you may safely count from the remaining Provincial Legislative Councils, thus 3 Muhammadans are sure to come in under this clause and one Burmese and 3 Hindus if no Christian or Parsi takes a chance.

Under clause (*c*) for similar reasons 3 Muhammadans are sure to be returned while 4 Hindus are not so sure.

Under clause (*d*) and head E, 4 Muhammadans are provided for while no Hindu can come in; two other members, to be taken under head E, are to represent minorities and cannot certainly be Hindus.

The above calculations make it clear that 10 Muhammadans are sure, while not more than 7 Hindus can come in, and this number, too, is subject to decrease if any Christian or Parsi is returned.

We would, therefore, for the sake of fairness, ask that head E may be altered as follows:—

Head E.—Non-officials nominated by the Viceroy to represent minorities or special interests or to safeguard the adequate representation among different communities.

(4) The proposal contained in paragraph 13 of the letter is in no way objectionable.

(5) We are not in favour of making only land-owners eligible for membership under clause (*c*) of head D; why not open the door for other people of equally high position and status under this clause? Right of election should not be conferred on an electorate of a few members of a particular class of the Provincial Legislative Council. We would propose an electorate consisting of all land-owners paying annual land revenue above a particular amount and all people paying income-tax above a specified sum or having had education to a fixed standard.

6. We have already noted the modifications we consider necessary to be made in head E. We recommend election to be made by an electorate formed in the principles laid down in paragraph 18 of the letter.

Provincial Legislative Council in the Punjab.

VI. (7) We are in favour of an increase in the present number of members in the Punjab Legislative Council. The number may be safely increased to 17 as follows:—

A. Official members including the Lieutenant-Governor, 9.

B. (*a*) One ruling Chief to be nominated by the Lieutenant-Governor.

(*b*) One Sikh and two Hindus by election.

(*c*) Three Muhammadans by election.

(*d*) One to be nominated by the Lieutenant-Governor to represent special interests or minorities.

We are opposed to the election being made by municipal or district boards. They are in no way representative bodies. We suggest electorates to be constituted for different communities by land-owners and other people, some standard of income being fixed as a qualification for voting, and for others some standard of education being fixed.

We think paragraph 17 of the letter does not apply to the Punjab where Muhammadans are in no way a minority, rather they form majority of the population, and their representation by ordinary methods will be adequate. The objection that Indian gentlemen of position do not offer themselves as candidates to a wide electorate, we think, won't hold when election is for such a high position as membership of a Legislative Council.

Discussions of the Budget.

V. (13) The system proposed for the discussion of the Budget, if adopted, is sure to prove useful.

(14) We think Provincial Budget should be discussed in the Provincial Legislative Council and the system should be adopted as is discussed in paragraph 23.

(15) We are in favour of power of interpellation being conferred on members of the Punjab Legislative Council.

BAHADUR CHAND, M.A., LL.B.,
Chief Court Pleader, Jhang.

LAL CHAND,
Pleader.

LAL CHAND,
Mukhtar.

GOVIND RAM,
Pleader.

HIRA NAND,
Mukhtar.

HIRA NAND,
Pleader.

No. 3686, dated Patiala, the 26th-27th of November 1907.

From—Lieutenant-Colonel C. M. Dallas, I.A., Political Agent, Phulkian States and Bahawalpur,

To—The Chief Secretary to the Government of the Punjab.

With reference to your letter no. 2645-S. (Home—Legislative), dated 27th September 1907, I have the honour to forward herewith, in original, the opinions of the four gentlemen mentioned therein regarding the proposal made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

All these opinions, except that of the Hon'ble Tikka Sahib of Nabha, have been given in the form of answers to the questions which form an enclosure to your letter.

The opinions differ in many ways, but all, except the same Hon'ble gentleman, are agreed that election pure and simple is not suited at present to the people of this country. I append also a digest of these opinions which may be of use in comparing the answers to the various questions.

2. From my own personal experiences in this direction I am quite in accord with this opinion. The people as a whole are not yet sufficiently educated to think for themselves, and consequently their votes are either sold or else obtained by canvassers who do not shrink from all sorts of malpractices and other devices to secure them. For this reason many suitable, but respectable, persons will not offer themselves for election. In my opinion, therefore, election pure and simple should not be resorted to. I would prefer nomination, but if election is required, I think a compromise might easily be made, something between the two methods suggested by Khalifa Syad Muhammad Hussain and Rai Bahadur Ganga Ram.

The latter suggests that three Chambers—Commerce, Law, and Agriculture—should be *nominated* in each district, and these Chambers should elect for Divisional Chambers, who would elect for Provincial Chambers, and these in their turn would elect for the Imperial Chamber. The Khalifa Sahib advocates the formation of an electorate which should consist of all zaildars and sufedposhes, together with a certain number of jagirdars, muafidars, lambardars, members of certain professions, graduates and so on [*vide* replies to III (5) and III (6)]. I think the electorate in the district should be all nominated by the local Government. The district officer may, I think, be fully trusted to recommend for nomination representatives of all the leading classes and castes in his district and this electorate might be left to elect representatives for its district, who with those of other districts would elect representatives for the whole province. I would have one and only one electorate in the district, but let it be sufficiently large to embrace representatives of all classes and kinds, and if the election of any particular class is required only the members of this electorate of that class should vote.

3. I now proceed to answer the questions sent with your letter, to the best of my ability:—

I. (1) *Imperial Advisory Council.*—I am afraid I cannot hope for much advice from the Advisory Council, but I have no doubt that it will be useful as an "agency for the diffusion of correct information upon the acts, intentions, and objects of Government." I certainly think its members should be nominated. I have no alterations to suggest in the proposals of Government regarding its constitution and duties. For ruling Chiefs there will, no doubt, be some distinction made in the matter of seats or place occupied by them.

II. (2) *Provincial Advisory Council.*—My opinion about this is the same, as about the Imperial Advisory Council.

III. (3) No, I do not approve of an enlargement of the Imperial Legislative Council. The council can at present consist of 24 members exclusive of His Excellency the Viceroy which, I think, is quite large enough and which can, I think, be quite representative enough. The larger the council the more time will be taken up in discussion, and so, I believe, the disposal of business will be retarded, without any compensating advantage. If, however, it is considered essential that there should be more unofficials on the council I would suggest something of this kind—

(A) Officials, *ex-officio* members	8
(B) Unofficials, ruling Chiefs	1
(C) To be nominated by Chambers of Commerce, Bombay and Calcutta	2
(D) From each province mentioned in paragraph 12 D (*b*) and D (*e*) of Government of India letter to be nominated by the head of the Province	8
Official or unofficial to be nominated by His Excellency the Viceroy .	15
(E) To represent minorities, special interests, experts and to maintain Government majority not more than one-third to be unofficial.	
Total, excluding His Excellency the Viceroy .	34

If, however, it is considered desirable that all those mentioned in paragraph 12 C and D (*a*, *b*, *c*, and *d*) are to have seats on the council, I do not see how the number can well be reduced below 53.

III. (4) If the other Provincial Councils are to elect members for the Imperial Council I do not see why the Punjab should be excluded, but I would prefer that a representative from the Province should be nominated by its head.

(5) Yes, I approve of the selection of one of the great land-owners of this province to the Imperial Council. The Punjab is essentially an agricultural province and its interests should be represented in that direction. I would rather a land-owner were on the Imperial Council than the selection of the unofficial members of the Provincial council. I would certainly prefer to see the land-holder nominated by the head of the province, but if elected then by the agriculturists of the nominated electorate such as I have mentioned in paragraph 2 of this letter.

(6) If the Muhammadan community is not adequately represented in the council by other means I see no objection to some Muhammadans being nominated in order that they may be properly represented. It would, however, I think, be sufficient to include D (*d*) with E, and if more Muhammadans were required they could be nominated by His Excellency the Viceroy under E. I do not think it is necessary to specify that of the four members to be nominated under E not less than two should be Muhammadans. It is, I think, quite likely that the Muhammadans will be adequately represented by members under D (*a*), (*b*), (*c*), and it might be necessary to reserve all nominations under E for other minorities or special interests. For the election of the Muhammadan elected members under D (*d*), if that remains, I should prefer the electorate to be the unofficial Muhammadan members of the Provincial Councils. I do not think that it would be advisable to give the University, as such, any voice in political matters. I do not see, however, why the election should not be made by the Muhammadan members of the nominated electorate above mentioned, though I think the best course would be for them to be nominated.

It is possible that the Sikhs might require some representation on the Imperial Council, as I certainly think they ought to have at least one representative and he might be nominated under E.

IV. (7) No, I do not advocate an increase in the present number of the Provincial Council. With 4 unofficial members, all classes can be quite adequately represented.

(8) I would maintain the present system of nomination.

(9) No, I do not advocate a fixed rule determining the proportion of seats to be allotted to each class. I would leave this entirely in the hands of the head of the Province.

(10) If election is resorted to for appointment of all or any of the unofficial members I would advocate a nominated electorate such as I have mentioned in paragraph 2. If any particular class of member is to be elected only the members of the electorate of that class should be allowed to vote, *e.g.*, should a land-owner be required only agriculturists and land-owners should be allowed to vote, should a Muhammadan member be required only the Muhammadan members of the electorate should be called upon to vote, and so on.

(11) I do not avocate separate representation of classes—see answer to (9).

(12) I do not think that in this province provision for the separate representation of Muhammadans is necessary, but if it is considered so, I would provide for it by nomination and not by election.

V. (13) No. (14) No. (15) No. I do not think any useful purpose would be gained by making any alteration in the system of discussing the Budget in the Imperial Council, and I certainly do not consider it necessary or advisable that the Budget should be discussed in the Provincial Councils or that the members of the Provincial Councils should have powers of interpellation.

C. M. DALLAS, *Lieut.-Col.*,
Political Agent, Phulkian States and Bahawalpur.

Digest to answers to Advisory Council's questions.

Khalifa Sahib.	Ganga Ram.	M. Rahim Bakhsh.	Tikka Sahib.
Question I.—Yes, but council should not be restricted to land-holders, but should include "leaders of thought," &c Council should have a fixed programme, and individuals should take the initiative in offering advice to Government.	No; will be mere figure-heads and quite useless.	Yes . . .	Yes, but council should have fixed programme, and members should offer advice informally. Council should receive some legislative recognition.
Question II.—Yes, with similar modifications.	No. Own scheme preferred.	Yes. Twenty members sufficient to include 2 ruling Chiefs.	Yes, with same opinions as in regard to question I.
Question III.—Yes, but there should be more non-officials nominated by Viceroy than at present proposed to represent minorities, *e.g.*, Muhammadans.	No; as suggested by Government of India too unwieldy. Own scheme provides for 45. Viceroy always to have the power of veto.	Yes; should be 2 ruling Chiefs and number of land-holders reduced to 6.	Yes; but at least 6 members should be nominated by Viceroy (*i.e.*, presumably non-official members).
Question IV.—Yes. . . .	No answer . .	Yes . . .	No answer.
Question V.—Yes; nomination by Lieutenant-Governor preferable. If by election, franchise should be restricted to zaildars, jagirdars, &c., to be selected by district officer. Country not rife for direct election.	Yes. But should be nominated, and should not necessarily be the biggest revenue payer.	Nomination preferable to election.	Ditto.
Question VI.—Yes, but four Muhammadans are too few, as none will be elected under other heads. Muhammadan members should preferably be selected by Lieutenant-Governor in consultation with Muhammadan members of Provincial Council. If by election, then this should be restricted to graduates and well-to-do men.	No . . .	Yes, but by nomination by Lieutenant-Governor and Viceroy.	Strongly objects to this proposal, as he thinks it unfortunate to introduce racial feeling by giving undue prominence to any particular community. Besides there is no mention of any special representation of the Sikhs.
Question VII.—Yes, minimum 20, maximum 25.	Total number should be 12. Lieutenant-Governor to have casting vote and veto.	Number should be 15: 9 officials and 6 non-officials.	No answer.
Questions VIII and IX.—Election quite unsuited to present condition of Sikhs. One Sikh member to be nominated. At least 2 special Muhammadan members to be elected as above. Other seats to be thrown open to all other classes without laying down fixed proportion.	No answer; own scheme provided.	Nomination preferable to election. There should be 3 Muhammadans and 3 Hindus. No distinction necessary between Hindus and Sikhs.	Ditto.

Digest of answers to Advisory Council's questions—contd.

Khalifa Sahib.	Ganga Ram.	M. Rahim Bakhsh.	Tikka Sahib.
Question X.—Election of two members should be through municipal and district boards. Punjab University need not be represented.	No answer; own scheme provided.	Already answered .	No answer.
Question XI.—There should be separate representation of classes in municipal and district boards, *e.g.*, agricultural and non-agricultural. Electorates should be as suggested by the Government of India by fixing an appropriate franchise for each class. Some seats must in any case be filled by nomination. Restriction of franchise to literate people is totally inapplicable to Punjab.	.....	.....	.....
Question XII.—Already answered as under question VI.	No answer; own scheme provided.	Does not believe in any form of election. Nomination much the best system.	No answer.
Question XIII.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes; after submission to Provincial Councils.	Yes . . .	Ditto.
Question XIV.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes . . .	No . . .	Ditto.
Question XV.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes . . .	Yes . . .	Ditto.

Dated Patiala, the 14th November 1907.

From—Mashir-ul-Daula Mumtaz-ul-Mulk Khalifa Syad Muhammad Hussain, K.B., Member, Council of Regency, Patiala State.

To—The Political Agent, Phulkian States and Bahawalpur.

In reply to your no. 3116, dated 3rd October last, regarding the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to enclose herewith my replies to the questions framed by the Punjab Government.

2. With reference to paragraph X of Hon'ble Mr. Maclagan's letter of 27th September last, I beg to state that in this country, particularly for some time to come, I consider the system of nomination of prominent and acclaimed leaders preferable to election. But as it was required under the same clause that I should also give expression of my views as to the best way of election I have, therefore, dealt with the matter in detail in the course of my replies.

3. On the questions raised by the Punjab Government in their letter regarding (1) the special representation of Sikhs, (2) the representation of the Punjab University, (3) the right of the members of a special Muhammadan electorate to vote in the open election also, I have stated my views in the course of replies to questions no. IV (7, 8, 9, 10, 11).

Since I received your letter under reply you are aware I have been seriously ill, and am still far from being well, and this has unavoidably prevented me from sending my replies by the 10th November, and for the same reason I could not give the proposed scheme as thorough deliberation as its high importance deserves, and hope that I will be excused for the delay.

SYAD MUHAMMAD HUSSAIN,
Member, Council of Regency, Patiala State.

Questions and answers on the Government of India letter no. 2310—2317, dated 24th August 1907, by Khalifa Syad Muhammad Hussain, Khan Bahadur.

I. (1) Yes, but with the following modifications:—

(*a*) It appears from paragraphs 4 and 5 of the Government of India letter that only "hereditary leaders of people" and "territorial magnates" or, in more plain words, "land-holders of sufficient dignity and status" would be eligible for the membership of the Imperial Advisory Council, in addition to ruling Chiefs. I am of opinion that besides Chiefs and nobles private gentlemen of recognised ability, who may be called "leaders of thought" and of "movements of reforms" in the country, and of a type approved by the Government should find a place in the council. As, for instance, Mr. Behramji Malabari, though he is not a big land-holder, is eminently suited to become a member of the proposed council. As all members are to be nominated no undesirable man can ever enter. The Government might, if it is deemed necessary, limit the number of such members.

(*b*) It is understood that while inviting expression of opinion from a member of the council the Government will forthwith furnish him with all reports, correspondence, and other necessary information connected with the measure on which his opinion is required; and similarly if the member ask for any information (not already supplied by the Government) to help him in forming his opinion, it will also be furnished to him.

(*c*) Further, I think, the members of the council should also be entitled to submit their individual views to the head of the Government on any other matter that might occur to their own minds as worth inviting the attention of the Government.

(*d*) The form of the Advisory Council suggested by the Government of India letter appears to be defective in one respect. To establish the council as an active and a living institution, I think it is necessary that it should have a programme fixed for it every year, and should, as a rule, hold once or twice during the year ordinary meetings to discuss matters referred to it by the head of the Government for collective opinion, and extraordinary meetings when called by the head of the Government for a special object.

(*e*) Some of the ruling Chiefs would not perhaps like the idea of being associated on equal terms with men of lesser positions. I, therefore, suggest that they should have some sort of distinction, for instance, in the form of chairs, when attending the meeting of council.

II. (2) Yes, with the modifications suggested above.

III. (3) Yes, but the number of seats under head E is, in my opinion, small. Either this should be increased or, still better, to avoid the necessity of a corresponding increase under B, I think a new head G, with some reserved seats to be filled (when necessary) by nomination, should be added. These should, as a rule, remain vacant, but officials or non-officials, in due proportions might be appointed to occupy all or some of the seats if, at any time, some minority or special interests might fail to get adequate representation through other means or the Government might wish to add some official or non-official of its choice for whom sufficient room might not be available under other heads.

III. (4) Yes, because this privilege is already enjoyed by non-official members of the councils of other Provinces, there is no intention to withdraw it, and I see no sufficient reason to make an exception in the case of the Punjab.

III. (5) Yes, and as to the method of election my opinion is that direct election from top to bottom cannot suit the present state of this country. An electorate can, without much inconveninence, be appointed for the comparatively small area of a country or district; but no single body of electors can work intelligently and harmoniously to elect a representative from a whole province as big as the Punjab. I think election should be confined to districts. The district should have for its electorate the whole body of zaildars and sufedposhes, *plus* a limited number of jagirdars, muafidars, and others to be selected at the discretion of the district officer, out of the land-owners and assignees of land revenue of a certain fixed and defined status. The total number of electors should not be the same for all districts. The district electorate should elect the number of representatives fixed for their district by the local Government. The district representatives, thus elected, can similarly elect from among themselves a fixed number for each division, the divisional representatives a fixed number for the Provincial Council and the representatives of the zamindars in the council can elect some one from among themselves for the Imperial Council. The other and the better course, in my opinion, is that His Honour the Lieutenant-Governor should nominate, after private and informal consultation with the zamindar members of his council, and out of the elected representatives of districts or divisions, the required number of members for the Provincial Council and out of the past and present members of the Provincial Council a representative of zamindars for the Imperial Council.

I prefer the latter course, because I believe that if the former is adopted the electors will be unacquainted with the candidates, and the result inevitably will be that residents of Ambala or Delhi will find themselves at a loss in trying to choose between the candidates from Rawalpindi and Multan, and *vice versâ*. The ultimate evolution of a "representative" will become a mere matter of chance, and will lead to all sorts of malpractices, wire-pulling, and speculating.

The franchise should not, in my opinion, be determined in this province of mostly small land-holders on the basis of a rule that the payment of fixed minimum amount of land revenue confers the right to vote.

The system described above is, I think, simpler and much better suited to the conditions of this province. The zaildars, sufedposhes, lambardars, jagirdars, and other agriculturists selected by the district officer will be recognised representatives of the zamindar community, and no better electorate can be formed than by incorporating these natural leaders of their class. If it is considered necessary to base the right of vote on the payment of a certain minimum sum as land revenue, the limit must be different for each district, and low enough to give a voice in the elections to the prevailing type of zamindars in the districts, and not only to the big land-owners, who are not often, on account of their position, habits, and inclinations, in touch with the real and typical zamindars of this Province, and who are not, consequently, entitled to be regarded as their true representatives.

III. (6) Yes, and, moreover, I think that apart from other considerations in favour of the importance of the Muhammadan community and on the basis of the proportion of population alone the only four seats in the Imperial Council, reserved for Muhammadans out of the total number of 23 unofficial seats (under heads C, D, and E) can be hardly regarded as sufficient. Because as the address presented to His Excellency the Viceroy by the Muhammadan deputation on the 1st October 1906 correctly points out: "the Muhammadans of India number, according to the census taken in the year 1901, over sixty-two millions or between one-fifth and one-fourth of the total population of His Majesty's Indian Dominion; and if a reduction be made for the uncivilised portions of the community enumerated under the heads of animists and other minor religions, as well as for those classes who are ordinarily classified as Hindus but, properly speaking, are not Hindus at all (and who are regarded quite separate and distinct both religiously and socially by the Hindus) the proportion of Muhammadans to the Hindu majority becomes larger."

It must also be borne in mind that with the exception of heads D and E a Muhammadan will rarely, if ever, reach the Imperial Council by other ways. This conclusion is fully borne out by the experience of the past, which the Government of India letter shows to be that "under the system of election hitherto in force, Hindus largely predominate in all or almost all the electorates, with the result that comparatively few Muhammadan members have been elected." This will, I believe, be the result of election in future also. The Government has, no doubt, very kindly given much consideration for the needs and claims of the Muhammadans of India in their proposed scheme, and for this attitude of the Government they are very grateful. But, for the reasons stated above, and also because the Muhammadans are scattered in all the Provinces, though not bulking as large as in Eastern Bengal and Punjab, there should be a fixed rule to provide that each Province be represented by one Muhammadan either by nomination or by election because the local needs and interests of a Province cannot be very well represented by the representative of another province or by the system of rotation proposed.

The requirements of this rule can be fulfilled in various ways, *i.e.*—

(1) By increasing the number under head E.
(2) By keeping it in view while making appointments under heads B and E.
(3) If members under head D (*c*) are selected according to my opinion, that is, by nomination out of elected representatives, by appointing a Muhammadan member under this head.
(4) If head G of reserve seats is added as suggested by me, by making appointment under this head.
(5) Or in any other way which the Government may think best.

The election of Muhammadan members should, in my opinion, be as follows:—

Every district should have a separate electorate divided into three groups as follows:—

A.—Muhammadan zaildars and sufedposhes with the addition of a limited number (selected by the district officer) of lambardars, jagirdars, and muafidars.

B.—Muhammadan graduates of 5 years' standing.

C.—All Muhammadans (with the exclusion of groups (*a*) and (*b*)) possessing (for the purpose of income-tax) an income above one thousand with the addition of a limited number of such other men of influence as the district officer may at his discretion exempt from this restriction.

In paragraph 17, clause 3, of the Government of India letter it is suggested to include in the Muhammadan electorate graduates "of an Indian University." I have omitted the words "of an Indian University" because there are some graduates of European Universities also, and their number is increasing. Group C will, I think, be sufficient to include all men of influence inadmissible to groups A and B, *e.g.*, lawyers, physicians, priests, retired civil and military officials, merchants, honorary magistrates, municipal commissioners, &c., &c.

The number of representatives for each group and for the whole district will be fixed by the local Government. After the representatives of districts have been elected in this way the further process of election might be the same as that suggested for land-holders, *i.e.*, the representatives of districts might elect from among themselves representatives for divisions; the representatives for divisions might similarly elect members for the Provincial Council, and all the non-official Muhammadan members, whether appointed by election by Muhammadans or any other way, might be combined to elect a Muhammadan member for the Imperial Council.

The alternative course, which I prefer, is that His Honour the Lieutenant-Governor would in private and in formal consultation with the Muhammadan members of his council select members from the representatives of districts or divisions both for his and the Imperial Council.

If it is considered necessary that His Excellency the Viceroy should have a wider scope for the selection of a Muhammadan member for his council I would suggest that His Honour the Lieutenant-Governor should submit 4 or 5 names selected as above from the elected representatives, and His Excellency the Viceroy would then give preference to whomever he thinks fit.

Similar procedure can be followed for the selection of a representative of the landed classes for the Imperial Council. The method proposed secures the advantages of both election and nomination.

IV. (7), (8), (9), (10). Yes, the minimum number should be 24 and maximum number 25 including His Honour the Lieutenant-Governor in each case.

The constitution of the council in case of 19 seats should be as given below:

A. *Ex-officio*			3
B. Official nominated			7
C. Non-officials—			
(1) Without denomination.	elected 2, nominated 1		3
(2) Land-holders	elected 1, nominated 1		2
(3) Muhammadans	elected 1, nominated 1		2
(4) Sikh (nominated)			1
(5) Reserve seat (nominated)			1
		TOTAL	19

or including His Honour the Lieutenant-Governor as President with a casting vote 20

No sub-divisions of the heads given above is, in my opinion, necessary.

The minimum number under each head should be as stated, and the relative strength must, I think, be maintained unaltered, so that if any alteration is made under any head corresponding alterations should be made under other heads also.

As regards methods of election for land-holders and Muhammadans, I have already stated my opinion in answers III (5) and III (6).

I consider election of any sort uncalled for and ill-suited to the present condition of the Sikhs, but, as they constitute an important community in the Punjab, it is only fair that they should have special representation.

Accordingly I propose that one seat to be filled by nomination should be set apart for Sikhs.

Muhammadans constitute by far the larger proportion of the population in this Province, but on account of various reasons they do not possess sufficient strength and influence to hold their own against other classes. They must, therefore, have at least two special representatives as suggested above.

After land-holders, Muhammadans and Sikhs, having secured special representation I think the remaining seats should be intended to be filled chiefly by representatives of non-agricultural, urban, and educated classes, among whom Hindus bulk largely. The system of election should be so devised as to secure the interest of these classes, but at the same time it must be an election perfectly open to all classes. In this connection I may state as my answer to the question raised at the end of paragraph 5 of the Punjab Government letter, that I am unable to understand what the objections are on account of

which it is thought necessary to question the right of the members of a special electorate to vote in the open elections also.

The meaning of the special representation which is considered desirable for land-holders and Muhammadans of all Provinces except Burma and for Sikhs in the Punjab is to guard weaker communities against being thrust aside by stronger communities, and the measure is, I believe, intended to supplement the results of open elections. The protected classes are not, I think, by the grant of special representation, deprived from anything which they enjoy on strictly equal terms with others. Consequently, I think, that they must not be excluded from or handicapped in the open elections. To disallow the special electorate whether of Muhammadans or land-holders, to take part in the open elections, would effect a serious decrease in the relative strength of the whole community in competing with others in the struggle for the undenominational seats, because the loss of its best and most influential men chosen to form the special electorate will in many ways be irreparable. I, therefore, consider that members of special electorate of Muhammadans and land-holders both must not be prevented from taking part in the open elections. So much will suffice for this side issue.

Now coming to main points under discussion, the experience of open elections in the past has shown that the Hindu non-agricultural class will be most successful in the election for seats under C (1). As this class must also have adequate representation, and it is, in my opinion, of a fairly uniform character for all political purposes and its minor sub-divisions are of no great importance individually, I think its interests will be best served by having no "fixed rule determining the proportion of seats to be allotted to each class" under head C (1).

(10) and (11). The election of two members under head C (1) should be, in my opinion, through municipal and district boards.

I do not think there is any need to grant a special right of representation to the Punjab University. It represents no particular interest, and it is not advisable to introduce a political element into a body which is constituted for purely educational objects. If at any time His Honour the Lieutenant-Governor finds a desirable person in the Province, particularly fitted to represent the views of the educated classes on public matters, there will be ample scope for his appointment to any one of the seats to be filled by nomination.

I advocate separate representation of classes in the municipal and district boards.

For this purpose the people of this Province can be divided into only two classes, agricultural and non-agricultural. And each of these two classes can be sub-divided by religions, (1) Muhammadans, (2) Hindus, and (3) others (to include Sikhs, Christians, etc.) No more details are necessary, and this classification would, I believe, prove quite sufficient for all particular purposes.

Jagirdars and muafidars should be included in the class of agriculturists, and the non-agricultural class will comprise commercial, industrial, and professional classes, retired civil and military officials, lawyers, etc. These different sections of the non-agricultural population are not numerous or important enough to form separate classes of their own, and therefore they must be amalgamated to form one big class for the purposes of representation. Besides, their interests and sentiments too are much the same as long as the religious differences or rather pretexts and prejudices are not intentionally brought into play. A similar classification can be made in other Provinces after having due regard to the internal circumstances of each Province.

The Councils, Imperial and Provincial, cannot contain a sufficient number of seats for separate representation of each of the six divisions of the population suggested above, but I am decidedly of opinion that in district boards and as far as possible in municipal committees also a fixed proportion of seats should be assigned to the classes mentioned above. I have had no experience of the practical working of district boards and municipal committees, but I think their electorates, divided into the above-mentioned groups, can be formed as suggested in the Government of India letter by fixing for each group an appropriate franchise for each district in terms of land revenue, rent, or income-tax. Each group should elect its representatives of a fixed and defined personal qualification to fill some of the number of seats allotted to it. The rest should be filled by the district officer by nomination of suitable men out of the section to be represented.

There must, in my opinion, be a number of seats to be filled by nomination because many native gentlemen of position and ability, who dislike presenting themselves as candidate for election, will be found ready to be appointed by nomination. In any case, it is, I think, necessary to a limited number of seats to be filled by the choice of the district officer.

The restriction suggested in paragraph 22 (*c*) of the Government of India letter that only literate persons should have the right to vote is, in my opinion, totally inapplicable at least for the present to this province. The other condition laid down by the Government of India that elector should elect representatives (literate only) from among themselves is of course perfectly right.

The municipal and district boards thus constituted should either each or both together (as the local Government may by a rule fixed for each district direct) elect from

among themselves a fixed number of representatives of a defined social status and education qualification without any restriction of caste, creed, or profession. These district representatives should similarly elect representatives for the division, and the latter should elect members for the Provincial Council.

As regards the representation of landholders and Muhammadans, I have expressed an opinion that His Honour the Lieutenant-Governor should himself select suitable men for the council out of the elected representatives. I do not consider this suggestion applicable to the appointment of two elected representatives under head C (1), because I think that this share of seats in the council is a concession particularly in favour of those who advocate out and out election and are opposed to nomination of any sort whatever; and these people should be given an opportunity, at least tentatively, to elect by their own desired method, if they can, suitable men who will represent their views and interests.

I am also of opinion that the interests of big towns having population of one lakh or more, such as Lahore, Delhi, and Amritsar, be separately represented by rotation in the Provincial Legislative Council by adding one or two seats for such towns.

IV. (12) I have already answered this question in my reply to question no. III (6).

V. (13), (14), and (15) I for my part do not consider that the discussion of the Budget whether as a whole or by separate heads can be of much practical advantage at present. I think the people of India generally are not sufficiently advanced and capable of taking an intelligent and useful part in such matters. I have the same opinion as regards the power of interpellation by members which the experience already gained has hardly shown to be of much profit.

I recognise the educative value of these measures, and I am of opinion that the Punjab is not so particularly backward or different from the rest of India that might be excepted in respect of these measures from what is decided upon in case of other provinces.

PATIALA:
The 14th November 1907.

KH. SAYAD MUHAMMAD HUSSAIN.

Dated Patiala, 1st November 1907.

From—RAI BAHADUR GANGA RAM, C.I.E., (late of Punjab P. W. D., retired) Patiala,

To—The Political Agent, Phulkian States and Bahawalpur.

I beg to acknowledge receipt of your no. 3116 of 3rd October 1907, forwarding, for my opinion, the proposals of the Government of India, together with the Punjab Government's suggestions for giving the people of India wider opportunities of expressing their views on administrative matters.

2. In reply, I beg to state that, having spent the whole of my life in Government service, I have never taken any part in politics, but as I have been an *ex-officio* member of several municipal and district boards, I have had opportunities of observing the practical working of local self-government as already granted by Government through these institutions.

3. In my humble opinion the state of education of the masses together with the divergence of religions and creeds which practically guide our actions, social as well as political, do not justify any further extension of self-Government. Indeed I may boldly say that political teachings have gone far ahead of our advancement in commerce and industries and science and agriculture.

4. Even in the present institutions it is no secret now that the district boards are practically run by Deputy Commissioners. Members not being educated enough to understand the responsibilities and powers take no intelligent interest in their working.

5. In municipalities, the system of election has signally failed, the right of voting is not exercised according to the dictates of voter's conscience, and all sorts of malpractices are resorted to. I have known cases where most desirable candidates (in point of leading and light) have been defeated by illiterate men, simply because the latter could stoop to all sorts of devices to canvassing in order to secure votes in their favour.

6. Nevertheless the present system does require modification, and taking the above circumstances into consideration, I submit a new scheme of my own which will, I believe, meet the objects of Government and yet be the *real* and practical means of educating people in local self-government.

7. My scheme is, to put briefly, as follows:—

Let each district have three district Chambers—

(*a*) District Chamber of Law;

(*b*) District Chamber of Commerce and Industry;

(*c*) District Chamber of Agriculture;

each to have 5 to 7 members according to the importance of that district, but they should be all nominated by Government, with due regard to the minority of a class or community in each district.

District boards to be abolished and absorbed into the Chamber of Agriculture. Municipalities to remain as they are; but their proposals for octroi and other taxes should be subject to the scrutiny of the Chamber of Commerce and Industries.

These 5 to 7 members (say, 6 in the average) of each district Chamber should form an electorate to elect 20 men for their respective Provincial Chamber, that is to say, there should be 3 Provincial Chambers to be called—

(*a*) Provincial Chamber of Law;

(*b*) Provincial Chamber of Commerce and Industries;

(*c*) Provincial Chamber of Agriculture.

For the word Provincial Chambers names of their Provinces might be more suitably substituted calling them Punjab Chamber of Commerce, so on, and so on.

8. The candidates for these Chambers should have certain qualifications which I need not specify, as these are matters of detail, but they may or may not be members of district Chambers. Election to these Chambers should by secret voting as done in the University for election of Members of Faculties, and those who could not attend should have the right of sending their votes in sealed cover to the Deputy Commissioner, or whoever is appointed to conduct these operations. Member of one Chamber should not be allowed to have a seat in the other Chamber. This should apply to both the District and Provincial Chambers.

9. These 20 members of each Chamber elected as above should elect (by ballot) their own president and two vice-presidents.

10. The president should *ipso facto* become member of the Imperial Legislative Council and the two vice-presidents members of the Provincial Legislative Council.

11. Thus the whole system will become thoroughly representative and Government will have their Advisory Councils in each Province.

12. Having thus briefly described the outlines of my scheme, leaving the details to be considered hereafter when general principles are accepted, I proceed to answer the questions laid down by Punjab Government:—

I. No, they will be mere figure heads, will hardly ever meet together, and their opinions will be individual opinions from which no satisfactory conclusion could be derived.

II. No, my scheme admits of all that is required of a Provincial Advisory Council.

III. The Imperial Legislative Council as sketched by Government of India will become unwieldy and should, in my humble opinion, be constituted as follows:—

(A) *Ex-officio* including His Excellency the Viceroy	9
(B) Additional officials	10
(C) One ruling Chief	1
(D) Elected members (3 from each province)	21
TOTAL	41

N.B.—Three from each province—one to represent each department as sketched in my scheme above:—

Punjab, together with Frontier Province	3
United Provinces	3
Bengal	3
Eastern Bengal and Assam	3
Central Provinces and other Chief Commisionerships	3
Bombay	3
Madras	3
TOTAL	21
(E) Retired native officials	2
(F) Experts	2
TOTAL	45

His Excellency the Viceroy to have a right of veto on all Acts of the Legislative Council.

III. (4) This is satisfactorily met in my scheme.

(5) Decidedly yes, but a member thus appointed will have the serious responsibility of representing the needs of agriculture in his Province, hence the one who pays the biggest revenue need not necessarily be the most qualified person to give an opinion on agriculture. I have known cases of very big landlords who could not tell how much ground would be covered by a bigha, who indeed could not give the names of spring and autumn crops.

A person to represent landed interest should be nominated by Government with due regard to his qualifications, the interest he may have shown in the subject, and practical improvements he may have made in agriculture.

(6) No, my scheme will give adequate scope for representation of minorities.

IV. The number in the Punjab should be—

His Honour the Lieutenant-Governor	1
Chief Secretary	1
Chief Judge	1
Financial Commissioner	1
Retired officials	2
Non-official members	6
To represent Law	2
To represent Commerce and Industry	2
To represent Agriculture	2
TOTAL	12

His Honour the Lieutenant-Governor to have a casting vote and to have a right of veto.

(8) If my scheme is adopted the right of election is there, if my scheme is not adopted, then by nomination.

(9), (10), (11) and (12) are all sufficiently answered in my scheme.

V. (13) The Imperial Budget should, in the first instance, be sent to Advisory Councils (Provincial Chambers) for any suggestions they might have to make, and then forwarded through local Governments to the Imperial Legislative Council. After this the procedure laid down in Government of India's paragraph 23 might be followed.

(14) Yes, but the Advisory Councils (Provincial Chambers) should get the opportunity of expressing their views, before it is discussed in the Provincial Legislative Council.

(15) Yes.

13. In conclusion I may add that the basis of my scheme is nomination, see paragraph 7, and I am strongly of opinion that the start should be made by nomination only, but later on if Government thinks proper to extend the system of election to district Chambers, it can be easily done by forming electorates as under:—

For Chamber of Law.—All legal practitioners and Government servants up to a certain limit.

For Chamber of Commerce.—Members of municipal committees and all tradesmen paying a certain income-tax.

For Chamber of Agriculture.—All zaildars and revenue officials up to a certain limit.

GANGA RAM,

(*Late of Punjab P. W. D., retired*), *Patiala.*

No. 84, dated "Villa Carignano," Mashobra (Simla), 1st November 1907.

From—SARDAR RIPUDAMAN SINGH of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur, Patiala.

In reply to your letter no. 3116, dated the 3rd ultimo, I herewith enclose a letter containing my opinion regarding the new constitutional reforms proposed by the Gov-

ernment of India, which please forward in original to the Chief Secretary to the Government of the Punjab, and acknowledge the receipt and oblige.

RIPUDAMAN SINGH,
of Nabha.

Dated Simla, 1st November 1907.

From—Sardar Ripudaman Singh, of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur, Patiala.

With reference to your letter, dated the 3rd October, forwarding, for my information, a copy of the letter, dated the 27th September, from the Chief Secretary to the Punjab Government, to all Commissioners, together with its enclosures, regarding the new constitutional reforms proposed by the Government of India and asking my opinion about the same, I have to write to say as follows:—

As regards the Imperial Advisory Council, I generally agree with the proposals of the Government of India, but I beg to offer a few observations. It is stated that (1) the Governor-General will consult the members of the Imperial Advisory Council, either individually or collectively; (2) that they will occasionally be called together either in whole or in part for the purpose of collective deliberation; (3) that they will possess no formal powers of initiative; and (4) that the Imperial and Provincial Advisory Councils will receive no legislative recognition.

Now, as regards the first and second point, I beg to say that though His Excellency may have of course full right to consult the members, individually, I think it would be much better to call the meetings of the Imperial Advisory Council regularly every winter in Calcutta, like the meetings of the Imperial Legislative Council, and that His Excellency the Viceroy should graciously preside over them, just as it is proposed that in the case of Provincial Advisory Councils the head of the local Government himself will preside over the deliberations. This will involve extra trouble, but the object is worth the trouble and inconvenience. I fully agree with the observation that "the Government of India attach the highest importance to collective deliberation, since the opinions thus obtained are different from and more valuable than those elicited by individual consultation." And at least for this reason it seems necessary that meetings of the Imperial and Provincial Advisory Councils should be called regularly.

As regards the third point, I beg to suggest that both the Imperial and the Provincial Advisory Councils should have the power of informally submitting their proposals and opinions to the supreme and the local Governments, respectively, as the case may be, on questions of important public interest that from time to time may arise, *i.e.*, even on those matters about which they have not been formally consulted.

As regards the fourth point, these councils should, in my opinion, receive some sort of legislative recognition, and should be invested with some sort of formal work and responsibility; for, unless this is done, I am afraid, though they might remain as an ornament to the supreme and the local Governments, they would be of little or no real use both to the public and the Government, and after some time the whole scheme might fall through, and the object for which the councils are now constituted would not be attained. Besides, it would be highly politic, I think, to give publicity to the fact that the Government is consulting the people's representatives on the Advisory Councils, and this object, I am afraid, will be defeated if the said council does not formally meet for discussion of, and deliberation on, important public affairs, if its proceedings are always confidential and informal, and if it has no powers of initiative.

Coming to the proposals regarding the Imperial Legislative Council, in my humble opinion it would be most unfortunate and undesirable to introduce racial feeling in this scheme or to give any sort of prominence to any particular community. This would cause great heart-burning among other communities.

Under paragraph 12 of Government of India letter, I strongly object to the proposal that in the Viceroy's Council two members should be elected by the members of a certain community, and that out of four non-officials to be nominated by the Viceroy two seats at least should be filled by members of the same class. Thus four seats will exclusively be the monopoly of a certain community, while no such provision is made for the other communities like Hindus, Parsis, Jains, and Sikhs. The reason given by the Government for this proposal is that the Muhammadans form a minority and that their interests should be safeguarded. Now as for minority, the Sikhs form even a smaller minority numerically than the Muhammadans, and yet no provision is made for their representation. When no provision is made for other communities, it does not seem fair to favour one particular community and to give it special prominence. The same reasons apply to paragraph 17 of Government of India letter, as to the proposal that a certain number of seats should be exclusively reserved for and filled by members of a particular community in the Provincial Legislative Councils.

The Government of India in paragraph 19 itself admits that as in two of the seven Provinces with Legislative Councils the followers of Islam constitute a majority, therefore a certain number of Muhammadans may also be returned to the Imperial Council under sub-head (*b*), head (D), head I apprehend that perhaps they have overlooked the fact that in the same way under sub-head (*c*) of head (D) a certain number of Muhammadans may also be returned to the Imperial Council. Therefore if the proposals, as they now stand, are finally sanctioned there would be a great preponderance of Muhammadans in the Imperial Council, and perhaps at times this number might be as much as three-fourths of the whole non-official Indian members. Therefore, in my opinion, in paragraph 12, head (D), sub-head (*d*), two seats, and the four seats under head E, *i.e.*, altogether six seats, should be reserved for nomination by the Viceroy, and there should be no such distinction as is mentioned therein. The Government of India, in the concluding portion of paragraph 17, itself admits that Indian gentlemen of position sometimes refuse to offer themselves as candidates to an electorate, and even for this reason, as I have suggested above, the six seats should be reserved for nomination by His Excellency the Viceroy.

I have read, with great pleasure and satisfaction, in Mr. Maclagan's letter that the Government admits the fact that the Sikh community is of the greatest importance and "that it should be considered whether any and what measures are necessary to ensure its adequate representation," and also that "too much importance must not be attached to these statistics as the interests represented by a given class are often important out of all proportion to its numerical weight." I am fully confident that the rights and privileges of the Sikhs, who have always proved themselves firm supporters of Government, who are not men of words but of deeds, who have fought the battles of their King under the burning rays of the sun and on snow-clad mountains, and who are always ready to lay down their lives for their beloved Emperor, will be fully safeguarded both in these Imperial and Provincial constitutional reform schemes.

I have noticed in Mr. Maclagan's letter that on page 2, in the list of land-owners of this Province, the Sikh land-owners are not mentioned at all. I attribute this omission to an oversight, and nothing else.

I have ventured to offer these observations and suggestions in the hope that they will receive due consideration at the hands of the Government, who say that they reserve to themselves the fullest discretion to modify their proposals in the light of comments and criticism which those proposals may elicit from the local Governments and the public.

RIPUDAMAN SINGH,
of Nabha.

No. 822, dated Bahawalpur, the 11th November 1907.

From—M. Rahim Bakhsh, President, Council of Regency, Bahawalpur State,

To—The Political Agent, Phulkian States and Bahawalpur.

With reference to your letter no. 3116, dated the 3rd ultimo, I have the honour to submit my opinion on the proposal made by the Government of India for giving the people of India more opportunities of expressing their views on the administrative matters.

2. I have discussed these suggestions with my colleagues and other officials of the State verbally.

3. I am sorry that I am one day late in submission of my opinion, but I assure you that I was very busy with other important matters of the State.

I hope that you will kindly excuse me for the delay.

RAHIM BAKHSH,
President, Council of Regency, Bahawalpur.

Opinion.

I. (1) The Imperial Advisory Council would be a boon to the people as it would be quite in accord with the old panchayat system of the country. I have nothing to add

to the proposals sketched out by the Government of India in paragraphs 4 and 5 of their letter regarding its constitution and duties, as it has been fully discussed in their letter, and I believe such constitution would be fruitful and fulfil the desires of the people.

II. (2) A Provincial Advisory Council composed of 20 nominated members would be quite enough for the Punjab; the land-holding classes and the high officials of the Native States should be a prominent factor of such council. There should be at least two ruling Chiefs, members of this council.

III. (3) It is quite appropriate to enlarge the Imperial Legislative Council, as in doing so more representations will be available. The introduction of ruling Chiefs should be made more liberally, as it would enable them to apply their capabilities to a very useful work. I would suggest two ruling Chiefs to be members of the Imperial Legislative Council, and to meet this the number of nobles and the great land-owners may be cut down to 6.

(4) The proposal of electing one member by the non-official members of each of the Provincial Legislative Council is suitable.

(5) I would prefer the system of nomination by the Punjab Government of one of the great land-owners of the Punjab for the Imperial Legislative Council to the system of election as the election would involve many difficulties.

(6) I quite approve the appointment of four Muhammadan members to the Imperial Legislative Council, of which two should be nominated by the local Governments (by rotation) in which the Muhammadan population forms a big part, and two to be nominated by His Excellency the Viceroy.

IV. (7) In my opinion the number of members of the Provincial Legislative Council might conveniently be increased to 15—9 officials and 6 non-officials.

(8) From my own experience of the municipal and local board election of this province I can safely say that the system of nomination is more secure and appropriate than the system of election.

(9) I would suggest three seats for the Muhammadans and three for the Hindus including Sikhs. I would not make any distinction between a Sikh and a Hindu, as there are intermarriages among them, and in some cases one brother is a Sikh and the other a Hindu. If, however, special representation is desirable, then I would suggest three Muhammadans and two Hindus and one Sikh in the Province.

(10) Already answered.

(11) Already answered.

(12) I would not elaborate any qualifications for the election of Muhammadans as I am advocating the system of nomination, and, in so doing, I believe, the Government will select most suitable men for their council.

V. (13) The system of the Budget in the Imperial Legislative Council sketched out in the Government of India's letter, paragraph 3, will be a great improvement to the existing arrangements.

(14) I do not think it necessary to place the Provincial Budget before the Provincial Council, as I believe they can only give an opinion on the Budget who compile it and deal with it; one debate in the Imperial Legislative Council is quite sufficient, as the Provincial Budgets also are part of the Imperial Budget.

(15) To grant the power of interpellation to the members of the Punjab Legislative Council would be advantageous, and there will be no harm to introduce this system in the council.

RAHIM BAKHSH,
President, Council of Regency, Bahawalpore.

No. 1-C., dated 12th December 1907.

From—J.McC. Douie, Esq., C.S.I., Commissioner, Rawalpindi Division,

To—The Chief Secretary to the Government of the Punjab.

Introductory.—With reference to your no. 2643—S., dated 27th September, on the measures proposed by the Government of India for giving the people of India further opportunities of expressing their views on public matters, I have the honour to submit the correspondence noted at the end of this letter, and to give my own opinion. I shall forward that of the Deputy Commissioner of Shahpur when it is received.

2. *Existing position.*—The Viceroy has hitherto had an Advisory Council composed partly of non-official members to help him in dealing with projects of legislation embodied in bills framed by the Government of India. The drapery of forms under which the business of that council is carried on does not change and hardly veils its real character. In the framing of bills the unofficial members have as such no part. The Provincial Legislative Councils follow the same model.

3. *Summary of present proposals.*—It is now proposed to greatly enlarge the Imperial and Provincial Legislative Councils, and to create in addition Imperial and Provincial bodies of councillors to advise the Viceroy and the heads of the great provinces, not only on the policies which it is intended to embody in bills, but also on any other important measures which may be submitted to them individually or collectively.

In the rest of this letter I shall follow the wording of Sir Harold Stuart's letter, and call these bodies Advisory Councils.

4. *Object and importance of Advisory Councils.*—The formation of such councils is to my mind the more important branch of the new policy. If fit men only are appointed, these councils should fulfil the object of their creation, to interpret the people to the Government and the Government to the people.

5. *Field of choice for councillors too narrow.*—It is suggested that the Advisory Council of the Viceroy should consist of 60 members including "about twenty ruling Chiefs and a suitable number of territorial magnates" of the different provinces. It is intended to "represent the views of the hereditary leaders of the people." The council is therefore to be an aristocratic body. I am wholly in accord with those who think that the existence of an aristocracy and its association in the work of administration is a source of strength to a country. I think that the council should consist mainly of members of ruling families and of men of high birth having a hereditary connection with the land, and that the other members should be persons of a social status such that no sensible chief or nobleman need disdain to sit with them in council. But I would not limit the Viceroy's choice to ruling Chiefs and territorial magnates: real leaders of the people are to be found who belong to neither class. There is, at least, in Native States an official as well as a landed aristocracy, and in it there exists the hereditary principle, which affects so deeply the best natures. There was in France before the revolution a noblesse of the robe, and there is one of a different kind to this day in England. Some of the Indian lawyers, who have served with distinction as Judges of High Courts, have surely been well fitted to advise the Government not only on legal matters, but on questions of administration affecting the welfare of their fellow-countrymen. The presence of ruling Chiefs on the council will be of great value, if it is clear that the merits of a Chief and not the size of his territory is the title to admission. It will be unfortunate if some of the largest States cannot furnish fit councillors in the persons of their rulers, but it would be worse if any one could repeat with regard to the council of the Indian Empire Lord Melborne's famous encomium on the Order of the Garter. In looking to Native States for councillors the claims, not only of the Chief himself, but of his near relatives and distinguished ministers should be considered.

6. *A council of* 60 *members too large.*—But, while I think the field of selection should be widened, I consider that the proposed number of councillors is much too large. A smaller council would really be a more weighty one. The position should be one of great dignity so as to be an object of ambition to the best man. The qualifications should be great influence maintained or attained by worthy means, marked independence of character, and that practical wisdom which is learned in the school of experience. It will, it seems to me, be extremely difficult to form a council of 60 in all of whom these three things will be found. Besides, if there are many councillors, nomination will confer little honour. I think a council of 20 or 25 members would be far better than a council of 60.

7. *Business of the council.*—I agree with the proposals in paragraphs 5 (2), (4), and (5) of Sir Harold Stuart's letter. I also agree with that in paragraph 5 (6) as regards advice tendered by the council as a body. But I attach even more importance to consultation with individual councillors than to collective consultation. Many of the questions with which the Government of India have to deal are of local importance or concern the interests of particular classes, and not of the people as a whole. In the case of consultation with individuals I would not provide that the first step must in all cases be taken by the Viceroy. I would allow every member the right to address the Viceroy on any matter of public importance, and I would give also the privilege of asking for a private audience for the purpose of further explaining his views. Of course no such audience should be claimable as a right. If the council should unfortunately at any time contain a busy body who abused the privilege, there would be no difficulty in repressing him.

In paragraph 5 (7) I think undue stress is laid on the privacy and confidential character of the council's proceedings. Of course the meetings should be private in the sense that press reporters should not be present, but real secrecy is little likely to be

secured with a council of 60 or even 25 members. When secrecy in any business is a matter of State necessity, it should only be discussed in the Executive Council or with individual members of the Advisory Council who can be trusted to comply to the letter with a request to treat a matter as confidential. For the rest the mystery which envelopes the actions of Government and the motives which underlie them is often in these days a source not of strength but of weakness.

8. *Provincial Advisory Council.*—What has been said above applies *mutatis mutandis* to the Provincial Advisory Council. I confess I do not see how a council of 20 members is at present to be formed in the Punjab, even if the representatives of the province in the Imperial Council are included. I should prefer a council of 10 or 12 persons. The Government of India do not propose that Provincial Councils should be constituted on the purely aristocratic lines which it seems to favour in the case of the Imperial Council, and I do not think that in this province a satisfactory council on that basis is possible. The Sikh rule, which preceded our own, brought many old Muhammadan families very low. The able men who moulded the early administration of the Punjab had little desire to restore them to their old position or to prop up the tottering fortunes of the great Sikh Sardars. I doubt the wisdom of the course they took, and their policy as a policy was short lived. But the effect of their action has been lasting. Besides there are large parts of the province where the original framework of society is really democratic and such aristocratic families as survived the strain of the periods of Indian and English rule which preceded the mutiny have in many cases failed to lead lives of real dignity or usefulness. That is not wholly their own fault, and it is our duty and our interest to foster any aristocratic elements that exist. But it is useless to pretend that the influence of men of rank and large estate is at present very powerful in the Punjab, or that many persons of that class possess all the qualities required for councillors. Other elements should be admitted, though the representatives of Native States and of the landed gentry should be in the majority.

The claims of the professional and commercial classes, of religious leaders, especially hereditary religious leaders, and of retired officials should not be overlooked. But personal fitness must be the final test, and I admit that it may sometimes be difficult to find suitable representatives of all the classes just named. When, as at present, we have a fit representative of the unofficial European community he should certainly have a seat.

9. *Difficulty arising from artificial constitution of Legislative Councils.*—In dealing with the question of the remodelling of the Legislative Councils, it is difficult to leave out of account the artificial character of their proceedings. The forms of free debate and free voting have been adopted, though every one knows that, so far as official members are concerned, neither is a reality. I do not believe that on these lines permanent satisfaction can be given even to the classes which the Government rightly consider have been hitherto too little represented in the Imperial Legislative Council. Intelligent members of these classes will for the time being be gratified by the enlargement of the council and the fuller opportunity which will be given them of making their wishes known. But the larger and more representative the council, the more anomalous will the contrast between its real and its apparent constitution appear, and the more irritation will be felt on any occasion on which the votes of unofficial members are overborne by the deadweight of a mechanical official majority. Sensible men will admit that in India the will of the Government must prevail in legislation as in all other important matters. But that will not prevent irritation in concrete cases, and will give opportunity for adverse criticism, virulent but not always wholly insincere, in the Indian press.

10. *Possible change of procedure.*—I believe a procedure could be devised which will frankly recognise the fact that the real legislature is the Viceroy and his Executive Council, and that the function of the so-called Legislative Council is advisory, and which would at the same time increase the real influence of the latter. If the action of the council was not final, the official members representing the different provinces could be allowed freedom of speech and vote, and the unofficial members might hope to influence their action by their arguments. The permanent retention of the principle of an official majority would not be necessary, though it would be wise to adhere to it for a time. The official members not belonging to the Executive Council and unofficial members might for the present be equal in number, and the former might be re-inforced when any measure of legislation was under discussion only by that member of the Executive Council who was in charge of the Bill. He would preside, unless the Viceroy himself desired to be present, would speak and vote, and be Chairman of the Select Committee. Bills which had been discussed and voted on in the council could be reported to the Viceroy and his Executive Council, who together would be the final authority to decide whether the bill should or should not become law and what amendments should be accepted. It does all this in effect at present, but in a way which causes misconstruction and irritation. When notice of an interpellation had been given the member of the Executive Council, to the business of whose department the question related, would attend to answer it. The other members of the Executive Council only attend when the Budget was under discussion. In the same way the result of the free deliberations of the Provincial Council could be reported to the Government of India for final orders. Even now the action of a Provincial Council cannot make a bill law. The occasions

would, I think, be rare in which a Lieutenant-Governor would advise the Government of India to pass a bill rejected by a majority of members giving a free vote, or to refuse an amendment of which a majority of the members approved. A change of system such as that suggested above might at the present juncture be misunderstood and therefore be outside the range of practical politics. But it would really be more conducive than is their present constitution to the influence of Legislative Councils as a whole, and especially to that of their unofficial members. It would further make it possible in the future to alter the relative proportions of official and non-official members in favour of the latter.

11. It will be gathered from what is said above that I feel some doubt whether a council of 54 including 25 non-official members will be of much greater value as an instrument of Government than is the present Legislative Council of the Viceroy and whether the proposals now made will in the end prove satisfactory to the part of the Indian community which concerns itself with these matters. Debates will be much longer, but will be no more real than they are at present. But an enlargement of the council is now inevitable, and I admit that the proposals possess two advantages. They secure a fuller representation of classes whose voice has been too little heard and thereby make it less likely that we shall have frequent unhappy examples of a unanimous vote of the unofficial members against proposals supported by the Government. It is inconvenient that the enlargement of the councils should withdraw a larger number of high officials from their ordinary duties, but any enlargement of the councils, while their present constitution is unchanged, must involve this.

12. *Constitution of the Imperial Legislative Council.*—I approve of the proposal to have 25 non-official members as a maximum. While I fully appreciate the importance of associating ruling Chiefs more closely with ourselves in the work of administration, I do not think it should be obligatory to nominate one of them as a member of the Legislative Council of the Viceroy. I am not sure that the greatest Chiefs would care for a seat. Their proper place seems rather to be on the Advisory Council. I think that the privilege of electing a member now enjoyed by the Chamber of Commerce of Calcutta should be extended to that of Bombay. I would allow the non-official members of the Provincial Legislative Council of the Punjab and the members of the Provincial Advisory Council jointly to elect a member. An elective body consisting only of members of the former would to my mind be too small. I am wholly opposed to the election of a member by the great land-owners of the Punjab. No satisfactory electorate could be formed. If payment of a large amount of land revenue is the qualification, I fear the list of electors will include persons who in no sense belong to the aristocracy or represent the old land-owing classes. If on the other hand the right of election were given to Provincial Darbaris, no Muhammadan would have a chance of being chosen to represent a province which contains a majority of Musalmans. Another objection to finding an electorate in the Darbar List is that many of the electors would be persons possessing very little real influence, and that some of them would be persons of small education and others not of the highest character. In the case of the Punjab the representative of the land-owning classes should be nominated by the Lieutenant-Governor. I would provide that the nominations made should be alternately of (*a*) Muhammadan, (*b*) a Hindu or Sikh. The number of Hindus and Sikhs in the province is not far short of the number of Musalmans.

I would club together classes C, D (*d*), E, and F, and provide that nine members shall be appointed by the Viceroy, of whom at least one-third shall be Musalmans. As regards the two Muhammadan members referred to under D (*d*) the turn of the Punjab would apparently come round once in six years, if members are appointed for a term of two years. Any attempt to form a Muhammadan electorate in this province seems to me most undesirable. A Muhammadan should be nominated by the Lieutenant-Governor for the approval of the Viceroy. While three of the nine members to be appointed by the Viceroy should be Muhammadans, I think His Excellency should have a perfectly free hand as regards the choice of the other members. His choice would naturally fall on retired Indian officials and on men eminent in the legal, medical, or teaching professions. I certainly would treat retired officials as eligible, for the class is one which should always be able to furnish men of high character, experience, and sober judgment who are fully in touch with their fellow countrymen.

13. *Possible electoral bodies.*—If election is to be resorted to for the choice of the members to represent the Punjab under class D (*c*) I can only suggest that the electoral body should consist of—

(*a*) Land-owners paying land revenue exceeding Rs. 5,000 per annum;

(*b*) Jagirdars, the value of whose assignments exceeds Rs. 5,000 per annum.

It appears that (*a*) includes 35 persons, of whom 6 are Hindus, 4 Sikhs, 18 Muhammadans, and 7 Christians.

The number of large Christian land-owners is quite out of proportion to the importance of the small Christian community in the Punjab.

For the election of the Muhammadan member to be sent from the Punjab an electoral body might be formed consisting of—

(*a*) Muhammadan Fellows of the Punjab University.

(*b*) Muhammadan land-owners paying over Rs. 2,500 per annum as land revenue.

(*c*) Muhammadan jagirdars, the value of whose assignments exceed Rs. 2,500 per annum.

(*d*) Muhammadans paying income-tax on an income exceeding Rs. 10,000 per annum.

As already noted, I do not advocate the formation of these electoral bodies.

14. *The Provincial Legislative Council.*—I would increase the number of the members of the Provincial Legislative Council to fifteen, or including the Lieutenant-Governor to sixteen, providing that seven of the members shall be non-officials. I do not think a larger council desirable. The choice of even four suitable non-official members in the past has not always been free from difficulty. I consider that all the members should be nominated by the Lieutenant-Governor. I am opposed to any fixed rule determining the proportion of seats to be allotted to each class. With nomination by the head of the Government no need for such a device arises. I think municipal committees and district boards are quite unfit to elect members of a Legislative Council. I cannot suggest any satisfactory electoral bodies. Something might be said for a plan by which the members of the Senate of the University were allowed to nominate three persons, out of whom the Lieutenant-Governor should select one. In the same way the Chambers of Commerce in Lahore and Delhi might nominate three or four persons, one of whom would be chosen. It would have to be settled whether each Chamber of Commerce should make its nomination separately. I understand the two bodies are not on the best of terms. I only mention the above as possibilities. For the present I advocate that the whole business of appointing members should be in the hands of the Lieutenant-Governor. I am not in favour of the separate representation of Muhammadans. Under the system I advocate they will obtain proper representation.

15. *Budget discussions and interpellations.*—I would in the Imperial Legislative Council adopt the plan for the Budget discussion advocated by the Government of India. I think in the case of Budget discussions the members of the Advisory Council might sit with the members of the Legislative Council. I would allow a discussion of the Budget by the Punjab Legislative and Advisory Councils sitting together. For the present a general discussion of the whole Budget should suffice. I do not know that any very valuable results have hitherto flowed from the right of interpellation enjoyed by members of other Legislative Councils. But interpellation can be used as a means of giving greater publicity to the actions of Government, and there is no reason why a right enjoyed by members of other councils should be denied to councillors in this province.

I have, &c.,

J. M. DOUIE,

Commissioner, Rawalpindi Division.

Enclosures.

No. 1750, dated 12th November 1907, from the Deputy Commissioner, Jhelum, with enclosures.

No. 4356-G., dated 13th November 1907, from the Deputy Commissioner of Attock.

No. 247, dated 20th November 1907, from the Deputy Commissioner of Gujrat, with enclosures.

No. 500-G., dated 27th November 1907, from the Deputy Commissioner of Rawalpindi, with enclosures.

Opinion by Khan Abdul Ghafur Khan, Khan of Zaida, Divisional Judge.

No. 1750, dated 12th November 1907.

From—Major H. S. Fox-Strangways, I. A., Deputy Commissioner, Jhelum,

To—The Commissioner, Rawalpindi Division.

With reference to your circular letter no. 2517, dated 3rd October 1907, forwarding copy of Punjab Government letter no. 2643-S. (Home—Legislative), dated 27th September 1907, and enclosures, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to forward my opinion on the subject.

I. (1) *Imperial Advisory Councils.*—The first paragraph of the Government of India letter makes it clear that the question of giving the people of India wider opportunities of expressing their views has been taken into consideration by that Government on its own initiative; in other words, the Government of India does not recognise that there is a demand by the "people" for such opportunities, whatever the demands of a certain class may be. This is undoubtedly the case in rural areas. In consulting the more intelligent of my visitors, I have always adopted the plan of asking them to describe the present system of Government to me, and have invariably found that, as was to be expected, they were sublimely ignorant of the functions and even of the existence of the various parts of Government from the Secretary of State to the Provincial Legislative Councils. Discussion of this important question was, under these circumstances, necessarily somewhat one-sided, and I was reduced to explaining the proposals of the Government of India, stating my own opinion, and asking them if they agreed. This of course they usually did, but not invariably, and one of the exceptions (Khan Bahadur Raja Aurangzeb)was so much in earnest in his dissenting views that I recorded our conversation as nearly as I could *verbatim*, and have ventured to attach it as an appendix to this report. I trust that this document will not be thought too frivolous for consideration in connection with a serious subject, for in no better way, I think, can the point of view of a very influential section of the public be represented; I refer to the experienced retired official. The opinions expressed below therefore are not entitled to any weight as reflecting local opinion. It is asserted that the scheme now proposed would be in accordance with the best traditions of oriental polity which have always recognised that the sovereign, however absolute, should make it his business to consult competent advisers, and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. The place of the absolute sovereign having been taken by a benevolent but foreign bureaucracy, the necessity of seeking the advice of competent advisers is more urgent. The question is how and from whom should such advice be sought. At present no measure of importance is undertaken by the Imperial Government until the views of local Governments have been expressed, and the local Governments do not express their views until they have gauged local opinion through local officers. I am very strongly of opinion that it is at this stage that the people should be given an opportunity of expressing their views. Local officers do, no doubt, strive to reflect local opinion when reporting on contemplated measures, but it is difficult for those they consult to give well weighed opinions on matters which they have not perhaps specially studied in desultory conversations. I think that the proper solution of the question "How should advice be sought?" is to be found here. What is required is to give local opinion a status and recognized channel of expression. This could be done by creating local Advisory Councils to whom references, especially those which effect the daily life of the people, could be sent for opinion. It is unnecessary here to discuss the manner in which such councils should be constituted, as they are not contemplated in the letter of the Government of India and they are only suggested as an alternative method of learning the views of the people of India to that put forward by the Government of India, and I submit a more direct method. It appears to me impossible to conceive a great central Advisory Council which will really represent the views of the people of India. The twentieth century ruling Chief or territorial magnate may be as competent to collate opinions and give them expression as a Secretary to Government, but, I maintain, he is not in touch with nor would he represent the interests of the men who pay the revenue and fight the battles of the Government of India. I do not therefore consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country.

II. (2) *Provincial Advisory Councils.*—The reply to the first question should be read with the reply to this. If the necessity of recognizing local opinion and encouraging and solidifying it by the creation of local councils is admitted, such assemblies should be constituted of fair average representatives of the districts, and there would be no place in them for the great territorial magnates, non-official Europeans, and representatives of other interests who would fairly claim that their voices should be heard.

I think that a Provincial Advisory Council of the nature indicated in paragraph 6 of the Government of India letter would be a useful institution. I would however make it very much larger and more representative than is contemplated in paragraph 4 of the Chief Secretary's letter. The Provincial Advisory Council should, in my opinion, be able to give the ultimate expression of the views of the aristocracies of birth, brain, and money of the province on matters that affect the province. I would go further. There are certain measures, recent instances could be cited, which are enacted entirely in the interests of the people, and in which Government only has the indirect interest of the people's welfare. If a responsible Advisory Council opposes such measures by a sufficiently large majority, I maintain that they should not come before the Provincial Legislative Council until they had again been reported on by local officers after consulting local opinion. Unless Provincial Advisory Councils are given this measure of legislative authority, that is a limited *veto*, I am of opinion that they will entirely fail to satisfy the legitimate aspirations of the educated classes of the people, and that their creation will render the Government open to the imputation of insincerity.

My reply then to the second question is that I think Provincial Advisory Councils would be useful institutions if they are made sufficiently representative and are permitted to exercise limited rights of *veto* on legislation that purely affects the interests of the people of the province.

III. (3) *Imperial Legislative Council.*—The proposal of the Government of India is to quadruple the Imperial Legislative Council while maintaining the official majority. I am opposed to any enlargement of the council. The working members of it will always be the members of the Viceroy's Executive Council. I doubt very much whether the proposed enlargement would result in anything but a grievous waste of time, and it is difficult to imagine where the twenty additional official members are to come from. This latter point is not touched on in the Government of India letter, but presumably they would be men of some standing, and, as it would be impossible to find the members at Simla or Calcutta, they would have to be drawn from other provinces, and the public service would be seriously disorganised.

(4) No.

(5) No.

(6) No. I disapprove of the principle of election in connection with oriental Government. I hold that it is entirely foreign to the traditions of any Eastern nation, even where the nation is democratic, *e.g.*, the trans-border tribes of the North-West Frontier, and that it has proved a dismal failure in the shape of local self-Government in India. If the principle is insisted on, the franchise should only be extended to persons nominated by the paramount power or its officers, and there should be no qaulification, whether educational, financial, or social. My reply to the second question indicates the legitimate share of legislative power to which the representatives of the people of India are, in my opinion, entitled.

IV. (7) *Provincial Legislative Council.*—I would leave the Punjab Legislative Council as it is, except that, as noted above, I would give the proposed Provincial Advisory Council a limited power of veto on legislation that involved the interests of the people of the province alone.

(8) I would maintain the present system of nomination.

(9) I am of opinion that the Lieutenant-Governor should not be tied in any way as to the class from which he may nominate non-official members to his council.

(10) If election is resorted to at all, the very worst basis would, in my opinion, be the municipal and district boards. The suggestion appears positively dangerous. If it is decided that the non-official members of the Provincial Council should represent different classes in certain proportions, then the electorate for each class should consist of persons of that class who are nominated as voters by Government. The number of nominated voters might be distributed through the districts on a census basis. An essential qualification of a candidate for election would be the approval of the local Government that he was a fit person to represent his class.

(11) I do not; but if it is to be, I would strongly deprecate the agency of municipalities being used in any way unless the constitution of these bodies is fundamentally remodelled. This can only be done by abolishing the elective principle, and even then I doubt whether it would be possible to find men in the smaller municipalities fit for nomination if that nomination carried with it the right to vote at elections for membership to the Provincial Council. The members of the district boards are, of course, very much more respectable than those of municipal committees, but many of them are ignorant and quite incapable of exercising the right which it is proposed to give them with discretion. I much prefer the personal nomination of voters suggested in the answer to the previous question.

(12) I do not. If special provision is made for Muhammadans, it should be by nomination. If they are to be elected, it should be by a special electorate of nominated Muhammadans as indicated above.

V. (13) *Discussion on the Budget in the Legislative Councils.*—Yes. The present system is quite infructuous.

(14) Yes; by separate heads.

(15) No. I think that the power of interpellation is very much abused in the Imperial Legislative Council at present, and that its introduction into the Punjab Legislative Council would be inexpedient.

H. S. FOX-STRANGWAYS,

Deputy Commissioner, Jhelum.

APPENDIX.

Report of conversation with Khan Bahadur Raja Aurangzeb Khan, retired Extra Assistant Commissioner.

"Salaam Raja Sahib. I am glad you have come to see me to-day as I want to ask your opinion about this new scheme that the Government is proposing."

"What new scheme Sahib? Is a new law being made for the Punjab? I think we have enough laws."

"Well not exactly, but I suppose you don't see the newspapers?

"*Tobah* Sahib. Why should I?"

"Well the matter is this. The Lord Sahib thinks that the people should be consulted more before the laws are made, and he proposes to give them a chance of giving their opinions, but before I ask you your opinion on the scheme I should like to know whether you think the present system seems to want improvement."

"I don't quite understand, Sahib. The Sarkar is well meaning."

"Yes, but I mean do you understand who makes the laws by which you are governed now."

"The Sarkar makes the laws."

"But what is the Sarkar? You have heard of the Legislative Councils at Simla and Lahore."

"Oh, of course."

"Do you know who the members of these councils are?"

"Not exactly. There are some native members who sit with the Sahibs and say 'han,' 'han.'"

"Well, perhaps, I had better try and explain the Viceroy's scheme to you and then we will discuss it.

"The system of Government at present is this. There is the Emperor in England with two parties who are elected by the people. Sometimes one party is larger, and sometimes the other. The larger party has a representative who advises the King, and he is called the Secretary of State for India."

"Oh yes, Sahib, I have heard of him. He is Sir John Morley."

"More or less. Then he has a council. Then in India there is the Viceroy with an Executive Council which is the Government of India, and that is the real Sarkar. But for the purpose of making laws the Viceroy has a larger council called the Legislative Council, and, as you say, there are some native members in that. In the same way in the provinces there are Governors or Lieutenant-Governors, and they have little Legislative Councils to help them to make laws. Now the Viceroy first of all proposes to make some more councils to help him to know what the people think. He suggests having a big assembly which is to be called the Imperial Advisory Council and to consist of 60 members, 20 of whom are to be ruling Chiefs and the rest big zamindars. This council is only to give advice when asked for it, and not to have any power. Now, Raja Sahib, what do you think of that idea?"

"Let me think, Sahib, I am rather confused with all these 'Councils.' You say the Lord Sahib wants another 'Council' made up of Rajas and zamindars. First, who would the Rajas be? There is Patiala in the Punjab, and he is a boy, and Bahawalpur is dead, and Kashmir. Well! Oh, but there are others, and the zamindars would be the more important people."

"The zamindars. How would they be selected?"

"That's the question. How would you select them?"

"Sahib, if you ask the truth, I would say do not mention the name of councils. What good will they do to the people? The Sarkar is well meaning as I said, but it will do what it thinks right if there were fifty councils."

"That's just it, Raja Sahib, and you may be very sure that it will in this instance too, whatever you and I may think about the matter. The Viceroy has proposed this scheme, and Morley Sahib has approved it, so that all sensible men will understand that it is useless to condemn it wholesale. What we have to do is to examine it and see if we can suggest weak points. One suggestion is that all land-holders who pay more than Rs. 10,000 per annum land revenue should vote for members for the Advisory Councils. What do you think of that?"

"It is no good, Sahib. I say again, do not mention the name of councils."

"Well, you old Tory, suppose I explain my own views, you will at least tell me whether you think there is anything in them."

"Certainly."

"I think myself that the present system is a very good one. But it is quite true that the Sarkar sometimes makes mistakes in legislating for the people, because the people who finally make the laws do not live with the people who are affected by them. The Viceroy never makes a new law without asking the advice of the Lieutenant-Governor, and the Lieutenant-Governor does not express his opinion till he has asked for the views of Commissioners who again consult district officers. Now you know that we always consult our visitors about any change that is proposed, but just as you say the native members of the Legislative Councils simply sit and say "han," "han," so you must admit most of our visitors do. I think the time to consult the people is when the proposal is being reported on by the district officer, and that if he had a little council composed of selected native gentlemen of the . . . . . "

"No, Sahib, consult us by all means, but do it secretly. It is not right to put people in opposition to Government. I will tell you the truth. The Sarkar is well meaning, as I have said, but it has made two fatal mistakes.

"First, it has given education to people unfitted for it; second, it has put the tenants above the land-lords. Now it wishes to put the kamins above itself. The Sarkar should never be a defendant. I will tell you a story, Sahib. When I was Tahsildar at Muzaffargarh about thirty years ago, there was an outbreak of cholera. There was a pond near the kutchery, and the Deputy Commissioner ordered me to have it drained, which I proceeded to do. When all the water was drained away the fishes were left, so I auctioned them for Rs. 8 and put the money in revenue deposit.

"The fishing rights had been leased by the villagers to a man for Rs. 20 and the lessee sued villagers for that amount. Abdul Aziz was the Munsif, and he said that the tank was drained by the Deputy Commissioner's order, and that the lessee should have the value of the fish in deposit, and dismissed the suit. The lessee appealed and the District Judge, who was a young Sahib, made the Deputy Commissioner co-defendant! The Deputy Commissioner was Gladstone Sahib! Of course, this could not be, so I arranged a compromise, but the whole scheme of Government would collapse if the Deputy Commissioner could be made a co-defendant."

"I quite agree with you, but as I said before, this council scheme is going to come whatever we may think, and I am trying to explain what I think might be done. If we had these little district councils that I suggest, they would be asked to give their opinion on any proposed measure and the Deputy Commissioner would report what local opinion was. But there are some men in nearly every district who are too big and influential to be members of the local council. I think that from them a Provincial Advisory Council might be selected to advise the Lieutenant-Governor. You know there are two sorts of legislation—that which affects the Sarkar and that which only affects the people. For example, the Land Alienation Act or Co-operative Credit Societies Act. I think that such measures should be sent to the Advisory Council I have suggested, and if a majority of that council disapproved of the measure it should not be put before the Legislative Council of the province until local opinion had again been called for."

"But how would you select the members of the Provincial Advisory Council?"

"Certainly not by election any more than I would the local councillors. I think the Lieutenant-Governor should select men of every creed and class from among influential men of the province, but not from among ruling Chiefs."

"No, Sahib, the Lieutenant-Governor should no doubt consult influential men of the province as you would in the district, but he should do it privately."

"But the Viceroy says that the sovereigns in India, however absolute, have always sought the advice of councillors.

"Yes, Sahib, but the councillors were appointed by them and dismissed by them when they gave advice that was not acceptable. The Sarkar seems to be seeking to set up an opposition, so that it may argue with it. What good? The councils would know that they had no power and would not give advice opposed to the suggestions of Government."

"Very well then, Raja Sahib, I understand that you are opposed altogether to the proposed Advisory Council, and would not have them in any shape or form."

"Yes, Sahib. The name of 'council' should not be mentioned."

"Then what about the Legislative Councils? The Viceroy proposed to increase his to 53 members."

"And they would be empowered to make laws?"

"Yes, but, as there cannot be two Kings in the country, the Sarkari members would be in the majority."

"Then there would only be more bakh, and the same result. The Sarkar would make the laws that seem right to them.

"And the Provincial Councils?"

"It is the same thing.

"I must admit, Raja Sahib, that you have not said "han," "han" to me this morning. Now is there anything that I can do for you?"

"There is one request, Sahib. In the matter of the Sub-Registrarship, &c., &c."

H. S. FOX-STRANGWAYS,
Deputy Commissioner, Jhelum.

No. 4356-G., dated Campbellpur, 13th November 1907.

From—B. N. Bosworth-Smith, Esq., Deputy Commissioner, Attock,

To—The Commissioner, Rawalpindi Division.

In compliance with your circular letter no. 2517, dated 3rd ultimo, I have the honour to give, so far as I am able, answers to the various questions.

I. (1) Yes; but a limited power of suggestion would increase its use. The proportion of ruling Chiefs might well be reduced to 15, and that of territorial magnates to a like number.

The remaining 30 seats might then be distributed amongst the various provinces according to their importance and population. And the local Governments might be asked to recommend for the Viceroy's nomination (*a*) landlords paying over Rs. 2,500 land revenue, (*b*) presidents or members of big social or academical societies, (*c*) others whose learning abilities, public spirit, or service mark them out for such an honour.

II. (2) Yes; a limited power of suggestion might also be given. It would seem that nomination is more desirable for the Legislative Council, and that the ideal to aim at in Provincial Advisory Councils would be ultimately a system of election.

If persons paying Rs. 1,500 revenue or Rs. 3,000 income-tax were allowed a vote and one member were elected for the more important districts or for two small districts, this privilege would be appreciated by all thinking persons in the province. The very existence of such Advisory Councils may otherwise never become known to the majority of people.

III. (3) Yes; the words in paragraph 12-E of the Government of India's letter "not less than two to be Muhammadans" might easily be omitted, as the Muhammadan interest would appear already to be sufficiently guarded.

(4) Yes.

(5) Yes; by direct election; the electorates to be all persons paying Rs. 1,500 land revenue or Rs. 3,000 income tax. Fellows of the Punjab University, graduates, and legal practitioners of five years' standing.

(6) Yes, subject to the remark under III (3). They should be retained by election as suggested in (J).

IV. (7) Yes; to 15, excluding the Lieutenant-Governor—8 officials, 7 non-officials.

(8) Nomination.

(9) Non-official seats should be allotted to communities of one religion in proportion to their numbers in each province.

(10) Supposing election is adopted, the electorate should be the similar to that proposed in answer to III (5), subject to the restriction that no religious community should be represented out of proportion to its numerical strength.

(11) No; separate electorates would be unnecessary when the allotted number of one class is full. The candidate of any other class getting most votes would be considered elected.

(12) I do not think such provision necessary.

(13), (14), and (15) I can give no useful opinion. The native gentlemen whom I have consulted reply in the affirmative to all these questions.

B. N. BOSWORTH-SMITH,
Deputy Commissioner, Attock.

No. 247, dated 20th November 1907.

From—Diwan Narendra Nath, M.A., Deputy Commissioner, Gujrat,
To—The Commissioner, Rawalpindi Division.

I have the honour to forward my answers to the questions formulated in connection with Government of India's letter no. 2310—2317, dated 24th August 1907, and to state as follows:

2. When I say that the changes proposed in the way of giving to the people of India a wider share in the councils of the Empire are desirable, I must not be understood to say that these reforms will remove all difficulties of administration. On the other hand, new difficulties will be created which will have to be faced and overcome. The spread of education, the more even distribution of wealth, and the equality of rights secured by Anglo-Indian laws, subverting class domination, have made the changes now proposed necessary. One cannot be, however, very sanguine as to how far these changes will meet the situation. To what extent it will be possible for Government to have regard for public opinion, how far the councillors, who will not themselves be burdened with the responsibilities of administration, will be able to co-operate with Government, remains to be seen. One thing which is necessary amongst others is that there should be a constant flow and inter-change of good feelings on both sides. Much has been said and written about the promotion of social intercourse between Europeans and Indians. Although the last 30 years have seen many social changes in the Punjab, and the next 30 years may see still greater changes, yet the fact remains that diversity of custom and habit between Europeans and Indians is very great. Another difficulty is that the classes most imbued with European ideas are just the classes whose political opinions are not shared by an average European officer. Further social changes will create further political aspirations, and this conflict will continue as long as the period of transition lasts, or in other words until there is complete assimilation, if such a consummation is ever to reach. Of the state of things that existed for some time after the annexation of the Punjab, and of the relation which then prevailed between the rulers and the ruled, I know something partly from tradition and partly from memory which relates only to the latter end of the period, when the old order started with the annexation was coming into decay. Owing to the adoption of the policy of John Lawrence, as opposed to that of Henry Lawrence, a severe shock was given to vested interests. Yet there was no discontent, no disloyalty. The reasons are manifold, but they can be summarised in two sentences. Those whose vested interests suffered got from the British Government what they wanted, and they were treated by British officers in a manner in which they liked to be treated. Besides, concessions and advantages were given which were unknown before the word "Inglis" for pension affords sufficient testimony of this.

3. The present discontent of the middle classes is mainly an economical question. It is impossible to restore the old state of things. I beg to invite your attention to copy of extract from a letter no. 2372, dated 26th October 1907, addressed by me to the Chief Secretary in connection with the decentralization scheme, in which I have made some suggestions, about meeting the pecuniary aspirations of some of the leading men of the middle classes. The proposal made therein may appear to be visionary, and working out of details may present some difficulties. But the main idea, in some shape or other, I submit forcibly, is worthy of adoption. Coming to the higher classes who are not troubled with the question of livelihood, there is no discontent amongst them, but there is a lot of grumbling.

4. Government can do nothing to promote social intercourse between Europeans and Indians. As to courtesy and general treatment strict orders already exist. What I think is needed, not with reference to the change of times only, but with a view to restore the mutual good feeling which existed in old times, is that the old custom of European officers calling on Indian gentlemen of position, without any invitation from the latter, should be revived. In Lahore this courtesy was generally observed with old courtiers of Maharaja Ranjit Singh. The bad feeling created between the two races by the mutiny of 1857 caused the custom to abate to some extent. With the death of the old courtiers the custom died out completely. The courtesy was not extended to any of their sons. In 1876 or 1877 the only vestige that remained of the custom, was that the Deputy Commissioner paid a visit of condolence to the heirs of a deceased grandee. Since that year, I do not know of any instance in which a European Deputy Commissioner paid even a visit of condolence, except perhaps on the death of a titular Raja or some relation of a ruling Chief.

5. The times have completely changed, and democratic ideas have advanced to such an extent that it would be impolitic to make any distinction between old families and new families. Men should be respected for the position they hold quite apart from the consideration as to what was their past. I think that the privilege of a return visit by the Commissioner and Deputy Commissioner should be extended to all members of Councils, Provincial or Imperial, Advisory or Legislative. A Commissioner in the expanded council will be a colleague of a member of Provincial Council.

6. There are no anjumans or societies in this district. I asked the District Judge, Shekh Amir Ali, to convene meetings separately of the leading Muhammadan gentlemen and the leading Hindu members of the Bar. I enclose for your perusal the answers given at the two meetings by the gentlemen who took part in the discussion.

NARENDRA NATH,
Deputy Commissioner, Gujrat.

I.

I certainly think that the formation of "Avisory Councils" would be a boon to the people and the establishment of such a council is a step forward. As to its constitution and duties I have a few suggestions to offer. The standard fixed for selection from amongst territorial magnates of the province is payment of land revenue from Rs. 5,000 to Rs. 50,000. It cannot be denied that the amount of revenue paid by a person goes far to show the extent of landed interest he possesses; but there are other matters also which should not be lost sight of. It must be remembered that the enormous value attached to the proprietary rights in land is only of recent origin. During the Sikh rule in the Punjab the worth of a nobleman depended not so much on the amount of land revenue that he paid, but on the amount of the land revenue that he received in jagir. Husbandry was looked down upon as an inferior occupation. Are the biggest jagirdars in the Punjab included in these 52 men paying revenue from Rs. 5,000 and Rs. 50,000, who evidently will be the class from which selection will be made? This is a point which might be enquired into. These 5 men probably include some wealthy merchants of the province, who having made their money in trade have purchased large areas of land and possibly exclude some very important aristocratic families who still retain to a great extent their past influence in society.

2. Some very important families in the Punjab own large areas of land outside of the province. These were grants made of taluqas in Oudh for valuable services rendered during the mutiny of 1857. In constituting the class out of which selections for the "Advisory Councils" will be made, landed interest possessed by a family in provinces other than the Punjab should not be ignored.

3. In the aristocratic class of the province it has always been customary to include near relations of ruling Chiefs, excluded from inheritance by the operations of the law of primogeniture. These members of the nobility may not possess an area of land in British territory, and may not be paying revenue to Government. It would not be right to exclude such men from the class of which they have hitherto been recognised as important members.

4. The rapidly changing condition of Indian society should be borne in mind. India of to-day is very different from India of 20 years back, and 20 years hence may see changes in economic and other conditions which it is difficult to foresee. It is undesirable to frame a rigid and inflexible constitution which Government may find necessary to change ten or fifteen years hence. To lay down hard and fast standards as to the amount of revenue paid or of jagir enjoyed is impolitic for many other reasons. Actual selection may be confined to the very highest men in the aristocracy of the province, but it would not be right to raise expectations and hopes which it may not be possible to fulfil amongst those who come up to the standard, whilst it would be undesirable to create disappointment in the minds of a large number of men who do not satisfy the pecuniary qualifications fixed by Government. I would, therefore, make the system elastic, and lay down only general rules by which Government may be guided in selecting members for the "Advisory Councils"—

(*a*) The present social position and influence of the person to be selected and of his family in the past, amongst the Provincial Darbaris of the province. The word Darbari is of recent origin, and is indicative of the decay of the aristocratic classes of the province. Formerly they were designated Chiefs as distinguished from ruling Chiefs. Sir Lepel Griffins's History is called the History of the Punjab Chief.

(*b*) The extent of landed property owned and the amount of land revenue paid in the province or outside the province.

(*c*) Amount of jagir enjoyed.

(*d*) Relationship to a ruling Chief.

(*e*) General capacity to serve as a councillor.

The last does not necessarily mean University education; but if the council is to be of any use, ability to understand the various political problems on which the opinion of the councillors will be asked should be considered by no means an unimportant test. Personally I am disposed to think that amidst various conflicts which arise over questions affecting the administration of the country, it requires ability of no mean order to hit upon a point in a higher plane on which right thinking men on both sides, that of the Government and of the people, would be unanimous.

5. Out of 40 seats now reserved for territorial magnates, I would set apart a few for men who have no aristocratic claim, who have risen to highest position in society through the dint of personal ability and merit. Men who have risen very high in service, or who have made a name for themselves in the professions, or who represent commercial and industrial interests in the country should be eligible to them. I am not sure as to what number it would be right to reserve for these classes, but there should be at least 3 seats, one for each class, whilst 6, *i.e.*, 2 for each class, would also be a reasonable number.

6. The members of the aristocracy, barring ruling Chiefs, retain nothing of their former influence. In the Sikh times administrative powers were concentrated in the nobility. A Sardar was not only in receipt of certain emoluments or of certain amount of income from land, but was also considered to be the Chieftain of the tract. He therefore exercised power and authority which was limited or unlimited according to his position. Administrative power is now concentrated in officers representing the Imperial Government. A Tahsildar wields, as the representative of the paramount power, greater authority than a territorial magnate with an income of a lakh of rupees a year. This fact, as also the complete disappearance of the feudal type of old native society, has considerably lessened the influence of the aristocratic classes, and has brought into existence classes directly connected with the administration, Government servants, and lawyers. The former retain in their retirement some of the influence which they exercised and the honour which they received whilst in Government service.

Theoretically an Indian is eligible to any office in the State, and in practice we have seen them selected for such high offices as officiating Chief Justiceship of a Chartered High Court. It would be impolitic on the part of Government to alienate the sympathies of this class, and to drive them to the opposition to wield against Government the influence which they have acquired in Government service.

7. The class of lawyers, independent and wealthy hitherto, the recruiting ground for the highest offices of the State, is a creation of British rule. They are interpreters of Anglo-Indian law, and therefore the necessary outcome of it. The fact that Indians who have risen to highest offices of State in British territory have come from this class considerably enhances their influence. The way in which this tends to subvert the influence of the old aristocracy is not always realised by European officers; but a little reflection will make it clear, how in Indian caste communities the man, who is more wealthy, wields greater authority, receives more respect from Government, must take precedence over the scion of an old family. The influence of this class needs every recognition at the hands of Government. To reserve one or two seats for them will create a healthy ambition amongst them and will regulate and mould the lives and careers of many.

8. As regards the commercial and industrial classes, I am fully aware of the fact that this class has not yet come into prominence, but it has a great future before it. Scientific and technical education is increasing rapidly. Considering the mischievous turn which industrial development in India may take, and of which we have received a fair amount of warning from the movement called *Swadeshism*, it is very undesirable to shut the door of the highest council of the Empire to men belonging to this class.

9. I have read something of the criticism against the reforms proposed. Much of what has been suggested above will remove a great deal of the opposition that has been shown. It has been said that ruling Chiefs are not affected by the laws made for British territory, but they have a large stake in the integrity of the Empire and in the maintenance of order, and as such must take share in the councils of the Empire.

10. An objection may be raised that in a body consisting of ruling Chiefs and the landed nobility and gentry, it is undesirable to introduce political opinions held by persons outside of this class. To this my answer is that the ruling Chiefs and members of aristocracy have ample opportunities outside the Council Chamber of learning, the political views of men who do not belong to their class. As long as the majority consists of men representing stable interests of society, the chances are that the men outside of their class will be influenced by their views rather than the other way.

11. The Advisory Council will receive no legislative recognition, its functions will be purely advisory and its proceedings informal. With such constitution as the council will have, consisting purely of non-officials, I do not think that it is possible to

give it a statutory existence or to lay down any rule in writing, as has been suggested by an ex-member of the Viceroy's Council, about the weight to be given to the opinion of the majority of its members. I am doubtful if a council, having statutory powers, in which Government was unrepresented, would be the safe custodian of Imperial concerns and interests. Such a council must have therefore purely advisory functions. It is, however, necessary to point out that unless due weight is given to the opinion of the members, and a sort of unwritten rule is observed as to the extreme undesirability of Government acting in opposition to the opinion of the majority, the position of ruling Chiefs and territorial magnates will be worse than that of the members of the Legislative Council, and they will eventually be unwilling to work on the council and to give their honest opinion. I think it is advantageous to keep the proceedings confidential, but I do not understand why the proceedings should be informal. I notice a slight difference in the procedure to be observed in consultation with members of the Provincial Advisory Council and that to be followed with members of the Imperial Advisory Council. The word informal is nowhere applied to the deliberations of the Provincial Advisory Council. With respect to consultations with the individual members of the Imperial Advisory Council, I do not find that this would be done by letters. A purely informal talk on weighty matters of State is absolutely useless. To give opinion on important questions, it is necessary to study all the connected papers and to think over the *pros* and *cons*. A passing remark in a casual conversation does not elicit the true opinion. I therefore think that all consultations with individual members of the Advisory Council should be in writing. If it is feared that in the case of certain members opinions in writing would reflect more the views of the amanuensis than of the member, then at least an option should be given of submitting opinions verbally or in writing. Men who have not thought over the questions that come before council are not likely to be of much help in the deliberations of the council. I believe that amongst ruling Chiefs and territorial magnates it is possible to get a sufficient number who are educated enough to take interest in public questions, to form opinions on them, and to submit them in writing. I presume that the privilege of giving opinion on questions referred to the council by Government carries with it the privilege of addressing Government, in a purely advisory capacity, on important public questions.

II.

I think that a Provincial Advisory Council would be a useful institution. I have no modification to suggest, in the proposals made by Government of India, regarding its constitutions and duties. There is, however, only one thing to which I wish to draw attention. Members for the Advisory Council, Provincial or Imperial, will be selected from a higher class than those for the Legislative Council. Why should the deliberations of the Provincial Advisory Council be presided over by a high official deputed by the Lieutenant-Governor, while he himself presides over the Legislative Council. This will be felt as derogatory by the members of the Advisory Council, will be apt to make the proceedings too informal, and will detract from the earnestness and interest of the members.

III.

(*a*) I approve of the enlargement of the Imperial Legislative Council. As to the scheme sketched out in paragraph 12, I have a few words to say. The scheme does not appear to me to be consistent in its various parts. Four seats have been promised to Muhammadans—2 by election and 2 by nomination. If two seats must go to Muhammadans, which means Muhammadans in the whole of India, including this province, by election, there is no reason why non-official members for the Imperial Council for this Province and Eastern Bengal should not be elected D (*b*). It is also difficult to say whether election will not or will be the ultimate mode of selection of the land-holding class of this and other provinces.

I am one of those who think that Muhammadans in India are a more important class than the numerical proportions of their population would seem to indicate. But I do not think that it was ever contemplated or intended by Government that no regard is to be paid to the numerical strength of the Hindus in Hindustan, whilst in respect of education and wealth, though perhaps not in respect of solidarity, they occupy a much more important place than the Muhammadans. There are 20 seats under D (*b*), (*c*), (*d*), and E, which will be held by Indians—Hindus, Muhammadans, Sikhs, Parsis, and Jains. I do not think that a ruling Chief should be counted to lend his influence either to the Hindus or Muhammadans, and the nominees of Chambers of Commerce of Calcutta and Bombay will be Europeans. If 4 seats are allotted to Muhammadans as an important minority, what guarantee is there that, coming from other sources, they will not occupy as many seats as the most influential majority in the population. There is a possibility, if not a likelihood, of a Muhammadan being elected by the non-official members of the Punjab, Eastern Bengal, and United Provinces. This gives them 3 seats. Then they may get 3 seats under D (*c*) by election, from the nobles and great land-owners of the Punjab, Eastern Bengal, and United Provinces. This gives them 10 seats in all. It is, I think, anomalous that, coming through the trap-door of a special

provision for the representation of minorities they should secure as many seats as any other class including Hindus, who are numerically the largest. Having given election to Muhammadans D (*b*) I do not think it would be right to withhold it from any other class desiring it.

It has been suggested that to make any reservation in favour of Muhammadans will accentuate racial and religious feeling and will introduce it into the council, and that such a feeling once roused will spread even to the territorial magnates and ruling Chiefs, and might infect the members of the Advisory Council. There is great force in this argument, but I think it is not now possible to recede from the position already taken by Government, though the whole scheme described in the Government of India letter is said to be a tentative one. Nothing would now be gained by unravelling the past records to see if Muhammadans have occupied on the council a number of seats greater in proportion to their mere numerical strength in the population. I would therefore suggest only a slight addition in clause E. I would insert the following proviso:—"Provided that the number of Muhammadans coming from other sources including special election under *clause D* (*d*) is not more than 4." This would not tie down the hands of Government as to any special method of recruitment for other classes. It would give 6 seats to Muhammadans out of 20 for Indians of all creeds. This is much above the numerical proportion of the Muhammadan population.

(*b*) I think that the time has come when a member should be elected for the Imperial Council by the non-official members of the Provincial Council. It cannot be denied that election gives a more popular basis to the mode of selection. In other provinces having a Legislative Council, a member of the Imperial Council is returned by election. In these provinces election will be introduced with regard to the two seats under D (*d*) for Muhammadans. In view of these facts it is unreasonable to deny to the province the election of one member for the Imperial Council.

(*c*) I approve of the selection of one of the great land-owners for the province to the Imperial Council, but I do not wish to introduce election in their case. Canvassing, which is so essential for election, is not very agreeable to the land-owning classes, greater number of whom constitute the aristocracy of the province. In case election is resorted to, an electorate should be formed of the Provincial Darbaris of the province paying a certain amount of revenue and of others outside of this class paying a larger amount.

(*d*) As regards the Muhammadan electorate for the selection of Muhammadan member under clause D (*d*), I have not yet received the statistics referred to in paragraph 8 of Mr. Maclagan's letter. In the absence of this information, all that I can say is that the Muhammadan non-official members of the Provincial Council should form the electorate.

IV.

It is difficult for a district officer to say to what figure the number of present members of the council should be increased. But I think that 20 would be a fair number. I would have 11 official members and 9 non-official. The 11 official members to consist of—

Lieutenant-Governor	1
Chief Secretary	1
Financial Commissioner	1
Settlement and Revenue Commissioners	6
Principal Law Officer of Government	1
Out of the various heads of departments by turn	1
TOTAL	11

I would fill up the 9 non-official seats in the following way:—

By nomination—

Ruling Chief	1
Land-holders	3
Mercantile community	1
Minorities (Sikhs and Christians)	1

By election—

Profession	1
University	1
Municipalities and district boards	1

I do not think that out of 9 seats it is possible to make a special reservation for Muhammadans. Besides, Muhammadans in the Punjab are not in a minority and cannot claim

the special provisions for minorities in a representative scheme. The seats by nomination may be filled after the result of election is known. If members returned by election are all of one class, there are 3 seats set apart for land-holders, and those may be filled up by men belonging to the other classes. To follow the analogy of the Imperial Council in reserving a number of seats for Muhammadans, I am afraid that it will be necessary to expand the council to a much larger figure. It is, however, possible to maintain Government majority even in a council of 28 by nominating all the heads of departments, Sanitary Commissioner or Chief Engineer, Inspector-General of Civil Hospitals, Inspector-General of Prisons, Inspector-General of Police, and Director of Public Instruction. One objection to such a large council would be that, some of the departmental officers, who are not directly concerned with the measures coming before the Council, will be taken away from their legitimate sphere of work. If this difficulty is not considered unsurmountable, I would have 13 non-official to 15 official members including the Lieutenant-Governor. The 13 non-official seats may be distributed as follows:—

By nomination—	
Ruling Chief	1
Land-holders	4
Sikh	1
Muhammadan	1
European mercantile and commercial community	1
By election—	
Muhammadan	1
Profession	1
University	1
Municipalities	1
District boards	1

For the Muhammadans an electorate may be formed of the Muhammadan members of the district boards and municipalities in the province. By profession I mean the legal profession and the Bar Association in various districts of the province or the Indian Association of Lahore in which the majority of the members are lawyers, may be called upon to elect. The setting apart of a seat for the legal profession in the Provincial Council will, I think, considerably strengthen the position of Government in keeping open to nomination a number of seats representing very important interests in the country, *i.e.*, interests of classes to whom election is unsuitable. Indirectly it will also give to the legal profession a voice in the Imperial Council as non-official members of the Provincial Council will be eligible for election to the Imperial Council. I have suggested above how in my opinion the Provincial Council should be formed. If the number is fixed at 20, representation by religion will be difficult to arrange. I wish, however, to offer a few observations on the subject dealt with in paragraph 22. I am opposed on principle to have representations in any council or board by religion or caste, much more so to have election for each separate class. The case of Muhammadans for representation in Imperial Council only might, for various reasons, on which I need not dwell here, be treated as exceptional, though I am of opinion that there are disadvantages in this also. But to have class representation on every district and municipal boards and every Provincial Council is, I submit, a mistake. To give representation to castes and religious communities on the bases of religion or caste will introduce into the council or board men strongly imbued with class and religious bias, bigoted Hindus, bigoted Muhammadans, and bigoted Sikhs. Now each delegate may be expected to fully guard the interests of his own class, and there is the European Government to see that justice is done to all, but I think that there is one great weakness of human nature which is overlooked when the system of class representation on the basis of religion is advocated. A bigoted man is always exclusive, he is all for his own class. A European Government or a European system of administration will derive little help from a collection of bigoted Hindus, Muhammadans, and Sikhs. Such men to further their own ends may temporarily and outwardly help the system, but the co-operation does not proceed from the heart. To give elections on the bases of religion is to make a most terrible mess of Eastern and Western systems. It amounts, I think, to retaining the evils of both systems, and doing away with the good of either, I would open certain seats to election, reserve a few for nomination, and then supplement by nomination the defects of election. Election hitherto might have resulted in returning men imbued with a certain set of political opinion. To introduce class representation may or may not remedy this tendency, but will certainly introduce evils of a much greater magnitude.

Nothing would, I submit, be a greater mistake than to have this kind of representation in district boards and municipalities. The electorate for these bodies consists of ignorant men. The pecuniary qualification is law for eligibility as voters or as members. Amongst ignorant men, low in the grade of society, class bigotry easily degenerates into fanaticism. To drive religion or class bias into hearth and home is to augment the difficulties of administration. Notwithstanding all this, in the districts in which I have been, class representation on any basis other than that of religion

is not possible. In dividing themselves into groups, people of India think less of their occupation, and more of their religion or hereditary castes. I do not see how in Gujranwala or Gujrat, or, for the matter of that, in any town in the Punjab, it is possible to have representation by occupations, ignoring the religions. Classification by occupation may be acceptable to the people when it fits in with classification by religion, but not otherwise. But in each and every town it will be difficult to devise a system which will satisfy both the religious and the occupational tests. In district boards there is only one preponderating class, *viz.*, the land-holders, which needs representation, and under the present system it is fully represented. In the Punjab cultivators, tenants, or kamins are not sufficiently advanced to require representation. Traders and others can get in by nomination if they satisfy certain conditions. The system of representation in local bodies in the Punjab therefore requires no change.

V. I think that the system of discussing the Budget should be altered in the manner suggested in paragraph 23.

Discussions by separate heads is likely to confine the debate to financial policy of Government, and will prevent to a certain extent the introduction of extraneous matters. The provincial Budget should be discussed in the Provincial Council and that by separate heads, and the right of interpellation should be given to the members of the Punjab Council.

As to these privileges as well as the introduction of election for the Punjab, I wish to remark that, with the exception of Burma, all other Provincial Councils enjoy these rights. The Punjab is no longer a frontier Province. It is not in any way less advanced than the United Provinces. There appears therefore to be no reason why these privileges should be withheld from the Punjab Council.

NARINDRA NATH,
Deputy Commissioner, Gujrat.

The 20th November 1907.

Extract from letter no. 2362, *dated 26th October* 1907, *from Diwan Narindra Nath, Deputy Commissioner, Gujrat, to the Under Secretary to Government, Punjab, Revenue Department.*

In connection with this subject, I venture to lay before you some idea about a scheme of grants of land to be made by local Government on the recommendation of local officers. Ever since the desirability of decentralization was first suggested in Parliament, I have been thinking how the potency of local Governments for beneficence could be materially increased. Absolute sovereignty implies unrestricted powers of punishment and reward. In the system of British Indian Government at present organised, the power of punishment is, and must be, regulated by a well defined constitution. Similarly, it is impossible to revive the old idea of unlimited and extensive powers of doing benevolence. I, however, think that, with due regard to modern economic and other conditions, it is possible to bring into greater relief the benevolent character of the absolute system of Government which we must have for an undefinitely long time if not for ever the powers which local Government and the officers representing it in various spheres have of giving Government posts is felt to be inadequate. The supply vastly exceeds the demand.

2. Whilst in list (*a*) I have suggested that Government should take much wider powers than exist now of granting assignments of land revenue for a life time, I fear that much cannot be done in this direction. The powers of granting hereditary jagirs will not be of much use. Hereditary assignments of land revenue were made after the annexation of the Punjab, under conditions and circumstances which do not exist now. Under the altered economic conditions of the Province, jagirs which, in many cases in old days, constituted a substantial help towards the maintenance of the jagirdars, are now valued more on account of the distinction which they bestow than as sources of income. It is neither possible nor desirable for Government to create a new class of hereditary jagirdars when position and prestige might militate against, and come into conflict with, those of the old jagirdars. These have in course of generations acquired for themselves a position in Indian society, which it will not be wise on the part of Government to disturb.

4. The colonization schemes have been a source of immense good to the people and of profit to the State. But as in all things good there is a spirit of evil, so these schemes too have not been unmixed blessings. The colonies constitute in the Punjab one of the greatest democratic forces that have been created by the British rule. One direct result of them is that Government no longer possesses the vast power which it had of making large grants of land. This detracts largely from its power and therefore from its aristocratic form, yet it is not possible to make any material changes in the form of Government. The situation now is this that people have not the regard and respect which they had for Government officers in the past, for the simple reason that Government officers can give very few things. Appointments are few, jagirs cannot be granted, and if nothing is done to put some limit to further colonization there will be no land left before long at the disposal of Government to grant.

5. At the same time schemes are afloat for associating people on a large scale in the work of administration, not by giving them more stipendiary offices, but by enlisting their co-operation in local self-government and in the work of legislation. All classes must take part in this work. It is therefore necessary to see that people should come to the work with a conciliatory attitude of mind—to advise and to criticise, but not merely to carp and find fault. In view of all these circumstances, I would invent a system of life grants (not hereditary grants which would soon exhaust all the land that there is), for which people who have rendered honorary services to Government should become eligible after a certain age. Each grant should secure an income of about Rs. 5,000 a year to the grantee, and should be lightly assessed.

I think that 20 squares well irrigated by a perennial canal will secure that much income. In each district of the Province a certain area should be set apart out of which these grants should be made to men of the districts or of neighbouring districts. Regard should be paid to the importance of the district and to the facilities which it has in respect of irrigation and communication. For instance, in Gujrat, an area of about 26,000 (I am giving the figures from memory) of Government land is likely to be irrigated from Jhelum Canal. It would not be too much to set apart 5,000 acres for this purpose. In Gujranwala and Lahore districts, I do not think it would be impossible to set apart 7,000 and 10,000 acres, respectively, for this purpose. Retired Government servants of high position, large land-owners, and hereditary jagirdars drawing large jagirs might be excluded from the benefit of these grants. The power of making grants should, of course, vest in the local Government, on the recommendation of local officers. The prestige of local officers depends on the powers which vests in the local Government, for the former exercise only delegated authority. The enhancement of the powers of Government in the direction indicated will enhance the powers and prestige of local officers. The above is but a bare outline of a scheme which has been in my mind for some time past. Details may be thought out, if the suggestions made are worthy of any consideration.

The following was passed at the meeting of representative Muhammadans of Gujrat held in the Public Library Hall on 20th October 1907 at 8 A. M.

Answers to questions on which opinions were desired in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907.

I. (1) An Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter will, in our opinion, be of service to the country, but we suggest that provisions be made for councillors being allowed to bring important matters to notice.

II. (2) We think a Provincial Advisory Council will be a useful institution, and can suggest no modifications in the proposals regarding its constitution and duties.

III. (3) We approve of the proposed enlargement of Legislative Council, but we wish that the interests of the Muhammadan community may be duly represented.

(4) We approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) We approve of the selection by nomination of educated and experienced zamindar, irrespective of the amount of land revenue paid by him.

(6) We approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by selection, and 2 by nomination, but we recommend that elected members should be elected by the Muhammadan members of the Provincial Council.

(7) We advocate an increase in the present number of members to 20 (not less than 20), but we recommend the appointment of non-official members by nomination in proportion to the numbers and population of various classes inhabiting the Province.

(8), (9), (10), (12)

(13), (14), and (15) We approve of the discussion of the Budget by separate heads in Imperial and Provincial Councils, and we are in favour of the power of interpellation being given to members.

AMIR ALI,
District Judge.

The proceedings of an extraordinary meeting of the members of the Gujrat Bar Association held on the 13th October 1907.

The members of the Gujrat Bar met at the Bar Room on the 13th October 1907 to consider the Legislative Council's reforms as proposed in the published letter of the Government of India. Sheikh Amir Ali, B. A., District Judge of Gujrat, was in the chair. After the District Judge had clearly explained the scheme of the proposed reforms, the questions required by the Government of the Punjab in its letter to be answered and discussed were put before the meeting and the following unanimous answers were the result of its deliberations.

Question 1.—(*a*) The establishment of an Advisory Council is essential.

(*b*) Along with the standard of landed property or wealth of the nominee for the membership of the Advisory Council some decent qualification of education and public and general experience should be necessary.

(*c*) While the proceedings of the Advisory Councils are to be kept quite secret it is submitted that the proposals put before the various meetings of such councils and the conclusions to which they arrive should be made public, so that the people may be kept in touch with what is being done for them.

(*d*) The members of the council should have the right to offer voluntary advice and make proposals consonant with the public interest. The main reason for this being that, if no such right is given, many a matter of great public importance may never strike the Government to be put before the council, and thus remain the source of inconvenience both to the rulers and the ruled.

Question 2.—Agreed to with the same changes as mentioned in the answer to question no. 1.

Question 3.—(*a*) An enlargement of the Imperial Legislative Council approved of.

(*b*) At least one member of the Imperial Legislative Council to be elected by the High Court or Chief Court Bar Association of each Province.

(*c*) Paragraph 4 agreed to.

(*d*) Paragraph 5, election by the land-holders in the Provincial Councils agreed to in preference of nomination. The nominee should have educational and public experience qualifications.

(*e*) The electorate should be, in case of Muhammadan members in addition to clauses (*a*), (*b*), and (*c*) in paragraph 18 of the letter of Government of India, the following as clause (*d*):—

"Important Provincial Muhammadan Associations."

Question 4.—(*a*) Paragraph 7 agreed to.

(*b*) There should be 12 elected non-official members of the Punjab Legislative Council, *viz.*, 2 members from each division, these seats to be equally filled up by Hindus and Muhammadans, 3 extra seats to be filled up by elected or nominated members from the other minorities in classes.

(*c*) The local municipal and district boards along with other local important bodies and persons should unitedly form the electorate of each district, and the gentlemen of each division thus elected may elect from amongst themselves 2 members for the Legislative Council as mentioned above in paragraph (*b*).

Question 5.—(*a*) The discussion on the Budget in the Imperial Legislative Council should be altered, as in paragraph 23, under separate headings.

(*b*) Answer to paragraph 14 is the same as above.

(*c*) The right of interpellation in the Punjab Legislative Council should be given to the members.

KISHORILAL, *Pleader, Secretary.* AMIR ALI, *District Judge.*

Dated Gujrat, the 23rd October 1907.

No. 500-G., dated 27th November 1907.

From—P. D. AGNEW, Esq., I.C.S., Deputy Commissioner, Rawalpindi Division,

To—The Commissioner, Rawalpindi Division.

With reference to your no. 2517, dated the 3rd October 1907, I have the honour to report that I have consulted in these questions the following, *viz.*:—

1. Baba Gurbakhsh Singh Bedi, of Kallar.
2. Mr. Dhanjibhoy, C.I.E.
3. Khan Bahadur Adamji Mamooji.
4. The members of the municipal committee, Rawalpindi.

The opinions of the first three I shall quote in the proper place. The municipal committee has merely expressed general approval of the Government of India's proposals, and I have been unable to get any definite opinion as to the questions framed by the Punjab Government from the members of the sub-committee appointed to consider the papers. These members included Malak Mohan Singh, a large contractor and house-owner, who is now vice-president of the committee, Diwan Bahadur Daulat Rai, who is a pleader in large practice here, Sardar Bahadur Buta Singh, who is well known to you, and a pleader's Munshi named Karam Ellahi.

I regret that there is no large land-owner in the district capable of appreciating the proposals or of expressing an opinion of any value.

To take the questions in order—

II. (1) I think the Imperial Advisory Council would be a useful institution. Those constituted are of the same opinion and have no suggestions to offer. I would suggest, however, "magnates" other than "territorial" might be eligible for appointment. After all, in these modern days, there is an aristocracy of wealth in India, as elsewhere, and many of the most difficult problems of the day concern commerce and industry. Apart from this a well-known spiritual adviser in one of the great religions of India or a respected political or social leader such as the late Sir Sayad Ahmad Khan might often be a counsellor of value to the Government of India.

(2) I and those consulted agree cordially in the advisability of establishing the Provincial Advisory Council, and think the number suggested, *viz.*, 20, is suitable.

(3) As regards the third question I submit copy of the joint opinion of Messrs. Dhanjibhoy and Adamji, also that of Baba Gurbakhsh Singh.

I agree that the Imperial Legislative Council should be enlarged as proposed.

I am inclined to agree with the suggestion that the official element might be reduced with advantage. I think 2 memberships might be taken from class "B" and put into class "D" (*c*). I also think that the election of 2 special Muhammadan members, class "D" (*d*), is a mistake. The electorate will be excessively difficult to form, and after all, if it is necessary to give class representation, a step in itself opposed to liberal principles and only necessitated by the peculiar circumstances of this Eastern country, it is surely better to nominate such members frankly. To give disproportionate electoral power is likely to create a feeling of dissatisfaction in the minds of other creeds; less odium attaches, I think, to nomination by the Government. I would therefore transfer class "D" (*d*) to class "E." As regards the reduction of the official majority, there is, I think, no conceivable question on which a majority of elected and nominated members might combine to override the official vote in which it might not be fairly presumed that the latter were in the wrong, or at any rate that their vote was being cast for a universally unpopular measure.

(4) I answer this question in the affirmative.

(5) In connection with this subject I quote below the opinion of Baba Gurbakhsh Singh and of Messrs. Adamji and Dhanjibhoy (paragraph 5):—

(*i*) "In my opinion the chief land proprietors of the Province should have a right to elect a member in the Imperial Legislative Council. This election should be as suggested in paragraph 14 (1) of the Government of India letter quoted above. The alternative method suggested in the same letter would not be right as the number of the land-owners in the Provincial Legislative Council would not be enough to afford a chance of their electing one from among themselves."

"For this election there are 52 such land proprietors paying revenue over Rs. 5,000 (Punjab Government letter, paragraph 5, last part)."

"If the number of the voters were raised to 100, which should at least be the minimum, the limit of Rs. 5,000 revenue will have to be reduced. In my opinion therefore the limit of revenue should be lowered, that the number of the voters may be 100."

(*ii*) *Paragraph* 5.—"Yes, it would add to the dignity of our great land-owners in the Province, and will also enable the Government to secure the opinion and advice of such gentlemen, and we respectfully suggest the method no. II in paragraph 15 would be most suitable."

I think that the limit qualifying for membership might be reduced to Rs. 3,000. It would be easy to frame a list of land-owners paying revenue of Rs. 3,000 or over. These might be asked to give in their votes to their Commissioner in person; any 5 land-holders paying Rs. 3,000 or over might nominate any other such land-holder in a given division: a list of the names so received would be sent to each Deputy Commissioner and each voter be asked by letter to record his vote in presence of the Deputy Commissioner of his district.

(6) I have already answered this question in (3) above. I am against the election of Muhammadan members.

If, however, there are to be two elected Muhammadan members I can think of no better electorate than that suggested in paragraph 18 of the Government of India letter. The amount of land revenue might be Rs. 10,000 and the members of class (*c*) be allowed half the voting power, as compared with one-fourth each to be allotted to classes (*a*) and (*b*).

(7) The opinions of Baba Gurbakhsh Singh and Messrs. Adamji and Dhanjibhoy on this question may be perused.

If an official majority is to be maintained the only officials of sufficient rank available for addition would seem to be the 5 Commissioners of divisions. Apart from the President and Secretary the present Provincial Legislative Council consists of 3 official and 3 non-official members. If 5 Commissioners were added this would allow of the appointment of 6 non-official members in all, and still leave a margin on the side of the Government sufficient to allow of the occasional absence of official members. The 3 official seats might be filled by nomination, as at present, and the 5 Commissioners would be *ex-officio* members; with this official majority there seems to be no reason why the remaining 6 seats should not be filled by election.

(9) I would distribute the seats as follows:—

1. One to be elected by the Senate of the University.

2. Two to be elected by municipalities, each to have a vote for each member, but the vote to count according to population. The population of the smallest municipal committee in even thousands might be taken as the unit, and the votes of those larger to be multiplied in proportion to the number of thousands of inhabitants.

3. Two to be elected by district boards.

For the present I would allow the constitution of the district boards to remain as at present. The interests of different classes and religions are already regarded in nominating to memberships of the boards. In the Punjab any attempt at open election to memberships of the district boards might lead to faction feeling. For instance, suppose we were to say that a given zail or group of zails might elect a member. The electorate would probably consist of village headmen, land-owners paying over a certain amount of revenue and income-tax payers. If any one set up a candidate in opposition to the local zaildar or jagirdar factions would be formed and intrigues set on foot which would result in the usual train of quarrelling either in the courts or in the open. Moreover, the practical difficulties of conducting such elections would be very great.

As the members of the boards in Musalman districts consist chiefly of Musalmans I do not think that the Muhammadan element would, on the whole, be overlooked.

4. One seat to be reserved for a Muhammadan. All Muhammadan land-holders paying Rs. 500 a year or upwards; all Muhammadan payers of income-tax, and all registered Muhammadan graduates of an Indian University to have the right to vote.

(10) As regards the subjects noted in V (13), (14), and (15), I am not competent to express an opinion; such matters are for decision on broad grounds of policy. The privilege of interpellation seems, so far as I can learn, to be one valued by educated Indian opinion and it is certainly a good method of bringing local grievances to the notice of Government.

P. D. AGNEW,

Deputy Commissioner, Rawalpindi.

Opinion by Baba Gurbakhsh Singh, of Kallar, dated 9th November 1907.

I have carefully gone through the papers. I have not had sufficient time to satisfactorily go through this important matter, and consequently beg briefly to reply the questions therein asked as follows:—

(1) I think the Imperial Advisory Council as proposed would prove very useful to the country. But I would point out that (though I am a land-owner myself) that it would be better if raises other than jagirdars and proprietors of land as well were included, so that the Government may have a chance of consulting every class of community. If the council were therefore limited to land-holders only it is just quite possible that the Government may not have disinterested opinion. Election would not at all be necessary. His Excellency the Viceroy may himself nominate fit persons.

(2) The Provincial Advisory Council would also be beneficial. It appears from the Government of India letter that all classes of persons could be nominated for it. There seems no reason why the same should not be done with regard to the Imperial Advisory Council.

(3) I like the increase in the number of the members of the Imperial Legislative Council and generally approve of the proposals contained in the Government of India letter. But I wish simply to say something on one or two points.

In my opinion it would not be improper if for the council (*i.e.*, Imperial Legislative Council) two members at least were selected from the Imperial Advisory Council.

Though it has not been considered advisable to give the Imperial Advisory Council the status of a legal body (assembly), it would not be proper if no member of it were taken in the Imperial Legislative Council.

Some cases may probably rise where the draft bill of any particular law be prepared by the Imperial Advisory Council. But under the Government of India letter the Imperial Advisory Council or its members will have no right (in their capacity of the members of that council) to take part in any discussion with regard to that bill or express any opinion thereon. I have not got sufficient time to give an opinion in detail about the rules contained in the Government of India letter with regard to selection of members from each class and creed. I think it, however, necessary to point out that extending the system of selection so far as to cover each class and creed would be extremely difficult and dangerous. There would be no end to this chain, as there is an unlimited number of religions and communities in India. In my opinion endeavours should be made to unite the opinions of various classes. The system of selection should not be based on religions and communities but on ability alone. If it be found that any religion or community is not sufficiently represented in the council, the Government can reserve to it the right of filling certain offices by nomination.

(4) Yes, I agree in the proposal that one member of the Imperial Legislative Council be elected from among the Provincial Legislative Council.

(5) In my opinion the chief land proprietors of this Province should have a right to elect a member in the Imperial Legislative Council. This election should be as suggested in paragraph 14 (1) of the Government of India letter quoted above. The alternative method suggested in the same letter should not be right, as the number of the land-owners in the Provincial Legislative Council would not be enough to afford a chance of their electing one from among themselves.

For this election there are 52 such land proprietors paying revenue over Rs. 5,000 (Punjab Government letter, paragraph 5, last part).

If the number of the voters were raised to 100, which should at least be the minimum, the limit of Rs. 5,000 revenue will have to be reduced. In my opinion, therefore, the limit of revenue should be lowered, that the number of the voters may be 100.

(6) I think no favour should be shown to the Muhammadans. In the first place, as I have said above, the question of class or creed should not enter in election; secondly, if any special favour were shown to the Muhammadans, the other communities who, also like Muhammadans, are less in the number would raise a cry that they also may be similarly treated; thirdly, by this special favour the Muhammadans will think that they are particularly under protection of the Government and have prior claims to other communities. It may also create a corresponding thought in the minds of the other classes that the Government does not favour them, and that their rights have been overlooked. The ignorant people may use these thoughts as a means of spreading dissatisfaction and enmity among different classes of community. In my opinion, therefore, instead of particularly nominating the Muhammadans, the Government should reserve to it the right of filling a certain number of offices under section "E," paragraph 12, of the Government of India letter. I may also mention that if this favour were shown to the Muhammadans it would in some instances be found that in the Imperial Legislative Council the number of the Muhammadans would be equal to that of all the other communities. Another difficulty may arise,

viz., that in the Punjab where the number of the Muhammadans is greater a similar favour will have to be extended to the Hindus and the Sikhs, as otherwise under the proposals in the Government of India letter there would be a very little chance of any Hindu or Sikh being elected. There would be only one way of nominating Hindus or Sikhs from the Punjab, and under section E, paragraph 12, of the Government of India letter where out of the four offices 2 were given to the Muhammadans and the remaining 2 reserved for other classes, it is just quite possible that out of those two also none may fall to the Punjab.

(7) I do not see any reason why in the Punjab like the United Provinces the number of the members of the Provincial Legislative Council be not increased. I think the number should be raised to 25, including His Honour the Lieutenant-Governor. Out of these 14 should be officers appointed by the Government; one should be a chief of some State nominated by the Government; one should be taken from the Senate of the University; and one from each of the five divisions; the remaining 3 should be reserved to the local Government who would fill these posts (by nomination) from his Province with due regard to ability, &c.

(8) I think with the exception of one man who should be selected by the Senate, the remaining members should be nominated by the Government.

(9) The number of the non-official members in the Punjab with regard to class and creed should be as follows:—

1 Christian, 4 Muhammadans, 2 Hindus, and 2 Sikhs.

(10) It is not necessary to answer this question as I am not in favour of election.

(11) As in no. 10 above.

(12) I think there is no need for any special favour for the Muhammadans in this Province, because, as I have said above in no. 9, the number of the Muhammadans here is equal to that of the Hindus and Sikhs.

(13) I think the mode of discussing the Budget should, in accordance with paragraph 23 of the Government of India letter, be changed.

(14) I am of opinion that discussion should be held on the Budget in the Provincial Council as well, and that the mode of discussing should be that which is now proposed with regard to the Imperial Legislative Council, as the old system has been found defective as appears from the Government of India letter.

(15) In my opinion it is essential that the members should have a right of asking questions; as such questions and answers give the subjects the chance of putting their grievance before the Government and thereby the Government also gets an opportunity of explaining its subject.

The 9th November 1907. GURBAKHSH SINGH, OF KALLAR.

Answers to the questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated the 24th August* 1907.

(1) Yes, it is needed and will be of great service to the country; the suggestion in paragraph 5 are well thought out, and at present does not appear to require any modification or improvement.

(2) Provincial Advisory Council will be a most useful institution, and in fact as important as Imperial Advisory Council; as to the modification time alone will develop the circumstances if so required, at present the duties in brief expected from the members are quite sufficient to give encouragement to the high class natives to join.

(3) The enlargement of the Imperial Legislative Council is at the present moment of the utmost importance, and the suggestion that is put forward in paragraph 12 is commendable, it gives right and secures the privileges of all classes. But your committee would most respectfully suggest that the member in the tables "A" and "B" may be reconsidered as out of 53 members it gives 28 nominations for the Government officials. A slight reduction in the Government voting power is respectfully suggested.

(4) The suggestion in paragraph 13 is wise as it gives each province a right of having its own representative on the Advisory Council, and it will at once do away with a number of petty questions and answers required to them.

(5) Yes, it would add to the dignity of our great land-owners in the Province, and will also enable the Government to secure the opinion and advice of such gentlemen; and we respectfully suggest the method no. II in paragraph 15 would be most suitable.

(6) Yes, we recommend the appointment of the Muhammadans to the Imperial Council by the same method as suggested in the preceding paragraph.

(7) Yes, it would be better if His Honour the Lieutenant-Governor had few additional members on his Legislative Council, and if three nominated members are added it will always give the Government the majority of 7 to 6.

(8) It would be better if the present system of the nomination of the members was allowed to continue on the Provincial Legislative Council for a few years longer. (Reasons are many and cannot be recorded in a public document like this).

(9) In the event of majority of the people reporting in favour of the system of election we then suggest that only one-fourth of the seats be filled by the elected representative.

(10) Election of unofficial members had better be through the municipality than the district board and the election may be without distinction of caste and creed, otherwise it will cause endless trouble to the authorities; and mischief will be carried out by wire-pullers to any extent.

(11) Time has not arrived in Punjab for the election of "class representation," and though it has been a success in some other provinces your committee fear that it will not be so in Punjab for few years to come.

(12) In this particular instance a separate representation of the Muhammadans would be invidious and may lead to the issue of unpleasant questions, but if the majority of the Muhammadans wishes then there is no better course open to Government than to constitute a special Muhammadan electorate as defined in paragraph 17 of the Government of India letter.

(13) Yes, it would be better that the system of discussing the Budget in the Imperial Legislative Council was altered as recommended or suggested in paragraph 23 of the Imperial Government's letter as many side issues are brought in at the time of Budget discussion instead of the purely financial question.

(14) Yes, it is to the interest of the province if the Budget was discussed in brief as suggested above.

(15) Yes, your committee would respectfully advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

C. DHANJIBHOY.

ADAMJI MAMOOJI.

NATHU MALL, *Banker.*

TANSUKH RAI-KIDAR NATH, *Bankers.*

S. LUKMANJEE ADAMJEE & CO.

OPINION.

Preliminary remarks.

Before replying the various questions asked by the Punjab Government, a brief history of the political condition of India at various epochs will throw light on the constitutional advancement that India has made under the British Government. Of all the oriental countries India is perhaps the most heterogeneous, conservative, and orthodox. Before the Muhammadan invasion India was almost entirely inhabited by the people who professed Hinduism. But Hinduism in itself was divided and subdivided into so many creeds and sects that one was totally different from the other. The difference in religious belief was, however, not the only cause of the weakness of Hindu India. According to the Hindu theology the followers of that religion were divided in four principal sections. Both from the point of view of religion and political condition, Brahmans, Khatris, Vesh, and Shudras occupy distinctive positions in the religious and political institutions. Brahmans or the priestly class were the religious guides, advisers, and propounders of the doctrines of faith and holy books to the general populace. Their advice and instructions had even to be sought by the ruling classes in all secular and administrative matters. Thus it was that knowledge and learning was the peculiar monopoly of the Brahmans, while the Khatris attended to the duties of the rulers and soldiers, Vesh followed agriculture and commerce, and Shudras occupied the position of menials and serfs. Though the ruling power was invariably vested in the Khatris, the influence of the learned and religious class, *viz.*, that of Brahmans, was the guiding factor in all administrative matters. The Vesh and the Shudras were even more markedly dependent on the good wishes of the Brahmans for support and maintenance. The domination of the literate class over the other classes, however, did not prove an entire success. Schism due to rivalry between various religious leaders began to be felt and eventually divided India into hostile parties and separate rival kingdoms. Internecine warfare followed and resulted in the eventual invasion of India by the Muhammadan king of Ghazni. The Ghazni Dynasty was followed by other Muhammadan dynasties. The Mughals

were the last, the most long stayed, the most advanced, and the most liberal of all the Muhammadan rulers in India. The name of Akbar for his toleration and wisdom, that of Shah Jahan for his grandeur and the magnificence of his buildings, that of Aurangzeb for his religious zeal, and the extent of his empire are even now remembered in India. But though Akbar was tolerant and understood the needs of his empire, his rule was not marked by that advancement of learning among the Hindus as to render them fit associate with Muhammadan rulers in matters of administration as largely as their numbers demanded. No doubt the example of Raja Todar Mall, the greatest financier of India, of Birbal, the witty and accomplished courtier, and of Raja Man Singh, the celebrated general, could be quoted to show Hindu influence in Akbar's court. The dominance of Muhammadan office-holders in all parts of the country was, however, a bar to the employment of a large number of Hindu officials. The only posts that were invariably held by the followers of that religion were infinitesimal and unimportant. There was, however, no discontent in the country and the empire flourished. But in the reign of Aurangzeb owing to his religious zeal and want of toleration the Hindus, who were the most numerous, became discontented and tried to throw off his yoke. Aurangzeb was succeeded by incompetent successors, and the touch of tyranny that was applied to the masses eventually culminated in a huge conflagration of revolt by the Mahrattas and the Sikhs. This led to the Mughal emperors of Delhi being reduced to mere shadows and to their being divested of all authority. Before, however, the absolute annihilation of the Muhammadan rule could be accomplished European nations established themselves in India and took part in the inter-tribal quarrels. The superiority of the British proved itself fit to establish a world-wide sway and the total subjugation of India. The British were totally different from Indians in enlightenment, civilization, education, and even toleration, and they by degrees began to throw open the doors of free learning, both Oriental and Occidental, to the huge masses of India without distinction of caste, creed, and colour. By degrees the benefits of education were comprehended by the people of this country, but various causes contributed to benefit only those whose profession directed their attention to it, or who by natural impulse or inferiority of position took advantage of the educational facilities that were given by the Government. This produced a class of educated Indians that had no aptitude for being entrusted with administrative positions of responsibility. But the Government of the country was never desired by the British to be carried on by them single-handed and to the exclusion of the people of this country. A large number of appointments was thrown open to Indians, who were gradually associated in matters of administration with the ruling class. This by-and-by gave the Indians acquaintance with the system of Government in England, and some ambitious but short-sighted persons began to demand constitutional Government. I am, however, constrained to remark that, with due reference to the opinions of some highly educated and accomplished individuals, representative system of government is absolutely unsuitable to this country. As shown above various classes with conflicting interests, position, religion, and social system inhabit India, and their aspirations in almost all matters are divergent. Can it be believed for a moment that by election only those administrators could be selected who could be styled the real representatives of all classes? I do not think that any serious thinking persons could seriously advocate the elective system in face of so many diversities. But I have no hesitation in saying that the genuine aspirations of the people should have due weight on the attention of Government. The Government of India letter, dated 24th August 1907, embodies the account of advancement that has been made from time to time in meeting the legitimate wishes of the people with regard to the system of administration and the association of Indians with Government as well as what is now intended to be done. With this preamble as regards the condition of India at various epochs I now give my reply to the various questions.

I. (1) *Imperial Advisory Councils.*—The Government of India is carried on on a unique system. It is responsible for the safety of India and for the peace and contentment of its subjects. The laws framed are based partly on European principles, which are foreign to this country, and partly on religious customs as well as equity and good conscience. The administration is mainly carried on by a class of officers who with but few exceptions have little time to acquire a thorough knowledge of the inner tendencies, peculiarities and characteristics of the population and of their aspirations, ambitions, and requirements. These conditions have been productive of some inconvenience to the officers of State in carrying on the administration smoothly and also of discontent among some classes. It is therefore a matter of great importance that Government should be in a position to know through the agency of the real leaders of the various communities the real needs and requirements of the people and have a knowledge of their aspirations and complaints. This could be done only by the Government associating with themselves the leaders of the people. I therefore strongly support the proposal regarding the formation of Imperial and Provincial Advisory Councils.

It is a matter of common knowledge that Government measures, however beneficial, are very often criticized and adversely commented upon by newspapers and others, simply because they emanate from Government without their being supported by the leaders of the people. This of course could not formerly be done owing to the absence of any method by which the opinion of such leaders of the various communities

to those measures could be obtained. It is to my mind a great constitutional and beneficial step that the Government has recognised the need for the formation of these Advisory Councils. They could be of use in giving the people of India wider opportunities of expressing their views on administrative matters. Hitherto the only Indians who could officially communicate with Government were the native members of the Legislative Councils. But it is admitted that these councils do not fulfil the requirements expected from the Advisory Councils owing to their too infrequent meetings which cannot offer the means of confidential and intimate consultation between Government and its subjects. They will also afford provision for representing the landed aristocracy of India and the great body of moderate men. Besides, as pointed out by the Government of India "the needs and sentiments of the masses of the people must find expression through those (whether officials or non-officials) who are acquainted with their daily life and are qualified to speak with authority on their behalf."

It must, however, be borne in mind that unless effort is made to select the real leaders of the people with requisite qualification to be able to give a sound advice about matters referred to them the object with which these councils are formed would not be attained. I have, however, nothing to say as to the method of selection of members for these councils. The Government, I am sure, will be able to select men to sit on the Imperial Advisory Council who really possess the qualifications and attainments expected of them. I, however, humbly suggest that the 60 members proposed to be nominated for this council may be selected as follows:

1. There is no objection to the introduction of official element in this council, but this element should be confined to Indians only who should not belong to the executive department because this council is to act as the adviser of the executive. This body is to be composed of 60 members of which 7 only may be Indian officials, *viz.*, 1 from each province.

2. The other 53 nominations may consist of the following:—

Indian Chiefs	20
Big land-owners, 2 from each province	14
Leaders of orthodox Hindus	5
Leaders of orthodox Muhammadans	5
Moderate and loyal Indian editors	2
Loyal members of legal profession	2
Traders and persons representing commercial interests	3
Un-official Europeans	2

Twenty-five out of these 60 members should be Muhammadans.

3. The terms of office as proposed should be 5 years, as there could be no bar to the re-election of members.

4. The meetings in general may be public, but in special cases the proceedings of the Council may be considered confidential.

5. It is not necessary to make it a rule that Government is bound to consult this council in all matters, but it may be of use to consult the council in the following matters:—

(*a*) In the matters relating to primary education;

(*b*) In measures for preventing plague;

(*c*) In matters for removing famine;

(*d*) In sanitary matters;

(*e*) In matters relating to the protection of endowed property;

(*f*) In matters relating to district boards and municipal committees;

(*g*) In matters relating to religious disputes; and

(*h*) In matters of controversial legislation.

II. *Provincial Advisory Council.*—The reasons given above about the formation of an Imperial Advisory Council apply with even greater force to the constitution of Advisory Provincial Councils. The Government of India shapes the policy of the country, but seldom interferes in internal provincial administration. It is therefore a matter of great importance that the head of a Provincial Government may associate with himself for consultation on all important administrative matters, members of high families, great landlords, representatives of commerce and industry, both Europeans and Indians, religious guides, and heads of well known shrines. Without such advice Government cannot always be in a position to know the real feelings of the masses about administrative or legal measures that may be desired to be undertaken. I am therefore strongly in favour of the constitution of Provincial Advisory Councils.

The Punjab Government proposes that the Provincial Advisory Council may consist of 20 members. I, however, beg to suggest that if the number is fixed at 25 it will afford a fair representation on the council of the various classes residing in this Province. On this assumption I give below the number of members for the Provincial Advisory Council to represent the various classes:—

Land-holders	7
Loyal members of legal profession	2
Representatives of trade and commerce	2
Representatives of Anjumans and associations having a representative character	2
Religious leaders of orthodox Hindus	2
Religious leaders of orthodox Muhammadans	2
Spiritual leader of Sikhs	1
Un-official European	1
Hindustani officials	2

The Government of India suggests that the deliberations of the Advisory Councils should be informal and confidential and not public. I beg to say that if this is strictly adhered to the object for which these councils are formed would be to a certain extent defeated. My reason for advocating the establishment of these councils is this, that Government will be in a position after consulting them or certain members of them to know the real opinion and needs of the public, and measures adopted for meeting the needs of the public could be based to some extent on the advice of the leaders of the public. Now if the councils are confidentially consulted the public will have no means of knowing to what extent the measures inaugurated by Government have been supported by the advisers of Government. It will therefore be beneficial if the Advisory Councils are convened regularly at various intervals and their meetings and deliberations are as regards ordinary matters of administration held public. Of course in important controversial matters or on other matters about which privacy is considered desirable the meetings may be held privately.

III. *Divisional and District Advisory Council.*—I beg permission to suggest that as the Commissioners and Deputy Commissioners are principally responsible for the peace and prosperity of their charge and also come directly in touch with the public and carry out all administrative measures it is highly important that they should have advisers in all matters of importance. This suggestion is made after realization of the circumstances under which and the methods with which the administration is carried out. Though the executive officers of Government very often consult persons of status in certain matters of administration, yet without a recognised advisory body whose advice may be available, it cannot be said that the informal mode of consultation hitherto adopted has often been productive of the desired results. It is also conceivable that some officers may not consider any such consultation with local gentlemen desirable or advantageous, and officers newly posted to divisions and districts may not sometimes know gentlemen of probity and integrity who could be consulted with advantage. It would therefore be of great benefit if a limited number of native gentlemen in each district are selected by district officers and on his recommendation nominated by local Government for membership of the divisional and district advisory boards. The services of these will be available also to the Commissioner for consultation in matters of importance and also in times of emergency, and I am confident that the repose of confidence with reference to administrative matters in them will be fully appreciated both by the public and the men selected. It is, I think, clear that Government desires the association with themselves and their officers of all representative men of position and integrity in certain contingencies in administrative matters, and if a scheme on the above lines is evolved it will afford opportunities for free expression of opinion by the representatives of the public. Without any such arrangement very often the services of representative men are lost both to the country and to Government, and they spend their life in despondency and even discontent. Besides the training of such men might prove of use on their being elevated to higher advisory boards where they will give their opinions after undergoing a training. No doubt the services of the members of the district boards and municipal committees are available to the executive officers in this direction, but whereas in these boards all members do not occupy high and independent position and are often men of low status the members of the advisory boards would be men of high position and attainment and real leaders of the public in the district whose advice could safely be trusted and followed.

III. (3) *Enlargement of the Legislative Councils.*—I fully approve of an enlargement of the Imperial Legislative Council to the extent proposed by the Government of India letter. As shown in paragraph X of the Government of India letter it is essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member even when the Legislative Councils are enlarged. The recognition of the facts that Government must have paramount power in India does not admit of the legitimacy of the official majority in councils being questioned. No reasonable man can

dispute or question the correctness of this view. It is now to be considered in what form and numbers members to the Imperial Legislative Council may be elected or nominated with due regard to the representation on that council of the principal classes and communities inhabiting this empire.

Paragraph LX of the Government of India letter shows that hitherto elections to Legislative Council of the Governor-General generally resulted in the virtual monopoly of the power exercised in these councils by the members of the legal profession and schoolmasters, while land-holders and merchant classes seldom secure seats proportionate to their numbers and influence. As shown in the preliminary remarks above the population of this empire is so diverse and heterogeneous, and represents so many different and conflicting elements, that it cannot for a moment be urged that reperesentation on the council of one class to the exclusion of other classes can make no difference to the classes that do not secure representation. The condition of the public in this country is not on a par with that of European countries. However one may be inclined to shut one's eyes to the defects of the class system existing in this country, it cannot be truly denied that the interests of the various classes in this country are not identical. On the other hand, it is obvious that the representatives of each class make efforts to safeguard and serve the interests of that class only even though in so doing they may injure the interests of other classes. Examples are not rare in proof of this assertion, but it is not necessary to quote them here. It is also practically conceded that the majority of elections in the Imperial Legislative Council since the introduction of elective system was mainly confined to only one class. This could not have been the intention of Government, and could not be said to have equally served the interests of various classes. It is therefore absolutely necessary that on the Imperial Legislative Council all classes of Indian communities should have fair representation.

The scheme sketched out on paragraph XII of the Government of India letter appears to be quite suitable, and I do not propose any modification to it.

(4) I fully approve of the proposal that one member of the Imperial Legislative Council should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-owners of this Province to the Imperial Legislative Council. As to the method of selection I am not inclined to say that the land-holding classes even those occupying high position are fit for or will appreciate the responsibility of electing a member as to the Legislative Council, and the only course which I advocate for adoption is that of nomination by the local Government. It cannot be said at this juncture that the number of members representing land-holding communities in the Provincial Legislature will be large enough to be entrusted with the responsibility of electing a member for the Imperial Legislative Council. As regards creating an electorate on the basis of the amount of revenue payable by each elector, the suggestion is open to the strong objection, that the most suitable person representing the land-holding classes might not possess the requisite qualification for election. The other alternative method as regards qualification for election and vote so far as this Province is concerned is to constitute an electorate to the Provincial Darbaris. But even that method is open to the objection that the number of Provincial Darbaris may not be in conformity with the number, position, and influence of the various classes residing in this Province and thus a member elected by the Provincial Darbaris might not possess the requisite qualification of being regarded as the representative land-holder in the Province. I therefore strongly urge that as Government can select the best man, it should nominate a representative of the great land-holding class in the Punjab to the Imperial Legislative Council.

(6) The reasons set forth in paragraph 16 of the Government of India letter clearly demonstrate the necessity for setting apart 4 seats on the Imperial Legislative Council for Muhammadans, and I entirely agree with those reasons. Muhammadans up to now, I regret to note, have received inadequate representation on the Imperial Legislative Council, not because the community did not possess representative men who were in every respect qualified to sit on the council, but because the system of election was so defective that it mainly enabled one class only to elect members to the council. It was therefore not possible for Muhammadans to secure adequate representation on the councils. The virtual exclusion of Muhammadans from representation furnishes the strongest proof in support of the assertion that the interests of various communities inhabiting this country are not identical, and that the so-called leaders who profess to shape the policy of the Indians for the benefit of India are only aiming at benefiting their own community. Unless a class or community is adequately represented on the councils the needs of that community cannot be expected to be attended to and safeguarded with regard to any measures that may be introduced in the councils. There is no doubt that the number of Hindus, as a whole body inhabiting India, is larger than that of Muhammadans, but as shown in the preliminary remarks of this note the Hindus among themselves are so divided into classes, sects, and creeds that each sect and class forms a separate body and represents divergent interests. Perhaps the division of Muhammadans into three principal classes by virtue of a slight difference of

belief may be pointed to as showing that even the Muhammadans are not a single entity. But I think this is not correct. The Muhammadans whether they be Sunnis, Shias, or Mowahids all believe in one God and one prophet and intermarry among themselves while the Hindus though professing Hinduism believe in and worship different deities. Marriages also only take place among particular communities and not outside them. Even eating and drinking as well as social intercourse among different sects is not allowed. It is, therefore, clear that whereas the Muhammadans in India are a distinct political body the Hindus are not so, and it behoves the rulers to recognize this fact and safeguard the interest of this community by separate and fixed representation on the Imperial Legislative Council.

For the Imperial Legislative Council I approve of the nomination of two members by the Viceroy and of two being elected by the Muhammadan members of each province by rotation as suggested by the Government of India. If it be considered that this proposal is open to the objection that the number of electors will be small the Government may form an electorate of Muhammadans consisting of Provincial Darbaris and of Fellows of the Provincial University for the election of a Muhammadan member to the Viceroy's Council.

Sub-clause (*c*) in paragraph XVIII of Government of India's letter cannot meet the requirements of the case as the qualification of large income-tax payers and even revenue payers may not be of the required standard.

IV. (7) *The Provincial Legislative Council.*—I advocate the increase in the number of members of Provincial Legislative Council of Punjab to 19 to be composed of as follows:—

Official members including His Honour the Lieutenant-Governor	11
Muhammadans	4
Hindus	2
Sikhs	1
Unofficial European	1

The population of Muhammadans in this Province is larger than both Hindus and Sikhs combined, and it is only fair that their numerical strength on the council should be proportionate to their numbers. The official majority is of course essential, and should be safeguarded.

(8) I think that some seats in the Provincial Legislative Council should be filled by election, and others reserved to be filled by nomination by the local Government. I will fix the number of the seats to be filled by election to five and the remaining three to be filled by nomination in the following proportions:—

Election.

Muhammadans	3
Hindu	1
Sikh	1

Nomination.

Muhammadan	1
Hindu	1
Christian and Sikh	1

As to the creation of an electorate the members of each community on the Provincial and Divisional Darbar lists, the Fellows of Universities, the Chamber of Commerce should be formed into an electorate for electing their representatives on the Provincial Legislative Council.

(9), (10), and (11) I do not think that municipal and district boards could safely be entrusted with the power of electing members to the Legislative Council. The members of different boards, and in fact on each board, do not occupy the same position and do not possess that qualification that could be expected to enable them to give a suitable vote on occasions of elections to councils. Besides in certain districts and towns there are influential and talented men who may or may not sit in these boards, while in others such persons are either non-existent or are very few. It will therefore be unfair to give equal power of voting to all members of municipal and district boards for purposes of these elections.

(12) This question has been replied under question 11.

V. *Discussion of Budget in the Legislative Council*—

(13) Yes.

(14) Yes.

(15) Yes.

ABDUL GHAFUR,
KHAN OF ZAIDA,
Divisional and Sessions Judge, Jhelum.

No. 782, dated 27th November 1907.

From—H. J. MAYNARD, Esq., Deputy Commissioner, Multan,

To—The Commissioner, Multan Division.

With reference to correspondence ending with your no. 1011, dated 20th November 1907, I have the honour to forward a note by Mr. Boyd and separate written opinions of classes, associations, and individuals noted below:—

(1) Anjuman-i-Islamia, Multan.

(2) Babu Mahendro Nath Banerji, pleader

(3) Arya Samaj, Multan.

(4) Sri Guru Singh Sabha, Multan.

(5) Sukhdeo Bukhsh Multani Chand, Bankers.

(6) Makhdum Hassan Bakhsh, Kureshi, K.B.

(7) R. B. Hari Chand, Vice-President, municipal committee.

(8) Tahsildar of Shujabad, submitting opinions in vernacular of some leading zemindars.

(9) Sheikh Abdul Haq, pleader, Vice-President, municipal committee, Multan.

(10) Sanatan Dharam Sabha, Multan.

(11) Syad Daulat Shah, Lambardar, Shujabad.

H. J. MAYNARD,
Deputy Commissioner, Multan.

Endorsement by the Commissioner, Multan Division, no. 1052, *dated Multan,* 28*th November* 1907.

Copy, with enclosures in original, forwaded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, in continuation of this office endorsement no. 1054, dated 28th November 1907.

M. W. FENTON,
Offg. Commissioner, Multan Division.

Memo. of opinion on the proposals contained in the Government of India letter no. 2310-2317, *dated* 24*th August* 1907, *by D. J. Boyd, Esq., late Deputy Commissioner, dated* 25*th November* 1907.

A.—I have consulted the various political and religious societies of Multan, the Bar, and several of the more prominent land-owners and merchants on the subjects discussed in the letter of the Government of India. On the whole the interest taken in the matter is not quite what might have been hoped for. Several persons to whom the proposals were submitted for opinion have not favoured me with a reply, and I have been given to understand that the replies of at least one of the bodies consulted was the work of one member only and he was a pleader.

B.—With regard to the questions appended to the letter of the Punjab Government I have the honour to submit the following reply:—

I. All those consulted have agreed that an Advisory Council will be of great service to the country and I fully agree myself. It may seem superfluous to constitute a council which shall have no powers especially when Government already consults persons of the same status as the proposed Imperial Councillors. But it may be necessary at some distant date to have an assembly that shall form a check on legislative bodies constituted on a more popular basis than is at present dreamed of and if only for this reason the new Advisory Council appears to me a step in the direction. It should also go some way to remove any ground that may exist for the reproach of parochialism and narrow-mindedness level at the bureaucratic Government of India by one of its former heads. There are the further advantages of rendering the Government more popular and acceptable to the people, of providing a convenient means of making known the views of Government and the principles of its policy and of furthering the movement in the direction of unity.

With regard to the proposals contained in paragraph 5 of the letter of the Government of India several bodies and persons among those consulted would make the council an elected assembly, and most propose that it should contain representatives of the commercial and educated interests and of the legal profession. The council should certainly not be elected, but I think that it would be a mistake to confine the membership to territorial magnates. It is true that commercial interests are fully voiced through the various Chambers of Commerce, but an argument of this nature would apply with equal force in the case of the landed aristocracy who are in almost daily communication with Government or its officials. The number of members of the commercial classes called to the council need not bear a large proportion to the whole, but to exclude them altogether would, I think, be a great mistake. Their inclusion would not necessitate the representation of the professions and Universities, but I think that such representation is not inadvisable by any means. The wider the range of opinion that Government has at its disposal the better will be the chance of reaching a sound conclusion. I have no amendments to propose with regard to the remaining suggestion in paragraph 5 of the letter of the Government of India. Those consulted generally protest against the provision that the deliberations of the council when called together should be private and confidential, as they fear that the members will in such case be inclined to acquiesce in Government proposals too easily. I do not think that the fear is well founded and the advantage of getting an honest opinion, which is not meant merely for the benefit of the gods, far outweighs this objection.

II. (2) With regard to the Provincial Advisory Council I would not alter the proposals of the Imperial and Provincial Governments in any way. The Arya Samaj suggests that the Provincial Advisory Council be elected or else that Advisory Councils be elected for each district or division and the members of the Provincial Advisory Council selected from these bodies. The proposal of the Bar is similar to this. The Singh Sabha favour a combination of election and nomination. The establishment of Divisional Councils would, I think, introduce an unnecessary complication into the administration and district boards as at present constituted appear the fittest councils for Punjab district.

III. (3) The proposal to enlarge the Imperial Legislative Council has met with universal approval. I would not suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter.

(4) Yes.

(5) I approve of the selection of one of the great land-owners of the province to the Imperial Legislative Council, and think that he should be elected by the land-owning members of the Provincial body from among the land-owners of the province who pay over Rs. 2,500 land revenue.

(6) Hindus generally object strongly to the proposal to appoint four Muhammadans to the Imperial Legislative Council. In municipal committees it has sometimes been found necessary to fix a definite proportion between the Hindu and Muhammadan members. Since experience has shown that under ordinary systems of election the Muhammadan community does not get a fair representation, it seems to me best to reserve a certain number of seats in the Imperial Legislative Council for Musalmans.

But to give Muhammadans the right of electing two members when no other class enjoys any right of election seems to me unwise, as it is certain to rouse bitter ill-feeling and undo most of the good that the new liberal policy is calculated to effect. The object aimed at would be effected equally well by adding the two seats which it is proposed to reserve for election by Musalmans to the number at the disposal of the Viceroy. This would raise the number of seats to be filled by nomination to six, and it should be provided in the new constitution that at least six members of the council shall be Musalmans, the deficiency in the number elected in the ordinary course being made up by nomination. It is a pity that such a provision should be necessary, but I believe it to be so, and the arrangement proposed above seems to me less invidious and less likely to provoke ill-feeling than the grant of special electoral privileges to the Muhammadan community. If the proposal contained in paragraph 12 (*d*) of the Government of India letter be adopted the electorate for Muhammadan members proposed by the deputation might well be tried, I think. The experiment is proposed by leading Musalmans themselves, and there is nothing objectionable in it. The difficulty of compiling a register of voters under section 18 (*c*) does not seem very serious. If the electorate were confined to Muhammadan non-official members of the Provincial Councils, they would have a disproportionate voice in the appointment of members of the Imperial Legislative Council. I would not in any way restrict the Viceroy's choice in the nomination of four members and would delete the words "not less than two to be Musalmans" in paragraph 12 E.

IV. (7) The general opinion seems to be that the Punjab Legislative Council should be increased in number to 20 or 21. The local Bar considers that, in view of the power of electing members to the Imperial Legislative Council possessed by the non-official members of the Provincial Council, the membership of the latter should be

raised to 37, of whom 20 should be officials. It would be very difficult to spare so many officials from ordinary work, but it would always be possible to get 10 official members of the council besides His Honour the Lieutenant-Governor.

(8) Of the non-official members I think that 3 should be nominated and the rest elected. At least one of the seats for nominated members should be reserved for a commercial man.

(9) This question is answered below.

(10) The method of election that I would propose is one that has found favour with several of the persons consulted by me, but the Bar, Arya Samaj, Singh Sabha, deprecate any proposal to make district boards and municipal committees into electoral college, on the ground that the members are too much under official influence. The non-official members of the district boards of each division might elect one member, who need not be of their number, but should be a land-owner paying not less than Rs. 2,500 land revenue. This would secure an adequate representation of the land-owners of the province. The remaining two seats should be filled by the election of a representative possessing one of the following qualifications:—

(*a*) The payment of not less than Rs. 2,500 land revenue.

(*b*) The payment of not less than Rs. 1,000 income-tax.

(*c*) The fellowship of the Punjab University.

The electorate for these two seats might be the non-official members of 1st class municipal committees. This electorate has the disadvantage of excluding the members of minor municipalities who are many of them quite as intelligent as their brothers who inhabit large cities, but any other electorate would be unwieldy, and simplicity should be aimed at to start with. Election should be direct in the case of both municipal committees and district boards. It would not be necessary for all the electors to assemble in one place. Their votes could be recorded at the head-quarters of each district.

(11) I would not advocate any further representation of classes than indicated above. I do not think that any changes in the direction of special class representation are called for in the district boards of the Punjab. In a few municipal committees it may be advisable to secure adequate representation of minorities, but each case should be dealt separately as at present. The general opinion seems to be that there is no need for changes in the constitution of local bodies in this province.

(12) If the system proposed by me above be adopted there will be no necessity for any special representation of Muhammadans. The latter form the majority of the agricultural classes of the province and would probably secure a majority of the seats in the elections by district boards. It would be a pity to introduce any principle of special representation unless it were absolutely necessary.

V. (13), (14), and (15) Yes.

Finally, I should note that although election has been advocated generally as a means of appointment to the various councils, opinion is not unanimous on the subject. Muhammadan land-owners of the old school do not seem anxious for its introduction.

D. J. BOYD,

(*Late*) *Deputy Commissioner, Multan.*

Opinion of the Anjuman-i-Islamia, Multan, in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) *Imperial Advisory Council.*—Undoubtedly such a council would be of great service to the country. Following alterations are respectfully suggested regarding its constitution and duties:—

(*a*) Number of its members should *not be less than one hundred* for the whole of India.

(*b*) In addition to the ruling Chiefs and territorial magnates, gentlemen of *legal profession* and representatives of *Commerce and Education* may also be appointed as its members.

(*c*) In each of the above classes number of Hindu and Muhammadan members should be equal.

(*d*) The councillors should be at liberty to *confidentially* make any suggestion in cases of need and importance to His Excellency the Viceroy of India, who of course may or may not take any action on it.

(*e*) Proceedings of the council should not be confidential.

(*f*) On every occasion of consultation *more than one* member should be consulted, and if possible the minimum number of members consulted should not be less than ten.

II. (2) *Provincial Advisory Councils.*—Such institutions will be a boon to the country and should be on the same line with the Imperial Advisory Council.

(3) *Imperial Legislative Council.*—The Anjuman approves with heartfelt gratitude the enlargement of the council and recognition of the interests of land-holders in general and of Muhammadans in particular. It respectfully prays that the number of seats specially reserved for Muhammadans be *raised from four to eight.*

(4) Yes.

(5) The representative of the land-holders should be elected to the Imperial Council by *the land-holding members of the Provincial* Council.

(6) The Anjuman with a grateful heart approves of the scheme, and prays that the number of such Muhammadan members *be raised from four to eight.*

The electorate for Muhammadans be one that is described in paragraph 18 of the Government of India letter.

IV. (7) *The Provincial Legislative Council.*—Yes, the number of its members may be increased to *twenty.*

(8) *One-third* of the unofficial seats should be filled up by *nomination* and the *two-thirds* by *election.*

(9) Hindus and Muhammadans should be represented and in a fixed proportion, *viz.*, one-third being Hindus and two-thirds Muhammadans.

(10) The two classes *should elect separately* their own representatives.

Following electorate is suggested:—

1. Fellows and graduates of ten years' standing of the Punjab University (Muhammadans or Hindus as the case may be).

2. Persons paying income-tax upon an annual income of Rs. 12,000 or paying an amount of land revenue indicating a corresponding income.

3. One representative of each 1st class municipality and district board.

(11) and (12) are answered under (8), (9), and (10).

(13) Yes.

(14) The Budget should be discussed by separate heads in the Provincial Council too.

(15) The Anjuman *most strongly advocates* the introduction into the Punjab Provincial Council of the power of *interpellation* by members.

MUHAMMAD BUKSH, B.A., *Pleader,*
Secretary, Anjuman-i-Islamia, Multan.

Opinion of Babu Mahendro Nath Banerji, Pleader.

Advisory Council is a good idea if its constitution is suited to attain the desired object in view, but much depends on its members. Prudence, moderation, independence, thorough insight of the Province, and high sense of duty and responsibility are the chief qualifications of the members in view of the aim, and if the majority lack in one or more of the qualities the council will be a useless measure and may result in evils in a country like India. Nomination by the Provincial heads is not likely to be satisfactory, and the interests of the different districts are not likely to be kept in view in the way it should be. As His Excellency the Viceroy has to depend chiefly on Provincial heads, so they in their turn have to depend mostly on the administrative heads of their divisions and districts; therefore Advisory Councils will, in our humble opinion, be likely more effective in operation, if they are made to work at the source from which the spring arises; therefore formation of District Advisory Councils is a desirable measure. The district boards in their present state will, we apprehend, not serve the purpose; the reconstitution suggested by getting all classes represented will not work well in India for various reasons. If District Advisory Councils are considered inexpedient, Divisional Advisory Councils may be constituted without making the measure unnecessarily complicated. The next question which naturally arises is—Should the councillors be nominated or elected? The best course is to have them elected by His Majesty's qualified subjects, who are likely to take some interest in the matter. Election by the mass is injurious. The voters should be limited in number

with some standard of education and means for their eligibility. Such a measure has the additional advantage of educating His Majesty's deserving subjects politically and is calculated to develop their administrative faculties.

The Divisional Advisory Councils may be partly elected and partly nominated by the Commissioners, but the elected members should be in the majority.

District or Divisional Advisory Councils having thus been formed, the Provincial Councils are to be formed out of their members by nomination by the heads of the different provinces who will be allowed to have some additional members from outside these circles to make up want of deficiency of representation of class interests. In the same way the Imperial Advisory Council is to be formed out of the Provincial Councils with similar right of getting members from outside these circles.

Imperial Legislative Council.

The characteristic feature of the proposed measure is to allow the Muhammadans only the right of election. If more Muhammadan members be found desirable some elastic provisions may be made for the purpose; but to allow a class which is in the minority in the country such an important right, which is denied to the other class which is in the majority, especially when the latter class is far more advanced in education, both numerically and substantially, can hardly be considered a healthy sign of liberal British administration. It is a measure incompatible with the views of a governing nation remarkable for its love of free representative system. It is true that a desirable representation of class interest within the narrow scope of the privilege proposed is impossible in a country like India where the people are so divergent in creed and interest that they know of no common cause. It cannot be denied that Hindus and Muhammadans are antagonistic and can hardly be expected to agree even in a common cause; therefore any measure calculated to widen the gulf between the two classes would not be a wise policy. The difficulties in uniting them may be innumerable, but the chief aim of our wise Government should always be to educate its subjects in such a way that they may in distant future form into a nation for administrative deliberations.

Answers to Questions.

I. (1) Imperial Advisory Council would be of some service to the country if constituted on the line suggested, *viz.*, formation of District or Divisional Councils by election and then nomination of Provincial and Imperial Councillors out of the Divisional and Provincial Councils respectively as suggested.

II. (2) Has already been answered.

III. (3) Enlargement of the Imperial Legislative Council is expedient and desirable for various reasons, but it should be so enlarged as to afford sufficient scope for representation of class interests so far as possible within the narrow compass.

(4) Election of a member by each of the Provincial Legislative Council is a suitable proposal for India, provided the Government can afford to enlarge the Provincial Councils considerably, which means considerable loss of time of Government officers. But we should not care for the loss when we find no other system so well suited to the country. For the advanced provinces of Bengal, Bombay, and Madras some other method may be suggested, but it will not work well in other provinces.

(5) The election of one great land-owner of this province is desirable, but despite the disadvantages of election by the entire body of land-holders, a representative of the land-holding members of the Provincial Legislative Council, who may be very few, is not at all satisfactory. Direct election is therefore desirable.

The eligibility of an elector should be such that the total number of voters may not be less than 75 or more than 150 in each province.

The qualification therefore of an elector should be payment of Rs. 3,000 land revenue, but the eligibility of the representative should be higher and he should have a fair knowledge of English.

(6) The proposed appointment of four Muhammadan members certain in the council when there is no guarantee of even one member of any other class is undesirable, especially under the present state of circumstances and feelings. It is calculated to promote the existing breach between the two important sections of His Majesty's Indian subjects to such an extent as to render their union even in administrative deliberations a hopeless task. Therefore Muhammadans alone should not be given the right of electing two members and the nomination of the four non-officials should not be restricted by the clause "not less than two to be Muhammadans."

The other proposals for election being reasonable the two seats by Muhammadan election require disposal.

The universities or at least those well constituted and organised should be allowed some privilege as well as the Indian commerce, but regard being had to the seats at disposal it is difficult to make a satisfactory allotment till the Viceroy be pleased to make additional opening. The University of Calcutta is at present for two Provinces and Burma too. It is a well organized body of able and well qualified educated men. It has the reputation of being the first University in the country; therefore it may be safely entrusted to return one member by election and the other member may be allowed to the Indian commerce of Bombay or Bombay University which stands second in rank.

IV. (7) Certainly we advocate increase in the present number of members, and considering that its non-official members will have to elect a member for the Imperial Council it is desirable that interests of all classes should be represented. The land-holders who are to be principally affected by local legislation have better claim for representation. We suggest that the number may be increased to 37 excluding His Honour.

(8) Out of the 37 members 20 will be officials, 11 elected, and 4 to be nominated by His Honour to make up want or deficiency of class representation and 2 experts.

(9) The population may be divided in two grand divisions—agricultural including land-owners and non-agricultural. The Muhammadan zamindars are in the majority and they are not so as regards urban population.

We therefore suggest distribution of seats as follows:—

By land-holders (zamindars) one for each division	5
By Hindus	1
By Muhammadans	1
By Christians	1
By Sikhs	1
By Punjab University	1
By professional men, barristers, pleaders, doctors, engineers and graduates of 10 years' standing	1
Non-officials to be elected by His Honour to represent minority or special interest	4
TOTAL	15

(10) We do not advocate elections through municipal or district boards. Their present state is not so as to guarantee satisfactory election. Election by qualified voters of each class is desirable.

	Rs.
Land-holders paying Government revenue	2,500 a year.
Hindus and Muhammadans paying income-tax on an income of	5,000 ,,
Sikhs paying income-tax on	2,000 ,,
Christians paying income-tax on	2,000 ,,
Professional men, lawyers, doctors, engineers, and graduates of 10 years, paying income-tax on	2,000 ,,

(11) There should be general election by qualified voters.

(12) Not necessary.

V. (13) The proposed amendment of Budget discussion is salutary and we are for it.

(14) We advocate discussion of Provincial Budget in the Punjab Legislative Council.

(15) There should be power of interpellation by members.

M. N. BANERJI,
Pleader.

18*th October* 1907.

Dated Multan, 21st October 1907.

From—LALA ISHWAR DAS, Secretary, Arya Samaj, Multan,
To—The Deputy Commissioner, Multan.

I have the honour to return papers relating to Imperial and Provincial Advisory Councils, etc., with replies of the three Arya Samajes Inside Bohar Gate, Haram Gate, and Multan Cantonment to the questions on which replies were required.

ISHWAR DAS,
Secretary, Arya Samaj, Multan.

The following are the replies to questions as passed in the executive committees of the Arya Samajes—Haram Gate, Bohar Gate, and Cantonment, Multan:—

I. (1) *Imperial Advisory Council.*—That the Council as proposed, if formed, will prove of some service to the country no doubt. But as regards its constitution, it is suggested that instead of all the members being nominated by the Viceroy, the majority of the members be selected by him from the elected councillors of the Provincial Advisory Councils of which mention is made in answer II.

Besides the interests of industry, commerce, capital, and other professional classes should also be kept in view when nomination or selection of members is made by the Viceroy.

II. (2) *Provincial Advisory Councils.*—This council would serve a great purpose if the majority of the members are appointed by election. If the organisation of the general electorate for the province be deemed inadvisable by the local Government, it may get over the difficulty by assigning to each district or at least to each division a separate Advisory Council, the members of which should all be elected. From these minor or divisional councils the local Government should select members for its own council.

III. (3) *Imperial Legislative Council.*—Yes, the enlargement of the Imperial Legislative Council is essential, but in clause 12 D (*d*) of the Government of India letter the words "by Universities of India" be substituted for the words "by Muhammadans." And in clause 12 E the words "not less than two to be Muhammadans" should be omitted and that all the four seats should be left at the disposal of the Viceroy to safeguard the interests of the minorities and other unrepresented classes.

(4) Yes.

(5) Yes, a great land-owner of this province may be appointed a member of the Imperial Legislative Council by direct election. The electorate should consist of the following persons:—

(*a*) Persons paying land revenue Rs. 2,000 or more a year.

(*b*) Persons paying an income-tax on an annual income of Rs. 5,000 or more.

(*c*) All graduates of ten years' standing and over.

(6) No.

IV. (7) *Provincial Legislative Council in the Punjab.*—Yes. The number of members of the Provincial Legislative Council can safely be raised to 20, but if sufficient number of officials whose majority is to be kept in view be not forthcoming the number may be raised to 15 for the present, including the Lieutenant-Governor of the Province.

(8) All non-official seats should be filled up by election.

(9) Yes, a fixed rule determining the proportion of seats to be allotted to each should be observed as follows:—

One Hindu, one Sikh, two Muhammadans. One seat should be allotted to the Senate of the University to represent education and another seat should be left for the representation of other minor interests such as commerce and capital. Thus out of 15 members of the council 6 at least should be unofficial members.

(10) The election should in no case be resorted to through municipal or district boards.

The same electorate would do as is mentioned in answer no. 5.

(11) The answer to this question is covered by the answer to the previous question no. 10.

(12) No separate provision should be made for the Muhammadans.

V. (13) Yes, the system of discussing the budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes. The Provincial Budget should be discussed in the Punjab Provincial Council under separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes, the power of interpellation should be introduced in the Punjab Legislative Council.

KASHI RAM,
Secretary, Arya Samaj, Multan Cantonment.

NARSINGH DAS,
Secretary, Arya Samaj, Haram Gate, Multan.

ISHWAR DAS,
Secretary, Arya Samaj,
Inside Bohar Gate, Multan City.

Letter dated Multan, 24th October 1907.

From—The Chief President, Siri Guru Singh Sabha, Multan,

To—The Deputy Commissioner, Multan.

I have the honour to forward herewith answers to the questions in the Government of India letter no. 2310—2317, dated 24th August 1907, for your kind consideration.

The enclosures were received for opinion and are returned herewith.

CHIEF PRESIDENT,

Siri Guru Singh Sabha.

Imperial Advisory Council.

Question 1.—Time has come when such a council may be constituted, and if properly constituted it will be of great service to the country.

Punjab Government letter.

Since the Government is already taking advice of the important and influential persons on occasions, it would be better to form a regular Imperial Advisory Council and thus to fix the councillors with some responsibility.

It should be elected and not nominated. But a few seats may be reserved for nomination by the Viceroy.

The object being to secure the opinion of the representatives of the people the councillors should be mostly elected by the people.

The Government rightly propose that their opinions will not be binding; and there is sufficient protection of the Government interests in this provision. The number should be raised from sixty to hundred besides the Viceroy. The members of the Executive Council of the Viceroy should be its *ex-officio* members. Each province may be authorized to elect a certain number. The whole province may have an electorate body; and the qualifications of both the electors and the candidate councillors should be fixed. Each province to maintain a list of electors and of the persons eligible for election.

Qualifications of electors.

1. Payment of Government revenue Rs. 500 a year.
2. Payment of income-tax Rs. 50 a year.
3. Graduate of university.
4. Pleaders, barristers.
5. President or manager of any religious society.

Qualification of candidate councillor.

1. Payment of Government revenue Rs. 5,000 a year.
2. Payment of income-tax Rs. 500 a year.
3. Pleader or barrister or graduate of a university with an income of Rs. 5,000 a year, and must be of 10 and 5 years' standing, respectively.

If these qualifications may be considered too low for any or all of them, they may be raised to proper limits.

The fact that a person is a pleader or barrister or graduate of a University does not afford sufficient guarantee that his opinion will be sound and practicable; so a further condition of income should be attached in the case. The few appointments to be made by the Viceroy by nomination would afford ample power to the Viceroy to secure a representation of special interests or of communities who may be found in a backward condition.

The Sikhs deserve a special consideration on account of their being mostly employed in the military department; they cannot look after the education of their children and so they are in a backward condition compared with the other classes.

The method of consultation should as a rule be at meetings held for this purpose.

But the Viceroy may for reasons recorded dispense with the holding of such a meeting on occasions when in his opinion a meeting is impracticable or inexpedient.

Their opinion should not be taken in *private* or *individually*. There are many ambitious people in this country who in order to advance their own private interest do

not represent true facts to the Government and mislead the people as well. By taking their opinion openly such people will have less opportunity of doing this mischief.

The proceedings need not be published for public information. There are several societies in this country whose proceedings do not see the light of the day and there is no reason why the proceedings of this council may not be kept confidential and secret.

Paragraph 5 of Government of India letter.

Clauses—

1. May stand.

2. That a certain number may be nominated by the Viceroy and the rest elected, and their title may remain "Imperial Councillors."

3. The number may be raised to hundred as above stated, some of whom to be elected and some nominated.

4. That the members may hold office for three years. This will afford an opportunity to the Viceroy to see more of the qualified persons of the country.

5. May stand.

6. May stand.

7. The proceedings may remain confidential, but opinion should be taken at meeting. In the case of absent councillors their opinion, if received, should be laid before the other councillors for information and guidance.

Question II. Provincial Advisory Councils.—May be constituted on the same lines as the Imperial Advisory Councils. Some seats may be reserved for nomination by the Lieutenant-Governor and the other thrown open for election. The qualifications of the electors and persons eligible for election should be on the basis of property and educational qualification and not on the basis of religion or class.

The method of consultation and their proceedings should be of the same character as those of the Imperial Advisory Council. The Lieutenant-Governor may dispense with the holding of meetings on particular occasions when he finds for reasons to be recorded that a meeting is unnecessary or inexpedient. The reservation of some seats by nomination is a sufficient protection of special interests or to represent the backward communities like the Sikhs in the Punjab.

The number should be raised to thirty-three instead of twenty, so that each district may have a representative.

The Government have tried the method of private and individual consultation for a long time and admittedly without success. Let a trial be given to open consultation in the manner proposed above.

The name of the councillors: their powers may remain the same as in the case of Imperial Advisory Councillors. As the council is to receive no legislative recognition the interests of the Government are quite safe. Their opinion need not bind the Government.

Question III. The Imperial Legislative Council.—May be enlarged and the number may be increased to fifty-three besides the Viceroy; but the constitution should be as below:—

Para. 12 of Government of India letter:—

Sub-clause A. May stand.

B. May stand.

C. Two ruling Chiefs instead of one.

D. Elected members.

A. May stand.

B. May stand.

C. May stand.

D. By Muhammadans . . . 1
By Hindus 1
By Sikhs 1

E. Instead of 4, 2 of whom are to be Muhammadans *only 2 may be nominated without any distinction of religion.*

F. May stand.

Question IV.—The Provincial Legislative Councils may be authorized to elect one member as proposed in paragraph 3 of the Government of India letter.

Question V.—Yes, a list of electors should be kept in each province, and the electors should elect direct their nominee; but the qualification of a voter should not be fixed so high. Instead of ten thousand for this province it may be reduced to one thousand only.

Question VI.—No. Instead of two seats to be reserved for Muhammadans by election among themselves, one may be awarded to the Muhammadans, one to the Hindus, and one to the Sikhs.

Each class to elect one of their own class. Instead of the Viceroy nominating four seats two of whom to be Muhammadans, the Viceroy may be authorized to nominate two only, *and those also without any reference to religion or class.* They may be Christians, Europeans, Parsis, Sikhs, Hindus, or Muhammadans. The special mention of Muhammadans to the exclusion of the other communities might prove a source of ill-feeling among other classes, and might encourage the Muhammadans unduly, and they might assume feelings of hostility to the other classes, and this the Government would never intend or mean.

Question VII.—Yes, an increase in the number of councillors is necessary; may be raised from 12 to 15.

Question VIII.—The seats should be mostly elected, and the Lieutenant-Governor may have the power to nominate a few seats to secure the representation of special interests.

Question IX.—The best scheme will be to have an electorate body in each district, and the qualification of the electors should be fixed on the basis of property and educational qualifications. The distribution of seats on classes will be impracticable in this province. The Indian communities are divided into a variety of sub-communities, and it is difficult to extend the privilege to each of them; and until this extension reaches to each and all of them they will not be satisfied. For instance *Hindu Khatris* are divided into several sub-castes which forms a class in itself and differ from each other in their social dealings. It is impossible to satisfy each and all of the classes. So the best basis should be the property of qualification. One feels that his own interests may not be at stake. The reservation of some seats for nomination would afford ample safeguard in the hands of the Government to represent special interests or minorities. This electorate body should be quite independent of the municipal body or the district board. In the Punjab the official influence in both these institutions is so great that the elections made by them would not fulfil the very object of the Government, *viz.*, to secure the voice of the people. As the Government is to maintain a majority of their own by appointing so many officials, there is no fear of the Government's interests being at risk.

Question X.—Therefore no election should take place through the district board or the municipal committees. The qualifications of the electors may be fixed on the same lines or with some modifications as those fixed for the Provincial Advisory Councils. All classes should be allowed to vote, if qualified, on the basis of property or educational qualifications.

Question XI.—We don't advocate a separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter. Nor we suggest any corresponding changes in the constitution of the municipal committees or district boards in the manner indicated in paragraph 22(*b*) nor in any other manner. The Government has ample power to nominate members to either of these institutions. If the district officers would exercise their discretion carefully in recommending persons for nomination better members could be nominated. The district officer has his hands too full with other more important duties, the duties relating to the municipality or the district board being of a secondary importance to him; he is generally indifferent, and thus an opportunity is allowed to the officer to recommend people who are not desirable or fit. As great deal of the success of the administration depends on the district officer, the Government should make the best selection in posting an officer to be in charge of a district. As a rule, he should be liberal-minded, sympathetic, and of firmness of mind and character, and not in the least of sound opinion. He should never be a man of short temper, infirm, or revengeful, and in making recommendation for nomination should take into consideration the interest a candidate has taken in public matters. The suggestions made in paragraph 22 (*b*) of the Government of India letter dividing the seats into classes—land-holders, cultivators, artisans, and traders—could not be appreciated, as there is a great disproportion in the number of each of the said classes, and this will lead to jealousy and friction among them. There is a further risk that the class returning more members by election may not run with the idea that the Government is unduly favouring them, which idea when manifested by them is bound to lead to unpleasantness which the Government did never contemplate.

Question XII.—We do not propose that Muhammadans should have a separate representation to the exclusion of the other classes. And privilege should not be allowed in the interests of good administration. There is already a great deal of feeling in the country that the Muhammadans are unjustly favoured by the Government, and if it is declared so openly by the Government the feeling may become more intense and serious, which it is not desirable to encourage. *Why the Sikhs should not be allowed this privilege?* They will claim it.

Question XIII.—Yes, we consider that the discussion of the Budget be adapted to the manner suggested in paragraph 23 of the Government of India letter.

Question XIV.—Yes, we consider that the Provincial Budget be discussed in the Provincial Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

Question XV.—Yes, we do advocate the introduction of the power of interpellation into the Punjab Legislative Council

PARDUMAN SINGH, BABA,
Chief President.

SARAN SINGH, *Secretary,*
Siri Guru Singh Sabha, Multan.

MULTAN:
The 24th October 1907.

Memo., dated Multan City, the 30th October 1907.

FROM—SUKHDEO BAKSH-MULTAN CHAND, Bankers,
To -The Deputy Commissioner, Multan.

I beg to attach replies to the questions which you were pleased to send me for my opinion, as desired in connection with Government of India letter no. 2310, dated 24th August 1907.

MULTAN CHAND, *Banker.*

Answers of questions on which opinions are desired in connection with Government of India letter no. 2310, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—The Council would be really more useful to the country if the following modifications are made in the proposals made in paragraph 5:—

(*a*) Power of initiation—

i.e., whenever ten or more members of the council make a joint requisition to the Government of India for purpose of consultation on a subject other than the political affecting India in general, Government should convene the council and take its advice on that matter. Whether Government may act upon it or not that is quite different thing.

(*b*) Publicity of its proceedings—

That the proceedings of the council when called together for consultation to be public, *i.e.*, public may be permitted to the assembly room and its proceedings to be published. The assembly to be presided over by its own member and not by the head or the official of the Government.

II. (2) *Provincial Advisory Council.*—It will certainly be a useful institution. The following modifications are suggested:—

(*a*) } Same as suggested in question I (1) Imperial Advisory Council above.
(*b*) }

(*c*) Government of India seem to have laid great stress on the due representation of landed interest, but I respectfully submit that goodly number of members should represent trade and commerce, to which I belong.

For the present for purposes of representation to the Provincial Council, member paying certain amount of income-tax to be nominated, as in case of land-holders paying certain amount of revenue. For the present I will fix tax of Rs. 2,500 per annum as the qualification for representation.

III. (3) *Imperial Legislative Council.*—I quite approve of an enlargement of the Imperial Legislative Council. I beg to suggest the following modifications in the scheme:—

(*a*) In clause D.—Elected members—

Only two members are allowed to be elected by trade and commerce of the country; these two are by the leading Chamber of Commerce of Calcutta and Bombay. In my opinion this privilege to be given to other Chamber of Commerce by rotation in case the number cannot be increased, and if this cannot be done, there should be limitation in election that one member to be Englishman and another Indian, to represent Indian side of trade and commerce.

(*b*) I will like to do away with special privilege given to Muhammadans in clause (*d*) of D and clause E.

III. (4) I do approve of the proposal that one member should be elected by the Provincial Legislative Council.

III. (5) I do not approve of the selection (not by election) of one of the great land-owners of this province to the Imperial Council by the local Government, but the circle of selection to be limited by fixing a very high minimum grant of revenue.

III. (6) *I do not* approve of the proposed appointment of four Muhammadans to the Imperial Council under clause II (*d*) and E as suggested above.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I will certainly advocate an increase in the present number of members to the Provincial Council. I will fix it to 20, excluding the Lieutenant-Governor, *i.e.*, 21 altogether, including the Lieutenant-Governor.

IV. (8) I will have all the unofficial seats to be filled by election from a limited group, qualification of whose member to be fixed beforehand.

IV. (9) Seats to be allotted to each class beforehand. Out of 21 seats, 11 to be official and 10 non-official. Out of 10 non-official seats, I will allot—

3 seats to landed interest. Circle of candidates to be limited by fixing their qualification, say, to payment of revenue of Rs. 12,500 a year.

3 seats to trade and commerce. The candidate's qualification to be payment of income-tax of Rs. 2,500 a year on his own behalf.

2 seats to the learned profession. In this case qualification of candidate to be—

(1) Graduate of the University.

(2) Five years' standing.

(3) Income-tax payment of Rs. 150 a year.

2 seats to the municipalities in the province—

(1) Municipal committee to be of the first class only.

(2) Candidate to be vice-president or president of these committees or chairman of the sub-committees of these committees.

IV. (10) See answer to question IV (9).

IV. (11) Ditto ditto.

IV. (12) Ditto ditto.

V. (13) *Discussion of the Budget in the Legislative Council.*—Yes.

V. (14) Yes. I won't advocate its discussion by separate heads in the manner suggested in paragraph 22 of the Government of India letter.

V. (15) I do advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

MULTAN CHAND.

Dated Multan, 8th November 1907.

From—KHAN BAHADUR MAKHDUM HUSAIN BUKSH, Qurashi, Sajjada Nashin of the shrines of Bahawal Haq and Rukn-i-Alam, Multan,

To—The Deputy Commissioner, Multan.

With reference to Government of India letter no. 2310—2317, dated 24th August last, I beg to answer the questions contained therein as follows:—

(1) An Imperial Advisory Council will certainly prove beneficial for India. I would suggest no alteration or addition to what has already been proposed in paragraph 3.

(2) A provincial Council will also be beneficial for Punjab as resolved.

(3) The Legislative Council should be increased as intended.

(4) I would recommend that one member should be selected by Provincial Council.

(5) I quite agree to the proposal that one zamindar should be selected as a member by nomination.

(6) I agree that 4 Muhammadans should be selected as members of the Imperial Council. All such members should be appointed by nomination.

(7) The number must be increased, say up to 20.

(8) The mode of appointment should be "nomination." Half of the members should be official and the other half should be non-official. Non-official members must also be appointed by nomination.

(9) In every class of people the proportion should be—

Muhammadans	2
Hindus	2
Christians	1

(10) The above should be selected out of—

Merchants.

Bankers.

Zamindars.

Makhdums, or priests of shrines as they obviously possess a great influence on the people, being their religious teachers.

(11) In my opinion election is not advisable. Nomination is the best way.

(12) *Vide* answer to questions 10 and 9.

(13) I quite agree that the Muhammadan members should all be appointed by nomination.

(14) The only alteration I would suggest is that proposed in paragraph 23 for discussing the Budget.

(15) In my opinion a debate must be held by Legislative Council of Punjab on the Provincial Budget, and different headings must be discussed.

(16) The members of the Legislative Council of Punjab must have the power of putting questions.

HASAN BAKHSH, MAKHDUM,

Qureshi Sajjada Nashin of the Shrine of Bahawal Haq and Rukn-i-Alam, Multan.

Dated 11th November 1907.

From—RAI BAHADUR HARI CHAND, Rais and Vice-President, Municipal Committee Multan,

To—The Deputy Commissioner, Multan.

In reference to Deputy Commissioner's memo. no. 2966-D., dated 12th October 1907, I beg to submit the following replies *seriatim* to the questions of Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *The Imperial Advisory Council.*—That the council will be of great service to the country.

One-third of the Imperial Councillors should be by election, representing commerce, industry, capital, law, and other professional classes.

The Imperial Councillors should not be consulted only on matters referred to them, but they be empowered also to bring to the notice of the Viceroy such matters which are connected with the welfare of the public.

II. (2) Yes, I think Provincial Advisory Council will be very useful institution, but one-third of the members should be elected; and as to duties, the alteration be the same as stated in paragraph I above.

III. (3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is essential, but in clause 12 (D) (*d*) of the letter of Government of India, the words "Indian Universities" be instituted for the words "by Muhammadan," for the racial question should not be brought in such matters and merit should only be the guide.

In clause 12 (*c*) the words "not less than 2 Muhammadans" be omitted and if these are allowed to stand then there should be special provision for the representation of Sikhs in the Punjab and Indian Christians also.

(4) Yes.

(5) I approve of the selection of one great land-owner of this province to the Imperial Council and should be nominated and not elected.

(6) The answer to this question is covered by paragraph III for reasons given therein.

IV. (7) Yes, the number of members of the Punjab Legislative Council can safely be raised to 25 including His Honour the Lieutenant-Governor of the Province.

(8) No. I don't approve of the present system of nomination. If not all, at least 7 unofficial seats should be filled up by election, 13 should be *ex-officio* members and 5 should be by nomination.

(9) Yes. The allotment of the elected seats to be—

By District Boards	2
,, Municipalities	2
,, Education	1
,, Commerce and Industry	1
,, Professional classes as Law	1

(10) The election should be made through municipalities and district boards as follows:—

Each 1st class municipality and district board should send one or more representative to give vote, and thus all the representatives of the committee and district board should elect members of the Legislative Council from amongst themselves. The University should elect a member through the Senate. The Commerce may be represented by a member who is elected by the Punjab Chamber of Commerce. Professions by the election of a pleader of at least 5 years' standing.

(11) No. I do not advocate separate representation of classes, but if it is allowed then the Sikhs and Hindus being in minority in the Punjab should have fixed number of seats on the same principle as is mentioned about the Muhammadans. There is no need of corresponding changes in the constitution of municipalities and district boards.

(12) No need of making any separate provision for the Muhammadans as it is not good to bring in racial distinction.

V. (13) Yes, the system of discussing the Budget in the Imperial Legislative Council be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes, the Provincial Budget be discussed in the Punjab Legislative Council under separate heads.

(15) Yes, the power of interpellation should be introduced in the Punjab Legislative Council.

HARICHAND, Rai Bahadur,

Rais and Vice-President, Municipal Committee, Multan.

Opinion of Ghulam Kadir Khan, Officiating Tahsildar, Shujabad.

In compliance with Government letter no. 2310—2317, dated 24th August 1907, I have read the letter with all its enclosures to the leading zamindars of the tahsil during my tour, those of Shujabad promised to send me their opinions in camp which I have not received up to this day. Diwan Sultan Ahmad is out in Muzaffargarh district, others fully agree to the proposals laid down in Government of India letter above quoted.

Question of formation of district or Imperial Council was raised by some, which after deliberations they have decided and say that mere election will not be useful unless it is approved by district and divisional officers.

If my own humble opinion be asked I beg to say that after a careful perusal of the letter and its enclosures I fully agree to the proposals.

Translation of the foregoing read over to the undersigned:—

Malik Tota, sufedposh.
Sultan Bakhsh Khan, sufedposh.
Malik Abdullah, sufedposh.
Fatteh Muhammad Khan, zaildar Jugguwala.
Ghulam Muhammad Khan, sufedposh, and member, district board.
Abdullah Khan, sufedposh.
Malik Khair Muhammad, zaildar.
Chaudhri Asa Mal, zamindar, money-lender, and trader.
Mahmud Khan, zaildar.
Rana Palia, zaildar.

Replies from Chaudhries Narain Singh, Bhagwan Singh, and Hoa Ram were since received which are attached to this.

Their opinions differ from those of Muhammadans agreeing with one another except inasmuch as Chaudhri Bhagwan Singh approves of separate and special rules for Muhammadans. In the meeting held to read the letter of Government to the gentleman, all the Muhammadans present had authorised S. Daulat Shah to express their opinions. S. Daulat Shah has expressed the opinion in writing under the signatures of several persons which is also attached hereto, which means that they fully agree to the proposals made by Government with thanks.

Shujabad;
16*th November* 1907.

GHULAM KADIR KHAN,

Officiating Tahsildar, Shujabad.

Opinion by S. Abdul Haq, Vice-President, Municipal Committee, Multan, dated 19th November 1907.

Councils.—The question of councils is of vital importance to all classes in this country. The principles enunciated in the Government of India letter are conceived in a most statesmanlike spirit and are calculated to give impetus to the forces that have been hitherto at best neutral, thus leading to an all-round progressive movement "towards the fulfilment, in no grudging spirit, of a pledge which the peoples of India are entitled to regard as inviolable." The reforms that should ultimately be adopted must be directed to a complete overhauling of the entire machinery of self-government in consonance with the principles laid down, and I am gratified to find that the Government of India have touched upon the subject in their letter.

I. An Imperial Advisory Council would certainly be of great service to the country. With reference to paragraph 5 of the Government of India letter I have to suggest the following alterations:—

(1) Every Imperial Councillor should have the right to address communications to the Viceroy personally as well as to the Government of India on any subject whatsoever.

(2) The council should meet at least twice a year at the head-quarters of any two provinces.

(3) The proceedings of the council when called together for collective consultation may remain confidential for the present, but to ensure the council against inertia a rule might soon have to be made that they should always be published. For a longer time still the meetings should take place privately.

(4) The councillors should have their expenses paid by the Government, if practicable.

II. The same alterations apply to the Provincial Advisory Councils.

III. (3) An enlargement of the Imperial Legislative Council is highly desirable, with the exception of the fact that the number reserved for Muhammadans is too small. The scheme sketched out in paragraph 12 is approved. The heartiest thanks of the community are due to the Government for the recognition of the principle.

(4) Is answered in the affirmative.

(5) The land-holders' representative for the Punjab in the Imperial Legislative Council should be elected by the land-holding members of the Provincial Council from among land-holders generally, paying Rs. 5,000 or more as land revenue.

(6) The principle of reserving seats for Muhammadans is the life and essence of the whole scheme. It is not only from their point of view, but in the interest of the well-being of the whole country as well as of the Government. Considering the present number of Muhammadans on the Imperial Legislative Council, however, the number now allotted would scarcely do justice to the intentions and views of the Government of India so eloquently set forth in their letter, unless indeed the Provincial Councils of the Punjab and the Eastern Bengal invariably return Muhammadans, and the land-holders of these provinces also do the same. For a variety of reasons it is scarcely possible that such should be the case. Other provinces, it may be taken for granted, would never elect a Muhammadan. Accepting the numbers set forth in paragraph 12 as appointed it is necessary that to sub-clause E should be added the following "so as to insure the presence of at least eight Muhammadans on the Council."

The elected Muhammadan members should be chosen by the Muhammadan members of the Provincial Councils and Muhammadan Fellows of the local University.

IV. (7) to (9) In view of the fact that the Provincial Councils have to play such an important part and regard being had to the opinion of the Government of India, the number of the non-official members on the Punjab Legislative Council should exceed ten (see paragraph 13). In my opinion the number of non-official members should be fourteen, of whom one should be a European or Indian Christian to represent the Punjab Chamber of Commerce. Of the remaining, three are to be nominated by the Government with a view to secure seven Muhammadans, four Hindus, and two Sikhs. The Sikhs are for all practical and political purposes as good Hindus as the rest belonging to the latter community, and it is of the essence of the constitution that the Muhammadans should exceed the Hindus and Sikhs combined. The number that I have assigned to the Sikhs gives due recognition to their importance. As regards Muhammadans the proportion prescribed above is necessary on account of their population, and their peculiarly superior claims fully entitle them to consideration. I am afraid as things stand at present many of the Muhammadan magnates pride themselves in winning the adulation of others, and for this they sacrifice the interests of themselves and their community. In any meeting they are conspicuous by their absence, and we cannot count upon their votes in any election. We cannot advocate an absolutely nomination system as nominations are very naturally made merely out of these magnates. Another argument in favour of class representation is the uncertainty as to the qualifications that might be fixed. The higher the revenue test the more the Muhammadans recede to the vanishing point (see table in paragraph 5 of the Punjab Government letter).

(10) Some seats could very well be allotted for the separate representation of municipal committees and district boards. In my opinion electoral colleges could be had by each of the privileged municipalities and district boards contributing a definite number of members to vote for the election of any man in the province possessing specific qualifications. The best course probably would be to have one electorate for the municipalities and two for the district boards in the province. Of course the representatives of the district boards should be land-holders.

(11) I am positively of opinion that unless corresponding changes are made in the constitution of municipal and district boards the class representation system would be of no avail. This is the best opportunity for remedying the present unequal state of things in this province. In this way the whole would be one co-ordinated system of self-government. The backward communities would have some motive to throw off their lethargy, and communal patriotism is the lesson that they would learn for the sake of India.

(12) I would prefer election for the Muhammadans. They so much need education in politics and public spirit. They so much lack in the real active support that they owe to their Government. They should be abreast of the times and of the system of government that reigns in India. I heartily approve of the electorate suggested in the Government of India letter, paragraph 17.

V. (13) The answer is in the affirmative. Members of councils may further be authorised to send in their suggestions whilst the Budget is preparing.

(14) The answer is in the affirmative.

(15) I strongly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

In conclusion I would take leave to suggest that all the Legislative Councils should meet at least once a month in addition to the meetings held at present.

S. ABDUL HAQ,

Vice-President, Municipal Committee, Multan.

Opinion by Shiv Ram Das, Secretary, Sanatan Dharam Sabha, Multan.

The following are the replies of the Sanatan Dharm Sabha, Multan:—

I. (1) The Imperial Advisory Council would, if properly constituted and worked, be of great service to the country.

The members be selected by His Excellency the Viceroy from the Provincial Advisory Councils. In case nomination is resorted to not only hereditary but matter-of-fact leaders should be selected. They should be persons well-known for their wide sympathies, high moral culture. They should be well read, and in no case be bigots, religious zealots, or persons who owe their existence and position in life to the widening of the gulf between the Hindus and Muhammadans, &c.

The poor and the middle classes should also be represented through their highly educated members. The interests of commerce, industry of capitalists, and of professional classes should also be represented.

There should be periodical meetings and the members should have power of initiation. All matters should be openly discussed and the proceedings made public except matters of strict political privacy.

Persons of elastic conscience on whom the Government cannot depend for their frank interchange of opinion openly and publicly may better be not allowed to pollute the Chambers of Advisory Councils by their presence.

II. (2) Such council would be useful for the remainder—see answer to the first question.

III. (3) The strength of the Legislative Council may be increased to 53. Clause 12 D (*d*) words "by Muhammadans" should be substituted "Indian Universities."

In clauses 12 E the words "not less than two to be Muhammadans" should be omitted.

The special mention of Muhammadans would give them undue importance and would foster racial feelings. Capacity and capability and public spirit should be real tests, but no difference of race or religion.

III. (4) Yes.

(5) Yes, one great land-owner may be selected by the Viceroy from the Provincial Legislative Council who may be paying annual revenue above Rs. 30,000.

(6) No.

IV. (7) Yes, the number may be increased to twenty.

(8) All non-official members should be elected.

(9) The allotment shall be made thus—

Hindus	2
Sikhs	1
Muhammadans	2
Christians	1
Education	1
Commerce	1
Capitalists	1
Artists	1

IV. (10) The election should in no case be through municipalities or district boards. An electorate of the following qualifications should be formed in each district and division:—

(*a*) Persons paying an income-tax on an annual income of Rs. 5,000 or more.

(*b*) Persons paying land revenue Rs. 2,000 or more a year.

(*c*) All graduates of ten years' standing.

(*d*) Managers of banks and factories.

(*e*) Pleaders and barristers, and selection should be out of them.

(12) There should be no separate provision for Muhammadans.

V. (13) Yes, the system may be altered in accordance with paragraph 23 of the Government of India letter.

(14) Yes, the Provincial Budget be discussed by separate heads.

V. (15) We advocate the introduction of the power of interpellation in the Punjab Legislative Council.

SHIV RAM DAS,

Secretary, Sanatan Dharm Sabha, Multan.

THAKUR DUTT, PANDIT,

President, Sanatan Dharam Sabha, Multan.

Translation of a petition, dated 2nd November 1907, from Syad Daulat Shah, Lambardar, Sufedposh, and Municipal Commissioner, Shujabad.

A great meeting presided over by Ghulam Kadir Khan, Tahsildar, was held to-day for considering the questions asked by the Punjab Government regarding the Imperial and Advisory Councils. The following gentlemen were present:—(1) Haji Rana Palia, zaildar of Basti Mathu; (2) Malik Ilahi Bakhsh, zaildar of Shahpur; (3) Malik Ghulam Nabi, zaildar of Mauza Wasan; (4) Mian Ramzan Khan, sufedposh of Soman; (5) Mian Imam Bux Khan, zaildar of Soman; (6) Khuda Baksh Khan, sufedposh of Khairpur; (7) Syad Gulab Shah, Lambardar of Basti Hajju Shah; (8) Quazi Aman Ullah, member of municipal committee, Shujabad; (9) Chaudhari Asa Nand, zamindar of Shujabad; (10) Syad Daulat Shah, sufedposh and member, of municipal committee, Shujabad; (11) Chaudhri Bhagwan Singh, sufedposh and member of municipal committee, Shujabad; (12) Chaudhri Hawa Ram, lambardar of Shujabad; (13) Chaudhri Narain Singh, zamindar and member of municipal committee, Shujabad; (14) Chaudhri Sham Singh, zaildar of Shujabad; (15) Bhai Ram Dyal, member of municipal committee, Shujabad; (16) Chaudhri Khushi Ram, sufedposh of Shujabad; and (17) Chaudhri Kala Ram. The Tahsildar opened the proceedings by reading the questions and the Government of India letter, dated 24th August 1907, and explaining the objects of the meeting. The Hindu gentlemen present took copies of the questions and of the Government of India letter in order to consider the matter, while the Mahammadans authorised the petitioner to inform Government on their behalf that they approved of the proposal made by Government. Petitioner accordingly submits this and prays for the stability of British rule in India.

Answers by Chaudhri Narain Singh, Zamindar and Rais of Shujabad, to questions asked regarding Advisory Council, etc.

(1) *Imperial Advisory Council.*—Such a council if constituted would be of service to the country, provided it is elected by and from among the members of the Provincial Advisory Council referred to in answer to question 2.

(2) *Provincial Advisory Council.*—This council would also prove a useful institution, provided its members are elected. This suggestion, if adopted, would remove the grievances (takalif) of each district or at least circle (halka). Government may select members for their (Imperial) Council from among these elected members.

(3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is desirable, but in paragraph 12 heads D (*d*) and E the words "Indian Universities" should be substituted for "Muhammadans." These seats should not be exclusively reserved for Muhammadans. On the contrary the 4 seats (referred to) should be filled up by nomination by His Excellency the Viceroy from among communities who happen to be without a representative in the council.

(4) Yes, this number should be increased as proposed in paragraph 13 of Government of India letter.

(5) The selection of one of the great land-owners to the Imperial Legislative Council is desirable. He should be elected direct, due regard being paid to the following qualifications:—

(*a*) That he pays a revenue of at least Rs. 5,000.

(*b*) That he pays income-tax on an income of Rs. 10,000 *per annum*.

(*c*) That he passed some high educational test ten years ago.

(6) It is undesirable to accord special treatment to any particular community.

(7) *Provincial Legislative Council, Punjab.*—The number of members might be increased to 20.

(8) All the unofficial seats should be filled by election.

(9) There should be one fixed rule for all classes.

One member should be taken from the Education Department to represent the educated classes. The other members should be the representatives and well-wishers of other communities, *i.e.*, Hindus, Sikhs, and Muhammadans.

(10) and (11)The elections should be made according to rules regulating the election of members for committees and district boards, but due regard should be paid to qualifications detailed in my answer to question 5.

(12) No separate provision should be made for Muhammadans. The same rule should apply to all, and special treatment should not be accorded to any class.

(13) The rules regulating the discusion of the Budget in the Imperial Legislative Council should be modified.

(14) It is also desirable that the Provincial Budget should be discussed in the Provincial Legislative Council.

(15) I advocate the introduction of the power of interpellation into the Punjab Legislative Council.

Note.—The answers given by Chaudri Sewa Ram are an exact copy of the above, *i.e.*, those given by Chaudri Narain Singh.

Replies approved by the Executive Committee, Zamindara, Shujabad.

(1) Such a council would, if formed, prove of some service to the country, provided its members, instead of being nominated by His Excellency the Viceroy, are elected by the members of the Provincial Advisory Councils referred to in my reply to question 2.

(2) *Provincial Advisory Council.*—The council would also prove beneficial to the country if the seats were filled by election. This suggestion, if adopted, would serve to remove the grievances of each district or at least each circle. The local Government can itself choose members for the Advisory Council from among the members elected.

(3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is desirable, but the words "Indian Universities" should be substituted for the word "Muhammadans" in paragraph 12 of the Government of India letter. The words "by Muhammadans" occurring in the same paragraph should also be omitted. All these four seats should be filled by nomination by His Excellency the Viceroy to secure the interests of minors and other communities who happen to have no representative in the council.

(4) Yes.

(5) Yes, a large land-owner should be elected direct for the Imperial Legislative Council. The candidate must possess (one of) the following qualifications:—

(1) That he pays a land revenue of Rs. 5,000 *per annum*.

(2) That he pays income-tax on Rs. 10,000.

(3) That he is a graduate of 10 years' standing.

(6) Yes.

(7) The present number of members of the Provincial Legislative Councils should be increased to 20. But if the present number of official members be considered sufficient and they should be unanimous,* the number of members should even then be increased to 15, including His Honour the Lieutenant-Governor. All non-official seats should be filled by election.

* *Sic.*

(9) There should be one fixed rule for each class. There should be 1 Hindu, 1 Sikh and 1 Muhammadan. One seat should be filled by a member of the Senate to represent the educated class and another should be reserved for a representative of minors, traders, &c.

(10) The member should be elected according to the rules regulating the election of provincial committees† and district boards. The qualifications of candidates for election should be the same as stated in my answer to question 5.

†*Sic.*

(11) The answer to this question is the same as the answer to the last question 10.

(12) Separate rules ought to be framed for Muhammadans.

(13) Yes, the rules relating to the discussion of the Budget in the Imperial Legislative Council should be modified as proposed in paragraph 23 of Government of India letter.

(14) Yes. The Provincial Budget should be discussed in the Provincial Legislative Council as suggested in paragraph 23 of Government of India letter.

(15) Yes. The power of interpellation should be conferred on members of the Provincial Legislative Council.

(16) The members shoud be invested with some power or other according to their position.

No. 514, dated 25th November 1907.

From—G. F. DEMONTMORENCY, Esq., I.C.S., Deputy Commissioner, Lyallpur,

To—The Commissioner, Multan Division.

With reference to your no. 889 of 3rd October 1907, forwarding a copy of Chief Secretary to Government, Punjab, no. 2643-S. (Home—Legislative), of 27th September 1907, I have the honour to forward:—

(*a*) A copy of a note by myself on the points raised.

(*b*) Written opinions of the following native gentlemen in original:—

(1) Lala Sewak Ram, Barrister-at-Law, Honorary Magistrate.

(2) Lala Anant Ram, Honorary Magistrate, member of Arya Samaj.

(3) Kabir Khan, Kharral, Honorary Magistrate, yeoman grantee, Chenab Colony.

(4) Dilbagh Singh, Jat Sikh, zaildar, Chenab Colony.

(5) Shahzad Khan, Kharral, of Kamalia, yeoman grantee, Chenab Colony.

(6) Resaldar Chirag Khan, Tiwana, rais, Chenab Colony.

(7) Sardar Isar Singh, Jat Sikh, yeoman grantee, Chenab Colony.

(8) Saiyid Mehdi Shah, Honorary Magistrate, rais, Chenab Colony.

A number of gentlemen addressed have sent no replies.

2. In my note, I have not commented on the above written opinions, but in giving my own opinion, I have retailed the opinions of those grantees with whom I have verbally discussed the matter.

G. F. DEMONTMORENCY,

Deputy Commissioner, Lyallpur.

Endorsement by the Commissioner, Multan Division.

No. 1054—99-07, dated Multan, 28th November 1907.

Copy with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, for information, in continuation of this office letter no. 1045, dated 27th November 1907.

M. W. FENTON,

Offg. Commissioner,

Multan Division.

NOTE.

I. In talking over the matter with various persons, I have noticed a certain eagerness and interest displayed in discussing the details of the Legislative Councils, but the Advisory Councils have been damned with faint praise. Some of the more candid have confessed that in the Advisory Councils they see a good deal of trouble and expense to those fortunate enough to be called to those councils, but little power for themselves or benefit to others from their installation. If the meetings are frequent and the references are numerous, these critics consider that after the novelty has worn off membership will become rather a hollow burden and expense. If the meetings are infrequent and the references are few the honour of belonging to the councils will be an empty one. Unless there is a very decided change in the morale of the people, a sustained interest on the part of the members or of the public in their doings is unlikely. It has been explained to me that the best traditions of oriental polity while allowing for a numerous body of advisers who both gave advice and diffused the authority and ideas of the supreme body to local entities, also gave the advisers a *quid pro quo* for the inconveniences of their position, by allowing them personal favours, or opportunities of dispensing patronage or acquiring wealth. In modern Native States this amount to a

State carriage and pair at any rate. It short they say that the oriental man is a political animal in so far as politics means increased power or wealth. A contemplative council of elders without power of initiation and with doubtful power of commanding attention to their views, but saddled with certain unremunerative duties, seems to these critics a more fancied than real concession to progress.

A more numerous class do think that both the Imperial and the Provincial Advisory Councils would be a real gain to the people in understanding what Government means and *vice versâ*, and that the duties connected with such a council would be cheerfully undertaken and esteemed to be an honour.

As to constitution, the proposals of the Government of India appeal to most people with whom I have consulted. Some object to the phrase "territorial magnates," as they say that many of the so-called territorial magnates in official favour are brainless dissipated inefficients, and they would waive the idea of position in favour of territorial income alone, *i.e.*, they prefer a rich zamindar unqualified to the latent idea of a rich and well connected zamindar. Three years is the term suggested for office in the Imperial Council.

II. With regard to the Provincial Advisory Council the consensus of opinion seems to be that collective deliberation alone should be allowed. The Commissioners are suggested as the proper persons to nominate representatives of various interests. Six per division are suggested as the most suitable allotment of members. This is an increase on the number suggested in the Punjab Government letter, but it is alleged that the number is not too numerous for collective deliberation and secures a wider representation of district and class feeling.

III. The real interest centres round the Imperial and Provincial Legislative assemblies.

(3) Almost all the persons whom I have consulted have been unanimous in declaring that the large export trade of the Punjab might receive the same recognition as that afforded to the Chambers of Commerce of Calcutta and Bombay. The Canal Colonies are vitally interested in every form of railway reform which would affect export trade, and for this reason people think that the Punjab traders should find a representative when legislation affecting commerce or Budget provisions are to come under discussion. This view has my sympathy.

Others have suggested that owing to its preponderance in the Punjab and the Native Army the Sikh interest should have a special representation similar to that accorded to Muhammadans. This is plausible.

The large increase of numbers in the Legislative Council is looked upon favourably. Personally I think it rather large for efficient and rapid disposal of business.

(4) The election of one member by the Provincial Legislative Council is approved.

(5) Persons do not seem to be able to imagine an electorate of any general composition. I consider an electorate should be formed of members of the district boards, who fulfilled a certain high landed property qualification and a list of a number of nominees selected by the head of the Provincial Government laid before them for selection of a member by election. Muhammadans in the Punjab should be electors in the elective body, and should not be excluded on account of their exclusive opportunities in the scheme.

(6) The proposal seems suitable. It is generally suggested that 2 Muhammadans should be nominated and 2 who should be members or ex-members of Provincial Councils themselves should be elected by Muhammadan members of Provincial Councils.

IV. (7) Persons whom I have consulted are all in favour of large increases. Probably some increase would be useful. I suggest 9 officials and 7 non-officials.

(8) Most people seem in favour of nomination. Some are in favour of election. If a real step is to be made in the direction of loosing the bonds of nomination, I should suggest election of selected nominees.

(9) The proportion of non-official members which suggests itself is:—

One member to be nominated by the Punjab Chamber of Commerce.

One member to be elected by Muhammadans alone owing to their numerical preponderance.

Five members without specification of class to be elected by district boards by divisions.

(10) I would suggest that the head of the Province select a number of nominees for the one reserved Muhammadan seat and the Commissioner select a number of nominees for the divisional seat; these names would then be put to the vote of those members of the district boards who fulfilled a certain landed qualifications standard. The landowners are the only very large class. For the purpose of giving the electorate a tinge of commercial and educational class feeling the municipalities of Lahore, Delhi, and

Rawalpindi might be allowed to count as district boards for this purpose, their electors being obliged to attain to a high income-tax standard. The Senate does not seem to have attained to the dignity and position which in England secures to some universities special representation in the councils of the nation.

(11) No change is needed.

(12) The Muhammadan electorate would be Muhammadans among the selected district board electorate who would vote on the list of Muhammadan nominees selected by the Lieutenant-Governor for the reserved Muhammadan seat.

V. (13), (14). Yes.

(15) No.

G. F. DEMONTMORENCY,
Deputy Commissioner, Lyallpur.

Letter, dated 9th November 1907.

From—LALA SEWAK RAM, P. O. Gangapur, District Lyallpur.

To—G. F. de MONTMORENCY, Esq., I.C.S., Deputy Commissioner, Lyallpur.

With reference to your letter no. 1196-S., dated 1st November 1907, forwarding a copy of the Government of India letter no. 2310—2317, dated 24th August 1907, for my opinion, I beg to reply as follows:—

I shall reply the questions set forth in *seriatim*.

I. (1) I do not consider that an Imperial Advisory Council will be of any practical service to the country.

As sketched out in the Government of India letter, paragraphs 4 and 5, when such advisers know that they are to receive no legislative recognition, that they will not be vested with formal powers of any sort, and that they possess in themselves no formal powers of initiative, they are not likely to take much interest or be present in the meetings. In the constitution of the council the number of 20 ruling Chiefs is not at all necessary and is out of all proportions. If the Advisory Council is to be formed, it must at least be vested with some powers, the advisers may possess in themselves some powers of initiative, and may be given the right of interpellation.

II. (2) I think that a Provincial Advisory Council would be a useful institution. As regards its constitution, I beg to submit that each Deputy Commissioner of a district be asked to select one man as a member of this council and the total number of such men should form the *Provincial Advisory Council*.

III. (3) Yes, I do approve of an enlargement of the Imperial Legislative Council according to the scheme sketched out in the Government of India letter, paragraph 12.

(4) Yes, I do approve of the proposal.

(5) I approve of the selection of a land-owner of this Province to the Imperial Council, but I beg to submit that any land-owner, whether great or small, providing he takes practical interest in agriculture, be selected for the Imperial Council; mere land-revenue qualification need not be the criterion of nomination. As regards selection or election, I beg to say that for the present selection by the head of the local Government in consultation with Deputy Commissioners of the districts is better.

(6) I do not consider it advisable to reply to this question.

IV. (7) Yes, I would advocate an increase in the present number of members. Excluding His Honour the Lieutenant-Governor of the Province, I beg to suggest 15 should be the number of members; 5 out of them should be official members, 5 should be selected by the local Government, and 5 should be elected by the Provincial Advisory Council (as formed according to my suggestion in answer to question II (2) out of their own number).

(8) I have replied this question in the above answer.

(9) I do not advocate a fixed rule determining the proportion of seats to be allotted to each class, let there be a fair field and no favour.

(10) I have replied this question in answer of question IV (7).

(11) I do not advocate separate representation of classes as they always lead to mutual dissensions.

(12) Please see my reply to question III (6).

V. (13) Yes, the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23.

(14) Yes.

(15) I do certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members as early as possible.

SEWAK RAM,
P. O. Gangapur, District Lyallpur.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated 24th August* 1907.

Answers to questions 1 to 9 and 11 to 15 are the same as given by Ishar Singh.

Answers to question *IV.*—(10) In each district the Deputy Commissioner in consultation with his district and municipal boards should nominate six efficient land-owners whether or not from among his boards. In the Punjab either the body thus formed should by mutual consultation elect members for the Provincial Council or His Honour the Lieutenant-Governor may himself nominate any six persons out of that body. To fix the proportion of these six members shall rest with the Deputy Commissioner and his district board.

ANANT RAM,
The 11th November 1907. *Honorary Magistrate, Lyallpur.*

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated 24th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council is very important and useful for the administration of the country, but the number of the members should be still increased. It is better to make the number of the ruling Chiefs less than that proposed in the letter. The middle class land-owners whose annual income amounts to 5 or 6 thousand rupees should be admitted in this council, because the wealthy and the big land-owners are naturally ignorant of the welfare of the public at large.

Answer to question II.—(2) The Provincial Advisory Council too will prove useful for the management of the kingdom, provided that able and experienced members can be secured. This council too should include middle class land-holders and other persons of differnt classes. As to the rest I agree with paragraph 6 of the letter.

Answer to question III.—(3) The Imperial Legislative Council also requires an increase in its members. As the trade of the Punjab is increasing, it is especially necessary that the Punjab traders should be looked after; moreover the traders of all the provinces deserve the same favours as bestowed on the Calcutta and Bombay merchants.

Answer to question III.—(4) Members should be appointed by nomination and not by election because the latter mode is not useful. The member in question should be elected from among the fixed number of the Provincial Council members and the power of electing this number should be given to the council itself.

Answer to question III.—(5) This member should also be appointed by nomination. The method of election should be overlooked because it is useless.

Answer to question III.—(6) Out of the 4 Muhammadan members 2 should be taken by nomination and 2 by election.

Answer to question IV.—(7) As the number of the members in the Imperial Council is increased, the number of the members of the Punjab Legislative Council should also be increased a little.

Answer to question IV.—(8) In my opinion the mehod of nomination is better: I am against the method of election.

Answer to question IV.—(9) All classes residing in India should be represented having regard to their population and social status.

Answer to question IV.—(10) I would prefer nomination rather to election.

Answer to question IV.—(11) In my opinion the mode of nomination is more appropriate. The mode of election is not approved. If the Government approve the latter mode it is necessary to amend the constitution of district and municipal boards.

Answer to question IV.—(12) I do not like election, nomination is better.

Answer to question V.—(13) Members should be allowed to discuss.

Answer to question V.—(14) The members in the Provincial Council should also be allowed to hold discussion on the Budget.

Answer to question V.—(15) The members should always have liberty to interpellate; so long as it is not done it is impossible to solve the difficult problems in the administration of the country.

MALIK CHIRAGH KHAN,
Pensioned Resaldar, Chak No. 336,
Jhang Branch.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council will prove useful for the country.

Paragraph 5, *head* (1) (2)—Agreed.

Head (3).—The number of the members is too few, it should be increased, *i.e.*, in every division the municipal committee and the district board should appoint one man by election, and the ruling Chiefs should be nominated by the Government itself; the result would be that the member may be an adviser for the division. In case of land-owner, he should belong to an ancient land-owning family, he must be educated and efficient, and in case of a ruling Chief he must also be educated and efficient.

Heads 4 *to* 7.—Agreed.

Answer to question II.—(2) The Provincial Advisory Council will also prove useful for each Province. In paragraph 6 the number of the members of this council is shown less than that of the Imperial council, it should be equal if not more.

Answer to question III.—(3) The Imperial Legislative Council must be enlarged. I agree with paragraph 12 of the letter.

Answer to question III.—(4) I agree with paragraph 13 of the letter.

Answer to question III.—(5) I agree with the second form of paragraph 15.

Answer to question III.—(6) I agree with paragraph 18 of the letter, provided the following be added to head C. of the paragraph:—"That Muhammadan shall be eligible who either pays annually an income-tax on an income of 25,000 rupees or owns lands amounting to 25,000 bighas or owns land to the value of 25,000 rupees."

Answer to question IV.—(7) The number of the members of the Punjab Legislative Council should be raised. Their number should not be less than 24 as follows:—

1. Officials nominated by the Government	12
2. Land-owners—	
Hindus	1
Muhammadans	3
Chirstians	1
Sikhs	1
3. Advocates—	
Hindus	1
Muhammadans	1
4. Traders	1
5. Artisans	1
6. Ruling Chiefs	2
TOTAL	24

In each district the municipal committee and district board should elect six land-owners. Out of the body thus formed in the Punjab the Punjab local Government shall nominate any six of them.

The advocates should be elected by their class and the traders and artisans by their own classes respectively. The ruling Chiefs should be nominated by the Government itself.

Answer to question IV.—(8) Appointments should be made by election.

Answer to question IV.—(9), *paragraph* 22 (*a*). Each class need not be represented. The classes and the proportion of representation should be that as laid down in answer to question IV (7).

Answer to question IV.—(10) The election should be made by the municipal committee and the district board as set forth in paragraph 22, head B, which should be read in the light of head C of this paragraph.

Answer to question IV.—(11) *Vide* answer to question IV (7).

Answer to question IV.—(12) The Muhammadans should be separately represented, and they should be elected by the Muhammadan members of the municipal committee and the district board, but a Muhammadan shall not be eligible unless he pays an income-tax on an income of 25,000 rupees, or owns 25,000 bighas of land, or owns land to the value of 25,000 rupees, or he pays land revenue amounting to 5,000 rupees.

Answer to question V.—(13) I agree with paragraph 23 of the letter.

Answer to question V.—(14) Discussion should be held on every head of the Budget.

Answer to question V.—(15) The members of the Provincial Legislative Council in the Punjab should be authorised to put questions and hold discussions in the council.

KABIR KHAN, KHARRAL,
Honorary Magistrate, Jaranwala.

The 11*th November* 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answers to questions 1 *to* 8 *and* 10 *to* 15—Are the same as those given by Ishar Singh, yeoman grantee, of Chak no. 132, Rakh Branch.

Answer to question IV.—(9) Each class need not be represented. The representation of the following classes will be enough:—

Name of class.	*No.*
1. Muhammadan land-owners	3
2. Muhammadan traders	1
3. Sikh land-owners	1
4. Hindu land-owners	1
5. Christian land-owners	1
6. Senate	1
7. Hindu traders	1
TOTAL	9

DILBAGH SINGH,
Zaildar.

The 11*th November* 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answers to questions 1 *to* 8 *and* 10 *to* 15—Are the same as given by Ishar Singh, yeoman grantee, Chak no. 132, Rakh Branch.

Answer to question IV.—(9) In the Punjab each class need not be represented; the following classes may be represented in the following proportion:—

Name of class.	*No.*
1. Muhammadan land-owners	4
2. Christian land-owners	1
3. Hindu land-owners	1
4. Sikh land-owners	1
5. Senate	1
6. Muhammadan traders	1
7. Hindu traders	1
TOTAL	10

SHAHZAD KHAN,
Zaildar.

The 11th November 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated 28th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council shall prove useful.

Paragraph 5—

Head (1) is very appropriate.

Head (2) is appropriate.

Head (3)—There must at least be 60 members, including ruling Chiefs, whose number should be proportionate to the population; and in making their election education and ability should be kept in view, because high efficiency is essential for the advisers in political matters.

In case of land-holders, in addition to their position and respectability, due regard must be paid to their education and the length of standing of their landed qualification.

Head (4).—Three years seems a sufficient duration for holding office, for election may again be made.

Heads (5), (6), (7) are appropriate.

Answer to question II.—(2) The Provincial Advisory Council will prove useful and there seems no need to amend it.

Answer to question III.—(3) The Imperial Legislative Council needs increase of its members.

Paragraph 12, *head* (1).—The number should be increased from 54 to 56, because under head (D) of this paragraph it seems necessary that 2 Sikh members should be elected for the Punjab, having regard to the position of this community.

The other heads seem appropriate.

Answer to question III.—(4) It is appropriate.

Answer to question III.—(5) It seems proper that one member may be elected for the Imperial Council from the Punjab and his election be made in the following way:—All the district boards should elect one member each from among themselves, and then the body thus elected should elect a big land-owner whether or not from among themselves for the Imperial Council.

Answer to question III.—(6) It is proper that the Imperial Council should have 4 Muhammadan members, of whom 2 shall be nominated and the remaining 2 shall be elected by the Muhammadan *members* of the district boards in the manner detailed in the last answer.

Answer to question IV.—(7) In the Punjab the number of the non-official members should at least be 10.

Answer to question IV.—(8) We wish that non-official members should be appointed by election.

Answer to question IV.—(9) In the Punjab Province it is unnecessary to represent each class, it is sufficient to represent the following classes in the following proportion:—

Name of class.	*No.*
1. Muhammadan land-owners	3
2. Christian land-owners	1
3. Hindu land-owners	1
4. Sikh land-owners	2
5. Senate	1
6. Muhammadan traders	1
7. Hindu traders	1
TOTAL	10

Answer to question IV.—(10) In each district the Deputy Commissioner, in consultation with his district and municipal boards, should nominate 6 efficient land-owners, whether or not from among his boards. In the Punjab either the body thus formed should by mutual consultation elect members for the Provincial Council, or His Honour the Lieutenant-Governor may himself nominate any 6 persons.

Answer to question V.—(11) All classes need not be represented.

Answer to question IV.—(12) In the Punjab the Muhammadans should be separately represented, and this should be by election as set forth in answer to question IV (10).

Answer to question V.—(13) Discussion of the Imperial Budget should be held in the manner laid down in paragraph 23 of the letter.

Answer to question V.—(14) Discussion of the Provincial Council Budget should also be held on the lines suggested in paragraph 23 of the letter.

Answer to question V.—(15) In the Punjab Legislative Council the members should be allowed to interpellate.

ISHAR SINGH,
Yeoman grantee, of Chak no. 132,
Rakh Branch, Tahsil Lyallpur.

Letter, dated 8th November 1907.

From—SAIYID MEHDI SHAH, Honorary Magistrate, Mehdiabad, Gojra,
To—G. F. DEMONTMORENCY, Esq., Deputy Commissioner, Lyallpur.

In compliance with your wishes, I beg to submit herewith my humble opinion on the points in question on which opinions are desired in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I.—Imperial Advisory Council.

This council would be much beneficial to the country, as has been sketched out in paragraph 4 of the Government of India letter above.

The number of members 60 is too small. Ten ruling Chiefs are sufficient. These ruling Chiefs ought to be such who have proved themselves able rulers of their States, and have gained the good opinion of both the British Government and the subject. A large number of the territorial magnates would be of no use, as they generally do not know about the condition of the poorer classes. An ordinary zamindar, whose permanent annual income should not be less than Rs. 5,000, may be substituted instead of the territorial magnates.

I quite agree with sub-section 5 of paragraph 5 of the Government of India letter.

II.—Provincial Advisory Council.

This council is necessary, and will be a useful institution. Every member should be nominated by the Commissioners of each division after consulting the Deputy Commissioners of their respective districts.

III.—Imperial Legislative Council.

In my opinion the number of two members elected by the Chambers of Commerce of Calcutta and Bombay is not sufficient. One such member from the province of the Punjab should also be added as the trade of this Province is increasing daily with Europe *viâ* Karachi.

I agree with other sections.

(4) I quite agree with paragraph 13 of the Government letter.

(5) In my opinion one member should be nominated by the Governor-General from among the members of the Provincial Councils.

(6) Two Muhammadan members for the Imperial Council should be elected by the Muhammadan members of the Provincial Councils.

(7) There ought to be an increase in the members of the Legislative Council of the Punjab, as a small number of members could not represent the public feeling, and there should be one from each district.

IV.—The Provincial Legislative Council in the Punjab.

(8) At present the system of nomination is better than election, as this country is rather backward in education, and especially the Muhammadans.

(9) The members should be taken from among the following classes:—

(1) Hindus,

(2) Sikhs,

(3) Muhammadans,

(4) Indian Christians,

and they should be nominated and the number of members from each class should be fixed by Government according to the census.

If Government approves the election system, then I suggest that each class should elect its own member.

(10) I prefer nomination than election.

(11) If Government prefers the election system, then I suggest that every class should have the right of representing their own members for themselves, and it would also require the change in the present system of election of members for district boards and municipal committees.

(12) I suggest that Muhammadan members should be selected by nomination.

V.—Discussion of the Budget in the Legislative Council.

(13) I suggest that the right of discussing the Budget in the Imperial Council should be given to the members.

(14) Provincial Budget ought to be discussed in the Punjab Legislative Council.

(15) The members of the Punjab Legislative Council should also have the right of interpellation.

MEHDI SHAH,
Hony. Magist., Mehdiabad, Gojra.

Punjab Government letter no. 46, dated 19th October 1907.

Proposals for giving the people of India wider opportunities of expressing their views on administrative matters.

I. *Imperial Advisory Council.—Question* (1). I entertain no doubt that an Imperial Advisory Council would serve a very useful purpose as an instrument on the one hand for making the intentions of Government known to the people generally and removing the effects of misrepresentations by mischievous persons, and on the other for communicating to Government information with regard to the real trend of public opinion on its measures. I believe that if such a body had existed when the agitation of this year was going on, it would have done much good by counteracting the misrepresentations made in the press and at public meetings, and by removing the false impressions as to the intentions of Government that were being disseminated. The gap in the communication between Government and the people is a very wide one; and there is at present no means of bridging it by non-official agency. Only the most extreme views at present find expression, while the great mass of healthy public opinion remains silent. I think that an Imperial Advisory Council would justify its existence if it fulfilled no other functions than that of an intermediary between Government and the people, of an agency on which Government could on the one hand rely for having its intentions made clear and for being kept informed of the true state of public opinion, while on the other hand all that is sound in public opinion could look to the council to represent its views to Government.

This would at least be the initial idea of the functions of the council; but these functions appear capable of gradual development.

Advisory Councils, both Imperial and Provincial, consisting of nominated members, would be in accordance with native ideas of administration, far more so than Legislative Councils, partly composed of elected members whose sole object is often to criticise Government and to vote against it. We are too fond of transplanting bodily into our Indian administration systems which have sprung up and matured in the West, and of neglecting the essential difference of conditions.

II. *Provincial Advisory Councils. Question* (2) .—It seems scarcely necessary under this head to add to what has been said under the preceding one. The same necessity exists for a Provincial as for the Imperial Government to have some means, other than the ordinary official channels, of communicating its intentions and purposes to the people, and of ascertaining the real trend of public opinion on important questions.

A council of 20 chosen in the manner explained in paragraph 4 of the Punjab Government letter appears to be suitable. The body would not be unwieldy in dimensions, and it should be possible, with this number, to make selections so that all the various important interests existing in the province should be represented. It appears unnecessary to emphasize the fact that nomination as opposed to election is the only means in the present condition of society by which real representation can be secured.

III. *Imperial Legislative Council. Question* (3).—I think that the proposed number of the Imperial Legislative Council is too large and that the result would be an unwieldy body, that is of course if the power of nomination proposed were exercised to the full, which is perhaps improbable. It seems to me that the non-official members of a Provincial Legislative Council will never form a satisfactory electorate; and I would not add the four provinces proposed by D (*b*) in paragraph 12 of Government of India letter. The number under B might then be reduced to 16.

Question (4).—I have above expressed the opinion that election by the non-official members of the Provincial Council is not a satisfactory arrangement. At all events it is not for the Punjab.

Question (5).—The Government of India scheme (paragraph 12 of their letter) shows election by (*i*) nobles and (*ii*) great land-owners. In the question stated by the Punjab Government (*i*) are omitted, and the figures given in paragraph 5 are of *land-owners paying land revenue*. The Punjab is not a country of great *land-owners*, but it is a country of *jagirdars*, and if there is anything in the nature of a *nobility* in the Punjab, it is to be found in this class who are usually the representatives of former semi-independent Chiefs. This aspect of the question would appear to have been overlooked. It is possible that an electorate might be constituted, composed of assignees of land revenue and of land-owners receiving or paying, respectively, Rs. 5,000 and upwards per annum. But the number of *jagirdars* would be considerable, and the voters would be scattered all over the province, so that there could be no cohesion. I doubt, therefore, if any satisfactory system of election by such a constituency would be possible, and I think that nomination (third method in paragraph 13 of Government of India letter) is for the present at least the only way in which representation could be properly secured. Election might come later on. A list might be maintained of persons eligible, and these would ultimately be the electors.

Question (6).—I have not seen the statistics referred to in the closing section of paragraph 5 of the Punjab Government letter, but here too I think that, in the Punjab at least, we should be content for the present with nomination.

IV. *Provincial Legislative Council of the Punjab. Question* (7).—I think that experience has shown the necessity of increasing somewhat the present number of members of the Provincial Legislative Council. There has at times been trouble about securing a quorum, while there is not much choice for select committees. But the difficulty of maintaining the proper proportion of official members limits the possible total. Still I think the addition of two non-official members is advisable for the purpose of making the council more representative of the various interests in the province.

Question (8).—I think it would be premature to introduce any system of election at present. In this matter we must await the results of experience in older provinces and be content to follow their lead.

Questions (9)*to* (12).—A detailed answer to each of these questions does not in the above view appear to be necessary. I should be strongly opposed to giving the Punjab University an elected representative for the reason stated in the Punjab Government letter, *i.e.*, that it would be a mistake to introduce a directly political element into that body.

V. *Discussion of budget and interpellation. Question* (13).—I have no opinion to offer under this head.

Question (14).—I do not think that the Punjab is sufficiently advanced, or that there is sufficient stability in the financial arrangements of this province to have Budget

debates. This would no doubt, like other developments, come later. I see no fundamental objections to a system under which the Budget is laid before a Provincial Council and discussed, especially if there is some degree of decentralization in finance, but I do not think that in Punjab we are ready for such a system yet.

Question (15).—The power of interpellation would, if properly exercised, serve a useful purpose. But I scarcely think it can be said that in the Indian councils or indeed in the Imperial Parliament it can be said that there has not been a considerable amount of abuse of the privilege. Still I think I should be prepared to accept it with its attendant disadvantages.

13th December 1907.

T. GORDON WALKER.

No. 183, dated 16th December 1907.

From—Mr. Abdul Aziz, Barrister-at-Law, Secretary, Anjuman-i-Islamia, Hoshiarpur,

To—The Commissioner, Jullundur Division.

In reply to your circular no. 172—3541, dated the 22nd October 1907, I have the honour to submit answers to the questions attached to the letter of the Government of India and the Punjab Government.

The matter has been fully discussed in a special meeting of the Anjuman held for the purpose.

It is a matter of regret that delay has been occasioned by unavoidable circumstances.

ABDUL AZIZ, *Barrister-at-Law,*
Secretary, Anjuman-i-Islamia, Hoshiarpur.

Endorsement by the Commissioner, Jullundur Division.

No. 4158, dated Jullundur, 17th December 1907.

The above copy, with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, Chief Secretary to Government, Punjab, in continuation of this office nos. 3971 and 3993, dated, respectively, the 2nd and 3rd instant.

H. S. P. DAVIES, *Lieut.-Col.,*
Commissioner, Jullundur Division.

Answers to the questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907.

(1) In the opinion of this Anjuman the proposed Imperial Advisory Council, if constituted on the lines sketched out in paragraph 4 of the Government of India letter, would be useful and serviceable to the country.

As regards its constitution and duties, the Anjuman begs to suggest the following alterations:—

The number of ruling Chiefs may be reduced to 10. As the matter concerns British India generally these Chiefs are not fully in touch with our requirements, and the allotment of one-third of the seats to them seems to be out of proportion; besides, we are afraid these Chiefs on account of their own State affairs shall not be able to spare time.

As to the land-holders, only those who pay an annual revenue of Rs. 20,000 and above, should be held eligible for the nomination.

It is further respectfully suggested that the principle of representation by community formulated in connection with the Legislative Council should, here also, be kept in view, and not less than 8 seats may be reserved for the Muslims.

With reference to the tenure of membership, it should be limited to 3 years for the present; this short period would be expedient as the system is a new introduction.

The proceedings of the council, moreover, should not be kept confidential, as a frank interchange of opinion between the Government and the public will be rendered rather impossible thereby.

II. (2) Yes, a Provincial Advisory Council would certainly be necessary, in order to increase the utility of the Imperial Advisory Council. As to its constitution, duties, and number of members, this Anjuman begs to suggest the following:—

The number suggested by the Punjab Government in its letter, paragraph 4, is sufficient; as regards the qualifications of the members—

(*a*) Those land-holders who pay a revenue of Rs. 5,000 and upwards should be eligible for nomination.

Like the Imperial Advisory Council a certain number of seats should be reserved for Muslims in this council, which should be in proportion to their population and political importance.

We, however, agree with the Punjab Government, and think that there is no necessity of hampering the choice of the Government by fixing any number of seats for any particular profession.

III. (3) We beg to state that the enlargement of the Legislative Council would answer a long-felt want. We offer our profound gratitude to the Government for recognizing the importance of the Muslim element in the Indian politics by allotting them exclusively a certain number of seats. In this connection the following modifications are submitted:—

The maximum strength of the council might be raised from 54 to 58 including His Excellency the Viceroy. Out of the two seats thus obtained 2 more may be added under the head D (*d*) open to Muslims by election, as only 2 seats referred to in D (*d*) are hardly sufficient.

The remaining 2 seats might be added to the number of officials nominated by His Excellency the Viceroy under the head B in order to keep in tact the Government majority. The only other suggestion under paragraph 12 of the Government of India letter is that the electorate of nobles and great land-owners under the head D (*c*) should be confined to those only who pay an annual land revenue of not less than Rs. 5,000.

(4) We agree. The non-official element in the Provincial Legislative Councils as enlarged may safely be allowed to elect this one member.

(5) We beg to suggest that one of the great land-owners of this Province may be chosen by election, the electorates to consist of all land-owners paying an annual land revenue of Rs. 5,000 or above.

(6) We have already suggested that 6—4 by election and 2 by nomination—instead of 4 seats, should go to the Muslims. The composition of the electorate may be as outlined in paragraph 18 of Government of India letter, except that under sub-head (*c*) the amount of annual land revenue entitling a person to vote may be fixed at Rs. 5,000 or above and that of the annual income at Rs. 10,000 or above liable to income-tax.

The proposal to confine the electorate to the Muslim non-official members of the Provincial Council is not desirable, because of the numbers of the electors being too small.

IV. (7) The number of councillors for the Provincial Legislative Council may, with advantage, be raised to 27, including His Honour the Lieutenant-Governor; out of this number 12 at least may be given to non-officials.

(8) Although the present system of nomination is working well, yet it is solicited that the principle of election should be recognized to a certain extent: 6 of the 12 non-official seats should be thrown open to election.

(9) It is difficult to suggest any precise rule for determining the proportion of seats and the particular classes to which they should be assigned, still we might present the following proposal in connection with this:—

The 12 unofficial seats may be distributed as follows:—

Muslims	6
Hindus	3
Sikhs	2
Christians	1
Total	12

Out of the six Muslims 3 may be nominated and 3 elected.

(10) As to the election of members it will be desirable to adopt the following scheme:—

Qualifications for candidates to membership—

(*a*) All persons paying an annual land revenue of Rs. 2,000 or above.

(*b*) All payers of income-tax on an annual income of Rs. 5,000 or above.

(*c*) All registered graduates of the University of at least 7 years' standing.

Qualifications of voters—

(*a*) Land-owners paying an annual revenue of Rs. 1,000 or more.

(*b*) Tax-payers on an income of Rs. 2,000 or above.

(*c*) Graduates of the University of at least 5 years' standing.

(11) The reply to the first part of the question is in the affirmative. In connection with the preparation of the list of voters, the Government may consult all well recognised Anjumans, etc.

As regards the second part we beg to represent that most of the evils in the present working of the municipal and district boards would disappear if the just principle of representation by community be also extended to these bodies as outlined in the Government of India letter, paragraph 22 (*c*).

(12) The method adopted should be election and the form suggested in paragraph 17 of the Government of India letter.

V. (13) Yes.

(14) Yes. The answer applies to both the parts of the question.

(15) Yes.

ABDUL AZIZ,

Secretary, the Anjuman-i-Islamia,

Hoshiarpur.

The 16th December 1907.

Dated 1st December 1907.

From—Major F. Popham Young, C.I.E., Settlement Commissioner, Patiala,

To—The Chief Secretary to the Government of the Punjab.

I have the honour to reply to your letter no. 46, dated 19th October 1907, in which my opinion is asked on the proposals put forward in the Government of India letter no. 2310—2317, dated 24th August 1907, to your address.

2. On the general question of the association of the people of India with the administration my views are as follows:—

(*a*) It is clearly essential that we should make an advance in this direction. In doing so it will be a great mistake if we do not enlist on our side the *brains* of the country. We should endeavour to direct into the right channel the political activities of those who will certainly mould public opinion in the future. We must not enter into an offensive and defensive alliance solely with the conservative elements in Indian society. For we cannot be true to such an alliance. The British democracy is seated on the throne of Akbar. We must sink our foundations in full recognition of this fact, and of all that it means. The ruling Chiefs of India and the territorial magnates stand for prejudice, privilege, and reaction. This is of course a generalisation and as such contains, as all generalisations must do, an element of untruth. But it points, I think, the right moral. As the ferment of education spreads the process of disintegration will inevitably be accelerated. It will be wise and it will be right for us to delay that process, and to curb the impatience of the idealists. But not so, to fight it. I think that the educated Indian community regard the proposals put forward by the Government of India with suspicion. They think that we are making a bid for the support of the privileged classes on the one hand, and for that of the ignorant masses on the other. Is it inevitable that the educated middle class should be ranged against us? I do not think that it is. But if the proposals of the Government of India are accepted in their entirety, I do not think we shall have done anything to win them over to our side. Their political activities may be temporarily scotched. They certainly will not be killed.

(*b*) I think that the proposals to enlarge the Imperial and Provincial Legislative Councils, and to establish Imperial and Provincial Advisory Councils on the lines sketched by the Government of India, begin at the wrong end. I would prefer to see an attempt made to associate the leading men of the district with the Deputy Commissioner. From that by a natural process of development will spring the association of the leading men of the Province with the Lieutenant-Governor. The spread of departmentalism, the root of which no doubt lies in a laudable desire for increased efficiency, has already undermined and weakened the position of the district officer. To my mind all our efforts should be directed towards repairing the mischief which has been done. A great opportunity lies before us in connection with the scheme now under consideration. I would build from the district upwards, and somewhat on the following lines.

3. I would establish in every district a council whose functions it would be to advise the Deputy Commissioner, to report on proposals (legislative or otherwise) affecting the administration, and generally to afford a channel of communication with the dawning intelligence of the country. I cannot attempt to elaborate this scheme in all its details. It will be readily understood how it would be carried out. Local municipalities and district boards would be represented. The delegates from these bodies might be elected. The Deputy Commissioner would nominate a number of councillors at least equal to the number of those elected. From the District Councils delegates would be chosen, partly by ballot, partly by nomination, to serve on Divisional Councils. These Councils would bear to the Commissioner of the division the same relation as the District Councils would bear to the Deputy Commissioner. From amongst divisional would be chosen the Provincial councillors, and from amongst the Provincial the Imperial councillors. The latter certainly, and the former probably, would be supplemented by members nominated by the Viceroy, or by the Lieutenant-Governor, and possibly there might be added to both bodies a few persons chosen by a limited and carefully selected electorate.

4. I am anxious to avoid entering into a lengthy disquisition on the scheme, the outlines of which I have thus briefly sketched. But I may perhaps usefully indicate the manner in which it might be worked. Say that the Government contemplate a Colonies Bill, or a Land Alienation Act, and that they want to invite the people to co-operate with them on certain lines for the improvement of village sanitation, or for the suppression of plague. The proposals and the ideas of Government, so far as these had been formulated, would be communicated to Deputy Commissioners through Commissioners. Before deciding the nature and extent of the reference to be made, the Imperial or the local Governments might consult their Advisory Councils. Detailed discussion of the measures proposed would then centre in the districts. All agitation (if agitation there must be) would at the outset be locally focused, and dissentient opinions would find a legitimate channel of expression. Professional opinion would, we will say, condemn a Land Alienation Act. Zamindari opinion would support it. Enlightened opinion would recommend radical measure for improving sanitation. The representatives of those who have more intimate acquaintance with "the harrow's tooth point" might beseech Government to "let ill alone." Eventually the District Councils would be ready with their opinions. These would again be considered, or, perhaps, debated in the Divisional Councils under the Presidentship of Commissioners. Here the conflicting views of Amritsar and Sialkot, of Ferozepore and Hoshiarpur, would be made apparent, perhaps reconciled, perhaps accentuated. Modified proposals might be submitted for further consideration to the District Councils. Finally, a similar process would enable the Lieutenant-Governor to accurately diagnose the feeling of the Province in relation to the measure under consideration.

I trust that I have said enough to make intelligible the general lines of the scheme which I would recommend for the consideration of Government. To attempt to clothe my skeleton with further detail would probably be to condemn it to prompt interment beneath the piles of manuscript which are no doubt accumulating as I write.

But I would most earnestly invite Government to consider whether they will not do wisely to build on the foundations, which have been dug for us by those who have created modern India in one short century. To me it seems that the airy structure contemplated by the Government of India will inevitably one day collapse and bury in its ruins not only the district officer but all that the district officer has achieved. I can imagine nothing more subversive of the relations which should subsist between the Deputy Commissioner and the people of his district, than a scheme which will eventually lead to the glorification of an irresponsible "member" with a lively imagination and a loose tongue at the expense of all the authority and all the prestige of the "Hakim Waqt." The Government of India may summon to their councils a Khan Sahib or a Lala Ji, in whom they may find a most obsequious adviser, with a marvellous aptitude for discerning the direction in which the breeze is setting. Or they may have thrust upon them a man, whose independent aptitude on subjects which he well knows to be safely outside the realm of practical politics, will make him the idol of a sensation-loving press. But they are not in a position to realise how the difficulties of local

administration may be added to, when the honourable member returns home perhaps to patronise the Deputy Commissioner, telling him that he has mentioned to those seated in high places how well the district is being run; perhaps to thwart him by engineering popular contempt of his authority. The Government of India can hardly appreciate the bewilderment of the prosperous yeoman, well affected to the British Raj, who has always leaned on the strength of the "Bara Sahib," when he finds that the head of the district knows nothing of certain proposals, emanating from the seat of Government, of which all the bazar is talking. They will not witness the scene at the railway station when bands are braying and flags are flying, in honour of a gentleman to whom the Deputy Commissioner driving past in his modest equipage affords opportunity for the exercise of a nimble wit. I trust that it will not appear that I am introducing trivialities into the discussion of a subject of the gravest moment. But I do not think that any one who knows the East, and who understands something of the oriental outlook in regard to the dignity which should attach to the representatives of the "Sarkar," as well as to their actions, will regard the picture above presented as overdrawn, or minimise the importance of the consequences which may ensue from a careless disregard of sentiment. I fully realise that the suppression of brains, in whatever stratum of society they may develop, is neither practical nor desirable. Let us, however, train the man of advanced ideas (the idealist if he is entitled to arrogate that name to himself), by giving him opportunities for exercising a legitimate influence on the conduct of affairs at the outset, by associating him with others whose ideas differ from his, and by making him a responsible person, instead of allowing him to develop in irresponsibility until he is in a position to thwart our best efforts, owing to his having captured the imaginations of ignorant people by posing as the champion of all that is high sounding and hopelessly impracticable.

6. Since the effect of the proposals which I am venturing to put forward would be to shift the whole basis of the edifice which it is sought to raise, it is necessary for me to add a few more words of explanation before proceeding to answer the questions put categorically in your letter under reply.

I consider that the establishment of Advisory Councils is a most wise and necessary measure. But I would make these councils living things. We cannot establish a Parliament of the Indian people. But some of the main functions of a Parliament, the ascertainment of the views and wishes of the people, the dissemination of information, and the training in political responsibility of those who speak for the masses, can, as it seems to me, be very well discharged by such councils as I would propose to establish.

At present the flood of what passes for popular opinion in India is left to gather as it may. At times there seems to be no flood at all, nor even the possibility of any accumulation which could not be stemmed by the simplest embankment, hastily thrown up by the Executive or by the Legislature. At other times the tide goes roaring and there seems danger of encroachment in the highest sanctuaries. Instead of trying to deal with the flood when it is at its highest, should we not endeavour to control and regulate the runnels?

To this end I would invite those who by virtue of superior intelligence, or by virtue of hereditary associations, are entitled to be considered the real leaders of the general community to discuss with their Deputy Commissioners freely, and, as of right, all measures of the Government which directly or indirectly affect their interests.

The District Advisory Councils would for obvious reasons not be speciallly asked to air their views on the larger questions of Imperial policy. But even if they did offer to discuss such matters, no harm would be done. I would not therefore limit the intiative of District Councils in any way. Their main object would be to record their opinions in relation to any questions affecting local interests, and to afford to the district officer an opportunity of explaining the views and intentions of Government.

In addition to District Councils, I would establish Divisional, Provincial, and Imperial Advisory Councils. The real work of suggestion and criticism would be done by these councils. It would remain for the Legislative Councils to give effect to the deliberately framed policy of the responsible Government of the country. It seems to me that up to a certain point we cannot too openly and too freely take the people into our confidence: and that when we have made up our minds what line to take, we cannot too firmly and too decisively proceed to give effect to our conclusions. I do not suggest that absolutely no weight should attach to differences of opinion expressed in the Legislative Councils. But the stage of doubt and of deliberation should have passed before these bodies are asked to deal with the measures of Government. And it should only be necessary to accord due deference to expert opinion, directed to modifying those measures without altering their essential meaning. The demagogue, the professional orator, the "poseur" generally, is entirely out of place in a Legislative Council.

Such gentlemen will no doubt find their way into the Advisory Councils. But I would not invent a machinery for introducing them into the Legislative Councils, and then for nullifying their efforts by the force of official votes.

7. I cannot attempt to frame in the time at my disposal a complete scheme for the constitution, and for the working of Advisory Councils on the lines suggested. A rough outline of what is intended may be attempted—

(1) *District Councils.*

(*a*) Elected members	10	Possibly it would be better to have only 10 members in the District Councils, and to reduce the numbers of the Superior Advisory Councils also.
(*b*) Nominated by the district officer	10	
	20	

(2) *Divisional Councils.*

(*a*) Elected by each District Council 3, say	15 in all.
(*b*) Nominated by the Commissioner from each District Council 1, say	5 in all.
(*c*) Nominated by the Commissioner from leading men (native or European) not members of the District Council	3
(*d*) Elected by certain special constituencies, such as Universities, local Chambers of Commerce, planting or trading communities, etc.	2
	25

(3) *Provincial Councils.*

(*a*) Elected by each Divisional Council 3, say	15 in all.
(*b*) Nominated by the Lieutenant-Governor from the members of each Divisional Council 1, say	5 in all.
(*c*) Nominated by the Lieutenant-Governor from leading men (native or European) not members of the Divisional or District Councils	5
(*d*) Elected by certain special constituencies, such as Universities, local Chambers of Commerce, planting or trading communities, &c.	5
	30

(4) *Imperial Councils.*

(*a*) Elected by each Provincial Council 3, or	21 in all.
(*b*) Nominated by the Viceroy from the members of each Provincial Council 1, or	7 in all.
(*c*) Elected by each Advisory Council of the three Chief Commissionerships 2, or	6 in all.
(*d*) Nominated by the Viceroy from amongst the members of the Advisory Council of each Chief Commissionership 1, or	3 in all.
(*e*) Nominated by the Viceroy from amongst ruling Chiefs, nobles, and great land-owners, or the representatives of great industries	10
(*f*) Elected by the Chambers of Commerce of Calcutta and Bombay	2 6
(*g*) Elected by any other special constituencies	
	55

I consider that if these councils are constituted somewhat in this way it will be easy to arrange that each and every class is adequately represented, without making any invidious distinctions, or unduly limiting the discretion of Government.

8. My answers to your questions are as follows:—

I. (1) I do not think that an Imperial Advisory Council on the lines sketched in paragraph 4 of the Government of India letter would be of any real service to the country. I think that an Imperial Advisory Council constituted in some such manner as has been suggested above, and given full opportunity to meet and discuss any measures proposed by Government, and to initiate proposals themselves, would be most useful.

II. (2) I think that a Provincial Advisory Council would be a most useful institution. I would suggest the modification previously stated in its constitution and duties.

III. (3) I do not think that much practical benefit to the country is likely to result from the enlargement of the Imperial Legislative Council. I think that a small addition to the number of that body would be politic. I would suggest that its constitution might be as follows:—

(A) *Ex-officio*—

As suggested by the Government of India 8

(B) Additional officials to be nominated not exceeding . . . 10

(C) A ruling Chief to be nominated by the Viceroy . . . 1

(D) *Elected members*—

(*a*) By the Chambers of Commerce of Calcutta and Bombay in rotation 1

(*b*) By the seven Provincial Advisory Councils 7

(*c*) By the Advisory Councils of the three Chief Commissionerships in rotation 2

(*e*) Non-officials nominated by the Viceroy to represent Universities or special interests 2

(*f*) Expect to be nominated by the Viceroy, when necessary, for special purposes 1

TOTAL 32

or including His Excellency the Viceroy 33

It will be seen that I propose to make the Advisory Councils the principal electorate. If these bodies be constituted as I suggest, I think they would fairly represent both the brains and the vested interests of India.

III. (4) I do not think that it is necessary to give to the Punjab Provincial Legislative Council, or indeed to any Legislative Council, a vote for a seat on the Imperial Legislative Council. I would transfer the voting power to the Advisory Council.

III. (5) I do not approve of the constitution of class electorates. By the scheme I advocate I consider that the great land-owners of the province will be given ample opportunity of swaying the counsels of Government in the Advisory Council. They will secure adequate representation on the District, Divisional, and Provincial Councils. And those amongst them who are members of the latter body will be able to vote for the Provincial representative on the Imperial Legislative Council.

III. (6) I would make no special mention of Muhammadans, or of any other castes or creeds, in defining either electorates or possible nominees. The machinery I propose would, I think, bring all classes into direct touch with the administration. Adequate representation of minorities or of politically backward communities could be secured without making invidious distinctions or advertising the necessity for State interference. My answers to the various questions enumerated under IV of the affix to your letter are necessarily coloured by all that I have written above.

(7) and (8) The enlargement of Provincial Legislative Councils is, I think, a matter of little practical importance. I would transfer to Advisory Councils certain of the present functions of Legislative Councils, which, having regard to the essential functions of those bodies, appear to me to be on the nature of excrescences. In order to appease sentiment, and to give to the more active and enlightened members of the native community an opportunity of fulfilling natural ambitions and for educating themselves in all branches of State-craft, I would increase the numbers of the Provincial Legislative Council from 9 to 12. Of these three should be elected by the Provincial Advisory Council, and three nominated from amongst non-officials by the Lieutenant-Governor. It would then be necessary for the Lieutenant-Governor to nominate six officials to his council. This could easily be done without dislocating the ordinary work of administration.

(9) I would not allot seats in the Provincial Council by classes. I would rather endeavour to make the electorate representative of all classes in the manner suggested above.

(10) I have already answered this question. By the method suggested district and municipal boards would in part elect the electors of members of the Provincial Council.

(11) I do not advocate the separate representation of classes. Nor do I think that, in connection with the reference under consideration, it is necessary to alter the present system of election for district and municipal boards. The composition of the proposed District Advisory Councils is the important matter. And I think that the representation of all interests on those bodies can best be secured by giving extensive powers of nomination to Deputy Commissioners.

(12) This question appears to require no further answer.

IV. (13) I would not give further opportunities to the members of either the Imperial or the Provincial Legislative Councils to discuss the Budget. I would give such opportunities to the Imperial and Provincial Advisory Councils instead. Members of the Legislative Councils would frequently be members of the Advisory Councils also. In any case they would, when the Budgets were discussed by the Advisory Councils, have an opportunity of considering them, and also of weighing such criticisms as might be offered in those councils. Probably it would be politic to allow to Legislative Councillors the same opportunities for expressing their opinions, as they have at present. The "ampler and more practical discussion" contemplated by the Government of India should, I think, take place in the Advisory Councils.

(14) I think that the Provincial Budget should be thoroughly discussed in the Provincial Advisory Council. The discussion in the Legislative Council can hardly be effective. An opportunity may, however, be given to Legislative Councillors to place on record views, which they will have an opportunity for forming with some deliberation. I think that the suggestion that the Budget should be discussed by separate heads is a good one.

(15) I think that the power of interpellation by members should be introduced into the Punjab Legislative Council. I fully recognise that this power has not in the past been exercised with uniform wisdom or discretion in other councils. And I have no doubt that in the Punjab questions will on occasions be asked, prompted solely by animus and not by any desire for information. But the questions will merely reflect the constitution of the council. And I think that it is best that they should find open expression.

9. I have only been able to present in outline the scheme which I would recommend for the consideration of the Government. Much remains to be said regarding the lines on which Advisory Councils should proceed, the opportunities which should be given to them for meeting, and many other matters which will suggest themselves to any one who may regard my proposals as worthy of serious consideration. They are based on the belief that it is of capital importance to maintain unimpaired the position of the district officer in India. They proceed on the assumption that a political education is even more of a necessity to the people of India than an appearance of political independence. I cannot help feeling that the only way in which we can really associate the people with ourselves in the business of administration is by inducing the natural leaders amongst the masses both to formulate opinions and to express them. At present they are hardly in a position to form any opinions at all, until they are asked to adopt those presented to them, with every artifice calculated to excite prejudice, by a class of irresponsible agitators. Moreover, I think that the class from which these very agitators spring can, and will, afford valuable assistance to the administration, if only the opportunity is given to them of exercising the influence which is theirs by right of superior education through legitimate channel and under the sobering influence of recognised responsibility.

I think that one of the main reasons for the unsatisfactory results which have followed our endeavours to allow to the people of this country opportunities for criticising Government measures is that we have sought to nurture in India a wholly foreign plant, instead of attempting to graft on an Eastern stock. It is absolutely foreign to Eastern ideas that the subject should stand up and vote against the expressed will of the ruler. But it is quite in accordance with practice that the subject should in open darbar urge his views upon his Chief, and endeavour to persuade him to reconsider his opinions. It will be perfectly consonant with the real Indian sentiment, if Deputy Commissioners, Commissioners, and Lieutenant-Governors hold darbars in which the counsels of those summoned to tender advice are presented with perfect freedom. The councils, which I suggest, will be such darbars. There will be no voting against the Government. Voting there will be, and the council may frequently not approve of the tentative proposals of Government. But in the result the collective opinion of the councils, or darbars, will be presented to the Government in the form of "advice." It will rest with the rulers of the country to decide whether the advice tendered should be followed or not. We shall in effect give to the people of this country full opportunities for placing on record their ideas and their wishes. And the machinery by which such ideas will be registered will create the least possible amount of friction. To invite the people of India to select by popular vote men, whose mandate will be to oppose the policy of the Government of India, when this has been deliberately framed, and unalterably fixed, is to invite them to acts which they, in their own minds, regard as acts of rebellion, pure and simple. And seeing that we have to make provision that the opposition shall be in the end impotent, the only results are the generation of heat, and the loss of dignity.

Answers to questions by M. Muhammad Hasan, Government Pensioner and Rais, regarding the proposed Imperial Advisory Council.

I. (1) The establishment of an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter is sure to prove of great service to this country.

As to paragraph 5 of the Government of India letter, I beg to suggest the following alterations:—

The number of ruling Chiefs proposed for the membership of the council is very large. It may be decreased; care should, however, be taken in the appointment of Musalman Chiefs who, although numerically few, enjoy a political and historical importance of their own.

The members should hold office for 3 instead of 5 years, as proposed in paragraph 5 (4) of the letter, in order that others may soon get a chance of being selected for the office. Besides, 3 years is the usual term of office for an office bearer in a meeting or a committee.

II. (2) The Provincial Council will serve the same purpose for a province as the Imperial one for whole India. I do not consider any modification necessary in the proposal made in paragraph 6 of Government of India letter.

III. (3) I am in favour of an enlargement of the Imperial Legislative Council, and beg to suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter:—

(*a*) The proposed strength of the Council may be increased by two members, who should be men well versed in Dharm Shastra and Muhammadan Law, respectively, as men well grounded in Hindu and Muhammadan Law are sure to prove of great help and advantage in the deliberations of the Legislative Council.

(*b*) In view of the fact referred to in paragraph 16 of the Government of India letter that the Muhammadan community has not so far received a measure of representation commensurate with its numbers and political and historical importance, I beg to suggest that the number of Muhammadan members referred to in paragraph 12, clause 2 (D), of the Government of India letter may be raised from 2 to 4. The proposed increase can be effected by decreasing the number of elected members mentioned in paragraph 12, clause 2 (D) (*a*) and (*b*), from 2 to 1, or in some other way.

(4) I entirely concur in the suggestions made in paragraph 13 of the Government's letter.

(5) I approve of the selection of one land-owner of the province to the Imperial Council, with this reservation that in provinces where land-owners are very backward from the point of education, they should be nominated by Government, while in case of provinces where education has sufficiently advanced the following methods of election can be resorted to with advantage by the following bodies:—

*(*a*) The Musalman members of Provincial Councils.

†(*b*) The Muhammadan Provincial or Viceregal darbaris.

(*c*) The Muhammadan title-holders of the province.

(*d*) The Muhammadan Fellows of the local University.

(*e*) The Muhammadan graduates of the University.

(*f*) The Muhammadan land-owners paying a certain sum of revenue to Government, the sum being fixed with regard to the capabilities of each province separately.

(*g*) The Muhammadan residents paying a certain amount of income-tax.

(6) As remarked in answer to question 3 (3), I recommend the appointment of 6 instead of 4 Muhammadan members to the Imperial Council. The election may be made by the following bodies:—

IV. (7) As an increase in the number of members of the Imperial Council has been considered advisable, I would beg to suggest that an increase should be made in the number of members of Provincial Councils also. I would add that at least one member should be taken from each district on the council.

(8) I am in favour of the present system of nomination for the Punjab on the following grounds:—

(*a*) The Punjab was annexed at a later period compared with other parts of British India.

(*b*) English education was introduced here subsequently.

(*c*) The Provincial Legislative Council was established here only recently.

(*d*) In spite of the preponderance of Musalman population the Hindus hold nearly all important posts under Government, and a large number of them is serving on municipal and district boards. In case of election the Hindus will secure a larger number of seats than is commensurate with their numerical strength in the province.

*(*a*) The zamindar members of the Provincial Council.

†(*b*) The zamindars who are eligible for an appointment as a member of the Council.

(*e*) In spite of the fact that perfect liberty is allowed to all sections of His Majesty's subjects in the matter of their religion, instances are to be found where Musalmans living in villages, where the Hindu or Sikh element preponderates, are forbidden to say their prayers, &c., in an open manner. It can, therefore, be well imagined how Musalmans so situated can dare to oppose their Hindu fellow-subjects in other matters.

(*f*) As the Punjab has been lately ruled by the Sikhs, they enjoy considerable influence in villages, and the Musalman population thereof dare not place themselves in conflict with the former.

(*g*) The Musalmans being as a rule indebted to Hndu Mahajans, &c., they are generally afraid to give an opinion adverse to their Hindu creditors.

(*h*) With regard to their numerical strength the following proportion is calculated to safeguard the interests of the different sections of native communities residing in the Punjab.

Muhammadan members	15
Hindu members	12
Christian members	1

and as the Sikhs exercise considerable importance in the Province, seeing that they were lately in exercise of supreme power and even now supply best material for the army, one-third of the Hindu members may consist of the Sikhs.

(10) In case election is resorted to through municipal or district boards, I would suggest that with the exception of the election of official members, the Musalman electors should elect Musalman members and the Hindus (who include the Sikhs) the Hindu members.

(11) I am in favour of the separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, provided the changes suggested in clause (*c*), paragraph 22, of that letter are caried into effect relating to the constitution of municipal committees and district boards.

(12) In case provision is made for the separate representation of Muhammadans I would recommend that their selection should be made by means of nomination.

(V). (13) I approve of the system suggested in paragraph 23 of the Government of India letter for the discussion of the Budget in the Legislative Council.

(14) I am of opinion that the Provincial Budget should be discussed in the Punjab Legislative Council, its discussion by separate heads being carried in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes. I advocate that the concession be given to the members.

FAZAL HASAN,
Government Pensioner and Rais.

The 9th December 1907.

No. 28-P., dated Delhi, 12th November 1907.

From—A. MEREDITH, Esq., C.S., Commissioner and Political Agent, Delhi Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your confidential letter no. 2610, dated 26th September 1907, I have the honour to inform you that I discussed the proposals relating to the establishment of Imperial and Provincial Advisory Councils with the Raja of Sirmur on my recent visit to his State, but I could not induce him to give me a decided opinion, as he said he had not sufficiently studied the correspondence. He promised to send me his written opinion, and I now forward copy of his letter no. 12, dated 6th November 1907, on the subject.

A. MEREDITH,
Commissioner and Political Agent, Delhi Division.

No. 12, dated 6th November 1907.

From—HIS HIGHNESS RAJA SIR SURINDAR BIKRAM PARKASH, Bahadur, K.C.S.I., Chief of Nahan (Sirmur),

To—The Commissioner and Political Agent, Delhi Division.

In acknowledging the receipt of your confidential letter no. 1821, dater 30th September 1907, forwarding a copy of a letter no. 2310—2317, dated Simla, the 24th

August 1907, from the Secretary to the Government of India, regarding the measures necessary for giving to the people of India a greater voice in administrative matters, and asking my opinion regarding the Advisory Councils, especially the services of the ruling Chiefs on them, I have much pleasure to say in reply to the said letter, and with reference to the verbal conversation we had at Nahan lately while you were here, that as the Imperial and Provincial Advisory Councils will be formed for purely consultative purposes and the ruling Chiefs will be consulted either individually or collectively on matters referred to them, I have nothing special to add, but quite agree to the proposals contained in the Government letter under reference which in my opinion will serve the purpose admirably for which the said councils are intended.

SURINDAR BIKRAM PARKASH,
Chief of Nahan (Sirmur).

No. 236, dated 2nd December 1907.

From—Major C. P. Egerton, I.A., Deputy Commissioner, Hoshiarpur,
To—The Commissioner, Jullundur Division.

In compliance with your circular endorsement no. 161—3372, dated 9th October 1907, I have the honour to submit my replies to the questions attached to Punjab Government letter no. 2643-S., dated 27th September 1907, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

C. P. EGERTON, *Major,*
Deputy Commissioner, Hoshiarpur.

Endorsement by the Commissioner, Jullundur Division, no. 3993, dated Jullundur, 3rd December 1907.

The above copy, with enclosure in original, forwarded to the Hon'ble Mr. E. D. Maclagan, Chief Secretary to the Government of the Punjab, in continuation of this office letter no. 3971, dated 2nd instant.

H. S. P. DAVIES, *Lieut.-Col.,*
Commissioner, Jullundur Division.

Replies to questions in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I. (1) I consider that an Imperial Advisory Council on the lines suggested would be beneficial to the country, and this generally is the opinion of the Indian gentlemen whom I have consulted. As to its constitution the number of seats allowed to ruling Chiefs seems to be somewhat too large, and one or two gentlemen whom I have consulted are rightly, I think, of the opinion that ruling Chiefs are not always in touch with public feeling in British India. I think also that when the council was called together to deliberate the question of precedence with respect to ruling Chiefs might possibly lead to misunderstandings. Another question which arises is the natural dislike of a ruling Chief to leave his own dominions and become an individual member of a deliberative assembly.

II. (2) A Provincial Advisory Council would certainly be useful. There are no dissensions as to this among the Indian gentlemen with whom I have consulted. As to its constitution, that proposed in paragraph 6 of Government of India letter seems sound. The numbers proposed in Chief Secretary, Punjab Government's letter, paragraph 4, seem too small. In order to properly represent all classes and interests they should, I think, be increased. Again the question of ruling Chiefs comes in. Unless His Honour the Lieutenant-Governor were to preside himself over this consultative body the question of precedence would be a difficult one.

III. (3) I approve of the proposal to enlarge the Imperial Legislative Council and of the scheme sketched out in paragraph 12 of the Government of India letter.

(4) I approve of the proposal that one member be elected by the Provincial Legislative Council as proposed in paragraph 13.

(5) I approve of the selection of one of the great land-owners in the Province, but as he must of necessity be well educated in English in order to properly understand the proceedings the choice will be extremely restricted. For the Punjab, therefore, there

seems no necessity for resorting to election. I consider that he should be nominated. The majority of the gentlemen I have consulted are in favour of nomination rather than election of this representation of the land-owners of the Province.

(6) I approve of the proposal to appoint 4 Muhammadans to the Imperial Legislative Council—2 by election and 2 by nomination. I recommend that the two elected members be so elected by members of the Provincial Council and not by an electorate. If an electorate be decided on it might consist of graduates of the Punjab University and land-owners paying Rs. 1,000 and upwards land revenue.

IV. (7) An increase in the numbers of the Punjab Legislative Council appears necessary, I approve that there should be 10 official members and 8 non-official.

(8) I would maintain the present system of nomination.

(9) In either case I consider that a fixed rule determining the proportions of the seats to be allotted to each class should be made 4 nominated and 4 elected:—

Land-owners—	Hindu.	Muhammadan.
Nominated	1	1
Elected	1	1
Trade	1	1
Professions	1	1

(10) If elections are to take place it might be through district boards for land-owners and through municipal committees for trades and professions, but I strongly deprecate the introduction of elections into the Punjab.

(11) I do not consider that the proposals contained in paragraph 22 (*b*) are exactly suitable, and the proposals contained in paragraph 22 (*c*) appear too elaborate for the needs of the Province. If they be considered necessary I would prefer to consult municipalities and district boards separately and thoroughly as to the classes into which they would divide themselves before giving a definite opinion.

(12) As already stated, I consider that Muhammadans should be nominated. If they are to be elected the electorate should, I consider, consist of registered graduates of an Indian University and of more than five years' standing, and all payers of land revenue exceeding Rs. 1,000 a year, together with all payers of income-tax of Rs. 2,000 and upwards.

V. (13) I agree to the proposed alteration.

(14) I consider that the Provincial Budget should be discussed in the Provincial Legislative Council under separate heads in the manner proposed.

(15) The power of interpellation might be usefully granted.

In conclusion I may add that no member should be appointed or elected to the Imperial or Provincial Legislative Council who has not a sufficient knowledge of English to thoroughly understand the proceedings. I have no statistics at hand showing how many of the land-owning and trading classes have this knowledge, and if they can only elect members from amongst their own community this choice will be very restricted.

C. P. EGERTON, *Major,*
Deputy Commissioner, Hoshiarpur.

No. 82, dated 20th November 1907.

From—R. E. Younghusband, Esq., C.S., Commissioner, Lahore Division,
To—The Chief Secretary to the Government of the Punjab.

Your letter no. 2610-S., dated the 26th September last, reached me at Dalhousie just after I had completed a long tour in Chamba, in which I was accompanied by His Highness the Raja, and I did not have another opportunity of discussing the subject of your letter with him. We had, it is true, discussed the subject of the proposed Advisory Councils on more than one occasion during our tour, but the Raja is very guarded in the expression of his opinions, and I did not feel able to state fully what his views on the subject were. I therefore asked him to let me have them in writing for the information of Government. I now enclose a copy of a demi-official letter, dated the 16th instant, from him, in which he expresses the opinions that the establishment of Advisory Councils will be a wise and useful measure, and that ruling Chiefs will consider it an honour to serve on these Councils.

R. E. YOUNGHUSBAND,
Commissioner, Lahore Division.

Demi-official letter, dated 16th November 1907.

From—His Highness Raja Sir Bhure Singh, K.C.I.E., C.I.E., Chief of Chamba,

To—R. E. Younghusband, Esq., Commissioner, Lahore Division.

As promised in my previous letter, I beg to submit the following opinion with regard to the proposed constitution of the Imperial and Provincial Councils:—

1. I consider the establishment of such councils by Government as a most important and benign measure, having for its object the association of the aristocratic classes in the administration of India. I am sure that the class of men Government is likely to select to sit on the councils will be more suitable to represent the interests of their communities than would have been the case had the selection of the councillors been left to election. This method would have admitted educated men who would naturally have advocated things according to their new ideas and thoughts. I am sure these councillors will try their best to discharge the responsibilities with which Government is entrusting them faithfully and honestly. They will be in the position of advisers, and not critics who like criticising the actions of others, knowing that they will never be called upon to answer for or put their views into practice. I do not believe for a minute that these councillors will act so meanly as they are represented as likely to do in the Indian newspapers. They are to offer their opinions on measures from the side of the people, *viz.*, to explain to Government how they think they are likely to affect the interests of the communities they represent, and also to state the case from their own standpoint. I do not believe the Indian gentry have fallen so low as not to have the courage of their convictions in stating the case clearly before Government for its consideration and final disposal.

2. I am only sceptical on one point where the letter says that such Councillors will be a sort of medium between Government and the people for the diffusion of correct information upon the acts, intentions, and objects of Government when the measures discussed with the councillors are to be treated as confidential. I believe that Government means that after the measures have passed the consultation stage, the councillors will be at liberty to explain the reasons and objects of the same to the people so as to avoid any chance of misapprehension on the part of the public.

3. These councils are not to receive any legislative recognition. I do not think such is needed, unless it is considered necessary to remove any misunderstanding on the part of the people that these councils will continue to be maintained. I mention this, as people are apprehensive that these councils are not likely to last long, and they are being compared with the "Councillors of the Empire" who were appointed by Lord Lytton.

4. I have personally nothing to say against the proposed constitution of these Advisory Councils, and am sure this step forward will be much appreciated by the ruling Chiefs and the magnates of India, and I am convinced that those who are nominated will regard it as an honour to serve on the councils. We Indians are deeply indebted to Lord Minto's Government for having seen the practicability of associating us in the administration of the country. I hope the people of India and the ruling Princes who are likely to have the honour of sitting on these councils will use every effort to help Government with their advice, and thereby show that they are loyal and faithful subjects of the Crown and capable of assisting Government in making the British rule in India a permanent blessing. I am sure the hope I have expressed here is general among all my brother ruling Chiefs and magnates in British India, and that they fully realize their obligation to identify themselves with Englishmen in asserting the British supremacy and in striving to further by every means in their power the best interests of India.

BHURE SINGH,
Chief of Chamba.

No. 4107, dated Jullundur, 13th December 1907.

From—Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division,

To—The Chief Secretary to the Government of the Punjab.

In compliance with the orders conveyed in your letter no. 2610-S., dated the 26th September 1907, I have the honour to report that I forwarded a copy of the Government of India letter no. 2314, dated 24th August 1907, regarding the measures necessary for giving the people of India a greater voice in administrative matters, to His Highness the Raja of Kapurthala on his return from Europe last month, and that I recently took an opportunity of discussing informally and privately with him the proposals so far as they concern the Imperial and Provincial Advisory Councils. I have now to report the views of His Highness as gathered during my discussion of the subject with him:—

Imperial Advisory Council.—His Highness is in favour of such a council on the lines suggested, but considers that half the number of members should be ruling Chiefs

or their near relations, and that the remainder should be nominated from among the largest land-owners in the country. His Highness would advocate the admission of only territorial magnates having a very large income as members of such a council.

Provincial Advisory Council.—His Highness is in favour of the proposal, but does not consider it advisable that any ruling Chief should be a member, and is of opinion that this council should be of a representative character and should include land-owners, influential members of the professions, and mercantile community, etc.

H. S. P. DAVIES, *Lieutenant-Colonel,*
Commissioner, Jullundur Division.

No. 3687, dated Patiala, 26th-27th November 1907.

From—Lieutenant-Colonel C. M. Dallas, I.A., Political Agent, Phulkian States and Bahawalpur,

To—The Chief Secretary to the Government of the Punjab.

With reference to your no. 2610 S., dated 26th September 1907, I have the honour to forward herewith, in original, the opinions of the Rajas of Jind and Nabha, regarding the proposals of the Government of India to form Imperial and Provincial Advisory Councils.

His Highness the Raja of Nabha has also favoured me with his opinion regarding the other measures suggested by the Government of India for giving the people of this country a greater voice in administrative matters in the form of answers to the questions forwarded with your letter to all Commissioners. These he saw published in the Gazette, and so has answered them.

2. I have also discussed this matter with both the Chiefs, and I think the opinion they have given in writing express their real views. Neither of them, however, were very sure that the members of the Advisory Councils, except perhaps the ruling Chiefs, would give their true views when asked for their individual opinions.

The Raja of Jind also thought that although a more useful opinion could be obtained by collective consultation, still owing to the great expense and trouble of collecting many ruling Chiefs in one place, it would not be advisable to call them together frequently for collective consultation. He thought ruling Chiefs might be cousulted individually, and the other members collectively. His Highness of Jind also did not approve of the Muhammadans being specially selected for representation on the Legislative Council; he thought Sikhs ought to be also represented, and preferred that a certain number of seats for nomination by His Excellency the Viceroy should be reserved from among which His Excellency could nominate Muhammadans, Sikhs, or any other classes which required special representation. He had no objection to Muhammadans being nominated, but thought that if four seats were exclusively set aside for them, they might be unduly represented. I think this suggestion requires consideration. His Highness of Nabha too was really of a similar opinion, but he has expressed his opinion more fully than the Raja of Jind, and I cannot add anything to that opinion from our conversation.

3. On the whole I gathered that both the Rajas were in favour of the Advisory Councils and the enlargement of the Legislative Councils, but they were a little apprehensive lest these measures having been put forward at this time might lead the disaffected section of the people to think that it was on account of their agitation that these changes had been now suggested. It would, they thought, have been better to wait a little longer.

Another point His Highness of Nabha touched upon was that if the advice of the Advisory Councils was never taken, it would tend to disaffection, and therefore he hoped that their advice would sometimes be taken.

4. His Highness of Nabha also suggested that all the ruling Chiefs on the Imperial Advisory Council should spend the summer at Simla, so that His Excellency the Viceroy might consult them whenever he wished to do so, and also might keep an eye on them and prevent them from getting into mischief. This, however, seems rather a personal matter, and was no doubt suggested by His Highness in order to furnish an excuse for his own presence there. I told him I thought this might be rather hard on Chiefs whose States were at a distance from Simla and who had cool hill stations either in their own States or nearer to them than Simla. I mention this suggestion, however, as His Highness spoke of it.

C. M. DALLAS, *Lieutenant-Colonel,*
Political Agent, Phulkian States and Bahawalpur.

Dated Sangrur, November 1907.

From—His Highness Raja-i-Rajagan Ranbir Singh, Chief of Jind,

To—The Political Agent, Phulkian States and Bahawalpur.

With reference to your demi-official no. 3093, dated the 1st October 1907, forwarding a copy of a letter from the Government of India, no. 2310—2317, dated the 24th August 1907, I wish to express, at the outset, my warm appreciation of His Excellency the Viceroy's noble idea.

2. As I am chiefly concerned with the establishment of Advisory Councils, I need express my opinion only in their connection. To begin with, I am frankly of opinion that these institutions will be of considerable service alike to the Government and the people. They will also prove to be of great advantage to the ruling Chiefs, as association with the Government of India in important matters of common and Imperial interests will indirectly bring forth most happy results.

3. I am an advocate of the ruling Chiefs being included in the Advisory Councils, especially the Imperial.

4. The members of the Advisory Council may be consulted individually or collectively, but for ruling Chiefs preferably by the former method. In connection with collective consultations, I would like to suggest that ruling Chiefs' seats might be distinct from those of the other members.

RANBIR SINGH,
Chief of Jind.

Dated Nabha, 1907.

From—Colonel His Highness Raja-i-Rajagan Raja Hira Singh, G.C.S.I., G.C.I.E., Chief of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur.

In reply to your letter no. 3093, dated the 1st October 1907, I inform you that my personal views on the establishment of the Advisory Council are given in this letter which runs as follows, and formal answers to formal questions as given in Government Punjab notification no. 2643, dated 27th September 1907, are attached apart.

2. Proposals of the Imperial Government to disseminate widespread knowledge of the intentions and measures in contemplation of the Government anent public welfare and to invite opinions thereon are liberal. It is true indeed that inviting opinions on measures of sufficient administrative or legislative importance is in keeping with the traditions of the country, but it is equally true that in no period the process was graced with such formality and solemnity as is now proposed to be attached to it, and it is consequently undeniable that this new phase will in shaping the policy of the Government give weight and respect to the opinions tendered quite unprecedented. It is so, I see a very healthy and beneficent proposal, but that in its operation it may prove strictly true to its nature; it is highly essential that greatest care and circumspection should be bestowed upon the selection of the men who will be called upon to constitute Advisory Councils. Though these Councils are not for the time endowed with any legally binding or coercive power to enforce their views upon the Government, yet when once they come into existence it will not be an easy thing for the Government to thwart and ignore persistently the united volume of their views propounded. The institution which is at this time proposed to be set on foot as mere experimental seems in the long run destined to acquire an importance of its own and assume position entitling it to be regarded as an essential element of the constitution. The component parts of this institution, therefore, in my opinion, ought to be quite above the reach of any bias either this way or that, and who in their judgments should be guided by the principles of highest Government interests. In fact, their case ought to be that of the saw which pours forth bounties both sides and not that of the adze which works for the behoof of one side. It is equally essential that these noblemen should be sufficiently inured into politics, so that their judgments should be based upon rightful view of things. They are bound to be well aware with the nature and extent of the rights and duties of the subjects and the nature and extent of the prerogatives and responsibilities of the Government. It ought not to be regarded, moreover, I conceive inconsistent with the responsibilities of so sapient and impartial a class of the people of the land that besides dealing with the questions referred to them, they should be allowed to approach informally the Government *suo moto* with their suggestions on some vital questions of the day. Without some restrictive initiative being accorded to so high a class of the people as the proposed Advisory Councils are expected to consist of, it cannot be affirmed that they are conceded credit and trust which from their high

position they do deserve. It is a matter of experience that most often it happens that the people are seething with a grievance, but the current of popular indignation does not run so high and boisterously that the existence of the grievance should come within the knowledge of the authorities. In such conjuncture too, this class of the notables are, by enlightening the Government with real state of things and by suggesting them how to manage the situation, likely to prove of material service to the Government.

The more I reflect upon the scheme set afoot, the more I find myself overpowered by the sense of thankfulness to the Government. The Bengalis and the Aryas may in their conceitedness ascribe to themselves place in as high an intellectual plane as they will, but I amongst many of my ways of thinking cannot but find reason to be diffident (for the present at least) of the capabilities of the Indians to take share with their leaders in the administrative work of the country, until the social regeneration of the natives is worth a bit. I admit that our brothers could enfranchise themselves sooner and claim position amongst the most advanced nations of the world, if they were not slow to raise themselves above the mischievous teaching of the Purans and to dedicate themselves devotedly to Vedant Philosophy. I am sanguine that English education, too, must have proved quite a boon to them, but the most regrettable thing it is that the incomparably elevating influences of the most learned language of the world are more than countervailed by the rigid traditional outpourings of the Brahmans who would resent implacably and uncompromisingly at our slightly cutting a new improved path. The baneful effect (and indirect effect of course) of these outpourings is sufficiently borne witness to by the present hostile stand taken by my countrymen against their benefactors.

3. If this stage of our condition it is very unparalleledly generous of the Government to take us in confidence, and to say and talk so *euphemistically and flatteringly* of our qualifications to take share in practical administration. For this act of pure generosity there will be none who will not feel extremely grateful to the authorities.

4. The responsibilities proposed to be imposed are, however, very onerous, and it is not an easy thing to discharge them adequately. I believe that only members will exert themselves well who join diffidently; those who are forward in their claims, and would have seats in the council as their undisputed right, are presumptuous, and their presumptuousness is attributable to their ignorance of the sacred nature of the duties to be done. Before enlisting any man for the purpose, it will therefore be advisable to gauge him in respect of all his phases—literacy, blood, social and moral aptitude. I by no means intend to suggest that only persons should be nominated who obsequiously take their cue from the overlords, that would mean no more than to pack the house with ornamental chairs. I, like others, on the other hand, would like to see only magnates of the realm assemble in the Council Halls who are men of sufficient independence, but at the same time it is essentially necessary that they in their judgments should be inspired and actuated by the most loyal, and beneficent, and by no means any sordid motives either this way or that.

HIRA SINGH,
Chief of Nabha.

Answers to questions as given in the Government of Punjab Notification, no. 2643, *dated 27th September* 1907.

Question 1.—(1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

Answer.—I am confident that this council will bear good fruit, provided only the best men of the soil are enlisted therein.

With reference to clause 3, paragraph 5, it is essential to suggest that from every section of the Indian community one or two ruling Chiefs who so deserve merely by virtue of their personal ability may be allotted seats in the council. As regards other members, it seems to be recommendable that first lists be drawn up of the best eligible inhabitants of all the districts, and then from amongst so selected people nomination be made of the most competent men of all.

On clause 4, paragraph 5, I have simply to remark that no doubt the term five years is most approvable, but this term may not be conterminous with the term of each Viceroyalty; on the contrary, it ought to span the half period of each Viceroy, so that the new Viceroy may have the benefit of the experience of the old councillors.

The limitation made in clause 6, paragaph 5, that its functions should be purely advisory, and that it should deal only with such matters as might be specifically referred

to it from time to time, is not well conceived. When journals of the day are suffered to criticise all administrative and executive measures of the Government so freely and openly, there can be no justification. I think, in withholding from the Chiefs and notables of the country in whose staunch and unwavering fidelity the Government has perfect trust the right of propounding in a private conclave measures appertaining to the Government or public welfare, which they deem peremptorily called for. Sound policy necessitates it, however, that where a member has submitted a new proposal, and that has found approval in the eyes of the authorities, they in order that the propounder may not conceive an overweening opinion of himself must allow some time to elapse before bringing it into practice.

Clause 7, paragraph 5, is well intended, but not well conceived. Where so good a number of the people do assemble and discuss, to try to keep the proceedings strictly confidential and secret is to contend against impossibility. Public curiosity is bound to be on the tiptoe on such occasions, and it is but unnatural to expect from all the members who do take part to be strictly close—secret-keepers. Also it is impossible to identify the man who allows some thing to leak out from him deliberately or inadvertently: some bits or scraps of the proceedings are sure to transpire. Under such circumstances, the only result will be that this state of things will give rise to wild surmises, much misrepresentation, and much misunderstanding of the intentions of the Government. So in this instance the history of the British Parliament will repeat itself.

Question II. (2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

Answer.—I most vehemently approve of the establishment of the Provincial Advisory Councils; the system will be very serviceable; the manner of appointment of the councillors, however, should absolutely rest with the Government.

Question III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

Answer.—I do not see reason to say anything against the enlargement of the Legislative Council. But as the motive of self-consideration is the great vice of my countrymen, it is therefore that we have so very irreconcilable divergence of views. It is unanimity and uniformity and smoothness of action that conduces to much good, and that is obtainable only by self-denial and self-abnegation.

Question (4).—In particular, do you approve of the proposal, that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

Answer.—The proposal that Provincial Legislative Council should send its one member of the Imperial Legislative Council is well conceived.

Question (5).—Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

Answer.—Indeed of the great land proprietors of this province, one member should be sent up to the Imperial Legislative Council; and his election may be made thus,—first every district officer may call on the land-lords of his district to elect one of themselves to form a body of electors which body again may elect one of themselves for Imperial Legislative Council.

Question (6).—Do you approve of the proposed appointment of four Muhammadans to the Imperial Council, two by election and two at least by nomination as suggested under heads D (*d*) and (*e*) of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter.

Answer.—I cannot endorse the provision in contemplation for special representation of the Muhammadans; such distinctions are calculated to create breaches; otherwise every other section should be gifted with the right of special representation; but it is best not to make distinctions, and to make nomination or election depend upon personal worth alone irrespective of caste or creed.

Question IV (7). *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

Answer.—The enlargement of the Provincial Legislative Council, it is hoped, will prove beneficial, and the number of the councillors may advantageously be increased to 16, 17, or 27.

Question (8).—Would you maintain the present system of nomination, or would you have any or all of the unofficial seats filled by election?

Answer.—I appreciate nomination of course, but this much deserves consideration that when members are elected by universal suffrage, public opinion has faith in them and backs them in all their representations whatever they be; so if it is intended to influence public opinion, the system of election ought to have preference.

Question (9).—In either case would you advocate fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportion?

Answer.—One and the same principle should be the lodestar of both the Imperial and Legislative Councils, and in order to recruit both preferably personal worth should alone have regard.

Question (10).—If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorates would you suggest?

Answer.—The procedure that is current is alright, but election should be decidedly based upon personal worth.

Question (11).—If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

Answer.—It has already been answered (*vide* answer (6)).

Question (12).—If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

Answer.—*Vide* answer (6).

Question V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

Answer.—As regards the discussion on the Budget in the Legislative Council, the changes proposed by the Government are well advised.

Question (14).—Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

Answer.—Here too the discussion is necessary and ought to be guided by the same principle as in the Imperial Council.

Question (15).—Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

Answer.—The right of questioning in the Punjab Legislative Council, I believe, will prove as beneficial as it has already been in the case of the Imperial Council. This system necessarily brings many important points to light.

HIRA SINGH,

Chief of Nabha.

No. 884, dated Lahore, 20th December 1907.

From—The Hon'ble Mr. J. Wilson, C.S.I., Financial Commissioner, Punjab,

To—The Chief Secretary to the Government of the Punjab.

I have the honour, in reply to your letter no. 46, dated 19th October 1907, to submit my opinion on the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

2. I may be permitted to say that I am in entire sympathy with the policy embodied in these proposals. I think that, notwithstanding the consistent efforts which have been made, at all events in recent years, to take the people more into the confidence of the Government, there is still among the masses of the people a great want of understanding of the intentions of Government which it is desirable to remove, and that one of the best means of encouraging that understanding will be the establishment of Advisory Councils, such as are now suggested in Sir Harold Stuart's letter, to which the executive Govern-

ment should explain its action and the measures it proposes to adopt. I also recognise that the time has come when the true representatives of the people of India should be given a greater say in administrative measures, and these Advisory Councils and the enlarged Legislative Councils will form the most satisfactory medium for enabling them to express their ideas and wishes and to bring them to the notice of Government. But for the success of the scheme two precautions are essential. In the first place nothing must be done which will imperil the true welfare of the masses of the people in the interests of any class, however important or influential, or exacting in its demands. In my opinion no section of the population of this country is yet fit to be entrusted with uncontrolled power over its fellow-subjects; and whatever changes are made in the system of government, it is imperative that the real ultimate power of legislation and of executive action should remain in the hands of the Government as at present constituted, whose responsibility for the good administration of the country must remain unimpaired. I am, therefore, glad to see that under the present proposals the Government will continue to command a majority of votes on the Legislative Councils, and that the Advisory Councils will not be invested with formal powers of any sort.

3. The second essential is that, when inviting the people of India to take a larger part in devising legislative and administrative measures, we should see that we secure the advice of the true representatives of the people. A strong demand has lately been made for the special recognition of the claims of the so-called "educated classes" to a greater share in the government of the country, and this claim may to a certain extent be admitted. But care must be taken that the true importance of these classes is not exaggerated, as might well happen from the greater opportunities they have of pushing their claims through the public press, by speeches at public meetings, etc. As a matter of fact the "educated classes" comprise only a small fraction of the total population, a very large proportion of them have only a smattering of education, and the number of men, outside Government service, who have any real experience of the work of administration or any true idea of the responsibilities of an adviser on the principles and practice of good government, is infinitesimal. We must, therefore, be careful not to sacrifice the interests of the great body of the population to the noisy demands of a comparatively small fraction, merely because they can read and write and make fluent speeches. It is also to be remembered that the whole of the details of administration are already carried out by educated Indians, who form the vast body of the servants of Government in this country. These men are carefully trained, and as they prove themselves fit are invested with higher powers, which they usually exercise with great ability and trustworthiness; and it might well be argued that in this manner the educated classes of India already enjoy a share in the actual government of the country out of all proportion to their numbers. To those who, in the name of the educated classes, claim a greater say in measures of legislation and administration, it might well be answered that Government is ready to accept men of their class as its servants, to give them the careful training that is necessary to fit them for exercising power over their fellows, and to give due weight to their opinion when they have proved themselves worthy of regard. I am, therefore, glad to see that under the present proposals care is taken not to give an undue preponderance to the claims of men whose only qualification for the exercise of influence in the administration is their education, and that the intention is to invite to council the true leaders of the people, who have some experience of the difficulties of managing real affairs, and some true sense of responsibility.

4. I would also support the proposal to select representatives by classes, and even by religions. In this country, far more than in England, a man's religion determines his ideas and prejudices, his interests, and his wishes; for instance, a Hindu land-owner would not truly represent the interests of Muhammadan land-owners, though he might have been elected by a large body of land-owners, some of them belonging to one religion and some to the other. If therefore we want a real representation of the different classes of the people, we must not be content with a mere property qualification, but must provide for representation by classes and religions. I am, therefore, in favour of the proposal to provide that a certain number of seats shall be filled by Muhammadans, who would otherwise, in some parts of the country, be swamped by their Hindu fellows, though I would adopt a different method for securing this end. It is also essential that each class should be represented by one of its own members and should not be allowed to elect an outsider as its representative.

5. It must be borne in mind that the different provinces of India and the different classes of the people are at very different stages of development, so that it would be a grievous mistake to lay down a hard-and-fast rule as to the method of selecting representatives, to be applied to all provinces and all classes. This is especially the case as regards the question of nomination or election. In some provinces and among some classes the people have some understanding of the system of electing by majority of votes, and it might be safe to entrust them with the right of electing their own representatives. In others again they have had so little experience of elections that they do not really understand the system and have no proper sense of responsibility in giving their votes, and a system of nomination is the only one which will secure a true representative of the class. It is obviously much easier to advance from nomination to election than to withdraw

the right of election once given. I therefore advocate the following general principle. When Government has determined the classes who are to be represented, and the qualifications for admission to each class, it should decide whether each particular class will be best represented by nomination or by election. In cases of doubt the question might be specifically referred to the members of the class for an expression of their wishes as to whether they would prefer to elect their representative by a majority of votes, or to leave it to Government to nominate a suitable representative from among them. But even where a majority of the class voted for a system of election, this privilege should not necessarily be conferred on them unless Government approved, though hopes might be held out to them that they would receive the privilege at some future time, when Government considered them fitted to exercise it.

6. In other respects also it would be wise to proceed cautiously. We are making a great experiment, and it is difficult to draw back. We should, therefore, begin by conferring restricted powers on these councils, and provide for gradually enhancing those powers as they prove themselves worthy of the confidence of Government and of the people. We should also at first impose a high standard of qualification for the members of each class, so as to have only a small body from whom a representative must be chosen. It will be easy in future to lower the qualification and increase the number of qualified members.

7. I now proceed to offer my suggestions as to what should be done in the Punjab, the province with which I am most familiar. Here the people have had very little experience of the system of election by majority of votes, and many who are qualified to vote have failed to exercise their right or have shown themselves unworthy of it. The best men have also shown much reluctance to expose themselves to the annoyance of an election, while quite willing to serve if nominated by Government. I think, therefore, we should be very chary at present of introducing any system of election of representatives to councils in the Punjab.

Punjab Legislative Council.

8. The Legislative Council at present consists of not more than nine members, in addition to the Lieutenant-Governor. The members are all nominated, and at least one-third of them must be non-officials. The council has been at work for ten years, and in my opinion has passed a number of Acts which are highly beneficial to the population of the province generally, and which would not have been passed in an equally suitable form had the council not been constituted. It has on the whole proved a most useful body, and there is no spontaneous demand on the part of the mass of the population for any change in its constitution. I recognise, however, that, in accordance with the spirit of the times, it is advisable to increase its numbers and enhance the functions of its individual members, and to make them more representative of the different classes of the people. At the same time, as pointed out by the Government of India, it is necessary to impose a somewhat narrow limit on its numbers, as otherwise the necessity of maintaining an official majority would entail a waste of time on the part of a number of busy officers. Municipal and local boards have hitherto had no say in this province in the election of members of the local Legislative Council, and I am strongly opposed to giving them any voice in the matter. Most of them consist of men who are only beginning to learn the rudiments of administration, and they are not likely to be fitted, for many years to come, to exercise the responsible function of electing a legislator. As I have already said, I think we should exercise caution in making our forward step, and the Punjab, which has been under British rule for less than sixty years, is not yet ripe for such an enlargement of its council or for so large an introduction of the principle of election as are some of the older provinces. I recommend, therefore, that the number of members of the Punjab Legislative Council should be fixed at not more than fifteen (in addition to the Lieutenant-Governor) and that the condition that at least one-third of these should be non-officials should stand. To maintain an official majority it will be necessary that eight should be officials, so that not more than seven will be non-officials. The classes for which representatives are mainly required are in this province (1) the Muhammadan land-owners, (2) the Hindu land-owners, (3) the Sikh land-owners, (4) the commercial classes without distinction of creed, (5) the educated classes, including the lawyers. The other classes of the population, who are mostly illiterate, are not at present fit to have representatives of their own, and their interests are generally sufficiently looked after by the official members. I would give a representative to each of the five classes above mentioned, and leave the Lieutenant-Governor a perfectly free hand to nominate the remaining two non-official members. This power would enable him to adjust any inequality of representation and to bring on to the council those men whose advice he considered most valuable.

9. I do not think there should be anything like a general election of simultaneous shifting of members. Each individual member should hold office for three years, and on the expiry of that term, or on his death or resignation, a new representative should be selected (the retiring member being eligible for re-selection) and should hold office for three years.

10. The whole of the members should in the first instance be appointed by nomination but each of the five classes should be asked to vote on the question whether it would

prefer to be given the power to elect its representative by a majority of votes or would be content to leave the nomination to the Lieutenant-Governor. It should, however, rest entirely with Government to decide whether and when the right of election should be granted, and the decision need not be the same for each class.

11. I. The representative of the Muhammadan land-owners should be selected from among the 52 Muhammadan land-owners who pay Rs. 2,500 land revenue or more.

II. The constituency of Hindu land-owners, any of whom would be eligible for selection, should be about 50 in number. Possibly a qualification of about Rs. 1,750 of land revenue would give a suitable body.

III. There are 58 Sikh land-owners paying Rs. 1,000 land revenue or more, and this might be accepted as the qualification in their case.

IV. In the case of the commercial classes the interests of the different religions are not so diverse as to make it necessary to recognize any religious distinction. The Punjab Chamber of Commerce has put forward a claim to have the election of a member, but it does not include all the important firms in the Punjab, and is still in its infancy, though it promises to do useful work. As regards this class I would have a mere property qualification, and would confine the selection to individuals or representatives of firms paying income-tax on not less than Rs. 25,000 a year. This would give a constituency of 60 persons. If a large majority of this class, on being specially consulted, voted for a system of election, I would let them have it.

V. The educated classes of the Punjab are best represented by the graduates of the Punjab University, and in this case there is not so much objection to having a large constituency. I would make it consist of all graduates of over ten years' standing, and would grant them the privilege of election, if by a large majority, they voted for it. I would not, in the first instance, impose any restriction except that they must elect one of their own number, but I would retain the power of imposing some restriction in future. For instance, if the result showed that unrestricted election resulted always in the return of a Hindu lawyer, it might be advisable to prescribe that the member should be alternately (*a*) a Hindu or Sikh, (*b*), a Musulman, or alternately (*a*) a lawyer, (*b*) a man of some other profession. There is no doubt the objection that there is a danger of introducing a political element into the University, but I think the risk is not very great, and that it is advisable to go thus far to meet the demands of the educated classes as such.

12. Under my proposals, therefore, the Legislative Council of the Punjab would consist of not more than 15 members (besides the Lieutenant-Governor) as follows:—

1. A representative of the 52 Muhammadan land-owners who pay not less than Rs. 2,500 land revenue.
2. A representative of about 50 Hindu land-owners who pay not less than about Rs. 1,750 land revenue.
3. A representative of the 58 Sikh land-owners who pay not less than Rs. 1,000 land revenue.
4. A representative of the 60 persons or firms who pay income-tax on not less than Rs. 25,000 a year.
5. A representative of the graduates of the Punjab University of over 10 years' standing.

6 and 7. Two non-official members nominated by the Lieutenant-Governor.

8 to 15. Eight official members nominated by the Lieutenant-Governor.

Total 7 non-official and 8 official members.

13. I would give the members of the Punjab Legislative Council the restricted right of interpellation enjoyed at present in the Imperial Council. It may cause some inconvenience to Government in preparing the answers to troublesome questions, but the privilege is evidently much valued, and we must be prepared to face some inconvenience in order to afford to members the information they desire on matters that interest them. For similar reasons, I would allow a general debate on the Budget and on the financial policy of Government, but I do not think it advisable or necessary in the Punjab at present to go further and allow a discussion by heads.

Punjab Advisory Council.

14. As regards the proposed Advisory Council for the Punjab, I am in favour of such an institution for the general reasons I have already given, but its functions should be purely advisory, and it should be established in the first place on a tentative footing. It should bear as far as possible representative of the different classes of the people. The members of the Imperial Advisory Council who belong to the Punjab or its Native States and the seven non-official members of the Legislative Council should be *ex-officio* members of the Advisory Council, and all the remaining members should be nominated by the

Lieutenant-Governor. He should nominate an additional member from each of the five classes I have above enumerated, and in doing so would no doubt do what was possible to adjust the representation. For instance, if the Punjab University had returned as member of the Legislative Council a Hindu lawyer, he might add a Muhammadan doctor to his Advisory Council as the second representative of the University; or if the commercial classes had sent up a European member of Legislative Council, he might select a Hindu banker as second representative. He should also have the power to nominate an additional number of members, official or non-official, without any restriction as to qualification, chosen so as to represent other interests—the total number of the council not to exceed twenty-five. Each individual member should hold office for three years from the date of his nomination, but should be eligible for renomination. The council at its maximum would therefore consist of the following members:—

Members of Imperial Advisory Council, say	5
Non-official members of Provincial Legislative Council . . .	7
Additional representatives of the five classes enumerated . .	5
Additional members nominated by the Lieutenant-Governor . .	8
Total	25

15. This council would be purely a consultative body and would advise, either by letter or in general meeting, on any question referred to it by Government. It is very important that Government should obtain the true opinion of its members, and that no opinion meant to be confidential should ever be published. In referring any question to them therefore Government should distinctly say whether the replies are intended to be published, and no communication marked "Confidential" should ever on any account be made public. Each member should be at liberty to ask Government for information on any subject or to make any suggestion for consideration, but it should rest entirely with Government whether to give the information, or to take the suggestion into consideration, or to refer it to the council for opinion. Neither the council nor any member of it should have the power to insist on being given information which Government thinks it best to withhold, or to discuss any question which has not been referred to the council by Government. Possibly as time goes on and the Advisory Council gains experience and proves itself worthy of trust, it may become expedient to grant it this power, but it would be unsafe and embarrassing to give it at present.

Imperial Legislative Council.

16. As to the Governor General's Legislative Council, I recognise that it is desirable to increase its numbers and to extend the privilege of election more widely than hitherto; but it must be remembered that in order to maintain an official majority it is necessary to have available a sufficient number of official members, who must all be of some standing. The present somewhat clumsy device of calling in high officials from the Provinces as additional members, and keeping them in attendance at Calcutta and Simla, embarrasses the local administrations and involves a serious waste of power; for it is seldom possible to find sufficient important work on which to employ the official additional member during the season so that too often he remains idle at headquarters while he might have been doing useful work in some high post in his own Province. If, therefore, owing to an increase in the council, it becomes necessary to increase the number of official members, I think that they should as a rule be required to perform their duties as such in addition to their ordinary duties, and only be summoned to actual meetings of council, unless in the case of those members for whom really useful committee work can be found to justify their detention for a time at headquarters.

17. I would support the proposal that the council should include a representative of the non-official members of the Punjab Legislative Council and a representative of the larger Punjab land-owners. As regards the former, I would concede the privilege of election and would confine the constituency to the non-official members, *past and present*, of the Punjab Legislative Council, who should be required to elect a representative from among their own number. This constituency would be small at first, but would gradually increase in numbers, and would consist entirely of men who had served on the Provincial Legislative Council and who thus had some idea of the duties and responsibilities of a legislator. I would require them to elect alternately a Muhammadan and a Hindu or Sikh, unless they chose to elect a Christian, in which case his term of service would be excluded in reckoning the alteration.

18. The representative of the land-owners of the Punjab should not for the present be elected, but should be nominated by the Lieutenant-Governor from among the land-owning constituencies I have suggested for the Legislative Council. He should have entire freedom of selection, but would no doubt ordinarily select a member of a different religion from the member elected by the non-official members of his council; so that the Punjab would be represented by two members, one of whom would ordinarily

be a Muhammadan and the other a Hindu or Sikh. Government should remain the power at some future time to confer the privilege of electing their representative on the large land-owners of the Province, subject to such conditions as it might think fit to impose.

19. I think the proposal to allow the Chambers of Commerce of Calcutta and Bombay to elect a member each a good one, but I would provide for the representation of the commercial classes of the other Provinces also. Perhaps the privilege of electing a member might be conferred alternately on (1) the commercial classes of the Punjab, the United Provinces and the Central Provinces, and (2) those of Madras and Burma. In that case the constituency might consist of those individuals or firms who pay income-tax on not less than Rs. 50,000 a year.

20. I recognise that it is necessary to provide for the fuller representation of Muhammadans, but I think this might be done more indirectly than by the invidious plan of laying down that so many of the members must be Muhammadans. Under my proposals for the Punjab representation, one of the two Punjab members will almost always be a Muhammadan, and I should think it would be possible to attain the due representation of Muhammadans by some similar arrangement as regards the other Provinces. I doubt whether it is wise for Government to bind itself to any *minimum* number of Muhammadan members, any more than it would be to lay down that there must be so many Hindu or Sikh or Parsi members, and I gather that this favour so ostentatiously conferred on the Muhammadans is strongly resented especially by the Hindus. I should be inclined still to endeavour to attain the proper representation of Muhammadans by less direct means, such as I have advocated for the Punjab representation, and trust to the Viceroy's power of nominating additional members, which should be untrammelled, to redress the balance, if any. Especially am I opposed to the proposal to allow Muhammadans as such to elect two members of council for themselves, without distinction of Province. It seems an obviously unfair arrangement, and if it is adhered to, will always be a reasonable grievance to the Hindus, Sikhs, and members of other religions, who are denied a similar privilege. It would be much better to lay down for each Province the proportion that the representative members of each religion should bear to each other, and provide that the constituencies belonging to the different religions should elect the Provincial representative in rotation so as to give them the due proportion of representation in the course of a term of years. For instance, if it is decided that the land-owners of Eastern Bengal should have one representative on the council at a time, but that the Muhammadan land-owners are entitled to twice the representation of the Hindus, the Muhammadan land-owners of the Province might elect the representative member for two terms of office, and the Hindus for the third. Such an arrangement would secure the desired end, and would be generally admitted to be fair.

21. So far as the Punjab is concerned, I am strongly opposed to the creation of any such large purely Muhammadan constituency as is contemplated in paragraph 17 of the Government of India's letter, and I cannot think that it would be advisable to create such a constituency in any Province of India.

22. As to the Budget debates in the Imperial Council, I think it is desirable to meet the wishes of some of the educated classes so far as to allow the Budget to be discussed by separate heads as well as collectively, although this will entail greater labour on the official members and longer sittings of council. What the objectors to the present practice no doubt would like is that they should have some say in the drawing up of the Budget before it is presented to council, but this is hardly possible, and I believe such a privilege is not enjoyed by individual members of the House of Commons. All that can be done is to promise to take the suggestions of members into account in framing the Budget of the next year, and to explain, in presenting that Budget, what action has been taken on the suggestions made at the last Budget debate, and why some have not been given effect to. More than this it is unreasonable to demand and would be embarrassing to give. It would be fatal to all good administration to allow the Budget to be tampered with at the last moment by possible faddists.

Imperial Advisory Council.

23. As already said, I am in favour of the constitution of an Imperial Advisory Council on the lines suggested by the Government of India. Its functions should be similar to those I have proposed for the Punjab Advisory Council (paragraph 14). I think, however, that the number of ruling Chiefs suggested (20 out of 60 members) is too high. It should be considered a high honour for a Chief to be invited to advise the Viceroy as to the administration of the Indian Empire, and this honour should be conferred only on those Chiefs whose administration of their own territories is thoroughly satisfactory. I would therefore make the number of ruling Chiefs "not more than 15" for the present. I am strongly in favour of having on the Imperial Advisory Council a preponderating number of the territorial magnates of the different provinces, but I think it is going too far to shut out altogether representatives of the other classes,

I would provide for their representation by including in the Advisory Council the non-official members of the Imperial Legislative Council for the time being. These men will have been chosen as representatives of the various important classes in the Empire and if they are fitted to have a voice in legislation their advice should surely be listened to on matters of general policy. This would also tend to prevent the Advisory Council from becoming a rival body to the Legislative Council, a result to be avoided if possible. I suggest therefore that the Imperial Advisory Council should consist of the following members :—

Not more than 15 ruling Chiefs selected by the Viceroy.

The non-official members of the Imperial Legislative Council for the time being—about 24.

Territorial magnates to be selected by the Viceroy—about 20.

At least 7 of the non-official members (pobably more) would be large land-owners, so that this class would exercise a preponderating voice on the Advisory Council. A council so constituted with members representing all the great interests of the country would command greater confidence than one consisting of Chiefs and territorial magnates only. I would not bind the Viceroy as to his choice of territorial magnates, but he would no doubt select men from each province, and would probably choose two from the Punjab—one a Muhammadan and the other a Hindu or Sikh.

24. In the foregoing remarks I have dealt with the various questions in what seemed to me their logical sequence. I now proceed to answer *seriatim* the questions put in your letter :—

I. (1) I think an Imperial Advisory Council would be of great service, but I would have on it not more than 15 ruling Chiefs, all the non-official members of the Imperial Legislative Council, and about 20 territorial magnates to be selected by the Viceroy (paragraph 23). I would not publish any documents or proceedings unless the intention to do so had been clearly intimated beforehand, nor any paper marked confidential. I would allow any member to ask for information or to make suggestions, but it should be entirely for Government to decide whether the information should be given or the suggestion acted on. The council should discuss only questions referred to it by Government (paragraph 15).

II. (2) A Provincial Advisory Council would be a useful institution. Its duties and powers should be the same as I have advocated for the Imperial Advisory Council. It should consist of the Punjab members of the Imperial Advisory Council, of the non-official members of the Punjab Legislative Council, of additional representatives of the Muhammadan land-owners, of the Sikh land-owners, of the Hindu land-owners, of the commercial classes, and of the Punjab University, and of not more than eight additional members nominated by the Lieutenant-Governor. Each individual member should hold office for three years, but should be eligible for renomination (paragraph 14).

III. (3) The Imperial Legislative Council should be enlarged, but the official members should mostly attend only at meetings and should carry on their own ordinary duties. It should include a representative of the non-official members of the Legislative Councils of each of the larger Provinces (including the Punjab) who should be elected by all the non-official members of the Provincial Council, past and present (paragraph 17). It should also include a representative of the great land-owners of each of the larger provinces to be nominated (for the present) by the Lieutenant-Governor (paragraph 18). Provision should be made for the representation of the commercial classes of provinces other than Bengal and Bombay (paragraph 19). No seats should be set apart to be filled by Muhammadans exclusively. Provision should be made for the proper representation of Muhammadans, and of the other main religions also, by confining the election or nomination of representatives to the different religions alternately, differences to be further adjusted by the Viceroy's untrammelled power of nomination (paragraph 20).

III. (4) Yes. See above.

III. (5) Yes. One of the great land-owners of the Province should (for the present) be nominated by the Lieutenant-Governor. His power of selection should be untrammelled.

III. (6) I am opposed to the reservation of any seats on the Imperial Council to Muhammadans exclusively, and especially opposed to any such Muhammadan electorate as is described in paragraphs 17 and 18 of the Government of India letter (paragraphs 20 and 21).

IV. (7) I would increase the number of members of the Punjab Legislative Council to not more than 15 (besides the Lieutenant-Governor) (paragraph 8).

IV. (8) I would retain the system of nomination at present, but would consult each body of qualified electors, and probably grant the privilege of election to the Punjab University and possibly to the commercial classes (paragraph 11).

IV. (9) For my detailed proposals regarding the representation of classes, see paragraphs 8 to 12.

IV. (10) See last answer. I would strongly oppose election through municipal or district boards (paragraph 8).

IV. (11) As regards the method by which the representation of classes should be secured see paragraphs 8 to 12. I am strongly in favour of a constitution of municipal committees, and of those district boards in which the members are elected, on the lines suggested in paragraph 22 (1) of the Government of India letter, but I think this question should be taken up separately.

IV. (12) I would not make special provision for the election of Muhammadan members of the Provincial Legislative Council, otherwise than by arranging that the Muhammadan land-owners shall elect a separate representative, by retaining the power in the case of the University of requiring that at every second election the representative should be a Muhammadan, and by the Lieutenant-Governor's power of nominating additional members. I am strongly opposed to the form of electorate suggested in paragraph 17 of the Government of India letter (paragraphs 20-21).

V. (13) Yes (paragraph 22).

V. (14) I would allow the Budget to be discussed, but only in a general way (paragraph 13).

V. (15) I would allow interpellation (paragraph 13).

25. I have discussed this important question with a few intelligent Indian gentlemen and have seen the opinions of a number of others. The general opinion among responsible men appears to be that the proposed enlargement of the Legislative Councils and the constitution of the Advisory Councils will bring Government and the people more closely together, will give the true representatives of the people a larger say in the administration of the country, and is as far as it is safe to go at present: with this I agree. There is a general feeling in favour of the election of representatives by votes, but many prefer that the system of nomination should continue for the present: with the latter opinion I agree. The Muhammadans are grateful for the arrangements proposed for their representation, and ask for more: I think this unreasonable. The Sikhs claim separate representation; I agree. The Hindus complain of the privilege of special representation proposed for Muhammadans: I think the complaint justifiable. The commercial and educated classes claim representation on the Imperial Advisory Council, and some of the land-owning classes support this claim: so do I. Almost all ask for the discussion of the Budget and the right of interpellation in the Provincial Legislative Council. I think this request should be granted.

J. WILSON,

Financial Commissioner, Punjab.

No. 60, dated 18th February 1908.

From—P. L. BARKER, Esq., I.C.S., Deputy Commissioner, Shahpur,

To—The Commissioner, Rawalpindi Division.

With reference to your circular letter no. 2884, dated 16th November 1907, I have the honour to forward herewith a copy of answers to the questions regarding the Advisory Councils, recorded by the Honourable Malik Umar Hayat Khan, Tiwana, C.I.E.

Endorsement by the Commissioner, Rawalpindi Division, no. 542, dated Rawalpindi, 6th March 1908.

Copy, with copy of its enclosures, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab, in continuation of correspondence ending with this office no. 387, dated 15th February.

Answers to the questions.

I. I think the Imperial Advisory Council will be useful for the country because it is simply advisory, and there are chances of it being useful while it cannot be dangerous

in any way provided that the members are responsible enough to keep their views to themselves as confidential and should not abuse their position.

I agree as to their duties laid down in paragraph 5 and also its constitution in 1, 2, 5, 6, and 7. As to the 3, I would suggest that after choosing the ruling Chiefs who should be proportionate in numbers to the importance of the respective Presidencies or Provinces, etc. As to territorial magnates, I would suggest 4 to each Presidency, that is, Bombay and Madras; 3 to each province in which there is a Lieutenant-Governor; and 2 to each province presided by a Chief Commissioner, the total of which will be 29, and adding 20 as ruling Chiefs would make it 49; thus the remaining 11 seats could be given to certain industrial and commercial men or any others, representing big towns, interests, and minorities.

As to time, I think 5 years is too long, and 3 years would be more suitable if they are eligible for re-appointment.

II. Yes. And I think it will be better if each district is represented by a member whose name should be sent up by the Deputy Commissioner through the proper channel to the head of the department and then submitted if suitable for the confirmation of the Viceroy by the method of nomination and election combined if possible. This number would come up to 28 in the Punjab, and if it be considered that in certain provinces it might exceed the number which is desirable one man out of each division would do and the rest should be taken from classes which are already mentioned in the paragraph.

III. I do not approve of the enlargement of the Imperial Legislative Council which I think is quite sufficient for the purpose at present, as it is needless when Advisory Council of 60 is added to help them. If the enlargement of native members was meant to give them a chance of majority it would have been a different question, but when to keep them in minority the officials are also added, I do not think there will be any use of its enlargement except waste of time which I have alluded above in my introductory remarks.

But if Government chooses to enlarge the council being considered fit by themselves or the predominations of their such advisers I would also like to make certain remarks as to its constitution.

The method of election does not suit at all to our country, and it is far better that appointments should be left for nomination.

As to the election by Chambers of Commerce, there cannot be very much objection, but the election by nobles or the members of the Provincial Council would be greatly objectionable.

1. Each elector would at the same time like to be a candidate and thus there is a chance of each one getting a vote each.

2. If any one succeeds to poll more votes it will be merely accidental, and in great probabilities he will not be the fit and the best man.

3. As these all electors which will be of higher rank are generally uneducated and backward all round, the elected members would be of the same sort.

4. As to their knowledge limited to their own districts and divisions, it will be impossible for them to judge the ability or capability of a man whom they have never heard or never conversed with and thus are unfit to judge him.

5. The competition of such people would be so selfish and hotly contested that if one is chosen in face of the others they will consider him a life-long enemy. For all the above and many other minor considerations it will be advisable that the power should entirely with the head of the department who with his vast experience and superior knowledge and full acquaintance with the leading men of his province could easily pick out and nominate the fit person required for such posts. If this also fails to satisfy there is another suggestion, and that is a method of united nomination and election which could serve the purpose better than the mere election. For instance there are two men required from a province. The head of the department should pick 4 or 6 out of the candidates which would be towards nomination and then let the rest vote for them and elect the required men. Thus both the requirements would be fulfilled, firstly, that the picked people by the head of the department would be proper men and at the same time the electors would have the advantage of electing according to their own choice.

There could be another way of selecting the members and that is from Advisory Councils by the same above method, and that is that the head of the department should select double or treble the number required having regard to different classes, and then let the rest of the members vote for them, say each member being allowed to have a separate vote for different class representatives. In this way the Muhammadans, the Hindus, and the rest could be easily elected to the satisfaction of the authorities and the public.

Then again, coming to (*d*), that is letting the Muhammadans choose their own two members would be again very difficult, and the question would be who would be those Muhammadans to elect them. It is said that there are 72 different sub-divisions of the Muhammadan religion which are all different from each other, and it will be great difficulty unless the electing body is one which is authorised by all different classes which is impossible under the present circumstances.

Then, again, take Aligarh or the Islamia College, Punjab, or different Muhammadan rival associations of India, it will be difficult to recognise to which this privilege be given, and if any of them is particularly picked out it will cause a great heart-burning in the rest, and thus I would strongly advise, specially for Muhammadans, that at least these two appointments should not be elected, but should be nominated by the Government.

Here I would like to say something about the different organizations of India which are greatly misleading—

Firstly, that they are more on paper than in practice.

Secondly, they are generally the work of certain ambitious up-starts which are not the national leaders, and naturally being desirous of notoriety they devise such means of making so-called associations and try to show themselves as their leaders and prominent men, and thus bring themselves before the public and the Government. This is again a cause that such organisations or associations should not be given the power of election.

I hope I will again here be excused a bit if I go out of my way to say something more as to why should such organizations be discouraged. They might start on good lines, but by the change in years and time of the organizers or the coming in of the second generation it might entirely change its policy because it is a force which could be used either ways as histories of such organisations in India show a marked tendency of change towards the worst, and for this I have ventured to point out the advisability of its discouragement.

I think the big Muhammadan organisation of whole India is now being formed to get the chance and privilege of such elections and also to become one whole body. I am very much against it, and have refused to join it, though even asked as I think it is a bad policy for the people and the country of India. As to (E) and (F) I quite agree.

IV. (7) I don't think there should be an increase or alteration in the number of members of the Provincial Legislative Council, as it is sufficient as it stands, the reasons of which I have already given.

8. The nomination system is by far the best, but if it is to be elected, it should be elected in the manner as I have described above.

9. I think there ought not to be any fixed rules, as it would involve difficulties and cause dissatisfaction in the different communities. Whatever trouble be taken or justice be done, there will be discontent. So nobody should come to know the numbers except the head of the department who knows full well which interest at which particular time should be paid regard to.

10. The system of election should be done by district boards as already suggested above, added by the municipalities of the divisional headquarters of Commissioners or certain special towns as Amritsar, and let them be formed Provincial electorate body without any distinction of religious or creeds of different classes of people which might again lead to a sort of party feeling and might cause friction between different religions —a thing undesirable.

11. I have already mentioned above that no organisations or panchayats should be allowed to meddle and become electorate bodies, as they are mostly misleading, and the only best method is that of district boards and certain municipalities which should be electorate bodies. In the constitution of such bodies I don't think there is any change necessary in the least to begin with, unless the thing by practice seems to be unworkable. If Muhammadans and Hindus are separated to choose their own representatives and the two become two separate bodies, it would cause a great ill-feeling.

12. I have already suggested the nomination, as I don't find any real or legitimate institution who should be interested to do it unless causing an ill-feeling in the greater population of Muhammadans which are of the old type, being the disciples of certain big Pirs of fame and the numbers of which as a constitution under that one head is far extensive than any so-called Muhammadan associations, and if thus deprived of their rights they are sure to feel it deeply.

13. It will be seen from my introductory remarks that I hate such speeches. They do more harm than good, and the system suggested in the paragraph is far more desirable and useful for the purpose it is meant to serve; as it would do the material good while the former practice is unsuitable which will really be far from good.

14. I think it will be useful to discuss the Budget in the Provincial Legislative Council according to the new above method of Imperial Legislative Council and not like the former system of long speeches.

15. I think in Provincial Council such power of interpellation is entirely unnecessary. It will only give the members power of teasing the officials and giving them unnecessary trouble simply to see their questions and their names published in the press for their notoriety. The provinces being of a comparatively smaller magnitude the well-informed people such as the members of the council practically know all what is going on; because it is unlike the Imperial Legislative Council in which perhaps a member from Madras might like to know something about the Punjab and thus require

a power of the sort to make himself acquainted with the desired information of a province of which he knows very little.

I think in the Provincial Legislative Council such a thing is entirely uncalled for and unnecessary.

The time at my disposal being short, I am sorry that I had to write these views rather in a hurry and thus have not been able to deal with it thoroughly, and the way also of putting it is so good as I could have done it in leisure as I have been lately very busy. I hope my ideas about it will be understood up to the greater extent.

Dated Lahore, 25th November 1907.

From—A. H. DIACK, Esq., Settlement Commissioner, Punjab,

To—The Chief Secretary to the Government of the Punjab.

In reply to your letter no. 46, dated 19th October 1907, on the subject of Legislative Councils and proposed Advisory Councils, I give below my answers to the 15 questions appended to your letter. I received your letter on my return from furlough in the beginning of November, and I regret that the time at my disposal for the consideration of the matters dealt with in its enclosures has consequently been too short to permit of my fully working out the suggestions which have occurred to me.

1. I do not clearly understand what "administrative measures and proposals for action" it is proposed to refer to an Imperial Advisory Council, but I presume that they would be only such measures and proposals as would be applicable to India as a whole. Even with this limitation, however, it seems to me that the proposed Imperial Council is open to the criticism that, consisting as it would of a number of non-official members who would be referred to direct by the Governor-General, it would be an attempt to obtain the opinion of a province on a measure without the intervention of the local Government. At present the opinion of a province is obtained by the Government of India by means of a reference to the local Government, which, through its officers, consults the people, including the territorial magnates who would under the proposed scheme be members of the Advisory Council. I consider that this, the present system, is a better means of gauging the opinion of a province than the proposed reference to an Imperial Advisory Council would be, and that, if it is proposed to continue it, the reference to the Imperial Advisory Council, be superfluous. It will scarcely be urged that the territorial magnates of a particular province who were on the Imperial Advisory Council would be more likely to give an independent opinion in that position than if they were consulted through the officers of their local Government. For the purpose of ascertaining the opinion of a province, therefore, the proposed Imperial Advisory Council seems to me to be an unnecessary addition to the present machinery. If it is intended to gauge the opinion of India as a whole, without reference to the opinions of its parts—the various provinces—the scheme is likely, considering the heterogeneous composition of the Indian continent, to give a very artificial result. As regards the second object aimed at by scheme, the dissemination of information about the motives and intentions of Government, I consider that this also can be obtained better by publication through the Government of a province than by intimation by the Governor-General direct to six or seven territorial magnates of that province. My conclusion is that an Imperial Advisory Council Committee on the lines sketched would not be of advantage to the country.

2. The proposed Provincial Advisory Council would not be open to the objection taken above. In the case of measures affecting the whole of India it might be made use of, if no Imperial Advisory Council is established, to aid the head of the local Government in ascertaining, for report to the Government of India, the opinion of his province. On the other hand, it is open to the parallel objection that under the present system all the men of the type who would be appointed to these councils are consulted on matters of either imperial or provincial import, through their district officers, and if it is proposed merely to set aside a few of them, say twenty for the whole of the Punjab, to be consulted direct by His Honour the Lieutenant-Governor, while the remainder and the great mass of the people are consulted (so far as it is possible to consult them) through district officers, it is a duplication of work. But it is no new thing for the head of the province to take opportunities of himself, ascertaining, at the personal interviews he accords to the leading men of the province, their opinions on the measures that are from time to time under the consideration of Government, and he is doubtless helped by these personal inquiries in arriving at an opinion of his own on the report submitted by district officers. So long as the eliciting of opinion through the district officers, who have the best opportunities of all of learning what the people think, is not abandoned, I see no objection to its being supplemented by the formation of a Provincial Advisory Committee such as is proposed. Whether it would be *useful* to formally constitute such a body, instead of leaving the head of the province free to consult personally whomsoever he may wish, is another question, and I am disposed to answer it in the negative. The only advantage that I can see in the former alternative is that it affords a means of

conferring an additional honour on some twenty native gentlemen. From this point of view, if the present proposals do *not* result in an enlargement of the Provincial Legislative Council, the establishment of an Advisory Council for the Punjab is advisable. But if the Provincial Legislative Council is enlarged, the desired opportunity of honouring the native gentlemen of the province whose personal opinions are valued, will be afforded. In the former event I have no modifications to suggest in the proposals made in paragraph 4 of your letter and paragraph 6 of the Government of India letter. For the dissemination of information about the motives and intentions of Government a Provincial Council of this sort might be a useful machinery, but, on the other hand, it would be just as effective to publish, by means of leaflets distributed through the zaildar agency, information of the sort that it is proposed to spread through members of an Advisory Council. It is certainly the case that, although the objects and intentions of Government are abundantly explained in English in official notifications and resolutions, they often escape the notice of even the English reader of the non-official classes, and it is small wonder if, even when they are properly translated and published in the vernacular, they remain quite unknown to the native population whom they chiefly concern.

3. The arguments advanced in the Government of India letter in favour of an enlargement of the Imperial Legislative Council appear to me to be sound, and I have no modifications to suggest in the scheme sketched in the paragraph 12 of the Government of India letter, except such as are indicated in my answers to the next three questions.

4. In regard to the proposals that one of the Punjab Members of the Imperial Legislative Council should be nominated by the non-official members of His Honour the Lieutenant-Governor's Council (either from their own number or from outside the latter council) it is admitted in the Government of India letter that there would be objections to such a course so long as the membership of the latter council is limited as at present. The non-official members at present consist of a Sikh, a Hindu, and a Muhammadan; it would be somewhat invidious to ask them to combine to make a nomination, and if a nomination had to be made it would seem to be best that His Honour the Lieutenant-Governor should make it, selecting the non-official member who had served longest in the council or given the most help in its deliberations. And if the membership of the Punjab Council is increased I think it would be best, for some years at any rate, to follow this course. If the operation of the new rules for increasing the membership of the council result in such a constitution that no objection can be taken to the right of election being conceded to its non-official members, it will be time enough to confer upon them the privilege of nominating one of their number to the Imperial Legislative Council.

5. I approve of the selection of one of the great land-holders of the Punjab to the Imperial Council. I presume that the holder of a large jagir would be regarded as a land-owner for this purpose, and would be eligible, even if his proprietary estate was not a particularly large one. As regards the method of selection, I do not think that a system of election would give satisfactory results in this province. I think I am right in saying that the system of election to local and district boards has been a failure in the Punjab. One reason is the aversion noticed at the end of paragraph 17 of the Government of India letter, of Indian gentlemen to come forward as candidates and risk the indignity of defeat by a rival candidate. If this aversion has been strong on the part of men of the class expected to serve as members of district boards it would probably be much stronger on the part of great land-holders such as it is desirable to ask to serve on the Imperial Council. Also, with the heterogeneous electorate which the Punjab would afford, it would be difficult to ensure that different interests—Sikh, Rajput, Biloch, Punjabi Muhammadans of the north-west, and Hindus of the south-east, to take a few instances—should be in turn represented. The same objections would apply to the second suggestion of the Government of India, that the land-holding members of the Lieutenant-Governor's Council should nominate either one of their number or another great land-holder of the province to the Imperial Council, though if a scheme is adopted of the nature suggested in my ninth answer below, it might be possible to adopt this suggestion. I think, however, that the third suggestion in the Government of India letter is the best one at the present stage of Punjab progress, and that the land-holding member of the Imperial Council should be nominated by His Honour the Lieutenant-Governor. If, however, it should be decided to resort to election, the electorate should be framed so as to give each of the great interests—a few of which I have named above—an equal chance of being represented, or at any rate a chance which should depend not on the total number of *great* land-holders belonging to it, but on the total population pertaining to it, or on its influence in the province.

6. I approve of the proposed appointment of four Muhammadans to the Imperial Council, of whom two should be nominated by His Excellency the Viceroy as proposed in paragraphs 12 (2) E and 18 of the Government of India letter. I agree that the other two should be appointed in rotation from the six provinces in which the Muhammadan population is considerable, as proposed in paragraph 18 of the Government of India letter. And when the turn of the Punjab comes to depute a Muhammadan member, I would, for the reason already given against the elective system in the Punjab, leave him to be nominated by His Honour the Lieutenant-Governor. If the selection *has* to be left to an electorate, the best would be, I consider, that composed of the Muhammadan non-official members of the Lieutenant-Governor's Council.

7. For the reason given in my answer to the second question—the desirability of adding to the number of native gentlemen who are honoured by being admitted to the councils of Government—I approve of the proposal to increase the present number of members of the Provincial Council. Considering the limitations under which the council works as regards its power to alter the bills that come before it, I do not think that there is any other reason for an increase. The figure must depend, as pointed out in the Government of India letter, on the number of official members who can be appointed without inconvenience to the proper discharge of their official duties, and on this point, therefore, I cannot offer an opinion, though I shall indicate below the number of interests that I think should be represented by non-official members.

8. I would maintain the present system of nomination. For the reasons given above, I consider the elective system unsuited to the Punjab.

9. I advocate a fixed rule determining the proportion of seats to be allotted to each class on the ground that it is desirable that the people of the province should know the principles on which appointments to the council are made. At the same time the rule should not be a rigid one, as it is unfortunately the case that the classes which should be represented cannot always furnish suitable representatives. It might be announced that a certain scheme (to be published) has been framed for the appointment of non-official members to the council and will be adhered to as far as possible, but a rigid adherence to it cannot always be promised. The following is the scheme of representation which I would propose:—The number of non-official members should be 8, *viz.*, one for each division, two for the Native States in the province, and one to represent the European non-official community. The members for the Rawalpindi and Multan divisions should be Muhammadans, and one Sikh member should be drawn from either the Lahore or the Jullundur division. If neither of the members representing Native States is a Sikh, the Lahore and Jullundur divisions should each contribute a Sikh, but if one of the Native State members is a Sikh, then of those two divisions the one from which the Sikh member is not drawn should contribute either a Hindu or a Muhammadan, according as the second Native State member is a Muhammadan or a Hindu. The member for the Delhi division should ordinarily be a Hindu, but might be a Muhammadan instead, if in the hypothesis stated at the end of the last sentence the best man available in the Lahore or Jullundur division, from which in that hypothesis a Muhammadan would be drawn is a Hindu and not a Muhammadan. The Native State members should be drawn from among either the ruling Chiefs themselves, or their families, or, with their consent, their sardars. The field of choice here would ordinarily be more limited than in a Punjab division, and hence the necessity for the adjustment which I have suggested between the Lahore, Jullundur, and Delhi divisions. For one of these divisions a Native Christian might occasionally be found to be a better representative than a Sikh or a Hindu or a Muhammadan, and might take the place of the representative of one of these divisions. There might be a similar substitution for the Muhammadan member for the Rawalpindi or Multan division, provided that not more than one Native Christian is in the council at one time. The scheme may be presented in the following statement:—

Division.	Religon.				
	A	B	C	D	E
Rawalpindi	1 Muhammadan*	1 Muhammadan*	1 Muhammadan	1 Muhammadan	1 Muhammadan.
Multan	1 Muhammadan*	1 Muhammadan*	1 Muhammadan	1 Muhammadan	1 Muhammadan.
Native States	1 Sikh	1 Sikh	1 Sikh	1 Sikh	1 Hindu.
	1 Hindu	1 Hindu	1 Hindu	1 Muhammadan	1 Muhammadan.
Lahore	1 Sikh	1 Sikh	1 Sikh	1 Native Christain.	1 Sikh.
Jullunder	1 Muhammadan	1 Hindu	1 Native Christian.	1 Hindu	1 Sikh.
Delhi	1 Hindu	1 Muhammadan	1 Hindu	1 Hindu	1 Hindu.
All Divisions	1 European	1 European	1 European	1 European	1 European.

*On occasion, a Native Christian may be substituted for the Muhammadan member for one of these two division.

10. If it is decided to resort to election for the appointment of non-official members of the Provincial Council, the non-official members of district boards would form as suitable an electorate as any. I do not thing that non-official municipal commissioners are generally of such a standing as should be included in the electorate; those of them who are of a suitable position and influence would ordinarily be members of the district board. If the scheme I have suggested above were adopted the five members representing the five divisions would be elected and the other three would be nominated.

11. The separate representation of classes on the Provincial Council, which I have recommended in my ninth answer, would be best carried out in my opinion by nomination by the Lieutenant-Governor, and not by election. If election is resorted to, however, the suggestion which I have made in my tenth answer is in accordance with paragraph 22 (*b*) of the Government of India letter, except that in this province it would probably be necessary to supplement the electorate composed of district board members by other electors nominated after reference to *anjumans* and *panchayats*. Time does not permit of examining the constitution of the various district boards in the province to see whether any changes would be required to ensure the non-official members forming a suitable electorate. My general impression is that they would be suitable as they are, but if it is decided to have recourse to election the constitution of the boards should certainly be brought under scrutiny.

12. The scheme which I have suggested in my ninth answer would afford adequate representation of the Muhammadans of the province on the Provincial Council. Any system of election by members of district boards would probably have a similar effect. I do not think any further or alternate measure is required to secure their due representation in the Punjab, and the elective scheme suggested in paragraph 17 of the Government of India letter appears to me to be inferior to a system of election by members of district boards.

13. The alteration in the system of discussing the Budget in the Imperial Council suggested in paragraph 23 of the Government of India letter appears to me to be suitable.

14. I am strongly of opinion that more publicity should be given to the Provincial Budget than it receives at present. I believe that I am not far wrong in saying that the majority of officials as well as non-officials know very little about the financial arrangements between the Imperial and the local Government, and the distribution for expenditure of provincial revenues over the various heads. I therefore welcome the proposal to bring the Provincial Budget before the Provincial Council, and I see no objection to its being discussed in the manner proposed in paragraph 23 of the Government of India letter.

15. The manner in which the power of interpellation has been exercised in the Imperial Council leads me to the conclusion that its introduction into the Provincial Council would be a mere waste of time.

A. H. DIACK,

Settlement Commissioner, Punjab.

No. 587, dated Lahore, 20th December 1907.

From—R. E. YOUNGHUSBAND, Esq., Commissioner, Lahore Division,

To—The Chief Secretary to the Government of the Punjab.

As requested in your letter no. 2643-S. (Home-Legislative), dated 27th September 1907, I have the honour to forward herewith my opinion in the form desired, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, together with the six letters marginally noted, with their enclosures in original, from the Deputy Commissioners of this Division.

Montgomery, no. 383, dated 28th October 1907.
Lahore, no. 807-C, dated 6th December 1907.
Amritsar, no. 461, dated 7th December 1907.
Gurdaspur, no. 305, dated 7th December 1907.
Sialkot, no. 361, dated 3rd December 1907.
Gujranwala, no. 2858, dated 15th December 1907.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

OPINION.

I. (1) The proposed appointment of an Imperial Advisory Council has on the whole met with general acceptance from those who have been consulted, but many of the more thoughtful consider that it will be of doubtful utility, and I personally share

this opinion. It is no doubt most desirable that the Viceroy should be able to ascertain the opinions of the hereditary leaders of the people on measures which are in contemplation, but there are other methods of doing this; and I venture to think that it will be vain to hope that an Advisory Council will be of much use in diffusing correct information in regard to the acts and intentions of Government. In this province, at all events, they are extremely few territorial magnates whose influence extends beyond a small sub-division of their own district, and we must in my opinion look to the committees and councils of smaller areas for this purpose.

Among the opinions received, there is a good deal of criticism of the proposed constitution of the council. While some critics object the presence of ruling Chiefs on the council others advocate the inclusion in it of representatives of industry, commerce, the learned professions, and so forth. Others again urge that some at all events of the members should be elected. For my own part, I agree with Colonel Parsons in thinking that more use might be made of our native officials, both as exponents of popular feeling and as disseminators of the views of Government. I by no means go so far as Colonel Parsons in thinking that we should depend on our native officials to the exclusion of non-officials for this purpose, but I think that if an Imperial Advisory Council is formed, it will be strengthened by the inclusion in it of a fair proportion of native officials, and I think that it would be unwise to debar classes other than the landowning class from finding a seat on it. I invite attention to Sir David Masson's suggestion that in any formal announcement which may be made of the formation of the council, it should be stated that only those ruling Chiefs and territorial magnates will find a place on it who have administered their own estates successfully. It seems to me that this might have been taken for granted, but perhaps he is right in thinking that an announcement of the kind will forestall captious criticism.

II. (2) The proposal to form a Provincial Advisory Council has met with very general support, partly, I think, because the constitution proposed is such that a large number of those who have been consulted may hope to find a place on it. For instance, Mr. Sykes writes that appointments to this council will be much coveted, especially if the appointment carries the right to a seat in the Provincial Darbar. People hardly seem to realise that unless the council is to be so large as to be unwieldy, there will be less than one member on an average for each district, and only the very foremost men can hope to find a seat on it.

My own opinion is that in the Punjab, at all events, there is no real necessity for an Advisory Council. The Lieutenant-Governor is accessible to and admits to interviews with him a far larger number of native gentlemen of influence and position than he could find room for on a council, and he is in touch with representatives of all classes of the people. If it is decided to appoint a Provincial Council, I have no remarks to offer on the proposed constitution, except to repeat the suggestion which I have made in the case of the Imperial Council that it should contain a fair proportion of native officials.

III. (3) The reason given for proposing an enlargement of the Legislative Council of the Government of India is that under the present system seats on the council have been very much monopolised by lawyers and school-masters, while the land-holding interests have been insufficiently represented. The proposed enlargement of the council will entail a considerable expense in the payment of salaries of a large number of additional official members; it will also entail very considerable inconvenience in the temporary withdrawal of those officials from their regular duties; and the additional time which will be spent in debate will be a severe tax upon the Viceroy and upon the members of his Executive Council. It is for the Government of India to say whether these drawbacks will be compensated by the advantages to be gained from the proposed enlargement; or whether a smaller number than 54 will not meet the necessaries of the case.

If it is decided to enlarge the council to 54, the proposed classification of members (with some alterations) will no doubt be necessary. But if the Government of India is content to a somewhat smaller council, this elaborate classification will in my opinion be unnecessary.

It will be sufficient to prescribe a constitution of (*a*) so many members elected from or deputed from the Provincial Legislative Councils, and (*b*) so many members nominated by the Viceroy. This will enable Government to nominate members of those classes which are inadequately represented among the members deputed from Provincial Councils. I invite attention to the criticisms which have been directed to the reservation of a seat for a ruling Chief. Ruling Chiefs have in the past been nominated to the council without unfriendly comment, and at the present moment a seat on it is filled by the son of a ruling Chief. But there is a good deal of difference between the casual appointment of a ruling Chief to the council and the express recognition by law of the right of ruling Chief to sit on it. The council has no authority to pass laws for the territories of ruling Chiefs and there is a good deal to be said for the contention that a seat on it should not be expressly reserved for ruling Chiefs.

For my own part, I hope that the suggestion to increase the number of elected seats from 5 to 18 will be carried out. Although many of those who have been consulted

support and wish to extend the principle of election, I am convinced that in many cases this is because they think that representation by election is looked upon as the mark of an "advanced" community. Even in the Punjab Government letter the doubt is expressed whether the Province is yet sufficiently advanced for the introduction of a system of election for the Legislative Council. I venture with all deference to submit that this is not the right way of looking at the "question." We all hope for and work for the advancement and progress of the country but does that necessarily imply an ideal of representation by election? I venture to think that it does not, and that the progress and advancement of the country can best be attained without government by elected representatives. There is much in the opinions now forwarded to show that our English system of elections is foreign to the traditions and genius of the people of this country. We all know that the system of election which has been introduced into our municipal committees and district boards in this Province, at all events, has been an egregious failure. In the municipality of Lahore itself, which might be expected to set an example to the rest of the Province, the purchase of votes and the personation of voters is notoriously a universal practice. Even in the elections for the Imperial Legislative Council, it is admitted that the system of election has not been a success, and the whole tenor of the Government of India letter supports my contention that a system of election is not suited to the people of this country. For these reasons I venture to deprecate very strongly the increase in the number of elected members now proposed. In particular, I would urge that if classes (*c*), (*d*), and (*e*) of group D in paragraph 12 of the Government of India letter are retained, the members chosen to represent this Province should be nominated not elected. The nominations which have been hitherto made from the Punjab have not, so far as I am aware, been considered inappropriate, and I would continue the same system.

I will offer some further remarks on groups D (*d*) and E in my answer to question 6, and will only note here the opinion of local commercial men that their interests are not sufficiently represented by the election of 2 members by the Chambers of Commerce of Madras and Bombay.

III. (4) For reasons already given I think that the member to be deputed from the Provincial Legislative Council should be nominated, not deputed, except in those provinces in which the non-official members of the Provincial Legislative Council have hitherto been in the habit of electing a member for the Imperial Council.

IV. (5) If it is decided that the Legislative Council is to be constituted in the manner described in the Government of India letter, I think that the land-owner who is to be appointed from the Punjab should be nominated not elected. The opinions now forwarded show the difficulties which would attend any system of election. I cannot suggest any satisfactory method of election.

(6) The proposed reservation of 4 seats on the council—2 nominated and 2 elected—for Muhammadans has evoked a good deal of feeling. Many Muhammadans protest that 4 seats are not enough for them, and there is this to be said for their protest that if a special number of seats is to be reserved for Muhammadans, there will be a very natural feeling that they will have no right to any of the other seats. On the other hand, Hindus and Sikhs protest strongly against the special reservation of any seats for Muhammadans while the Sikhs and some Hindus urge that if some seats are to be reserved for Muhammadans other seats ought to be reserved for Sikhs. For myself, I feel very strongly that the special reservation of seats for Muhammadans (or, indeed, for any other class or religion) will engender strife, not peace. If the Viceroy is left absolutely free to make his own nominations, he will be able to secure the appointment of representatives of minorities or of special interests in the most appropriate way. In any case I would deprecate the creation of a special electorate such as that described in paragraph 18 of the Government of India letter.

(7) In the case of Provincial Legislative Councils the reason for proposing an enlargment is in order to give the widest possible representation to different classes, races, and interests, and it is apparently considered that the existing system does not allow for this in the case of those provinces in which most of the non-official members are elected. But where, as in the Punjab, all the non-official members are nominated, I venture to think that before enlarging the council or changing the present system, it is very desirable to consider whether under the present system the different classes, races, and interests of the province are fairly represented on it. I would submit that the analysis of the religions and occupations of the nominated members of the Punjab Council which is contained in paragraph 8 of the Punjab Council shows that the various classes and interests of the Province have been fairly represented on it; and if this is the case, I would strongly deprecate the suggestion of change for no real advantage. I fully admit that there is a real advantage in admitting as many natives of the Province as is compatible with practical efficiency to a share in the administration; but it must be remembered that there is really very little work for the Punjab Legislative Council to do, and it is a question whether the enlargement of the council would not be a hindrance rather than a help to the administration. It seems to me therefore that the Punjab Government is the only authority which can give a valuable opinion in regard to the possible enlargement of the local council. If any change is to be made, I

would suggest that all that is required is that the maximum number of seats should be increased from 9 to, say, 15 or 20. It would then be possible for the Lieutenant-Governor from time to time to appoint as many non-official members as he finds it practicable to put on the council.

(8) For reasons already given in my answer to question 3, I would strongly deprecate the introduction of any system of election to seats on the Provincial Council, and in this opinion I am supported by a large number of those who have been consulted.

(9) The answers received to this question vary. The greater number of those consulted suggest a classification by religions, and if there is to be any classification this is the only one possible. I agree with the large minority which thinks that any hard-and-fast classification would be a mistake, and that the Lieutenant-Governor should be left unfettered to make his own nominations. If any classification is decided upon, the request of the commercial members for a special representative should receive consideration. If it were decided to adopt the principle of election, some division into classes would probably be necessary, but I am unable to suggest any suitable division.

(10) Opinions are almost unanimous in rejecting the proposal that district boards and municipal committees should form the electorate for the Provincial Council. If election is resorted to, a special electorate will have to be created, and this of itself is sufficient to condemn the proposal to introduce election into the Punjab.

(11) I agree in the general opinion that the proposals made in paragraph 22 (*b*) of the Government of India letter are not suited to the Punjab. As regards municipal and district boards the feeling is that, if their constitution is to be altered, the question should be considered as a separate one, and that they should not be considered in the light of electoral units for the Legislative Council.

(12) I advocate leaving the Lieutenant-Governor a free hand to make his own nominations. There will then be every reason to believe that, as has been the case in the past, so in the future all classes and interests will be adequately represented. If on the other hand there is to be a fixed number of seats allotted to each class, the almost universal opinion is that the classification should be by religions: in that case the Muhammadans will have a fixed number of seats reserved for them. In any case, if it is thought necessary to adopt special measures to secure the adequate representation of Muhammadans, it will also be necessary in this Province to adopt special measures to ensure the adequate representation of Sikhs.

V. (13) The defects, the unreality, the waste of time of the present Budget debates, are admitted by Government. For this reason perhaps the great majority of those who have been consulted welcome the proposed change. But I doubt very much if they realise what this will involve. My own feeling is that if the proposed changes are introduced, there will be a very much greater waste of time than at present with the same infructuous result.

(14) The greater number of those consulted answer this question in the affirmative. Some say yes, but not by separate heads. Would it then be wise to introduce into the Provincial Council a system which in the case of the Imperial Council has admittedly proved a failure? On the other hand, I doubt whether those who advocate discussion by separate heads have fully realised the amount of time which this will involve. I would deprecate the introduction of any debate on the Budget in the Provincial Council until a fairly workable system has been devised and tested by experience in the Imperial Council.

(15) Nearly all the non-officials who have been consulted answer this question in the affirmative. A few non-officials and several officials consider that the power of interpellation might embarrass Government. I think that so long as the constitution of the Provincial Council remains unchanged, its members may safely be trusted with the power of interpellation, and that this power, if exercised in moderation as there seems reason to think that it will be, should prove an advantage rather than an embarrassment to the administration.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

No. 383, dated 28th October 1907.

From—Captain C. H. Buck, Officiating Deputy Commissioner, Montgomery,

To—The Commissioner, Lahore Division.

With reference to your circular no. 233, dated 5th October 1907, I have the honour to forward the opinions of the following gentlemen:—

Lala Bishen Das, Extra Assistant Commissioner, Revenue Assistant,
Lala Radha Kishen, Pleader and Vice-President, Municipal Committee, Montgomery,
Kamir, zaildar and zamindar of Mehrpur,
Muhammad Amin Khan, Honorary Magistrate and zamindar,

and also my own.

2. I have discussed the matter verbally with several other gentlemen, and the general opinion is that the Advisory Councils will be useful institutions, the number of members on Legislative Councils should be increased (the number of official and non-official members being equal), non-official members of Legislative Councils should be nominated (or at any rate selected out of lists voted by district boards and municipal committees somewhat on the lines sketched by me in clause IV (8) of my opinion), the proceedings of Advisory Councils should not be kept confidential. It is generally agreed that elections on any large scale would be objectionable and lead to a great deal of friction.

The principal zamindars in this district consider that the number of Muhamadan members on the Punjab Legislative Council should be half the total number of non-official members.

C. H. BUCK, *Captain*,

Offg. Deputy Commissioner, Montgomery.

Opinion of Captain C. H. Buck, Officiating Deputy Commissioner, Montgomery.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be useful, and I agree with the proposals in paragraph 5 of the Government of India letter.

II. (2) *Provincial Advisory Councils.*—I think that such a council would be of use. I consider that it should consist of (*a*) the Provincial members of the Imperial Advisory Council, the non-official members of the Provincial Legislative Council, ten other members selected from the list resulting from the elections mentioned in IV (8) below, and two or more specially selected members.

III. (3) *Imperial Legislative Council.*—I approve of an enlargement on the lines laid down in paragraph 12 of the Government of India letter, except that I would omit clause (*d*) in (2) D and the words "not less than two to be Muhammadans" in E.

(4) I approve of this proposal.

(5) I approve of selection by nomination.

(6) No. It seems to me that if Muhammadans are in the minority among those elected they can be appointed under clause E.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I would advocate an increase to ten official and ten non-official members, with the Lieutenant-Governor as President, total 21.

(8) I would suggest that the non-official members be obtained as follows:—

They should consist of—

(*a*) 5 Agriculturists (4 being Muhammadans and 1 Sikh).

(*b*) 2 Lawyers (1 being Hindu and 1 Muhammadan).

(*c*) 1 Merchant, banker, or tradesman (Hindu or Sikh).

(*d*) 1 Representative of an Industry (Hindu or Sikh).

(*e*) 1 Graduate of the Punjab University.

As regards (*a*) an election should be held among the members of each district board and each board should send up the names of 4 Muhammadans and 1 Sikh. The names need not necessarily be those of gentlemen residing in the district concerned, but should be those of any land-owner in the Punjab. From the list thus obtained Government should select 4 Muhammadans and 1 Sikh.

For (*b*) 3 Muhammadans and 3 Hindus should be elected by vote among advocates of the Chief Court of 5 years' standing and 1st grade pleaders of 5 years' standing (shown in the Civil List as practising in the Punjab), and from this list 1 Muhammadan and 1 Hindu should be selected by Government.

For (*c*) and (*d*) elections should be held among the members of the 1st class municipalities, each committee sending up 1 name for (*c*) and 1 name for (*d*); Government should then select from the list so formed.

For (*e*) two names to be voted by Fellows of the Punjab University and a selection made by Government.

The appointments should be for five years and in case of a vacancy occurring in the interval Government would select a fresh member from the original list to act for the remaining portion of the quinquennial period.

(9) to (10) See (8).

(11) I would not advocate any change in existing arrangements for the constitution of district boards and municipal committees.

(12) See (8).

V. (13) *Discussion of the Budget.*—I approve of the suggestion.

(14) Yes, by separate heads.

(15) Yes.

C. H. BUCK, *Captain*,

Offg. Deputy Commissioner, Montgomery.

Replies of Lala Bishen Das, Extra Assistant Commissioner, Revenue Assistant.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be of service to the country and approve of the suggestions in paragraph 5 regarding its constitution and duties except that the period should be for three years only.

II. (2) *Provincial Advisory Councils.*—I think that such a council would be useful, but would suggest the selection of one member from each district.

III. (3) to (4) *Imperial Legislative Council.*—I approve of the scheme sketched out by Government, but would suggest the appointment of one member from the Sikh community.

(5) I approve of the proposal, but would appoint members by nomination and not by election.

(6) I approve. I would suggest that the members be elected as follows:—

One by Muhammadan non-official members of the Provincial Council.

One by Muhammadan Fellows of the local University.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Yes, to 6 official and 6 non-official members.

(8) As below.

(9) Non-officials to consist of 2 Hindus, 1 Sikh, 2 Muhammadans, and 1 European or Eurasian.

Of the above 1 Hindu and 1 Muhammadan to be elected respectively by the Hindu and Muhammadan Fellows of the Punjab University; the remainder to be nominated by Government.

(10) As in (9).

(11) As in (9).

(12) As in (9).

V. (13) *Discussion of the Budget.*—Should be altered as suggested.

(14) Yes, by separate heads.

(15) Yes.

BISHEN DAS,

Extra Assistant Commissioner, Revenue Assistant.

Replies of Lala Radha Kishen, Pleader, Vice-President, Montgomery Municipal Committee.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be of service. I approve of the suggestions in paragraph 5, but consider (*a*) that the Council should contain one representative from each Revenue Division throughout India in addition to ruling Chiefs, (*b*) that the proceedings should not be confidential but be published, as this would prevent any member giving interested advice, and (*c*) that the period should not be more than 3 years.

II. (2) *Provincial Advisory Councils.*—I think such a council would be useful, but would suggest that it should contain one member from each district and such others as Government may select.

III. (3) to (6) *Imperial Legislative Council.*—I consider that the council should be enlarged, and approve of the arrangement suggested in paragraph 12 of the Government letter except that I do not see why Muhammadans should be specially represented under D (*d*), and think that the words "not less than two to be Muhammadans" might be omitted in E.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I consider the number should be augmented—9 official and 9 non-official.

(8) Of the non-official members, I would suggest that 4 be nominated and 5 be elected.

(9) No representation of classes.

(10) I would suggest as an electorate persons paying Rs. 500 or more land revenue, Rs. 35 or more income-tax, and graduates of 5 years' standing or over.

(11) See (9).

(12) I do not think provision should be made.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

RADHA KISHEN,

Pleader, Vice-President, Montgomery Municipal Committee.

Replies of Muhammad Amin Khan, Honorary Magistrate and Zamindar.

I. (1) *Imperial Advisory Council.*—Yes, but regarding paragraph 5 (3) that one member be nominated from each Revenue Division and regarding paragraph 5 (7) that the proceedings be not confidential.

II. (2) *Provincial Advisory Councils.*—Yes. I would increase the number and obtain one member from each district by nomination.

III. (3) to (6) *Imperial Legislative Council.*—I agree to all in paragraph 12, but consider that all should be appointed and none elected.

IV. (7) to (12) *The Provincial Legislative Council in the Punjab.*—It should be increased to 10 official and 10 non-official members. The non-official members to be half Muhammadans and the remainder Hindu or Sikh. To be elected by district boards and municipal committees and then selections made by Government.

District boards and municipal committees to consist of half Muhammadans and half Hindus (including Sikhs) in every district.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

MUHAMMAD AMIN KHAN,

Honorary Magistrate and Zamindar.

Replies of Kamir, Zaildar and Zamindar of Mehrpur.

I. (1) *Imperial Advisory Council.*—Yes, but regarding paragraph 5 (3) I would suggest that one member be nominated from each district; (6) and (7) nothing should be confidential.

II. (2) *Provincial Advisory Councils.*—Yes, but would suggest one member from each district by nomination.

III. (3) to (6) I approve of all the suggestions in paragraph 12 of the Government letter, but consider that all members should be nominated.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Yes, I would suggest that two persons be obtained from each division.

(8) I would allow election by the members of municipal committees and district boards and suggest that Government select from the names sent in.

(9) I would suggest that the non-official members be half Muhammadans and the other half consist of Hindus, including Sikhs.

(10) See (8).

(11) I suggest that the members of district boards be appointed by classes in proportion to numbers as shown by the census, Hindus, Sikhs, and Muhammadans being taken as classes; that members for municipal committees be elected, the classes being fixed as above.

(12) No opinion.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

KAMIR,

Zaildar and Zamindar of Mehrpur.

No. 807-C., dated Lahore, 6th December 1907.

From—Lieutenant-Colonel C. G. Parsons, I.A., Deputy Commissioner, Lahore,

To—The Commissioner, Lahore Divison.

Referring to your endorsement* marginally cited inviting opinions on the scheme for Advisory Councils, I have the honour to forward my own opinion and the opinions (in original) of the marginally† noted bodies or persons of which Mr. Wilson, Assistant Commissioner, has in each case given a brief *précis* on a covering leaf showing the trend of the opinion.

* No. 233, dated 5th October 1907.

† 1. Rai Sahib K. B. Thapar, Lahore.
2. E. W. Parker, Esq., Advocate, Lahore.
3. Mian Muhammad Shah Din, K. B., Barrister-at-Law, Lahore.
4. Bhai Gurdit Singh, Lahore.
5. Rai Sahib Tilok Chand, Sub-Divisional Officer, Kasur.
6. M. Abdul Aziz, Editor, *The Observer*, Lahore.
7. Mian Muhammad Shafi, Barrister-at-Law, Lahore.
8. Lala Ram Sarn Das of R. B. Mela Ram & Sons, Lahore.
9. Lala Harkishen Lal, Barrister-at-Law, Lahore.
10. Lala Lal Chand, Pleader, Chief Court, Punjab, Lahore.
11. Nawab Fateh Ali Khan, C.I.E., Lahore.
12. The President, Anjuman Islamia, Punjab, Lahore.
13. Sir David Masson, C.I.E., Lahore.
14. Lala Narinjan Das, Judge, Small Cause Court, Lahore.
15. Punjab Chamber of Commerce, Lahore.
16. Punjab Hindu Sabha, Lahore.
17. Rai Sahib Mohan Lal, Lahore.
18. Secretary, Punjab Trades Association, Lahore.

2. As to the general trend of the educated public opinion, I have discussed that in my "general opinion" which is of greater depth, as you will see, than my brief replies to the categorical questions.

C. G. PARSONS, *Lieut.-Colonel,*

Deputy Commissioner, Lahore.

Opinion.

The retrospect in paragraph 4 is of the traditional council of diwans, wazirs, and other "pillars of the State" summoned by an oriental monarch whenever he wished to take advice. Such conferences or deliberations in councils were undoubtedly common, but attended probably for the most part by high State officials and persons whom from their known allegiance the monarch had placed in positions of trust. That persons outside such officialdom were on special occasions admitted to such conferences is possible, but more generally probably for examination or on their defence. At any rate there were probably no persons appointed as councillors pure and simple without any other office. Thus when it is said that the sovereign made it his business to consult competent advisers, and that therefore the scheme for an Imperial Advisory Council would be no innovation in principle, it might be replied, and with truth, that there would be no innovation in such a sovereign occasionally summoning to Advisory Councils a selection of officials called from all or any parts of the country, since these were his natural advisers, but that there would be novelty in the idea of appointing a body of non-officials to be "Advisory Councillors" and nothing else, who should be so summoned on occasions. In considering the scheme the question might be put by a living oriental ruler. "Why does not the Viceroy summon his officials to advise him instead of looking beyond these to non-officials? Are the non-officials more reliable

and more capable of advice than the officials?" To a reply that Indian advice was more particularly aimed at, his rejoinder might be "Then why not summon selected Indian officials?" I say these might and probably would be the instinctive first questions of the ruler of an Indian State who had the traditional point in question put to him. But to the last imaginary question above the educated Indian who studies administration would at once give the answer "Because there are few, if any, Indian executive officials of high enough position to be admitted into oral council by the Viceroy with propriety." This I take it is the crux of the situation which has created the present correspondence, and the argument of a dissatisfied educated Indian of moderate views would be that there should be and ought to be sufficiency of such Indian officials. The argument of a dissatisfied educated Indian of extremer views would be that there should be plenty of them to pick and choose from all over the country. It is desirable to pause for a moment and reflect whether just as 2 Indian officials* and not non-officials have been admitted to the India Office Council at London, there are or are not a sufficiency of Indian officials of high enough position in the country at present, for the purposes at issue. Without the different provincial lists at hand for reference review is difficult, but it immediately occurs to one that there are a number of High Court or Chief Court Judges and of senior Indian Civilians in the executive and judicial lines, and that every year there are Indian recruits added to the latter lines, who in course of time obtain position and experience. The question therefore arises: "Why cannot occasional Advisory Councils be assembled from these?" It has been premised that such occasional assemblings would occur only for the discussion of questions of moment and for shaping the action of Government when any particular high affair of State attracting unusual interest was under contemplation, and I take it that such assemblings would be most called for and appropriate when racial aspects coloured any such high affair in issue, or when intimate knowledge of or advice upon Indian life and thought was a necessary preliminary to a decision. There would be nothing surprising in the Viceroy summoning to council chosen Indian officials from different provinces to tender their views and advice upon subjects such as these. What perhaps seems surprising is that while the present schemes contemplate summoning non-officials to such councils, this is so seldom if ever done in the case of officials. At least it is never regularly done except in the fashion provided by the Indian Councils Acts in respect of the Viceroy's Legislative Council, and this under the present correspondence is condemned as too limited and inadequate a practice. The Viceroy never or hardly ever says or occasions of moment that he will have a council and will call to it from all or any provinces such Indian officials as he wishes or thinks could aid him, and after examining them and ascertaining their views send them away back to their duties. It is incontestable that calling such conferences would be of immense value, yet it is hardly if ever done. Why it is never done, it is perhaps not for me to attempt to say, but among other reasons I presume that disciplinary considerations have had much force in suppressing the operation of any such inclinations, since it might be contended that to call junior Indian officers from different provinces into council with the Viceroy would be a slight to local Governments; and yet just as it proposed that the proposed Advisory Councils might be arranged with due regard to provincial prestige and considerations of etiquette, any such difficulty in calling up officials might easily be accommodated by, for instance, such expedients as the summonses to the officials emanating through and from the provincial Governors on the Viceroy's behalf.

It seems to me obvious that before you consult non-officials on matters of State you should consult officials, the former only being consulted with directly (as distinct from being freely heard in deputation or by other form of articulation) should the latter prove unworthy.

I would ask what a district officer does when a measure of moment, particularly one affecting Indian life and thought, is under contemplation. He summonses subordinate Indian officials in the first place, and consults with them and ascertains as far as possible through them what public thought and feeling would be. If he cannot get all he wants to know from them, he summons private individuals and examines them; and it is certain that if he wishes he will accurately feel the pulse of his district on any given subject.

Is it impossible for the Viceroy or for a Provincial Governor to do the same? I cannot see how that can be given a matter of moment requiring diagnosis from the point of view of Indian thought and life, and it seems to me that the Viceroy or the Governor can as well say "I will have such and such an Indian official from here and such and such a one from there, and will collect a body of these officials for the occasion to enlighten me in the matter; and if I do not get all I want to know from them I will have up knowledgeable private persons to further enlighten me, such as may be chosen as likely (if likely ones are unknown to me myself) by my Lieutenant-Governors or my district officers (as the case may be)." In fact I do not see why the Viceroy or the Governor should not act precisely as a district officer would, albeit from his loftier platform: and speaking with all deference and earnestness, I submit that the present correspondence shows that while it is within district officers' knowledge that many Governors and Lieutenant-Governors (although not to the extent that I contemplate in my present remarks) have acted like this, the Viceroy for the time being has less and less acted like this in proportion as the increasing congregation of bureaux and

* Said Husain Belgrami is an official (or was) of a State.

departmental encirclement at Calcutta and Simla has intervened between his direct touch with or opportunity for consulting Indian officials at any rate in the body. Before the environment of departmental offices became so pressing and complicated, to act as a district officer would, was obviously much more possible, and such action was I imagine not uncommon with the Viceroys like Lord Mayo and Viceroys earlier than he, but I submit that what may be called the elaborations of bureaux and their environment have had a tendency to frustrate the simple methods of conference and interview which presented themselves as easy at an earlier time. I may be considered presumptuous perhaps in saying this, but with a full consciousness of this and speaking in a spirit of real deference, I repeat that the present correspondence shows this on the face of it. And having ventured to say so much I must also submit that the elaboration of bureaux and the crush of business which they entail upon a Viceroy present entanglements, an escape from which is necessary to gain, or regain, lost touch with Indian officials and through them with the people. I expressly say Indian officials of course owing to the context; the Viceroy being in close touch with officials enough. But generally speaking they are English officials, and a dissatisfied educated Indian would exclaim that he is surrounded with a quick set ledge of these: an exaggeration which would serve to point the remarks I make.

To put my case briefly, the present correspondence shows that Indian opinion, life, and thought is not considered to be sufficiently reached, and it is suggested that bodies of Indian non-officials should be summoned to advise the Viceroy. The point I wish to make is, and the question I wish to ask is, whether bodies of Indian officials are summoned to advise the Viceroy. To this I unhesitatingly answer in the negative: absolutely in the negative in the same sense I mean, and to the extent which in the present correspondence it is proposed to summon non-officials. The obvious question that occurs to me is "Why not try the officials first?"

The opinion of the youngest and most inexperienced Indian official upon questions or policies affecting Indian life and thought is often of more value than that of the generality of highly placed English officials. Therefore the absence of any highly placed Indian officials in a province, if this happened, need not necessarily preclude summonses to members of such a province; and the going behind senior English officials to consult junior Indian ones would, in the light of the context, be reasonable and intelligible, just as when the Officer Commanding an Indian regiment pushes through his staff of English officers to consult with his Indian officers on matters intimately concerning the life and thought of the men of the regiment.

There is a passage in the preamble of Sir Harold Stuart's letter which says that the needs and sentiments of the masses of the people must find expression through officials or non-officials acquainted with their daily life and qualified to speak with authority on their behalf. In connection with this passage my point is that we have not yet tried to let that expression be given by officials selected because they are Indian, not at any rate by Indian officials taken into council or conference in the regular fashion of assembling councils or conferences which the rest of the preamble pronounces to be desirable.

I have said above that to call councils or conferences of Indian officials, in regular fashion, would be of immense value, and it is certainly undeniable that they are qualified to speak with authority on behalf of the masses; for if an Indian official is not qualified to speak with authority, it is difficult to see who else is, without entering on the difficult distinction between properly constituted authority and authority constituted in other ways. What, for instance, is constitutional authority if it is not officially constituted authority? I saw somewhere a letter from a late Commissioner of the Punjab advocating the acquisition of assistance in Government through the peoples' "own rulers." I presume that these traditional hereditary rulers would be considered the constitutional non-official authority or constituted non-official authority best qualified to speak on behalf of the masses. Leaving Native Chiefs aside for a moment the point I make is whether traditionally constituted authorities would be better qualified than the constituted authorities proper, namely, the Indian officials. In the length and breadth of India officials are recruited from a large number of classes, and in time we may hope to say almost every class, and while individuals among them should thus be able to advise as traditionally constituted rulers might be expected to advise, officials have the merit of being disinterested or at any rate are expected by their Government to be disinterested. Non-officials are not expected to be disinterested or it is a wild flight of imagination to expect them to be, and, moreover, if to Advisory Councils are to be added individuals to represent every class, such as the landed aristocracy, mercantile, industrial, and the thinkers and writers as well as backward classes, a creation of large bodies of men is foreshadowed which we have already got, equally representative as far as that is possible, in the official classes. A reduplication is in fact contemplated, and reduplication with this difference that the large bodies contemplated would be unwieldy and individually interested wherever the interests of themselves and their class were at issue, while the large body already available is wieldy and is, or is expected to be, disinterested. Between which two bodies would one choose for useful advice, on the one hand self-interested, loose, discursive, and on the other disinterested (as far as that can be expected), compact, and ready to speak to the point? An untrained incoherent

body and a trained coherent body? A body unaccustomed to weigh, to judge and advise and a body accustomed to these three duties? A body accustomed to talk and only asked to talk, not act; and a body accustomed to talk and act? In fact it can hardly be a question that a body of Indian officials would be of more value in advising on any given point than a body of non-officials. Yet the possibility of summoning councils of officials seems to have been brushed aside or never thought of. Is it not a slight upon the large body of officials that Government, without taking such thought, should contemplate going behind them to the non-officials? It appears extraordinary to me that an appreciation of this slight, if it is a slight, has not been voiced in any Indian newspaper seriously considering the question. The Indian officials themselves are naturally silent, but if they could speak openly it is possible to conceive them asking "First of all why not listen to us?" I repeat it is not subversive of discipline to take officials into confidence and advice, irrespective of position and seniority, at the Viceroy's table upon matters admittedly requiring special examination from the point of view of Indian life and thought.

And as for the making of Government measures and motives generally understood and in correcting erroneous statements or imputations Indian officials are necessarily so closely connected with the non-official classes that they are as good mediums and mouth-pieces as any non-officials. Suppose that a council of Indian officials had been summoned and dispersed. The results in dissemination would be the same.

The fact is that no one who reads the correspondence or the discussions in the newspapers, particularly the Indian ones, doubts that the motives underlying the proposals are mainly political.

Since the above passages were written I have elicited, from an Indian Revenue Officer serving immediately under me, admissions which satisfied me that the sense of slight spoken of above was not a possibility figured only in my imagination. He also admitted that a council or conference of Indian officials would be more practically useful than one of non-officials, and he did this although he had been explaining that a representative council in the embryo was politically desired by the educated classes. He also admitted that the results in dissemination of what transpired at council would be the same whether the councillors were official or non-official. I have also elicited, from the advanced thinker of most notoriety* in the Province at the present time, the admission that non-official councillors called into existence in the manner proposed in the correspondence would be regarded by advanced thinkers as inefficient because not "responsible," whereas it was of course impossible to deny that officials would be "responsible." What was exactly meant by the term "responsible," I need not discuss just here; but my conversation with both the persons named brought out plainly to my mind the incontrovertibility of my proposition above that practical utility less than the satisfaction of political aspirations is expected to be served by the proposals under discussion. For practical utility councils or conferences of Indian officers must, in my opinion, hold the field, and the question which suggests itself is whether they would not serve political ends too. I incline to think that the political effect would be great. In fact I would go so far as to say that it would be so great, and might in the past have been so great, had such councils been regularly summoned, that much of the correspondence now written might possibly never have been written at all. For what brought about the penning of this correspondence is appreciation of sense of lost touch (rather than want of touch), and I submit that this loss could have been saved through official councils, perhaps almost as well if not as well as by any official councils, especially if my argument, that officials are recruited from all prominent non-official classes, is borne in mind.

*Lala Lajpat Rai.

For a number of years we had reform in almost every department of State going on almost simultaneously, and simultaneously also with the creation of new departments of State and of new appointments: yet though previous opinions were duly elicited through officials these officials were mainly English officials controlling the channels of elicitation, and there were certainly no councils or conferences of Indians (whether official or non-official) called in the way now under consideration. The very conservatism of Indian character was, I believe, startled at the rush of change introduced, and, as the thinkers considered, without consultation with the Indians themselves where they were capable of judging upon the necessity for, in comparison with the expense of, some of the innovations and changes. This rush of change itself, I think, contributed to unrest, or put a premium upon it. In India it is the natural instinct of the Indian to "go slow" and when everything "went fast" all of a sudden, without, as it was considered, a taking into confidence, the effect was disturbing to the Indian mind. The summoning of councils or conferences of Indian officials would have been exactly that form of "taking into confidence" which would have allayed the startled, disturbed, or unrestful feelings. Such summonings would no doubt have delayed matters, have rendered some of the proposed changes impossible in the time, but from the point of view of the present correspondence this would have been desirable. It would also have suited the views of the educated Indian thinker. The present correspondence is an implied council to "go slow" in administration; and in India, as most Anglo-Indians of experience know, this is the best of watch-words for each succeeding Viceregal Government.

Yet the correspondence also might be accused of erring in going too fast in another direction, namely, the political direction. It is all very well to say that by nomination of members useful working councils can be obtained. The statutory rules which were resorted to to give the present Viceregal Legislative Council an elective as well as representative character, show that as soon as councils are established this is the way the tendency lies, and the pressure begins and continues. Pressure towards turning the Advisory Councils contemplated into elective and representative ones is bound to urge itself forward: and owing to this knowledge only do the proposals under consideration at all satisfy the impetuous advanced thinker. The advanced thinker considers a nominated member inclined to be a submissive member, and he considers him not a responsible person and therefore inefficient. He considers him not responsible because he has not got a vote. An elective electorate, elected councillors, and councillors with a right to vote for or against any measure proposed in council are the goal of the ambition of a large section of advanced thinkers, and the moderate and impetuous among them only differ as to the degree of limitation or reservation necessary at the present time to prevent councils, having these objects admittedly in the background, from stultifying themselves as manifest impossibilities *in limine*. It seems therefore desirable, before embarking upon reforms which must tacitly accept or countenance these ambitions, to consider whether lost touch cannot be regained by any less compromising experiments. I think that it is a very great pity that the idea of summoning councils of Indian officials in regular fashion in the past was not elaborated, and also a great pity that this notion did not find a place as an alternative proposal in the correspondence now under discussion.

I am a deeply earnest supporter of the desirability of maintaining touch which is incumbent on any conscientious and intelligent Government, but I would follow the conservative and traditional methods first, in preference to, when India is considered, new fangled ones. My point is that we have not yet followed the conservative and traditional methods; for I cannot find it possible to agree that the *Badshah* ever made it a rule to summon non-official councils. This was not in the least contended by the Indian official above mentioned, whom I conversed with.

Of course it would be contended by the pushing Indian politician that officials summoned to council invariably adopt, and would adopt, the *jo hukm* attitude. He would say, and says this also of the nominated councillor. But I think it is true neither of the one nor of the other at the present day, and that it is and will be every day less and less possible to urge this imputation. The Indian official recruited from the educated classes is, within the limits of due discipline, becoming every day more frank and outspoken in his attitude to his superiors. (I take the officer above alluded to as a case in point. He is a young Muhammadan (only 10 years out of college), an excellent officer, he is frank and outspoken, and in no way too timid before his superiors). So also are and would be the persons and notables who would be nominated councillors under the scheme. Nor is it clear why there should be a difference. The official and the councillor, *in posse*, come from the same classes. The insensate *jo hukm* attitude is likely to as fast disappear from among officials and the persons who would furnish these non-official councillors as from those educated classes who think and write and press politics. A most remarkable letter in this connection appeared in an Indian newspaper (Lahore) the other day under the heading "What the people of India want." I do not believe the Indian official would be found tongue-tied if called into council or conference, especially when he would be, as he is, perfectly aware of all the discussions antecedent to any such calling if it happened. He would know that in addition to this official position, he had a "mandate of the people," as the political phrase goes, for those purposes connected with Indian thought and life for which he was so called.

And a great deal more do I not believe that the non-official councillor, albeit nominated, will be found tongue-tied or at all partial to the *jo hukm* attitude. He, on the other hand, admittedly not being "responsible," will be likely to be less submissive than oppositionary. The tendency will be that way. Experience shows it. The few elected councillors are likely to leaven the mass of the nominated ones, until the councils become mere "opposition benches." This I think is inevitable.* The elected members being dissatisfied members—permeated with the ambitions above described—are bound to be in opposition. They would be, as their being elected would imply, generally pushing politicians, and, as such, dissatisfied at having no power of vote. Their dissatisfaction would gradually extend to nominated members with practical certainty.† I do not see how this can fail to happen: with the result that a council almost entirely "in opposition" would result. And in this case Government would quite possibly often be incurring the odium of passing measures which it considered called for in conflict with the advice of its councillors; a situation absolutely courted by itself. It is obvious that this would not mend matters or help to make apparent that "touch" of which the want, or loss, is deplored. The want, or loss, of touch would only be emphasized in the eyes of the public. I imagine that this hope is not far from the mind of the dissatisfied pushing politician at

*To such extent as it is not counteracted by interested schism.

†Subject only to the above noted distractions.

the present time when he considers the present proposals, or at any rate of that class of politician who wishes to see the Government embarrassed. He has shown himself ready to embarrass the Government, and he must doubly welcome any readiness displayed by Government to embarrass itself. Why the Advisory Councillor is likely, in the long run, to be in opposition would be explained by such thinkers on the ground, that he is not "responsible." The more pushing among them would resent their not being "responsible" (that is, having no right to vote), and they would close ranks in opposition. The attitude of opposition benches is notorious the world over. It may be seen at St. Stephen's any day. It is one of opposition for the sake of opposition (unfortunately so, from the point of view of those who hold that party politics should not obstruct public business) and one of objection for the purpose of creating embarrassment to the ministerial benches. To all intents and purposes the Indian Government would represent the last-named benches, and the Advisory Councils the opposition benches, and their tactics would be the same dictated by the same spirit, namely, one of party politics.

Disingenuous attack of proposed Governmental measures, misrepresentation, exaggeration, and appeals to the gallery are among the tactics employed by all parliamentary opposition benches in all Western countries, and these possibly would be assimilated, elaborated, and improved upon by Advisory Councils in opposition in India.

Therefore I say we should "go slow" lest our latter state be worse than our first: or lest the suggested remedy be not worse than the disease. To be held up publicly as not only being not in touch but to be acting in conflict with advice tendered by councils is worse than to merely deplore a want of touch.

To try and establish touch by methods having at their root the satisfaction of political aspirations is a mixed procedure which confounds in my opinion "practical utility" and "expediency." The expediency may or may not exist as imperative. I cannot from my limited scope of vision judge whether it is absolutely imperative or not: but as to practical utility I deliberately say that touch can best be maintained or loss of touch regained by council which it had with Indian officials, namely "responsible" councillors as distinct from the "irresponsible." You will get real council from the one and irresponsible attack from the other. You will establish a real touch by means of the one and will be held up to the public as having none, and oftener as acting in conflict with expressed Indian opinion, by the other.

And I believe that the summoning of Indian official councils would be as politically effective as the other move with moderate thinkers, although it would never of course satisfy the pushing politician who aspires to a representative assembly with powers of vote. But neither do the present proposals satisfy him. He jeers at them.

These are my views written with all earnestness, but I regret to say as hurriedly as the press of work in this Lahore district is bound to occasion, especially in the case of a district officer who has only just taken charge and whose English office has, as it happens, just broken down under an inefficient ministerial *personnel*.

I have, however, to add that my objections to councils of irresponsible non-officials in general and to merely traditional rulers do not apply to councils of responsible actual rulers such as the Chiefs of States. Putting aside questions of individual capacity and temperament these Chiefs, selected in the body, would be anxious to give not only their opinions in connection with Indian thought and life but advice in what they considered to be the best interests of administration. Indirectly native rulers are interested in the administration of British India not only because they are often expected to follow suit upon the model, but because the attitude of their subjects is likely to be affected by new departure, especially when these are admittedly experiments which affect the political constitution of Government in British India. Their subjects are also liable to be affected by the spirit of thought generated by British rule in British India; and, in a measure, although with long interval between, they are likely to be confronted with the same problems of administration such as give rise to the present correspondence.

In a word, progress in British India and in the States should go on side by side, although perhaps not at equal pace, and to associate the rulers of States as Advisory Councillors with Government in facing the problems of administration seems to me a proposition natural enough to escape objection.

C. G. PARSONS, *Lieut.-Colonel,*

Deputy Commissioner, Lahore.

Replies by Lieutenant-Colonel C. G. Parsons to the categorical questions, etc., written in continuation of his "general opinion" preceding.

I. (1) For the reasons given in my general opinion I do not consider so. It will be seen that I advocate Advisory Councils of responsible officials and of responsible rulers,

not of irresponsible non-officials and merely traditional rulers. If the Advisory Councils contemplated are resolved on, I can suggest no modification in the manner of arranging its constitution and duties. As long as the manner announced is adhered to it would seem the least open to objection.

II. (2) I do not think so, for reasons already stated. If Provincial Councils of the kind contemplated are resolved on no modification of the proposals for constituting it occurs to me.

III. (3) That the elective principle crept into the existing council to the extent of 5 seats shows what the inevitable tendency is, and elected members are, for reasons given in my general opinion, almost bound to be "in opposition." To provide for 18 elected members out of 53 is to court the risks indicated in my "general opinion," I consider.

(4) The same criticism *mutatis mutandis* applies.

(5) Election by the land-holding members of the Provincial Council is open to the same criticism. To impose the duty of election upon the land-holding classes (whatever reservations as to the high status for the voter were made) would be in my opinion to introduce perhaps well meant but none the less iniquitous discord among those classes. An inexcusable experimentalisation with Western methods among an Eastern race is what I would condemn as I consider it would be iniquity not to be atoned for by subsequent extenuation on the plea of good intention obscured by want of insight. "I came not to introduce peace but a sword" is the question which most readily occurs to me on contemplating the proposal. The proposal would be the thin edge of the sword. The continual foisting of debateable Western methods on the East is in my opinion deplorable.

The third alternative suggestion of nomination commends itself to me.

(6) The same remarks apply to the proposed election of two Muhammadans. I approve of four Muhammadans being appointed, but would have all four nominated after examination of *representations* made to Lieutenant-Governors and Viceroys, which representation would be made freely enough either by memorial or deputation. It is election with all its evils which is so iniquitous in result. Representation is surely possible by other usual means.

IV. (7) I do not advocate any increase as my general opinion shows. If increase must be, let it be as restricted as possible.

(8) Nomination is the only form of appointment I consider justifiable.

(9) I would not advocate a fixed rule which would tie the hands of Lieutenant-Governors and court perhaps acrimonious discussions.

(10) I can suggest no electorate system which would not be open to evils far greater than the arbitrarily presumed political privileges. If election were unfortunately resolved on a closely discriminative electors' list would be needed.

(11) If the present proposals mature I would advocate separate representation of classes; and—

(*a*) I would carry it out by appointing persons named by *anjumans* and *panchayats* or communities by means of memorial or deputation.

(*b*) The "corresponding changes" contemplated in municipalities and district boards are an elaboration too intricate for practical adoption in my opinion. These bodies might be "consulted" about naming members when occasion required or circumstances allowed, but the constitution of them as elective arenas, and the constitution of elective arenas throughout the country, is the objection which I have tried to inveigh against to the best of my power.

(12) I think separate provision should be made, but the representatives should be nominated. There is no use in repeating my views too often.

V. (13) I think the alterations proposed reasonable, since the members of the council as responsible representatives of various interests should have full opportunity of discussion under the most facile means for rendering discussion less discursive and more fruitful. But lengthy sittings of council will no doubt have to be looked for.

(14) Not at present, either in one way or the other. I cannot conceive why developments should not be allowed to "grow" rather than be manufactured.

(15) If members showed a general desire for interpellation, I would in due course provide for it, but I would not introduce it as a necessary outcome of the present correspondence as this is what I mean by manufacturing a development.

Dated Lahore, 22nd October 1907.

From—Rai Sahib K. B. Thapar, Lahore,

To—The Deputy Commissioner, Lahore.

I have the honour to acknowledge, with thanks, the receipt of your office circular no. 6268, dated the 11th instant, inviting my opinion on the proposals of the Government of India for establishment of Advisory Councils both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Legislative Councils.

2. Taken generally the proposals in question constitute a distinct step in advance in the direction of giving the people of India wider opportunities of expressing their views on administrative matters. I am disposed to welcome proposals of the nature, because I am convinced that the work of administration in this country is more difficult than it really ought to be on account of the opportunities of mutual consultation and of exchanging confidences between Government and representative men among the people being not as frequent as one would wish them to be. If the officials of Government and men of light and leading among the people meet in formal or informal conferences pretty frequently, there is sure to be much less room than at present for that misunderstanding between Government and the people which gives rise to difficulties of all sorts and at times causes considerable anxiety both to Government and those among the people who have a stake in the country. All well-wishers of the country who think that the interests of Government and the people are identical, unite in deploring the misunderstanding in question, because it retards the progress of the country on sound and harmonious lines in almost even direction.

3. As desired in paragraph 2 of Mr. E. D. Maclagan's lettter, dated the 27th September 1907, I shall endeavour to record my views on the proposals of the Government of India by answering the series of questions in the order in which they are stated at the end of the letter referred to above.

4. I. (1) *Imperial Adisovry Council.*—I am of opinion that an Imperial Advisory Council generally on the lines sketched out in paragraph 4 of Sir Harold Stuart's letter, dated the 24th August 1907, would be of service to the country. As regards the proposals contained in paragraph 5 of the letter referred to above, I have nothing to suggest regarding nos. 1, 2, 4, 5, and 6. But with reference to no. 3, I am inclined to think that the council would be better able satisfactorily to discharge one of its most important functions, *viz.*, (as stated in the conclusion of paragraph 4 of Sir Harold Stuart's letter), as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government, if room could be found in its rank for a few representatives of the educated classes. A council consisting exclusively of ruling Chiefs and territorial magnates would not command, to the extent that it should, the confidence of the people, more especially of the educated classes whose influence in shaping the views and opinions of their countrymen is out of all proportion to their numerical strength. I do not think it would be difficult for Government to find men of education and cultures suitable for nomination to the Imperial Advisory Council outside the ranks of territorial magnates, and what is known as the hereditary nobility and aristocracy, men who in social status and in their influence over their fellows are inferior to no territorial magnates in the land. The inclusion of such men in the Imperial Advisory Council would go a long way to disarm adverse criticism against its constitution and, later on, against its work. I am urged to press this view by the fact that the people at large are not disposed to recognise the claims of land-holders, territorial magnates, and men of good families and their hereditary leaders to the extent they did 30 years ago. The freedom from control or bondage of any sort they have enjoyed during the past 50 years, and the levelling influences of British *Raj* have made them quite independent of the aristocracy and the nobility of the land; and the process has been a good deal hastened by the fact that the latter have allowed themselves to lag behind in the race for culture and progress, intellectual as well as moral. Educational facilities have been provided by Government for all classes of the people, but the aristocratic classes have failed to profit by them. And it is no wonder that they have, to a large extent, ceased to occupy the high place in the regards and even the affections of the people which their grandfathers did only 25 years ago. As regards proposal no. 7, I think it would add to the usefulness of the council and extend its sphere of influence if publicity was given to their work. To treat proceedings of this body as confidential would be to afford the critics of the council a weapon which would be effectively used in undermining its influence as well as usefulness. I am not disposed to deny that confidential communications will secure frank interchange of opinion, but I think that the Viceroy and Governor General could at any time confer or communicate confidentially with one or more of the members of the council, even if it was decided to give publicity to its formal deliberations.

5. II. (2) *Provincial Advisory Councils.*—A Provincial Advisory Council would be a useful institution in the province. I have nothing to add to the suggestions in this connection contained in paragraph 6 of Sir Harold Stuart's letter. My remarks regarding proposal no. 7 in paragraph 5 of the same letter may be taken to apply to the Provincial Advisory Council also. The number of members need not, in my opinion, exceed 25.

6. III. (3) *Imperial Legislative Council.*—I approve of the enlargement of the Imperial Legislative Council generally on the lines sketched in paragraph 12 of the letter of the Government of India.

Under head D—Elected members (*a*)—I would increase the number to be elected by Chambers of Commerce in Calcutta and Bombay from 2 to 4 and give the National Chambers of Commerce (consisting exclusively of Indian merchants) at those places powers to elect a member each. Under the same head (*d*) I would not have any members elected by Muhammadans. The provision made under head E (non-officials nominated by the Viceroy to represent minorities or special interests, not less than 2 to be Muhammadans) is quite sufficient to safeguard Muhammadan interests. To allow Muhammadans to take part in the elections provided under head D (*b*) and (*c*) and also to allow them to constitute themselves into a special electorate to elect 2 more members would be to give them a preponderance of influence and to create invidious distinctions which are sure to be keenly resented by the other classes of the community, more especially the Sikhs and the Native Christians who have strong claims to the special consideration of Government. The constitution sketched in paragraph 12 of Sir Harold Stuart's letter is much too favourable to Muhammadans, and if accepted and carried out finally is sure to strengthen the impression largely prevalent among the Hindus all over the country that the Muhammadans are being unduly favoured by Government and at the expense of all the other classes of the community.

7. III. (4) *Imperial Legislative Council.*—I endorse the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of Sir Harold Stuart's letter.

8. III. (5) I approve of the selection of one of the great land-owners of this Province to the Imperial Legislative Council. I would prefer a system of nomination to election in this case. But if it is decided by Government that he should be elected, I would favour the formation of a special electorate in each Province with power to elect direct. To prescribe the payment of Rs. 5,000, as land revenue as the qualification for a voter, would considerably reduce the electorate, the strength of which, in my opinion, should not be less than 100. It would also not be possible to prescribe a higher qualification in the case of candidates for election without seriously restricting their number.

9. III. (6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination—as suggested under heads D (*d*) and E of paragraph 12 of Sir Harold Stuart's letter for reasons given in paragraph 6 of this note. In case it is decided to let Muhammadans elect 2 members, I would prefer some such electorate as that described in paragraph 18 of Sir Harold Stuart's letter. If the constitution of a suitable electorate is not feasible, the election might be entrusted to the Muhammadan members of the Provincial Councils. In case a special Muhammadan electorate is constituted, its members should not be allowed to vote in the open elections. Similarly if the Muhammadan members of the Provincial Councils are empowered to nominate a representative to the Imperial Council, they should not be allowed to take part in the elections by non-official members of the Provincial Councils.

10. IV. (7) *The Provincial Legislative Council in the Punjab.*—I would advocate an increase in the present number of members and would raise the total strength to 30. I do not think less than 12 of these should be non-officials if adequate representation has to be accorded to all the important interests mentioned in paragraph 20 of Sir Harold Stuart's letter and in paragraph 8 of Mr. E. D. Maclagan's letter.

11. IV. (8) I am in favour in maintaining the present system of nomination and would not have any of the non-official seats filled by election except that assigned to the University. I do not think that under any system of election that can be devised in this province it would be possible to give the needful representation to all interests enumerated in Mr. Maclagan's letter and to secure the right stamp of councillors. Besides I am not sure that it is possible to devise an elective system in this province which would prevent men being elected who could hardly be regarded as likely to enhance either the dignity or the utility of the council. A system of nomination would, on the other hand, enable the Government to apportion the seats at their disposal with due regard to the various interests requiring nomination and without the risk being run of any particular class or interest being over represented. In filling the seats the interests of the various parts of the province would also have to be considered, and these I think would be better protected under a system of nomination than under any elective system that can possibly be invented.

12. IV. (9) There is good deal to be said for the suggestion of the Government of India regarding a fixed rule determining the proportion of seats to be allotted to each class of the population of the province (paragraph 22 (*a*) of Sir Harold Stuart's letter), although I do not advocate the imposition of a hard and fast rule, in view of the fact that the number of seats to be filled up will be necessarily limited.

13. IV. (10) If election is resorted to for the appointment of all or any of the unofficial members I would not advocate election through municipal or district boards for

the reason that the basal principle of the franchise for these institutions is governed by considerations totally different from those which ought to have weight in constituting a Provincial Legislative Council, and to introduce radical changes in that franchise merely to suit the requirements of the Legislative Council would not, I think, be conducive to the efficiency of the boards. I am in favour of a special electorate being constituted on the lines of the special Muhammadan electorate mentioned in paragraph 17 of Sir Harold Stuart's letter. To the list of electors proposed therein I would add the darbaris, the title-holders, and the fellows of the University in the province. A seat or two might also be thrown open for election by the members and office-bearers of local and municipal and district boards.

14. IV. (11) In case a separate representation of classes as proposed in paragraph 2 (*a*) of Sir Harold Stuart's letter is finally decided upon, I think it should be carried out in the manner proposed in paragraph 22 (*b*) of the same letter, corresponding changes being at the same time made in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) of the letter.

15. IV. (12) I am not in favour of any provision being made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way. The Muhammadan in the Punjab cannot be regarded as a backward community requiring special protection. In almost all branches of the public service and in the learned professions they quite hold their own, and in industry and handicraft they occupy a position of predominance. There is no fear that in any system of nomination or election that is likely to be devised in this province their interests will suffer.

16. I quite endorse the remarks made in paragraph 10 of Mr. Maclagan's letter that in the Punjab the Sikh community is of the greatest importance. Some measures are certainly necessary to secure its adequate representation on both the Imperial and the Provincial Legislative Councils. The best plan, so far as the Provincial Legislative Council is concerned, would be to make a definite allotment of seats to Muhammadan, Hindu, and Sikh communities with due regard not only to their numerical strength, but their weight and influence and their historical importance. The Sikhs are deserving of special consideration, because they supply the Indian Army with perhaps the best part of its fighting strength, and also because they constitute the backbone of the agricultural part of the provincial population. The fact that before the British occupation the Sikhs were the rulers of the Punjab and also the fact that they afford the British valuable aid in retrieving their fortunes in the dark days of 1857 deserve to be borne in mind when their case is under consideration. I trust that the claims of the Sikh community for representation on the Imperial Legislative Council will be duly pressed.

17. I have very carefully considered the suggestion referred to in Mr. Maclagan's letter that even if the present system of nomination is otherwise maintained, the Senate of the Punjab University might be asked to elect one member for the council. I am of opinion that it would be an advantage to have an additional representative of the educated classes, although it is not certain that the Senate would always elect an educated Indian gentleman. But any advantage that might accrue to the council by the election of another representative of culture and learning would be considerably outweighed by the disadvantage and inconvenience that would ensue on account of the introduction of a controversial political element into a body constituted for purely educational objects. If, however, it is decided in the case of every other Indian University that it should be empowered to return a member to the Provincial Legislative Council, to leave the Punjab University out would be to create an undesirable and an invidious distinction. In that case the Punjab might accept the inevitable.

18. V. (13) *Discussion of the Budget in the Legislative Council.*—I am in favour of altering the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of Sir Harold Stuart's letter.

19. V. (14) I am of opinion that the Provincial Budget should be discussed in the Punjab Legislative Council and by separate heads in the manner suggested in paragraph 23 of Sir Harold Stuart's letter.

20. V. (15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

21. In conclusion I may be permitted to make a few general observations. The proposals discussed in this note are tentative, and, I understand, it is the intention of Government to modify them in the light of the opinions received from various parts of the country. The provision made for giving the hereditary aristocracy and nobility of the country wider opportunities for expressing their views on measures, both Legislative and Administrative, constitutes one of the most satisfactory features of the scheme. But I wish I could say that the interests of the educated classes are also adequately safeguarded. I fear that if the scheme is accepted as its stands, the educated classes will not receive adequate representation on the reconstituted councils. It is a mistake to judge of the weight and influence of these classes by their numerical strength in the

population. I cannot help referring here to the impression unfortunately largely prevalent all over the country, that as the result of the deplorable occurrences of the past five or six months the Government are determined to put down the Hindus and the educated classes generally. This impression is by no means confined to those who take part in political agitation. On the contrary it is very general among those who have never meddled with politics in any shape or form, and whose loyalty to Government has always been above suspicion. It can never be the intention of Government to punish a whole community or a section of the people for the misdeeds of a few misguided and fanatical zealots. I would not have written on this point as I have, if I had not been sure that Government is very anxious to remove the unfortunate impression referred to above. I wish to point out that if modifications are not made in the scheme with the view to safeguard the interests of the educated classes and especially excessive representation as that proposed in Sir Harold Stuart's letter is accorded to the Muhammadan community, the impression will spread and the resentment caused will increase in both volume and intensity. I am anxious to make it clear that my remarks are not made in any spirit of hostility to the Muhammadan community which always has had and has my best and sincerest wishes for its progress and advancement.

K. B. THAPAR,

Lahore.

No. 6, Fane Road, Lahore, dated 27th October 1907.

From—E. W. PARKER, Esq., Advocate, Lahore,

To—The Deputy Commissioner, Lahore.

I beg to acknowledge the receipt of your circular no. 6403, dated the 19th October 1907, asking my views on the questions raised in the proposals for the establishments of Advisory Councils. In reply I beg to state as follows:—

A point which may be mentioned *in limine* is whether ruling Chiefs or their subjects should find any place in the Legislative and Advisory Councils. While it may be highly desirable to have a separate council (on the political side, so to speak) recruited from this direction, it is obvious that the Rulers and peoples of protected States should have no voice in the Government of British India and British subjects. Apparently this aspect has not received much attention, although a Council of Rulers and Notables of Native States would be welcomed by those States, more especially in advising the Suzerain's representatives in cases of disputed succession and the like, the lines on which a Committee of the House of Lords deals with successions to peerages being followed.

I think that Advisory Councils for British India, on the lines proposed, might, in course of time, prove useful. They would confer honour on the members and bring them into touch with the Government.

I am, however, entirely opposed to all forms of election on Western lines.

The introduction of a system of election into municipalities, in Lord Ripon's Viceroyalty, on lines altogether foreign to the genius of an oriental people and to the history and traditions of the peoples of India, has been fraught with disastrous results; the chief of which lies in the antagonism between Hindus and Muhammadans which has since become so accentuated.

Whatever mode of selection is adopted, let it be based on methods indigenous to the country and let it avoid all forms of individual voting and ballot.

As to the Imperial Advisory Council it might be entirely constituted by selections made from the Provincial Advisory Councils, the membership to the latter councils being made by Government nomination.

It seems to me necessary, at this stage, to consider questions of detail which will, no doubt, be easily worked out when general principles have been settled.

E. W. PARKER,

Advocate, Lahore.

Dated Lahore, 5th November 1907.

From—MIAN MUHAMMAD SHAH DIN, K.B., B.A., Barrister-at-Law, Lahore,

To—The Deputy Commissioner, Lahore.

With reference to your letter no. 6268, dated 11th October 1907, I have the honour to forward herewith my opinion on the proposals of Government of India for the establishment of Advisory Councils, both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Legislative Councils.

M. SHAH DIN,

Barrister-at-Law, Lahore.

OPINION.

I. *Imperial Advisory Council.*—The reasons set forth in paragraphs 4 and 6 of the Government of India letter regarding the desirability of establishing the Imperial and Provincial Advisory Councils thoroughly commend themselves to me, and I think that the formation of such councils will prove useful both to Government and to the people. Owing to a variety of causes, which it is needless to enter into in this place, circumstances have come into existence in recent years which have rendered it much easier than before for interested persons and for political agitators of the extremist type to create in the popular mind a distrust of the motives and measures of Government, with the result that among large classes of the people there prevails at this moment an artfully stimulated feeling of discontent with existing conditions of administration, which constitutes a serious menace to the cause of peace and good government in this country. It would be wise, therefore, for the authorities to devise some means by which they would be enabled, with due regard to the necessities of the time and the expansive conditions of modern progress, to take the influential classes of the population more into their confidence, and through the latter to turn the dominant currents of genuine Indian thought and feeling into channels more in harmony with the needs of a sound Imperial policy. The necessity for adoption of measures calculated to bring about such a result is imperative, and I am persuaded to think that the establishment of Imperial and Provincial Advisory Councils would be a step in the right direction.

As regards the constitution and duties of the proposed Imperial Advisory Council, I regret I find myself unable to concur fully in the suggestions made in paragraph 5 of the Government of India letter. The modifications which I venture to propose are as follows:—

(1) The membership of the council should not be limited, as it is proposed to be limited, to the ruling Chiefs and the territorial magnates of British India, but should be extended to the influential representatives of important interests in the country such as industry, commerce, the learned professions, &c., which the Government of India themselves have considered of sufficient weight to be entitled to a representation on the Provincial Advisory Councils. In this respect I see no cogent reason why a distinction of a radical character should be drawn between the Imperial Council and the Provincial Council; in fact, so far as this aspect of the constitution is concerned, instead of working down from the Imperial Council to the Provincial Councils, I would work up to the former from the latter, and I would include in the Imperial Advisory Council the representatives, however small in number, of all the interests which, in view of their relative importance in the country, can legitimately claim representation on the Provincial Councils. In my humble judgment the Imperial Advisory Council should be, as the Imperial Legislative Council generally is in its relation to local Legislative Councils, an epitome of all the Provincial Advisory Councils in the country, for it is then and only then that it will be fit to discharge the great functions for the performance of which it is proposed to establish it, *viz.*, to act as a faithful exponent of the views and wishes of all races and nationalities both in British India and in the principal Native States, and to serve as a reliable "agency for the diffusion of correct information upon the acts, intentions, and objects of Government."

(2) If, as is proposed, the council should consist of about 60 members, I would suggest that the number of ruling Chiefs should not exceed 15, *i.e.*, one-fourth the total number of members. If the inclusion of about 20 Chiefs in the council is for some reason considered desirable, I would raise the total numerical strength of the council to 80, which would probably be a suitable figure if, as I have suggested above, important interests other than those of the great land-holders should be considered entitled to claim representation on the council.

(3) I would also suggest that in finally settling the constitution of the council, the Government of India should make it clear that, so far as possible, the nominations to the council will be made with due regard to the numbers and the political and historical importance of the several communities which inhabit India. A declaration to this effect will, in a large measure, satisfy the vast majority of the Indian people who are outside the sphere of influence of the professional politician, who is almost pledged to oppose the political reforms undertaken by the Government of India, and who will endeavour to minimise the representative character of the proposed Advisory Councils, the institution of which obviously is not in harmony with his ideas of political advance.

II. *Provincial Advisory Councils.*—For the reason which I have set out above I think that a Provincial Advisory Council for the Punjab would be a useful institution. I have no particular suggestions to make in connection with the proposals made in the Government of India letter and in paragraph 4 of the letter from the Chief Secretary to the Punjab Government regarding the constitution and duties of such a council.

III. *Imperial Legislative Council. Answer to question* 4.—I certainly approve of the proposed enlargement of the Imperial Legislative Council. I do not, however, see my way to concur fully in the scheme sketched out in paragraph 12 of the Government of India letter. I would propose the following modifications:—

(1) I do not approve of the nomination of a ruling Chief to the council. A ruling Chief may fitly find a place on the Imperial Advisory Council, and the proposed constitution of that council, according to which a sufficiently large number of ruling Chiefs will under all circumstances be its members, affords ample scope for a full expression of the views of the heads of the principal Native States on most of the important matters affecting the Indian people in regard to which they might profitably be consulted. They have little practical knowledge of and take less interest in the legislative needs of British India, and with all possible respect for the Chiefs who have so acted as members of the Imperial Legislative Council, I do not think that their contributions, if any, to the discussions on the various legislative measures brought up from time to time before the council, would in the majority of cases be of much intrinsic value. A member from among the ruling Chiefs may no doubt on exceptional occasions ensure or strengthen the official majority in the council, but this object can well be secured without such a member being nominated; and I therefore do not see any reason why the anomaly, in view of the proposed institution of the Imperial Advisory Council of nominating a ruling Chief to a seat on the Legislative Council should be persisted in.

(2) The question of setting apart a fixed number of seats on the council for the Muhammadan community is one of great importance, and I believe I only voice the real feelings of my co-religionists in all parts of India when I say that the proposed reform in the constitution of council according to which a number of seats will be specially reserved for Muhammadans is viewed with great satisfaction by the community. This reform will not only serve to remove one of the grievances which have been long and sorely felt by Muhammadans in the past, but will also mean the timely recognition by the Supreme Government of a just principle of separate racial representation on the councils of the Indian Empire, which, when fully carried out, will tend to solve many of the administrative difficulties of Government. I, therefore, strongly support the proposal to allot a fixed number of seats to Muhammadans on the Imperial Legislative Council, though, at the same time, I cannot approve of the suggestion to limit this number to 4. After making due allowance for the possible return of, say, two Muhammadans (the return of more than two being exceedingly improbable) under sub-heads (*b*) and (*c*) of head D of the scheme sketched out in paragraph 12 of the Government of India letter, it is not too much to say that the six Muhammadan members elected and nominated under heads D and E out of a total of 53 members would hardly suffice for the adequate representation of the vastly diversified interests of the Indian Mussalmans on the Viceroy's Council. If the Government of India have seen fit to recognize the justice of the Muhammadan claim to a separate representation on the Legislative Councils of the country, in the spirit of the generous reply given by His Excellency the Viceroy to the address presented to him by the Muhammadan deputation at Simla on the 1st October 1906 (referred to in paragraph 16 of the Government of India letter), surely the representation so conceded should be adequate. For, if this is not done, the Government of India will, on the one hand, have incurred the odium of Hindu politicians of the Congress school for alleged partiality to the Muhammadans in giving them a special representation on the councils, and, on the other hand, would fail to fully carry out the object which the Muhammadan deputation had in view, and to satisfy the just demands of the educated Muhammadans for an adequate representation of their special interests on the enlarged council boards. I would, therefore, suggest that *six* instead of *four* seats be reserved for Muhammadans on the Imperial Council, and that to carry out this idea two additional seats be given to them under sub-head (*d*) of head D. If this suggestion is adopted, then in the event of two Muhammadans being returned under sub-heads (*b*) and (*c*) of head D from the two provinces of the Punjab and Eastern Bengal and Assam, there will be altogether eight Muhammadans on the Imperial Council out of a total of 53 members—a representation which will be just adequate enough to safeguard Muhammadan interests, and can under no circumstances be regarded as an unduly large or extravagant concession in favour of Muhammadan demands.

The suggested increase in the number of special Muhammadan seats would necessitate a readjustment of the figures given under various heads and sub-heads as specified in paragraph 12 of the Government of India letter, and I would therefore propose the following three alternative schemes:—

(*i*) The same scheme as that set out in paragraph 12 be adopted, *except* that I would strike out (2) (*c*)—no ruling chief to be nominated—and would reduce the number of additional officials to be nominated under head (2) (B) from 20 to 19. This would set free two seats which would be added to those reserved for Muhammadans under head D, sub-head (*d*).

Under this scheme the official majority, which must always be ensured, will still hold the field.

(*ii*) Same as above, with the modification that if the nomination of a ruling Chief under head (*c*) is considered essential, the number of experts under head F may be reduced from 2 to 1.

(*iii*) If it is considered inexpedient to reduce the number of additional officials under head B or to interfere with the proposed nomination of one ruling Chief and of two experts, then in order to secure an official majority 22

officials may be nominated instead of 20 under head B, so that the suggested increase in the number of Muhammadans under head D, sub-head (*d*), may be counterbalanced by a corresponding increase in the number of official members. The maximum strength of the council would thus be 57 instead of 53, and out of these 57 members there will be about 8 Muhammadans.

The above alternatives of course are not exhaustive, but they are put forward as tentative solutions of the question as to the redistribution of the seats on the council which would necessarily arise as a corollary to my suggestion regarding an increase in the number of seats proposed to be allotted to the Muhammadans.

Answer to question (4).—I thoroughly approve of the proposal set out in paragraph 13 of the Government of India letter that the non-official members of the Punjab Legislative Council should have the privilege of electing from amongst themselves one member to a seat on the Imperial Council.

Answer to question (5).—So far as the Punjab is concerned, I do not think the time has come for Government to confer on the great land-holders of the province the privilege of electing one of their class to a seat on the Imperial Council, and I am therefore inclined to the opinion that a system of nomination would be better suited to their requirements. In making a nomination, however, the Government of India should, so far as possible, give due weight to the wishes of the great body of substantial landowners on the subject, and to the conditions of the community to which the majority of them happen to belong.

If, however, the Government decide to confer the franchise on the nobles and the great land-owners of this province, empowering them to elect a representative of their own on the Imperial Council, I would suggest that for this purpose a provincial electorate be formed of those land-holders who pay land revenue of Rs. 5,000 and over, and that they elect direct to Imperial Council a member who must himself belong to their class. I do not approve of the alternative methods of selection proposed in paragraph 15 of the Government of India letter, nor do I think that an electorate of sufficient size and weight will be obtained in the Punjab if the amount of land revenue giving the right to vote is raised above Rs. 5,000.

Answer to question 6.—The first part of this question I have already had occasion to deal with in answering the second part of question 3. I have stated that I fully approve of the proposal to set apart a fixed number of seats for Muhammadans, but that the number of seats proposed to be so set apart is sufficient. I have suggested that six seats be specifically reserved for Muhammadans, four under head D, sub-head (*d*), and two under head E (see paragraph 12 of Government of India letter). Four Muhammadans will thus be elected, and two will be nominated by the Viceroy. The four seats reserved for elected Muhammadans should be filled by the privilege of election being exercised by the six provinces mentioned in paragraph 18 of Government of India letter in rotation. In each province the electorate should be constituted as follows:—

(*a*) Same as under head (*a*) in paragraph 18.

(*b*) Same as under head (*b*) in paragraph 18.

(*c*) Muhammadan graduates of not less than 10 years' standing.

In every case it should be made a condition that the member elected must himself belong to one of the three classes enumerated above.

I am disposed to think that, as pointed out by the Government of India, it will be comparatively difficult to compile a list of voters under head (*c*) as suggested in paragraph 18 of their letter; and, apart from difficulties of such compilation, some interested persons will, I am afraid, resort to improper means to bring themselves within the purview of the property qualifications proposed under the above head with a view to being able to vote in elections for, and to get election to, a seat on the Imperial Council. On the other hand, if the electorate be confined to the Muhammadan non-official members of the Provincial Council, the number of electors will certainly be too small for the object in view, and the result of the election will not always command the confidence of the Muhammadan community. The electorate should, I think, be large enough to represent the influence and the intelligence of the community; and this can be obtained by adopting the composition which I have ventured to suggest above.

IV. *Answer to question* 7.—I would propose that the maximum strength of the Punjab Legislative Council be 26, or, including His Honour the Lieutenant-Governor, 27.

Of the 26 members there should be 14 officials and 12 non-official members.

Answer to question 8.—In the existing circumstances of the Punjab, I am a strong supporter of the present system of nomination, as I am persuaded to think that this province, though it is advancing with rapid strides, has not yet made sufficient progress in arts of life to enable its population to exercise the privilege of election with manifest advantage.

Answer to question 9.—I would certainly advocate a fixed rule determining the proportion of seats to be allotted to each community, and I would suggest the following composition of the non-official portion of the council upon a class basis:—

There should be 12 non-official members of the council, consisting of—

(1) Six Muhammadans.

(2) Five Hindus and Sikhs. { (*a*) Three Hindus. (*b*) Two Sikhs.

(3) One Christian.

As the Muhammadans constitute the major portion of the population in the Punjab and as they form a community which, apart from its members, is entitled by reason of its historical and political importance to special consideration in the proposed scheme of reform, at least half the number of non-official seats on the council must under all circumstances be appropriated to them. I have therefore proposed that they should have *six* out of twelve such seats on the council. Of the remaining six seats, five should go, I think, to Hindus and Sikhs, who for all practical purposes constitute one community and should be treated as such, so far as their representation on the council is concerned. If, however, either the Sikhs for some reason claim to be entitled to the privilege of representation as a separate community, or the Government chooses to treat them as a distinct section of the population of sufficient importance to stand by itself, then I would assign 3 seats to Hindus and 2 seats to Sikhs, which in the present circumstances of the province, I consider to be a fair division between the two religions. To the Christian community, I would allot one seat and I think that in view of their small numbers, their relative needs, and the character and extent of their interests as involved in the matter of legislation, they are not entitled to larger representation.

As regards the suggestion that the Senate of the Punjab University might be empowered to elect one member to the council, I am of opinion that the proposed concession will *not*, on the whole, be a step in the right direction. The educated classes can be sufficiently represented otherwise than by conferring the franchise on the Senate of the University as a corporate body, and, under the present circumstances of the province, one can see possible difficulties ahead in the practical working of the proposed franchise. The Senate represents many shades of political opinion, and it is highly probable that, unless the suggested election is conducted in alternate years on the basis of a class representation, the conflict of political interests involved in it will lead to undesirable consequences. Such a result should, if possible, be avoided; and I, therefore, strongly dissent from the proposal to give the University the right to nominate a representative on the Legislative Council.

Answer to question 10.—If the Government decides to introduce into this province the system of election, I would propose that the non-official portion of the council be constituted somewhat on the following lines:—

Out of 12 non-official members—

(A) Eight members may be elected as follows:—

(1) By the municipal committees	3
(2) By the great land-owners	2
(3) By the Muhammadans	2
(4) By the commercial community	1
TOTAL	8

(B) The remaining four members may be nominated by the local Government to represent special interests, and of these four not less than two must be Muhammadans.

According to the above scheme not less than four seats would be definitely appropriated to Muhammadans, who it is hoped may be able to secure two more seats on the council in the ordinary way, if the electorates for the election of members of municipal committees be constituted on the lines suggested in paragraph 22 (*c*) of the Government of India letter.

It will be further observed that I do not advocate election exclusively through the municipal committees, but only reserve one-fourth of the total number of seats for their representatives. The district boards are not yet sufficiently advanced for exercising the privilege of election profitably, and I would not therefore confer the franchise upon them for the present.

If the system of election is sought to be worked upon the basis of class representation (as advocated by me in answer to question 9), then I would suggest the following alternative scheme:—

(A) To be elected—7 members:—

(1) By Muhammadans	3
(2) By Hindus	2
(3) By Sikhs	1
(4) By Christians	1
TOTAL	7

(B) To be nominated by Government—5 members:—

(1) Muhammadans	3
(2) Hindus	1
(3) Sikhs	1

Answer to question 11.—I have already approved of the separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter (see answer to question 9). I do not, however, approve of *all* the representatives of a particular class being *elected* by that class, for I think that (if the system of election is to be introduced into this province) a fair proportion of those representatives must be nominated.

As at present advised, I am not prepared to concur in the method of constituting electorates for the election of representatives of each class as suggested in paragraph 22 (*b*) of the Government of India letter. Whatever may be the case in other parts of the country, in the Punjab Hindus and Muhammadans who have held or are holding office in the municipal or local boards, as a general rule, are not regarded as representative men of either community. It is a well known fact that, under existing conditions, very few men of light and leading present themselves for election to municipal boards, and those who do almost invariably get defeated by men who are unscrupulous enough to use all kinds of electioneering tricks to gain a victory. Of the persons who are nominated to these boards, there are not many who command the respect of the progressive sections of the population, or who are alive to a sense of their civic responsibility. I would not, therefore, confer on the past or present members of the municipal and district boards the right of voting for the election of a large number of members of the local council; I would only give them the right of electing a small proportion of the representatives assigned to each class, and for the election of the rest I would constitute special electorates for the various classes of the population.

I strongly advocate a change in the constitution of municipal and district boards of this province upon the lines laid down in paragraph 22 (*c*) of the Government of India letter. Hitherto the representation of Muhammadans on these boards (more especially on the municipal committees) has been most inadequate, with the result that their interests have almost throughout the province greatly suffered at the hands of an unsympathetic Hindu majority which rules over nearly every municipal corporation. The system of promiscuous election in vogue at present in most of the important towns in the Punjab is radically wrong and is open to serious objections in practice, and I think the time has come when Government should replace it by a more equitable system conceived in the spirit of the judicious proposals embodied in paragraph 22 (*c*) of the letter from the Supreme Government.

Answer to question 12.—The first part of this question I have answered above (see answer to question 10). As regards the second part of it, I would suggest that a special Muhammadan electorate be constituted consisting of—

(1) All who pay income-tax on Rs. 2,000 and over.
(2) All who pay land revenue of Rs. 750 and over.
(3) All registered graduates of the local University of not less than 5 years' standing.

The standards of income tentatively proposed in paragraph 17 of the Government of India letter are in my opinion rather low, and as I do not approve of the electorate being too large and unwieldy, I have proposed the exclusion of payers of income-tax who earn less than Rs. 2,000 a year.

I would further prescribe special qualifications for a candidate who would stand for election to the council, *viz.*, he must—

(1) either pay income-tax on Rs. 6,000 a year,
(2) or pay land revenue of Rs. 1,500 or over,
(3) or be a graduate of an Indian University of not less than 10 years' standing.

If Muhammadan members of municipal boards are at all empowered to elect a representative to the council, the privilege should be limited in all cases to the election of *one* member, and the remaining members should be elected by the special electorate as constituted above.

V. *Discussion of Budget in the Legislative Council. Answer to question* 13.—I approve of the proposed alteration in the system of discussing the Budget in the Imperial Legislative Council upon the lines suggested in paragraph 23 of the Government of India letter.

Answer to question 14.—I think that the time has come when the Provincial Budget should be discussed in the Punjab Legislative Council. I do not, however, advocate its discussion under separate heads in the manner suggested in paragraph 23 of the Government of India letter, as I think that for some time to come the system of discussing the Budget as a whole will work quite satisfactorily in the Punjab.

Answer to question 15.—I certainly think that the power of interpellation by members should be introduced into our Provincial Council.

M. SHAH DIN,
Barrister-at-Law, Lahore.

Dated Lahore, 6th November 1907.

From—BHAI GURDIT SINGH, Rais, Lahore,
To—The Deputy Commissioner, Lahore.

With reference to your letter no. 6343, dated 18th October 1907, I have the honour to submit herewith my answers to the questions set forth in the Punjab Government letter no. 2643-S., dated 27th September 1907, relating to the proposed Advisory Councils.

GURDIT SINGH,
Rais, Lahore.

OPINION.

I. *Imperial Advisory Council.*—The needs of the time seem to be that the Government should freely consult the public before adopting any measure affecting the welfare of the people in general. Free consultation with the public through its proper representatives would not only remove misunderstandings between the rulers and the ruled, but would often supply the missing link in the series of official information. The proposed Advisory Council will certainly become a great boon to India if the members are given ample opportunities to express themselves affecting the welfare of the public and are kept in sufficient touch with the officials so as to have their confidence and trust in full. The utility of the Imperial Advisory Council will depend upon its *personnel* as well as the measure of exchange of confidence between the members and the Government officials. The association of the Ruling Chiefs would conduce to the ornamental as well as the useful side of the council, only if those Chiefs are selected who can think of themselves without depending entirely upon their Private Secretaries. The council itself is a marked step in the constitutional progress, but the total absence of elective principle minimises the value of the boon. The object of "diffusion of correct information upon the acts, etc., of Government" would be better attained if out of the proposed number of 60 councillors 7 at least were chosen by the people of the country in the way the Government may deem fit and proper, and the rest are nominated by the Government, due regard being paid to the personal qualifications and usefulness of the candidates. I venture to think that the proposed Imperial Advisory Council with its members having powers of free criticism and opinion though no control of Government, cannot but be a blessing to the country. But the British Government, while so kindly training its Indian subjects in the ways of the Government of their country, should be prepared to confer more privileges of the kind in time. It is highly gratifying to see that the Government already aims at adequate representation of the interests of all classes, religions and creeds, and I feel therefore confident that the case of the Sikhs who care more to serve the Government than to talk loud and wide, and who depend entirely upon the benign British Government for their subsistence, protection, and welfare, will not be allowed to merge into that of the Hindus who seem to be rather under cloud in the scheme of reform.

II. *Provincial Advisory Council.*—Paragraphs 6 and 7 of the Government of India letter no. 2310—2317, dated 27th August 1907, contemplates an Advisory Council for each Indian province similar to the one Imperial Advisory Council for all India; and I venture to think that the Provincial Council will be as good and useful an institution for the province as the Imperial Council will be for the whole country. Confining my remarks to my province I think that the Punjab needs an Advisory Council very badly,

and its existence some months ago would have prevented the unfortunate events of which all sensible people are ashamed. But its usefulness will depend, as remarked in the case of Imperial Advisory Council above, chiefly upon the constituents of the council and the degree of the confidence reposed by the Government officials in the members and *vice versâ*.

Considering the past history and present conditions of the Punjab, I venture to think that the well-meant intentions of the Government in establishing the proposed Advisory Councils will be better fulfilled if all the members of the Punjab Provincial Council are selected by the Government; but in selecting members the number of the Sikh members should especially be larger than the proportion of their numerical strength would demand—because (1) in no other province of India there is any chance of a Sikh appearing on the Council; (2) their backwardness in education and consequent inability to give orations is apt to create wrong impressions about their rights and abilities; (3) their eminent services in the field of action mere look of which causes the classes now favoured with public appointments in all departments to apply for leave on private affairs; and (4) their helplessness and enitre dependence upon the Government; for all they had is now at the service and disposal of the Government willingly given and most loyally presented.

Under the circumstances I opine that out of the proposed 20 members of the Punjab Provincial Advisory Council, 10 should be officials with 1 or 2 Sikhs, and 10 non-officials, 3 Sikhs, 2 Hindus, 1 Christian, and 4 Muhammadans.

III. *Imperial Legislative Council.*—The proposed Government scheme has in view the highly commendable object of giving the children of the Indian soil a sound training in the administration of their country; and nothing would be more conducive to the attainment of that end than to give them more share in making the laws and regulations governing India. Hitherto the number of the members being rather small, the adequate representation of the interests of all Indian communities was impossible. By taking in more members now of approved qualifications the danger of interests of certain communities being neglected will be minimised.

The principle that the paramount power in India should have a predominating numerical strength implies the existence and recognition of another power within which is feared and has to be subdued seems to be rather hard to be swallowed by the loyal subjects of His Imperial Majesty the Emperor of India. The internal enemy must vanish, the snake in the sleeves must be crushed. But the existence of the enemy or the snake should be found out and assured before any weapons are employed for its destruction. The British Government is the strongest Government in the world and has at his command the wisdom, wealth, and physical and other forces of the present age and has absolutely nothing to fear. Its vast and varied resources are too formidable to notice any puerile franks of any phantom foes. Moreover, the people of India and the Emperor of India are not antagonistic items of Indian Government, but the component parts of the same homogeneous whole. I see therefore no reason why the officials and non-officials should not be represented in equal proportions in the enlarged Imperial Legislative Council. I would therefore suggest that the council should be thus constituted—

(1) His Excellency the Viceroy	1
(2) *Ex-officio*—the head of the local Government where the council assembles, His Excellency the Commander-in-Chief, and the members of Executive Councils	8
(3) Additional officials to be nominated (all Europeans)	18
(4) A ruling Chief to be nominated by His Excellency the Viceroy	1
(5) Non-officials to be elected	
(*a*) By Chambers of Commerce of Calcutta, Bombay, Punjab, and Karachi	4
(*b*) Non-officials of the Provincial Councils	7
(*c*) Raises and great land-owners of 7 provinces named in the scheme	7
(6) Non-officials to be nominated by His Excellency the Viceroy 3 Muhammadans, 2 Sikhs, 1 Christian and 1 Hindu	7
(7) Experts to be specially nominated when necessary	2
TOTAL	55

That all the Provincial Legislative Councils existing should be privileged to return one elected member out of themselves is just and fair, and is not likely to be gainsaid. Nor can the proposal of having one representative of nobles and big land-owners of India in the Imperial Legislative Council be disputed. This representative should be elected out of the voters who should consist of the 52 land-owners ascertained by the Punjab Government and those Provincial Darbaris of the Punjab who may not come in the list of the said land-owners.

While the Government is so much anxious to protect the interests of all communities, there is no cause of alarm for the Muhammadans. In the Punjab the Moslem community has been enjoying special favours of the Government out of all proportions and has now become much stronger than their fellow subjects of other denominations. The Government favours so lavishly showered upon the Moslem community have created among them internal union, leaders with faithful followings, and a growing community of interests with resourceful powers out of India, and these, coupled with physical strength of the masses and other forces working on them, are apt to become a two-edged sword that may harm the enemy of the constitution or the constitution itself as the requirements of the community may demand. So the Government should be very careful in raising this community to an enormous height at the expense of the Hindu community which owing to their peculiar condition of religion and society can never become united, can never have a leader with faithful followings, but who by their pen and tongue will always be useful to the constitution. Nor should the interests of the Sikhs be ignored or sacrified to those of the Moslem as the Sikhs are, by their religious instruction and physical and mental training, the most loyal subjects of the Crown, and have proved so on the battlefield as well as the Council Chambers. Again, elections are supposed to provide fair play and no favour to all concerned alike, and it is highly unfair to introduce racial differences in elections. For these reasons I do not think that Muhammadans shoud have any seats specially provided for by election in preference to other communities. Special considerations should guide the nominations, and I venture to suggest that all the seats that the Government desires to provide for the Muhammadans, because they are Muhammadans, should be given by selection and not by election; and while considering the claims of the Moslem community on principle of religion, the Sikhs and Christian communities should be favoured in the same way.

IV. *The Provincial Legislative Council for the Punjab.*—The *new* scheme for the Imperial Legislative Council necessarily implies the enlargement of the Provincial Legislative Councils, and the introduction of an elective principle therein. Some provinces are already enjoying the privilege of election, and if the other provinces are granted similar privilege, the people will be grateful.

The Punjab Provincial Legislative Council as at present constituted cannot admit of any scope of a suitable election for the Imperial Legislative Council, and it is highly necessary that the number of non-official and official members of the same should be sufficiently raised as to provide adequate representation of all interests and communities of the province. Now in the Punjab Council there are three non-official and 7 official members including the Lieutenant-Governor, and I propose that the total strength of the council be raised to 32 as detailed below:—

(1) His Honour the Lieutenant-Governor		1
(2) One ruling Chief to be nominated by the Government		1
(3) Officials to be nominated by the Government (10 Europeans, 2 Muhammadans, 1 Hindu, 1 Sikh and 1 Christian.)		15
(4) Non-officials to be elected by—		
(*a*) Municipalities of Lahore and Simla	2	
(*b*) District boards	2	
(*c*) Punjab Chamber of Commerce	1	
(*d*) The Punjab University	2	
(*e*) Anjumans, Samajes, and Khalsa Diwans	3	
	—	10
(5) Non-officials specially nominated by the Government to represent minorities, not less than 2 to be Sikhs in addition to those that may be elected		4
(6) Expert to be nominated by the Government when necessary		1
TOTAL		32

From the above it will be observed that I would have in the Punjab partly election and party nomination, because from the every day experience of municipal and other elections in the Punjab, it is noticed that worthy people are sometimes left out and that some of the best men do not stand in elections from fear of defeat and unnecessary trouble of canvassing, etc. Nominations would open a suitable ingress for such cases.

The land-holders, cultivators, traders, and professional classes should be represented by the proposed ten non-officials to be elected by various institutions named above. The reognition of castes for this purpose would hamper the choice of the electorates and may

not succeed in the Punjab. The proportion of representation of these classes may be taken as 3 land-holders, 2 cultivators, 3 traders, and 2 professionals. I propose these proportions because the number of literate people among these classes varies considerably.

The municipal and district boards of the Punjab are not considered by the public as very successful institutions, because the influence of the Indians therein is not potent enough. These institutions nevertheless cannot be dispensed with as part of electing machinery for the Provincial Legislative Council; and as under the present conditions their usefulness is hampered, I think the rules for the constitution and guidance of their working as well as the qualifications of their voters should be revised.

The interests of the Muhammadan community will be quite safe if out of the ten non-officials proposed to be elected four are Muhammadans, three Hindus, two Sikhs, and one Christian according to the class distribution explained above. Thus out of 32 members proposed, at least 7 will be Muhammadans, about 5 Hindus, 5 will be Sikhs, and 14 Christians. Under the circumstances I do not think that any further provision of separate representation of the Moslem community is required.

V. *Discussions of the Budget in the Legislative Council.*—The present system of discussing the whole Budget in a single speech of the non-official members who sometimes try to vie with each other in speeces knowing full well that they are crying in the wilderness, is defective. The proposal to discuss by separate heads with the member in administrative charge first, and to criticise the administration afterwards, is certainly a step forward and a desirable improvement on the present system. The assurance that the practical and reasonable remarks of the members will be considered creates a delightful hope that the time and energy spent by the members in the service of their country and sovereign may bring forth happy results some day.

The Provincial Budget of the Punjab should be discussed in the Punjab Legislative Council in the same manner as the Imperial Budget is proposed to be discussed in the Imperial Legislative Council.

The right of interpellation enjoyed by the members of other Legislative Councils of India should be extended to the Punjab and Burma Councils. Without this privilege the Legislative Council of the Punjab will not be so useful as it is intended to be.

GURDIT SINGH,
Rais, Lahore.

No. 323, dated 10th November 1907.

From—Rai Sahib Tilok Chand, Extra Assistant Commissioner, in charge of the Kasur sub-district,

To—The Deputy Commissioner, Lahore.

As desired in your letter no. 6268, dated 11th ultimo, I have the honour to submit my views on the questions raised.

TILOK CHAND,
Sub-Divisional Officer.

Answers to the questions of Government of India letter no. 2310—2317, *dated 24th August* 1907.

I. (1) I certainly think that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country. The proposals made in paragraph 5 regarding its constitution and duties are suitable in my humble opinion.

II. (2) I consider that a Provincial Advisory Council would be a useful institution. The number of these councillors for Punjab should be not less than 42. The number to be made up as below:—

(*a*) Four members from among the agriculturists may be taken from each division	20
(*b*) Native retired gazetted officers one from each division	5
(*c*) Professional men such as lawyers and doctors, &c., one from each of five stations, *viz.*, Multan, Lahore, Jullundur, Delhi and Rawalpindi	5
(*d*) Mercantile people, one from each five stations, namely Multan, Amritsar, Ambala, Delhi, and Rawalpindi	5
(*e*) Mahants and Pirs, religious guides of the people, one from each division	5
(*f*) Non-official Europeans from Lahore	2
	42

Half of the natives should be Muhammadans and the other half Hindus, including Sikhs. I have no suggestions to make, different from that proposed, regarding duties of the councillors.

III. (3) I am not in favour of an enlargement of the Imperial Legislative Council.

(4, 5, & 6) I would maintain the present system.

IV. (7 to 12) I would not advocate an increase in the present number of members in the Provincial Legislative Council and would maintain the present system of nomination, &c.

V. (13) Certainly I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I think that the Provincial Budget should be discussed in the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) I would advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

TILOK CHAND,
Sub-Divisional Officer, Kasur.

The 10th November 1907.

Dated Lahore, the 11th November 1907.

From—Shaikh Abdul Aziz, Editor, *The Observer*,

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6268, dated 11th October 1907, I have the honour to submit herewith a statement of my views on the proposals of the Government of India in regard to the establishment of Advisory Councils, the enlargement of Legislative Councils, etc.

ABDUL AZIZ,
Editor, "The Observer."

Note on the reform scheme of the Government of India, by Shaikh Abdul Aziz, B.A., Editor, "The Observer," and Fellow, Punjab University, Lahore.

Importance of the scheme.

No document published in this country in recent times has attracted greater public attention than the letter of the Government of India, dated 24th August 1907. Ever since its publication more than two months ago, it has formed the one interminable topic of free and unrestrained criticism, and a sharp controversy still continues to range round its main issues. Though it has met with opposition, at once strenuous and self-interested, on the part of one section of the Indian community, it is significant that another section, and an equally important one, has welcomed it with no less enthusiasm. Indeed, the intense interest which it has excited is fully justified, no other official measure having ever before touched such dear interests of the people so vitally. The Councils Act of 1892 has been in operation for the last 15 years; and the British Government in India is now about to review the policy embodied in it, to revise it in the light of past experience and, with the object of keeping abreast of the spirit of the age, to take yet another step in the direction of more intimately associating the people of the country with the work of administration. It was quite natural that on an occasion like this, the voice of the public should have made itself heard with peculiar force. Communities, whose interests had not been hitherto adequately considered, have hailed it with satisfaction; but others, who had usurped undue preponderance in the Council Chambers of the Empire, are resentful. It is, however, necessary to warn Government against overrating the significance of the agitation of interested persons, who represent no one except themselves and who are either hopelessly out of touch with the masses or deliberately blind to their interests. In fact, the clamour raised against the proposals of Government is the creation of a class of politicians who would apply school-boy maxims of Western politics to India without considering that the past traditions and the present social and political circumstances of the Orient so entirely differ from those of the Occident.

Muslim attitude.

2. At the very outset, I must convey to Government the sense of thankfulness which the Indian Muhammadans have received by its proposals. They have held meetings all over the country to express their appreciation of the recognition accorded by Government to the just principle of separate communal representation. India is inhabited by numerous races, with "a thousand varieties of circumstance and feeling and custom"

and in different stages of political and educational progress; and yet the existing system of election and nomination to the councils was introduced in utter disregard of this paramount fact. The inevitable consequence has been that the scale has unduly inclined in favour of the Hindus. As I have said elsewhere, Muhammadans feel that unless the people in this country, by a process of progressive development, arrive at a stage of organic social evolution at which all distinctions of religion, race, and custom would merge in the popular mind into one dominant idea of territorial Government on Western principles, the British Government should not, in view of the very peculiar position it occupies in India, so utterly ignore these distinctions as to treat the Hindus and Muhammadans for all administrative purposes as one nation, nurtured in a uniform political atmosphere, having a community of interests, and governed by similar notions of temporal advancement. If, then, the very broadly marked distinctions, writ large by the differentiating hand of past history and further emphasised by recent occurrences, between the Hindus and the Muhammadans, as to their race, religion, social institutions, and political aspirations, are real and cannot be ignored, the English Government, as the arbiter of their destinies in this country, must so hold the balance between the two as not to allow one of them to entirely outweigh the other. So far Muslim interests have grievously suffered, but the proposed reforms are a proof that Government has at last realised that the existing system does not permit of Muhammadans securing the representation, which is their due and of which it was never intended to deprive them.

Agreement with general principles.

3. Before proceeding to a detailed consideration of the scheme, I must emphatically express full concurrence with its general underlying principles. They cannot but commend themselves to the patriotic sense of the Indian community. That the motives of Government are beyond suspicion will be readily recognised by those who are neither England's irreconcilable enemies nor theorists, but are proud to live under the protection of the British flag and take a common-sense view of things. They will not fail to perceive that the reforms in contemplation, while preserving intact the stability of English rule in India, aim at securing the co-operation of the *real* leaders of the people in carrying on the administration of the land, and mark a distinct step forward in the political training of the Indians. I need not discuss all of them here in detail, but will confine myself to a consideration of only such of them as are comparatively of great importance or need modification, or about the efficacy of which I am in doubt. A general agreement with the proposals may be understood to be implied at points that are left out in this note. The questions covered by the Punjab Government letter no. 2643-S, dated 27th September 1907, are considered below *seriatim*.

4. *Question* (1) I. *Imperial Advisory Council.*—The idea of establishing an Imperial Advisory Council, for reasons stated in paragraphs 3 and 4 of the Government of India letter and with the double object of drawing out responsible Indian opinion on measures in contemplation and of diffusing correct information upon the acts, intentions, and objects of Government, is one that will thoroughly commend itself to all. No Government can afford to remain in ignorance of the opinions of its subjects regarding its policy and measures, and though even now officers of Government "have made it their business" to elicit such opinion and to profit by it, still it is incontrovertible that the present system is defective in conception and haphazard in application. If, instead of this, "a determinate body of advisers" were organised, it would focus Indian opinion in one place and offer a handy means of ascertaining the trend of popular feeling concerning the questions of the day. Moreover, it will enable Government to take into confidence, through their natural leaders, the people who are easily misled by the professional agitator. With his proverbial credulity, the average Indian is apt to believe in the distorted version of the acts and intentions of Government not infrequently dished up for his consumption by politicians of the extremist type, and the importance of a measure calculated to counteract the evil cannot be exaggerated. I have no hesitation in agreeing to the proposal of establishing an Imperial Advisory Council.

5. But while accepting as sound and expedient the principle of establishing an Imperial Advisory Council, and supporting the proposals regarding the assignment of its duties, I would submit that the constitution laid down for it in clause 3 of paragraph 5 of the Government of India letter is open to objection. Pointed attention is solicited towards the following:—

(*i*) The idea is to confine the membership of the council practically to the ruling Chiefs and the territorial magnates. This will detract from its representative character, and its views and deliberations will fail to command general confidence. Notwithstanding that "higher education has penetrated to circles which a generation ago had hardly been affected by its influence," it is undeniable that the ruling Chiefs and the territorial magnates, *as a class*, are still standing aloof from the new social and political conditions which affect the course of Indian affairs, and they can never be trusted to present to Government the point of view of the more progressive classes—classes who already enjoy great influence and whose importance is steadily

on the increase. Apart from this, Government has itself recognised the legitimate claims of these very classes for representation in the Provincial Advisory Councils, and there is absolutely no reason why the constitution of the Imperial and Provincial Councils, which are to perform identical functions though in different spheres, should be so materially at variance with one another. The Imperial Advisory Council, like the Provincial Councils, should be truly representative of all interests in the country, though the ruling Chiefs and the territorial magnates may deserve special consideration in the matter of allotment of seats.

(*ii*) In spite of this concession, a proportion representing full one-third of the total seats is abnormally large for the ruling Chiefs; and if out of 60 members 20 be ruling Chiefs, the remaining number will be too small to allow of a proper representation of other interests, such as land, industry, commerce, learned professions, etc. Besides, the common interests which have arisen between British territory and the Native States are neither so numerous nor so strong as to call for the appointment of 20 ruling Chiefs; 15 should be enough, and perhaps some would consider even this number excessive.

(*iii*) A public declaration as to how the representation of the various classes and communities will be secured in nominations to the Advisory Council is indispensable. It is most essential that, having safeguarded the interests of minorities in the Legislative Councils, Government should not hesitate to apply the same rule to the Advisory Council as well. That will allay public apprehensions in the matter and ensure equitable representation of all sections of the people.

6. *Question* (2). II. *Provincial Advisory Councils.*—After what has been said above it is not necessary to repeat the reasons for which, I think, Provincial Advisory Councils would be useful institutions. I support the proposals of the Government of India detailed in paragraph 6 of their letter and of the Punjab Government embodied in paragraph 4 of their letter, with the suggestion that these councils too will inspire general confidence only if a proportion were fixed definitely, though approximately, in which various interests would be represented on them.

7. *Question* (3). III. *Imperial Legislative Council.*—Every fair-minded publicist in India will warmly approve of the proposed enlargement of the Imperial Legislative Council. This will greatly enhance its measure of usefulness and enable its decisions to carry increased weight with the people at large. But, in my humble opinion, the constitution of the council, as laid down in paragraph 12 of the Government of India letter, is capable of improvement in one or two important respects, my chief objection to it being the extremely inadequate representation which it concedes to the Muhammadan community. Government has recognised that the system of promiscuous election and nomination to the councils has deplorably failed to secure for the Indian Musalmans a degree of representation at all commensurate with their numbers and importance. Having once proposed to set apart a fixed proportion of seats for the Muhammadans, for which they are grateful, it is in the fitness of things that this representation should be adequate. For if such an essential desideratum is wanting, Government will have incurred the displeasure of a class of Indian politicians without having in any way materially benefited the Musalmans. While, therefore, strongly favouring the proposal of giving separate representation to the Muhammadans, I urge with equal emphasis that the number of seats set apart for them should be raised to at least 6. According to the constitution suggested in the Government of India letter, I believe, the maximum number of Muhammadans who can be at all returned to the Imperial Council is 6, *i.e.*, 2 under head E, 2 under sub-head (*d*) of head D, and 2 under sub-heads (*b*) and (*c*) of head D, as it is only in the Punjab and Eastern Bengal that there is any possibility of Musalmans being selected in open elections also. But if the council is to have 53 members, surely 6 is too small a number to properly safeguard the admittedly large interests of Indian Musalmans. If after waiting so long, and in spite of the assurances held out to them and the jubilations expressed by Muslim meetings, the enlarged council is to be framed on the lines of Government proposals, Muhammadans will not find their position improved. Their gratification will have been expressed at a mere shadow and, it is to be feared, their future disappointment and anguish will be even keener than their present satisfaction. To give them 8 seats is by no means an unduly large number for a community of the "weight" of the Muhammadans: I would plead for 6 seats being set aside for them by raising the number of seats to be filled by the election of Muhammadans (sub-head) (*d*) of head (D) from 2 to 4. This will be bare justice, and it will relieve Muhammadans of the anxiety still rankling in their hearts.

8. As my humble suggestion, if accepted, will necessitate a readjustment of the entire constitution, the following three alternative scheme may be proposed, instead of that laid down in paragraph 12 of the Government of India letter, the maximum strength

of the council in (*i*) and (*ii*) being 53 (or 54, including the Viceroy) and in (*iii*) 57 (or 58, including the Viceroy):—

	Government proposal.	My three alternatives.		
		(*i*)	(*ii*)	(*iii*)
A.—*Ex-officio*	8	8	8	8
B.—Additional officials	20	19	19	22
C.—A Ruling Chief	1	...	1	1
D.—Elected members—				
(*a*) by Chambers of Commerce	2	2	2	2
(*b*) by non-official provincial members	7	7	7	7
(*c*) by nobles and land-owners	7	7	7	7
(*d*) by Muhammadans	2	4	4	4
E.—Nominated non-officials, including at least 2 Muhammadans	4	4	4	4
F.—Nominated experts	2	2	1	2
Total, excluding His Excellency the Viceroy	53	53	53	57

9. With reference to alternative no. (*i*) it may be explained that the figure for additional officials has been curtailed from 20 to 19 and the ruling Chiefs removed altogether from the Legislative Council. A loss of one in the former will still leave Government members in the majority and, even admitting for the sake of argument that all other members (whether nominated or elected) were to oppose a Government measure unanimously—a most improbable contingency—Government will nevertheless command a majority of 28 against 26, including the Viceroy's vote, so that the number of seats, reserved for officials to be nominated by the Viceroy, can be reduced from 20 to 19 without weakening the position of Government. The proposal of always having in the council a representative of the ruling Chiefs is open to grave objections. Their proper place is the Advisory Council, but that they should take active part in legislation for British India, with conditions of life in which they are so little acquainted, is wrong in principle and will be of doubtful utility in practice. But if on any special occasion it be necessary to have a ruling Chief in the Imperial Council, the Viceroy will be able to nominate one under head E (nominated non-officials).

10. As regards alternative no (*ii*), the only difference between this and no. (*i*) is that the ruling Chief may be retained if objections to his nomination do not appear valid in the eyes of Government, and instead the number of experts may be reduced from 2 to 1, the Viceroy always having the option, if necessary, of nominating more than one expert under head E.

11. If, however, neither of the two alternatives (*i*) and (*ii*) commend itself to Government, and it be deemed inadvisable to omit the ruling Chief or to reduce the number of either of the additional officials or the nominated experts, I would still urge the necessity of giving two or more representatives to the Muhammadan community. This may be accomplished in another way by raising to 4 the number of Muhammadans to be elected under (*d*) D, and to obviate the chance of reducing the official majority, the number of additional officials to be nominated by the Viceroy (B) may be at the same time increased from 20 to 22, as per alternative (*iii*). This will raise the strength of the Council to 57 (consisting of 30 officials and 27 non-officials) in place of 53 (consisting of 28 officials and 25 non-officials). An increase of 4 in the total strength is not at all large; and if a council of 53 is not an unwieldy body, then one of 57 too is not so; and if 20 officials "of the requisite standing and experience can, without detriment to the public service, be spared from their regular duties for attendance in Legislative Councils" then 22 of them may be also deputed for the same duty.

12. *Question* (4).—I entirely agree with the proposal that one member should be elected by the Provincial Legislative Councils as proposed in paragraph 13 of the letter.

13. *Question* (5).—The attitude of the Government with regard to giving substantial representation to the great land-holders is unexceptionable, and it is proper that a class of men who constitute the aristocratic and stable elements in Indian society should have their share in the legislative work of the country. The proposal that one of the great land-owners of the Punjab should be appointed to the Imperial Council is eminently reasonable and selection should be made by election, a special provincial electorate of land-owners, who pay not less than Rs. 5,000 as land revenue, electing one out of their number. At present there are but 52 land-owners possessing this qualification, and any attempt to further raise the limit of land revenue will narrow down the electorate to such an extent as to hardly justify the grant of the invaluable privilege of nominating a representative to the Imperial Council.

14. *Question* (6).—This question has been already discussed in part (above paragraphs 7 to 9), and I have expressed myself in entire agreement with the proposal of setting aside a fixed number of seats for Muhammadans, pointing out at the same time that the number so fixed should be 6—4 under D (*d*) and 2 under E. The latter 2 will be filled by nomination, the former 4 by election by the following provinces:—(*i*) Punjab, (*ii*) the United Provinces, (*iii*) Bengal and Eastern Bengal by rotation, and (4) Bombay and Madras along with the Central Provinces by rotation.

15. As regards the electorate for the Muhammadan members, I am of opinion that it should not be confined to the Muhammadan non-official members of Provincial Councils. Their numbers will be extremely small, and there is a possibility of its not exceeding one sometimes. The proposals may have the merit, as the Government of India remark, "of being uniform with the system under which the other non-official members are elected by the members of the Provincial Councils." But it would be unsound to sacrifice efficiency to uniformity. It will be best to form a special electorate, consisting of Muhammadan non-official members of the Provincial Councils, Muhammadan fellows of the local university, Muhammadans paying income-tax on an income of Rs. 25,000 a year or corresponding land revenue, and registered Muhammadan graduates of not less than ten years' standing.

16. *Question* (7). IV. *Punjab Legislative Council.*—The reform scheme under discussion naturaly includes the question of enlarging the Provincial Councils, and there can be no two opinions as to the desirability of expanding the Punjab Council as well. Its present maximum strength of 10 members, including His Honour the Lieutenant-Governor, is quite insufficient to satisfy the demand for representation of all classes and interests, and it will be in keeping with the spirit of the age and the changed aspect of public affairs in the Punjab to enlarge its Legislative Council. Taking everything into consideration, my humble suggestion is that the council should have 26 members (or 27, including His Honour the Lieutenant-Governor), comprising 14 officials and 12 non-officials.

17. *Question* (8).—I am strongly opposed to the application of the system of election to the Punjab. This province is not yet sufficiently advanced for it, and, notwithstanding the rapid progress made of late, we are still very backward as compared with other Indian provinces. The system of nomination is by no means an ideal system, but, to my mind, it presents the lesser of two evils. If the mistakes of other provinces are not to be repeated in the land of five rivers, and if the Punjab Government is to avoid the embarrassments of other Provincial Administrations, Government should be in no hurry to grant the privilege of election for the local council to a population who cannot exercise it with advantage. I would, therefore, retain the present system of nomination, regard being always paid by Government, in making nominations, to the relative importance of various interests and communities and their respective claims to representation. But if it be considered necessary to adopt the elective method here also, I would introduce it gradually and, at the start, reserve some seats for being filled by nomination. This point is further explained in the answers to the next two questions.

18. *Question* (9).—As regards the allotment of seats to different classes, I think the only reasonable course is to fix seats according to religious communities and not different classes. We have not yet arrived at that stage of progressive development in national evolution, when the line of demarcation between the various classes becomes finally marked. At present, one class imperceptibly merges into another and the only distinct difference is the religious difference. Religion is the sole basis on which the entire superstructure of Indian society in the Punjab is mainly reared. Of course, there can be no objection to the fixing of proportion for various classes *within the different communities* after the number of members for the communities themselves has been settled. Having assigned its share to each community, the latter may be sub-divided into various groups according to classes and the number of seats for these groups specified. But promiscuous election by classes, consisting of Hindus and Muhammadans, would be a retrograde step in certain respects, adding to the difficulties of Government and making it possible for some interests to be disregarded.

19. Having suggested the fixing of non-official seats for various communities, I would divide them further as follows:—

Muhammadans	7
Hindus, inclusive of Sikhs	4
Christians	1
TOTAL	12

As is shown in the Punjab Government letter (paragraph 8), Muhammadans constitute more than half the population of the Punjab. Moreover, their historical and political importance in this province is unquestioned. In view of these two prominent facts, it is not too much to claim for them 7 out of 12 non-official seats. Of the remaining 5 seats, 4 ought to be assigned to the Hindus (including Sikhs) and 1 to the Christians. It is worth noting that the Hindus and Sikhs are, for all practical purposes, one community, and there is absolutely no justification for treating them as different communities, requiring separate representation in the councils of the country. The Christian community in the Punjab, as apart from the officials—the majority of whom will be Christians—is numerically too small to claim separate representation; but it has to be admitted that its interest and influence are more important than its numbers, which demand the setting apart of one seat for its members.

20. I advocate the allotment of seats according to communities, but if any division is to be made according to classes, then the case of the agriculturists will be entitled to special consideration. They largely preponderate in the province, supply valuable material for His Majesty's Indian army, and form in some respects the most important element of the population. Particular care will have to be taken that their claims are not overlooked.

21. *Question* (10).—As said above, I am opposed to the introduction of the elective system in the Punjab. But if Government ultimately decide to try the experiment here too, either of the following two alternative methods (A or B) may be adopted for the constitution of the council:—

A.—(*i*) By election—

(*a*) by municipal committees	2
(*b*) by big land-owners	2
(*c*) by Muhammadans	3
(*d*) by large traders	1
TOTAL	8

(*ii*) By Government nomination, care being taken that the total number of Muhammadans does not fall short of 7 out of 12 — 4

TOTAL — 12

B.—(*i*) By election by special electorates of—

(*a*) Muhammadans	4
(*b*) Hindus and Sikhs	3
(*c*) Christians	1
TOTAL	8

(*ii*) By Government nomination of—

(*a*) Muhammadans	3
(*b*) Hindus and Sikhs	1
TOTAL	12

In suggesting the above division of seats between the different communities, the following points have been kept in view:—

(*i*) Whichever way of filling the seats be adopted, it is necessary that the number of seats allotted to each community should be definitely settled.

(*ii*) Only a portion of all non-official seats should be thrown open to election by municipal and none by district boards.

(*iii*) I am strongly of opinion that it would be dangerous to introduce the political element in the University, "which is constituted for purely educational objects." It consists of conflicting and heterogeneous elements, and it would be unwise, in the Punjab at least, to throw the apple of discord in the Senate Chamber.

(*iv*) The special electorates referred to above should be constituted by separate lists being prepared of Muhammadan, Hindu, and Sikh and Christian voters. The following classes should be admitted to the franchise:—

(*a*) All who pay land revenue of Rs. 500 a year or above.

(*b*) All payers of income-tax on incomes of Rs. 2,000 a year.

(*c*) All registered graduates of the Punjab University of more than five years' standing.

22. *Question* (11).—I advocate separate representation of communities and not classes, and would carry it in the manner suggested in answer to question 10. In this country, where not infrequently associations spring into mushroom existence and where so many of them have no real hold on the public and cannot be said to represent the people in their corporate capacity, the task of selecting bodies deserving to be consulted in the preparation of lists of voters will be most difficult and leal to invidious distinctions. It will be quite sufficient to lay down the general qualifications of voters and to prepare lists accordingly.

23. It will be inadvisable to confer the privilege of election on district boards, nor will it be right to throw open all seats to election by municipal committees. All the same there are cogent reasons for altering the constitution of district and municipal boards. These at present are most defective, and the fact is indisputable that gentlemen of light and leading do not offer themselves as candidates for them. Municipal boards are swamped by men who secure victory by means of the most questionable character, and party cliques and racial factions dominate their deliberations. It is impossible for any improvement to take place in their condition until their constitutions be radically changed. This is all the more necessary in view of the fact that the constitutions of the enlarged Provincial Councils are to depend, to some extent at least, upon those of municipal and district boards. The principle of assigning a fixed proportion of seats to each of the leading communities into which the population is divided is already in vogue in some places and each community selects its own representatives. Wherever this is done, the results obtained are most satisfactory, and it is time the system were extended to all committees throughout the country. Promiscuous elections are a source of friction and operate to the disadvantage of certain sections of the people. They ought to be replaced by a system enabling Hindus, Muhammadans, and Christians to elect their own representatives in fixed proportions.

24. *Question* (12).—As stated above, I am in favour of giving separate representation to the Muhammadans, and the electorate for this should be the same as suggested in answer to question 9. But I cannot let this opportunity pass without respectfully protesting against the hint conveyed in paragraph 5 of the letter of the Punjab Government, implying that the question of the members of special Muhammadan electorates being allowed to vote in the open elections also is at all a debatable one. As I read the proposals of the Government of India, I find myself unable to put upon them any construction except that 4 seats are specified for the Musalmans *to make up for their deficiency*, because it is probable that a small number of them will "be able to secure election in the ordinary manner" as well, and it is to supplement this small number that Government proposes to set apart 4 additional seats specifically for them; so that 4 will be their minimum under all circumstances, but does not represent their full numbers. But if Muhammadan voters be not allowed to vote at the open elections also, no Musalman will be returned over and above these 4, though the total strength of the council will exceed 50. It is, I believe, enough to point this out to prove the utter absurdity of a system whereby the Indian Musalmans may be so inadequately represented. The new scheme, instead of doing any good to them will in that case make their position still worse. I therefore submit that it will be entirely subversive of one of the most important principles determining the whole scheme to deprive Muhammadan voters of their right to vote at the open elections also along with other sections of the people. The question is not a debatable one, and it should not have been opened in the way it has been.

25. *Questions* (13) *to* (15). V. *Discussion of the Budget.*—My answers to questions 13, 14, and 15 are in the affirmative.

LAHORE:

ABDUL AZIZ.

The 11th November 1907.

Dated 8th November 1907.

From— MIAN MUHAMMAD SHAFI, Barrister-at-Law, Lahore,

To—The Deputy Commissioner, Lahore.

As desired by Mr. Mant in his no. 6268, dated 11th ultimo, I enclose herewith a memorandum containing my opinion on the proposals of the Government of India for the establishment of Advisory Councils and the enlargement of the Indian Legislative Councils.

MUHAMMAD SHAFI.

The Proposed Indian Councils Reform.

I. *The Imperial Advisory Council: paragraphs 4 and 5 of the Government of India letter; paragraph 3 and question I (1) of the Punjab Government letter.*—The establishment of an Imperial Advisory Council on the lines sketched in paragaphs 4 and 5 of the Government of India letter will, I am confident, prove a source of considerable benefit to the Government as well as the Indian people. As I understand the proposal, the council will be a purely advisory one, without possessing any legislative authority, and is intended not only to enable the Government to acquire, through the hereditary leaders of the people, a closer and more correct knowledge of the feelings and the needs of the masses, but to provide an agency for the diffusion of correct information concerning the acts, intentions, and objects of the Government as well. To me it is absolutely clear that the educated members of the urban population in this country cannot be looked upon as real representatives of the people inhabiting rural areas and are not in a position to voice the true feelings of those with whom they have so little in common. Of course, I am not here referring to that class of educated gentlemen who belonging to rural families and having their homes in villages have, for purposes of service or the professions adopted by them, taken up their abode more or less temporarily in the larger towns of the country and, therefore, stand on an entirely different footing from the class of non-agricultural urban residents to whom I have alluded above. It is gentlemen belonging to leading families of land-owners who are really in a position to supply true information as to the feelings of the vast rural population and, if properly selected, to give sound advice in matters concerning the agricultural communities. Moreover, being in close touch with the people, it is they who can best explain to the masses the intentions and objects of the Government with reference to any measure which the Government may have in view. The appointment of these natural leaders of the people residing within British India to the proposed Imperial Advisory Council in order to act as councillors of the Government as well as exponents of its intentions and policy to the people at large in matters of Imperial interest is, to my mind, a step in the right direction, calculated to be a source of great good to the country.

The proposal to allot a certain number of seats on the Imperial Advisory Council formed for purely consultative purposes to ruling Chiefs is one which, on the whole, has my hearty approval. As the council will not be vested with any powers of legislation for British India, and as in certain matters, some of which are mentioned in the Government of India letter, the Imperial interests involved are common to British India and the territories of the ruling Chiefs, it seems to me to be an act of sound policy to associate a certain number of the ruling Princes with the Government and the territorial magnates representing British territory in the kind of functions which the Imperial Advisory Council is intended to perform. I am, however, of opinion that the inclusion of as many as 20 ruling Chiefs in a council consisting of 60 members is hardly necessary or even wise. Bearing in mind the relative importance of British India as compared with the territories of the ruling Chiefs, the preponderance of British interests, the exigencies and possibilities of the future, and the requirements of Imperial policy, I would not allow the number of seats to be allotted to the Indian Princes to exceed a quarter of the entire number constituting the Imperial Advisory Council.

That all the members of the Advisory Council should be nominated by His Excellency the Viceroy is, in my humble judgment, a necessary result of the principles underlying the very constitution of the council, and is, to my mind, an extremely necessary as well as a salutary provision. I doubt not that in making these nominations His Excellency will take into consideration not only the numerical strength but also the political importance of the various communities constituting the vast population of the Indian peninsula.

With the rest of the proposals enunciated in paragraph 5 of the Government of India letter I am entirely in accord, and believe that a council thus constituted, if worked on proper lines and within due limits, will form a very useful factor in the machinery of administration in India.

II. *The Provincial Advisory Council: Government of India letter, paragraphs (6) and (7); Punjab Government letter, paragraph (4), and question II (2).*—For the reasons mentioned above, I consider that a Punjab Provincial Advisory Council will be a useful institution. The number of members as proposed in paragraph 4 of the Punjab Government letter and the general lines of the constitution of the council as laid down in paragraph 6 of the letter issued by the Government of India appear to me to be unexceptionable. The method of appointment of members to the Provincial Advisory Council being by nomination, and rightly so, it is to be hoped that, in making these appointments, the Government will bear in mind not only the interests of the agricultural, commercial, and other classes inhabiting the Punjab, but those of the Muhammadan community as such, in view not only of its numerical preponderance in this province, but of its political importance as well.

III. *Enlargement of the Imperial Legislative Council: paragraphs (8) to (19) of the Government of India letter; paragraph (5) and questions III (3) to (6) of the Punjab Government letter.*—The proposal to enlarge the Imperial Legislative Council is one which ought to meet with the hearty approval of all who are capable of forming an

independent judgment on questions of vital importance to the proper administration of the country. The council as at present constituted is not only not sufficient for the proper representation of the various communities and interests, but does not give adequate scope for the legitimate aspirations of the peoples of India. Without such expansion as is rightly proposed by the Government, the complaints which one so often hears from the platform and in the press will continue to disturb the political atmosphere; while, on the other hand, the enlargement of the Indian Legislative Councils, on proper lines and with necessary safeguards, will result in winning away a large number of those who are moderate in their political opinions and aspirations from the ranks of the malcontents and in bringing the vast majority of the thinking public still closer round the banner of the British Government. The absolutely irreconcilable minority will not, of course, be contented with these reforms nor, for the matter of that, will any measure of reconstruction of the administrative machinery, short of what they so unreasonably cherish and long for, satisfy their chimerical hopes and expectations. But if, as I trust, these proposed measures will bring contentment to the vast majority of the Indian population, the discontented minority may be safely ignored, for nothing that the benign Government may legitimately concede will ever please these revolutionaries. Given sufficiently large councils for the purposes of legislation in the country, with the various Indian committees and interests adequately represented thereon, all right-minded men will come to recognise the fact that the Government has done all that the real well-wishers of the country may, under the existing circumstances, reasonably demand, and this recognition by the vast majority of the justice of the measures introduced by the Government will bring an amount of satisfaction and contentment amongst the people which it is extremely difficult at present to measure.

I gladly accept the reasonablenes of the principle which recognises the necessity of reserving a majority of seats on the Imperial as well as Provincial Legislative Councils for the representatives of Government. I further regard it as necessary that the official majority "should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member." The proposal is undoubtedly based on sound policy and is absolutely essential for the security as well as stability of the British Government in India, and no right-minded British subject can take any exception whatsoever to a principle the necessity and justice of which are apparent, a principle which all Governments of all countries and in all ages have and cannot but have kept in view.

Question (4).—The proper representation of all the more important provinces on the Imperial Legislature is an obvious necessity, and any proposal of Government to secure such representation cannot but meet with universal approval. And as the Provincial Councils themselves enlarged under the proposed scheme of reform will include amongst their elected as well as nominated members a number of gentlemen who will be representative of the people of their provinces even to a greater degree than those who now have the honour of occupying seats on these councils, it is in the fitness of things and consistent with political principles to have upon the Imperial Legislative Council one representative of each of the Provincial Councils, elected by the non-official members thereof. The proposal, therefore, has my hearty support.

Question (5).—The population of India is, in the main, agricultural, and, in consequence, agricultural interests must naturally predominate in this country. And not only is this so merely from a numerical point of view, but the manhood of the country, the sources which supply its martial strength, and the natural resources with which God has endowed our country are to be found amongst the agricultural portions of the Indian continent. It is, therefore, one of the foremost principles of Indian administration to secure to the agricultural majority, rural as well as urban, due representation on the various Legislative Councils of the country, so that their interests might be adequately represented and safeguarded in whatever legislation the Government may undertake. And as the larger land-owners are undoubtedly the leaders of this portion of the Indian population and, living in their midst, are thoroughly well acquainted with their wishes and needs, the election by them of a representative from each province to the Imperial Legislative Council is obviously and exceedingly sound and necessary proposal. This is particularly true of our province of the Punjab where agricultural interests, numerically as well as politically, overwhelmingly predominate, and, in consequence, I entirely approve of the election of one of the great land-owners of this province to the Imperial Legislative Council. The electorate therefore should be neither too small nor so wide as to create undesirable confusion. Bearing in mind the fact that this is a province comparatively of small farmers, and that land-owners of the status of the Bengal zamindars and the Oudh taluqdars are, in this part of the country, exceedingly rare, I am strongly of opinion that the qualification of land-owning electors should in no case whatsoever exceed Rs. 5,000 in land revenue, and the amount of revenue realized or remitted for political and other services should be included when calculating the amount payable by each of the land-owners who may claim a vote under this head.

Government of India letter, paragraph 12 (2) (c).—The proposal contained in paragraph 12 (2) (c) of the Government of India letter, *i.e.*, the appointment of a ruling Chief on the Imperial Legislative Council, is one which, in my humble opinion, is open to serious objection. The Legislative Councils, Imperial as well as Provincial, are intended for the enactment of laws for the territories administered by the British Gov-

ernment for the discussion of the Budget in relation to those territories, and for the regulation of other matters appertaining to the provinces directly under the control of the Government of India. The laws they enact may or may not be adopted by the ruling Chiefs in their own States; the system of administration of these laws prevalent in British India may or may not be introduced by the Indian princes in their own territories. The Chiefs who rule over the various Native States are themselves absolutely out of touch with the subjects of the British Crown residing in British India and are in consequence not cenversant with nor capable of representing their wishes and needs. And while I gladly recognize the loyalty of the present Chiefs to the Suzerain Power, and sincerely trust that they will continue to entertain towards the British Crown these healthy sentiments and feelings with which they are now inspired, I cannot regard this vital question from the point of view of sentiment only. As one who is out and out a sincere well-wisher of the British Government, I cannot but point out that the presence of ruling Chiefs in the Indian Legislative Councils is a factor which might, some day, become a source of embarrassment and anxiety to the Government. *Concessions* made from motives having their origin in pure sentiment are, in the process of time, liable to be looked upon as *rights*, particularly when embodied in Statutes, as I presume the present scheme will be. And I emphatically deny that any Ruling Chief has any *right* whatsoever to take part in legislating for the British territories. Legislative assemblies may be started by the Indian Princes in their own dominions: Mysore has already set the example. A fearful outcry would, I am positive, be raised if the British Government were to demand the appointment of one of its own representatives in these assemblies. Cries of undue interference, of treaty rights infringed, and of the paramount power seeking to usurp a right to which it was in no way entitled would be raised on all sides. A certain section of the press would characterize such a state of things as simply intolerable. Why should, then, the ruling Chiefs have a voice in the legislation for purely British territories when neither the necessities of the situation nor the requirements of Imperial policy call for the introduction of this, what I cannot help calling foreign element into the British administration? Looking at it from every point of view, I, for one, cannot find any justification for this dangerous innovation, and would, therefore, strongly urge upon the Government not to enact a provision of the contemplated reforms of the Indian councils which is open to grave objections and which, if once enacted, will bring about a position from which it will be simply impossible to recede in the future, near or remote, no matter what complications or difficulties it may lead to.

Question (6).—In conceding to the Muhammadan community the right of separate representation in the spirit of the reply graciously given by His Excellency Lord Minto to the All India Muhammadan deputation, of which I had the privilege of being a member, on the 1st October 1906, the Government of India are not only securing to the most important Indian minority a measure of representation in the councils of the country to which it is equitably entitled but they are winning the still deeper gratitude of that part of the Indian population which has over and over again demonstrated its deep-rooted loyalty to the British Crown. Past experience has proved it beyond a shadow of doubt that given a promiscuous system of representation by election, the Muhammadan community, and for the matter of that any other minority, *e.g.*, Christians, cannot hope to succeed in placing one of their *real representatives* on the Legislative Councils of India. It is, therefore, absolutely essential that our benign Government should see that the various councils are so constituted as to allow of an adequate representation of the loyal Muhammadan community, not only proportionate to its numerical strength, but to its political importance as well. For these reasons while I gratefully welcome the proposal of the Government of India to reserve a certain number of seats on the Imperial Legislative Council for my community to be filled partly by election and partly by nomination, I regard the 4 seats, at present proposed to be allotted to the Musalmans of India, as inadequate to meet the justice and the necessity of the case. The success of Muhammadan candidates for election under the other heads being, as experience has already shown, an extremely doubtful matter, the presence of 4 Muhammadan councillors in an assembly of 54 is not calculated to serve the purpose which the Government has in view and to give the community its due share of representation on the Imperial Legislative Council. I would, therefore, respectfully submit that at least 6 seats should be reserved for the Indian Muslim community—4 to be filled up by election and 2 by nomination by His Excellency the Viceroy. To bring this proposal into effect a redistribution of the seats as at present laid down in paragraph 12 of the Government of India letter will, of course, become necessary, and I venture to submit the following alternative schemes, either of which may easily be adopted without doing the slightest violence to any of the main principles underlying the scheme of reform as proposed by the Government of India:—

(*a*) *Ex-officio* members 8; additional officials 19; elected members as at present suggested in paragraph 12 (2) (D), with the modification that 4 seats be allotted to Muhammadans instead of 2; non-officials to be nominated by His Excellency, not less than 2 of whom to be Muhammdans, 4; and 2 experts, or

(*b*) *Ex-officio* 8; additional officials 21; and the rest as above, thus making up the total of 55, instead of 53, exclusive of His Excellency the Viceroy.

The constitution of a special Muhammadan electorate for the election of Muhammadan representatives on the Imperial Council is a question which is not altogether free from difficulty. On a full consideration of the matter, I am of opinion, that the said election should not be left to the Muhammadan non-official members of the Provincial Councils alone. Such an electorate would not only be too small, but would not be considered as truly representative of the entire community. I would, therefore, give preference to the method sketched in paragraph 18 of the Government of India letter, with this proviso that the electors possessing the privilege of voting for the Muhammadan representatives in the Imperial Council should not be at liberty to vote for an outsider, but *should elect the said representative from amongst themselves*. As regards the class of voters referred to in paragraph 18 (*c*) of the letter under reference, I am of opinion that the limit of land revenue paid by land-owners in the Punjab vested with the right to vote should not exceed Rs. 5,000.

In connection with the question of an electorate for the separate Muhammadan representation on the Imperial and Provincial Councils, there is a remark in the Punjab Government letter which calls for special notice. Towards the end of paragraph 5 of the letter in question it is said that "in discussing the constitution of a special Muhammadan electorate, the question whether its members should or shold not be allowed to vote in the open elecfions also must be considered." Now, bearing in mind the observations contained in paragraphs 16 and 19 of the Government of India letter as well as the words in paragraph 17 that "in addition to the small number of Muhammadans who may be able to secure election in the ordinary manner, it seems desirable in each of the councils to assign a certain number of seats to be filled exclusively by Muhammadans," it is obvious that to deprive Muhammadan electors, who may have a voice in the election of Muhammadan representatives, of their vote in the open elections is to defeat the very object which the Government of India have rightly in view, and will result in considerable and serious injury to the Muhammadan community in general. Of course, if the number of Muhammadan members in these councils to be separately elected or nominated bore that proportion to the entire number thereof which not only the numerical strength, but also the political importance, of the community as such fully warranted, there could be no just ground for complaint in separating off the Muhammadan electorate absolutely and entirely from the open election for the rest of the seats on the various councils. But as the number of seats reserved for our community is to be fixed at a lower figure in view of the possibility of one or two Muhammadans being able to secure seats in the open election, it necessarily follows that the possession of a vote in the separate Muhammadan election should not entail forfeiture of the right to vote in the general elections, for, if this were so, it would be simply impossible for any Muhammadan candidate to secure a seat on the council under any of the other heads. I would, therefore, strongly urge that in this respect the proposal as embodied in the letter issued by the Government of India should, on no account, be departed from.

IV. *The Provincial Legislative Councils; paragraphs* (17) *and* (20) *to* (22) *of the Government of India letter; paragraphs* (6) *to* (8) *and questions* (8) *to* (12) *of the Punjab Government letter.*—For the reasons mentioned at the commencement of part III of this memorandum, I am of opinion that an increase in the number of members of the Punjab Provincial Council is desirable and will result in the council being thoroughly representation of the various sections of the population in this province. Taking into consideration the various interests, official as well as non-official, involved in the proposed scheme of enlargement, I would suggest that the maximum strength of the Punjab Council should be 26 or, including His Honour the Lieutenant-Governor, 27. And bearing in mind the desirability of having a clear official majority on the council 14 out of the 26 seats might be reserved for official members to be appointed by Government.

Question (8).—With reference to the question whether it is desirable to introduce a system of election for the filing up of the remaining 12 non-official seats in the Punjab Council, I would, taking all things into consideration, maintain the present system of nomination. Conceding in the abstract the desirability of this reform in the Legislative Councils of the country, it seems to me that time is not yet ripe for the introduction of a system of election in the Punjab. Past experience in the case of municipal boards has demonstrated beyond all doubt that the people in this province have not yet fully realised the responsibilities attached to the possession of a vote for electing representatives to the local bodies, and the results so far have been extremely unsatisfactory. I would, therefore, advocate for the present, the maintenance of the existing system of nomination of members on the Provincial Council.

Question (9).—In filling up the 12 non-official seats on the Provincial Council, I would advocate the distribution thereof amongst the various communities inhabiting the Punjab in fixed proportions. The majority of the population in this province consists of Muhammadans who, as is mentioned in the Punjab Government letter, bear a percentage of 53·3 to the total population of the Punjab. For this very reason, I presume, the Muhammadan representatives have, speaking roughly, hitherto occupied one-half

of the non-official seats on the council. And bearing in mind the fact that the political importance of our community in this province is, to say the least, proportionate to its numerical strength, I would strongly urge that at least 6 of the 12 non-official seats, should be allotted to representatives of the Punjab Muhammadan population. Of the remaining 6 unofficial members, 3 should, in my humble opinion, be Hindus, 2 Sikhs, and 1 Christian. In this manner the Hindu community will have 5 representatives on the council, for, as a matter of fact, Hindus and Sikhs constitute but one and the same community. The distribution thus suggested seems to me to be the most equitable to adopt, and would result in the due representation on the Punjab Council of the various communities inhabiting this province, bearing in mind their numerical strength as well as political importance in this part of the country. Should the Government, however, decide upon a class representation rather than on representation by communities I would, in that case, in view of the principles laid down by the Government of India, distribute the 12 non-official seats in the following manner:—3 representatives of municipal towns with a population of 20,000 or more, 3 land-holders, 4 Muhammadans, and 2 seats to be filled up through nomination by His Honour the Lieutenant-Governor.

It will be noticed that in the distribution of seats noted above, I am not in favour of conceding to the Punjab University the privilege of being represented on the council through one of its Fellows. To me it seems extremely undesirable to introduce, what I cannot help regarding as, a political element in a purely educational institution. It would not only give rise to a spirit of political partizanship in the Senate of the University, but would create complications due to the diversity of creed and race which might result in irremediable injury to an institution which has the intellectual and educational advancement of the province in its charge. Should it, however, be decided to ask the Senate to elect one member to the council, I would reduce the number of representatives of the municipal towns from three to two and would strongly advocate the adoption of a procedure which would result in the election of a Christian, a Muhammadan, and a Hindu representative of the Senate alternately.

Questions (10) *to* (12).—I have already stated that in my humble opinion our province has not yet reached that stage of political advancement in which the introduction of a system of election would be conducive to the welfare of its population. Should the Government, however, decide upon trying this experiment in the Punjab, I would not throw more than one-half of the non-official seats open to election, in case the principle of distribution by communities is adopted. If this suggestion be accepted, three of the six seats to be allotted to the Muhammadan community would then be filled up by election. And in this connection one of two alternative schemes for the formation of an electorate may be adopted—(1) The Muhammadan electors to consist of all land-owners paying a sum of Rs. 750 or upward in land revenue, including the amount remitted or realized, all payers of income-tax on an income of Rs. 2,000 per annum or more, and all registered graduates of more than five years' standing; or (2) two of the three seats to be voted for by an electorate constituted as above and one by the Muhammadan members of the Punjab municipalities. Should the latter proposal be accepted, it would be necessary to reserve a number of seats in each municipal committee for the local Muhammadan community proportionate to its numerical strength and importance, as is even now the case in Lahore, Multan, Hoshiarpur, and some other towns in the Punjab. In either case it seems to me to be necessary that the qualifications of a candidate for election as a member of the Provincial Council under this head should be fixed on a higher basis than those entitling a person to vote in such an election, and I would suggest that the candidate should either be a land-owner paying at least Rs. 1,500 in land revenue or a person paying an income-tax on an income of Rs. 6,000 a year or a registered graduate of at least ten years' standing.

In case of the adoption of either of the two above-mentioned proposals a fixed number of votes may, further, be granted to a few selected anjumans which are recognised as representatives of the Muhammadan community in their own respective parts of the province.

A similar system may be sanctioned in the case of the Christian, the Hindu, and the Sikh communities.

Should the Government, however, decide upon a class representation, on the lines sketched previously, instead of representation by communities, I would, then, suggest that of the four seats reserved for the Muhammadan community, two should be filled by election, the constitution of the electorate being based on the lines of the first scheme noted above, and two should be reserved for nomination by His Honour the Lieutenant-Governor. In case of the three or two seats as the case may be to be allotted to the municipal committees, the qualifications of the candidate for election to the council should be laid down as previously suggested. As regards the three representatives of the land-holding class, the amount of land revenue paid by the voter as well as by the candidate for election to the council should be fixed respectively at the sums already mentioned.

In reply to the latter portion of question (11) of the Punjab Government letter, I am strongly of opinion that the system already existing in Lahore and elsewhere, of allotting a fixed number of seats on the municipal committees to the Muhammadan and

Hindu communities, to be voted for by the members thereof separately, should be extended to all municipal towns throughout the Punjab. The complaint is almost universal that wherever a system of promiscuous election prevails, Muhammadan candidates have, owing to diverse causes which need not be detailed here, very little chance of success in the elections, in consequence whereof our community is not at all properly represented on those municipalities.

V. *Questions* (13) to (15).—My answers to the last three questions noted in the Punjab Government letter are in the affirmative. With reference to the fourteenth question, however, I am of opinion that the discussion of the Provincial Budget, to be introduced for the first time in the Punjab Council, should not be by different heads in the manner suggested in paragraph 23 of the Government of India letter, but should be conducted on the lines hitherto adopted in the Imperial Legislative Council.

VI. In conclusion, I desire to avail myself of this opportunity to offer my most sincere thanks to the Government of India for the proposed reforms in the constitution of the Indian councils which, to my mind, mark a distinct step forward in the political development of this country. The step thus taken spontaneously by the Government of His Excellency Lord Minto should convince all right-minded persons of the readiness of our rulers to concede to His Imperial Majesty's subjects in India those political rights and privileges of which they may prove themselves worthy by reason of educational and general advancement. My co-religionists, whose feelings I am in a position to gauge and on whose behalf I may claim the privilege of speaking, gladly recognise the generosity and beneficence of the British Government in introducing such momentous constitutional changes in the administration of this country, and are sincerely grateful to their rulers for this priceless boon which the Government is about to confer on the subject races in India. That such a generous gift as this ought to bring happiness to all Indians, irrespective of caste and creed. I fully recognise that it will help to bind the loyal Muhammadan community still closer to the Government, I am positively certain.

LAHORE:
The 9th November 1907.

MUHAMMAD SHAFI,
Barrister-at-Law.

No. 100, dated Lahore, 11th November 1907.

From—LALA RAM SARAN DASS, son of R. B. MELA RAM,
To—The Deputy Commissioner, Lahore.

With reference to your favour no. 6268, dated 11th ultimo, calling for opinion regarding the proposed scheme of the Government of India about Advisory and Legislative Councils, I beg to submit herewith my views on the subject for your favourable consideration.

RAM SARAN DASS.

OPINION.

Before proceding to answer the questions framed by the Government, I feel it necessary to make a few humble remarks of a general nature.

The main objects with which the Government intend to undertake the proposed measure, as expressed in paragraphs 2 and 3 of the Government of India's letter, appear to be (*i*) "to bring all classes of the people into closer relations with the Government and its officers, and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions"; and (*ii*) to remedy the "difficulty encountered by the Governments in India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them."

It is, therefore, most essential in attempting to discuss the proposed scheme to take into consideration certain unfortunate circumstances which in my humble opinion adversely effect these most laudable objects of the Government in the present condition of affairs. There are already large numbers of our countrymen who sincerely appreciate the conscientious efforts made by the British Government to conduct the administration of the country in such a way as to conduce to the welfare and advancement of the country. They feel most deeply grateful for the various blessings enjoyed by the people under the British administration.

Now, although the British Government has—since Providence placed our destinies in the hands of the British nation—done very many good things, there have been and now are certain other things which are felt painful by the people in general or by special classes of them. They are absolutely inevitable in the circumstances of the situation, and it has undeniably been the desire of the British Government to take steps to

remove them or minimise their effects, as they became known to the authorities from time to time. There is, however, the drawback that the bulk of the population are quite illiterate and consequently unable to understand such matters. On the other hand, there are numbers among our countrymen who criticise the administration in a way to lead the people to believe that their troubles are due to the British administration. This wrong and mischievous notion has been gaining ground as years have rolled on, and has recently become more general than it ever was before.

Closely connected with the above, there is another equally unfortunate circum stance. It has generally come to be believed that many of our countrymen, who have occasion to visit officers of the Government and express their views on administrative matters, do not rightly explain to the authorities the views and ideas of the people in general; that they regard it impolitic and on occasions unsafe to speak out the truth when it differs from what appears to them to be the determined view or policy of the Government; that very many of them consequently avoid expressing any decided opinion in such cases, but that others try to please the authorities by expressing agreement with the Government view. As a result of this lamentable but undeniable notion prevailing among the masses, they do not regard as their representatives and leaders many of those who from their position and circumstances would naturally be regarded as their representatives and leaders. On the contrary, they readily swallow whatever is presented to them by the adverse critics of the Government even when such critics have recourse to direct misrepresentation and absolutely fallacious reasoning.

It has also come to be supposed by very many people that it is the determined policy of the Government to keep the various sections of the people disunited, and of late the suspicion has been growing among Hindus that in furtherance of this policy the Government has resolved to show favour to other communities (and especially to Muhammadans) at the sacrifice of the interests of the Hindus. Accordingly it is feared that although the Government of India have spent very much of their valuable time and attention in framing the scheme, yet it is not very likely that any appreciable number of persons believed by the masses of people to be acquainted with their daily life and qualified to speak with authority on their behalf will find a place in the Legislative or Advisory Councils.

With these humble prefatory remarks I now proceed to express my humble views regarding the questions in detail: —

Question I.—(1) *Imperial Advisory Council.*—Subject to the limitations on the usefulness of the measure arising from the circumstances noted in the preface, the establishment of such a council would be useful in eliciting the views of those consulted on such questions as may come under their consideration from time to time.

I would suggest that instead of confining their competency to submit their views on those quesions only that may be referred to them by the Government, it should be open to the councillors to communicate to the Government their own views and the thoughts of the people in general regarding any measure contemplated by the Government so as to enable the Government to receive information (in case where any contemplated administrative action may be misconceived) before the misconception ripens into discontent.

The number of councillors (*viz.*, 60 for the whole country) is too inadequate to be of material service. Even double of this number would not be too many. Striking out the 20 ruling Chiefs, there would remain only 40 for the whole country which would give less than half a dozen for each province.

Question II.—(2) *Provincial Advisory Council.*—As in the Imperial Advisory Council, the members of the Provincial Councils should also be competent (besides expressing their opinions on questions referred by the Government) to tender their views and communicate the thoughts of the people on all acts and measures of the Government about which they might think it useful to inform the Government.

Question III.—(3) *Imperial Legislative Council.*—The time has certainly come for the enlargement of the Imperial Legislative Council. But no extension will give any satisfaction unless it results in ensuring to the people a greater chance than before of their views being heard.

Regarding its constitution, I beg to submit that the number of those that may be taken to represent the people's views is rather too small, *viz.*, 18 of 54. The number of these may safely be increased without weakening the Government majority. For, unless a measure introduced by the Government were extremely misconceived, it would not be likely for all the various members of class D to offer a unanimous opposition. And in cases where all such members were unanimously opposed to a Government proposal, the authorities would be well-advised to attach proper weight to their opposition.

I have further to point out that the proposed constitution virtually limits the chances of election to the Imperial Legislative Council of those persons who are regarded by the Hindu section of the population as most competent to represent their views

as noted in the prefatory remarks. The proposed constitution, while sufficiently safeguarding the interest of minor sections of the population, will be felt quite dissatisfactory by the Hindu community, constituting more than two-thirds of the entire population of the country.

Question IV.—(7) *The Punjab Legislative Council.*—In my opinion it would add to the weight of the deliberations of the council if the number of members, which is very small at present, were materially increased. Unless it be too inconvenient, the present number may be doubled.

(8) I strongly advocate that the present system of nomination by Government be maintained for some years to come for filling the unofficial seats. Various difficult and awkward points shall require solution in the circumstances, which exist in this province, to ensure a satisfactory working of the measure if election be adopted for filling those seats, and I am afraid it will not be an easy matter to effect such solution in a manner to give satisfaction to all parties concerned; while it is feared that the result may be quite unsatisfactory.

(9) It would indeed give more satisfaction if a practicable mode of fixing a proper proportion of seats for the different classes of the population could be adopted: but it does not seem an easy affair to adopt a satisfactory mode.

As to the different classes constituting the population of the province, the two important sections are of course Muhammadans and Hindus. Many Sikhs, however, claim that their co-religionists should be regarded a separate class, but as their number is very small (as compared with the rest of the Hindus and Muhammadans), it will be somewhat difficult to fix upon a fair principle for the distribution of the seats if separate representation were to be given to the Sikhs.

There are again several other minor sections of the community as well as certain special interests, *e.g.*, the agricultural, mercantile, and other interests.

In my humble opinion, a fixed number of seats may be assigned to each of the two classes, Muhammadans and Hindus, according to their respective proportion in the population while a few special seats may be allotted to such other classes as Government may deem fit.

(10) Requires no answer.

(11) It will prove a very complicated and difficult matter to adopt for the seats in municipal and district boards a principle corresponding to that proposed for the Legislative Council. Hence I would not support any change in the present constitution of those boards until circumstances are so far changed as to justify a change of their constitution.

(12) I do not think there is any need in our province to allot any extra seats to the Muhammadans as their proportion is sufficiently large to ensure them a fair share of the seats. I do not, however, think it politic to discuss this delicate question, and would leave it to be decided by the Government as they deem fit.

(13) It would certainly conduce to the better understanding of the objects and wishes of the Government by the people if the proposed alterations were adopted in regard to the discussion of the budget in the Imperial Council.

(14) I do not think it opportune at present to subject the Provincial Budget to discussion in the Provincial Legislative Council.

(15) In my opinion the province is not as yet so far advanced as to require the grant of the right of interpellation in the Provincial Legislative Council.

I am very grateful to Government for favouring me with an opportunity of expressing my opinion on the points referred which I have endeavoured to candidly express and I am convinced that my remarks will be accepted in the loyal spirit in which they have been offered.

RAM SARAN DASS.

Dated Lahore, 12th November 1907.

From—Lala Harkishen Lal, Barrister-at-Law, Lahore.

To—The Deputy Commissioner, Lahore.

I have the honour to submit my opinion on the question of reformed councils in the order of the questions put by the local Government.

(1) I think that an Advisory Imperial Council constituted on somewhat modified lines from those sketched in paragraph 4 of the Government of India's letter would be

of service to the country, and I beg to suggest the following modification in the scheme framed by the Government of India:—

(*a*) I would omit the ruling Princes altogether from such councils as they are not in touch with the people of British India, and any interference on their behalf with the affairs of British Indians would expose them, their States, and their character to public criticism, which may not be welcome to them and which may embitter their feelings against the British subjects.

(*b*) I would include the elected members of the Legislative Councils in the Advisory Council, as they alone are likely to command the confidence of the people.

(*c*) That too much importance be not attached to the so-called territorial magnates as they are not necessarily the only influential people in the country and as often as not they are open to reproach, and the history of the court of wards legislation does not prove them worthy of the trust desired to be reposed in them.

(*d*) That interests other than land should be fairly and adequately represented on such a council.

(2) I have the same remarks to offer to the Provincial Advisory Council as to the Imperial Advisory Council.

(3) I approve of the enlargement of the Imperial Legislative Council, but would offer the following remarks on the scheme propounded by the Government of India:—

(*a*) The official majority of 36 to 18 including the nominated members is by far too much. It could be safely reduced to 30 and 24 without in any way endangering the position of the Government.

(*b*) The commercial interests could not be adequately represented by two members elected by the Chambers of Commerce at Calcutta and Bombay, as there are wider interests involved. As invariably these elections are likely to result in the return of Europeans to the council, the Indian interests and the interest of other provinces would not have any representatives; therefore, it is suggested that the number of commercial members be raised to 5, guaranteeing 3 Indians to 2 Europeans and having an adequate representation of the whole of India's commercial and industrial interests.

(*c*) The land-holding interests are being given too much importance. They may be reduced to say 5 members.

(*a*) Special privileges to Muhammadans are open to very serious objections of policy. The Government woud be ill-advised to set a class against a class: to begin to protest minorities by bestowing special privileges. They will not know where to end, and they will be sowing the seeds of discontent amongst unprivileged classes which will be hard to remove by mere palliatives. The Muhammadan interests will be adequately guarded when the land-holding classes of Punjab and the Eastern Bengal are allowed to send representations direct to the Imperial Council and also through the non-official members of the Provincial Councils; and if perchance they are not sufficiently strong, the nomination in the hands of the Viceroy can set matters right.

(*c*) The interests of education have been entirely ignored in the scheme. This is hardly justified. The 5 Universities should be given one representative each through their graduates of certain standing. Thus the scheme will work as under:—

The Viceroy	. . . . .	1
Ex-officio members	. . . . .	8
Ruling Chief	. . . . .	1
Other officials	. . . . .	16
Viceroy's nominees	. . . . .	4
		— 30
Land interests	. . . . .	5
Commercial and industrial interests	. . .	5
Education	. . . . .	5
Local council's elections	. . . . .	7
Experts	. . . . .	2
		— 24

(4) Yes, I approve of the suggestion made in paragraph 13 of the letter.

(5) I don't think election will succeed in this case. Artificial suffrages proposed would not have any coherence in interest; therefore nomination would be the best method of bringing land interests into the council.

(6) I don't approve of any special concessions to any community based on differences of religion or creed.

(7) I would advocate the increase in the number of members on the Provincial Legislative Council to at least 17.

(8) I would have at least three-fourths of the non-official seats filled in by election.

(9) I would have the following electorates:—

District boards by groups	 1
Municipalities by groups	 1
Universities	 1
Educated classes	 1
Chamber of Commerce	 1

Minorities, Hindus and Sikhs, one each, if the principle is adopted in the Imperial Legislative Council so far as Muhammadans are concerned.

Nominated 2 or 3 as the maximum number may be fixed and also whether minorities are to be specially privileged.

(10) See answer to question (9).

(13) Yes; discussion on Budget should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes; I think Provincial Budget be discussed in the Provincial Councils in the manner indicated in paragraph 23 of the letter.

(15) I certainly advocate the power of interpellation to be given to members of the Provincial Council in the Punjab.

HAR KISHEN LAL,
Barrister-at-Law, Lahore.

Dated Lahore, 16th November 1907.

From—Rai Bahadur Lal Chand, Pleader, Chief Court, Punjab,
To—The Deputy Commissioner, Lahore.

As desired I beg to send herewith my opinion on the reform scheme.

LAL CHAND,
Pleader, Chief Court,

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(1) *Imperial Advisory Council.*—In my opinion the Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter is not likely to be of much service to the country. It might be of use if the proposed members were such as were in touch with the people at large and possessed independence of views and intelligence to be able to grasp and understand the matters laid before them. With few exceptions, speaking generally, the proposed class of members are unable to efficiently manage their own estates. They themselves stand in need of proper advice which even when tendered they are unable to appreciate and follow for want of a power of discrimination. They usually lack in initiative, and cannot by their short training and experience be expected to give proper advice on Imperial questions involving large and intricate problems and affecting the interests of a variety of people. Even as means of diffusing correct information, I am afraid the ruling Chiefs and the territorial magnates are not likely to be of much use; I might say, of any use. It is extremely improbable that they will ever condescend to personally communicate information to the people, and if it is done through their servants and ministers, it is more likely than not that the facts will not, to put it mildly, be truly represented. In order to attain the end sketched out in paragraph 4 of the Government letter, it seems to me to be essential that the Advisory Council should consist of members of intelligence, education, and character, and a certain amount of influence with the people and in the country. The mere hereditary incident of being a ruling Chief or a territorial magnate is not likely to achieve the laudable object aimed at. The usefulness of the proposed Advisory Council will therefore in my humble opinion depend upon the discrimination

exercised in making the nominations. It would be proportionate to the character, ability, and personal influence of the members nominated. For a considerable time hence these qualifications are not likely to be met with in abundance or sufficient quantity among the members of the proposed class. In order therefore to make the proposed Imperial Advisory Council of any use to the country, it seems to me to be necessary that the deficiency in intellect and character be supplemented by nominating likewise a suitable number from amongst the educated middle class.

Curiously enough, the Government letter does recognise the utility of representing on the Provincial Advisory Councils interests other than landed. One would imagine that if it is useful to have the advice of persons representing such other interests in local matters, *á fortiori* it is so necessary in a place where the measures adopted would affect such interests more widely, vitally, and permanently. Moreover, the territorial magnates can at best represent their own interests, if at all. It is true that the vast proportion of the populaion of the country consists of agriculturists or of landed proprietors. But the laws enacted or the administrative measures adopted by the Government do not affect the landed proprietors exclusively or even mainly. There are very few enactments which deal only with land, and even as regards problems connected with land is it expected that the territorial magnates would correctly represent the views of the equally large and important class of tenants and agricultural labourers. If there is at all an idea of having representative advice, then it is inconceivable why the representation in the Imperial Council should be limited to territorial magnates and be not extended to other interests, as is in fact contemplated in the case of Provincial Advisory Councils. Possibly the distinction is made on the ground of difference in status, and it is perhaps regarded as repulsive to all decent ideas of Government prestige that a member of the commercial, professional, or middle class be given the privilege of being the councillor of the Government of India. But it is assumed in the thesis that in India prestige has always and generally attached itself to possession of a large number of acres only, and it is forgotten or at least overlooked that a ruling Chief or a territorial magnate even now considers it his pious duty to bow before and pay highest reverence to the learned, be he a Brahman or a Muhammadan Pir. I do not for a moment mean to minimise the importance of landed aristocracy, but it seems to me an egregious mistake to think that learning and character by themselves have no prestige or a low prestige in the oriental countries. The position is possibly just the reverse, but to say the least each class has doubtless an importance of its own which cannot safely be overlooked or ignored. I would therefore urge that the same liberal policy be adopted in framing the constitution of the Imperial Advisory Council as has been proposed for the Provincial Councils, and add to paragraph 3 that a suitable member be also nominated from among the educated middle class.

(2) *Provincial Advisory Council.*—I think it would be a useful institution, but its usefulness would be proportionate to the character of the nominations made. If the members nominated lack in the qualifications referred to while discussing the Imperial Advisory Council, it is not at all improbable that the proposed institution might prove the reverse of being useful and even injurious to the interests of the country at large.

(3) *Imperial Legislative Council.*—The proposed enlargement in the number of members for the Imperial Legislative Council is decidedly a move in the right direction. The present number is altogether inadequate, and considering the variety of interests and vastness of the population affected by legislation, the proposed increase does not appear to me to be sufficiently large. I would propose that the number be increased to 60, including His Excelency the Viceroy.

This number to be made up as below:—

(*a*) As in the Government letter.

(*b*) Ditto ditto.

(*c*) Nomination of a ruling Chief. This seems to me to be not only unnecessary, but devoid of all advantage and altogether out of place. The function of the Legislative Council for India is restricted to framing laws for British Indian subjects, apparently there is no reason why a ruling Chief of a Native State be called upon to take part in framing laws for subjects other than his own. Moreover, it is highly probable that he will consider the nomination as derogatory to his privilege as a ruling Chief. He might be consulted individually by the Viceroy, and he is likely to appreciate the confidence so reposed but not his nomination as a member of this Legislative Council. The step is useful in itself as tending to greater solidarity, but it is not likely to prove of any use in actual practice.

I would therefore eliminate (*c*).

As regards (*d*), elected members—

(*a*) As in the Government letter.

(*b*) Ditto ditto.

(*c*) Ditto ditto.

(*d*) By Muhammadans. This clause should in my opinion be altogether omitted for the following reasons:—

(1) In encourages a belief that the Government proposes and intends to favour specially one class of its subjects and thereby promotes not only class ill-feeling but also a feeling of ill-will against the Government for not dealing justly between the two great communities that compose the Indian population.

(2) The reservation is not based on any proper data; the elections were hitherto made only by the non-official members of the Provincial Councils, and even conceding that these elections did not result in giving a proper representation to the Muhammadan community, the experience so gained can be no guide for judging the results under the proposed scheme where a new element of election by land-holders is introduced. It would be altogether unreasonable to assume that with this new addition to the electorate which by itself is by no means unfavourable to Muhammadan cause, and particularly having regard to the persistence with which class interests are now being pressed by the enlightened portion of the community, that the results of the new election would still be unfavourable to them and would not properly represent their interests. At any rate under the circumstance it would be entirely premature to say so, and it is quite conceivable that in the next election or in any particular election under the proposed scheme the Muhammadans may have more than their proper share of representation. The reservation made in their favour in the case under clauses (*c*) and (*d*) would defeat the very object aimed at and convert the minority into a majority. If I mistake not, the Muhammadans have not hitherto displayed any keen desire and love for the elective principle, and I would therefore propose that the object aimed at, namely, protecting the minority, may equally but with less disadvantage be secured by omitting (*d*) and by increasing the number of nominations under (*e*) to 6 without any reference to any particular class or community. These nominations would be reserved in the hands of the Government to balance the several interests according to the results of the elections in any particular year. If the result of the election is unduly large in favour of Hindus, the whole number might, if necessary, be nominated from among the Muhammadans and *vice versâ* when the election gives an undue advantage to Muhammadans. Retaining (*f*), which in my opinion is a useful provision, the number left to be made up according to my proposal would be (7) in order to make up 60, and I would distribute this number over the seven provinces as in (*b*), each province to return one Master of Arts, Science, or Medicine by election. The electorate in each province would consist of graduates, and if their number is found or held to be too large or unwieldy, though I believe it is not, the privilege might be limited to Masters of Arts, Science, and Medicine only. According to this scheme the number of elected members would be 23 out of a total of 60 as below:—

(*a*) By Chambers of Commerce	2
(*b*) Non-officials by Provincial Councils	7
(*c*) Land-owners	7
(*e*) Masters of Learning	7
TOTAL	23

NOMINATED.

A. *Ex-officio*	8
B. Additional officials	20
E. Non-officials nominated	6
F. Experts	2
TOTAL	36
His Excellency the Viceroy	1
	37
TOTAL 23+37=60	

There can be and is no objection to any further increase being made in the number of officials to be nominated in order to maintain an undisputed majority, but what is asked and prayed for is that there should be an adequate representation of all interests and not of some only, and that no undue favour be shown to one community against the other. The scheme, as set out in the Government letter, apparently transgresses against

both these principle. It entirely ignores the literary class which at all times has influenced and cannot but influence the course of legislation, and it needlessly exhibits partial regard for the interests of a certain community which after all may not stand in need of protection or, if necessary, may be protected by a less offensive method. I would venture to say that the scheme proposed here would meet general satisfaction by giving adequate representation to the literary classes and by enabling the Government to protect the interests of various classes and minorities as the occasion may arise by making suitable nominations.

III. (4) I have already stated my approval of the proposal contained in paragraph 13. As regards the methods suggested in paragraph 15, I propose election by an electorate composed of land-owners possessing certain qualifications as regards payment of Government revenue which might vary in different provinces according to the circumstances.

IV. *The Provincial Legislative Council in the Punjab.*

(7) The number should in my opinion be increased to 20. The present number is too small to allow of a proper representation of all interests in the council.

(8) In my opinion the principle of election might with advantage be now introduced in the province, but for the peresent it should be applied only to some of the non-official seats and not to all.

(9) I would not advocate a fixed rule, determining the proportion of seats to be allotted to each class, for the simple reason that a division by race, caste, or religion in a matter of election of this nature is injurious and altogether out of place. As members of the Legislative Council, the members ought not be led to think that they represent any class or caste interest, but the general welfare of the country. If any caste or class questions do arise, they would better be settled by forgetting caste distinctions, or if that be not feasible, then by the Government which is expected and regarded to represent no particular caste, class, or religion. I would therefore prefer that there be no election at all rather than an election by castes, classes and religions. The only serious reason urged in favour of election by sections is a desire to protect the interests of minorities. The argument does not apply to Muhammadans in this province as they are not in a minority, and if in spite of their numbers they are possibly unable to take care of their interests by election, then the remedy lies in making up the deficiency by nomination and not by sectional election. There is good and special reason to support this view as the privilege of general election is valued by the other community and they are willing to leave the power of making up deficiency in election by direct nominations to be made by the Government.

(10) I would advocate election through municipal boards only, but would restrict the privilege to a few select municipalities only. Out of 20 members exclusive of His Honour the Lieutenant-Governor, I would reserve 10 seats for officials to be nominated by the local Government. Out of the remaining 10 non-officials, I would propose nomination of 5 by the local Government to protect class interests, such as that of the land-holders, &c., and the remaining 5 to be elected as below:—

(1) By select municipalities	4
(2) By an electorate of graduates	1

This scheme does not give the right of election in this province to rural population which forms a very considerable majority. But in my opinion the rural population is not yet sufficiently advanced to exercise the power of election for the Provincial Council, and their interests would be best safeguarded by direct nominations made by the Government. The urban population gets a larger share than can be fixed on the basis of population, but it is more advanced and better fitted to exercise the right, and what is needed at least for efficiency's sake is not merely a numerical representation on the council but also a fitness to transact the business. I believe one member out of 21 to represent the purely literary class elected by graduates of the province will not be regarded as an excessive encroachment by the class on the precincts of the Provincial Council.

(11) and (12). For reasons given under paragraph 9 and while discussing the Imerial Legislative Council, I am against either of these paragraphs.

(13) The manner suggested in paragraph 13 of the Government letter for discussing the Budget seems to me to be a move in the right direction.

(14) Yes.

(15) Yes.

LAL CHAND,
Pleader, Chief Court, Lahore.

The 14th November 1907.

Dated Lahore, 14th November 1907.

From—Nawab Fateh Ali Khan, Qazilbash, C.I.E., Lahore,

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6268, dated the 11th October 1907, I have the honour to submit the accompanying statement of my opinion on the reform scheme of the Government of India.

FATEH ALI KHAN, Qazilbash,
Lahore.

Opinion on the reform scheme of the Government of India.

Preliminary.—The importance of the reform scheme of the Government of India, embodied in its letter of 24th August 1907, and referred to the representatives of the people for expression of views, is undoubted; and there can be but one opinion as to the far-reaching consequences of the reforms now in contemplation. In spite of the adverse criticism which has been expressed in some quarters, I venture to think that the scheme is practicable; is in the best interests of both the rulers and the ruled; and was called for by the exigencies of the present situation in India. That situation is daily becoming increasingly difficult, and Government has been well-advised in undertaking a measure of the utility and magnitude of the reform scheme under review. The object of the proposals, that of lessening the difficulties of Government and associating with it the real leaders of the people in the work of administration, is likely to be accomplished if men of light and leading co-operate with the Government in the project. The general principles underlying the scheme are eminently sound, and, excepting the discontented classes whom nothing short of absolute autonomy will satisfy, the Indian people are grateful to His Excellency Lord Minto's Government for the initiative which the latter has taken in the matter.

2. I. (1) *Imperial Advisory Council.*—I not only think that an Imperial Advisory Council, on the lines suggested by the Government of India, will be of great service to the country but express my general concurrence in the details of constitution laid down for it. There is, however, one point which deserves to be mentioned in this connection. As Government proposes, it is certainly desirable to give preponderance to the magnates and ruling Chiefs in the *personnel* of the council; but that its membership should be confined to these two classes only is a principle from which I respectfully beg to differ. Its deliberations will carry greater weight with the public, and it will become a better and more effective means of interpreting the wishes of the people to Government, and of diffusing among them correct information about its policy, if the Advisory Council were so constituted as to be an epitome of all the more important interests in the country. Moreover, the constitution for the Provincial Advisory Councils as proposed by the Government of India itself, recognises the necessity of epitomizing all interests in the Provincial Councils, and a similar course of action may be advantageously followed with regard to the Imperial Advisory Council also.

3. II. (2) *Provincial Advisory Councils.*—My answer to the first part of the second question is in the affirmative, and I have no special modification to suggest in the proposals of Government regarding the duties and constitution of the Provincial Councils, except to observe that it will give them greater weight and ensure increased confidence in their deliberations if general rules were framed specifying the manner in which the various interests and communities would be represented.

4. III. (3) *Imperial Legislative Council.*—I approve thoroughly of the proposal to enlarge the Imperial Legislative Council. Its expansion is a natural consequence of the concessions granted by the British Government in 1892, and nothing but an adequate enlargement of the highest legislative body for the Indian Empire can satisfy the demand for equitable representation of all races and interests existing in India. The only point worth noticing is the insufficient representation conceded to the Musalmans in paragraph 12 of the Government of India letter. According to this 2 Muhammadans will be nominated and 2 elected. There is a possibility of two or more Mussalmans being returned for the Punjab and Eastern Bengal, wherewith ends all chance of any more Muhammadan being either nominated or elected to the council. So that altogether, at the utmost, there can be but 6 Muhammadans in a council of 53 members. These figures represent a Muslim proportion which, to say the least, is too small to properly safeguard the interests of a community of 6 crores. I respectfully submit that the number of Muhammadan members should be increased by 2—3 instead of 2 being nominated and 3 instead of 2 being elected, thus securing a specified minimum of 6 and a probable total of 8 Muslim councillors. As it is essential to retain the official majority, I would have the figure for the officials increased also by 2, which would necessitate the raising of the total strength of the council from 53 to 57. It is perhaps unnecessary to add that a council of 57 will not at all be an unwieldy one.

5. (4) The proposal is commendable, and one of the best ways of securing proper representation for the various provinces in the Imperial Council is to concede the privilege of election to the Provincial Councils, as proposed in paragraph 13 of the Government of India letter.

6. (5) I thoroughly approve of the proposal to select one of the great land-owners of the Punjab to the Imperial Council, and recommend that his selection should be left with a special electorate of land-owners. The electorate should consist of all land-owners who pay as land revenue Rs. 5,000 a year or more and who should choose their representative by direct election. It is not desirable to raise the qualification for membership of the electorate higher than is suggested herein, as the number of those paying at least Rs. 5,000 is by no means very large.

7. (7) I am in agreement with the principle underlying the proposal; but am anxious, as explained above, that the number of seats specifically set apart for the Muhammadans should be increased from 4 to 6. Of the suggested 6, 3 should be nominated and 3 elected; the election to be in the hands of a special electorate. This electorate should comprise Muhammadan non-official members of the Provincial Council, Muhammadan Fellows of the local University, Muhammadans paying income-tax on an annual income of Rs. 25,000 or having corresponding status if paying land revenue, and registered Muhammadan graduates of not less than 10 years' standing. Of course the number open to election being only three for the whole country, elections will naturally take place in the various provinces by rotation, more than one province to be grouped together for uniformity and convenience.

8. IV. (7) *The Punjab Provincial Council.*—I would strongly urge an increase in the present number of the members of the Punjab Council from 10 to 20. This is essential to keep pace with other provinces and with the general progress of the country. The aim should be not to allow the strength of the Punjab Council to fall below that of any other Provincial Council. Should this equality be inadvisable, the proposal of having 20 councillors for the Punjab (in addition to His Honour the Lieutenant-Governor) is fully justified by the circumstances of this province. These 20 I would divide into 11 official and 9 non-official members, and further sub-divide the latter into 5 Muhammadans, 3 Hindus, and 1 Indian Christian. The overwhelming preponderance of Mussalmans in the population of the Punjab gives them an undisputed claim for special consideration; which is further enhanced by their historic and political importance. In view of their numbers, past traditions, and present importance it is, I am convinced, not too much to ask for five seats, out of a total of nine, being set aside for Muhammadans in the Punjab. For the purposes of this allotment, as is ordinarily done in most other things, the Sikhs should come under the category of Hindus whose section they are.

9. (8) I would neither do away with the present system of nomination altogether, nor oppose the introduction of the elective method. We are not so advanced or public-spirited as to be able to dispense with the system of nomination without detriment to the public interest; while the conditions of life in India are not favourable to the adoption of the elective system to the exclusion of nomination. A compromise between the two would be the best method suited to a country with the history and conditions of India. A few seats might be thrown open to election and the rest—the larger number—filled by nomination. It seems to me that all wants will be adequately met if 2 Muhammadans, 1 Hindu, and 1 Indian Christian are appointed by election.

10. (9) I would, as specified above, advocate a rule fixing the proportion of seats to be allotted to each community, *i.e.*, class as determined by religion. Religion is the most prominent ground of difference in this country, especially in the Punjab; and it will be sufficient if the number of seats for each community were fixed definitely. But if allotment of seats is to be based on class distinction also, within each religious community, the claims of the agriculturists should not be ignored. They form a very important element of the population; and as their needs have not been hitherto properly studied, it would be wise to effect a change in this respect.

11. (10) The system of election should be introduced gradually and special electorates formed. District and municipal boards, until their constitutions be radically changed, do not deserve the right of election being conferred upon them. As yet they are exotics in Indian soil, and it would make matters worse if the franchise were conferred upon them. Instead, I think, it will be in the best interests of Government, as well as all classes of the public, to form special electorates of the various communities and to concede to them the privilege of election. The electorates may consist of (*a*) all those who pay a certain amount of land revenue (*e.g.*, Rs. 500 a year), (*b*) all those who pay income-tax on a specified yearly income (*e.g.*, Rs. 3,000), and (*c*) all registered graduates of the local University of some years' standing (*e.g.*, 7 years).

12. (11) I favour the separate representation of classes only in so far as they are differentiated from one another by religion. But, considering the intrinsic importance

of district and municipal boards and also the possibility of their eventually helping in the determination of the constitution of the Provincial Legislative Council, and thus indirectly of the Imperial Legislative Council, I would emphasise the necessity for thoroughly everhauling the district and municipal boards. The most important improvement that can be effected in their constitution is to fix the number of seats to be allotted to the various communities and to allow their members to elect the representatives of their communities separately.

13. (12) This question has been already considered, and I am strongly of opinion that provision ought to be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way (*vide* answers to questions 3 and 10). Half of this additional representation should be secured by nomination and the remaining half by election, for which a special electorate ought to be formed. The constituent parts of this electorate have been explained in answer to question 10 (paragraph 11).

14. V. (13), (14), (15) *Discussion of the budget.*—The contemplated forms are sound in principle and will be useful in practice. I concur with the Government of India in the proposals (paragraph 23 of its letter) regarding the dicussion of the Budget in the Imperial and Provincial Legislative Councils. It is also time the power of interpellation were granted to the members of the Punjab Council.

LAHORE; FATEH ALI KHAN, QAZILBASH,

The 14th November 1907. *Lahore.*

Dated Lahore, 15th November 1907.

From—NAWAB FATEH ALI KHAN, Qazilbash, President, Anjuman-i-Islamia, Punjab, Lahore.

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6403, dated the 19th October 1907, I have the honour to forward the accompanying opinion of the majority of the members of the Anjuman-i-Islamia, Punjab, on the reform scheme of the Government of India.

FATEH ALI KHAN, QAZILBASH,
President, Anjuman-i-Islamia, Punjab.

Opinion on the reform scheme of the Government of India.

I. (1) *Imperial Advisory Council.*—An Imperial Advisory Council "of those qualified to advise" from "*all* ranks of society" is undeniably an indispensable necessity for the good government of the country. "The Imperial Councillors'" chief functions apparently consist, *firstly*, in their capacity to know the economic conditions, social developments, political ambitions of the numerous classes which constitute the Indian peoples; *secondly*, in their capacity to communicate the real, unvarnished facts to the authorities; and, *thirdly*, in their frankly expressing their well-considered opinions on such problems as may from time to time come up for disposal. Under the benign influence of the British Government, during the latter half of the last century, British India has made wonderful progress; the general development of the country and its educational advancement have effected such a remarkable change in the Indian society that the public ideas have become considerably modified. The success of the Advisory Council depends entirely upon its *personnel*. The inclusion of a large number of ruling Chiefs—however useful it may be for them, enabling them to learn and copy the British method of Government—cannot, it is submitted, be of any great help to His Excellency the Viceroy in acquiring correct information concerning the economic conditions, industrial developments, political aspirations, of His Majesty's Indian subjects in British India. However much the ruling Chiefs may know of their own territories, they have hardly any opportunities of knowing the wants and feelings of those who live in British India. Taking into consideration the sentiments of His Majesty's Indian subjects and paying due regard to the facts stated above, it is perhaps necessary that the ruling Chiefs should not constitute more than one-sixth of the Imperial Councillors.

As to the functions of the Imperial Councillors, it would probably prove profitable to grant them the privilege of "reporting" to the authorities such information or advice as the circumstances of particular cases may necessitate.

In this connection, it is perhaps necessary to mention that the due discharge of their (the Imperial Councillors') functions, as an agency for the diffusion of correct

information upon the acts, intentions, and objects of Government demands that *all* classes and the masses should find their accredited leaders and representatives on the Council Board.

II. (2) *Provincial Advisory Councils.*—Besides what is stated above concerning the Imperial Advisory Council it need only be remarked that the number 20 suggested in the local Government letter, no. 2643, dated 27th September 1907, is not especially after the deduction of the number of the Imperial Councillors from the Punjab, large enough for the due representation of the two communities (Hindu and Muhammadan) and their classes; and is certainly too small to admit of the inclusion of the ruling Chiefs who are not Imperial Councillors.

III. (3) *Imperial Legislative Council.*—An enlargement of the Imperial Legislative Council is sure to be useful.

In the scheme sketched out in paragraph 12 of the Government of India letter, the following modifications are suggested:—

In D (*d*) instead of 2, it should be 4 (four), or in D (*d*) instead of 2, it should be 3 (three), and in E instead of 2 to be Muhammadans, 3 to be Muhammadans, and instead 4 there should be 5.

This would raise the total from 53 to 55, or, including His Excellency the Viceroy, 56, and it would also involve the increase in B of 2, and then the total will be raised to 57 or including His Excellency the Viceroy 58.

In case 58 appears to be a very large number or the addition of 2 to B is considered expensive, then the elimination of C is quite practicable. A ruling Chief in the Indian Legislative Council is perhaps out of place, and the inclusion is not sure to be very popular with the public.

(4) The proposal as laid down in paragraph 13 of the Government of India letter is apparently a useful one, though in the Punjab, it might be mentioned, the number of the non-official members of the Provincial Legislative Council, even after its enlargement, will probably be not more than 10 or 11. This, of course, governs the election of the members specified in the Government of India letter, paragraph 12 D (*b*).

(5) The importance of the big land-holders should, of course, be fully realised. Upon the reconstituted Provincial Legislative Councils their strength is sure to be considerable, and it is not unlikely that under D (*b*) of paragraph 12 of the Government of India letter, they will be able to secure their election. In case it is considered necessary to keep D (*c*) of paragraph 12 of the Government of India letter in tact, the seats should be left open to election. It is undoubtedly true that the entire body of land-holders would be a very undesirable and unwieldy electorate, but it is equally objectionable to hand over such an important privilege to a few—as the land-holding members of the Provincial Council are sure to be—and the difficulties in the way of constituting a proper and suitable electorate are not so very insurmountable as to let in nomination.

As shown by the statistics given in the Punjab Government letter, there are 52 land-owners paying a land revenue of Rs. 5,000 and over and these constitute a fairly large electorate and yet not too large to be unwieldy. It would never do to leave this important right in the hands of a smaller electorate.

(6) As regards the representation of the Muhammadan minority, their interests cannot be adequately represented by giving them four as the minimum of representation. The details given in paragraph 12 of the Government of India letter show that of the non-official members only C and E are by nomination, the rest with the exception of D (*d*) being open to election, and thus as a rule beyond the reach of Muhammadans. Out of these three, one of C and two to represent minorities or special interests under E as so many minorities are likely and in fact sure to spring up that it would indeed be exceedingly difficult if not impossible for His Excellency the Viceroy to secure any seats for the Muhammadans. Under the existing system at least two Muhammadans find seats in the Imperial Legislative Council, whose members do not exceed 23; and this representation had been admitted to be inadequate. On the strength of the Imperial Legislative Council being more than doubled, one would expect to find at least 8 Muhammadans if the Muhammadan representation were no longer to remain inadequate. It would indeed be unnecessary to report or summarise the arguments and prayers advanced by the All-India Muhammadan Deputation, but it is considered necessary to respectfully urge that the minimum of Muhammadan representation on the Imperial Legislative Council be fixed as 6, and for the remaining 2 seats they might be left to the chances of general election.

The Muhammadan members under D (*d*) whether 2 or 3 should not be elected by the Provincial Legislative Councils wherein their number is sure to be *very* limited, and in most cases even under half a dozen, and this would make the representation a monopoly of the highly rich only.

The electorate as suggested in paragraph 18 of the Government of India letter is a fairly good one, but it is considered necessary to suggest a modification in the sub-

heading (*c*). The annual income is placed too high for the Muhammadans, at all events too high for the Muhammadans of the Punjab, and should be brought down to the figure Rs. 12,000. As for the amount of the land revenue, it is suggested that it should not be more than Rs. 2,000.

In connection with the point raised by the Punjab Government, *i.e.*, whether this Muhammadan electorate should or should not be allowed to vote in the open elections, the question hardly appears to arise from the Government of India letter. The grant of a special privilege or right to remedy the inadequacy of representation cannot ordinarily be interpreted to cause forfeiture of the general right of voting. However if the point raised by the local Government aims at pointing out the possible differences between the qualifications of this Muhammadan electorate under paragraph 18 of the Government of India letter and the general electorate, then it can at once be admitted that the qualifications of the electorate (Muhammadan or non-Muhammadan) for general elections, *i.e.*, under D (*c*) and D (*i*), should be uniform.

IV. (7) *The Provincial Legislative Council in the Punjab.*—An increase in the number of members of the Provincial Legislative Council in the Punjab is considered necessary and advisable to secure a better representation of communities and classes; and it is suggested that 25 is certainly not too large a number.

(8) The partial introduction of the system of election may be desirable, but the elimination of nomination cannot be advocated. This of course applies to representation by communities, and not otherwise. On the contrary the introduction of the system of election should be gradually effected, and for the present the non-official seats can be easily sub-divided thus:—the nomination seats and the election seats.

The following tabular representation will explain this suggestion:—

- 25 including the Lieutenant-Governor.
  - Official seats 14, including the Lieutenant-Governor.
  - Non-official seats 11.
    - Nomination seats 5.
      - Hindu . . 2
      - Muhammadans 3
    - Election seats 6
      - Hindus . . 2
      - Muhammadans 3
      - Christian . 1

In case it is considered advisable to nominate the Christian representative, the number of the nomination seats can be raised to 6, and of the election seats reduced to 5.

If it were necessary to keep a fixed principle for the representation of the Muhammadan, Hindu, and Christian interests, with due regard not only to their numbers, but also their importance (*i.e.*, other than purely monitory,) the following might be well suggested:—

45	30	1
Muhammadans.	Hindus.	Christian.

(9) At present it is only the interests of communities (per religion) that clash so violently, and in the Punjab the most important classes into which the population is divided by religion are Muhammadans, Hindus, and Christians. Within these communities there may be classes, but the divergence of their interests (if there be any) has not yet come into prominence. The proportion for these communities in the Punjab is stated above; and within the communities both election and nomination should be left to the discretion of the electorate and the Lieutenant-Governor, respectively. It is perhaps hardly necessary to point out that Hindus and Sikhs constitute but one community, Sikhs being but agricultural Hindus. In their hopes, their aspirations, and their ideals they are but one, and, generally speaking, in the eyes of law Sikhs are but Hindus.

(10) The election of non-official members would consist of the election of Muhammadan and Hindus mainly. It would indeed be inadvisable to leave all the non-official election seats in the charge of municipal and district boards. On the reform in municipal and district boards taking place in accordance with the suggestion contained in paragraph 22 of the Government of India letter and as alluded to in answer to question no. 9, these boards will probably become a good electorate for at least some of the unofficial seats. As regards the remaining unofficial seats, it would perhaps be improper to leave the election of one member to the University, not only because it is a purely educational body, but also because its constituents are largely of the official class.

An electorate for the purpose might easily be constituted on the lines suggested in paragraph 17 of the Government of India letter, and after some necessary modifications the said electorate might be constituted consisting of the following classes:—

(1) all who pay land revenue in excess of Rs. 150;
(2) all payers of income-tax on incomes exceeding Rs. 1,000; and
(3) all registered graduates of an Indian University of more than 10 years' standing.

(11) As already stated, the representation by communities would at present meet the requirements of the people and do away with the present clashing and consequent loss of the less wealthy and less educated community. It is not considered necessary, at the present moment, to sub-divide each community into castes or classes for professions; but the general principles enunciated in paragraph 22 (*b*) and 22 (*c*) are obviously sound. In allotting seats to various classes, it is perhaps necessary to remember that however important may be the claims of aristocracy of either land or coin, yet the aristocracy of brain, if it may be so styled, has quite as good a title as others.

(12) Under the existing circumstances, an earnest request for separate representation of Muhammadans has to be made. The danger of the comparatively few Muhammadan electors being as if it were submerged in the flood of the elections of the opulent community is only too real, and based on dearly earned experienced of the past. This representation should at present be partly by election and partly by nomination. As for the electorate, that suggested in paragraph 17 of the Government of India letter would certainly be a very suitable one. In the Punjab all who pay land revenue in excess of Rs. 200 should be amongst the electors. As for (2), the income standard may well be raised to Rs. 1,500 *per annum*.

V. (13) *Discussion of the Budget in the Legislative Council.*—The alterations concerning the discussion of the Budget in the Imperial Legislative Council suggested in paragraph 23 of the Government of India letter are wholesome and useful, and as such should be carried out.

(14) and (15) It is considered necessary and advisable that the questions 14 and 15 should be answered in the affirmative.

FATEH ALI KHAN, QAZILBASH,
President, Anjuman-i-Islamia, Punjab.

Dated Lahore, 18th November 1907.

From—SIR DAVID MASON, C.I.E., Lahore,

To—The Deputy Commissioner, Lahore.

In reply to circular no. 6403, from your office, dated 19th ultimo, I venture to express my opinion on the various questions submitted by the Punjab Government in their no. 2643-S. (Home—Legislative), dated 27th September 1907.

I. (1) *Imperial Advisory Council.*—I am of opinion that such a council would be of great service to the country. As regards the proposed composition, it seems to me most desirable that the hereditary leaders of the people should largely predominate, especially in the case of territorial magnates, who are most in touch with the agricultural peasantry; but I would desire to see the cities also represented by a few men of liberal education, say from 3 to 5, chosen from amongst University graduates of moderate opinion. The views of the educated communities of the cities would, no doubt, be well represented on the Imperial Legislative Council; still it would seem to me desirable to have their opinion available also in the advisory stage, and I would recommend that the proposed number of ruling Chiefs be proportionately reduced. I am of opinion that in any proclamation, announcing the formation of the Imperial Advisory Council, it should be stated that the council would include only such ruling Chiefs and territorial magnates as had secured the confidence of their own people, and had successfully administered their own States or properties: in this connection there is a feeling of apprehension regarding the proposed council, even amongst educated Indians of moderate views.

I am opinion that the Imperial Advisory Council should, under its constitution, be appointed to meet at least once in every year for collective deliberation. In support of this view, I would refer to the last sentence of paragraph 6 of the Government of India letter.

II. (2) *Provincial Advisory Councils.*—I believe that Provincial Advisory Councils would be most useful institutions. I approve the proposal that the provincial members of the Imperial Advisory Council should form the nucleus of the Provincial Advisory Councils. I also approve the nomination of the other members by the head of each province, it being understood that the various interests mentioned in paragraph 6 of the Government of India letter would, as far as convenient, be represented. They should meet at least one a year.

III. (3) *Imperial Legislative Council.*—The proposal to enlarge the Imperial Legislative Council has my warm approval. But I am opposed to a ruling Chief having a seat on this council: in the past such a member might have been of service in an advisory capacity, but I see no reason for continuing the anomaly after the Imperial Advisory Council has been founded.

(4) In my opinion it is desirable that one member from each province should be elected to the Imperial Legislative Council by the non-official members of the respective Provincial Legislative Councils.

(5) I heartily approve the proposal to have one member for each province drawn from the nobles and land-owners, not only on account of their own merits, but as representing the millions of agriculturists with whom they would be in close touch. But I would advocate nomination, from the classes mentioned, by the head of each province, rather than election, for their appointment. I fear that an election in such a constituency as is proposed would be unworkable, or that the person elected by such a constituency would in all probability not be so suitable as one nominated. Many of the best men would undoubtedly not be available under an elective system, for they would not incur the risk of being worsted in an electoral struggle. I presume it is the intention of the Government of India that the member, if *elected* as proposed in paragraph 15, would be one of the class therein referred to; but this is not clearly stated in the first sentence of the paragraph, and the omission would seem to me to create a danger.

(6) While I desire that all communities should be proportionately represented on the Imperial Legislative Council, and that the reasonable views of the Muhammadan deputation of 1st October 1896 should be fully met, I regret I am strongly opposed to giving Muhammadans the privilege of electing any portion of their representation even in such a special case as election by the Muhammadan Fellows of local University, so long as that privilege is denied to similar adherents of other religions.

From paragraph 12, section 2, of the Government of India letter I would accordingly strike out the line—

"(*d*) by Muhammadans . . . . . 2"

and I would alter the following paragraph thus:—

"*E.* Non-officials to be nominated by the Viceroy, to represent special interests and minorities, *and to adjust representation* . 6"

Muhammadans and minorities would, no doubt, be satisfied with a pledge that their respective proportions of representation would not be overlooked: the Viceroy may well be trusted to do the rest. Further there is a possibility, though not an immediate probability, of Muhammadans securing a fair representation under sub-sections (*a*), (*b*), and (*c*) of section D (Government of India letter, paragraph 12); in which circumstances it would be undesirable to have four additional seats reserved for them under sub-section (*d*) and the following section E, as they now stand.

IV. (7) *The Provincial Legislative Council of the Punjab.*—I would advocate an increase in the number of members of this council to the utmost extent that could conveniently be counterbalanced by the appointment of official members.

(8) I do not consider that the Punjab is yet ripe for appointment by election: I believe that the best men would be secured by nomination rather than by election. In any case I consider it essential that at least one-third of the non-official members should be appointed on the nomination of the Lieutenant-Governor. I do not feel myself qualified to give an opinion on University matters, but I have a strong conviction that the time has come for the local University to have the privilege of electing a representative to the Provincial Council, as in the case of other Universities: but to secure representation of all interests I would advocate a Muhammadan, Hindu, and Sikh member in rotation. The Provincial Chamber of Commerce, too, has a strong claim for the election of a representative.

(9) I consider that the Punjab Government should determine the proportion of seats to be allotted to each class. Assuming that the number of non-official members would be 10 to 14, I would suggest the following proportions:—

	10	11	12	13	14
Muhammadans	5	5	6	6	7
Hindus	3	3	3	4	4
Sikhs	1	2	2	2	2
Christian	1	1	1	1	1
TOTAL	10	11	12	13	14

(10) I consider nomination would secure a much better representation than election in the present state of the province. But if election should be chosen, then I think each class (Muhammadan, Hindu, &c.) should elect its own representative, thus avoiding religious friction; and that candidates should be elected by the members of groups of municipal committees and district boards, the committees and boards of the cities of Lahore, Delhi, and Amritsar each to elect one member. Lahore and Amritsar should elect a Hindu and Muhammadan alternately, the one being represented by a Hindu, while the other was represented by a Muhammadan, to adjust representation, and Amritsar should always be represented by a Sikh.

(11) In the event of election by classes and groups being adopted, I would change the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) of the Government of India letter.

(12) Whatever may be the manner in which the membership of the Punjab Legislative Council may be filled up, precautions must be taken to ensure proportional representation as suggested in my reply to query (9). But I am entirely opposed to any special elective privileges to Muhammadans that are denied to adherents of other religions.

To give Muhammadans the privilege of election of even a small portion of their representation, in the manner suggested by paragraph 17 of the Government of India letter, might, in my opinion, cause grave discontent amongst Hindus and Sikhs. The laudable object of the concession would be overlooked, religious prejudices might be raised, and (even if worse did not happen) the Government might be considered to have departed from their attitude of strict impartiality in all religious questions. It would further appear to me specially undesirable to give Muhammadan graduates a voice in such elections as creating a precedent which would sooner be urged in their own interests by graduates belonging to other religions.

(13) Yes.

(14) Yes, but *not* by separate heads.

(15) Yes.

D. P. MASON,
Lahore.

Dated Lahore, 21st November 1907.

From—Rai Sahib Narayan Das, Judge, Small Cause Court, Lahore,
To—The Deputy Commissioner, Lahore.

As desired in your letter no. 6403, dated 19th October 1907, I beg to send herewith my opinion on the proposals of the Government of India for the establishment of Advisory Councils and for the enlargement of Legislative Councils, both Imperial and Provincial, and regret the delay in doing so, which has been unavoidable.

To save you the inconvenience of having to go through it in manuscript, I am getting my opinion printed and will send you ten copies of it as soon as I receive them from the press.

NARAYAN DAS,
Judge, Small Cause Court, Lahore.

Opinion.

1. The object of creating the proposed Advisory Councils is to have a body of men of sufficient status and position in the country, who could always be relied upon by the Government to perform the function:—

Firstly, of acting as agents between the Government and the people for the communication and dissemination of correct information with regard to public matters; and

Secondly, of offering advice to the highest authorities in the land on important matters of administration.

2. The first object is of a two fold nature. It requires in the first instance that the councillors should undertake to remove all misapprehensions that might arise in the minds of the people with regard to special administrative measures by correcting any misstatements of facts or false imputations of motives that might be in circulation with

regard to them, and generally to make the people realise that the underlying motive of all actions of the Government is to promote the welfare and secure the happiness and contentment of its subjects. In the second place, it is intended that these councillors should be possessed of a wide knowledge of the country, and conversant with the daily life of the people so as to be qualified to give expression to their needs and sentiments and speak with authority on their behalf. This latter function of making known to the Government what has been expressively described in the Government of India letter as "the best mind of the people" can only be rightly performed if the information communicated pertains to matters of high administrative importance, and indicates the lines along which action, if taken, would be conducive to the best interests of the country. In order that this object should be fully achieved, the information to be furnished to the Government should be in regard to matters such as the following:—

(*a*) The economical condition of the people, and the causes in operation in the country, if any, which stand in the way of the betterment of that condition.

(*b*) The social life of the people, and particularly those features of that life which have a bearing on the commission of crime.

(*c*) The state of crime in the country with special reference to the causes which bring about a marked increase or decrease in the commission thereof.

(*d*) The effects of the decisions of law courts, and of their procedure on the every day life of the people.

(*e*) The behaviour of the public officers in general towards the people, and especially of those who come in close contact with the people in the performance of their public duties.

(*f*) The feuds, tribal or local, if any, which are likely to affect the public tranquillity.

(*g*) Any general ill-feeling between any of the classes or creeds which is likely to affect the public tranquillity.

(*h*) The relations of the ruling class towards the people.

(*i*) The practical working of the revenue administration of the country, and its effect on the life of the people.

(*j*) The defects, if any, in any of the other departments of State which make them press heavily on the people.

(*k*) The wishes and aspirations of the people in regard to a share in the administration of the country.

(*l*) The sentiments and needs of those sections of the public service which are manned by Indians.

(*m*) The educational needs of the people.

(*n*) The commercial and industrial needs of the country.

(*o*) The special needs of particular communities in backward conditions of life, the provision of which would involve no injury to, or deprivation of, any of the rights of the other sections of the population.

3. From the above it is clear that the duties which the councillors would be called upon to discharge are of an exceedingly responsible character, and would require for their performance with any degree of satisfaction abilities of no mean order. And if the mere work of collecting information and laying it before high officers of Government in a presentible shape should be of such an onerous nature as to call for the display of unusual ability and intelligence the still more important function of offering advice on large and varied questions of administration could, it is manifest, be safely entrusted only to men who are the elect of the land. It has to be borne in mind in devising a scheme for the constitution of Advisory Councils that the councillors will be expected to give the benefit of their advice to officers who are responsible for the Government of the country, and that such responsibility is confided to men who may justly be regarded as representing the best intellect of the world. If the advice to be given to such men is at all to have any meanings and to carry with it the weight and influence which the Government are anxious should attach to it, it should proceed from personages who by force of their character and acknowledged ability are in a position to command the respect and the attention of their hearers. No advice is worth the name if the person who offers it, though proud of his hoary ancestry and conscious of his exalted rank, is at the same time convinced of his intellectual inferiority as compared to the man to whom the advice is tendered. Now is there any chance of the acceptance of the advice, if the officer, who listens to it, does so, not that he entertains any respect for the knowledge or the opinions of him who gives him that advice, but simply because convention requires that he should be permitted to play for the time being the part of an advisor. It is, therefore, essential for the success of the new scheme that the councillors to be constituted

under it should be men possessed of innate worth such as could command the respect and inspire the confidence of the highest authorities in the country. The requisition of an ideal councillor under the scheme would therefore appear to be such as the following:—

(*a*) Wide and intimate knowledge of the country and the people.

(*b*) Good sound education and an observant mind.

(*c*) Freedom from class hatred and bias of every description.

(*d*) Irreproachable personal character.

(*e*) Willingness to render unselfish public service and capacity to take an abiding interest in public affairs.

(*f*) Maturity of judgment, ripeness of experience, gravity of disposition, and a full sense of responsibility.

(*g*) Firmness of character and independence of views, combined with loyalty, to the Government and respect for constituted authority.

(*h*) Good social position and freedom from anxiety for lack of competence.

4. The above are high qualifications, and it would be no easy task to find out men in the country possessed of them for the service of the State. The country is yet in a state of transition and without an intimate knowledge of the people it would be impossible to discriminate between the really deserving and the mere pretentious candidates for office. It is necessary, therefore, in order that serious mistakes in the work of making nominations for the office of councillor might be avoided, that the following considerations should be borne in mind by those with whom rest the duty of submitting recommendations in that behalf:—

(*a*) That the office of a councillor is no sinecure; and that no one deserves to be nominated who, though anxious to enjoy the honour and dignity of the position, is unfit to render the service which the position entails.

(*b*) That the object of making the nomination is not to favour the nominee, but to get from him the work which is required.

(*c*) That the title of Imperial Councillor to be newly created would carry with it high honour and dignity such as would enhance the position and importance in the eyes of his countrymen of the holder of the office, and is sure on that account alone to be greatly coveted after.

(*d*) That the country abounds with men who, though lacking the requisite qualifications for the office, are possessed of dogged perseverance and who would leave no stone unturned to secure nomination. There exist well-found fears that men of this description, unless the most vigilant care be taken to keep them, away, would unhappily in the majority of cases succeed in their endeavours.

(*e*) That individual mistakes, though unwittingly committed in regard to such nominations, would have a demoralising effect in the country, and would greatly mar the usefulness of the councils.

5. Having made the above preliminary remarks, I now proceed to answer the questions that have been set forth in the letter from the Chief Secretary, Punjab Government, to the Commissioners of divisions in the Punjab.

With regard to the first question, I am certainly of opinion that an Imperial Advisory Council based on principles enumerated in the Government of India letter would undoubtedly be of great service to the country. I have, however, grave doubts as to whether the object in view would be fully achieved by adoption of the specific proposals as made with regard to its constitution.

The points that in my humble opinion require reconsideration are these:—

(*a*) It is proposed to allot as many as 20 seats to the ruling Chiefs, a number which under existing circumstances would appear to be somewhat large. It is a matter for consideration whether Chiefs of the requisite qualifications for the work to be performed would be forthcoming. Nothing could be happier or more desirable, if, as a matter of fact, ruling Chiefs could be found in large numbers, who evinced an intelligent interest in the affairs of their countries, took pains to make themselves intimately acquainted with the condition of their subjects, and personally directed the course of administration in their States. If a Chief of such a description, having large ideas of his own and possessed of strength of character to give effect to his views in the practical work of administration, could be induced to sit on the council, his presence there would undoubtedly lend peculiar weight and importance to the deliberations of that body. But there is no assurance, with the large number proposed to be introduced, that such Chiefs would not be in the minority in the council. In such a case the advice of the Chiefs would

represent really the views and reflect the opinions of their several confidential advisers, and, by the mere fact of passing through the mouths of the Chiefs, acquire an importance which did not in reality belong to it. The more appropriate course to adopt in such a case would be to make direct appointments of the councillors of these Chiefs on the Advisory Council. This would bring responsibility home to them and take away from them the opportunity of airing their own views in the name and under the protection of their respective masters.

(*b*) The remaining 40 seats it is proposed to allot to the great land-holders of the country. The council would thus come to represent the views of that portion of the Indian community only which at the present time constitutes the aristocracy of the land.

This I say with all respect would be reversing the true position of things in the country. The fact, I presume, will be readily admitted—illustrated as it is by the arrangements in force both in British India and the Native States—that the persons who as a class stand most in need of advice in the management of their own affairs from the British Government and its officers are those who form the aristocracy of the country. And yet it is these very men who according to the proposals as made would figure as the advisers of the Government in its work of administration.

(*c*) Even if these considerations be disregarded and the selection of the councillors, as actually arrived at, held to be open to no objection on personal grounds, the council would, at its best, reflect the views of only one section of the vast mass of Indian population. There could indeed be no harm in such an arrangement, provided it were a fact that there existed no opinion outside the circle of the nobility of the land, or that the nobility had such a complete control over the feelings and statements of middle and the lower classes of the population as to warrant the assumption that the only opinion worth being listened to was that which found its expression through the territorial magnates of the land. The facts, however, are otherwise. The great majority of the land-holders either have no opinions of their own with regard to public affairs or entertain views which are not in accord with those of the rest of their countrymen. Barring the ruling Chiefs, there cannot be said to be any ancient aristocracy in the country. The possession of a large landed estate is in itself no sure sign of an ancient lineage, which has brought to the owners with his acres unimpaired hereditary influence over his fellow-beings. One has but to look at the history of the various families which at the present day come under the category of large landed proprietors, to find out how short-lived has been the continuous possession of land and how unstable the influence which has accompanied that possession. The analogy of countries with a settled Government does not hold good in the case of India, or at any rate of the Punjab with which I am familiar. It is true, in the days of native rule, the holder of a large landed estate or a jagir wielded considerable influence over the people who came in contact with him. But that was because of the peculiar form of Government then prevailing, when distinguished personal merit met with reward in the shape of grants of land or jagirs. It was not only the acquisition of such grants which signified the merit of the acquirer, but the retention thereof for any considerable length of time implied equal worth or force of character. The loss of that merit was followed by the loss of the land or the jagir, the Government of the day being unstable and the times troublous. Things have, however, wholly changed since the advent of the British Government. Peace reigns over the length and breadth of the country. Laws which know of no distinctions of caste or creed ensure the security of life and property. Property once acquired remains safe so long as it is not squandared by the holder himself, or split up into endless divisions by the personal law of inheritance to which he is subject. Personal merit therefore does not necessarily show itself in connection with the possession of land, nor does it follow the transmission thereof from generation to generation. Irrespective of these considerations the pervading spirit of the laws in the land, which constitute the basis of the Government and which do not recognise racial descent or hereditary pride, combined with the democratic tendencies of the civilization of the day, which has made its way into the country, has done much to minimise and undermine the influence of those who have hitherto been regarded as the natural leaders of society. It is not possible I fear to rehabilitate that influence without a radical change in the system of Government. Be the causes what they may, the sentiment is undoubtedly strong in the country that the holders of large landed estates, whose number is after all small, do not as a fact represent the views and opinions of the classes, which are outside their limited circle. The constitution of the Imperial Advsory Council as sketched out is therefore open to the objection that it is a one-sided arrangement, and as such not calculated to inspire confidence in the great majority of the population of the country.

(*c*) (*i*) The constitution as proposed will, it is feared, be looked upon as recognizing the right of only one section of the community to a share in the counsels of the Empire, and this notwithstanding the well-founded belief that the class so intended to be especially favoured has not hitherto been distinguished for interest in public affairs or sympathy with the needs and sentiments of the other sections of the population.

(*d*) The proposal does not appear to be consistent with the *spirit* of the scheme sketched out for the Provincial Advisory Councils, which are not intended to be con-

fined to selection from amongst the land-holding class alone. If persons belonging to other classes of the population are eligible for appointment as members of the Provincial Councils, there would appear to be no good reason why they should be debarred from sitting in the Imperial Councils before which matters of the same description would come up for consideration as would be discussed in the Provincial Councils.

(*d*) (*i*) The grant of the special privilege of sitting in the Imperial Council to the land-holding class to the exclusion of the other classes is open to objection that it goes counter to the spirits of the British Government, and is in conflict with the principles of that Government as laid down in the great proclamation of 1858 by Her Most Gracious Majesty the late Queen Victoria, Empress of India.

(*e*) Such an exclusion of the non-landholding classes from a share in the administration is a departure in the method of Government which ill-accords with the important step recently taken of throwing open to all sections of the community two appointments on the Council of the Secretary of State.

(*f*) The proposal, it is feared, might be treated as a precedent to be followed hereafter in filling up high appointments of trust and responsibility which have hitherto not been the monopoly of any particular caste, class, or creed.

(*g*) The proposal is apt to be regarded as casting an unmerited slur on the loyalty and devotion of the non-land-holding classes of the country.

(*h*) The idea is likely to be misconstrued as evincing a dislike on the part of the Government of India to receiving advice, however competent and well-merited, if it came from outside the territorial magnates of the country.

(*i*) Clause 6 of paragraph 5 of the Government of India letter lays down that the council would deal with such matters only as might be referred to it from time to time. This, if strictly carried into effect, would debar the councillors from performing the important function of laying information before the Government of the condition of the country and acting as the spokesmen of the masses in regard to their needs and sentiments, as contemplated in paragraphs 2 and 4 of the Government of India letter. This is a function on which great stress deserves to be laid (and its omission would detract greatly from the usefulness of the council. Again it would be an unnecessarily hard rule as shutting the door against all suggestions from the council, submitted on their own initiative in regard to matters affecting the administration. So long as the Government reserve to themselves the right of disregarding or disapproving any of the proposals made by the council, nothing but good could flow from granting to the council, under such limitations as might be considered necessary, permission to submit their suggestions with regard to such matters as in their opinion might call for administrative action.

(*j*) It seems necessary to remove the uncertainty which is observable with regard to the times of meetings of the council and the procedure to be followed at such meetings. This perhaps is intended to be effected by supplementary rules to be issued when the councils have been constituted. In my opinion the proceedings of the council need not necessarily be confidential and informal. If the matters referred to is of a confidential nature the proceedings may be treated as such, but to direct the observance of secrecy with regard to all the deliberations of the council would, besides failing of its purpose, take away considerably from the value of the advice and the usefulness of the council. Besides, the members would be but ill-performing their function of making the people acquainted with the measures and the intentions of the Government, if they were prohibited from disclosing to the public the subjects discussed and the decisions arrived at in the meetings of the council.

7. Having dealt with the points which in my opinion call for reconsideration in connection with the proposals as made regarding the constitution and the procedure of the Imperial Council, I would make a few remarks with regard to the procedure of the Provincial Councils before offering my suggestions as to the changes which should be made in the proposals relating to the formation, both of the Imperial and Provincial Councils. I am in accord with the views as expressed in the Government of India letter, paragraphs 6 and 7. My remarks, however, as made in paragraph 6, clauses (*i*) and (*j*) above, in regard to the Imperial Council are equally applicable to the Provincial Councils. I am, moreover, in the case of these councils, in favour strongly of giving to the members the right of addressing the head of the local Government direct on any matter affecting the administration of the province, the interests of the people, or the state of the country, with a view to its discussion by the council in a body or such other action being taken in regard to it as may be considered desirable or called for. The grant of such a privilege would add considerably to the usefulness of the members as making them take a real interest in the affairs of the province and enabling them to perform their duties with credit to themselves and advantage to the State. It is by affording facilities such as these that the object of associating the representative of the people in the administration of the country can, without impeding the free action of the Executive Government, best be achieved.

8. The above being my views, I would venture to submit the following suggestions in respect of the constitution of the Advisory Councils:—

A. Provincial Councils.—(*a*) The number of councillors may be fixed at 25.

(*b*) Suggestions with regard to the persons who should be nominated to the office should be freely invited from the following:—

(*i*) District officers and Commissioners of Divisions.

(*ii*) Heads of departments in regard to the nomination of Government servants.

(*iii*) Ruling Chiefs in the province.

(*iv*) The Senate of the Punjab University.

(*v*) The Chamber of Commerce.

(*vi*) Certain specified municipal committees and district boards which from their importance may be considered deserving of the concession.

(*vii*) Such public bodies or associations in the province as the head of the local Government may specially recognize in this behalf.

(*c*) The head of the local Government will consider the suggestions so received, and after such enquiry, if any, as he may consider necessary, will select the names of persons he considers fit for being brought on the register of approved nominees for the office of a councillor. The number of names to be borne on this register shall in no case exceed 125. These lists will be liable to periodical revision in accordance with the suggestions to be received as stated above.

(*d*) The head of the local Government will, before making his recommendations to His Excellency the Viceroy, arrange to have personal interviews with such of the gentlemen whose names have been entered in the approved list as may not be personally known to him; and, after a full consideration of the qualifications of each of the nominees, will decide which of them should be selected to serve on the Provincial Council and which out of these latter should be proposed for appointment as members of the Imperial Council, and will make his recommendations to His Excellency the Viceroy accordingly.

(*e*) Similar recommendations will, after personal satisfaction as to their fitness, be made in regard to the ruling Chiefs.

B. Imperial Advisory Council.—(*a*) The number of councillors may be fixed at 60.

(*b*) The appointments to be made thus—

(*i*) In accordance with nominations as made by the local Governments of provinces	42
(*ii*) Ruling Chiefs to be nominated by the Viceroy	6
(*iii*) Other appointments to be made by the Viceroy direct	12
TOTAL	60

C. I would venture to submit the following suggestions in regard to the composition of the two councils, the selection of the members being made in view of the several interests to be represented therein:—

(*a*) The Imperial Advisory Council consisting of 60 members to be made up thus:—

(1) Ruling Chiefs	6
(2) Nominations to be made by the Viceroy from amongst the following representatives of—	
(*i*) the Hindu religion	1
(*ii*) the Muhammadan religion	1
(*iii*) the Sikh religion	1
(*iv*) the Christian religion	1
(*v*) other religions	1
(*vi*) non-official European community	1
(*vii*) other interests	6
	12

(3) Representatives of the Provincial Councils, six for each to be selected to re present the following, *viz.* :—

(*i*) Land-holders	1
(*ii*) Cultivators	1
(*iii*) Commerce	1
(*iv*) Indian services	1
(*v*) Law	1
(*vi*) Other learned professions	1
TOTAL	$6 \times 7 = 42$
	60

(*b*) The number 25 of the Provincial Council to be made up of the representatives of the following :—

(1) Ruling Chiefs		1
(2) Landholding class		5
(3) The cultivating class to be selected from amongst the zaildars of the province		5
(4) The religions—		
(i) Hindus	1	
(ii) Muhammadans	1	
(iii) Sikhs	1	
(iv) Christians	1	
	—	4
(5) The Indian services		2
(6) The Indian members of the University		1
(7) Law (to be an Indian)		1
(8) Other learned professions		1
(9) Non-official Europeans		1
(10) Municipalities and district boards		2
(11) Commerce		1
(12) Capital and industries		1
TOTAL		25

9. The above disposes of the first two questions. My answer to the first part of question no. 3 is in the affirmative.

In place of the constitution proposed in paragraph 12 of the Government of India letter, I would venture to suggest the following :—

(*a*) The numerical strength of the council including His Excellency the Viceroy may be fixed at 60.

(*b*) This number, having regard to all the most important interests which it is essential should find representation in the council, should be made up thus :—

A.—Officials.

I. His Excellency the Viceroy	1
II. *Ex-officio members*	8
III. Additional members to be nominated, in all	23
	32

Brought over			32
B.—Non-officials.			
(*a*) To be nominated by the Viceroy—			
(1) Ruling Chiefs	1		
(2) Experts	2		
(3) To represent the learned professions from amongst Indians alone—			
(*i*) Law	1	2	9
(*ii*) Others alternately	1		
(4) At the disposal of the Viceroy to represent the interests of minorities	4		
(*b*) Elected members—			28
(1) By Chambers of Commerce to represent trade in the hands of—			
(*i*) Europeans	2	3	
(*ii*) Indians	1		
(2) By non-official members in the Provincial Council	7		19
(3) By land-holders in the provinces excluding Burma	6		
(4) By the Universities to represent the Indians	3		
TOTAL ...			60

The above proposals would give adequate representation to all the principal interests in the country including those of that portion of the community known as the educated class which would appear to have been passed over in the scheme as given in paragraph 12 of the Government of India letter. It cannot be denied that the educated class in the country, though numerically not very strong as compared to the vast mass of the Indian population, possesses an influence which constitutes one of the most potent forces in the land, which the highest interests of the Government and of the county demand should not be ignored. An impression prevails in the country unfounded that it may be that the educated portion of the community has come to be regarded with disfavour by the Government, and this impression could only be effectually removed by affording tangible proof of the recognition of the importance of the class by allowing to it adequate representation in the council as above suggested.

10. My answer to the 4th question as would appear from the proposals above made is in the affirmative.

11. I approve of the proposal as to the selection of one of the great land-holders of the province to the Imperial Council, and would give the right of such selection to the land-holding members of the six Provincial Councils either from amongst themselves or outside their number provided the member selected possesses certain specified property and educational qualifications.

12. I am opposed to the appointment of Muhammadans in the Council as contemplated by the proposals made in paragraph 12 of the Government of India letter. This opposition is due not to the circumstance; that being outside their faith. I have no sympathy with their aspirations, or that I wish to stand in the way of their progress as a separate community, but to the firm belief founded on the most anxious and careful consideration of the Hindu and Muhammadan problem in the country that the right way to advance for any community is by means which are not calculated to promote racial jealousy, accentuate religious differences, engender bitterness of feelings, or excite hatred and contempt for the other communities in the country. My opposition to the proposal is based on the following considerations, *viz* :—

(*a*) The object of the proposal is to secure adequate representation of Muhammadan interests in the council which it is feared will suffer by the fact of the Muhammadans being in the minority of the country and of their being in a backward condition. Granting that these fears are well founded and that special measures are required for the safeguarding of Muhammadan interests in the council, the object can be fully achieved without exciting racial jealousy or embittering religious differences. The proposals as above made provide for the appointment of 19 out of 28 non-official members by the system of election. It cannot be supposed that instances might take place in which not a single Muhammadan was returned as a member by any of the bodies to whom the right of election is proposed to be given. But even if such an untoward result did take place, the difficulty could be amply met by the Viceroy appointing the required number of Muhammadans out of the 6 seats placed at his disposal to be filled by the system of nomination, omitting from consideration the appointment of one ruling Chief and two experts, which would likewise have to be effected by the system of nomination.

(*b*) The object referred to in paragraph 16 of the Government of India letter to the effect that the system by which hitherto appointments of Muhammadans by nomination has been made, has frequently failed to secure the appointment of Muhammadans of

the class, by whom the community desires to be represented, does not seem to be, when carefully analysed, possessed of much force. It is difficult in a country such as India for any section of the Muhammadan community, however high placed and influential it may be, to profess to speak in the name and on behalf of the entire body of Muhammadans in the land. The objection, referring as it does to a class, would imply that those who assume the responsibility of voicing the sentiments and wishes of the Muhammadan community as a whole, recognise differences of opinion amongst the Muhammadans and would deny to those, who hold opinions different from their own, the character of a representative Muhammadan, even though such persons might, in the opinion of the Viceroy or the head of a Provincial Government, be considered fit to represent the Muhammadan community. Whether this difference in views be in matters political or religious, it is clear that in either case the objections resolve itself into a discussion of questions of a highly controversial character which a calmer consideration of the whole subject demands should be avoided. Nor do I think even the wisest heads in the community could succeed in devising a scheme which would ensure the return invariably of persons of one set of opinions and views and the exclusion of other even if such a scheme were permitted to have full play. There is no particular charm in the system of election such as could be said to result in Muhammadan interests being always represented by the most desirable and competent set of persons available in the country. If as regards the communities who are either admitted or alleged to be in a much more advanced state of knowledge, the system of election is held to be unsuitable for purposes of representations, it is difficult to believe that it would have the effect intended in an admirable manner in the case of Muhammadans whose particularly backward condition it is the avowed object of all to improve.

(*c*) There is a possibility, nay, the likelihood of the proposals, if accepted, resulting in an undue preponderance of Muhammadan interests in the council to the detriment of those of the other communities in the country. Of the 54 members proposed 31 including the Viceroy and experts may safely be set down as belonging to the non-Indian community, leaving 23 seats for distribution amongst the different sections of the Indian population. If the two seats allotted to the Chambers of Commerce be excluded from consideration for the same reason, the number is reduced to 21. It is not impossible to suppose that out of the 14 members to be elected by the Provincial Council and the land-holders of the six provinces, as many as eight if not more may at any time happen to belong to the Muhammadan faith. If to this number be added 4, the seats proposed to be reserved for them under the arrangement contemplated the total number of Muhammadans would come up to 12 leaving only 9 seats to be competed for by the other influential communities in the land. This would certainly give to the Muhammadan community a prominence which they themselves have no wish to lay claim to.

(*d*) Representation by election has, for reasons which need not be gone into here, rightly or wrongly come to be regarded as a special privilege which is greatly coveted after. The grant of this privilege regardless of its practical results to the Muhammadan community is sure to be misunderstood and misrepresented. There would be but few who would stop to look at the concesion from the affirmative point of view, as affording a possible solution of a difficult political problem. The great majority would concentrate their attention on the opposite side of it, as marking the refusal of the Government to allow people of other faiths to partake of it, a refusal which will be interpreted as amounting to preference of the Muhammadan religion over the other religions in the country. This impression will grow and deepen and the cooler heads of the community will find it impossible to prevent its taking root. The mischievous elements in the Muhammadan community are likely to seize upon the fact as a pretext for the assumption of an attitude of superiority based on religious considerations, a contingency of which recent events have shown to be productive of immense harm to the country.

(*e*) The preferential treatment accorded to the Muhammadan community in this respect is apt to afford to individual officers having power and patronage at their command an excuse for the display of undisguised preference in the administration of public affairs based on considerations of religion alone. Instances of the display of such preference in an objectionable manner have not been wanting in the past and they are likely to multiply by reason of the possibility of the action of the Government of India in this respect being misunderstood.

(*f*) If the decision as to the special representation of Muhammadan interests in the manner proposed be irrevocable, I would, with reference to the latter part of the 6th question, venture to suggest that such representation should take place by the vote not merely of the Muhammadan members of the councils, but all of them taken together, as an evil, from which the least harmful consequences could be anticipated. This proposal, while it would secure the object in view, would at the same time minimise the bitterness of feelings and bring about cordiality of relations between the different religious elements in the councils. I am opposed to the creation of a speial electorate referred to in paragraph 18 of the Government of India letter in the manner proposed for reasons hereinbefore given.

13. Before answering the questions relating to the Provincial Legislative Councils in the Punjab, I would give my own scheme in regard to the constitution of the council which in my humble judgment is called for in consideration of the special circumstances

of the Province. This would enable me to record my answers to the several questions propounded without any lengthy exposition of my views. The scheme is as follows:—

(*a*) The number of councillors should be 25 to be composed of 14 officials and 11 non-officials.

(*b*) The non-officials should represent the following principal interests in the country:—

Religions	3
Professions and occupations	6
Minorities and miscellaneous interests	2
TOTAL	11

The distribution of these interests should be made in the manner following:—

Religions—		
(*a*) Hindus	1	
(*b*) Muhammadans	1	
(*c*) Sikhs	1	
	—	3
Professions and occupations—		
(*i*) Large land-holders	1	
(*ii*) Cultivators of land	1	
(*iii*) Chambers of Commerce	1	
(*iv*) Industries and Capital	1	
(*v*) University	1	
(*vi*) Law	1	
	—	6
(*vii*) Minorities and miscellaneous interests		2
TOTAL		11

(*c*) The appointments on the council to be made partly by nomination, partly by election, and partly by nomination and election combined, in the manner following:—

1. To be nominated by the head of the local Government—

(*i*) A representative of the large land-holders of the Province	1	
(*ii*) To represent minorities	2	
	—	3

2. To be elected by—

(*i*) Chamber of Commerce	1	
(*ii*) University (an Indian)	1	
(*iii*) Representatives of registered companies in the Province with a minimum capital of one lakh of rupees to represent industry and capital	1	
(*iv*) Indian advocates and pleaders of the Chief Court	1	
	—	4

3. Partly by election and partly by nomination—

(*i*) The district boards in the Province will, according to the divisions,, elect one candidate in each division to represent the cultivators of land, and from amongst the 5 persons so elected the head of the local Government shall nominate the candidate who appears to him to be most suitable for appointment	1	
(*ii*) The local Government will permit such religious associations in the Province as may be specially recognized in this behalf to submit nominations in respect of the representatives in their respective religions. Each association submitting one name in respect of the religion professed by it. From amongst the names so received the local Government will select the names of three persons who should in its opinion be appointed to represent the three principal religions in the Province. I have not proposed any representative for the Christian religion as I think the interest of that religion will be duly safeguarded by the official members of the council	3	
	—	4
TOTAL		11

14. Having made any suggestions with regard to the constitutions of the Punjab Provincial Council and the method of its formation, I now proceed to answer the several questions given in the Punjab Government letter. The answer to question 7 is, as will appear from the above, in the affirmative, the figure being 25.

15. Question no. 8 has been disposed of by the scheme above suggested.

16. My answer to question 9 is as follows:—

(*A*) I am unable to agree with the suggestions made in paragraph 22 of the Government of India letter. The proposals as therein made consist of—

(*a*) The division of the population of the Province into different classes according to—

(*i*) race,

(*ii*) caste,

(*iii*) religion.

(*b*) The allotment by the local Government of the number of seats on the council to the several classes so determined.

(*c*) The preparation of list of voters in respect of each of the classes so determined from amongst—

(*i*) the members belonging to each class who hold or have held office in the municipal or local boards;

(*ii*) such persons as the local Government may nominate after consultation with local associations, etc., for inclusion in a supplementary list of voters for each class.

(*d*) the election of the representatives of each class according to the number fixed by the voters of that class.

(*B*) My reasons for disagreement with the proposals as above summarised are these:—

(*a*) I am afraid neither race nor caste can be adopted with any hope of advantage for the division of the whole population of the Province into different classes as desired. There are no well-defined or ascertainable ethnological data which could afford a basis for the division of the people into different classes according to races. It is difficult to understand the meaning of the term race as used in the Government of India letter as distinguishable from the word caste. The census reports seem to use the words caste, tribe, and race in one and the same sense. The division of the people will therefore have to be made into different classes according to differences only in caste. It would, however, be impossible to keep such classes distinct from those formed by a distribution of the people over the several religions in the Province, for persons belonging to one and the same caste are spread over more religions than one. Take, for instance, such castes or tribes or races as Jats and Rajputs, and these are to be found not only amongst Hindus, but Sikhs, Muhammadans, and Christians as well.

(*b*) The practical result of the attempted distribution will be that the classes will have to be formed according to religions. Such a distribution will involve the reconsideration of the allotment of seats on the Council, which, too, would have to be made according to the several religions prevailing in the Province. I am not sure that religion is the only consideration which deserves to be taken into account in determining the several interests which should find their representation in the Legislative Council of the Province. There are various interests in one and the same religion which are not in accord with each other and which for purposes of legislation may stand in need of separation. If therefore it is necessary to sub-divide representation by religion into occupations, the process will have to be resorted to in respect of each religion. This would be accentuating differences in religion to a degree, and perpetuating them in a manner, which would be harmful to the best interests of the country.

(*c*) It is not apparent why caste should be taken as the basis of consideration for purposes of representation. Differences in caste amongst the Muhammadans are not so pronounced as those prevailing amongst the Hindus, but even in the case of the latter they have reference to considerations affecting the social life of the people and have no concern with questions of a political nature. To introduce politics into the social life of the people would be a departure in the method of government which no well-wisher of his country could look upon with equanimity.

(*f*) The cause of social reform would be greatly retarded, if not arrested, by the adoption of the proposals as made. If the people are prepared to relax the rigor of caste and to allow of a more wide-spread fusion of the classes amongst Hindus than is possible under existing circumstances, it is desirable that such laudable attempts on their part should meet with the sympathy, if not the active support, of the Government. The proposals made, however, are calculated to put into active operation forces which would be antagonistic to the cause of social reform.

(*g*) It would be difficult to prepare lists of voters such as are intended, but supposing that satisfactory results can be obtained in this direction, the election of class representatives in the Council woud have to be spread over the whole of the Province which would not be an easy matter.

(*C*) I am opposed to the changes sought to be introduced into the constitution of the municipal and local boards on the principles referred to in paragraph 22, clause (*c*), of the Government of India letter. It has to be borne in mind that the statutory formation of these bodies is formed on considerations which have nothing to do with the distinctions of the people from the point of view of caste. To introduce such considerations in the administration of the affairs of these bodies, without recasting their constitutions, as separately determined by legislative measures, seems, in my humble judgment, to be open to objection. Taxation, which is the one of the principal features of municipal and local boards, does not proceed on caste considerations, nor are measures of a sanitary nature, or those connected with the improvement of towns and villages, framed in distinctions of the people based on differences of caste or creed.

I am strongly opposed to the proposal that voting for a representative of one class should be confined to voters of that class alone. Such a proposal would promote disunion and discord among the people, and would result in want of harmony in the practical working of the local bodies. A wider and more catholic view of the good of the people as a whole would require that petty differences of the nature referred to should be disregarded, as standing in the way of social and religious reforms of the country.

The changes proposed seem to be intended to remove the evils which are alleged to result from the system to election at present in vogue. The remedy, however, in my humble opinion, would seem to be worse than the disease. The only true solution of the difficulty, if it is found to exist, is to boldly declare that the election system based on principles in harmony with the spirit of the laws in force is unsuited to the existing circumstances of the country, and to have resort to a system of nomination such as might result in a better and more satisfactory representation of the people on the municipal and district boards.

(*D*) The interests that I think should find representation are those which I have indicated in the scheme above suggested, and I do not think that there exists any other class in the Province which at the present stage of its development stands in need of recognition for purposes of representation.

17. The scheme above set forth sufficiently answers question no. 10.

18. Question no. 11 is disposed of by my remarks in paragraph 17 above.

19. For my answer to the 12th question see my remarks made in paragraph 12 above.

20. I would answer the 13th, 14th and 18th questions in the affirmative.

21. Before I conclude I consider it necessary to explain that if I have ventured to suggest modifications in the scheme which has been propounded by the Government of India, it is because I feel that the various forces that are now at work in the country demand that due notice may be taken of them, and that the form which the scheme should finally assume should be such as might commend itself to the hearty approval of the intelligent and sober sections of all classes of the Indian population. It cannot be denied that there are men in the country outside the machinery of administration who are possessed of ability of the highest order, and who, though willing to work in the interests of the country in harmony and co-operation with the Government, find no opportunities under existing circumstances of making their voice heard with effect by those to whom is entrusted the practical direction of public affairs.

Being convinced of their own power to do good and imbued with lofty sentiments of patriotism they cannot allow their energies to lie dormant. It will not do to ignore the existence of such influential men in the country. To ignore them is but to add to their strength, for disregard is the outcome of contempt, and an open display of that sentiment would rouse fresh energies in them which would lend additional vigor to the influence they already enjoy. The consequence hitherto of such disregard of men of this description has been to force them to join or form organisations which either do not work in harmony with the officials or assume an attitude of direct antagonism to the machinery of Government. If the direction of public affairs were so modified as spontaneously to draw to the co-operation and help of Government the brains and guiding spirits of these organisations, not only would the forces working towards a good and orderly Government of the country, combine coolness, but the boisterous and the frothy sections of the community would have the wind taken out of their sails, and ther power to do mischief would be brought to an end. Finding no one under whose protecting genius they could combine or whose moral support they could invoke in carrying on what may well be called a propaganda of discontent, even they would not take long to find out that there exist better and higher fields of work to which they might devote their energies with profit to themselves and the good of their country.

There can be no doubt that this scheme of reform, based as it is on principles such as have been propounded in the Government of India letter, if modified in accordance with the views which might be found to represent the best minds of the people, and carried into effect in a spirit conciliatory of all classes, would constitute a land mark in the history of India as eminently calculated to advance the happiness and promote the welfare of its vast population.

LAHORE:
The 21st November 1907.

NARAYAN DAS,
Judge, Small Cause Court.

No. 812—1907, dated Delhi, 14th November 1907.

From—JAMES PRENTICE, Esq., C.A., Secretary, Punjab Chamber of Commerce,

To—The Deputy Commissioner, Lahore.

With reference to my letter no. 569—1907, dated 28th October 1907, I beg to enclose herewith copy of a letter which my committee have to-day addressed to Mr. R. Humphreys, C.S., Deputy Commissioner, Delhi District, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

J. PRENTICE,
Secretary, Punjab Chamber of Commerce.

No. 814—1907, dated 9th November 1907.

From—JAMES PRENTICE, Esq., C.A., Secretary, Punjab Chamber of Commerce, Delhi,

To—The Deputy Commissioner, Delhi.

With reference to your circular no. 1371, dated 17th October 1907, I am instructed to forward my committee's opinion on the proposed measures for giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) *Imperial Advisory Council.*—My committee approve the proposal to constitute an Imperial Advisory Council and do not wish to suggest any alterations therein.

II. (2) *Provincial Advisory Council.*—My Committee approve the proposal to constitute a Provincial Advisory Council, and note with special satisfaction that the Government of India in their letter nos. 2310—2317, dated Simla, 24th August 1907, paragraph 6, distinctly lay down that it is "*essential*" that "industry, commerce, and capital" (among other interests) should also be included in the council.

III. (3) *Imperial Legislative Council.*—My committee approve the principle of enlarging the Imperial Legislative Council, and they are in accord with the general lines on which it is proposed that such enlargement should proceed; they are, however, strongly of opinion that the immensely important commercial interests of India should be accorded more adequate representation than the scheme provides for. They would urge that the Calcutta and Bombay Chambers of Commerce, though doubtless entitled by their status to elect one member each, as is proposed, are not representatives of the diverse commercial interests of the whole of this great country, and in particular are not representative of those two main bodies of commercial interests which in Northern India may be considered to be represented by the Upper India, the Karachi, and the Punjab Chambers of Commerce, and in Southern India by the Madras and Rangoon Chambers of Commerce. They would therefore suggest that an additional commercial member should be allotted to Northern India and another to Southern India, to be elected either conjointly or in rotation, the latter, preferably, by the two groups of chambers above mentioned. They hope that the Commissioners and the Deputy Commissioners of Lahore and Delhi, who have special opportunities of appraising the magnitude of commercial interests in Upper India, will see their way to give to this suggestion the great advantage of their official approval and support.

(4) My committee approve the proposal that one member should be elected by the Provincial Legislative Council to the Imperial Legislative Council.

(5) and (6) My committee do not think that the subjects of these two questions come within the special province of the Chamber as such, and they therefore refrain from expressing any opinion.

IV. (7) *The Provincial Legislative Council in the Punjab.*—My committee would advocate a liberal increase in the present number of members of the Punjab Legislative Council in conformity with the general principle underlying the whole of the proposals now under consideration as enunciated by the Government of India, namely, the desirableness of "giving the people of India wider opportunities of expressing their views on administrative matters." They do not feel competent to suggest an exact number.

(8), (9), (10), (11), and (12) For the reason given in their reply to questions (5) and (6) my committee refrain from expressing any opinion on the matters embraced by questions (8) to (12) inclusive. But they would ask to be allowed to urge with special emphasis the powerful claims of commerce and industry (both of which are rapidly growing factors in the economic well being of this province), to be allotted on a permanent basis, a special representative in the Provincial Legislative Council. They are also strongly of opinion that the electorate best qualified by its constitution to nominate a suitable representative of commercial and industrial interests in this Province, is to be found in the Punjab Chamber of Commerce and earnestly hope that the Commissioners and the Deputy Commissioners of Lahore and Delhi, with their special knowledge of the character of the chamber and of the interests which it has been created to promote, will see their way to support their recommendations in this matter.

V. (13) *Discussion of the Budget in the Legislative Council.*—My committee approve the proposal to alter the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of the Government of India's letter.

(14) My committee consider that it is desirable that the Provincial Budget should be discussed in the Provincial Legislative Council, but they do not think that the time has come when its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India's letter would be advantageous.

(15) My committee advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

J. PRENTICE,
Secretary, Punjab Chamber of Commerce, Delhi.

No. 229, dated Lahore, 22nd November 1907.

From—LALA JAI KISHEN DAS, Rai Bahadur, General Secretary, Punjab Hindu Sabha, Lahore,

To—The Deputy Commissioner, Lahore.

On behalf of the Punjab Hindu Sabha I have the honour to acknowledge the receipt of your letter no. 6437, dated the 28th October 1907, forwarding printed copies of letters from the Punjab Government and the Government of India regarding the measures proposed for giving the people of India wider opportunities of expressing their views on administrative matters. Thanking the Government for the opportunities afforded to the Sabha for offering its opinion on the measures proposed, I beg to submit them as follows:—

Imperial Advisory Council.—The object of this council has not yet been fully comprehended by the people at large, and in the absence of further information as to the matters to be referred to this body and the use to be made of its deliberations, the Sabha cannot form any definite opinion as to how far it would be serviceable to the best interests of the country. Since, however, it appears from the Government of India letter, paragraph 4, that it is desired by means of this council to associate the ruling Chiefs and territorial magnates with the Governor-General "in the guardianship of common and imperial interests," this Sabha begs leave to point out that neither of these classes of men are in touch with masses of the people of British India, and it is not easy to see how they could help to bring the Government and the people closer to each other. They can be hardly expected to represent adequately the views and sentiments of the latter, or to explain to them the intentions of the former for the benefit of the people at large. With regard to the "territorial magnates" the Sabha begs leave to submit that as a class, this body has not yet been known to take much interest in public affairs, so far as, at any rate, this Province is concerned. Under the circumstances, the Sabha is of the opinion that ruling Chiefs and territorial magnates would hardly be of much use in an Advisory Council so far as popular interests are concerned.

If, however, the Government of India decides upon constituting an Advisory Council consisting of ruling Chiefs and territorial magnates as proposed, the Sabha would humbly suggest that in order to give a popular leaven to it and bring it into touch with the growing public opinion in what may be called the lower strata of Indian Society, the elected members of the Imperial Legislative Council should *ipso facto* be included in this council, either in addition to 60 members proposed by the Government of India, or within that number, as may be found desirable. This Sabha would further suggest that, as far as possible, the collective opinion of this council be obtained on matters referred to it, and that every possible publicity be given to its deliberations in order to keep up the confidence of the public in its working. The members of the council may also be allowed the privilege to suggest individually or collectively any useful reform, point out any drawback of a measure to be adopted by the Government.

II. (2) *Provincial Advisory Council.*—The Sabha is of opinion that the Government's proposal to include in the Provincial Council representatives of other interests, besides the landed one, is very well-advised. The different professions, commerce and

industry should also find ample representation in this body. This Sabha agrees with the Government of India letter, paragraph 6, that the membership of this council should be large enough to provide for the adequate representation of all the interests existing in the Province. It is also humbly suggested that the elected members of a Provincial Legislative Council be *ipso facto* members of the Advisory Council of that Province.

III. (3) *Imperial Legislative Council.*—(*i*) While approving of the proposed enlargement of this council on the general principle of allowing a wider representation of interests, the Sabha cannot view with favour any scheme that is calculated to accentuate sectional or racial differences and give undue preference to any particular class. In the scheme sketched out in paragraph 12 of the Government of India letter, provision is made under D (*d*) for two Muhammadan members to be returned by a special Muhammadan constituency in addition to such members of that community as may be returned by the mixed electorates under D (*b*) and D (*c*) and also in addition to members of the same community proposed to be nominated by the Viceroy under E for the representation of minorities and special interest. If the object of giving this special representation to Muhammadans be to safeguard the interests of a community which taking India as a whole is in minority in relation to the Hindus, this Sabha would beg leave to observe that a similar claim may with justification be preferred by other communities similarly situated. For instance, the Hindus, being in a minority in the Punjab and in Eastern Bengal and Assam, may claim special representation in the Legislative Council of these Provinces, while the Parsi community, which wields a degree of influence in the intellectual and commercial life of the Bombay Presidency, may feel entitled to put forth a similar claim. Indeed, since the publication of the Government of India proposals, Sikhs, Native Christians, and other comparatively small communities are understood to have expressed a desire for special seats to be reserved for their respective communities. In the opinion of the Sabha this feature of the scheme, if retained, would prove a perpetual source of friction and heart-burning and lead to the accentuation of class differences which in a country like India require to be bridged over rather than widened. It would also go to mar the popularity of a scheme that might otherwise command general approval.

(*ii*) The official majority of 36 to 18 including the nominated members is by far too much. It could be safely reduced 30 to 24, without in any way endangering the position of the Government.

(*iii*) The commercial interests could not be adequately represented by 2 members elected by the Chambers of Commerce at Calcutta and Bombay, as there are wider interests involved. Invariably these elections are likely to result in the return of Europeans to the council. The Indian interest and the interests of other provinces would not have any representatives. Therefore it is suggested that the number of commercial members be raised to 5, guaranteeing 3 Indians to 2 Europeans and having an adequate representation of the whole of India's commercial and industrial interest.

(*iv*) The land-holding interests are being given too much importance. They may be reduced to say, 5 members from 7.

(*v*) The interest of education have been entirely ignored in the scheme. This is hardly justified. The five universities should be given one representative each through their graduates of certain standing. Thus the numbers will work out as under:—

The Viceroy	1
A. *Ex-officio*, the Lieutenant-Governor of Bengal (or of Punjab) when the council assembles in Simla, the Commander-in-Chief, and the members of the Executive Council	8
B. Additional officials to be nominated not exceeding	16
C. A ruling Chief to be nominated by the Viceroy	1
D. Elected members—	
(*a*) By the Chambers of Commerce of Calcutta and Bombay and other commercial and industrial associations	5
(*b*) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7
(*c*) By the nobles and the great land-owners	5
(*c*) By law and education	5
E. Non-officials nominated by the Viceroy to represent minorities or special interests	4
F. Experts to be nominated by the Viceroy, when necessary for special purposes	2
	54

(4) Yes, the Sabha approves of the suggestion made in paragraph 13 of the letter.

(5) The Sabha does not think election will succeed in this cause. Artificial suffrages proposed would not have any coherence in interests. Therefore nomination would be the best method of bringing land interests into the council. The Sabha would also humbly suggest that only English-knowing nobles and land-owners be taken on council.

(6) The Sabha does not approve of any concession to any community based on differences of religon or creed as submitted above.

IV. (7) *The Provincial Legislative Council.*—The Sabha would advocate the increase in the number of members on the Provincial Legislative Council to at least 25.

(8) The Sabha would have at least three-fourths of the non-official seats filled by election.

(9) The Sabha does not approve of classification of seats by race, caste, or religion as proposed in Government of India letter, paragraph 22 (*a*).

(10) The Sabha would suggest the following constitution for the Provincial Council, the proportion of non-official to official seats being, as will be seen, 12 to 13—

Official members	13
Non-official members—	
Nominated	5
Elected—	
By district boards	2
By municipalities	2
By University	1
By law and education	1
By Chamber of Commerce	1
	25

(11) As already stated under paragraph 9 above, the Sabha does not approve of separate representation of classes into which the Province is divided by race, caste, or religion, as suggested in Government of India letter, paragraph 22 (*a*), and has therefore no proposal to offer under this head.

(12) The Sabha does not approve of separate representation of Muhammadans in addition to that opened to them by nomination or election and so has no suggestion to offer on that score.

V. (13) Yes. Discussion on Budget should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes. The Sabha thinks Provincial Budget be discussed in the Provincial Councils in the manner indicated in paragraph 23 of the letter.

(15) The Sabha certainly advocates the power of interpellation to be given to members of the Provincial Council in the Punjab.

JAI KISHEN DAS,
General Secretary, Punjab Hindu Sabha, Lahore.

Dated Lahore, 4th December 1907.

From—Rai Sahib Lala Mohan Lal, Proprietor, Mufid-i-Am Press, and Honorary Magistrate,

To—The Deputy Commissioner, Lahore.

With an apology for the delay in replying to your communication no. 6403, dated the 19th October 1907, I most respectfully beg to submit my views regarding the proposal for the formation of Imperial and Provincial Advisory Councils with the object of giving the people of this country greater opportunities for the expression of their opinions on administrative matters.

I. (1) *Imperial Advisory Council.*—I am of opinion that the Imperial Advisory Council constituted generally on the lines sketched out in paragraph 4 of Sir Harold Stuart's letter would be of the greatest assistance to the Government of India and at the same time be a step in the right direction for the good of the people of the country. A really good selection of the very ablest men taken from the ruling Chiefs, territorial magnates, representatives of the commerce and industry of the country, with a small

selection from the educated classes, would form a body of men through whom the Government should be able to ascertain the feelings and needs of the masses, and with their advice the Government would be in a better position to know what is really necessary for the good of the people and the country. This will no doubt result in a better feeling and understanding between the Government and the people.

Regarding paragraph 5 (1), (2), (4), (5) and (6) I have nothing to suggest, but in connection with sub-paragraph (3) I am of opinion that the Imperial Advisory Council should be thoroughly representative of all classes of the community, officials, ruling Chiefs, land-holders, commercial and industrial classes with a leaven of the educated classes. It is suggested that the council should contain 20 ruling Chiefs which besides territorial magnates would mean that representation of the landed interests would be overdone and I do not think that this class should preponderate to this extent. Further, I am of opinion that ruling Chiefs and territorial magnates are not in touch with the masses of the people to the extent of conditions prevailing some 30 or 40 years back, and in all cases could not sit in the Advisory Councils as real and thorough representatives of the people.

Regarding paragraph 7 I am strongly of opinion that the proceedings of the Imperial Advisory Councils should be made public, as I think such a step would be advantageous both to the Government and the people. It would be the means of letting the public know how their interests were being cared for and treated and would allow of discussion in the Press from which the masses derive their information, and would show Government the feelings of the people through the same medium. With the right body of men the publicity given to their opinions should make no difference in the frank and open interchange of views.

II (2) *Provincial Advisory Councils.*—I am of opinion that the same principles as adopted in the Imperial Advisory Council should be applied in the nomination of the Provincial Advisory Council, but that in addition members should be drawn from what may be termed the lower circle of society. By this I mean that the professions, commerce and industries, the trades should be represented by the very ablest men which should be large enough to embrace all the interests in the Province.

Regarding the method of selection of the Provincial Advisory Council, I am of opinion that the wisest and safest course would be by nomination, as the time has not yet arrived for healthy election to be possible. This is proved in the election of members of district boards and municipalities where it has been shown that it is impossible by election to secure the right body of men who have the welfare of the country and people thoroughly at heart.

III. (3) *Imperial Legislative Council.*—I approve of the proposed enlargement of the Imperial Legislative Council with a view to admitting wider interests, but I am against any partiality of the country, and well-being of the people is in a great measure due to the commerce and industries of the country. I am in favour of an increase to the number to be elected by the Chambers of Commerce in Calcutta and Bombay, and at the same time allow the National Chambers of Commerce at the various centres (which consist of Indian merchants) to appoint a member each. I am against any class being allowed to preponderate in the Government Councils and this should be avoided as far as possible, otherwise any distinctions will undoubtedly cause resentment.

III. (4) I agree that the Governors and Lieutenant-Governors of the various provinces should nominate one member for the Imperial Advisory Council.

III. (5) I approve of the nomination of one of the largest land-holders in this Province to the Imperial Legislative Council. Should, however, it be desired by the Government that this member should be elected by the electorate proposed, I fear there would be a very limited body, and the result would not, I imagine, be found satisfactory.

IV. (7) *The Provincial Legislative Council of the Punjab.*—I would suggest an increase in the present number of members to 16. I am of opinion that 8 of these should be non-official and fully represent the various interests of the Province.

IV. (8) I favour the present system of nomination and would not have the seats filled by election for the reasons already stated.

IV. (9) The Government is in the best position to allot the seats with due regard to the various interests involved.

IV. (12) I do not think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination.

V. (13), (14) and (15) I beg to reply in the affirmative.

MOHAN LAL,

Proprietor, Mufid-i-Am Press,
Honorary Magistrate, Lahore.

Dated Lahore, 28th November 1907.

From—JAMES LEADLECATES, Esq., Secretary, Punjab Trades Association,

To—The Deputy Commissioner, Lahore.

I am directed by the committee of the Punjab Trades Association to reply to your circular letter no. 6403, dated the 19th ultimo, and to express their regret that they have been unable to meet in good time to consider this important subject in all its bearings, or to give you an earlier reply.

For the sake of brevity, questions in which my committee do not consider they are directly interested are not referred to.

Question (1).—We consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country; we have no suggestions to offer in respect to its constitution and duties.

Question (2).—We consider that a Provincial Advisory Council would be a useful institution, but we do not concur in the principle of nomination suggested in paragraph 4 of letter no. 2643-S., dated the 27th September 1907, to Commissioners. We think that at least one member representing each interest should be elected by the community he represents, and, if possible, he should be the chairman of some recognised association or body formed by his community.

Question (3).—We concur in the proposed enlargement of the Imperial Legislative Council.

We suggest that the interest of commerce and trade in various centres, other than Calcutta and Bombay, should be represented by the nomination of members by the Chambers of Commerce of Madras, Rangoon, Upper India, Punjab and Karachi.

Question (4).—We approve of the proposal that one member should be elected to the Imperial Legislative Council by the Provincial Legislative Council.

Question (7).—We advocate an increase in the present number of members in the Punjab Provincial Legislative Council, but we cannot venture to suggest the limit.

We consider that a seat should be given to one elected member of the European trading community.

Question (8).—We would have at least half of the unofficial seats filled by election.

Nomination is not ordinarily desirable as the voice of a community is not heard through such members.

Question (9).—We advocate a fixed rule determining the proportion of seats to be allotted to each class. The classes that should be represented and the proportions might be decided from time to time as the public spirit of the various communities demand.

Question (10).—We advocate election through municipal or district boards on the system suggested in paragraph 22 (*b*) and (*c*) of the Government of India letter.

Question (11).—Advocating separate representation of classes we would carry it out in the manner proposed by the Government of India, with the changes in the constitution of municipal and district boards indicated (paragraph 22 (*a*), (*b*), and (*c*) of the Government of India letter).

Question (13).—We consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

Question (14).—We consider that the Provincial Budget should be discussed in the Punjab Legislative Council by separate heads.

Question (15).—We advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JAMES LEADLECATES,

Secretary, Punjab Trades Association.

No. 461, dated 7th December 1907.

From—MILES IRVING, Esq., I.C.S., Deputy Commissioner, Amritsar,

To—The Commissioner, Lahore Division.

With reference to correspondence closing with this office no. 393, dated 8th October 1907, I have the honour to forward my answers to the questions on the proposed changes

in the Imperial and Provincial Councils and those of the following public bodies and gentlemen:—

The Hindu Sabha, Amritsar.
The Anjuman-i-Islamia, Amritsar.
The Chief Khalsa Diwan, Amritsar.
Sardar Jiwan Singh.
Sardar Sunder Singh.
Bhai Gurbaksh Singh.
Thakur Mahan Chand.
Sardar Sher Ahmad Khan, C.I.E.
Sardar Lachmi Sahai.
Sardar Arur Singh.
Sardar Bikram Singh.

MILES IRVING,
Deputy Commissioner, Amritsar.

OPINION.

I. (1) The establishment of an Imperial Advisory Council meets with general approval, in which I concur. The only criticism that has come before me as to its composition is based on the misconception that it is proposed that members must necessarily be either ruling Chiefs or territorial magnates, to the exclusion of all other classes. So many of the territorial magnates of the Central Punjab have proved themselves incapable of managing their own affairs that there is, I think, some uneasiness lest men of this type should be selected. It would allay this feeling if it were expressly added that education (in the broadest sense) and capacity, besides dignity and status, should be qualifications. And I think that the door should not be closed to other classes. The difficulty urged by the Hindu Sabha that members by being bound to secrecy will be put in a false position is not, I think serious.

II. (2) It is generally thought, and I agree, a Provincial Advisory Council is desirable. I consider that it might be given a more definite place in the constitution, and that this, and not the Legislative Council, should be the representative chamber of the people. The members of the Legislative Council are so limited by the number of officials that can be spared to attend it that there is no room for any satisfactory representation; and, as the whole *raison d'être* of representation is not the enforcement, but the expression, of public opinion, why not recognise this fact in confining representation to the Advisory Council and leaving the Legislative Council to carry out the actual work of legislation assisted by the advice of the Advisory Council but unhampered by their numbers? I would in particular have this council, and not the Legislative Council, the constituency for electing members of the Imperial Legislative Council.

The Advisory Council should be composed as follows:—Two ruling Chiefs, 8 Muhammadans (of whom at least 5 must be land-owners paying over Rs. 1,000 land revenue), and 6 Hindus (at least 3 to be land-owners paying over Rs. 1,000 revenue), and two Christians. The other two to be appointed as occasion may require. I would have all places filled by nomination. The system of election has proved a signal failure in this country, and no electorate can be devised, however select, which will not be liable to be influenced by importunity coupled with family and caste connections. Instances will readily occur to memory in which sheer importunity and wire-pulling have procured recommendations on behalf of entirely undeserving persons from the most unexpected quarters. The opinion of the Hindu Sabha is most frank on this point. If, however, election is resorted to, I would have it for this council, and not for the Legislative. I would have 4 Muhammadans and 3 Hindus elected in the manner below described for the Legislative Council.

III. (3) The enlargement of the Imperial Legislative Council is generally approved of, and I have no objection to offer provided that the requisite number of official members can be obtained without dislocating the administration of the country. The only part of the scheme which attracts criticism relates to classes D and E of members, and is dealt with in questions (4), (5), and (6) below.

III. (4) The proposal that the non-official members of the Provincial Council should appoint a member of the Imperial Council is approved generally, but it appears to me to be dangerous, as I do not see how any Muhammadan could justify to his countrymen or his conscience his voting for any but a Muhammadan, and with Hindus likewise. The result would often be to give the European member or members the determining vote.

Moreover, it would bring an element of discord into the council by dividing Hindus and Muhammadans and making the numerical preponderance of one or the other a matter of serious importance. The difficulty could be removed by adopting the suggestion of the Hindu Sabha that the member should be by turns a Hindu or Sikh and a Muhammadan, an adherent of some other religion being intercalated every fifth time; and with this modification I approve of the proposal, if my proposal, that the electorate should be the Advisory Council, is not approved of. I should, however, add that my proposal, and that in the next paragraph, the result of which is to put Hindus and Muhammadans on an equality as regards classes D (*b*) and (*c*), is made subject to the provision of some special Muhammadan representation; otherwise it would unfairly ignore Muhammadan preponderance in the Punjab.

The above remarks apply equally to my proposal that the member should be appointed by the Provincial Advisory Council. My reason for this proposal is that it is practically impossible to have more than 10 or 11 unofficial members on the Legislative Council who are too few to make a satisfactory electorate.

III. (5) The selection of one of the great land-owners of the Province is generally approved, and I agree. But I am confident that no constituency of land-owners could be created which would not be subject to undesirable influence of every description as the Hindu Sabha admits. Election of such a member by the land-holding members of the Provincial Council is, I think, feasible only if the member elected is to be alternately Hindu and Muhammadan, and a Hindu when the member under class D (*b*) is a Muhammadan, and *vice versâ*. To prevent the alteration being stopped by the fifth member under class D (*b*) it would have to be arranged that the corresponding fifth member in class D (*c*) should be alternately Hindu and Muhammadan unless he is a Christian. But I strongly favour nomination for this post partly because I do not think the number of land-owners in the Provincial Council will be sufficient. This argument would not apply so strongly to election by the land-owning members of the Advisory Council who would be more numerous.

If direct election is approved, I think that the electorate should consist of all paying land revenue of Rs. 5,000 and upwards. The members should still alternately be a Hindu and Muhammadan.

III. (6) The proposal to set apart a certain number of seats for Muhammadans is beyond question the most controversial of the present proposals; it is bitterly resented by the Hindu and if adopted will be a permanent grievance and will be used to show that Government has abandoned its ancient policy of regarding Hindu and Muhammadan with an equal eye. On the other hand, it is undoubtedly a measure of justice and moreover can hardly be dropped now. My proposals in classes D (*b*) and (*c*) put Hindus and Muhammadans on an equality as far as the Punjab is concerned, and we may assume the same to be the case in Eastern Bengal. We shall then have left in these two classes almost certainly 9 Hindus and a Budhist and no Muhammadans. We may thus assume the total result of the proposals in class D (*b*), (*c*), (*d*), and E to be 11 Hindus, 6 Muhammadans, 1 Budhist, and 2 undetermined. I am in favour of the proposal to have the two Muhammadan members elected under class D (*d*) in spite of the opposition that it will create, but I think that it is unnecessary to specify two Muhammadans under class E, as without their being specified they can be appointed, if so desired, and to specify them is simply to give a handle to opposition.

As regards the Muhammadan electorate, the proposal of Sardar Sher Ahmad Khan is to substitute for class (*c*), in paragraph 18 of the Government of India letter, all Muhammadan members of first class municipalities. I am against this on the principle that local bodies should not be used as an electorate for Imperial or Provincial purposes. I personally would oppose election in any form, but if it is adopted the electorate proposed in the Government of India letter appears as suitable as any, except that I would substitute for (*a*) the Muhammadan members of the Advisory Council.

IV. (7) If the Provincial Council is to be made representative of various classes there must be at least 11 non-officials and consequently 12 officials. This number could be made up by including with the Lieutenant-Governor the Financial Commissioner, Settlement Commissioner, five Commissioners, Chief Secretary, and the two Chief Engineers. I am not in a position to say how far this would interfere with the regular work of these officials, but I think that it must necessarily interfere to some extent while the increase of numbers would not add to the efficiency of the body as a legislative machinery. I would, as above stated, transfer to the Advisory Council the duties of criticism and election to the Imperial Council and leave the present constitution of the Legislative Council unaltered.

IV. (8) Indian opinion appears to favour having some of the non-official seats filled by election. I, however, personally can imagine no possible form of election that would not be subject to improper influences, and I think that for the present the system of nomination should be adhered to. Should, however, election be resorted to I think that 5 out of 11 non-official members should be elected distributed as suggested in the following section.

IV. (9) I would have the unofficial seats distributed as follows: 5 Muhammadans, of whom 2 at least must be big land-owners, 4 Hindus and Sikhs, of whom 2 at least must be big land-owners, 2 Christians, of whom one at least must represent commerce. If election is resorted to, I think that 2 Muhammadans, 2 Hindus, and 1 Christian should be elected and the rest nominated. The Christian to be elected by Chambers of Commerce, the rest as in the following sections.

IV. (10) If election is resorted to at all, it must, I think, be through local bodies. This is greatly to be deplored, as it will injuriously affect the working of these bodies. We wish to attract to them men who will do solid work, and there is great danger that if they are used as an electorate that this type of man will be swamped by those who enter the local bodies for ulterior motives. Still if election is to be used this evil is inevitable, as no electorate can be devised without reference to membership of local bodies.

The evils of the system will be minimized by resorting to indirect election. Let there be an electoral college to which each 1st class municipality will elect one Hindu and one Muhammadan and each district board will elect a number of Hindu and Muhammadan proportionate to the population of these religions in the district, say, one elector for the first 100,000 of the religion in the district and one more for every quarter million in addition. The whole district board would vote, but the electors selected must be the fixed number of each religion laid down.

This electoral college would elect the required number of Hindus and Muhammadans, Hindus voting for Hindus and Muhammadans for Muhammadans.

IV. (11) I have already in paragraph IV (9) advocated separate representation of classes. I do not recommend the plan proposed in section 22 (*b*) of the Government of India letter, because the electorate would be too much scattered. I can imagine no reasonable conclusion arising from the deliberation of an electorate comprising Aroras of Multan, Rajputs of Kangra, and Sikhs of Amritsar. The electoral college proposed in paragraph 10 above would, it is hoped, consist of men sufficiently enlightened to have something in common.

The change in the constitution of local bodies would not in my proposals be necessary for the purpose of electing councils, but is highly desirable for purely local purposes.

V. (13) I am not in a position to offer a decided opinion on the discussion of the Budget in the Imperial Council.

(14) I do not think that the discussion of the Budget in the Provincial Council would be of practical benefit.

(15) The introduction of the power of interpellation into Provincial Council would be popular, and, I think, desirable.

MILES IRVING,
Deputy Commissioner, Amritsar.

Opinion by Rai Bahadur Gopal Das, Bhandari, Pleader, Municipal Commissioner, and Secretary, Hindu Sabha, Amritsar, dated 15th November 1907.

I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alteration in the proposals made in paragraph 5 regarding its constitution and duties?

There cannot be any two opinions on this question, that the appointment of an Advisory Council, on the lines sketched out in paragraph 4 of the Government of India letter, to serve the purposes mentioned in paragraphs 2 and 3 of the same letter, shall be of considerable service to the country, it shall prove to be most useful, and meet in many ways the growing demands, aspirations, and wishes of the people, but much shall depend upon the class of persons to be nominated and honoured with a seat in such council.

It cannot be denied and disputed that the success and the good results shall be commensurate with the intellectual capacity and fitness of the councillors chosen; undoubtedly the social position, dignity, and status in society should be the foremost passports

for the selection, but daily experience also shows that men of wealth, dignity, particularly amongst the landed aristocracy, and big landlords who are illiterate and without education, hardly carry any real influence, and prove to be entirely unfit and incapable to offer and give sound and good advice on ordinary matters demanding least intelligence; far less can they be expected to take part in the discussion of matters of vital importance, affecting the welfare of the whole country. Largely in the matters of the management and administration of their own property, requiring an ordinary capacity, they are in the hands of their underlings of ambitious character and aims, and the whole policy of their domestic and household management and worldly affairs is shaped and influenced by the same servants.

There are exceptions, but speaking generally, the above state of facts apply to the majority. The tenor and the underlying principle of the whole scheme also clearly points out that it is the progress in education that has made the Indians to be fit to be entrusted to the works and posts of administration, and the fact that the land-holding and commercial classes have also imbibed the usefulness of the education that has made the Government to give them a prominent share in the administrative affairs, *vide* paragraphs 2 and 3 of Government of India letter.

Admitting at the same time that posts and seats of honour and responsibility should not be the monopoly of one class and community, and each class should have the right of fully availing itself of the fruits and advantages of the boons and concessions, I beg to propose that in paragraph 5, clause 3, *after* the words "and a suitable member of the" the word "educated and literate" be added.

It can be argued that the addition of these words is redundant and superfluous as the Imperial Government in making selections shall be guided by the truest rules of selection and shall only nominate those whom it shall consider fit and capable to do the work. I may humbly urge that the same reasoning could have applied to the omission of the words dignity and status, and moreover the addition of the words educated shall be useful and sufficient incentive for the coming generation of the territorial magnates to educate themselves properly to get a chance of being selected to work in the most coveted council in India; secondly, the advice and opinion given shall be the direct and own opinion of the councillors and not dictated by another of low position working behind the curtain. The Government can attach importance to the opinion of the magnates, but not to the opinions echoed and rehearsed by the councillors having learnt from others. Moreover, generally, the opinion shall be called forth individually, and in that case in all likelihood,

such written opinions shall be the production of the brains of *Babus* and not the *Raises*.

As regards the ruling Chiefs, one of the tests should also be education and good management of their States, but as the question relating to them has varied sides, and different considerations are to be kept in view, I leave its further discussion. The view expressed by me in the above lines gets sufficient support from the fact that persons selected to speak for the people on urgent matters of importance should no doubt be those whom Government thinks fit, but to some extent should also be such in whom people have confidence of expressing their views rightly and correctly, and who shall be able to diffuse true knowledge of facts; otherwise immediately after the publication of the names of the members there is possibility of misconstruing the noble and generous policy of the Government, and giving a chance of interminable controversy to those who seek such occasions, and opening a door for the display of severe and disagreeable criticism in connection with the qualifications of the members nominated, with a result of imprinting bad impressions on the minds of men of high position and dignity.

While admitting that the opinions given by the councillors should be private, informal, and confidential, it is necessary that some provision be made to give more and due weight to such opinions, and that under certain conditions they may be acted upon.

There are significant reasons for the above views, namely, that according to the letter of Government and the rules of the constitution of that body persons nominated shall be presumed to be fit for the work and capable of rightly grasping and handling the questions referred to them, and in case of no heed being paid to their advice it shall generate sense of distrust and indifference, as is natural with every man, and far more with men of education of exceptional dignity and status who are more sensitive and emotional and nourished from childhood on the imagination of being infallible, and never put to the test of being overruled and contradicted, nay, there is danger of some magnitude of whispering privately of an imaginary indignity and insult.

It is better that such ruling Chiefs under those conditions be not consulted, rather than creating a groundless and unfair charge. What those limitations should be depends on the nature of the questions asked, but I humbly suggest that in case four-fifths of the members be unanimous on one point their advice should be acted upon by the Government. By reading clause 3 of paragraph 5 and comparing it with paragraph 6 of the same letter it is evident that the members of the Imperial Advisory Council can only be the ruling Chiefs and territorial magnates where land-holders of sufficient dignity and status are to be found. In paragraph 6 industry, commerce, capital and the

professional classes are included in the Provincial Advisory Council; thus all other classes are beyond the scope of this clause, notwithstanding, besides territorial magnates, there can be found in India men belonging to another class who may fulfil the requirements of paragraph 2, be sufficiently acquainted with the daily life of masses, and in every respect qualified to speak with authority on their behalf, and who may weigh heavier on every point, in education, influence, dignity, and status than the territorial magnates. Thus I suggest that some words should be added to clause 3, paragraph 5, which may have the effect of bringing in men of other class than big land-holders to which this clause prominently refers.

Clause 7 of this paragraph reserves to Government the right of making use of the proceedings of the Advisory Council, but it is nowhere laid down that councillor or councillors shall have in any case the right of giving publicity to his or their opinions. It is true that giving an unlimited liberty to councillor or concillors shall defeat the very object of the constitution of the council, and that it is highly objectionable that State matters of urgency and importance, on which the policy of the Government is to be altered and shaped, be made a subject of public discussion by disclosing the opinions of the councillor or councillors; but at the same time as councillors owe some obligation, responsibility to the masses on whose behalf he or they are expected to speak with authority, and for whose welfare he or they are summoned by the Government as stated in paragaph 4 of the letter. Naturally masses or other persons whose interests the councillor or councillors are to represent, consistent with the interests of the Government, shall expect and demand such representative of theirs on certain occasions an explanation for what he or they had told to Government concerning them, and if the councillor or councillors is, or are, prohibited by this rule of the constitution of the council and the terms of their holding office, the position of him or them shall be most unenviable and awkward; on one side the law sealing the lip, and on the other unceasing worrying demand by the public for explanation and an attempt to break the silence. It is quite possible some feeling the difficulty of the position may retire and adopt a safer course of not taking part in the State and public affairs, and in some cases by their doing so causing an irreparable loss both to Government and to people. Thus it is necessary that some provision be made that under certain circumstances and conditions the councillor and councillors, *with the permission of the Government*, may have the right of declaring to the public the opinion he or they had given on certain matters; in the absence of such provision there shall be a general cry that the representatives do not properly represent the state

of the masses. What those conditions and circumstances should be are matters in which Government only should have the sole right of discretion. Lastly, in support of the suggestions that education should also be one of the tests of selection, I humbly beg to say that history of every country including India bears testimony to the fact that advisers round the throne, even in the courts of autocrats, used always to be men of learning and education, even in countries which are backward in civilization. Men influential without education may be utilised, and were utilised, for purposes other than administration and advice. I do not mean that uneducated have no sense or power to give advice, there may be exceptions; but speaking generally the case is as above indicated. As regards the duties, I approve the proposal of the Government. To sum up, loyalty to the Crown, education, exceptional dignity and status should be the qualifications; landed aristocracy to have preference over others.

II. (2) *Provincial Advisory Council.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

The members suggested by the Punjab Government of the Provincial Advisory Council is fairly large; taking into consideration the standard of education and other qualifications necessary to be kept in view in selecting the councillors, there is no denying the fact that this Province cannot vie, with an eye of equality, with other provinces, excepting Eastern Bengal and Assam. It is not as yet as advanced as others; the percentage of literates in English is too low. My remarks relating to the qualifications, etc., of the Imperial Advisory Council shall equally apply to the Provincial Advisory Councillors; education should be prominent qualification in a member along with dignity, influence, and status in society. I can safely say that magnates in Punjab, with very few exceptions amongst land-holders, have a nominal influence with the masses. Their habits and isolations from the public and aversion in interesting themselves with public questions and the welfare and needs of masses have lessened and weakened their influence which otherwise they would have possessed with better rights and claims and due to the ancient name and reputation of the family. Moreover, excepting few districts there are petty land-holders throughout the Province, and scions of old families, though possessing good name and known to be descendants of once powerful jagirdars, hardly now own an area of land decent enough to maintain the position, and in majority of cases the survivors of old big families have reached the level of ordinary middle class zamindars, and I am afraid that in some principal districts the territorial magnates and big land-holders can count themselves unlucky in not being selected on account of their even not being able to manage their own affairs without the aid of Court of Wards.

Thus looking to the special features of this Province and the pecuniary state of big

zamindars and other qualifications, I would even go for a lesser number provided education be one of the tests.

The Advisory Council, though less in size, but otherwise best fitted and having an intimate knowledge of the wishes, aspirations, and want of the people, possessing an intelligent capacity, to realise the responsibility of their position and honour, with a mind to serve the Government loyally, and discharging their duties both to the satisfaction of the Government and the people, would in every respect be both useful and serviceable to the Province and shall promote the good feelings between the rulers and the ruled.

I do not mean in the least that classes other than land-holders should have predominance, but what I respectfully beg to suggest is that fundamental principle or the basis of selection should be intelligence, capacity of understanding the questions, and the mature experience and sound judgment, in giving the advice asked for, and not being dependent themselves on the advice of others.

The member representing different classes should not be disproportionate to an extent, by which one class may not be considered as negligible quantity. My other remarks relating to the right of the councillors publishing their opinions under certain *conditions with the permission of the Government* should be held as also applicable to the Provincial Advisory Council so far as they can be made applicable.

As regards duties of the councillors I entirely agree to those explained in the letter.

III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

The enlargement of the Imperial Legislative Council being a concession of vital importance, and the conclusive proof of the good intention of the Government is hardly to be disapproved by anybody. It is a right step for which all the Indian should be grateful to the English Government and should accept the concession with a sense and spirit of gratitude, and the modifications apart from those which fall under other questions and to which special answers are to be given. I respectfully beg to propose as follows:—

1. Under head D, clause (*b*), paragraph 12, of the Government of India letter, there should be an election amongst the non-official members of the Provincial Legislative Council of the Punjab to select alternately, every time when necessary, a Hindu or a Muhammadan member, the word Hindu including Sikh, and a member of other classes besides Hindu and Muhammadan every fifth time. To be more explicit, what I mean is that all the non-official members of every class should select from amongst themselves once a Hindu including Sikh and then a Muhammadan and fifth time besides Hindu and Muhammadan.

* Central Provinces forgotten.

This is bad special pleading. The Sabha's own proposal is that the Punjab should return Hindus and Muhammadans alternately under (*b*) and (*c*). Eastern Bengal may be presumed to do the same, so these two provinces are neutral. Of the rest we shall get 9 Hindus and a Buddhist (from Burma) to no Muhammadans.

in all likelihood 4 Hindus shall be returned by Madras, Bombay, Bengal, and United Provinces and two Muhammadans by Punjab and Eastern Bengal and Assam under clause (*b*), and in similar way 4 Hindus from Madras, Bombay, Bengal, and United Provinces,* and two Muhammadans from Punjab and Eastern Bengal and Assam shall be returned under clause (*c*), head D, the number of the Hindu members by the right process coming to 8, and of Muhammadans 4, which if 4 more exclusive seats be given to them, their number shall also swell up to 8, an equal number with Hindus, which cannot be approved by any Hindu, and is an unfair preference given to one over another for no good reason. If necessarily out of right proportion, more seats are to be given to the Muhammadans, in consideration of the matter mentioned in paragraph 6 of the Government of India letter at the utmost 2 be given instead of 4, the tradition and historical fact cannot so far outweigh as to injuriously affect the other community in its lawful interests.

If the above view be not accepted I offer no detailed opinion as to the method of election and the constitution of the electorate.

(7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

Taking into consideration the fact that the number of the members of the Imperial Council is to be enlarged, it is absolutely necessary that the number of the members of the Punjab Council be also enlarged and, moreover, the general spread of education lately in this Province and the people taking an interest in the legislation and other administrative matters, though not yet to the fullest extent, demands that large number of men of the Province should take part in the legislation. The number which I beg to propose is 20.

(8) Would you maintain the present system of nomination or would you have any one of the unofficial seats filled by election?

The proportion of the members should be as follows:—

11 official members and 9 non-officials.

I have included His Honour the Lieutenant-Governor in the official. Out of 9 non-official members, I propose that 6 should be through election and three (3) through nomination. I am not in favour of the scheme that all the non-official members should be returned through election. The Province is not yet far advanced and mature to appreciate fully the good of the system of the election, and besides the election system should be as yet a new one in this Province and untried.

Till the electorate be complete and the electors of sufficient capacity and learning, to understand fully and rightly the importance and the advantages of the franchise, it shall be in no wise a right step, all at once, to introduce to its full extent the election system.

It should also be borne in mind that the office is not only a much coveted seat in the Provincial Council, but also carries with it the most glowing and brilliant future

prospects of once becoming a member of the Imperial Council entrusted with work of responsibilities.

It should also be kept in mind that the electors in this Province shall be of an ordinary means and possessing an imperfect and poor knowledge of the whole system.

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to such class (paragraph 22 (*a*) of the Government of India letter), and if so, what classes should be represented and in what proportion?

Bearing in mind that the number of Muhammadans in this Province is much larger than the Hindus and the Government of India proposes to give 4 exclusive seats in the Imperial Council to the Muhammadans to protect the interests of the minority, and in a way to equalize the proportion of that class with Hindus, as I have shown above, I humbly beg to suggest that on that principle the number of seats to be allotted to Hindus should in no way be less than the number of seats to be allotted to Muhammadans, leaving aside the question of attainments, capacity, wealth, and influence.

At the same time the claims of the Sikhs as a distinct class should be recognised in the constitution of the council.

The Sikhs though numerically are less strong than Hindus and Muhammadans, have superior claims on many grounds of political importance and historical traditions and memories to secure separate allotment of seats. Thus what I propose is that out of 9 non-official members there should be 3 Muhammadans, 3 Hindus, 2 Sikhs, and 1 Christian or of any other class; but if necessarily on account of the majority of Muhammadans more seats are to be given to them, I modify the above by suggesting that there should be 4 seats for Muhammadans, 3 for Hindus, 1 for Sikhs, and 1 for Christians or a member of any other class. It would make no difference whether the proportion be maintained or arrived at, through election or nomination. The classes for the present who should be represented should be Muhammadans, Hindus, Sikhs, and Christians.

(10) If the election is resorted to for the appointment of all or any of the unofficial members would you advocate election, through municipal or district boards. If so, on what system would you suggest?

The election of the non-official members should be through municipal and district boards. The municipal and district boards of each division should have the right of sending in their own men, but the election of the members should be by that class to which he belongs. The district boards to have a separate right to send in their man and the municipality their own. In other words the electorate should be under two heads—district boards and municipalities. As right for the election of a member of a Provincial Legislative Council is to be conferred on district boards and municipalities, it is absolutely necessary to safeguard the selection of fit persons to sit in that council, to raise the qualifications of the members of the district boards and municipalities as well as of the electors. The present system is defective in many ways, and before a right be given to the mem-

bers of the district boards and the municipalities to select one of themselves to the Provincial Council, it is essential to overhaul the whole system of the election of such bodies. The present rules are too liberal, and in no way stringent both as regards the qualification of the voters and the members, and the procedure in preparing the registers and carrying out the election. There is not a necessary good check and careful supervision to discourage the disqualified persons to get an advantage of the right of franchise.

The lack of interest on the part of those appointed to supervise the preparation of the registers, and the strict scrutiny as to the means of the persons coming to get themselves registered as voters, has made bold, and given courage to many, to form a combination, with a motto not to object one another's actions, with deplorable result that good and fit persons don't stand for election, and thus causes gains and advantages of securing majority in seats and commanding a false and unreal influence. There are other evils attached, and bad results incident to the present system, and in all probability, nay, certainly, there shall be immense and untold exertion; fair and foul, to get majority in the seats of the boards and municipalties, and thus shall open door for a class of persons too ambitious, though otherwise unfit, to get a seat in Provincial Legislative Council. If the right of electing a member remains in the hands of the men of most ordinary means, incapable of understanding and estimating the worth and nature of the franchise, it is almost certain that the expense of the election shall rise to an enormous and fabulous amount, which in the end in many cases shall prove to be a source of misery and great pecuniary trouble. The qualification for a member of the municipal committee that I propose should be either to possess immoveable property worth Rs. 30,000 or having an income of at least Rs. 500 a month, or in the case of a graduate an income of at least Rs. 300 a month. It is never to be expected that the member of the Provincial Legislative Council should not have decent means to live upon, and may not be a respectable man of good means in the eyes of the public. As regards the qualifications of a voter he should be either a tax-payer or possessing immoveable property of the value of Rs. 5,000 or occupying a house of the rental of Rs. 20 a month or in the case of a graduate having an income of Rs. 50 a month. In the case of a member there should be further condition that he should be an educated man and literate. The qualifications of the voters and voted above mentioned only relate to the municipalities of the 1st class in big towns. Proportionately according to the importance of the town and the class of municipality the qualifications of the members and the voters should be raised.

The second class and third class municipalities in division (Commissioner's division) first to form one electorate to select a member. The member so selected shall sit as a candidate along with the members to be chosen by the first class municipalities, and the member selected by the first class municipalities to have a seat in the Provincial Council.

As regards the district board the qualification of the voters and the members should also be raised. The minor zamindars and cultivators first to elect a man qualified to become a member of the district board and the land-owners, and the cultivators holding a decent area of the land to select a member of the district board, and ultimately the district board in a division to elect a member for the council; what those qualifications should be I leave the matter to the opinion of those familiar with the election and system of the district boards.

In the end I beg to say that if nomination system be retained and the members of the Provincial Council be only taken through nomination, still one of the qualifications of the members of the Provincial Council should be that he be an educated man as above suggested, and, moreover, the nomination should be so carried into effect or be worked on such a basis that a representative be taken from each division so that members sitting in the Provincial Council may represent the interests of the different big divisions of the Province, which in many respects are dissimilar to each other in customs, manners, and beliefs.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

The Punjab is not yet ripe for class representation besides the communities measured by the standard of religion, and thus I offer no opinion to the question. The classes under different religions and in contrast to each other are so heterogeneous and dissimilar to each other that class representation shall not prove a feasible scheme.

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter or what other form would you propose?

As I have respectfully answered that Muhammadans should not have exclusive seats given to them besides open to them by nomination or election, I offer no opinion as to the details under this head.

V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

The alteration suggested in paragraph 23 of the Government of India letter shall prove to be more useful and more conducive to the free and best discussion of the subjects with an advantage of being fully explained by the heads of separate departments; no further modification is suggested.

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separ-

The discussion of the Budget should be before the whole council and not under separate heads by the heads of different departments. The introduction of the

ate heads in the manner suggested in paragraph 23 of the Government of India letter?

system, namely, the discussion of the Budget shall be as yet new to the Province, and I am in favour of its discussion on the lines suggested by the Government, Punjab, in clause 9 of this letter.

Discussion of the Budget shall be useful in the extreme; it shall enlighten the people of this Province as to the details of income and expenditure from different sources; it shall allow an opportunity to the people to suggest to Government various amendments which may be acceptable to Government, and by adopting which it may be able to give relief to the public in different ways; it shall also give Government an idea under which head people complain of being hardly pressed or affected. The suggestion made relating to Budget at the discussion or publication even if not acted upon at once shall prove a good basis for consideration at the time of the preparation of the next Budget and is to remove many misunderstandings and create good relations between the rulers and the ruled.

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

The power of interpellation by members occasionally shall be, in my opinion, a cause of establishing good relation and inspiring confidence between the Government and the people; it shall obviate the necessity on the part of many to invent stories, and generally of creating theories and facts, as the products and results of their imagination, which may have the tendency of prejudicing people against Government on unreasonable and false grounds. It is better that facts be explained which may remove generally the misapprehension and correct the misconstruction of the policy of the Government or the acts of its subordinates; but at the same time the power should be allowed to be exercised with sound discretion under certain conditions. There should not be an abuse of power, but should be with a real and genuine desire to serve the Government and the people. What those limitations should be ought to rest entirely with Government, but in no case a question be allowed to be put unless one-third of the non-official members give their assent in writing to the question being put.

In the end the Government deserves the thanks of each community, and the people in general, irrespective of caste and creed, for the introduction of the reform scheme, the sense of justice, and its good intentions, to associate Indians more in the administrative matters and affairs, and bringing closer to each other relations between the Government and the subject races, and I for one gratefully acknowledge the immense good that the right and proper working of this scheme shall do to the Indians with a hope of its further development and expansion what the time would prove to be necessary and disclose to be expedient.

GOPAL DAS, BHANDARI,
Pleader, Municipal Commissioner, and Secretary, Hindu Sabha, Amritsar.

Questions and answers in conection with Government of India letter no. 2310—2317, dated 24th August 1907.

Questions.	*Answers.*
I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?	(1) The appointment of an Imperial Advisory Council as detailed in paragraph 4 of the Government of India letter would, in the opinion of the Anjuman, be undoubtedly a most useful institution, and indicate a marked step in the constitutional progress of this country. The Anjuman would, however, in this connection, beg to suggest that in all matters of importance the Advisory Council should, with a view to avoid invidious distinction, be collectively summoned to offer their advice on matters affecting the welfare of the people, and in order to facilitate this object the number might be safely reduced to 50, including 20 ruling Chiefs. The Anjuman agrees with the view of the Government of India expressed in their letter that although the members of the Advisory Council will receive no Legislative recognition for some time to come, yet, in the opinion of the Anjuman, it is desirable that in all important matters affecting the interests of the public or various classes on which legislation is sought, a previous consultation with the members of the Advisory Council should be considered necessary.
II. (2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?	(2) In the opinion of the Anjuman a Provincial Advisory Council, as stated in the Government of India letter, would most certainly be a most useful body. Its functions would be similar to those of the Imperial Advisory Council.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?	(3) The enlargement of the Imperial Legislative Council to protect the interests of the various classes and communities of this country is essential, and the Anjuman agrees to the future constitution of the Council as outlined in paragraph 12 of the Government of India letter, and considering the number and political and historical importance of the Muhammadan community the Anjuman ventures to submit that the Government of India would consider it a reasonable request on their part to allot to Muhammadans at least 3 seats out of 4 under clause E of paragraph 12.
(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?	(4) The answer to the question no. 3 disposes of this question also.
(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?	(5) In the opinion of the Anjuman direct election of a land-holder for the Imperial Legislative Council from each province is more desirable, and in the Punjab the electorate should be of those land-holders who pay a land revenue not less than Rs. 2,000 a year.
(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination as suggested under heads D	(6) The Anjuman approves with gratitude of the principle of separate representation of the Muhammadans in the Imperial and Provincial Councils in the interests of both the

Questions.

(*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

Answers.

Government and the Muslim community and this has even been acknowledged by His Excellency the Governor-General in Council in his reply to the Muhammadan address as well as in the Government of India letter on this subject. But in the humble opinion of the Anjuman the number proposed in the Government of India letter is inadequate, and they have therefore suggested the nomination of three Muhammadans instead of two as proposed in clause E of the Government of India letter, paragraph 12 (*vide* their reply to question no. 3). The Anjuman further begs to express their approval of the system of election laid down in the Government of India letter, paragraph 18, but are of opinion that the following should constitute the elecorate of the Muhammadan members proposed in D (*d*) of paragraph 12:—

(*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expanded.

(*b*) The Muhammadan Fellows of the Indian University.

(*c*) The Muhammadan members of all 1st class municipalities.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

(7) The Anjuman would humbly advocate an increase in the present number of the members of the Punjab Legislative Council and propose the number to be increased to 40 or 41, including His Honor the Lieutenant-Governor, and, bearing in mind the principle of maintaining the official majority, the Anjuman suggest that the number of the non-official members should be not less than 18.

(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?

(8) The Anjuman respectfully suggest that in order to keep up the balance of interests of different classes and communities one-third of the non-official seats should be filled by nomination and the rest by election.

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter) and, if so, what classes do you consider should be represented, and in what proportions?

(9) The Anjuman advocates a fixed rule determining the proportion of seats to be allotted to each class, and the classes to be so represented should be Muhammadans, Hindus (including Sikhs whose interests are identical with those of Hindus and who are generally classed with them even for the purposes of municipal elections), and Christians. Considering the population, political importance, and the landed interests of the Muhammadans in this Province their number in the Provincial Council should be not less than ten, six of whom should be elected and four nominated.

(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorate would you suggest?

(10) The Anjuman begs to emphasize upon the necessity of allowing each class to elect its own representative, and they submit that the Muhammadan electorate should consist of—

(*a*) The Muhammadan Fellows of the Punjab University.

(*b*) The Graduates of five years' standing of any of the recognised universities;

Questions.

Answers.

(*c*) The Muhammadan members of 1st class municipalities and district boards.

(*d*) The Muhammadan land-holders paying land revenue not less than Rs. 500 a year.

(*e*) Muhammadan traders paying income-tax not less than Rs. 50 a year.

(*f*) Professional men paying income-tax not less than Rs. 50 a year.

(*g*) Retired Government servants drawing a monthly pension of not less than Rs. 100.

The electorate might appear to some extent unwieldy, but in this respect the Anjuman has kept in view the broad principles of the Government of India, and they desire that the proposed scheme should affect the masses.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

(11) In almost all the municipalities of the Punjab the system of the allotment of seats to Hindu and Muhammadan members is already in vogue which has worked satisfactorily. The Anjuman considers the advisability of extending that system not only to all the municipalities but the district boards as well, as far as possible.

(12) If you think division should be made for the separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

(12) The answer to question 9 holds good here as well.

V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

(13) The Anjuman considers it desirable that the discussion of the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

(14) The Anjuman do consider it advisable that the Punjab Budget should be discussed in the Punjab Legislative Council by separate heads in the manner laid down in the Government of India letter, paragraph 23.

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

(15) The Anjuman respectfully but strongly advocates the introduction into the Punjab Legislative Council the power of interpellation by members.

M. G. SADIQ,

Hony. Secy., Anjuman-i-Islamia,
Amritsar.

No. 6357, dated 7th November 1907.

From—SARDAR SURJAN SINGH, Secretary, Khalsa Dewan, Amritsar,

To—The Deputy Commissioner, Amritsar.

With reference to your letter no. 2862, dated 24th October 1907, received in this office on 25th October 1907, I have the honour to state that, in order that the Dewan may speak on behalf of the Sikhs, it must send the copies, and in some cases the translations of this letter, to its constituent Singh Sabhas and other representative men of the community, which I am sorry to say could not be done in the short time at its disposal. The Dewan even has not been able to formulate a hurried sort of opinion and hence am sorry cannot offer any suggestion.

SURJAN SINGH,

Secretary, Khalsa Dewan, Amritsar.

Replies to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. I consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country. There appears to be no necessity of alterations in the proposals made in paragraph 5 regarding its constitution and duties, which are perfectly adequate.

II. In my opinion a Provincial Advisory Council would be a useful institution, and there is no need of any modification in the proposals made in paragraph 6 of the Government of India letter regarding its constitution and duties.

III. I approve of an enlargement of the Imperial Legislative Council, and there is no need of any modification in the scheme sketched out in paragraph 12 of the Government of India letter.

(4) In particular, I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-holders of this province to the Imperial Council. It will be best of all if the zamindar members of the Provincial Council elect one out of themselves for the Imperial Council.

(6) I approve of the proposed appointment of 4 Muhammadans to the Imperial Council: 2 by election and 2 by nomination.

IV. (7) I advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab.

(8) The present system of nomination is good.

(9) The representation of all classes, *viz.*, Hindus, Muhammadans, Sikhs, and Christians, should be according to the number of population of each class.

(10) According to the proposals made in paragraph 22 of the Government of India letter, the appointment of unofficial members should be by election, through the voters of their own class, etc.

(11) The representation of all classes should be according to paragraph 22 (*a*) and should be carried out in the manner proposed in paragraph 22 (*b*).

The modification in the municipal and district boards should be made according to the proposals laid down in paragraph 22 (*c*).

(12) In my opinion the separate representation of Muhammadans should be in accordance with the proposals made in paragraph 17 of the Government of India letter.

V. (13) I consider that the system of discussing the Budget in the Imperial Legisaltive Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JEWAN SINGH,

Honorary Magistrate.

Dated Amritsar, 24th November 1907.

From—SARDAR SUNDAR SINGH, Majithia,

To—The Deputy Commissioner, Amritsar.

I. *Imperial Advisory Council.*—Such a council, if properly constituted, would be of great good to the country, as it would serve to make the motives of the Government better known to the people and would serve as a sort of connecting link between the Government and those who have been entrusted to its charge. No doubt, as hinted in the Government of India's despatch, it must have been the custom of the Government as it ought to be the custom of all good governments to consult the representatives of the people and others who have great stakes in the country in all important matters, even up to the present, but whatever in this respect was being done was informal and known little to the people, and consequently there was a great chance of the motives of the Government being misunderstood. Now when a formal status will be given to this council people will know to whom among their own countrymen to look up to as their representatives in touch with the Government, and thus the opinions of this council would carry great weight, and the people being consulted would feel more satisfied and the Government would be enabled more effectively to gauge public opinion.

The importance of this council being so great, I would respectfully suggest that the care which is taken in recruiting it should be commensurate with its importance. Only those should be taken as councillors who are really able to understand and to advise upon matters which are likely to be referred to it. Simple position, irrespective of ability, would be of little avail, and instead of making the Government popular with the people may create greater misunderstanding. Hence the council would prove a real boon to the country if in filling its ranks only such men are selected in whom position and influence go hand in hand with ability.

Of course it would be with the Government which questions to refer to them and which not, and whether collectively or individually; but whenever a question is referred to them it should be referred to all, as in the first place the Government would be benefited most by receiving the opinions of all its advisers, and consequently there would be less chance of mistakes creeping in, and in the second place the advisers themselves would remain better satisfied and there would be no chance of creating heart-burnt jealousy. In the case of questions relating exclusively to particular communities, there would be no harm if they are referred to all. Even to those to whom the matter does not particularly relate may be in a position to say something and add to the information on this subject. Of course it would be for the Government to attach a special weight to the opinions of the councillors belonging to the community to which the particular matter under reference pertains. Under the circumstances I do not think there would ever be any necessity to form sub-committees of this council. The real object of the council being to gauge the opinions of the people, it would be best done by consulting each and all of the councillors. With this end in view I beg to suggest the following alteration in the proposals made in paragraph 5 regarding its constitution and duties:—

Paragraph 5 (1)—Agreed to.

(2) All the members should be nominated by the Viceroy, but a portion of it, say one-third or one-fourth, should be such as are recommended in some way or other before their nomination. To make recommendations I would suggest that the Provincial Advisory Councils be the electorates for such members and they may return Imperial Advisory Councillors from among themselves or from outside.

(3) 20 ruling Chiefs.
20 territorial magnates.

20 members of educated community, wielding influence in society.

(4) Agreed.
(5) Agreed.
(6) Agreed.
(7) Agreed.

(2) *Provincial Advisory Councils.*—The formation of Provincial Advisory Councils would be beneficial. The suggestions that I have made with regard to importance to the constitution of Imperial Advisory Council may apply *mutatis mutandis* to this council. Of course the number of the councillors would be smaller, otherwise I agree with proposals contained in paragraph 4 of Government of Punjab letter.

(3) *Imperial Legislative Council.* The enlargement of Imperial Legislative Council would, I think, be conducive of good results. I beg to suggest the following modifications in the scheme sketched out in paragraph 12 of Government of India's letter:—

1. The maximum strength of the council to be 59, or, including the Viceroy, 60.
2. This to be made up as follows:—

A.—*Ex-officio*, Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council	8
B.—Additional officials to be nominated, not exceeding	20
C.—A ruling Chief to be nominated by the Viceroy	1
D.—Elected members—	
(*a*) by the Chambers of Commerce of Calcutta and Bombay	2
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma	7
(*c*) by the nobles and great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Central Provinces	7
(*d*) (*i*) by Muhammadans	2
(*ii*) by Sikhs	1
	— 3
(*e*) by Universities— of Calcutta, Bombay, Madras, Allahabad, and Punjab, 1 each	5
E.—Experts to be nominated by the Viceroy, when necessary, for special interests, not less than one to be a Sikh and one a Muhammadan	3
F.—Experts to be nominated by the Viceroy, when necessary, for special purposes	2
TOTAL	59 (?)
or including His Excellency the Viceroy	60

(4) Yes; I heartily approve of it.

(5) Yes, but the councillors should not be nominated, but be elected as otherwise, besides other reasons, it would be contrary to the proposed original formation of the council as the seat falls under the head of elected members. The electorate for the purpose should consist of land-owners paying annual revenue of Rs. 1,000 or more.

(6) I do not grudge this special favour to the Muhammadans, but most respectfully beg to submit that when once the principle of giving special representation to important minorities has been admitted, Sikhs who are no less an important minority than the Muhammadans should be treated equally with them. That the Sikhs are as loyal as any other community and form the backbone of the Indian army is abundantly proved by the services they rendered in the mutiny and the subsequent expeditions in Chitral, Tirah, Malakand, Tibet, China, and Africa. The heroic valour and the spirit of self-sacrifice they manifested in the defence of *Saragarhi* has exacted admiration all the world over, and the memorials erected at Amritsar and Ferozepur are a living witness to it.

The object of the special representation of minorities being admittedly to help the backward communities in maintaining their prestige in the land, the Sikhs deserve this concession more than anybody else. They were the last rulers of one of the most important provinces of India, from whose hands passed the reigns of government into the hands of the English. They commanded influence which is still fresh, and in many parts of the Province people look up to the descendants of old veteran aristocrats as their legitimate leaders. Hence it is certain that if they are honoured by the Government they would be of great service both to the people and the Government. Besides, being backward in education, there is no chance of their (Sikhs) coming to the fore-front unless specially favoured by the Government, as they are being pushed aside by both Hindus and Muhammadans in the struggle that is going on in the land.

Hence I would most respectfully submit that the number of special representatives of Sikhs and Muhammadans in the Imperial Legislative Council be 2 and 3, respectively. And a Sikh electorate be formed as in clause 18 of Government of India's letter, but in case of clause 18 (*c*) the amount be reduced to Rs. 10,000.

IV. (7) *The Provincial Legislative Councils.*—Yes; the number may be increased to 25 including the Lieutenant-Governor, 13 officials, besides the Lieutenant-Governor, and 11 non-officials. Of the 11 non-officials, 6 should be appointed by nomination and 5 by election.

Three seats out of 11 to be reserved for Sikhs, 2 by nomination and 1 by election. Muhammadans and Christians may also be given special representation, *i.e.*, 4 Muhammadans, 3 Hindus, 3 Sikhs, and 1 Christian.

I would suggest the following electorate for Sikhs and *mutatis mutandis* for others:—

1. Sikh graduate of 3 years' standing.
2. Sikh land-holders paying a revenue of Rs. 500 a year or more.
3. Sikhs paying income-tax on an annual income of Rs. 2,500 or more.
4. Sikh members of the municipal committee or district board.
5. Members of Chief Khalsa Dewan, the representative body of the Sikh societies.

8, 9, 10, 11, 12 dealt with in my answers to question no. 7.

V. (13) Yes; I agree to it.

(14) Yes; I agree to it.

(15) Yes; I agree to the right being extended to the Punjab Council.

SUNDAR SINGH, MAJITHIA.

Dated Amritsar, 7th November 1907.

From—S. GURBUKSH SINGH, Gyani, Bar-at-Law, Amritsar,

To—The Deputy Commissioner, Amritsar.

I have the honour to submit the following replies to the question which are contained in the letter no. 2643-S., from the Chief Secretary to Government, Punjab, to the Commissioner, and which you kindly have sent me and desired me to give my opinions.

Before answering the questions I may be allowed to remark that the Sikhs, who are looked upon as the backbone of the Indian army, and whose loyalty has been repeatedly recognised by the authorities and whose bravery has been tested in the battlefield, are not given that attention which they deserve, and no special seat is given to them either in the Imperial or in the Provincial Legislative Council. I am quite aware of the fact that in the paragraph no. 10 the Punjab Government has drawn attention of the officers to their claims.

But, Sir, if the argument advanced in the Government of India letter no. 2310—2317, paragraph 16, for accounting special seats to Muhammadans owing to their minority holds good then it applies with a greater force in the case of the Sikhs whose minority is admitted by the Punjab Government letter in paragraph 8. I submit, therefore, that special seats be given over to the Sikhs not in the Punjab Legislative Council alone but on the Imperial Legislative Council as well. So out of the four seats on the Imperial Legislative Council, 2 should be given to the Sikhs and in the same proportion in the Punjab Legislative Council. Now I take up the questions, and answer them as briefly as possible.

I. *Imperial Advisory Council.*—This council would be of a great service to the country and the Government.

This would be a council the members of which would be in a position to communicate the popular feelings and ideas of their provinces to the Government.

In my opinion the lines sketched out in paragraph 4 of the Government of India letter requires a slight modification. The word territorial magnates may be qualified by the addition of "well educated" territorial magnates. Territorial magnates should not be simply such gentlemen who hardly understand their duty and who simply may prove of no use.

It is admitted that we should swim with the tide as the education is making itself felt in every class, and the hereditary leaders without education are loosing their ground. So, for this reason I submit the words "well educated" be affixed to the territorial magnates in paragraph 4 of the Government of India letter.

Paragraph 5—

2. That the Provincial Governments would nominate the members from their Provinces, but the Viecroy would have the power either to accept the nomination or to reject it.

3. The number be increased to one hundred; owing to the vastness of the Indian Empire, including the Native States, this number is not very great. Deducting 20 ruling Chiefs there would remain only 80 gentlemen to represent the public interest. Out of these 4 should be Sikhs.

(3) The words territorial magnates may be qualified by affixing the words "well educated" and in the place of "land-holders" the words may be "gentlemen of good birth and education holding land." The words that I propose convey the full sense and serve not only the purpose of the Government but the public as well. They would be land-holders with the qualifications of good education and birth.

There may be, or rather are, land-holders who are not descended from good families and have not received any education, so I contend that such land-holders would not serve the purpose.

(5) The only power they should be vested with should be to communicate to the public the desire of the Government when they are so ordered, such as to correct the misstatements in the press or on the platform to misrepresent the Government's intention.

Until they are given even such nominal powers they are likely to lose the confidence of the people, and hence leadership.

II. (2) *Provincial Advisory Councils.*—For the reasons given above I am of opinion that there should be such a council.

The number should be raised from 20 to 30.

For the reasons given in my remarks when discussing the paragraph 5 (3), I would submit that the words "well educated" be affixed to land-holders as well as good birth. To increase the number from 20 to 30 seems to me necessary.

The greater population of the Punjab lives on agriculture, and very few can be eligible to represent the Sikh community. In order to make a representation of the Sikhs, I suggest the number be increased, and the modification be made that the Sikhs would have a special advantage and privilege, *i.e.*, out of 30 at least 2 would be Sikhs.

My remarks which I have made while discussing paragraph 5 (3) of the Government of India letter apply also to paragraphs 6 and 7 of the Punjab Government letter.

III. (3) I approve the enlargement of the Imperial Legislative Council.

Paragraph 12, Government of India letter—

(2) D. Elected members.

(*c*) I would suggest the affixing of the words "well educated" before the words "nobles and great land-owners."

There are nobles who are quite illiterate and who on account of caring little to keep up the name of their forefathers associate themselves with persons of such character who must be avoided and whose morality has gone down so low that the society shuns them and they are no more leaders of the society they belong to. Hence I suggest that the word "well educated" be affixed.

There is not a single example, at least in the Punjab, where sons of nobles who have received a good education have lost their respect in the eyes of the public and lost the leadership of the society they belong to.

Besides this, illiterate nobles would hardly understand their duty and the right of franchise. The words "well educated" be affixed also before "great land-owners." I need not repeat the reason for this as I have already given while discussing paragraph 5 (3) of Government of India letter.

Paragraph 12—

D. (*d*) The reason given by the Government of India letter, paragraph 16, holds also good in the case of Sikhs. And I would suggest, as also remarked in my introductory remarks, that the Sikhs alone be given two seats under this head.

E. Out of the seats under this head that are to be nominated by the Viceroy at least four should be given to the Sikhs. As the minorities are to be represented, and the Sikhs being in minority, there is no reason that they should not be given even one seat. If the Government intends that the minorities or special interests must be represented then Sikhs must be given the 4 seats under this head. But I would not be so strict as to deprive my Muhammadan subjects of the favour that the Government intends to show to them which the Government may show as they like, although on principle I am against it and do not think that they deserve the favour.

III. (4) I do approve it.

(5) I am in favour of the proposal that one of the great land-owners (provided the words "well educated" is affixed before "great land-holders") of this province be re-selected to the Imperial Legislative Council.

I am not in favour of a direct election as this province is very backward in education, and the electorate cannot understand his duty. There is a fear of the votes being abused and in certain cases purchased.

Owing to this reason I would suggest that the non-official members of the Punjab Legislative Council may elect a well educated land-holder of good birth to the Imperial Legislative Council.

The gentlemen would be eligible for election who holds land, pays a good revenue, and is a member of the Punjab Legislative Council.

In other words, they would select one from among their own members.

(6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Legislative Council. On the other hand, I propose that these seats should be given to the Sikhs. I need not repeat the reasons for my proposal as they have been given above.

IV. (7) *Provincial Legislative Councils.*—The number should be raised to 21 including His Honour the Lieutenant-Governor.

(8) I am not in favour of the principle of election as long as the people are not well educated.

But I should certainly suggest that the nomination should be modified.

The principle to be observed in nomination should be that the nominated gentlemen should belong to a family given in the *Chiefs of the Punjab*. He should be a man of a good education and good social position.

The Deputy Commissioners, who are generally more in touch with the people, should be asked to send in the names of the gentlemen possessing the qualities given above. This would give a good number for selection and would represent the whole Punjab.

The Lieutenant-Governor being not personally acquainted with the nobility and gentry of the whole Punjab may select a gentleman who does not command respect and is not a leader of the class he belongs to.

(9) Out of nine seats I would suggest that for the present, in order to represent the different classes, the nomination should be on the following lines—one-third of the unofficial members, *i.e.*, 7 nominated by the Lieutenant-Governor, 3 should be Sikhs, 2 Muhammadans, and 2 Hindus.

In nomination the Sikhs must have a larger share because in the Punjab they exercise a great influence not only as agriculturists but as military men.

They being loyal and brave and constituting the greater number in the army should be given preference over other classes. This would be a great political consideration on which this agreement is based.

(12) There should be no separate representation of the Muhammadans. But as remarked above the Sikhs and the Muhammadans and the Hindus be nominated in the proportion given above.

V. (13) *Discussing of the Budget in the Legislative Council.*—I quite agree with the proposed alteration of discussing the Budget in paragraph 23 of the Government of India letter.

(14) The Budget should be discussed by the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) I do advocate the introduction into the Punjab Legislative Council of the right of interpellation by members.

This right is given to the councils of the other provinces, and there is no reason why after 10 years' existence of the council members should not be given the same right enjoyed by other provinces.

GURBAKSH SINGH, GYANI,

Barrister-at-Law.

Dated Amritsar, 7th November 1907.

From—TH. MAHAN CHAND, Amritsar,

To—The Deputy Commissioner, Amritsar.

In reply to your letter dated 24th October 1907, accompanying a printed correspondnce on the proposal to establish Advisory Councils and the enlargement of Legislative

Councils, I beg to say that the proposal made in Government of India letter seems apparently to be complete in itself. I do not, therefore, think it necessary to suggest much alterations in the same or to deal with the questions in any length.

As to the nos. I, II, III of the questions, I approve the proposals to establish the Advisory Councils and the enlargement of Legislative Councils, both Imperial and Provincial. But as to their usefulness for the country on the lines sketched out in Government of India letter I wish to reserve as the expression of my views for some other occasion and till I have got ample time to consider the matter more minutely. As to other questions I give below brief replies:—

(4) I approve the proposals.

(5) The simplest method will of course be to allow the non-official members of a Provincial Legislative Council to elect such members for the Imperial Legislative Council from among themselves or other land-holders.

(6) I am afraid my opinion on this point may not be thought a prejudiced opinion, so I hesitate to express my views, but conscience compels me to say that such a partial treatment will effect, it is feared, to widen the gulf of race or sect hatred among the Hindus, Sikhs, and Muhammadans which can never be of service to the country. The political aspirations of all Indians in general are one and the same. The enactments discussed or passed in Legislative Councils affect without distinction the population of the country or a province alike. The Hindus, the Sikhs, the Muhammadans may be religiously separate communities, but their political interests are never so different. There is no instance that any of the other communities ever objected the sole representation of Nawab Nawazish Ali Khan, Baba Khem Singh Bedi, or Pandit Suraj Koul for the Punjab, in the Imperial Legislative Council. Still it is advisable no doubt to have representatives of different classes or occupations in the council, but an extraordinary step to reserve special seats for a certain sect or class is sufficient to arouse the feeling of indifference and hatred for the other sects.

IV. (7) The number may be increased to 21.

(8) The half of the number selected and half be nominated; the reasons given in the last passage of paragraph 17, Government of India letter, is sound.

(9) I am unable to go in details. The local Government can best determine what classes should be represented.

(10) Ditto ditto ditto.

(11) Ditto ditto ditto.

(12) If special seats for this sect is to be allowed these should better be filled up by nomination.

(13) I agree to the alteration proposed.

(14) I do not see any use of allowing discussion of the Budget.

(15) I am not so much anxious for the sanction of this power to the members.

TH. MAHAN CHAND,

Dated Amritsar, 14th November 1907.

From—Sardar Sher Ahmed Khan, C.I.E., Amritsar,

To—The Deputy Commissioner, Amritsar.

In reply to your letter no. 2862, dated 24th October 1907, forwarding a copy of Punjab Government printed letter no. 2643, dated 27th September 1907, regarding the measures proposed by the Government of India for the reformation of the Imperial and the Provincial Councils, I most respectfully beg to submit the following answers to the questions on which the opinions are desired by the Government of India:—

Questions.	*Answers.*
I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the	The establishment of the Imperial Advisory Council will certainly prove very useful both to Government and the people, and the traditions of this country warrant an institution as outlined in paragraph 4 of the Government of India letter, but I may

Questions.	*Answers.*
proposals made in paragraph 3 regarding its constitution and duties?	humbly suggest with regard to the constitution of the proposed council that the number of the councillors may be reduced to 50, out of which 15 must be the ruling Chiefs and 35 territorial magnates, *i.e.*, seven from each province, and on important sensational measures of legislation their previous consultation must be deemed necessary.
II. (2) *Provincial Advisory Council.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?	As an Imperial Advisory Council is considered useful, a provincial institution, similar in functions to those of an Imperial one, will undoubtedly be beneficial to the public.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?	It is very generous on the part of the Government of India to propose an enlargement of the Imperial Legislative Council, and in my humble opinion the requirements of the time are in favour of such an extension. I certainly approve of a scheme of an enlargement of the council, but the seats allowed to the Muhammadans, keeping in view their status in the country and their loyalty to the Government, are not sufficient as given in paragraph 12 of the Government of India letter.
(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?	I beg to agree to the proposal that one member of the Imperial Legislative Council should be selected by the non-official members of the Privy Legislative Council as proposed in paragraph 13 of the Government of India letter.
(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?	In my humble opinion the direct election of a land-holder for the Imperial Legislative Council from each province is more suited to the needs of the time, and the electorate in the Punjab should be of those land-holders who pay a land revenue not less than Rs. 5,000 a year.
(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination—as suggested under head D (*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be selected by the Muhammadan members of the Provincial Councils or by some such electorate as described in paragraph 18 of the letter?	The acknowledgment by the Government of India of the principle of separate representation of the Muhammadans in the Imperial and Povincial Councils has been approved with gratitude by the Muhammadan community throughout India, but, as I have already suggested, their number proposed is inadequate. In accordance with this principle so generously laid down in recognition of the loyalty of the Muhammadans, I beg to suggest that the system of the election, as outlined in the Government of India letter, paragraph 18, is more desirable, and the following should be the electorate of the Muhammadan members proposed in clause D (*d*) of paragraph 12:— (*a*) The Muhammadans are non-official members of the Provincial Councils. (*b*) The Muhammadans, Fellows of the Indian Universities. (*c*) The Muhammadans, members of all 1st class municipalities throughout India.

Questions.	*Answers.*
IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?	As Imperial Legislative Council is to be enlarged, the Punjab Legislative Council must follow the suit. I would humbly suggest the present number to be increased to 41and the number of the non-official members should be not less than 19.
(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?	Out of the numbers, nineteen, suggested above, 7 seats of non-official members should be filled up by nomination and the rest by election.
(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?	In my humble opinion each community, like Hindus, Muhammadans, and native Christians, should be allotted a fixed number of seats [the Sikhs should always be grouped with the Hindus as even the Chief Court ruling (decided by Justice Chatterji) in the case of the will of Late Sirdar Dial Singh, has enunciated the same principle, which has also been recognised in the municipal elections] so, considering the political and the numerical importance of the Muhammadans in the Punjab the seats allotted to them should be not less than 11.
(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district board? If so, on what system would the election be made? If not, what electorates would you suggest?	The Muhammadans' electorate in my humble opinion should consist of— (*a*) The Muhammadans, Fellows of the Punjab University. (*b*) The graduates of 7 years' standing of any of the recognised Universities (British or Indian), (*c*) The Muhammadan members of 1st class municipalities and district boards. (*d*) The Muhammadan land-holders paying land revenue not less than 700 rupees a year. (*e*) The Muhammadan traders and professional men paying income tax not less than 52 rupees a year. (*f*) Retired Government servants, or Government pensioners, drawing a monthly pension not less than rupees 125.
(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*), or in any other manner?	The principle of separate representation of classes should be extended to all the municipalities and district boards of the Punjab.
(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open them by nomination in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of election suggested in paragraph 17 of the Government of India letter, or what other form would you propose?	I beg to submit that, as already suggested, I approve of the principle of separate representation which I look upon as a great political advantage, and also approve of the system of election.
V (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?	In my humble opinion the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner as pointed out in paragraph 23 of the Government of India letter.
(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?	A similar principle in discussing the Budget in the Punjab Council should be adopted.
(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?	I should humbly suggest the introduction into the Punjab Legislative Council of the power of interpellation by members as it would serve the purpose of a safety valve.

SHER AHMAD.

Answers to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907.

I. (1) In my opinion an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter will certainly be of service to the country, and I agree to the proposals made in paragraph 5 as far as constitution and duties of the council are concerned, no alteration is required excepting election of old experienced native officers whether serving or retired, or efficient legal advisers besides ruling Chiefs and zamindars.

II. (2) In my opinion Provincial Advisory Council will prove a useful institution, and I agree to the proposals made in paragraph 6 of Government of India letter regarding the constitution and duties of the council, and I beg to add that it will be convenient and a way of prompt disposal of matters if the councillors are collectively consulted, and by so doing the councillors will, with due precautions, tender their opinion.

III. (3) I approve an enlargement of the Imperial Legislative Council, but as to the proposals sketched out in paragraph 12 of the Government of India letter, I simply suggest that no caste should be specified as done in clause E regarding 4 members.

(4) Yes; in particular I agree to the proposal that one member should be elected by the Provincial Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council, and also I prefer it a proper way to consult the entire body of land-holders to other 2 methods laid down in paragraph 15 of the letter, and in giving the right of voting to the land-holders the rate of land revenue may be fixed by Government, which I think should be one thousand or more.

(6) In one way reply to the primitive part of this has been given in reply to question III, and as to the subsequent clause of the said question I recommend that the election of these Muhammadans should be made by the voting of the general public, and the capacity of the voters may be determined by Government, but in my opinion the voters should be those persons who pay income-tax on Rs. 25,000, and in case of land-holders the amount of land revenue should be corresponding figures.

IV. (7) I advocate an increase in the present number of the Provincial Legislative Council in the Punjab and the number should be at least 15.

(8) I hesitate in maintaining the present system of nomination; the present system shows that out of the total number of members one-third will be unofficials, *i.e.*, out of 15 as suggested above 5 will be unofficials, out of which 3 should be nominated by Government in the following manner, *viz.*, one Hindu, one Sikh, and one Muhammadan, and out of the remaining two, one should be elected by the Punjab University and the other by the zemindars. The University will fix the capacity of voters, and as to the election of a zemindar it should be determined according to the payment of land revenue which should not be less than Rs. 1,000.

(9) In my opinion I think it essential to mention about members who are to be nominated by Government, *i.e.*, 3 out of 5 who are nominated should be in the same manner, *viz.*, one Hindu, one Sikh, and one Muhammadan.

(10) I have given my opinion in reply to question 8 and there appears to be no necessity for its repetition.

(11) Ditto ditto ditto ditto.

(12) Reply to this has already been given in reply to questions nos. 8 and 9 in which especially the representation of Muhammadans is noted.

V. (13) In my opinion the proposal made in paragraph 23 of the Government of India letter regarding discussion of the Budget in the Legislative Council is proper, and if this system is acted upon the result will be satisfactory.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council in accordance with the same system as laid down in paragraph 23 of the Government of India letter.

(15) I do advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

LACHMI SAHAI.

Replies to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) I consider that the appointment of an Imperial Advisory Council is not only necessary but is a means of great honour and pride for the dignitaries. It will exalt the zamindars, hence I cordially agree with both the parts of the question.

II. (2) I think that a Provincial Advisory Council will be a useful and beneficial institution, and I can suggest no modifications.

III. (3) I do approve the proposal suggested by the Supreme Government regarding the enlargement of the Imperial Legislative Council, which would lead to the welfare, peace, and honour of the country and facilitate the justice.

(4) As regards election by the Provincial Legislative Council, I suggest that the Government should keep the appointment in their own hands as the Government is well aware of the distressed state of their subjects and should nominate the members deemed fit.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. The members should bear the qualifications of their being acquainted with the status of the province, and at the same time they should be approved by the Government of their ability and experience and should be of unprejudiced principles.

(6) I cordially approve of the proposed appointment of 4 Muhammadans to the Imperial Council and the Muhammadans should be the electorate.

IV. (7) I advocate an increase in the present number of members, and as to the number I would say that it should reserve to Government to fix the number.

(8) In my opinion the present system of nomination should be maintained.

(9) In my opinion the seats should be allotted to each class, Sikhs, Muhammadans, Christians, Hindus, and Aryas.

(10) I approve of the present system appointing the officials, as in the election of unofficials there will occur good many difficulties.

(11) The present system adopted by the Government is praiseworthy and requires no scrutiny.

(12) Reply is the same as given in answer to question no. 6.

V. (13) The present system of discussing the Budget in the Legislative Council is to the point, for there is none to devise a better plan after making alterations into the present system with reasonable proofs, because it is exceedingly difficult to understand the Budget.

(14) Ditto ditto ditto ditto.

(15) Indeed it is just on the part of the British Government, which has no rival in the administration of justice, to introduce into the Punjab Legislative Council the power of interpellation by members.

S. ARUR SINGH,

Naushera, Nangli.

From—SARDAR BIKRAM SINGH, Honorary Magistrate, 1st class, Amritsar,

To—The Deputy Commissioner, Amritsar.

I. (1) Yes; I think the Imperial Advisory Council will be of service to the country, but not appreciable either to its own members or the public unless some change is effected in regard to its constitution and duties. Concerning that my suggestions are as follows:—

(*a*) That the Imperial Advisory Council too should, like its proposed Provincial Advisory Council, represent other interests as well, besides those of great land-holders, to wit, commerce, capital, industry, and profession, even though it may have to be enlarged for the purpose. This even the House of Lords does in England.

(*b*) That it should be given a statutory recognition in this wise that any matter proposed in the Imperial Legislative Council be referred to the Imperial Advisory Council, provided three-fourths of the non-official members of the former so desire, and in case a majority of the latter agrees to any one thing thus referred to for its opinion, that matter so agreed to, if not acceptable to the Government, should be kept in abeyance for a year from that date in deference to its opinion.

(*c*) That it should meet at least once a year.

II. (2) Yes, I think so. But at the same time modifications with constitution and duties seem necessary on the wise suggested in my replies, clauses (*b*) and (*c*) question.

Yes, I do, and I take the liberty of suggesting that some modifications appear necessary and reasonable in the scheme sketched out in paragraph 12 of Government of India letter.

In that letter under head D, sub-heads (*b*), (*c*), (*d*), and (*e*), in all 20 members are to be had. Out of these under head (*e*) 2 are to be nominated to represent minorities and special interests and yet need not be Muhammadans. Thus there are left 18, out of which 4 are to be Muhammadans exclusively, 2 to be nominated by Government and 2 to be elected. Of the remaining 14 the Punjab and East Bengal alone, where the Muhammadan population is in the majority, and where if no special provisions will be made to protect minorities, the majority will return Muhammadans only, that is to say, the big land-holders as well as the nominees of both the Provincial Legislative Councils will be Muhammadans, and taking only one Muhammadan member from Upper Provinces and yet none other from any of the other provinces which is not likely, there will always be 9 Muhammadan members out of 18, *i.e.*, half the number. And if not any of the other provinces besides the above-mentioned returns a Muhammadan, then Muhammadans will be in majority within the limits of 18! Now this will be out of all proportion and there can be no conceivable justification for such a state of affairs. Therefore, besides being utterly unfair it would lead the public to attach motives which is not very desirable under the present circumstances of the country. From no conceivable point it appears reasonable that Muhammadans in comparison to all Indian people with the latter undeniable importance should be in equal number with a chance of majority. Therefore as circumstances of the country are under sub-head, instead of Muhammadans the commercial and profesional men should be given the privilege to elect. This will satisfy the aspirations of the educated community and at the same time a glaring favour avoided, without injuring Muhammadan interests in view of the fact that Muhammadans can be nominated by the Government under sub-head D, though without specially making it a provision of statute that at least two should always be Muhammadans.

(4) Yes, I do.

(5) Yes, from this province a great land-owner should be returned; and if the Imperial Legislative Council is to be improved on the basis of representative institution the selection of one cannot be considered a step in the right direction, nor the selection were in any of the methods suggested in paragraph 15 can improve the situation, the allegation would be there all the same that only a selected member is not a true representative, and, in my opinion, therefore, the big landlord should be returned by election, and the electorate should be each land-holder in the province who pays Government land revenue not below Rs. 1,000 to have a vote. And since the member to be elected and the electorate is to be land-holders exclusively, to my mind there would be very little chance of wire-pullers coming in making things go astray.

(*b*) I do not approve of the Muhammadans' appointment to the Imperial Council by election under head D (*d*) as already stated in question III (3), but if that is not to be so the electorate should neither be the Muhammadan members of the Provincial Legislative Council as it is utterly too small a body, nor should it be in its entirety the one described in paragraph 18 of the Government of India letter. In my opinion, for this province Muhammadans paying income-tax upon annual income of Rs. 5,000, or paying an amount of land revenue indicating a corresponding income, would get in quite suitable.

IV. (7) Yes; I do advocate an increase in the present number of members for the Provincial Legislative Council, and in my opinion it ought to be raised to 27, exclusive of His Honour, made-up, 13 being non-officials.

(8) No; I do not think that in this province should be now maintained nomination only. I would rather suggest that 3 non-official seats to be filled by nomination to represent special interests and two by election in this way—

(*a*) One member each from every division of Commissioner, *i.e.*, every division of Commissioner become a constituency, and since central districts are more important, the Lahore Division should have 2. In all 6 will meet the requirement, and under this head these to be returned by all men, irrespective of caste and creed, who pay income-tax not below Rs. 100 a year and Government land revenue not below Rs. 500 annually.

(*b*) One to be returned by the Punjab University, and all graduates of 5 years' study should have a vote each.

(*c*) One to represent commercial and industrial interests, being returnable by commercial associations of Delhi, Lahore, and Amritsar, and also limited companies and banks in the province, and have a voice in the matter.

(*d*) One to represent agriculturist interest, being returnable by district boards exclusively.

(*e*) One member to represent minorities in the Punjab, which are Hindus, Sikhs, and Christians.

(9) No; I cannot see my way to recommend class representation on the basis of caste or religion. This tends to perpetuate undesirable distinctions which, in the interests of good government and humanity, should be attempted to be done away with, and Indians, particularly Punjabis, are moving in this direction though slowly; representative ought to be territorially, *i.e.*, all qualified voters electing without distinction of religion, and if this is not to be so, their 10 seats should be distributed to us for election, *i.e.*, 4 to Muhammandans, 3 to Hindus, 2 to Sikhs, one to European businessman, Christians and Parsees, in the province.

(10) I do not think it a right to advocate election through municipal or district board exclusively. This would not mean much nor it would improve matters. Members of municipal and district board are elected by an electorate of an inferior order in which in most cases men of higher social position do not take any very keen interest. Therefore the electorate should be separate though the municipalities and district boards should each be given so many votes according to its importance. To my mind electorate ought to be by any man paying income-tax not below Rs. 100 a year or Government land revenue not below Rs. 500 annually. All graduates of the University not below 5 years' standing.

(11) I do not advocate class representation, and if that is to be 20, then the manner proposed in paragraph 22 (*b*) and (*c*) might as well be adopted.

(12) I don't think that special provisions should be made for Muhammadans in the Punjab where they are in majority as published in His Honour's letter. On the other hand, therefore, it is the Hindus, Sikhs, Christians who should be protected if any provisions are to be made for the minorities, and any minority given the exclusive privilege should exercise it by election, and electorate mentioned in paragraph 17 of Government of India letter. Clauses 1, 2, and 3 appear quite suitable.

(13) Yes; I consider the system of discussing the Budget in the Imperial Council should be altered in the manner suggested in paragraph 13 of Government of India letter.

(14) Yes; I do think that the Budget should also be discussed in the Punjab Provincial Council and in the manner given in paragraph 23 of Government of India letter.

(15) Yes; I do advocate it. Whether the power of interpellation of the thing would not improve by an inch, and not bestowal of such a power when wisely used will have a great moral effect on various branches of that administration.

BIKRAM SINGH,

Honorary Magistrate, 1st class, Amritsar.

No. 305, dated Gurdaspur, 7th December 1907.

From—Major C. Powney Thompson, I.A., Deputy Commissioner, Gurdaspur,

To—The Commissioner, Lahore Division.

I regret the delay that has occurred in answering the reference contained in Punjab Government letter no. 2643-S. (Home—Legislative), of 27th September 1907, a copy of which and its enclosures I received with your circular memo. no. 233, dated 5th October 1907.

The translations of the correspondence were not received from the Punjab Government Press until the 25th October 1907, so that owing to the Dewali and Id holidays I was unable to convene a meeting until the 12th November: on that date representatives of all schools of intelligent thought collected at Gurdaspur. These representatives had previously digested the correspondence on which their opinion was invoked. The subject was freely discussed with a view to forming the representatives into parties, which could return opinions representing the collective views. Certain parties were nominated by these parties to return written replies to the questions at issue, and the meeting then dissolved.

2. I have now received these written replies.

I submit as typical 3 of these replies in original:

A. That of Sardar Narain Singh, zaildar of Singhpura, Jat Sikh, an old man who has spent a strenuous life, whose influence, opinion, and assistance have always been at the disposal of district officers. He is highly intelligent and thoroughly loyal. He represents the Sikh zamindars of the district.

B. That of (jointly) the Anjaman Islamia of Batala and Sujanpur. This represents the Muhammadan community.

C. That of B. Gurdit Singh, B.A., LL.B., a local pleader, who represents the view of the local bar association and of the progressive Hindu party, and includes several Jat Sinkh zamindars of position.

3. I now proceed to discuss the opinions expressed in these typical replies:

I. (1) All consider that a certain proportion of the members should be elected.

C considers that the number of councillors should be considerably increased.

B & *C* consider that this council should be given power of initiation that their proceedings should be published.

C considers that its own party "men of light and leading (learning) who have endeared themselves to the people by their meritorious service" should have the preponderance of the "elected" seats.

I regret that neither B nor C appear to have grasped the fact that if a council is given powers of initiation and public discussion, it ceases to be advisory and trespasses on the functions of the Legislative Council.

II. (2) *A* fully agrees with the Government proposals, and considers that all members should be appointed. Points out that Sikhs are entitled on account of their loyal services, and previous position as rulers of the Punjab, to a larger number of seats than their numerical strength would justify.

B and *C* reiterate the suggestion made by them in answer to question I (1).

III. (3), (4), (5) & (6) *A* agrees, merely reiterating the claims for special representation for the Sikh nation, and regarding (5) stating a preference for the 2nd alternative set forth in paragraph 15 of the Government of India letter.

B as regards (3) agrees, but urges that the number of seats reserved for Muhammadans should be increased to 7 so that one Muhammadan might be elected by each province.

As regards (4), approves of the proposal.

As regards (5), approves of the proposal, and suggests that the seats should be filled by election, the electorate consisting of land-owners paying not less than Rs. 5,000 revenue.

As regards (6), approves and refers to suggestion under (3) *supra*—does not express an opinion as to which of the alternative methods of election is preferable.

(3), (4), (5) & (6) *C*—objects to racial distinction to reservation of seats for Muhammadans. Points out that the universities and learned professions are unrepresented. Urges that educational attainments should be a qualification for both membership and the electorate.

4. I think the above shows the trend of the opinions in this district. All welcome the proposals: the Sikhs think that special seats should be reserved for them; the Muhammadan are grateful for the reservation of seats for them, but consider that the number reserved is inadequate; the progressive party consider they are entitled, in virtue of their superior education, to a much larger share of seats in the councils than Government proposes to place within their reach.

5. My own opinion on the question raised is as follows:—

I. (1) *Imperial Advisory Councils.*—I think this council would hardly attain the chief purpose of its existence, *viz.*, the diffusion of correct information upon the acts,

intentions and objects of Government. Usually its proceedings are to be private and so its members would not be at liberty to divulge the information (if any) they had acquired. Almost all questions of interest to Indians are provincial rather than Imperial. The few Indians who take interest in Imperial questions are men who can otherwise obtain early information regarding the acts, intentions, and objects of Government.

II. (2) *Provincial Advisory Councils.*—I think this would be a most useful institution, and I approve of the proposals made in paragraph 6 of the Government of India letter, but I would add to these that the Lieutenant-Governor should be authorised to summon additional members for the discussion of any particular subject, *e.g.*, in the case of a subject affecting one district or a group of districts the verbal opinions of some of the officials who have special knowledge on the matter may be of value to Government. But far more important than the opinions of local officials would be those of intelligent local non-officials, who are likely to be personally affected by the measure on the tapis, or who are the acknowledged representatives of such persons. Such additional members (whether officials or unofficials) would be only summoned for the discussion of the subject of which they had special knowledge, and when that was concluded would withdraw. As this council will have no power, it seems that there can be no disadvantage in introducing the informal element above suggested.

III. (3) *Imperial Legislative Council.*—The enlargement of the council appears necessary. It is hard to discuss the scheme until the details *re* constitution of electorates have been decided. The complaint hitherto has been that the legal profession in particular and professions in general have had too much power, and one of the objects of the present proposals is to prevent this in future. The only places which professional men appear to have a chance of getting are those shown in paragraph 6 (2) D (*a*) (*b*) and E of the Government of India letter. The proposed changes in the constitution of electorates make it doubtful whether they are likely to get many of these.

It seems that there is a possible danger of the pendulum swinging too far "the other way" and it might be advisable to further enlarge this council by providing 3 seats for professional men of which not more than 2 should belong to the legal profession.

III. (4) Yes.

III. (5) Yes, the 2nd alternative.

III. (6) I approve of the appointment of 4 Muhammadan members, 2 by election, 2 by nomination.

The election should be by Muhammadan members of the Provincial Councils. The election of the 2 members by any other method would give rise to an amount of local friction in the Muhammadan community quite out of proportion to the local importance of the issues at stake.

IV. (7) I would increase the number to 22, including the Lieutenant-Governor 23:

12 officials, nominated.

7 non-officials, nominated.

1 legal profession representative, elected.

1 Chamber of Commerce.

1 Punjab University.

IV. (8) The elective principle can easily be introduced in the cases of legal, commercial and educational appointments, but it does not seem that the province is got far enough advanced to justify its introduction for the other non-official appointments. Such elections would unnecessarily disturb communities which are at present quite content in their apathetic ignorance.

IV. (9) My answer to question IV (7) shows that I advocate there being 10 seats for non-official members of which three are to be reserved for the nominees of the Provincial Bar Association, Chamber of Commerce, and University. The remaining 7 should ordinarily go to land-owners. I do not think it advisable to definitely determine how many seats are to be allotted to each class, but ordinarily the proportion should be 3 Muhammadans, 2 Sikhs, 2 Hindus.

IV. (10) *Vide* my answer to IV (8).

IV. (11) I do not propose elections for the Provincial Council except for the nominees of the Provincial Bar Association, Chamber of Commerce, and University.

The question of alternative of the constitution of municipal and district boards might well be taken up separately. At present they are not so constituted as to make it possible to make them responsible for the election of members. The alterations will take some years to carry out, and the new system must be tested by experience before this heavy responsibility can be placed on the boards.

IV. (12) *Vide* my answer to IV (9). I do not think it advisable to provide for the separate representation of Muhammadans, as Government will naturally nominate a fair

proportion of them. If it be decided to do so, I should advocate nomination, as election would only create unnecessary dissensions in the Muhammadan communities. If election is adopted, I advocate the electorate suggested in paragraph 17 of the Government of India letter.

V. (13) Yes.

V. (14) No.

V. (15) No.

C. POWNEY THOMPSON,

Deputy Commissioner, Gurdaspur.

Dated Gurdaspur, 18th November 1907.

From—NARAYAN SINGH, Zaildar, Singhpura, Tahsil Batala, District Gurdaspur,

To—The Deputy Commissioner, Gurdaspur.

With reference to your order of the 25th October 1907, I most humbly beg to submit my answers to the questions set in the Government of the Punjab letter no. 2643-S., dated the 27th September 1907.

Further I beg to state that I have been authorised by all the zamindars of this district, whom you had kindly asked to answer the questions, to give answers on their behalf (the vernacular letter of authority is attached herewith). The answers are therefore to be considered from all the zemindars, whether Hindus, Muhammadans, or Sikhs.

NARAIN SINGH, ZAILDAR,

Singhpura, Tahsil Batala, District Gurdaspur.

(1) Yes. In principle that is a step towards constitutional progress, but much will depend on the *personnel* of the council. If really worthy men are there they must prove of some use. We think that if half of the Imperial Councillors be elected instead of all of them being nominated that might solve the problem. Still better, the ruling Chiefs might elect their own representatives and the territorial magnates their own. If the council is really to serve as an agency for the diffusion of correct information, etc., it must in some way or another command the confidence of the public. It is highly gratifying to see that the Government already aims at adequate representation of the interest of all classes, religions, and creeds, and I feel therefore confident that the case of the Sikhs, who care more to serve the Government than to talk loud and wide, and who depend entirely upon the benign British Government for their subsistence, protection, and welfare, will not be allowed to merge into that of the Hindus.

(2) *Provincial Advisory Council.*—Paragraphs 6 and 7 of the Government of India letter no. 2310-23, dated 27th August 1907, contemplate an Advisory Council for each Indian province similar to the Imperial Advisory Council for all India. I venture to think that the Provincial Council will be as good and useful an institution for the province as Imperial Council will be for the whole country. Confining my opinion and remarks to my province, I think that the Punjab needs an Advisory Council very badly, and its existence some months ago would have prevented the unfortunate events of which all sensible men are ashamed. But its usefulness will depend, as remarked in the case of the Imperial Advisory Council above, chiefly upon the constitution of the council and the degree of the confidence imposed by the Government officials in the members and *vice versâ*. Considering the past history and present condition of the Punjab, I venture to think that the well meant intentions of the Government in establishment of the proposed Advisory Councils will be better fulfilled if all the members of the Punjab Provincial Council are selected by the Government; but in selecting members, the number of the Sikh members should especially be larger than the proportion of their numerical strength would demand, because (1) in no other province of India is there any chance of a Sikh appearing in council, (2) their backwardness in education and consequent inability to give orations is apt to create wrong impressions about their rights and ability, (3) their eminent services in the field of action, mere look of which causes the classes, now favoured with public appointments in all departments, to apply for leave and private affairs, and (4) their helplessness and entire dependence upon the Government, for all they had is now at the service and disposal of the Government—willingly given and most loyally presented. Under the circumstances, I am of opinion that of the proposed 20 members of the Punjab Provincial Advisory Council, 10 should be officials with 3 at least Sikhs, and 10 non-officials—3 Sikhs, 2 Hindus, 1 Christian, and 4 Muhammadans.

(3) Yes; since the Government have recognised the principles of special representation of minorities and class representations, it is just to point out that the Sikhs also form an important minority and have stakes in this country, while others have

simply in most cases shown lip-loyalty, the Sikhs have proved this assertion by shedding their life-blood in the Imperial cause. They are also predecessors of the British Government in the Punjab, and that score also deserves special consideration. They don't wish that they be given what belongs to others, but they be given the thing to which they are rightfully entitled. We are sorry to note that no mention of the Sikhs is made in Imperial Legislative Council. The laws of the Empire apply to the Land of Five Rivers also, and thus affect the Sikhs as well as the others, and we do not know why the Sikhs should not ask that a certain number of seats be reserved for them as in the Imperial Legislative Council. Everybody thinks himself a very important unit of this Universe. The Sikhs claim the same number of the seats in the Imperial Legislative Council as any other single community may be given.

(4) Yes.

(5) The second alternative would be better.

(6) Yes; with this resevation only that all important minorities be accorded class representations.

(7) The number may be raised to 60, out of which at least 25 may be non-official members. But the Sikhs claim one-third seats in their own province.

(8) We would have in the Punjab partly by election and partly by nomination.

(9) We consider that the following classes should be represented:—

(*a*) Land-owners, (*b*) cultivators, (*c*) traders, and (*d*) professional classes, and they should be given seats as given under—

3 land-owners, 2 cultivators, 3 traders, 2 professionals.

(10) The election should be direct and we would suggest the following electorates:—

(*a*) Rate payers, paying Rs. 200 a year.

(*b*) Income-tax payers, Rs. 100 a year.

(*c*) Graduates.

(11) The municipal and district boards of the Punjab are not considered by the public as very successful institutions. These institutions, nevertheless, cannot be displeased. We suggest that the rules for their constitutions and guidance of their working as well as the qualification of the voters should be raised.

(12) At least one-third of the seats should be given to the Sikhs in our own province in all councils.

(13) Yes.

(14) Yes.

(15) Yes.

NARAIN SINGH, ZAILDAR,
Singhpura, Tahsil Batala, Gurdaspur.

Opinion tendered on questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907, by the Anjuman Islamia of Batala Sharif, Gurdaspur, and Sujanpur, District Gurdaspur.

I. *Imperial Advisory Council.*—(1) This council will be of advantage if the following modifications submitted are given an ear:—

2. Half the members be appointed by the elective and the other half by the nominative principle. The elections should be made as proposed for the Imperial Legislative Council as submitted elsewhere.

3. Instead of 60 the number of members should be at least 100, so that from each of the provinces at least 10 members may be drawn in addition to the ruling Chiefs.

4. The period of five years for such of the members as are nominated will suit, provided they are eligible for subsequent nomination.

5. The Advisory Council be formed under a Legislative Act, so that its position be better than what it is as now proposed.

6. Yes; but the councillors should be permitted to submit any proposal which is to the interest of the public.

7. It is impossible to keep private any subject which is discussed at a meeting, as a Persian philosopher says:—

(Nihan kai mánad án ráze Raza soz and Mahafalhá.)

Reasons for dissent from the Government proposals.—At present, as need be, all the Imperial darbaris are consulted and also other voters are invited to give their opinions. The number of darbaris is vast, hence it seems better to increase the proposed number of councillors.

If the appointment of the council is not authorised and honoured by legislation what good do the Government and ryot anticipate over and above the present condition?

As the councillors come from different districts and towns and themselves being of separate types, it is impossible to keep private any matter coming before them, and it is useless to try to keep such matters private.

II. *Provincial Advisory Council.*—This seems to give an advantage provided, as pointed out in answer to no. I above, the number of councillors is increased so that each district may at least give two men by election, besides those coming in by nomination.

III. (3) *Enlargement of the Legislative Council.*—We agree with the Government proposal as given in paragraph 12, but as the Muhammadans are behind hand in education, handicraft, wealth, etc., and their only trust being in their loyalty, it will be to their interest that each province give one Mussalman, or from the seven provinces seven men are drawn, it will further add to their loyalty.

(4) This proposal in paragraph 13 is considered well.

(5) Yes; one of the great land-owners of the province should be appointed by election, and such election be made by such of the land-owners who pay not less than Rs. 5,000 as land revenue. The number of such electors should be 55.

The Mussalmans are grateful for the proposal, and with due submission, in consideration of their backwardness in education, handicraft, wealth, etc., submit that the number be kindly increased to 7, that is, that one member be taken from each province.

IV. (7) *The Provincial Council in the Punjab.*—The number of members may be increased to 41, of which 21 by nomination and 20 unofficial by selection.

(8) See above.

(9) The proportion should be based on the census of the Punjab in each sect, and each sect make their own selections.

(10) The present system of election of municipal and district boards is undesirable, nor capable and honourable people like thus to compete; the mode of election through municipal and district boards is not considered to suit.

(11) The manner indicated in paragraph 22 (*c*) is suitable and should be worked to.

(12) Taking into consideration the suggestions submitted in III (3) and (6) we beg to submit that the form of electorate suggested in paragraph 17 of the Government of India letter, for the election of Muhammadans in addition, will answer, but the election should be carried out by the following according to the majority of votes:—

(*a*) Mussalman Fellow, University.

(*b*) Mussalman graduate or Barrister-at-Law with more than five years' practice.

(*c*) Mussalman Alam Fázal.

(*d*) Zamindars who pay more than Rs. 5,000 a year as land revenue or those who pay income-tax on Rs. 5,000 and including those who, with land revenue and income-tax, are worth Rs. 5,000.

V. (13) *Discussion of the Budget in the Legislative Council.*—The manner suggested in paragraph 23 of the Government of India letter is good.

(14) The Provincial Budget should be discussed on the same lines as the Imperial.

(15) Yes, for it removes misunderstandings.

Dated Gurdaspur, 21st November 1907.

From—B. GURDIT SINGH, B.A., LL.B., Pleader, Gurdaspur,

To—The Deputy Commissioner, Gurdaspur.

I have the honour to submit herewith draft of answers to the questions asked by the local Government as regards the Advisory and Legislative Council extension scheme.

The said answers are on behalf of the Hindu members of the "Local Bar" who have appointed me as their delegate, and also on behalf of those gentlemen whose proxies are herewith attached with full description and designation in original.

I would further beg to declare that in the opinions expressed in these answers all agree.

Hoping that you would kindly read and consider them.

GURDIT SINGH, B.A., LL.B.,
Pleader, Gurdaspur.

Suggestion and modification regarding Advisory and Legislative Council Reform Scheme.

I. (1) *Imperial Advisory Council.*—The question whether an Imperial Advisory Council would be of service to the country depends for its answer upon two considerations, namely, (*a*) upon the *personnel* of the said council, (*b*) upon the method of its work.

(*a*) *The proposed "personel".*—The Government of India letter contemplates that a council of great ruling Chiefs and territorial magnates who are the natural and hereditary leaders of the people will be consulted by the Government upon all questions of general administration and Imperial interests. So far as the principle of bringing the people of the country into the councils of the Empire is concerned, there can be no two opinions regarding its usefulness, but from the fact that these ruling Chiefs and territorial magnates will not be right and competent interpreters of the people, the scheme, I would beg to submit, would be of much service to the people at large on the following grounds:—

(1) The said ruling Chiefs and territorial magnates are not so much in touch with the people whom the measures generally affect, consequently they will not be in a position to judge of the magnitude and gravity of their grievances.

(2) The interests of the ruling Chiefs and magnates largely clash with those of the people, because they themselves are interested in putting down the public spirit for fear of their own subjects catching the infection of independent comment.

(3) They are not given to habits, except a very few among them, of studying questions of politics and public welfare for the reason that they are given to a life of ease and comfort. Their opinion upon questions of grave importance would be very crude.

(4) The territorial magnates would represent only very limited interests, whereas their opinions and advice would affect the whole people.

Therefore, if the proposed composition be determined upon, the scheme would, to a greater extent than at present, hamper the growth of public spirit in the country. The very object underlying the scheme would be frustrated, *viz.*, public opinion and intelligent criticism would be ignored and more misunderstandings of motives and intentions would be created between the Government and the people. The ruling Chiefs and the territorial magnates would be quite helpless in such a plight to interpret rightly, and satisfy and silence the public, because their high position in the society will not allow them to gauge the real feeling prevalent in the lower strata of the society, and therefore influence them for any good. Hence I would suggest the following modifications in its composition:—

(1) The *personnel* of the council should be composed of representatives of all classes of the people—small land-holders, big professional men, capitalists, and commercial men of light and leading who have endeared themselves to the people by their meritorious service and in whom the people have confidence.

(2) These councillors should be half elected and half nominated, the former being elected by the elected Provincial Advisory Councillors from the following classes:—

(1) Representatives of learning; (2) representatives of learned profession; (3) of capitalists; (4) commerce and industry; (5) land-holders and ruling Chiefs.

Thus, unless representatives and leaders from all classes be taken into the councils of the Empire and in the above proportion, I doubt if the institution would be of any service to the country.

(*b*) *Method of its work.*—The Government of India letter does not give these councils any legislative recognition or initiative of their own. Thus, here even, the condition attached to their existence is very unsatisfactory. It is proposed that these Advisory Councils are given to the country in recognition of the situation and demands of the native community, that is, it is suggested these will form a nucleus of a great constitutional institution. But we would ask, will these councils, as proposed, be really constitutional bodies such as to form part of great Indian polity? to say that these will

have no legislative recognition means that they will not form part of Indian polity; *ergo* their deliberations and conclusions may be taken into consideration, and may as well be ignored. Under this condition of their existence, it is no good having such councils—the press and the platform supplying the needful much more efficiently.

Next, the scheme as shown above is ostensibly meant to promote better feelings between the rulers and the ruled, but with due deference I submit that the manner of their work, *i.e.*, either collectively or individually or by letter and the non-publication of their deliberations and conclusions—does not bid fair to fulfil these ends; it will rather surely create distrust and suspicion in the popular mind, as everything will be done in the dark.

Hence I would suggest the following changes in the duties and manner of their work:—

(1) *Modifications.*—That these councils should have some sort of legislative recognition in order to form them real constitutional bodies; at least when the majority of these councillors are opposed to a certain measure, it ought to be abandoned.

(2) That any Imperial Councillor should be at liberty to bring any important matter affecting the administration to the notice of the Government, and to have it referred to Advisory Councils for opinion and advice.

(3) In no case these councillors should be consulted individually and by letter.

(4) That they should be allowed to deliberate in such a manner as to be free from any external influence likely to affect their independent judgment and advice.

II. (2) *Provincial Advisory Councils.*—The same observations apply here. These also should be so constituted and worked as to be most efficient and representative. The number of the councillors proposed is 20, the half of which should be elected from the classes enumerated above, which may be done by grouping together, for election purposes, a representative electorate of all the classes mentioned in paragraph (6) of the Government of India letter and adverted to by us in answer to question I (*a*).

III. (3) *Imperial Legislative Council.*—The extension of the Imperial Legislative Council is a move, no doubt, in the right direction, and the Government on this head deserves the best thanks of the people in recognising their just demands. One can also see the justification for the limitation imposed that the Government should always have a standing majority, because it is natural and legitimate for the only Paramount Power in the land to provide for this contingency in the interests of general peace and order and also in the interests of the people themselves, who are not yet fit for this last measure of self-government.

Racial distinction uncalled for.—Coming now to answer the real question and suggest modifications in the scheme, what we regard most impolitic and irritating is the separate representations for Muhammadans and the reservation of seats in their favour exclusively. We make no secret in declaring that more than half of the present state of tension and ill-feeling is due to these class legislations and distinctions in which the Government have of late cultivated a tendency to indulge. We all are Indians, and as Indians we should aspire to represent the different interests. Among the Muhammadans also there are land-owners, merchants, men of education, artizans, and labourers, and in sufficient proportion, who can acquire seats in the ordinary way open to others. If different interests are to be represented, and all admit they must be so represented, then why not declare that these are the common interests of the country which require representation on the council rather than differentiate the various communities by caste and creed which are surely to cause racial bickerings? Thus in the interests of general peace and order this policy should be abandoned and an uniform method should be thrown open to all, reserving, however, the right to nominate some members of the community to the seats of the councils, if really they may fall short of their number and importance. Otherwise if the Government is solicitous to reserve expressly some seats for the members of the Muhammadan community, will not the Sikhs be justified in demanding it for themselves? And in fact once this principle is allowed, where will be the halting place? Then the question whom to grant and whom to refuse this privilege will become very difficult to answer. The Sikhs, the Jains, the Parsis, the Christians and the Aryas all shall raise a cry because all would say that they possess political interests of their own requiring special representation. Hence in our humble opinion the benign British Government should not indulge in favours and partiality towards any special class at the sacrifice of true merit and efficiency.

Changes suggested.—But if the Government is determined to make this racial distinction then we would suggest the following course:—

In the scheme no provision is made for the representation of learned professions and universities, whereas the Government sets two seats apart for the Muhammadans to be given by election, and again provides for the protection of special interests and

minorities four seats, out of which not less than two will be given to Muhammadans. Thus the very object for reserving this power will not be served, because interests of other minorities will not be protected if the Muhammadans are returned in large numbers. Let the Government either reserve for Muhammadans those two seats to be filled by election or those to be filled by nomination, for by so doing the Government will be more free to look after the interests of any other special class and provide for its representation, than if its hands be tied down by express reservation of two seats by nomination as well for Muhammadan community alone. Therefore we suggest that if the Government wishes to give two seats at least by nomination to Muhammadans then let the Government reserve those two seats, specified for Muhammadans by election, for men of learned profession and the universities who are quite unrepresented. Thus alone the Government would be free to be able to balance all interests at a given time if necessary.

Hence with the exception of this head D (*d*) we approve the scheme as sketched in paragraph 12.

III. (4) *Election of one member by non-official members.*—Yes; one member should be elected by the elected non-official members of the Provincial Council.

(5) The selection of one of the great land-holders of the province to the Imperial Council should be made direct by election through an electorate of such land-holders as pay a yearly revenue of Rs. 2,000 or upwards, and besides possess educational qualifications up to the Entrance standard. The person selected, however, should be at least an under-graduate of some University and having property qualifications higher than those of the electors.

Other two methods suggested unsatisfactory.—Out of the other two methods suggested that of nomination will not serve the purpose, while that of election by land-holding members of the Provincial Council from amongst themselves is open to the objections of entrusting the privilege of election to a very small number of constituents, which will be hardly more than 3 or 4—an objection which the Government themselves have raised in paragraph 13.

(6) *Electorate of Muhammadans! what?*—For this part of the question see question III (3) where we do not approve of separate representation for Muhammadans.

But if the Government is determined to reserve those two seats for Muhammadans by election, then these should be filled by election through an electorate as proposed in paragraph 18, clause (*c*), with this additional qualification that the persons elected should be graduates of not less than 10 years' standing.

IV. (7) *Punjab Provincial Council.*—The Punjab Council should be increased to the number of 25, including the Lieutenant-Governor of the Province. Bearing in mind the limitation imposed, these 24 seats may be thus distributed—

(*a*) Legal Remembrancer	1	This number will be sufficient for the adequate representation of different classes, whereas any smaller number will not meet the requirements of various classes.
(*b*) Additional officials	2	
(*c*) Ruling Chief	1	
(*d*) Elected non-officials	9	
(1) Punjab University	1	
(2) District and municipal boards	6	
(3) Legal profession	1	
(4) Punjab Chamber of Commerce	1	
(*e*) Nominated non-officials	2	
TOTAL	24	

(8) *System of nomination undesirable.*—We do not approve the present system of nomination should be maintained; according to the table given above all the un-official seats, except two, to be reserved to protect minorities, etc., should be filled by election.

(9) *Class representation impolitic.*—We are opposed to the system of class representation based on creed and religions as it produces enmity and unrest. On the contrary, the seats should be distributed according to the system of classification made by virtue of profession and occupation. This, to a certain extent, has been suggested by the Government of India letter, clause 22 (*c*), where occupational groups for district and municipal boards have been indicated to constitute electorate.

The only classes which require representation on the council are those given in the above table, and there the seats also have been proportionately allotted to each class.

10. *Method of election.*—As above shown the three seats have been allotted to the University, the legal profession, and Punjab Chamber of Commerce, respectively, one

each, and their respective electorates are already determined. Only six seats according to us should be filled by members elected through district and municipal boards, and their election should be made in the following manner.

In doing so we will have to begin from the bottom, *i.e.*, will have to provide a fresh constitution for the district boards and municipalities on the lines sketched out in clause 22 (*c*) but not entirely. We shall also have to constitute a general assembly of both the district and municipal boards, respectively, composed of representatives from all these districts, and in the case of municipalities from only some of them as possess a certain amount of income. The franchise also will have to be raised. Below I have tried to give a sketch of the same.

A REVISED METHOD TO WORK OUT THE SCHEME.

Constitution of the district boards.—There should be fifty seats in the district board in addition to those nominated or appointed by the Government. They should be distributed over the different sections of the population as shown in the following table:—

Class.	No. of seats.	Voters' qualifications.	Members' qualifications.
1. Land-holders	20	Rs. 400 land revenue or Rs. 200 land revenue and literate: or Rs. 150 land revenue and literate up to the middle standard who has matriculated in any University or has passed any other higher examination.	Pays Rs. 600 land revenue or Rs. 300 land revenue and is literate up to the middle standard or is an advocate, pleader, a graduate or holds a degree in medicine besides belonging to the land-holding class.
2. Occupants of lands	10	Occupies land 15 ghumaus in area and is literate, or occupies 30 ghumaus of land only or has passed the matriculation or other higher examination.	30 ghumaus of land and literate up to the middle standard or occupies 60 ghumaus of land only or is a pleader, advocate or holds a degree in medicine or has passed the matriculation standard.
3. Sahukars and traders	10	Pays income-tax and is literate or has passed the matriculation or other higher examination with an income of Rs. 50.	Pays Rs. 42 income-tax and is literate up to the middle standard or is a pleader or advocate, a doctor or a graduate of some University with income of Rs. 100.
4. Artizans and labourers	10	Rs. 100 worth immoveable property or pays one rupee monthly rent or Rs. 10 income per month or entrance-passed in town and middle in villages, or sub-overseer.	Rs. 200 or upwards immoveable property, or pays two rupees rent or earns Rs. 30 per mensem, or a pleader, advocate, or a graduate or entrance-passed or an overseer or engineer.

General assembly of all the district boards.—Such district boards will return four members each to the said general assembly, their representative qualifications being as under:—

One land-holder.—Paying land-revenue to the amount of Rs. 1,000, and is literate up to the middle standard, or is a pleader or advocate, or he holds degree in medicine or has matriculated, with an income of Rs. 1,000 a year.

One occupant.—Occupies 100 ghumaus of land and is literate up to the middle standard, or is a pleader, advocate, or holds a degree in medicine, or has matriculated, with an income of Rs. 500 a year.

One sahukar, &c.—Income-tax Rs. 100 and literate up to the entrance standard, or a pleader, advocate, degree-holder in medicine.

One artizan.—Is an overseer or an engineer, a graduate, or a pleader, or an advocate or owns property worth Rs. 10,000, or has matriculated and earns Rs. 50 per mensem.

An electorate composed of such members from all the districts will elect 3 members to represent on the Provincial Council. The qualifications for these members should be either they should be paying yearly revenue of Rs. 15,000 or upwards, and have also matriculated, or should be an advocate, a pleader or holding a degree in medicine or graduate of 10 years' standing, with an income of Rs. 100 per mensem or an engineer or entrance-passed owning immoveable property to the value of Rs. 50,000 or upwards.

Municipal boards.—As there are different grades of municipalities, so the qualifications of voters and members should be different. But the right of representation should belong only to those who have an annual income of Rs. 80,000 a year. Such municipal boards as have this income should send five members each to a general assembly composed of such members as have been returned by the said boards, who will elect the said 3 members for the Provincial Council. Their qualification should be—

Revenue up to the annual amount of Rs. 1,500 and literate up to the matriculation standard, or annual income of Rs. 25,000 or is a graduate of 10 years' standing with an income of Rs. 200 per mensem; or is an engineer, a doctor, a pleader, or an advocate of some standing, say 10 years, or owns immoveable property of the value of rupees fifty thousand.

Such may be the rough scheme based primarily on the suggestion contained in clause 22 (*c*) and comparable with that already followed in district boards and municipalities, as regards the qualifications of voters, &c.

11. We do not advocate separate representation of classes as proposed in paragraph 22 (*a*) and hence would not carry it out in the manner proposed in paragraph 22 (*b*).

As to the corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*), *please* see the scheme worked out by us at the end of answer to question no. 10.

12. We do not consider it political that separate representation for Muhammadans should be provided; but if it be determined upon the electorate proposed in paragraph 17, Government of India letter, would be well and good, in no case they should be nominated.

13. Something is better than nothing! and all well-wishers of Government and country will be glad to receive this concession. The discussion of the Budget by separate heads will, no doubt, supply correct information to the people, and will bring them in closer touch with the departments of public income and expenditure. It is firmly hoped that this throwing open of the source of information to the public will produce a wholesome effect in influencing the future financial policy of the Government according to the reasonable wishes of the people.

14. But the privilege should also be extended to the Punjab Council, as in doing so the provincial policy may be directed to grapple with more immediate and pressing demands of the province. By the discussion of the Budget much useful and correct information will be diffused. But here too the discussion should be by separate heads as it will thus be more full and thorough, and be greatly facilitated.

15. The privilege and power of interpellation being so necessary in eliciting correct information upon the general measures of administration that no good purpose will be served by extension of the council if this privilege also be not granted to the Punjab Council. It is a privilege which is worth having, and it is time that the Punjab Council should also introduce this system in the said council, both in the interests of the rulers and the ruled, because it sometimes removes false impressions caused by false rumours.

These then are our suggestions and proposals regarding the scheme, and we hope that they will be read with as much patience as their importance demands.

GURDIT SINGH, *Pleader.*

No. 361, dated 3rd December 1907.

From—R. SYKES, Esq., C.S., Deputy Commissioner, Sialkot,

To—The Commissioner, Lahore Division.

I have the honour to submit my opinion in reply to your circular endorsement no. 233, dated the 5th October 1907, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I have endeavoured to ascertain the general trend of opinion in verbal discussion with as many of all classes as possible, but the subject is not one on which public opinion is formed and, except in regard to general views on the main features of the proposals, I was not able to elicit during the verbal discussions many striking individual opinions on the data of the proposals. The general trend of opinion, so far as ascertained, is, however, mentioned in the paragraphs below.

I. (1) *Imperial Advisory Council.*—In a district like Sialkot, where there are practically no leaders of the people, the advantages of a council to represent the hereditary leaders of the people are naturally not very apparent. The case may be different in the northern and western districts of the province where strong Muhammadan tribes

have their recognised leaders. But in the Punjab generally, which is often spoken of as a land of peasant proprietors, there does not appear to be any strong attachment to territorial magnates or to rulers of Native States. And certainly in this district the proposals regarding the Imperial Advisory Council, although the beneficent intentions of Government are fully recognised, are not regarded with much enthusiasm. I am personally of opinion that too much should not be attempted at once. I fear that the proposed duplication of councils in each province and in the Imperial Government may prove an unnecessary embarrassment to Government. Is the Advisory Council to be furnished with rules for its own conduct by Government, or is it to be allowed to make its own rules? If it makes a rule that its discussions shall be public, notwithstanding the proposal of the Government of India that the proceedings should be private, informal, and confidential, does the Government propose to retain the power to over-rule such a decision or if it decides to meet at some time or place without being convened by Government, or to discuss some subjects on which its advice is not asked, or its proceedings to be ignored? The proposals regarding Advisory Council do not contemplate their being governed by an official majority, and in my opinion there is a danger that such councils may be influenced by wire-pullers and that their discussions and decisions may prove ill-advised. I would therefore suggest that the proposals regarding the Imperial Advisory Council should be held in abeyance until the advantage of such councils and the conditions under which they can profitably be formed have been demonstrated in the provinces. I would, however, venture the suggestion that if the ruling Chiefs do not already possess a privilege similar to that of peers of the realm to tender advice to the Viceroy, as hereditary councillors of the Crown, such a privilege should be conferred on them, and if the occasion demands it, they should be convened for the purpose of giving their advice.

II. (2) *Provincial Advisory Councils.*—It is considered probable by some of those consulted that Provincial Advisory Councils will have a wider sphere of usefulness than the Imperial Advisory Council. In this opinion I agree. Appointments to this council will be much coveted, especially if the appointment carries the right to a seat in the Provincial Darbar.

III. (3) *Imperial Legislative Council.*—I entirely agree in the proposed enlargement of the Imperial Legislative Council. It has been suggested to me by an experienced Indian gentleman that this enlarged council will adequately meet all the legislative requirements of India, and that the Provincial Legislative councils can be dispensed with. In support of this view it is argued that with an enlarged council, all the provinces will be sufficiently represented; that the Imperial Council will be able to obtain the services of the most competent legal draftsmen, in which matter the local councils are not so favourably situated; that the number of official members required to maintain an official majority both in the Imperial and local Legislative Councils will prove a serious administrative drawback? and a great expense; that the result of having local councils has been the passing of a number of laws, some of which are badly drafted and some unnecessary; and, finally, that the less legislation there is the better for the country. With these views, as a matter of personal feeling, I strongly sympathise, but as the local Legislative Councils are in existence it does not appear to be a practical measure to abolish them. I agree in regard to the proposed number of 54 as the maximum strength of the Imperial Legislative Council, including His Excellency the Viceroy, and also the proposals in headings A, B, and C and D (*a*) of paragraph 12 of the Government of India letter. But I would invite attention to the opinion of Mr. Ganda Singh, Uberoi, that the commercial interests of the rest of India, besides Calcutta and Bombay, should be represented.

III. (4) In paragraph 13 of the Government of India letter reference is made to the objection to entrusting the privilege of election to so important a post as that of member of the Viceroy's Council to an electorate consisting of only about 10 persons. In my opinion even if the Punjab Legislative Council is enlarged the number of non-official members is not likely to exceed 10 or 12, having regard to the necessity of maintaining an official majority. I think, therefore, that the election to the Imperial Council under head D (*d*) of paragraph 12 of the Government of India letter should be entrusted to an electorate composed of the non-official members of the Provincial Legislative and Advisory Councils.

III. (5) I approve of the proposal that one big land-owner should be elected. I think the electorate should consist of land-owners paying Rs. 5,000 or more land revenue, that the Lieutenant-Governor should nominate four of such revenue payers as candidates for election, and that each voter should then by letter declare to which of the four candidates he gives his vote.

III. (6) I approve of the proposed appointment of two Muhammadans by election and of the proposal that four members should be nominated to represent minorities or special interest, but I would not bind the constitution of the council to the nomination of at least two Muhammadans under head E of paragraph 12 of the Government of

India letter. It does not appear to me to be a certain conclusion that the Muhammadans will be in the minority. It is nowhere stated that the official members nominated by the Viceroy are to be confined to any special class of officials, and possibly the nominations under head B will not be entirely confined to Europeans. The minorities whose special interests may require safeguarding are, I think, Sikhs, Parsis, Eurasians, and Native Christians. As regards the method of election of the two Muhammadan members, I would suggest in the first place that two provinces should each elect one member and not that one province should elect both at any particular election. This would involve the grouping of the six provinces in pairs. In this way each province would have an election for one candidate after six years, instead of for two candidates after 12 years. I would propose that the electorate should consist of the Muhammadan non-official members of the Legislative and Advisory Councils.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I have given some reasons under head III (3) for the opinion that the Provincial Legislative Council will not be required when the Imperial Council is enlarged. But if Provincial Councils are to continue, I think that the Punjab Legislative Council should be enlarged to 24, *viz.*, 14 official members and 10 non-officials.

(8) and (9) In my opinion there should be a fixed rule determining the proportion of seats allotted to each class as follows:—Hidus 3, Sikhs 1, Muhammadans 4, English 1, member nominated by the Senate of the Punjab University 1. The English member should be nominated to represent either commerce or law. The official members should number 13, or including His Honour the Lieutenant-Governor 14, and the total number on the council will be 24. I do not anticipate any inconvenience in asking the Senate of the University to elect one of the members. In my opinion all the other members of the Legislative Council should be nominated. And this appears to be the general trend of opinion.

(10) I do not advocate election through municipal committees or district boards. In my opinion if election is resorted to the electorate should first be nominated by commissioners from the various classes. The total number of the electorate might be—Hindus 60, Sikhs 20, Muhammadans 80, and English 20, and each class of electorate thus obtained should make its final selection from among its members to the seats on the council allotted to the class, that is, Hindus 3 members, Sikhs 11, Muhammadans 4, and English 1.

(11) I am in favour of separate representation of classes as shown above, but I am opposed to the proposal to make corresponding changes in the constitution of municipal committees and district boards. In my opinion such a proposal if carried out now in connection with these political changes will be attended with some popular excitement, and will be strongly opposed. It is true that in India the deepest cleavage in society is due to differences of religion; but in municipal administration these differences do not, as a rule, cause any difficulty in the disposal of ordinary business, and territorial representation by wards is the best suited for the administration of a town.

(12) I do not think that any further separate representation of Muhammadans is necessary in addition to that already proposed.

(13) I agree to the alteration proposed by the Government of India in the method of discussion of the Imperial Budget.

(14) In my opinion a discussion of the Provincial Budget will be of little value. I think the members of the Advisory Council or a committee of it might well be consulted in regard to the Budget, but it does not appear to me that a public discussion will be fruitful.

(15) Interpellation in my opinion is not suited to the existing conditions of Indian politics.

3. I also submit herewith written opinions by Lala Mul Chand, Public Prosecutor, Mr. Ganda Singh, Uberoi, Lala Gyan Chand, Honorary Magistrate, Sirdar Shivdeo Singh, Honorary Magistrate, Rai Arjan Das, Extra Assistant Commissioner, Sheikh Fazal Karim, Extra Assistant Commissioner, Chowdhri Sultan Muhammad, Barrister-at-Law, on behalf of himself and the Land-holders Association. The last mentioned opinion is signed in the vernacular copy by most of the zaildars and leading land-owners of the district.

4. I regret the delay in submitting my reply. My excuse must be that it has taken time both for the people consulted and myself to form our conclusions on the important questions involved.

R. SYKES,

Deputy Commissioner, Sialkot.

Opinion on the questions set out in the Government of India's letter no. 2310—2317 of 24th August 1907.

How I approach the subject:—I have read most carefully the Government of India letter and that of the local Government, and the first thing that strikes me is the vast importance and the extreme difficulty of the questions involved. I should, therefore, like to make it clear

in the beginning that I have no great pretentions to handle the subject, as I possess no systematic study of the political literature of the country, and my main guide therefore is my practical knowledge, as a humble citizen of the British Empire giving me a store of commonsense on political matters connected as they are with our daily life. I have certainly watched most keenly the progress of events in my time, and my country, and as a member of the community I have naturally drawn my conclusions as to what would best tend to the progress and advancement of the people. I make this preliminary note especially to help the authorities in attaching what importance they may think fit to my humble suggestions.

GENERAL.

Before coming to discuss the questions *seriatim* as given in the Government of India's letter I would like to deal with some of the general points which are common to the whole subject, and which would, on that account, make my answer to each question more comprehensive and intelligible. It seems to me that the Government of India have realized that the people of this country have made sufficient advancement, and that wider opportunities should, therefore, be given to them for expressing their views on administrative matters. The Government of India, however, do not think that the advancement made is yet sufficient to entitle the people of this country to take any direct hand in the actual shaping of the administration of this country, but that they may look forward towards the fulfilment in no grudging spirit of a pledge which the people of this country are entitled to regard as inviolable. With all this, however, the paramount nature of the British Government should always be kept in view, and in the proposals as promulgated at present the executive authority of the Government of India is maintained in undiminished strength. I understand that these facts are not open to discussion, and in my humble opinion whatever might or could be said as to the capability of the natives of India to take at present a direct hand in the executive of the Government of India, there can be no two words that the paramount nature of the British Government *is and must remain* undisputed in the construction of any political machinery. At present, however, the main functions of the Advisory and Legislative Councils is to be to help the Government of India in arriving as to what is the best mind of the people, in order to build thereupon a wise and beneficent administration. For this purpose, therefore, an agency is necessary, and it is in the construction of this agency that I would first indicate the general points wherein I beg to differ from the Government of India's proposals.

NO CONSISTENT POLICY FRAMED.

The Government of India seem to regard that, as a rule, the Western methods of Government are not applicable to the conditions of India and that, as a rule, any innovation in principle in the traditions of Eastern Society would be misapplied and therefore detrimental to the true interests of the country. This, however, in my humble opinion, is not the right way of approaching the solution of the difficult question of how to secure a true representation of the interests of the vast population of India. The Government of India is essentially a Government of a Western people and a Western Sovereign. The essential elements of an Eastern sovereignty are therefore, wanting and to wish that the British Sovereign and British nation should become naturalized to Eastern methods is, in my humble opinion, to wish for an human impossiblity. And even if this were possible it is questionable whether it is desirable. The British Government have not inherited the sovereignty of this country from an Eastern monarch. They took up the reigns of Government when the whole peninsula was enveloped in turmoil and darkness. The hand of Providence directed them to take up the destinies of a fallen people. The British Government spread over it its benign protection and extended to it the fruit of a beneficent administration. In the very start they took upon themselves to educate the people to the ways and means of an efficient administration, and in doing so they tried to impart to the people of this country the best traits of the Western people. In this effect the British Government have had an admirable success and there can be no two words that the British rule has conferred untold blessings on the misguided and helpless Easterns. After the lapse of a century, therefore, to revert to Eastern methods of Government and to Eastern traditions, would be as impracticable as devoid of any good to the country. In any construction of the political machinery therefore, while keeping absolutely unchallenged the paramount and absolute power of the British Government, any reversion to Eastern methods of polity is bound to end in failure and disaster to the best interests of my countrymen. In the proposals put forward by the Government of India, the inconsistency of the policy is, therefore apparent, for whereas the ground principle of representation for the good of the masses is strictly and most firmaly maintained—an essentially Western idea—a desire to surround the representatives with the pomp and splendour of Eastern romance is also expressed.

CLASS REPRESENTATION.

Throughout the proposls set forth by the Government of India an adoption of a new principle is indicated, namely, that the power of nominating or electing the representatives is

considerably narrowed. That certain classes or interests, who as yet have no voice, or inadequate voice, in the councils of the Government should be given that capacity or franchise, is perfectly legitimate. Wherein I beg to differ from the learned proposals is that the existing freedom of choice of a representative should not be fettered, and that in the formation of classes, castes and creeds should not be recognised. The landed classes shall choose a person from the landed class, the commercial classes from that class, the Muhammadans from Muhammadans, is a principle which appears to me to be quite an innovation in the polity of the Indian Government. I can understand that the landed class or the commercial class is not adequately represented. What I fail to understand is that at the same place and in the same surroundings a Hindu or a Christian landlord or a merchant has adequate representation while his Muhammadan brother has not. If a barrister or a pleader is not fit to represent the landed class or the merchant it is not only that he is unable to do so for the Muhammadans. His inability, if any, must exists for all. Then, again, the recognition of a caste in the grant of a franchise is militant to the very ground principles which the Government of India have in view. The Muhammadans as a whole are a mixed community. They are merchants, landlords, lawyers, school masters, etc., just as their brethern of the Hindu community. I cannot understand why when the different classes of interests are recognized in the Indian communities as a whole the same distinction should not be kept up when treating with the Muhammadans. The right and most simple way of dealing with the problem is not far to seek. If a particular class or interst, for instance the landed or commercial class, is not adequately represented, by all means make an electorate for that class. In making that electorate only seek for the landed class or the commercial, as the case might be, but do not seek for a Hindu, Muhammadan, or a Christian, and when you have made an electorate do not hamper them in their choice of a representative, as far as possible, for it is already admitted that with due regard to official majority only a few seats can be open to election, and if in these also public are not allowed to send their choice representations the chances of the Government being able to find out what is the best mind of the people must be very small indeed. As to caste recognition, the Government of the Punjab seem already to have been landed in a difficulty. They find that although Muhammadan interests are valuable the Sikhs are also an important community. The other diverse castes and creeds might here as well ask the mighty British Government as to why their existence had been ignored. The Sikhs might be supplying the Government with a splendid army, the Muhammadans might have had an important but long historical past, but the other diverse castes and creeds representing various other interests serve no mean functions in the general polity of the British Government, and it would certainly speak ill of the august British Sovereign if with all his strength and might of the Paramount Power it is considered necessary after the lapse of a century to recognise castes in the representation of different classes and interests of Indian community. This course is also defective in principle as it tends to create classes and divisions on a religious basis in our political relations with the Government, and is conducive of the same impediments in our political welfare as the division of people into castes and creeds is detrimental to the social advancement. The principle is, moreover, unnecessary, as I cannot imagine that there is any Government measure which is conducive to the welfare or otherwise of a particular class or creed. In the general polity of the Government of India, its acts and measures affects the whole country, and any distinction made by way of caste in class representation is likely to lead to unnecessary heart-burning and animosities. This principle will at the same time be against the well-established and avowed principle of no distinction between castes and creeds. In my humble opinion, therefore, this principle should be entirely eleminated in the framing of the proposed reforms. With these general remarks I beg now to deal with each question separately.

(1) In my humble opinion an Advisory Council on the lines sketched out in paragraph 4 of the Government of India's letter will not be at all serviceable to the country. With the preamble in paragraph 4 of the aforesaid letter I am in perfect accord. What is needed, as I understand the Government's benign intention, is that the Government should be able to fall back upon a competent body of advisers who should be able to represent the best mind of the people and who should also serve as an agency for the diffusion of correct information upon the acts, intentions and objects of Government. The ruling Chiefs and the territorial magnates would be the last persons who would be of any substantial use in the performance of these important functions. These dignitories, to start with, represent those dynasties who were mostly responsible for the turmoil and chaos from which the Government saved the populace of India. The Government wrested the power from their hands and took the people of the country under their direct charge. In some parts of India where the great landlords are still in existence and the Government does not recognise the actual occupants of land as the persons responsible to Government, all the most competent authors of the subject of land administration deplore the condition of ryots. The Government having taken direct charge of the administration, the territorial magnates were as a rule stunted and they gradually lost all their influence over the vast Indian population. It is a particular and most essential feature of the British Government that men of all classes and conditions of life can approach the sovereign or his representatives direct, and do not need the assistance

of any of the so-called hereditary intermediaries. The ruling Chiefs and the territorial magnates have as a rule stood aloof in the march of the times, and a few of them who gained any recognition at the hands of the public were those who worked on the same lines with the other humble citizens of the British Empire. To give a concrete example, an ordinary subject in the Sialkot District will care more for the district officer or a man of position from his own class on whom the Government has conferred certain honour or position, than the Maharaja of Jammoo and Kashmir, although the said Chief lives just on the borders of his own district. Of the territorial magnates, again, he will have no fear or recognition beyond the fact and to the extent that the said territorial magnate has proved himself worthy of the same by his personal merits and capabilities. I might say in one word, that before the might and strength of the Paramount Power the so-called territorial magnates and their influences have faded into non-existence and the people of India would therefore rightly feel sorry if any recognition were given to such magnates as their hereditary leaders. The true leaders of the people in these days are those whom the Government have recognised as such for their honesty, capability, self-sacrifice, and character. To such of these men the people at large also look with reverence and turn to them for advice. They are in fact the sole creatures of the British administration and cannot in truth look to any heredity for the support of their claims. These leaders are and can be found only from the educated classes, no matter whether such persons are drawn from the landed, commercial, or professional classes or from the ruling Chiefs and territorial magnates, and it is also true that "for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those, whether official, or non-official, who are acquainted with their daily life and are qualified to speak with authority on their behalf." These educated classes have also a material stake in the country, for, being exclusively the products of the British administration, they have everything to gain or lose by the welfare or otherwise of the said administration. By these leaders from the educated classes, I do not mean of course any political criminals who attempt directly or indirectly to minimise the importance of the British Government or who would in any way reduce our genuine respect for the administration or prevent us from our expression of the feelings of utmost gratitude to all the good that has been conferred upon us by the British nation. To such of these criminals the Indians as a whole recommend nothing but a firm and heavy hand, and they wish so irrespective of whether he is a Government officer or a private individual. To ask the natives of this country to look upon the ruling Chiefs or the territorial magnates with awe and veneration as their hereditary leaders simply because they are such Chiefs and such magnates would also be anomalous. Having been now under the British régime for a long time our sense of respect and proportion cannot admit of any idea of competition with the might and magnificence of the British Sovereign and his representatives, and it will be wrong to expect us to do homage to both. We can only pay our respects to the ruling Chiefs and territorial magnates for what they are worth independently of their position and power, which might itself have been a force, but under quite altered circumstances. Then again I might without fear of contradiction say emphatically that the ruling Chiefs and territorial magnates, as a rule, are not in touch with the daily life of the masses of the Indian population, and as to their power of serving as an agency for the diffusion of correct information, upon the acts, intentions, and objects of Government. I might very well say what Nepoleon once said of such dignitories, "that they spoke to no one and no one spoke to them, so they brought home no information." And as to any hope of educating such potentates to the proposed line of administration, I might aptly say that the class will unfortunately consist of students who do not care to learn. Then, again, the Advisory Council is purely an informal body without any legislative recognition. It does not in any way touch or tie down the hands of the executive whose strength throughout the proposal is maintained undiminished. In fact, what the British Government at present propose to do is to hear the masses of India through their capable representatives and then to pass its own impartial judgment as to what it proposes to do. There is no doubt that if these representatives do their duties well and are fit to perform them, there will be a considerable progress made in the orderly working of the Indian Government for the welfare of the people committed to its charge. I admit that this representation might for a time be carried on by nomination but the principle governing such nomination should be entirely changed. The Government of India may be pleased to draw its nominees from the cultured and educated classes, belonging to land-holders, industry, commerce, capital and professional spheres as well as from ruling Chiefs and territorial magnates when fit and capable persons can be found from amongst them. To supplement the list of the Government of India, the Local Governments might also be asked to send in their recommendations, and the Government might also be pleased to nominate direct from the moderate, sensible, and deserving men of the great political bodies now working in the country. In its relations with the welfare of the people the Government of India in reality wants more business, and the rank and pageant required for its Imperial relations might very well be served otherwise and, so far as I can understand, it should not be amalgamated with the practical working of the Indian administration. The Indian people as a body have great faith in the impartiality and sense of justice of the British nation, and they can hope with full confidence that in case the principles of Advisory Council are altered the Government nominees will not disappoint their

expectations. The proposals as now framed fetter the Government of India's discretion considerably, and the last clause that the deliberations will, as a rule, be confidential, will take away from the Government the only check that it can possibly have of examining the *bonâ fides* of informations received by them, namely, that of public opinion. Taking my experience from the district administrations I should say that the public usually distrust the representations made on their behalf by the titled aristocracy; and the learned and experienced district officers will, I presume, bear me out when I say that the best of their informations that they ever received and which probably saved the administration from being placed in unpleasant and awkward situations emanated mostly from humble, unobtrusive, but honest sources. It is a general talk, and I think to a large extent well founded, that the informing department of the Government is most inadequate, and while the natives, as a rule, have complete confidence in the *bonâ fides* of their European officers, they usually suffer great oppression from the hands of their own countrymen who, taking advantage of their subordinate positions, succeed in most cases in stifling the true grievances of the people. The Advisory Councils in their own spheres will be of material help provided they are capable, honest, and deserving, and as to their constitution I would only say that nominations should, as a rule, be from all possible classes and interests in which the Indian community is at present divided.

(2) Yes, a Provincial Advisory Council would be a useful institution; but as to its constitution as hinted in paragraphs 4 and 5 of the Government of India's letter, I have the same objections as I have made in my reply to question no. (1). In the proposal put forward in paragraph (6) the Government of India find that it is essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included. In my humble opinion, the said classes should also have an opportunity in the Supreme Advisory Council of influencing the deliberations of the supreme executive authority. For the Punjab the number of the proposed advisers I should suggest should be at least as many as there are districts in the province, and I should submit that at least when the deliberations are collective they should be open and not confidential. This, in my humble opinion, is the only way in which the Government will be able satisfactorily to check the informations received before arriving at any definite conclusions. I do not think that the apprehensions of the Government of India that only confidential communications will secure frank interchange of opinion are to any large extent well founded. Rather the privacy of the communications will to a large extent entail the risk of the Government being placed in possession of incorrect and interested informations. The mere fact that the public will know what advice is given by their representatives will ensure to a large extent the correctness of the communications, while the Government will have a double advantage of checking the advice on every important public matter by the public opinion. While there are a number of advantages that can accrue by following the above procedure there is no likelihood of any harm, for ultimately the executive is the sole judge as to what is proper to be done under the circumstances of each case.

(3) Yes, I think an enlargement of the Imperial Legislative Council will be useful. I am, however, not in accord with the scheme suggested in paragragh 12 of the Government of India's letter. Before submitting the changes that I should like to be introduced, I would discuss briefly the principles laid out in the preceding paragraphs. The principle of the standing majority of the Government officials requires a little scrutiny. I do not dispute that the time has not yet come when the sovereign could safely delegate to the people of this country independent legislative powers which are in fact closely allied to the exercise of the sovereignty itself. But what I contend is that according to the statutes relating to the Legislative powers the official majority is not necessary to safeguard from these dangers. The Statutes of '61 and '62 both provide most amply that no proposal for any legislation can be put before the council without such proposal having passed first through His Excellency's Executive Council. And after the said legislation has passed through the deliberations of the council His Excellency the Viceroy has still the power of vetoing if he does not consider the particular measure free from objection. The statutes thus give ample powers to the sovereign's executive authority of guiding the deliberations of the Legislative Assembly. It would, therefore, in my humble opinion, be unnecessary to take away so many high-placed and responsible Government officials from their different spheres of activity. There is, however, one very forcible objection that I can think of, and it is that although His Excellency has the power of vetoing an improper measure the council may, however, create impediments in the way of the executive by dissenting by majority from any measure put before them for legislation. To this I can only reply that it is a question worth consideration whether the legislative body, with all its safeguards of nomination and with the fact that the members are likely to be returned from the cream of society are likely to prove intentionally hostile and likely to place improper obstacles in the just and orderly working of the Executive Government. With all the force, however, that I can conceive of for any arguments I must still admit that the question is not free from difficulty, and the only justification that I can claim for my remarks is that I understand I must enter into a full discussion on all the points that emerge from the Government of India's letter.

Taking, however, my stand on the principle that the standing majority of the Government officials is a necessity, my first point is that the Government might very well give to the public at least one seat more which would leave 19 seats to the additional officials to be nominated by the Government. These, combined with 8 seats mentioned in clause (2) A and His Excellency the Viceroy, would make 28 seats in all, whereas excluding the two seats for official experts it would give 24 seats to the public. The Government would thus be able in every case to count upon a numerical majority, and the 4 seats I think will be ample to provide against indispensable absence of some of the official members. The second point of great vital importance is the representation within these narrow limits of the vast diversity of classes and interests in the Indian Empire. Before submitting my amendments it will be better if I clearly state the ground principles on which I proceed, which are as follows:—

(*a*) The members of the Imperial Legislative Council must, I think, be drawn from the Provincial Legislative Councils which in their turn should be made as perfect as possible. When dealing with these Provincial Legislatives I will deal with what I think should be the best way of selecting the representatives, and we thus arrive at a main body of representatives, there can be no two words that the members of the Imperial Legislative Council should be mainly drawn from them. This process will lead to uniformity, for otherwise one will always find that the constituents of the Supreme assembly will widely differ from those of provincial bodies, and as the Imperial Legislatives have in the end to serve the wants of different provinces only, any difference in their constituencies will lead to an undesirable anomaly.

(*b*) What our benign Government should keep in view is the representation of different classes and interests. I have given a general sketch in the preamble, and I would add here that any recognition of creeds will lead to serious misunderstandings. The people can understand that the commercial or landed classes want representation, what they will fail to understand is that the Muhammadans as a whole form any community of interest. A Muhammadan Jat in one of the northern districts has nothing in common with a Moulvi of Delhi. Their laws of inheritance, their every day ceremonials, their ways of thinking, of living, and in fact of everything that is conducive to human well-being, there is a wide divergence, and I doubt whether under the political circumstances of the country it is at all desirable for the Government of India to create any bond of unity on a religious basis when none exists. Besides this, the other communities will feel necessarily that the subordination of their interests is due to some important consideration. Living under the unifying and impertial British administration people can ill-afford to look upon one class as historically or otherwise more important than the other, and, lastly, when after all the legislative body is only a helping and deliberative assembly without any direct powers of initiative it will, in my most humble opinion, be unwise to create distinctions. For the Punjab, at least, as I will show just now, the creation of this special Muhammadan interest will mean that there will be no chance of any Hindu being returned to the Imperial Council. Under the proposed scheme one member will be selected under clause D(*b*) and one under clause D(*c*). If there can be any chance for a Hindu being returned from this province it can only be under these clauses, for there is absolutely no chance under clause E where the Government has various other minorities and special interests to consider. Now as to a chance of election from the non-official members of the Local Legislative Council there can be possibly no chance. In the letter of the Government of the Punjab, paragraph (8), lines 4 and 5, it is given that in the past years on an average the council has contained one Hindu, one Sikh, two Muhammadans and one Christian. The Government of India in their letter, paragraph 22(*c*), indicate the necessity of observing the distinction of race, caste and religion, so that there being a majority of Muhammadans in the Punjab the Hindus are most likely to be crowded out of the local Legislative Council. When the Hindus had only one member during the past years, when no such distinction was observed, their chances of getting any seats under the altered circumstances will be very small indeed. Then as to a possibility of a Hindu being returned for clause D(*c*) this is still more unlikely. In the Government of the Punjab letter, paragraph 5, it is distinctly given that of the possible electors the Muhammadans number 26, whereas the Hindus only 18, in which I believe the Sikhs are also included. By the above analysis I think I have demonstrated that there is no chance for a Hindu being returned from the Punjab. Under these circumstances, in my humble opinion, the principle of recognition of caste and creed is not at all suited, and specially so to the peculiar circumstances of this Province.

Keeping these principles in view I will now proceed to indicate what the constitution of the Imperial Council should be. I start, of course, with the presumption, the grounds whereof

I will explain later, that the different classes and interests are adequately represented in the Provincial Legislative Council.

A.—As given in the Government of India's letter	8
B.—Government officials	19
C.—As given in the Government of India's letter	1
D.—Elected members—	
(*a*) by the Chambers of Commerce of Calcutta and Bombay .	2
(*b*) by the non-official members of the seven Provincial Councils, 2 each	14
E.—Non-officials to be nominated by the Viceroy to make up for the deficiencies of election	7
F.—Experts	2
TOTAL	58
or, including His Excellency the Viceroy	54

By these amendments the Government will be pleased to see that clause E gives ample powers for the exercise of beneficial discretion, whereas it takes away from the scheme any unsavoury ideas of caste and creed recognition. All classes, by which I mean people belonging to commercial, landed, professional, and other diverse interests in the country, and not castes or creeds, such as Hindus, Muhammadans, Parsis, and so on, will find ample representation in the Provincial Councils and their representatives will certainly be best fitted to choose capable persons from amongst themselves for the Imperial Legislative Council.

III. (4) I have already explained this question in my previous answer.

III. (5) No, I do not approve of this selection; but if the Government does ultimately confirm this method, I should suggest that the election should be from the members of that class from the Provincial Council. I do not advocate nomination at all, for otherwise the already narrow field for election will become still more cramped. I cannot advocate for any separate electorate, for that will prove considerably inconvenient to have one set of electors for the Provincial Councils and another set in the same province for the Imperial Council, and if it is going to be only one set in both cases then certainly the elected members of the Provincial Council should elect from among themselves for the Imperial Council, as otherwise I cannot understand how the same electorate will send one man for one council and another for the other.

III. (6) No; I beg respectfully to disapprove of it most emphatically. I have already indicated the reasons for my humble opinion.

IV. (7) Yes; I would advocate an increase and would suggest that our proposed council should consist of at least 20 members in addition to His Honour the Lieutenant-Governor, and of these 20 seats 9 could safely be given to non-officials. There is no doubt that this Province has made considerable progress during the last quarter of the century. The people, as a rule, are sober and of business habits, and although this Province has not yet proved capable of any flashes of genius the people as a whole can always be trusted with strong and robust commonsense. There is no doubt, therefore, that they will be of material help in advising the Government on points of legislation.

IV. (8) I would have a part of the unofficial seats filled by election. The Government of India in paragraph 16 (last 5 lines) have recognized the force of the argument that in the Muhammadan community the system of nomination has frequently failed to secure the appointment of the Muhammadans of the class by whom the community desires to be represented. This argument can be applied with equal force in the case of other communities also, and I think that considering the improvements made all round this Province is sufficiently advanced for the introduction of a system of election. This Province has in a few years made rapid strides in the development of her industries and commerce, and there are a number of joint stock companies which have shown good capacity of work and enterprise in its managing staff. This Province can, I think, also boast of a large number of students who have received their training in England and other foreign countries. The landed classes have also here and there shown considerable signs of improvement. I do not think therefore that this Province can with any justice be regarded as having in any way lagged behind in the march of times. I would therefore humbly suggest the time has now come when this Province can justly claim the franchise of election from our benign Government. Of the 9 unofficial seats I would submit that at least (6) should be open to election.

IV. (9) I would not advocate any rule such as contemplated in the Government of India letter, paragraph 22 (*a*). I am extremely apprehensive that any recognition of caste and creeds in the grouping of classes would be fraught with serious misunderstandings, and it

would be quite an innovation in the polity of the British Government. This course will tend to the creation of parties on religious basis which, whenever introduced, is always fraught with serious mischief and involves the unsettling of the peaceful relations between Hindus and Muhammadans—the two most important communities of India. I do not, moreover, think that any such differentiation as Hindu or Muhammadan interests is at all felt in the masses. This is only a creation of recent times, and is mostly confined to a part of the educated community. There is, however, no doubt that all right-thinking and peace-loving natives, whether Hindus and Muhammadans, deplore this spirit considerably and would therefore rightly resent the propagation of any scheme which would directly or indirectly lend any colour to this separation theory. The principle, I may say in brief, is strictly antagonistic to the best interests of the country and is strongly opposed to the maintenance of orderly and peaceful relations most absolutely necessary between the two important communities of India.

IV. (10) I have already submitted in my reply to question no. (8) that at least 6 seats must be filled by election. I do not at all recommend any election through municipal committees or district boards, and as there has been an election heretofore in the Punjab there can be no question of taking away of any vested rights as to which the Government of India have felt concerned in the provinces where such elections have been already in force. I understand that there is nothing common between the functions of the municipal and local boards on the one hand and those of the Provincial Legislative Council on the other. The former bodies exist only for local purposes, and it is doubtful whether curtailment of franchise is advisable in the electorate of such bodies. Again their constitutions and ways of working have become so much complicated that I do not think they will admit of an easy or off-hand pruning to suit them for the purposes of forming a suitable electorate for the Provincial Council. I should not touch these bodies at all so far as the present proposals are concerned. Their reformation might aptly form the subject of another enquiry. Meanwhile for our Provincial Legislature it is not difficult to found an electorate. For the election of 6 members an electorate of about five or six hundred persons representing various classes and interests in the Province would I think be sufficient and the answer as to where to find this electorate can be found very easily in the Government of India's own proposals. In paragraph 17 the said authority has proposed what electorate would be suitable for the Muhammadans. I would submit that the same would be suitable to the other communities and without making any distinction between castes and creeds a suitable electorate might be found from—

(1) all who pay land revenue in excess of a certain amount. I am not in a position to indicate that amount as I have no statistics to help in the matter;

(2) all payers of income-tax with income exceeding Rs. 3,000 a year. This I think would comprise of the trading and professional classes;

(3) all registered graduates of the Punjab University of more than, say, five years' standing. This classification, I understand, will consist of all the different classes and interests which should have a representation before the Government and through whom the needs and sentiments of the masses will find expression. I do not think that the Senate of the University should be asked to elect one member for the council. I am afraid that this will lead to an undesirable element in the educational body. The persons who are made graduates by this body and who enter upon their duties as citizens of the British Empire have certainly a most important hand in their political relations with the Government, but the Senate should, I think, have all its energies devoted to purely educational objects. The conferring of the power of election to the Senate is also defective, in so far as it considerably narrows the electorate of the educated classes and the franchise will be confined mostly to the people living at the capital.

(11) No; I do not approve of any representation of the classes as proposed in paragraph (22) *a*, and I have also submitted that the municipal and district board should be kept entirely a separate body. The Government of India has expressed dissatisfaction at the results obtained from these bodies in the other provinces, and I do not see why the same or an altered scheme should be tried in this province.

(12) In view of my adverse opinion as to separate representation of Muhammadans this question does not relate to me.

(13) Yes; I think the alteration proposed in paragraph 23 would be feasible, and I have nothing to add to what is already indicated in the Government of India's proposals.

(14) Yes; I would strongly advocate the discussion of the Provincial Budget in the Punjab Legislative Council. I have already indicated that the Punjab has sufficiently advanced to be on an equal footing with the other provinces, and I am also in favour of discussion by separate heads. This relates entirely to the method of discussion and wherever it is considered advisable to allow the discussion of the Budget, there can be no question that the best method should be adopted.

(15) Yes; this power is extremely necessary to allow the public to have a clear understanding of the acts, intentions, and motives of the Government.

Conclusion.—With these remarks, I beg to submit my most humble opinion for favour of its being considered by the authorities, and could most dearly wish and fervently pray that the proposals as finally adopted may be of good to my countrymen. I hope most confidently that the day is not far off when in the history of the world's civilization, it will be the proud boast of an Englishman that by Divine Dispensation he was enabled to have pulled up one-fifth of the fallen human race to his own level.

MOOL CHAND, M.A.,

Government Pleader,

Sialkot.

Dated Sialkot, 3rd November 1907.

From—GANDA SINGH, UBEROI, Sialkot,

To—The Deputy Commissioner, Sialkot.

As requested I beg to submit the following proposals and suggestions regarding the Imperial and Provincial Advisory and Legislative Councils :—

I. *Imperial Advisory Council.*—I consider that the Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, but I have to make the following suggestions regarding its constitution.

Of the total number of 60 members of the Imperial Advisory Council, half should be nominated and half elected by establishing a special electorate. Nomination should include Ruling Chiefs, territorial magnates, &c. Election need not be confined to any class. Elected members, so long as they are capable of forming an intelligent opinion as to the matters specifically referred to them, and enjoy the fullest confidence of the people, may belong to any profession. It is not necessary that they should be very wealthy. As in America, one member may represent ten millions, thus making a number of 30 elected members for a population of 300 millions. Three hundred top-men in every province paying the highest revenue or income tax should form the electorate to give votes for members. The proceedings of the council should always be open and formal and should be published. The object of forming an Advisory Council seems to be to consult the people through their leaders individually, or collectively, and the diffusion of correct information upon the acts and intentions of the Government which can be better secured by making everything public.

II. (2) *Provincial Advisory Council.*—Certainly a Provincial Advisory Council would be a useful institution. It may consist of 20 members, including those representing the province, on the Imperial Advisory Council. Half should be nominated and half elected. Both nomination and election should be made from different communities and interests. The proceedings of the Provincial Advisory Council should, as a rule, be formal and open to the public to correct misstatements and to remove erroneous impressions.

III. (3) *Imperial Legislative Council.*—I heartily approve of an enlargement of the Imperial Legislative Council, but I would suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter. The strength of the council might be 54 as suggested, but instead of a ruling Chief nominated by the Viceroy, two members elected by the Chambers of Commerce of Calcutta and Bombay, two members elected by Muhammadans and two Muhammadan non-officials nominated by the Viceroy, to represent minorities or special interests, 7 members may be added to those elected by the non-official members of Provincial Councils, thus making their number 14 instead of 7, as suggested by the Government. The reasons for the changes are given below :—

The ruling Chiefs, as a rule, have no great interest in the welfare of the people in the British territory, and the nomination of one of them to the Imperial Legislative Council cannot do much good to them. No special favour should be shown to the Chambers of Commerce of Calcutta and Bombay, when there are equally important bodies at Karachi, Madras, Rangoon, &c., besides other important industries, such as tea-planters, indigo-planters, &c., &c. This innovation of giving 4 members to a certain community would most probably create racial animosity and rivalry between the different communities of India which the Government should avoid as far as possible. If such a favour is shown to one community, the other communities, such as the Hindus, the Sikhs, the Parsis, the Native Christians, &c., &c., should not be deprived of it.

(4) Instead of one I should like to have two members elected by each of the Provincial Legislative Councils, on the ground that if one of them may be absent on account of indisposition, or other unforeseen circumstances, the other may speak for the province.

(5) Yes ; I approve of the selection of one of the great land-owners of this province to the Imperial Council. The electorate may be formed of the hundred highest revenue-paying men of the province to choose one from among themselves.

(6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Legislative Council for reasons given below.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I strongly advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab. The figure at present may be 21, including His Honour the Lieutenant-Governor, of which 14 should be official members, including nominations, and the remaining 7 may be elected. Non-official nominated members should not be less than three.

(8) I do not approve of the present system of nomination. Out of a total number of 21 I should like to have 10 non-official members, 3 by nomination and 7 by election, as proposed above.

(9) I do not advocate any fixed rule determining the proportion of seats to be allotted to each class, for I think it to be very troublesome and impracticable and likely to create racial competition.

(10) For the appointment of non-official members I would advocate election through municipal and district boards.

(11) I do not advocate separate representation of classes as proposed in paragraph 22 (*a*), of the Government of India letter.

(12) I do not think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

V. (13) *Discussion of the Budget in the Legislative Council.*—Yes ; I consider that the system of discussing the Budget in the Imperial Legislative Council be altered in the manner suggested in paragraph 23 of the Government of India letter, with the exception that the alterations agreed upon by majority should be carried out the same year.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council as in the Imperial Legislative Council.

(15) The right of interpellation may be given to the Punjab Legislative Council to place it on an equal footing with the sister provinces.

GANDA SINGH, UBEROI.

Opinion of Gyan Chand, Honorary Magistrate, Vice-President of District Board and Municipal Committee, Sialkot, Proprietor, "The Victoria Paper," Sialkot, on the questions on which opinions are desired in connection with Government of India letter No. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—This may be of some service to the country if selection of the Imperial Councillors be made by nomination on the recommendation of the local authorities.

Taking into consideration the present state of election of the district boards and municipal committee members, I think that better men will not get seat for the Imperial Advisory Council by election.

As regards the duties, in my opinion, matter of the confidential nature should not be brought before the Imperial Advisory Council for discussion ; only public matters concerning the general welfare of the country should be discussed.

As regards the position and status of the councillors, I am of opinion that the gentlemen who are held in respect by public and Government officers be nominated, and the nomination be made on merits, irrespective of the number of Hindus and Muhammadans.

To fix a limit of income and land revenue, I think many persons of sound opinion will be deprived of getting a seat in council.

II. (2) *Provincial Advisory Councils.*—It may be of some use on the same lines which I have proposed for the Imperial Advisory Council.

The selection of the members be made by nomination on the recommendation of the local authorities. Instead of 20 councillors one should be nominated from each district.

III. (3) *Imperial Legislative Councils.*—I suggested that instead of one at least two members of the Punjab Legislative Council be elected by Provincial Council on merits for Imperial Legislative Council.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I think that the present number of members of the Punjab Legislative Council is not sufficient. This may be increased from 9 to 15. I am in support of the selection of members entirely by nomination and not by election through municipal or district boards.

V. (13) *Discussion of the Budget in the Legislative Councils.*—I think no harm in the discussion of the Budget in the Imperial and the Provincial Councils.

(15) *Power of interpellation by members.*—Yes.

GYAN CHAND.

Dated 25th October 1907.

From—SHIV DEO SINGH, Siranwali,

To—The Deputy Commissioner, Sialkot.

I beg to submit my written opinion on proposal to establish Advisory Councils in the country, and I have put my opinions in forms of answers to the series of questions as directed.

I. (1) I consider that an Imperial Advisory Council on the line sketched out in paragraph 4 of the Government of India letter would be of great service to the country. I do not think that any alteration in the proposal made in paragraph 5 regarding its constitution and duties is necessary or desirable.

II. (2) I think Provincial Advisory Council would be a most useful institution as it would afford wider opportuniiies to the people of India to express their views on administrative matters, and will enable Government to know the real wants of the people through their representatives. If council in Punjab will consist only of 20 members, this number will not be sufficient to represent the landed interests in this province, and qualification attached to land-owners that only those should be appointed who pay from Rs. 5,000 to Rs. 10,000 revenue to Government should be modified.

In several districts such land-owners are not to be found who pay as much revenue as mentioned above. In case no modification is made in present proposal, those districts will remain unrepresented. This standard should be lowered, and land-owners who pay from Rs. 2,000 to Rs. 3,000 revenue should be qualified to represent the landed interest. For appointment of members system of nomination is the best. Country in my opinion is not ripe yet for system of election. Gentlemen of position will refuse to offer themselves as candidates to a wide electorate as they dislike canvassing and by reason of reluctance to risk the indignity of being defeated by rival candidate of inferior social status.

When nominating a member Government must take into consideration that candidate is a man of good family and of high social status, besides possessing educational qualification required for this high and responsible position. He must have full confidence of Government and public. Subject to conditions noted above system of nomination same will prove most usefull.

III. (3) I approve of an enlargement of the Imperial Legislative Council and the scheme sketched out in Government of India letter is the best: no modification of it seems necessary.

(4) I approve that one member should be elected by Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this Province, to Imperial Council, and nomination would be the best system to adopt.

(6) I approve of appointment of 4 Muhammadans to the council (Imperial Council), all by nomination, subject to opinion expressed in paragraph II of this letter.

IV. (7) As the members already on the Council are not mentioned or known, it is impossible to determine whether an increase would be necessary or not, and hence an opinion on this cannot be expressed.

(8) My opinion is general in regard to nomination being the method considered necessary and most favourable when compared with that of election.

(9) I am of opinion that all classes should be represented, each in proportion to their numbers.

(10) I would propose that Deputy Commissioner of each district selecting one of each class the Commissioner of the Division could then make his selection accordingly, *i.e.*, select one of the representatives of those sent up by the Deputy Commissioner, allowing of the proportion mentioned in paragraph (9) of my above be maintained.

(11) This question is answered in my no. 8.

(12) I am in favour of proportion as stated above in my no. 9.

V. (13) I am greatly in favour of the proposal for discussing the Budget as I consider that by each discussion the general views, requirements, and grievances of one and all could better be known and considered.

(14) Yes; I am of opinion that a discussion of the Provincial Budget would be an advantage, as in other words it should be a preliminary to that of the Imperial Budget.

(15) Yes; I am certainly of opinion that it is necessary.

SHIB DEO SINGH.

Answers to questions relating to the proposals of creating Advisory Councils and enlarging the Legislative Councils in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) The constitution of an Imperial Council is a profitable scheme, but the selection of members is not an easy task. Men of ordinary qualification and possessing a little information of what is going on in the country would hardly be able to express the views of the people. High education should, in my opinion, be the basis of selection from each class of men.

The proceedings of the council should not be kept confidential. Their publicity would encourage the councillors to take much interest, with a greater sense of responsibility, in forming opinions on the matters referred to them, otherwise they would imagine that their views *were not* worth consideration.

II. (2) An Advisory Council for the Punjab is also needed. The proposed number of 20 members would do for it, but many, if not all, of them must prossess sufficient education to represent the large classes of the people to which they would belong.

III. (3) The proposed enlargement of the Imperial Legislative Council would do immense good to the country.

(4) Yes; one member can with advantage be selected by the Punjab Legislative Council as proposed in paragraph 13 of the Government of India letter.

(5) The selection of one of the great land-owners of the Punjab to the Imperial Council by direct election is desirable.

The 52 land-owners (specified in paragraph 5 of the Punjab Government letter) paying land revenue of Rs. 5,000 and over might form the electorate.

(6) The proposed appointments of two Muhammadans by election is not objectionable, but the nomination of 4 non-officials to represent minorities or special interests need not be restricted to the inclusion of 2 Muhammadans. The Viceroy may nominate any 4 non-officials without regard to religion and creed. The two elected members might be elected by all the members of the Punjab Council and not by the Muhammadan members alone.

IV. (7—15) The present number of the Punjab Legislative Council might be increased from 10 to 20, including half the number of officials. The proportion of the elected members might be about one-fourth of all the councillors. The whole council might consist of the following members:—

1. *Ex-officio* members to be nominated by the Lieutenant-Governor in addition to His Honour himself	9
2. Ruling Chiefs to be nominated by the Lieutenant-Governor ...	1
3. Non-official members to be nominated by the Lieutenant-Governor, including 1 Hindu, 1 Sikh, 1 Christian, and 1 Muhammadan ...	4
4. Elected members	5
TOTAL ...	20(?)

As regards election I would suggest that the 5 elected members might be elected by the following electorates :—

1. A great landlord, by the Anjuman Hamiayat Islam, Lahore.
2. A great landlord, by the Singh Sabha, Lahore.
3. A great trader, by the Trades Association, Lahore.
4. A great lawyer, by the barristers-at-law and pleaders of 10 years' standing.
5. A great literate by the graduates of the Punjab University of 10 years' standing.

V. (13—15) The system of discussing the Budget in the Imperial Legislative Council, as suggested in paragraph 23 of the Government of India letter, is good indeed, and the same system might be introduced with advantage into the Punjab Legislative Council, but I do not think the members of the latter council will be able to exercise the powers of interpellation for some years to come.

ARJAN DAS,

Extra Assistant Commissioner.

Dated 6th November 1907.

From—FAZL KARIM, Revenue Assistant, Sialkot,

To—The Deputy Commissioner, Sialkot.

I have been in a greater part of the district since this letter was sent to me, and have not come across any intelligent man who could give any useful opinion, with the exception of some pleaders. This shows the absurdity of the contention of the educated Bengalis and others that the country is prepared for local self-government, and points out the necessity of great caution in the introduction of reforms of Western origin. The proposed expansions of councils will, however, prepare the country for that eventuality, and the proposed reforms have my hearty approval. I shall deal with each question in the order given in the list appended to the Government letter.

(1) The Imperial Advisory Council will be of a great service to the country. In administrative matters the Government naturally stands in need of an advice from the leaders of the people. Even at present such an advice is sought to be obtained by the appointment of commissions or by inviting public discussion. The present system is, however, defective in more ways than one. The persons who at present come forward with an opinion have no responsibility either towards the Government or towards the people, and are often not the real leaders of the people. The opinion given by such men is influenced by considerations other than those for the good of the country in general. The real leaders are either themselves reluctant to come forward with an opinion in the same capacity as men of inferior social status or are kept back by more pushing and scheming individuals. A standing council will do away with these defects. The persons nominated to it will, of course, be the real leaders of the people and will have some responsibility. The people will appreciate the appointment of their leaders as advisers to the Government, and will have more confidence in the Government and its measures.

I do not think that at present any alterations are needed in the proposed duties of this council. After some experience of its actual working, the circumstances may suggest the necessity in that direction. I am, however, of an opinion that in the constitution of this council the same regard should be had for the representation of special and minor interests as has been proposed in the case of the Imperial Legislative Council. In the absence of any such provisions the interests of minorities must suffer as has in the past been the case with the Legislative Councils.

(2) For the reasons given above I am in favour of Provincial Advisory Councils, and would suggest the same alterations in the constitution as in the case of the Imperial Council.

(4) I suggest no alterations in the proposals under this head.

(5) The proposed system is already in use in some provinces and has worked well, and should, in my opinion, be continued in those provinces and extended to others.

(5) As far this province is concerned, the best plan is to appoint such a representative by nomination. The system of election is not popular in this province even in the case of municipal and district boards, and the appointment by nomination is looked upon more honourable than that by election. If, however, election is indispensable, I would suggest an election by the land-holding members of Provincial Legislative and Advisory Councils from amongst themselves or from amongst the other land-owners paying more than Rs. 5,000 as land revenue. Any other electorate will be distasteful to zamindars of position because of their reluctance to be under an obligation to men of inferior social status.

(6) This recognition of the claims of the Muhammadans is most welcome. It is certain that the interests of Muhammadans clash with those of Hindus, and the vast experience has shown that the Hindus do and cannot represent the Muhammadan views in the councils. It is, therefore, but just to give them a separate representation. Such a representative is necessary also for the good of the country in general. Unless this is done, the Hindus would lord it over the Muhammadans and may succeed in the unfortunate revolution lately started in Bengal. As far as this province is concerned, I would suggest an election by the Muhammadan members of the Advisory and Legislative Councils, either from amongst themselves or from amongst other Muhammadans paying not less than Rs. 5,000 as revenue or income-tax on an income of Rs. 25,000 or more.

(7) The present number which is nine is too small. In order to give an adequate representation to all shades of interest, I would suggest an increase to 27, exclusive of the Lieutenant-Governor. At least one-third of the members should be non-officials.

(8) For the reasons given under head 5 I am in favour of the maintenance of the system of nomination for the present in this province.

(9) In my opinion the population of this province may, for the purposes of these councils, be divided into three classes as follows :—

(1) Muhammadans ;
(2) Sikhs ; and
(3) others;

and the nine seats on the Legislative Council reserved for non-officials may be distributed as follows :—

(1) Muhammadans	4
(2) Sikhs	2
(3) Others	3

This proportion is, in my opinion, just with respect to the population and political importance of the different communities.

(10) The municipal and district boards as constituted at present are not competent to form the basis of an electorate. If election is resorted to, I would suggest the formation of an electorate consisting of one man from each district nominated by the Deputy Commissioner with reference to the education, social status, and loyalty of the man.

(11) For the present the representatives of each class should, in my opinion, be nominated by the Government. But as in the long run the system of election will have to be adopted, I would advocate the introduction of the reforms into the municipal and local boards, suggested in the Government of India letter, paragraph 22 (*c*). After this election has been adopted, I would suggest that the person selected by a class as its representative in the Provincial Council should be a man paying not less than Rs. 2,000 as land revenue or an income-tax on an income of not less than Rs. 10,000.

(12) For the present in this province as the appointment of separate Muhammadan representatives should be nomination. In case of an election I would suggest the formation of an electorate consisting of all who pay revenue not less than Rs. 1,000 in amount or income-tax on an income of Rs. 10,000 and of graduates of Indian University of more than five years, standing with an income of not less than Rs. 3,000 a year.

(13) For the reasons given in paragraph 23 of the Government of India letter I am in favour of the proposed alteration in the discussion of the Budgets.

(14) There is no reason why the privilege of the discussion of budgets should not be extended to this province. The system is popular in other provinces and takes the people with confidence and increases their faith in the proprietory of the expenditure. I would suggest discussion by separate heads as in the case of the Imperial Council.

(15) The privilege of interpellation is sometimes misused in those provinces where it exists at present. But if the other provinces are to have it there is no justification to deprive this province any longer.

FAZL KARIM,

Revenue Assistant.

Answers to the questions put forward by the Government of India in their letter no. 2310—2317, dated 24th August 1907.

I. (*1*) *Imperial Advisory Council.*—There is no doubt that the Imperial Advisory Council, as contemplated in paragraph 4 of the Government letter quoted above, will prove most useful to the public, and it is a policy which tends to show advisability and sagacity on the part

of the Government. By this proposal the Government will come in closer touch with the people and will get every information of the circumstances of every community and class of the country. It will, however, be productive of good effect on the hearts of the people, for such a policy must of necessity result in their welfare and usefulness, and also of more suitable means of diffusing correct information on public affairs being utilised, the more it will tend to avoid the erroneous and mischievous statements of fact and will bring together the rulers and the ruled to the determinate prosperity of both. Moreover, the method in itself would work as an estoppel to the actions of those men who endeavour to spread mischievous and false statements of fact among those classes who are either wholly illiterate or also have not benefited by the education that they have received. The inclusion of a larger number of the representatives of all communities as advisers and councillors than what were previously admitted into the council will be an inducement on a large footing to the public community for the development of civilisation, the best inferences of which could not be embodied in this brief answer. But it is respectfully laid down that if the members of the Imperial Advisory Council would expect and receive some power of honours, then on such an expectation of securing eminency they would leave no stone unturned in rendering active services to the benign Government. On the other hand, those men who value their time, and those who have engaged themselves to look after the benefit of the public in general, and whose advices and opinions owing to their being good and sound advisers, sagacious, and intelligent, can be benefitting both to the public and Government, can earnestly and voluntarily spare sufficient time of their own to perform the functions of the said membership. The other proposals regarding the said council as laid down in the Government of India letter, paragraphs 4 and 5, are most useful and advisable. For the present there seems to be no necessity to make any alterations in them until the country developes more and sufficient education being diffused among the inhabitants.

II. (2) *Provincial Advisory Councils.*—It is not necessary to discuss the second question at length, because the same answer can be given as that for question no. I above, because the proposed institution of the Provincial Advisory Councils will similarly prove beneficial. Moreover, in our humble opinion it will be practically more useful than even the Imperial Advisory Council on the following grounds:—(1) The zamindars hold a larger portion of the population of the country, but they have very little opportunities to reach the public officers, though they are not lacking in loyalty, rendering of service to Government, and their general knowledge of the country. By this proposal both the Government and the people will derive the benefit of their advice; (2) it is mostly intended by the Government that wider opportunities be given to acquire a full knowledge of the troubles and requirements of the country, and so the ruling power be brought about on a better principle, but the native ruling Chiefs and such other high and respectable men of rank or nobility have been considered as being able for election as members of the Imperial Advisory Council. They cannot, however, be said to be the representatives of the public in general who cannot seek intrusion upon them, and therefore they can safely be brought down within the category of being representatives of those who are men of upper rank. The persons proposed for selection as members of the Provincial Council can only be termed as representatives of all the public, and the latter can only have access to them, and their opinion only can be vouchsafed as the opinion of the public. No amendment is necessary to be made in paragraph 6, but it seems advisable to note here that like the suggestion made for the members of the Imperial Advisory Council for being given some powers or titles of rank, it will be a matter of great honour to bestow upon the members of the Provincial Advisory Council such honorific titles, etc.

(3) Up to the present the opinions of the residents of big towns and the persons representing them only have been chief sources of the advisory for the Government. But in this country the major portion of the population is distributed among the inhabitants of small country towns and villages. Thus no complete and useful means have so far been utilised to ascertain the requirements and circumstances of the villages or to take down their opinions. This council, however, will get rid of all such defects.

III. (3) *The Imperial Legislative Council.*—It will be more useful to enlarge the Imperial Legislative Council by increasing the number of its members. The result will doubtlessly be this, that the laws framed by such a council containing so large a number of able experts and men of different acquirements and high education will prove more instrumental and beneficial to the interests of the public in general.

With regard to the concluding portion of this question the number of the members of the said council, fixed at 54, is good numerically, but in our humble opinion it requires modification to the effect that the number of Muhammadan members should be 6 instead of 4 for the simple reason that the number of 4 is not sufficient on the following grounds:—

Firstly, excluding from the above number of 54 members the number 28 fixed for the official members, there remain 26, quarter of which should at least be represented by Muhammadans and this is equal to 6 seats; and, secondly, because keeping in view the other

qualifications, the election of a Muhammadan member is very difficult. That instead of the two Muhammadan members proposed in letter D (*d*), paragraph 12, of Government of India letter the number should be raised to 4 members; because on the strength of the Muhammadan population and their respectability the number 6 for the Muhammadans, or the quarter of the whole number of non-official members, is not excessive to keep the scales of justice evenly balanced. That the proposal for the inclusion of any native ruling Chiefs, whether they be Rajas or Nawabs, as laid down in letter (*c*) of the *supra* mentioned paragraph is unnecessary, although their inclusion in the Imperial Advisory Council is useful. The reasons are that the laws which will be framed by the Legislative Council are to be enforced in British India and therefore only those people can vote for them in whose territories the laws will get enforcement. Thus the ruling Chiefs in whose States these laws shall have no enforcement should get no consideration in the Legislative Council. This is because they can neither understand the necessity of these laws, nor the requirements and miseries of the people on whom the laws are to operate. Of course if a ruling Chief be desirous of enforcing the British laws into his State, then he is entitled to be elected as a member of the Legislative Council.

(4) The proposal made in paragraph 13 of the Government of India letter in regard to this question is in general sound and advisable. There should be at least one provincial member in the Imperial Legislative Council as a representative of each province.

V. (1) Certainly there should be elected one big land-holder of each province as a member of the Imperial Legislative Council, the usefulness of whose inclusion as such has been discussed in the above-mentioned paragraphs.

V. (2) Under the provisions laid down in paragraph 15 of the Government of India letter the land-holder member should be so selected that the Lieutenant-Governor should nominate him from the zamindar members of the Provincial Council or from His Excellency's own non-official members (zamindars). It would be a better mode of election, and if this proposal be not acceptable then the second mode of election would be that the zamindar members of the Provincial Council should select a man from among themselves, or they should select a man from such land-holders of the Punjab who could be considered able for electorate as a member of the Imperial Legislative Council owing to his being of a position to give a vote or who might be a man paying a fair portion of land revenue. But in all such cases it is specifically necessary in the case of the Punjab Province that the man paying land revenue of Rs. 5,000, or upwards, should be entitled to membership or to give a vote in the council, because if in the province of the Punjab the conditions of paying Rs. 10,000 land revenue would be applied, then it would be possible to procure such land-holders as being the representatives of their clan here on account of its being a poorer province than others.

(6) The Muhammadan members should be 6 instead of 4 as has been suggested in the answer to question 3 above; 4 to be appointed as mentioned in paragraph 12, clause D (*d*), of the Government of India letter, and 2 to be appointed by nomination as laid down in paragraph 12, clause (1). The selection of these 4 members should be made from the 6 Muhammadan electorates in the manner provided in paragraph 18 of the letter. But as for clause (*c*) we write to say that the right of giving votes should be given to those land-holders, who might have been paying Rs. 5,000, or upwards, of land revenue, and the election of these members should be vested with the three kinds of persons mentioned in clauses (*i*), (*b*) and (*c*) of paragraph 18, and it should be their discretion to make selections from their Muhammadan community.

IV. (7) *The Provincial Legislative Council of the Punjab.*—The number of the members of the Legislative Council of the Punjab should be increased to 26. The same benefits will be derived by the increased constituency as has been mentioned in the answers to the questions above.

(8) Some of the members should be nominated by the Lieutenant-Governor and others should be elected on the same principle as laid down for the Imperial Legislative Council above. But as for the nominated members it would be all-round beneficial if the Lieutenant-Governor would keep in view the taking down of the opinions of the district local officers, *i.e.*, Collectors and Commissioners of Divisions, *vide* rules laid down in rule 167, paragraph clauses (*i*), (*a*), (*b*), (*c*), and (*d*) of Act 17 of 1897.

The constituency of the Provincial Legislative Council should be so made that out of 26 there should be 14 official members, excluding the Lieutenant-Governor, and the selection for the remaining 12 non-official members should be made as follows:—6 Muhammadans, 3 Hindus, 2 Sikhs, and 1 Christian; because in the Punjab the Muhammadan population represents 53 per cent of the whole population. Therefore at least half the number should be filled in by Muhammadans. As to Sikhs they are not backward in any way from the Hindus, and even keeping in view their numerical strength they represent a fair proportion of the country, hence the number to be fixed for them should be 2. As for the Christians, if no appointment is made from this community, it cannot be said that they are represented.

Out of the 6 Muhammadan members we are of opinion that three should be brought on the list by the mode of election if the same might be made to continue, and the other three should be so brought by nomination.

(10) If the constituency of the membership as contemplated in answer to question no. 9 be accepted, then no member, in the first place, should be elected from the municipal committees, because the members representing them are more often the residents of towns, who would, however, be able to secure appointments on the strength of abundance of property or some other sources. Therefore the municipalities should be given no rights to send in their members under this head. Two members should be selected by the district boards. If this proposal be not desirable, then one member should be selected by the municipalities and one by the district boards. But this right of selection by the municipalities should be given in case the principle of selection of their representatives by all the municipalities in the Punjab is enforced in the manner that each of the communities of Muhammadans, Hindus, Sikhs, and Christians should have their selections separately, as is the case in Lahore, Amritsar, Multan, etc. If it be considered fit that one member be selected by the municipalities, one by the district boards, and three by nomination then the remaining one member should be elected by the following persons :—

(1) The landlords paying land revenue of Rs. 500, or upwards, yearly.

(2) The persons paying income-tax on an annual income of Rs. 2,000 or more.

(3) All barristers or graduates of five years' standing of whatever University of the English territories.

(11) The answer to this question has been amalgamated in the answers to the questions above. Certainly the people of every religion should have their respective titles to select their representatives. As for the municipalities and district boards the answer has been given above. Of course some votes should be given by such assemblies of the different sects who might be the true and admitted representatives of their tribes.

(12) The answer to question no. 12 has been given in the answers above. Of course the Muhammadans, Sikhs, and Christians must be given the right of separate representation, otherwise they will not get sufficient votes on the strength of population, but on political point of view and loyalty they form a very important faction of the subjects, and we are constrained to point this out as a result of our previous experiences.

(13) As proposed in paragraph 23 of Government of India letter there should be a free discussion on each separate head of the Budget.

(14) The Provincial Budget, which has not been the subject of free discussion, should in future be discussed freely. But instead of discussion on each separate head of the Budget it should be made on the Budget as a whole, as has been the practice in the Imperial Legislative Council, because it would not be advisable to open the question of free discussion of the Budget on each separate head until after the experience is gained by discussing the entire Budget at once.

(15) Answer to this question is in the affirmative, that is to say, that the right of questioning should be given to the members of the Punjab Legislative Council.

NOTE.— As for the election it is better, in our humble opinion, that the appointments should be made at first by way of nomination until such time people are more educated. On the contrary, if the mode of election is introduced the best method would be that practised by certain banks or committees in the election of their directors. It is that a complete list of all the voters is maintained in the head office. A date is fixed for the election and a form is sent at a proper time before that date to each of the voters, so that he might fill in the name of the person whom he considers fit as director in that form and to return the same to the head office before the date fixed. In this way the divisional head offices are also saved trouble of collecting the votes, as all the votes can be collected in one place only, and the risk of the utilisation of undue influences is more likely to be avoided. But the votes of Hindus, Muhammadans, Sikhs, and Christians should be separate and each of them should be furnished with a list showing the names of all the persons eligible for election as members of each of these classes, so that each religion should have an opportunity to give votes for its representative. Of course the Hindus, Sikhs, and Christians have their own choice to introduce some other measure of making selections for themselves and they can make their people to give votes on such methods as may be proposed by them.

True translation of the opinions of all the *zaildars, inamdars, lambardars,* and *raises* of the Sialkot District, who have sealed and signed the vernacular letter, enclosed in original.

SULTAN MUHAMMAD,
Barrister-at-Law.

No. 2858, dated 5th November 1907.

From—E. A. ESTCOURT, Esq., C.S., Deputy Commissioner, Gujranwala,

To—The Commissioner, Lahore Division.

With reference to your circular no. 233, dated Lahore, 5th October 1907, I have the honour to state that I have endeavoured to ascertain the views of some of the more prominent persons in the district on the points referred to in the Punjab Government letter, and copies of the correspondence were supplied to ten gentlemen. Out of these ten only five have been able to send a reply to me, and those with whom I have conversed have not been able to give any opinion of their own. The only question on which the majority of those consulted have been able to express a definite opinion is that dealing with nomination *versus* election. Nearly all are agreed that election will only lead to malpractices, further trouble, and will keep the best men from coming forward. I submit with this letter the replies I have received in original, and in particular refer you to the reply made on this question by Choudhri Hayat Muhammad, Honorary Magistrate and Zaildar of Wazirabad. I also submit herewith my own replies to the different questions on which opinions are desired.

E. A. ESCOURT,
Deputy Commissioner, Gujranwala.

Copy of a note dated 13th November 1907, recorded by E. A. Estcourt, Esq., Deputy Commissioner, Gujranwala, regarding the question of giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) While agreeing that Provincial Advisory Councils might serve a useful purpose I very much doubt if an Imperial Advisory Council would serve any useful purpose which cannot equally be served by the Imperial Legislative Council so long as the members of this latter council are so selected as to represent the varied interests throughout India. In nearly all cases matters which came before the Imperial Council would be connected with a particular province, or possibly two, and in such cases the views of the Provincial Council, could be put forward before the Governor-General or the head of the local administration as necessary. To call members from Burma to discuss matters connected with the Punjab could be of no practical use. The number of occasions on which it would be necessary to summon an Imperial Advisory Council to discuss matters connected with the whole of India would, I believe, be so rare as to make the council merely nominal.

II. (2) I believe a Provincial Advisory Council would serve a useful purpose. It has been suggested to me that a member for this council might be nominated for each district, but in this way I do not think the different interests would be sufficiently represented. There can be no doubt but that the selection should be by nomination, but it would also be necessary to see that other interests besides that of land proprietors and Muhammadans are fully represented.

III. (3) I have no modification to propose regarding the scheme for the enlargement of the Imperial Legislative Council.

(4) I agree with the proposals that one member should be elected by the Provincial Legislative Council.

(5) I agree that one of the great land-owners of the Province should be selected to the Imperial Council, but the selection should be absolutely by nomination. If by election, the electorate should be made to consist of only the very large land-owners who pay at least ₹5,000 land revenue annually.

(6) In no case do I agree with members being elected in the Punjab whether by Muhammadans or by any other class. If, however, it is thought necessary to have 18 elected members it would be well to have two of these Muhammadans, and I would suggest that one of these be elected by Muhammadan members of the Provincial Councils of Bengal, Eastern Bengal and Assam, for the United Provinces and the Punjab and for Bombay and Madras in rotation. I believe, however, that the excitement caused by these elections would do great harm, and it would be far better to nominate. I deprecate as many as four seats being filled by Muhammadans in the way indicated, and I would prefer the selection being left for the four nominated seats entirely to the Viceroy. It might well be that the number of Muhammadans selected under 12(2) B D (*a*) (*b*) and (*c*) will fully represent their interests without allotting them further seats under 12 (2) D (*d*) and should they not be adequately represented, it would always be possible to nominate them.

IV. (7) If the Provincial Legislative Council in the Punjab were materially increased, it would be very difficult to arrange for an official majority. It would, however, I think, be possible to nominate 6 officials in addition to His Honour the Lieutenant-Governor so that the council could be increased to 12, five of whom would be non-officials.

(8) All the unofficial seats should be filled by nomination, with the exception possibly of a member elected by the Chamber of Commerce, Punjab, but even in this case I think the member elected should be subject to the approval of the Lieutenant-Governor.

(9) The member of non-officials being so few I do not think any hard and fast rule could be laid down determining the proportion of seats to be held by each class. Presuming that there are five non-officials I would suggest that in addition to the member selected by the Chamber of Commerce one should represent the landed class, one should be a Muhammadan, one a Sikh and one a Hindu, but all should be nominated.

(10) If election is resorted to I do not think that municipal or district boards could be trusted with matter of election. The election should be specially qualified one composed of land-owners paying revenue of Rs. 5,000 or income-tax calculated on an income of Rs. 2,500.

(11) I do not advocate separate representation of classes beyond what I have indicated in no. (9).

(12) I do not think any further provision is required for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

V. (13) I see no harm in altering the system of discussing the Budget in the manner suggested beyond that of the probability of valuable time being lost without recompense.

(14) I think the system followed in the Imperial Legislative Council as regards the discussion of the Budget might well be followed in the Provincial Council.

(15) I regard the power of interpellation by members as a vey valuable privilege, and I certainly advocate extension to the Punjab Legislative Council. It would give the Government an opportunity to explain any course of action which has led to discontent in any quarter and while possibly doing good could do no harm.

From—B. GULAB SINGH, Arora, Vice-President, Municipal Committee, Gujranwala,

To—The Deputy Commissioner, Gujranwala.

I. (1) *Imperial Advisory Council.*—I submit that such a council as defined in paragraph 5 of the Government of India's letter would not serve the purpose which is detailed in paragraph 4.

I do not lay great stress on its constitution. It may be any way, so long as the qualified persons are nominated, no matter to what class they belong to. But I would recommend that some legal status must be given to its functions, which should have some weight with the Imperial Council before any measure concerning the welfare and prosperity of the people are passed.

I am in favour of giving it some legislative recognition and would recommend that all matters should as of right be referred to it before they are finally adopted. The proceedings should not be private or confidential, as I do not believe that anything discussed in a council of 60 members can be kept confidential. The proceedings may or may not be published.

The belief of the Government of India that confidential communications will secure fresh interchange of opinion is no doubt true, but when the questions are to be discussed collectively the opinions cannot be kept confidential. I am, however, of opinion that everybody gives his opinion with caution and care when he his under the belief that it is open to *puble criticism.* Besides, the matters which are to be referred to Advisory Councils will generally be such which will already be known to public and must have been discussed in the Press.

May own idea is that if legislative recognition is not given to such councils, they will have very little value in the eyes of the public.

The Government of India recognize that with the spread of education, the establishment of such councils is necessary, so I humbly submit that there should be some importance attached to such councils before they are acceptable to the public.

II. (2) *Provincial Advisory Councils.*—The same remarks apply to these councils.

III. (3) *Imperial Legislative Council.*—I do approve of the enlargement of Imperial Legislative Councils as detailed in paragraph 12 of the Government of India letter, but humbly submit that by reserving special seats for a certain community, though justified by the census figures, the Government is creating an impression in the minds of other communities that they are contemptuously regarded by the Government and thus create a sort of hatred

for them. It is just possible to give these things to Muhammadans if the Government is satisfied that they deserve the seats, but to make it law is most harmful. I would, therefore, request that the numbers proposed in D (*d*) and E might be left in the hands of all local Governments to send one representative from amongst the community they prefer and would thus increase the number from 6 to 7, *i.e.*, one for each province (the total being now 55). It may rest with the Government to issue orders demi-officially in favour of a special community until they are fully advanced. This will create no ill-feelings between different communities. This is beyond doubt that the best principle is to select best men. The Government's scheme of education was started for all communities at a time and if one has failed to avail of it the fault does not lie with the Government. So Muhammadans or any other community has no just claims to ask for special favours.

I am of opinion that by these favours a community rather looses than gains anything in the race of progress. But since these proposals are embodied, the other communities have been drawing different conclusions, and I submit that it is advisable for a foreign Government to keep all the races in confidence.

III. (4) I approve that the privilege of election of a non-official member to the Supreme Council be extended to the provinces mentioned in paragraph 13 of the letter.

(5) and (6) The answer to these questions is embodied in the answer to 3rd question. I am not in favour of class representation.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I would increase the number from 9 to 18—officials 10 and non-officials 8.

(8) and (9) I would have the unofficial seats filled by the following method:—

(*a*) To be nominated by Government from Hindus, Sikhs, and Muhammadans.

(*b*) By election 5, seats from amongst the following :—

(1) Chamber of Commerce.
(2) Senate of University.
(3) Political Associates.
(4) English and Vernacular Press.
(5) Gruaduates of University.
(6) Zamindar's association.
(7) District boards.
(8) Municipal committees.

IV. (10) The election through all the above bodies is not difficult, except in the case of the municipal and district boards.

I would suggest that in the case of municipal committees the first class committees should exercise the privilege and then send their representatives, to hold a meeting in which a representative to the council should be elected.

In case of district boards each district board should send a representative for a meeting in the whole division and then divisional elect persons should elect a representative to the council. This will be very easy.

(11) and 12 I am not in favour of class representations.

V. (13) *Discussion of Budgets in the Provincial Council.*—I appove of the proposal to discuss the Budget in the manner suggested in paragraph 23.

(14) I would apply the same rule to the Provincial Budget and would have it discussed in the Provincial Council.

(15) I would introduce the right of interpellation by members in the Punjab Legislative Council as it exists in all other provinces, and there is no reason why the Punjab alone should be deprived of it.

Dated Gujranwala, 5th November 1907.

From—SHEIKH RAHIM BUKSH, Revenue Assistant, Gujranwala,

To—The Deputy Commissioner, Gujranwala.

I. (1) I am of opinion that the proposed Imperial Legislative Council will be of service to the country. Government have even now ample means of ascertaining the views of the people, but advisers officially recognised as such will have a sense of their responsibility, and their opinions will command the respect of both Government and the people. I have no alterations to suggest in the proposals made regarding the constitution and the duties of the council.

II. (2) I have no suggestiou to make regarding the Provincial Advisory Council. The numbers of members proposed for the Punjab seems to be suitable.

III. (3) I have no alterations to suggest on the proposed scheme regarding the enlargement of the Imperial Legislative Council.

III. (4) I see no objection to the election of a member of the Imperial Legislative Council by the Provincial Legislative Council. This privilege has been already enjoyed by some other provinces and may be extended to the Punjab.

III. (5) I approve of the selection of one of the great land-holders of this province to the Imperial Legislative Council. The system of election is, however, open to the objection mentioned in paragraph 15 of the Government of India letter. Moreover, as Muhammadans form the majority among the great land-holders, I doubt whether the Hindus and the Sikhs will approve of the system in the present case.

III. (6) I approve of the appointment of four Muhammadans to the Council as suggested in the Government of India letter. I think an electorate composed on the lines suggested in paragraph 18 of the Government of India letter will ensure the representation of the all important interests. I do not think there will be any difficulty in compiling a register of voters under paragraph 18 (*c*). All Muhammadans paying income-tax upon an annual income of Rs. 25,000 or classed as great land-holders may be given the previlege of voting under this clause.

IV. (7) The number of non-official members in the Provincial Legislative Council may be increased to the maximum limit compatible with maintenance of an official majority. I am not in a position to say what this limit is.

IV. (8) A few of the seats may be thrown open to electors. The will enable us to see how the system of election works in this province and will have the effect of training the people in this system.

IV. (9) As regards the appointments to be filled up by nomination, the local Government will see that all interests are proportionately represented. As regards appointments to be filled by election, each of the principal classes—Muhammadans, Hindus, and Sikhs—may be allotted some seats in proportion to its numerical strength and importance.

IV. (10) I do not approve of election through municipal and district boards. The electorate may consist of persons failling under categories (*b*) and (*c*) of paragraph 18 of the Government of India letter.

IV. (11) I have no changes to suggest in the constitution of municipal and district boards.

V. (12) Such a provision is unnecessary in view of what I have recorded in answer to question IV (9).

V. (13) No opinion.

V. (14) No opinion.

V. (15) Interpellations serve useful purpose by bringing to the notice of Government important matters affecting administration and by giving them an opportunity of removing misapprehensions and refuting misrepresentations.

RAHIM BAKSH,

Revenue Assistant.

Answers to questions from Karam Illahi Honorary Magistrate Ahmadnagar.

(1) An Imperial Advisory Council would be of service to the country and be a source of information as to the views held by the public. As regards clause (5) of paragraph 5 of Government of India letter, I beg to state that in the event of Imperial Advisory Council not being vested with formal power satisfactory results would not issue. Matters that might be referred to it as laid down in clause (6) should be decided according to the opinion of the majority. I fully approve of the suggestions made in the remaining clauses of the said paragraph.

(2) A Provincial Advisory Council would be a useful institution. I do not think there is any necessity of modifying the proposals made in paragraph 6 of the Government of India letter regarding its constitution and duties.

(3) and (4) I approve of the proposals made in questions (3) and (4).

(5) As a very small number of land-owners is educated, I would prefer nomination to election. The introduction of the elective system would be apt to lead to disputes and other defects. In electingmembers regard should be had to th e recommendations made by the higher authorities

of each province. The Governor a of province should form his opinion after calling for the reports from the Deputy Commissioners concerned.

(6) The members should be elected by the members of Provincial Councils according to the provisions of clause (*a*) of paragraph 18. This election would entail no inconvenience.

(7) The present number of members in the Provincial Legislative Council in the Punjab should be increased. I am, however, not yet prepared to express an opinion as to the limit of the increase.

(8) The system of nomination as compared with that of election would be better and more convenient. The introduction of elective system would be apt to give rise to disputes, etc., which it would perhaps be well nigh impossible to settle.

(9) I do not approve of the proposal that there should be a fixed rule determining the proportion of seats to be allotted to each class. In the Punjab there are several sections of menials such as those of sweepers, barbers, marasis, etc., which, according to their numerical strength (*lit.* census), can be treated as classes. Their election would seem to be the most unpleasant to the gentry. There should be no change in the present system unless education is widely spread among the masses.

(10) Having regard to the condition of the country the official members should be continued to be selected by nomination. Time has not yet arrived for the introduction of the elective system.

(11) I have answered this question in reply to question (9).

(12) Provision should be made for the separate representation of Muhammadans. I approve of the adoption of the form of the electorate suggested in paragraph 17 of the Government of India letter.

(13) I approve of the suggestion made in paragraph 23 of the Government of India letter regarding the discussion of the Budget.

(14) I advocate the discussion of the Provincial Budget by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

Answers from Chaudhuri Hayat Muhammad, Zildar and Honorary Magistrate, Wazirabad.

I. (1) An Imperial Advisory Council would be of service to the country. No alterations need be made in the proposals made in paragraph 5 regarding its constitution and duties.

(2) The remarks made in answer to question (1) also apply to Provincial Advisory Councils.

(3) I approve of an enlargement of the Imperial Legislative Council. The scheme sketched out in paragraph 12 of the Government of India letter need not be modified.

(4) It would be better if one member were elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. In my opinion the proper method of his selection would be that he should be nominated by Government, for reasons which I will submit later on.

(6) In the interests of justice it is proper to appoint four Muhammadans to the Imperial Council. They should be selected by nomination for reasons which will be submitted at the conclusion of these replies.

(7) The number of members in the Punjab Provincial Council should be increased, and the total number of official and non-official members should be large enough to admit of one member being taken from each district. The principle regarding the representation of different classes should be the same as that proposed for the Imperial Council.

(8) The system of nomination is the most suitable, while that of election is defective for the following few reasons:—

(1) Reasons given in paragraph 17 of Government of India letter.

(2) Reason assigned in paragraph 15 of Government of India letter.

(3) All the classes of the people are not allowed to be represented. Indeed many classes remain altogether unrepresented, a fact admitted in paragraph 16 of the Government of India letter.

(4) The electorate try to get undue advantages by improper means from the elected members and often succeed in gaining their object.

(5) The candidates, and especially the more incompetent ones among them, secure their return by offering illegal gratifications to the voters and then recoup themselves by unfair means.

(6) Many elected members with a view to pleasing the electorate so as to secure their re-election in future so far from guarding the interest of the public do not care even for the interest of Government.

(7) Incompetent members are elected under the present system of election while capable men are defeated. This shows that the people of the province are incapable of electing able persons as their representatives.

(8) At the time of election there is an apprehension of a breach of the public peace and the police have to be called in to preserve order.

(9) Owing to the incapability of the electorate Government is very often compelled to withdraw the privilege of election so as to preclude the possibility of a breach of the public peace, etc.

(10) The fact that the office of zaildar is no longer allowed to be filled by election shows the undesirability of the system of election, which has already ruined many respectable zamindars, owing to their being compelled to incur undue expenses at the time of election for pleasing the voters. Ever since the discontinuance of the system the people live peaceably and (the zaildars) have begun to perform their duties in a satisfactory manner.

(11) The nominated members will assuredly be capable men, who will never be unmindful of the rights of either the Government or the public. Wherever members have been appointed by Government they have won the confidence of the people and have also given satisfaction to the Government.

(12) If the system of election were adhered to much time would be spent. Government would have to be put to diverse troubles, and unnecessary expenses would have to be incurred.

As regards the method of nomination, I beg to state that Government should, before nominating members, consult the Deputy Commissioner concerned in regard to the persons recommended by them, inasmuch as they (Deputy Commissioners) have full knowledge of the persons residing in their districts.

(9) There should be a fixed rule determining the proportion of seats to be alloted to each class. Generally speaking there are two classes in the Punjab, *i.e.*, the Hindus and the Muhammadans. Sikhs are included in the former class, and the number of Christians is very small.

(10) The system of nomination should conform to the suggestions made in answer to question 8.

(11) I disapprove of the suggestions made in (*a*) and (*b*) of paragraph 22, as I am in favour of the system of nomination. I approve of the principle of assigning a fixed proportion of seats to each of the various classes as laid down in (*c*) of the above paragraph.

(12) Provision should be made for the separate representation of Muhammadans by nomination.

(13) I approve the system of discussing the Budget in the Imperial Legislative Council being altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I advocate the discussion of the Provincial Budget in the Punjab Legislative Council by separate heads.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members as it affords an opportunity for removing misapprehension and doubts.

Answers to questions on which opinions are asked in connection with the Government of India letter no. 2310—2317, dated 24th August 1907, by Khan Dawan Khan Zaildar, Gujranwala.

(1) An Imperial Advisory Council would be of service to the country. I approve of the proposals made in clauses (1) and (2) of paragraph 5 of Government of India letter. As regards clause (3) there should be at least sixty members including ruling Chiefs whose members should be proportionate to population (*sic*). In electing these members it would seem desirable to have regard to their education and merit. These qualifications are essential in case of persons advising Government on administrative matters. In the case of zamindars regard should be paid to their social position, education, and to the fact that they are zamindars of old standing.

As regards clause (4) I am of opinion that such members should be appointed for three years. I approve of proposals made in clauses (5), (6) and (7).

(2) A Provincial Advisory Council would be a useful institution and the principles laid and the methods suggested in paragraph 6 of Government of India letter for purposes of connective deliberation would no doubt prove of great importance.

(3) It is desirable that the Imperial Legislative Council should be enlarged. With reference to clause (1) of paragraph 12 of Government of India letter, I am of opinion that the maximum strength of the council should be 56 instead of 54 as it seems necessary to elect two Sikh members also under D of the above mentioned paragraph, due regard being paid to the status of such members in the community to which they belong.

I approve of the proposals made in the rest of the clauses of the above paragraph.

(4) I approve of the proposals that one member should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. He should be selected by the following method :—

Each of the district boards in the Punjab should nominate its member. The members so nominated should select a great land-owner from themselves or from other persons to the Imperial Council.

(6) Four Muhammadans should be appointed to the Imperial Council and the election of two members should be made by the Muhammadan members of district boards on the lines suggested in answer to question (5).

(7) The number of the non-official members of the Provincial Legislative Council in the Punjab should not be less than ten.

(8) All of the unofficial seats should be filled by election.

(9) It is not necessary that each class should be represented in the Punjab. It would be sufficient to have the following classes represented as detailed below :—

Hindu land-owners	1
Sikh „	1
Muhammadan land-owners	3
Christian land-owners	1
University-nominees	1
Muhammadans belonging to the commercial class	1
Hindus belonging to the commercial class	1

(10) The Deputy Commissioner of each district should, in consultation with the district and municipal boards, select six members either from among the members of those bodies or from among the zamindars. The members thus selected should elect members. If this is not feasible, His Honour the Lieutenant-Governor should nominate members from among the selected members. It should be decided by the Deputy Commissioner in what proportion the said six members should be selected from each class.

(11) All classes need not be represented on the council.

(12) There should be separate representation of Muhammadans, who should be elected as suggested in paragraph 17 of the Government of India letter.

(13) The Budget in the Imperial Legislative Council should be discussed in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Provincial Budget should also be discussed in the manner suggested in paragraph 23 of the Government of India letter.

(15) I approve of the introduction into the Punjab Legislative Council of the power of interpellation by members.

Opinion expressed by Lala Nihal Chand, Barrister-at-Law upon the subject of the proposed Advisory Councils Scheme.

Before I proceed to discuss the question as to the necessity for the establishment of the so-called *Advisory Councils*, I must take liberty to make a short survey of the intellectual and material condition of the people and the circumstances which have led to the present *unrest* in the country. I may, however, note *en passe* that my criticism of the Government measures, though strongly worded or conveyed in terms of language offensively presumptuous, is, nevertheless,

written in a spirit of honest conviction and with no other meaning or object than to help the Indian authorities to fully grasp and comprehend the situation. Sincerely grateful and exceedingly flattered as we all feel for the innumerable blessings and comforts of life which greet and surround us from all quarters of the compass, I cannot permit myself to flit on without re-echoing the universal opinion that the English people in India have failed to fulfil their mission—the mission of righteousness and justice which their national antecedents so strongly demanded, and which the civilized world so charitably expected. It is, however, admitted on all hands and no amount of official persuasion or partisan bigotry can controvert the fact, that the British Government in India, both socially and politically, is a foreign domination imported from a distance of several thousand miles for purposes of gain and selfish agrandisement, and if the *rulers* and the ruled, the master and the serviter now and then cross swords or meet hand to hand, the explanation is not far to seek. Western institutions and Western ideas of Government may not have suited the people of India two hundred years ago, but a question of active, political and intellectual training passionately pursued and successfully imparted has so modelled and shaped the Indian manners so completely changed and metamorphosed the Indian thought that traces of old life are hardly perceptible in the new *dramatis personæ*, so marked and tangible has been the progress, so distinct and panoramic the transformation and so demonstrative and pronounced has been the national awakening that the people may be said to be trembling at their own ferocity of zeal. The picture I have given may be slightly over-coloured or the premises I have established may be some what ill-arranged, but there cannot be any doubt, at least I am satisfactorily convinced that the conclusions are fully justified. The intellectual renaissance on the evolution of thought during the course of last fifty years has been so expanding and increasing its sphere of activity and power of influence that the peasant with his spade in the field and the *bania* with his pile of copper in the shop take as much pains and feel as much interest in collecting and greedily devouring the current political news of the day as the dirty brab at the street-corner with his pockets full of tops feels in the stake of his play. Even the indolent sun-dried, cross-legged votary of faith who only a century ago was mocking the stars in the flights of transcendental religion is now busily engaged in drawing analogies of Government from the English constitution and proclaiming from house tops doctrines or party shibboleths which his forefathers would have shuddered to listem much less to entertain. The Supreme Government cannot plead ignorance that the Indian Universities like their sister Universities of Europe are virtually the birth place the seed grounds for all that is noblest, highest, and truest in man, and the cartloads of intelligent though inexperienced youths turned out every year from these institutions carry midst their family circles and other relations hopes and aspirations which always precede and largely go to make a nation's character. This revolution in the mental enfranchisement of the people has been so rapid, so overwhelming, and so completely comprehensive that every big city in the empire hails with a news paper of some sort to assail the authorities and to pick holes in the administrative machinery of the Government. It may be conceded that some of these newspapers have no status whatever, no practical utility one way or the other, and that their existence and maintenance is carried on very much on the lines as a grocer has in view in the success of his shop of grocery, but no Sir Oracle is needed to inform us that these newspapers disseminate beliefs and propagate canons of faith in no way disagreeable to the higher interests and national aspirations of the people. In fact throughout the length and breadth of India there are visible signs, inexhaustible memorials, that the spirit of the people is roused and that the feeling of national unity and national concord is steadily approaching the goal where artificial barriers of race and creed, of dress and languages, of superstition and prejudice must crumble down and be swept away in the universal enthusiasm of larger responsibilities and loftier duties. Whether this upheaval in the mental attitude of the people owes its origin to English education and freer and greater intercourse with English polities, or whether it is only a partial unfoldment in the universal process of the Law of Evolution I have neither time nor inclination to dwell upon. But I must state, and I state with all the seriousness and cogency of thought which the importance of the subject requires, that never in the past history of India nor for the matter of that in the history of any other subject race has such a strength of character, such a persitency of purpose been known to exist as that which now exists in the Press and the public utterances of India.

Twenty years ago there were no public meetings held in this province, and if ever a public meeting took place it confined and limited its attention and polemical energies to the discussion of controversial and doctrinal subjects relating mainly to religious and sometimes even to questions of social importance. Political meetings were a rare occurrence and the Government authorities therefore never came in collision with the people. To-day, however, every school-boy just weaned from his mother's breast is impatiently hot to vociferate and cry out his national wrongs to a willing audience and to denounce and taunt the British authorities with a choice vocabulary of political quotations specially called from the English platform—oratory and English platform literature—over the seas. India once the land of mystic dreamers and "passive unconcern;" the land which preached the doctrine of self-negation and self-forgetfulness; the land of few wants and much thinking; the land where death was renewed life, and life a second death, the land of the holy *Upanishads* and sublime esoteric occultism; that land under the influence and generous guidance of English thought and English civilization has reached a stage of intellectual and

political development in no way inferior to that enjoyed by her master's people. It is against this ever-widening volume of intelligent *anet* nascent force working in the country that the Government has been tempted, should I say provoked, to start and carry on a policy of repression and terrorism. I entertain a very high feeling of respect for the Supreme Government of India, and I doubt not that their accumulated experience, extending over a century and a half, is an ample guarantee that they cannot act or think wrong willingly and intentionally. But human experience is not always absolute or always mathematical, and every level-headed man, whether European or native, will agree with me that the policy of press prosecution is not only politically unsound and bad in principle but absolutely a wanton waste of time and public energy. By this I certainly do not mean that the horizon in India is frowningly dark or that heavy clouds charged with lightening and thunder are roaming all over the sky. But I do say and strongly maintain that there is a widespread agitation and feeling of unrest in the country, and that the policy of terrorism started by the Government to meet and counterbalance that agitation is not a satisfactory or a wise solution of the situation.

An alien ruling race, possesing wealth and material resources such as the British Government so abundantly and empathically possess, has both the power and the temptation to crush a subject race when the subject race misbehaves or the political exegencies of the country so require. This may have been done with impunity in the past when the subject race happened to be in a stage of doting imbecility or a scattered mass and conglomeration of half-naked savages living under conditions of life peculiar to themselves. But this cannot happen to-day. India is not only a civilised country with a literature and poetry which in their beauty of expression, elegance of diction, and nicety of thought have never been yet surpassed, but she posesses a code of morality and a system of religious philosophy so sublime and so majestic that even Kant's transcendentalism, with all his subjective and subconscious apparatus, has not been able to penetrate its depth of conception or equal its grandeur of wealth, not to say the mimicking rigmarole philosophers of of the latter-day generation, with a people such as these, boasting antecedents so superior and credentials, so worthy of respect, the present policy of wholesale repression so fiercely advocated is a political mistake of the gravest character and the sooner it is withdrawn the better it will prove both to the glory and renown of the British Nation and to the peace and contentment of the Indian people. At the same time it may be safely urged that the Indian people are not disloyal nor their religious instincts or political interests can ever permit them to go against the established Government, their platforms may ring with noisy declamations and trumpet forth all the sentiments of fear and resentment, their press may foam and fret with sound and fury and may invoke all the paraphernalia of heaven and earth to behold their misery and drudgery of life, but their hearts are sound and good and they feel that their destinies, linked as they are with the British nation can only reach their goal under British fosterage. To say that the people are seditious or that they are creating feelings of bitterness and hatred against the Government, is, to say the least, an abuse of language or process of thought, perversion which no true statesmanship could have allowed to be entertained, much less to be talked about and interrogated in council chambers. There may be a few noisy grasshoppers in the field hopping here and there and working mischief in the society. But are there not assassins and cut-throats in all systems of government? Do not social vampires and social bloodhounds pester and scourge the human race? The fact is that Government in a spirit of panic and nervous hastiness have been let to adopt a measure of policy which they themselves knew was hopelessly inefficient to check the swelling tide, but having taking their stand once they thought it unwise or unsafe to withdraw from it.

The Indian people by habit as also by religious teachings are the most peace-loving and law-abiding people ever known to exist on the face of this earth. They have never risen or gone against the *de facto* Government in the past and they are not likely to act as such in the future. They are sweet in disposition, docile in manners, charitable beyond all measure of comparison, and remarkably swift to appreciate and value kindness. They may be, however, wrong in their present aspirations and their political ambition—according to their critics, may be absurdly in excess of the wants and conditions of the society in which they move and in which their lot is cast. But they are the creatures, the product of circumstances which the British Government themselves have brought about to exist in the country, and if they want increased powers of association in the administrative machinery or closer touch and active share in the deliberations of the Supreme Council, they are not to be blamed for the mere asking, or the manner of asking. The Government are welcome to pass as many *Sedition Bills* as they think convenient, or send as many press agents to prison as they find necessary, but they cannot stem the advancing tide. They may stop the mouth from shouting, but they cannot stop the heart from beating. They can stop the press from writing, but they cannot stop the people from thinking. They themselves have raised the Frankenstein's Monster and if the Monster in the consciousness of his political deformity and political insufficiency of sympathy looking black or grinding his teeth to inflict severest retributions on the Government, the Government have only to thank themselves. We have reached a period of time or a stage of crisis in the history of India and it may have come to-morrow if not to-day, when foreign control and foreign subjugation lose both their charm of novelty and fear of strength, and there ought to be no difference of opinion, at

least intelligent public opinion, both here and in England, is fually agreed upon the point that to rule India, successfully and permanently, the British Government ought to conform their conduct and method of procedure to the increased vitality and volume of political knowledge existing in the country.

The recent partition of Bengal has brought into prominence a group of political leaders —a band of disinterested and high spirited workers whose voice is as powerfully reflected in the native press as it is enthusiastically and warmly followed in the country. These Indian nationalists, if I may so call them, are not intellectual pharises or political charlatans, as Government apologists are disposed to think, but men of substance and large means, men so eminently distinguished and so vastly superior that any country would feel proud to possess them and pay them due homage. They may be called *Moderates* or *Extremists*, but they are sailing in the same boat. They may be called *constitutionalists* or *unconstitutionalists*, but they are strongly impressed in their mind, as they are powerfully convinced in their deepest convictions that the present machinery of administration in the country is as much a vulgar anachronism to suit the wants and capacity of the people as it is pedantically automatic in the discharge of its various executive functions. Whether this accusation against the Government is well-founded or whether it is only an angry retort which a vanquished adversary always feels justified to fling against his powerful assailant, I would not say a word one way or the other. But I would be failing in my duty towards the people whose name I bear or towards the Government whose good reputation I seek, were I to shut my eyes over the congested mass of misery and poverty that so proudly and majestically stalks in our midst to distress humanity and vilify the *genus homo*. The *swadeshi* movement was perhaps the right beginning in the right direction to afford a suitable and convenient outlet both for empty hands and vacant mouths; had the movement been allowed to take its own course much of that surface discontent and racial jealousy which is now seething in the country would have remained deep buried and totally unheard. Every body feels sorry and I feel the more that Government, with all their solemn pronouncements and even occasional promises of help, should have been the first and foremost in the field to pulverise the movement and impede its onward progress. The executive authorities in Eastern Bengal, and, for the matter of that, in other parts of India, were so terrified and thrown out of balance at the success and rapid advancement of the *swadeshi* movement that they lost no time in frightening the people and accusing them of political misdeeds. Large numbers of prosecutions on most trivial and immaginary grounds were started and lodged before magistrates who had no other alternative but to convict and punish the *swadeshi wallas*. Innocent schoolboys and little deer, whose knowledge of the world had not travelled beyond the thresholds of their house doors, were ruthlessly handcuffed and marshalled in large numbers before courts of law with all the solemnity and show of procedure that honest and warm hearts must have bled to have witnessed the grand farce taking place in broad daylight and in teeth of the people's opposition. And all this fussing, this terrorising, this bullying business was done to teach people moderation in action: fine words! But enough. British history and British administration in India has has many ugly and shameful incidents, but this *swadeshi* prosecution surpasses and beats all. After this the Indian people may well complain that the British Government is a foreign Bureaucracy established in India to enrich English coffers and that their boasted impartiality and pretensions to equal adjustment of rights is a sham quibbling of words without meaning or sense attached to them. The vehement opposition and determined front which the British Government have been showing and offering to the spread and growth of the *Swadeshi* movement is another and a demonastrative proof that they do not feel even as much for the poverty-ridden people of the country as an average shop-keeper feels in the maintenance and keep-up of his wares of merchandise. This is a bad state of things indeed; bad for the people whose hearts have been lacerated and whose young hopes have been crushed, and bad for the Government whose prestige has been attacked and whose good faith has been questioned. On the top of this come the plague, the pestilence, and the poverty, and we thank the shining stars, swimming in mid-air, and the four quarters of the globe and all that is above earth and below heavens that there is no fourth P. to alarm and startle us. Are the people still to be called and denounced as seditious? Human patience has a limit of endurance; a degree and a measure of suffering beyond which even a worm would resent, and there ought to be no wonder that the Indian people have suffered beyond all endurance.

But let me proceed: people are no doubt submissive in their behaviour, but Indian people have never been heard to complain. The pestilence and plague have carried away thousands over thousands to a bourn from which no traveller returns, but India never stirred, not even a whisper was heard; fathers were bereft of their sons, wives of their husbands, brothers of their sisters, and village after village lost all that was dear or near in friendship or kinship, and yet no cry was raised. Death and misery and starvation all joined in league, and the scenes of pity and desolation we have been witnessing during the last 12 years defy all power of description. But the Government never came to our help. They never stirred an inch of ground to check the plague or prevent its recurrence. They did not propound a measure or started a scheme of reform that could have stopped the fearful mortality or enabled the people to escape contagion. This story is most painful, most inspiring and pitiable in the extreme, and no

civilized Government would have treated that subject people and fellow-creatures as the British Government have been treating their plague-stricken patients in the plague-stricken area. With resources so plentiful, with means so abundant, and with powers so extensive the Government have been doling out the same measure of sympathy and message of advice which some of the aborigines in the interior recesses of Africa dole out to a sick patient when they compassionately throw him in the river. There may be exaggeration of language, but there is no perversion of truth. People have died in the course of last 12 years by hundreds and thousands. Families have disappeared wholesale and house after house has been gathered to the majority. But Government never moved! They introduced inoculation, but that dismayed and disheartened the populace. They never thought of building new villages on fresh sites or of raising provisional and temporary huts out side the city limits.

But I am travelling beyond the scope of my subject. I am, however, not inclined to mince matters. If plague has caused universal panic, sparing neither young nor old, it has specially told on the poor, the out caste of society, the miserable wretch who has no clothes for his raiment nor food for his empty stomach. What plague has spared, poverty has carried; and this will go on till Heavens be propitious or till the Government feel compassionate. It is a matter for serious reflection and tell-tale story impeaching the stewardship of the British Government no less than their spirit of non chalant imbecility that nearly 70 millions or one-fourth of the inhabitants of India live their whole life upon the proceeds of charity collected by a process of house-door begging from morning till evening. These vast crowds of wandering multitudes, large enough to raise and embellish a prosperous Empire, carry on their precarious existence as if they were so many beasts of wood with no other clothing or bodily shelter than a hard piece of earth for their bed and the canopy of Heaven for their covering. Hard life it is, and yet it is half so bad as that of the other 70 millions who till the land and end their days in misery and abject poverty. The sturdy peasent with a swarthy visage and sinews, all swollen by toil and sweat, has been never known to taste more than one meal a day from year's end to year's end, coming in the world as unblessed as his exit from it is unmourned. I can go on quoting chapter and verse to support my allegations, but I think it will serve no useful purpose for our present controversy. The yearly visitations of plague and it is fearful ravages amongst the peasantry and the poorer classess of the people have caused universal consternation through the country. But the corrupt magistracy from top to bottom, coupled with a demoralised system of police supervision, have reduced the impoverished peasantry of this country to such a level of starvation and scantiness of means that language cannot adequately describe nor imagination can faithfully depict the horrors consequent on the insufficiency of food. My own experience confirms me in the belief that the process of land revenue collection and the police machinery of vigilance as also the incompetent and corrupt judiciary are the three principal causes of the wide-spread poverty that so devouringly attacks the lower strata of society in this country. It will take me long time more perhaps than I can reasonably afford to give or conveniently allot were I to enter into full details or were I to particularise the method and manner in which the sucking and pilfering business is carried on under the very nose of Government authorities. There is not a single revenue officer from the tahsildar down to the patwari and headman of the village, not a single police hobgoblin from the inspector of the circle down to the newly enrolled constable in the police force, not a single public servant from the full-fledged Extra Assistant Commissioner and first class Munsiff, drawing handsome salary to meet and satisfy all his earthly wants down to the process-serving peon and the court hanger, that does not in one way or other feed upon the decayed and tottering peasantry of the country. There may be honourable exceptions, but their number is so small and so insignificant that they are more ridiculed in their exclusion than cherished. This wave of corruption like a contagious disease has gone on so expanding and increasing that hardly a public department or Government office can now be said to be free from it. The Government may now connive at this huge sham, and possibly they are right in doing so, but they cannot escape responsibility. With these divergent intellectual and material forces so opposingly and antagonistically working in our midst the proposals of the Supreme Government to establish Advisory Councils of the type and character mentioned in their resolution under notice appear to me not only a huge mockery and a sham palliative but a whited sepulchre breeding but loathsome maggots and ugly worms. India is not only a country but a vast continent with clashing creed and clashing symbols, and any measure of reform or scheme of adjustment which directly or indirectly promotes and excites feelings of racial bitterness and racial jealousy must be considered as doomed to failure. The present measure of reform, though only tentative, possesses in its composition all the elements, all the ingredients of hatred and fear which of all others sought to have been avoided by a Government so enlightened and so sympathetic as that of British India. The policy which the Government of India have been following, ever since they took the management of the country in their own hands, in handling the political problems of India has always proceeded on the old motto of "divide and conquer," and it is a matter of surprise that in their establishment and constitution of the Advisory Councils, etc., they seem to be pursuing the same line of conduct. This policy has worked well in the past and our over-worked and over-fatigued rulers think that it will work as smoothly in the future. But they are sadly mistaken. India has greatly changed since the English came in this country and she will go on changing more. However it may be expedient

some times even absolutely necessary, for a governing race in the initial and preparatory stage of their rule to set on and pat one race against the other in the very interests and good behaviour of the society, but they have no right and no excuse to follow and enact the same policy when that society is permanently and firmly settled. If they still do it, they do it on their own peril.

The proposed measure, if carried in the shape and form it now possesses, will not only create further feelings of unrest amongst the educated and foremost classes of India, but it will do very little good to the "*stable element of society*" for whose benefit and apparent advantage it is meant to be devised. Before the English advent there was no tribal jealousy or tribal faction feeling in this country, neither there were courts of law to introduce perjury and party friction among the peasantry. The peasantry in this country are as poor as they are at daggers drawn against their own kith and kin, and there is not a village, not a single peasant settlement in the Land of the Five Rivers which can be said to be free from this curse. Their intellectual status, though still low, is sufficiently advanced enough to understand that these Advisory Councillors have neither means nor stimulus to comprehend their excluded position or advance their chances of life. The scheme is already before the country, and the small-holding proprietary body of this province is aware of the worthlessness and absolute inutility of the Advisory Councils.

The land-holding magnates and Chiefs of States which the Indian Government propose to put on the Advisory Councils will have no influence on the deliberations the Government nor their personal intelligence or personal character will carry any weight with the illiterate and impulsive masses of the people of this country. Their secluded life and social habits and their very limited sphere of activity are some of the features in their own composition which have no room for a doubt that their elevation on the council will be their degradation in the eyes of the people. They will excite ridicule and feelings of contempt among their own friends and relations as they will create irritation and violence of temper among the less favoured and less fortunate of small-holding *Jats*. In my humble opinion these gentlemen, the so much pick and choice of society, the "observed of all observers," the "synosure of every eye" with their new varnished boots and new set of Darbari clothes, will suit more or fit better the Show Rooms of a Continental museum or the Chamber of Horrors at Mde. Tussaud's than the State chambers of a representative assembly. You may as well give us a piece of string and two dozens of well dressed and well made dolls and then ask our opinion whether we like this Imperial arrangement or not as give us the Advisory Councillors. I confess we will prefer the former to the latter as it will afford our children better amusement and stop them creating *unrest* in the country. It may be suggested that this arrangement is only tentative, only experimental, and that better arrangements, better schemes will be introduced accordingly as we show capacity for work and intelligence to understand. I admit the force of this argument, but I cannot admit its applicability to the circumstances of the country. The people cry for bread and you give them stones. The people want more share, active touch in the administration of their country, and you give them instead pigment dolls. The people are more thirsting for power, for more Government posts, for more sympathy, and you treat them with kicks and volleys of abuses and then accuse them that they are creating sedition in the country and attacking the Government's prestige. These Advisory Councils may look very well on the paper, but they are not worth the price of the paper on which they are written. The Government may well feel proud that they have given a large concession to the demands of the people, but they cannot ignore the fact that these Advisory Councils will prove as useless for the needs of the country as they will be for that of the Government, but I am afraid the Government will carry their scheme of Advisory Council whether we like it or not. The Government will go on creating class distinctions, class prejudices between race and race, between Hindus and Muhammadans whether we approve of it or whether we disapprove of it. The Government in their wisdom think that the people of India are so many beasts of burden and Government cannot be wrong. Their Advisory Councils will dishearten the people by their incapacity and want of cohesion as they will embitter the feelings of the educated community by their servile attitude and indifference of behaviour. The district boards and municipal committes have failed and have only ended to widen the gulf already existing between the Government and the people. These Advisory Councils cannot secure or deserve a better fate. Their secret and private meetings with the executive authorities of the Government will create suspicion instead of inspering confidence. The people have no faith in such guilded tools, and this glittering gold put up and exhibited with so much show of ceremony and blast of trumpets is nothing but a brass metal covered with rust and soot. We will be much better without these ceremonial mimics of our aspirations than with their solid mass of ignorance.

All this time I have been urging destructive criticism against the Government proposals, I have my own constructive scheme and I hope it will suit the circumstances of the country and serve the Government's object as well. Instead of nominating members for the *Advisory Councils* direct through the executive agency I would adopt the following method as also increase the number of members according to the population and circumstances of the province concerned. My scheme, briefly stated, runs as follows :

In each tahsil of the district I would have the *zaildari circle* as the unit or measure of representation from each zaildari circle in the district. I would elect by votes two landed proprietors

and an equal number of *sahukars*. I will have the *zaildar of the circle* nominated as an *ex-officio* member in that particular unit. As for the body electorate I would empower the Hindu population of the *zaildari unit* to elect by votes their two Hindu candidates and a similar method I would adopt in respect of the land-holding community in the unit. I would at present allow no votes to the parasite community in the unit circle. They may possess voting qualifications, but they must wait till their time comes. All this machinery or business of election I would carry through the agency of a revenue officer not less than in rank than a third class magistrate. But this measure will be only tentative. So far there ought to be no inconvenience, well, when the election business is over in that particular tahsil, I would summon all these members including the *ex-officio* zaildars to the tahsil head-quarters under the presidentship of the acting tahsildar. My meaning will be plain as we proceed on. According to my proposal a tahsil will have as many members five times as there are zaildari circle. This will give us rather a large number of candidates than in fact we require. When therefore at the tahsil I would cut down the elected members to one-half of their number. This eliminating work I would also do by election. I would ask the Hindus to elect by votes one-half of their number and the same course I would follow in the case of landed candidates. In a tahsil of four zalidari circles the elected candidates, both Hindus and landed proprietors, will amount to 16 members, excluding the *ex-officio* zaildars. The tahsil election will give us, according to my arrangement, four Hindu members and as many landed candidates.

These eight members with the four zaildars, 12, I would send on to the district council under the presidentship of the district magistrate. I would adopt a similar method in other tahsils of the district and would direct them to make similar arrangements in the matter of voting, etc.

This arrangement will give us a large number of candidates. At the same time I would empower the district magistrate to nominate not more than ten persons from the elite and educated classes living in the city of the district.

When this programme is completed I would authorise the district magistrate to convene a meeting of the *district council* at least once a month. This will keep the district magistrate in touch with the people, etc.

Out of this large assembly of the district council I would elect one member for the so-called Advisory Council of the province. This is a rough sketch of my district council. Its details can be worked out.

Special facilities are provided in the proposals under discussion for giving a lift to the Muhammadans in the Supreme Council which is neither proper nor praiseworthy. I have already stated in this note that Government themselves are largely responsible for much of that unrest and discontent which still prevails in the country. Their reform measures and local schemes of whatever magnitude and importance always tend to fan up those religious and social feelings between a class and a class that a wise Government would rather prevent than encourage in the very interest of the country. Their present scheme allowing more seats to the Muhammadans in the Supreme Council is a stroke of pen of the same description and it may befool press agaitators or a class of people who is called penny-a-liner, it will not satisfy the volume of public opinion now existing in the country. But are the Government afraid of the Muhammadans, or is it because the Muhammadans are intellectually backward that these special provisions have been made in their behalf ? Or, are they more loyal and more obedient than the Hindus ? Whatever be the cause, or the causes, the Government in their treatment of the Hindu and Muhammadan question are stirring up feelings of race jealousy in the country which they will repent when repentance will not square the matters. The recent disturbances in the Eastern Bengal are a powerful commentary on the Muhammadan outbreak of fanaticism which could not have failed to impress the Government as to the part the Muhammadans are likely to play in the present scheme of re-organisation, or, should we say, as people are saying in other places, that because the Muhammadan fanaticism played such a valiant part in the Eastern Bengal disturbances that the Supreme Government have been pleased to give them more seats in the council than their merit or number deserves. We all deplore that two masters and preponderating communities the country should remain for over divided on political and social problems now seriously engaging the attention of the country, and also in their relations towards the Paramount Power. But we see no valid or sufficient reason, nor political wisdom for propounding and enacting a measure of reform which will further swell and increase the volume of antagonism and class hatred that already is producing painful and bad consequences in the country. I sympathise with the Government in their efforts to allay the unrest, but I seriously doubt whether they are sincerely anxious in their present reform measures to benefit the country.

There are other questions of considerable importance in the proposed measures of reform requiring attention and study. I should have given them a proper share of my attention and leisure, but I think it will be sheer waste of time. The Government all throughout their resolution in three or four places betray an anxiety for the maintenance of executive

prestige which cannot but convince the Indian people that the Government are not very serious in their present efforts. If the Supreme and local Legislative Councils are to be modelled and their work and manner of work executed on the lines sketched out by the Government in their resolution, the present proposals are only so much waste of paper and waste of thought. As long as the people have no share in the actual administration of the country or in the deliberations of the Supreme Council, the efforts of the Government will prove of no avail, and any reform measure short of what the people require or what their capacity demands cannot have any abiding effect on the present unrest in the country. But for the present the Government have carried that point. They have put forward their measures of reform, their tinsel reform, and the country is busily engaged in discussing its merits and demerits. Perhaps that is what the Government wanted and they have got it to their full satisfaction.

NIHAL CHAND,

Bar-at-law.

No. 379, dated Jullundur, 29th January 1908.

From—Lieutenant Colonel H. S. P. Davies, Commissioner, Jullundur Division.

To—The Chief Secretary to Government, Punjab.

In continuation of this office letter no. 397-I., and endorsements, no. 3903 and no. 4158, dated respectively, the 2nd, 3rd, and 17th December 1907, I have the honour to forward a note by the Honourable Sardar Partab Singh of Kapurthala, containing an expression of his opinion on the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

H. S. P. DAVIES,

Commissioner, Jullundur Division.

Opinion on proposals made in Government of India letter of 24th August 1907.

I. *The Imperial Advisory Council.*—(1) The Imperial Advisory Council as sketched in paragraph 4 of Government of India letter is a need that cannot be supplied too soon. Hitherto almost all criticism of public questions, whether from platform or in the Council Chamber, has been betraying a certain amount of party tactics of the Opposition Bench, which spirit, it is evident, neutralizes the sense of responsibility and respect of authority which are at once the first condition of good citizenship and the basic foundation of a foreign Government in an oriental country.

As to the proposals about the constitution and functions of the council, embodied in paragraph 5 of Government of India letter, I have to propose one alteration or addition. Under the statement of *raison d'être* (paragraph 4, Government of India letter) it is said :—"and (the Imperial Advisory Council) to be used by him (the Governor-General) not only to draw out opinion on measures in contemplation, but also what is hardly less important as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government." From this it is evident that, besides other things, the position of an Imperial Councillor will be, to a certain extent, that of a middleman between the Government and the people. Again, in sub-paragraph (6), paragraph 5, it is said "that its (Imperial Advisory Council) functions should be purely advisory and that it should deal only with such matters as might be specifically referred to it from time to time." This, in my humble opinion, does not sound in concert with the statement of arguments quoted above from paragraph 4. You raise the responsibility of an Imperial Councillor from that of a mere passive adviser to that of an active middleman, by requiring him to diffuse correct information among the public upon the acts, intentions, etc., of the Government which may be calculated to be misunderstood or misinterpreted by them.

I, therefore, venture to suggest an amendment to sub-paragraph (6) of paragraph 5 (Government of India letter) to the following effect :—

> and any of its members will be at liberty to report to the Governor-General a particular state of public feeling with regard to a certain act or measure of the Government, individually, and ask for such information confidentially about any particular matter as may be desirable, and helping him in the discharge of his duties.

With this addition, I believe, the position of an Imperial Councillor will gain the colour of an active responsibility, and he will be enabled to perform his duties with much more competency.

II. *Provincial Advisory Councils.*—(2) With regard to this question I have nothing to add besides the foregoing proposal.

III. *Imperial Legislative Council.*—(3) Considering this question I feel inclined to suggest that having in view the importance of the Sikh community, which is a small minority not in all India but even in the Punjab, separate representation for them should be provided in the Imperial Legislative Council, *i.e.*, one Sikh should be nominated by the Punjab Government to the Supreme Legislative Council. The position of Sikhs in point of education, &c., is on a par with that of the Muhammadans, while, on the other hand, the fact of their supplying the major portion of His Majesty's Indian Army makes out a strong case in their favour.

(4) With respect to the matter that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of Government of India letter, I would suggest that so far as Punjab is concerned it may be modified thus :—that this member be nominated by the local Government out of the non-official members of the local Legislative Council who have held a seat therein for one year. The state of our Province leads me to make the above suggestion.

(5) As to the election of one of the great land-holders of this Province to the Imperial Legislative Council, I am strongly in favour of the proposal. This will satisfy the agricultural classes and save them from the hands of agitators who are always on the look out to poison their minds.

In consideration of this agrarian electorate, I think that it can be worked on some such lines as roughly sketched below :—

All land-holders paying land revenue not less than Rs. 1,000 in each division elect three voters from among themselves, who will elect a land-holder paying land revenue not less than Rs. 5,000 for the Imperial Legislative Council. This will constitute a workable electorate and will bring about that substantial satisfaction and gratification among the agricultural communities of the Province, which is so much desired.

(6) If four seats be specially reserved for Muhammadans in the Imperial Legislative Council, I would suggest that 2 which are to be filled by election be filled by those elected by non-official Muhammadan members of Provincial Legislative Councils in the country.

IV. *The Provincial Legislative Council in the Punjab.*—(7) I would not advocate an increase in its present *personnel* from a general point of view.

(8) I would stick to the present system of nomination so far as the general aspect of the question is concerned.

(9) I would suggest that if an enlargement be agreed upon, separate representation should be allowed to the Sikh and Hindu communities in the Punjab. Numerically speaking, Punjab is a Muhammadan Province. According to Punjab Government letter under reply, paragraph 8, percentage of Sikhs to the total population is 7·5 and that of Hindus is 38·8, while Muhammadans constitute 53·3 per cent. While Muhammadan minority in India has been allowed separate representation in case of the Imperial Legislative Council, there is no reason why the Sikh and Hindu minorities should not be favoured in the same way in case of the Punjab Legislative Council.

(10) In case of nomination being substituted by election, I suggest that about half the number be returned by the electorate suggested in (1) and the latter half by that suggested in (2) of paragraph 17, Government of India letter.

(11) I have already expressed my views on this subject.

(12) Ditto ditto ditto.

V. *Discussion of the Budget in the Legislative Council.*—(13) I consider that the alterations in the manner of discussing the annual Budget in the Imperial Legislative Council as suggested in paragraph 23 of Government of India letter will prove of more practical advantage.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council on the same lines as the Indian Budget is to be discussed, under modified rules, in the Imperial Legislative Council, that is, under separate heads.

(15) I am of opinion that time has now come to advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

No. 273-G., dated Rohtak, the 19th December 1907.

From—Major A. E. Barton, Deputy Commissioner, Rohtak District,
To—The Commissioner, Delhi Division.

I regret that the reply to your circular no. 215 of 23rd October 1907 has been so delayed but I did not know that Captain Coldstream had left it over. The opinions of those who have been consulted on the subject of Advisory Councils are as follows:—*seriatim* reply to the printed list of 15 questions sent for opinion:—

(1) An Imperial Advisory Council would be of service to the country. The general opinion seems to be that its proceedings should not be confidential but public.

(2) Yes, and no modification required.

(3) Enlargement of the Imperial Legislative Council is generally considered desirable.

(4) Yes.

(5) Yes, by nomination by Government.

(6) Yes, elected members to be elected by the Muhammadan members of the Provincial Legislative Council.

(7) Yes, increase to 13 members, or, at least, equal to other provinces.

(8) Unofficial seats should be filled by election.

(9) Representation by class is advisable, and could be Hindus, Sikhs, Muhammadans, Universities and educated classes, and the commercial class.

(10) Election through municipal and district boards, and on the lines mentioned in paragraph 22 (*b*) of the Government of India letter.

(11) Yes, separate representation of classes.

(12) No separate provision necessary.

(13) The system of discussion of the Budget proposed in paragraph 23 meets with universal favour.

(14) Yes.

(15) Yes.

The above represents the views of the majority who have been consulted in this district.

A. E. BARTON,
Deputy Commissioner.

Commissioner's Office, Delhi Division, no. 284-M.Z.A. (Home-Legislative), dated Delhi, the 23rd December 1907.

Copy of the foregoing with Deputy Commissioner, Gurgaon's, letter no. 367, dated 19th December 1907, and original enclosures, submitted to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, for information in continuation of this office letter no. 278, dated 21st November 1907.

A. MEREDITH,
Commissioner, Delhi Division.

No. 367, dated 19th December 1907.

From—H. E. A. Wakefield, Esq., Deputy Commissioner, Gurgaon,
To—The Commissioner, Delhi Division.

With reference to Chief Secretary's no. 2643-S., dated the 27th September 1907, and your endorsement no. 215, dated the 2nd October 1907, I have the honour to enclose the following opinions from officials and others to whom the letter under reply was sent by my predecessor.

(1) Settlement officer and assistant Settlement officer, Gurgaon.

(2) Members of the Bar.

(3) Revd. F. W. Hale, B.M.S., Palwal.

(4) Lala Ramji Dass, Tahsildar, Nuh.

(5) Pundit Badri Pershad, Tahsildar, Ferozepore, and others.

(6) Lala Makhan Lal, Honorary Magistrate, Rewari.

(7) Muhammad, Saraj-ud-din Haider Khan, Jagirdar, Farukhnagar.

(8) Municipal Committee, Sohna.

(9) Municipal Committee, Farukhnagar.

(10) Municipal Committee, Palwal.

(11) Lala Kashi Nath, Tahsildar, Rewari.

(2) My own opinion is as follows:—

I. (1) I think it will be of service, and that the experiment is worth trying, because although it will be far above the heads of the masses in their present state of education, it will satisfy the more moderate of many influential and leading persons whom others are trying to persuade that an alien rule must be an unjust and selfish rule. This from the political stand point. From the standpoint of assistance to the Government it may give some assistance now and more in the future although, as has been pointed out by Mr. Boughey, there are other means of ascertaining the views of the people. I think, however, that it may be fairly said that in the past there are evidences of a tendency for the views of the people to be obscured by the views of strong minded officials with a bias towards the importation of Western methods more rapidly than the condition of the people warrants. This is the result of systematically collecting the views of the people through a chain of officials. From the proposed council views supposed to represent the views of the people will come direct and the chain of officials can still be used in order to check the statements of councillors.

As an agency for the diffusion of correct information upon the acts, intentions, and object of Government, the proposed council may gradually become useful, but at present the people *en masse* judge strictly by results and the officials of districts can do more than a few leading men of the people towards obtaining this end. In Native States the case is different. The councillor, if he chose to exert himself in that direction, could forward the object in view materially, but then in Native States the people know little and care less about the intentions, etc., of the British Government, except when they compare their own position with that of people in British territory. Their rulers take the keenest interest in this matter, the old school, at present, because they are jealous of all privileges and dread interference, and some of the new school, for example, the Raja of Nahan, because they desire to improve their administration on British lines.

I suggest no alteration in the proposals made in paragraph 5 regarding the constitution and duties of the Imperial Advisory Council. Except that with reference to the latter part of paragraph 5 (7), I consider it would be preferable to publish selected portions of the proceedings at the ordinary meetings with the consent of the particular members whose opinion may be quoted. I can see no object in holding special public meetings as well as private meetings on the same subject as the present educated public would have no confidence in them. I would, however, provide for holding public meetings when the subject was wholly suitable.

II. (2) I apply my remarks above on the probable usefulness of an Imperial Advisory Council equally to the proposed Provincial Advisory Council, and suggest no modification to the proposed constitution and duties.

III. (3) I approve of the proposed enlargement of the Imperial Legislative Council and suggest no modifications of the scheme sketched in paragraph 12 of the Government of India letter.

(4) Yes. With reference to paragraph 14 of the Government of India letter, Rs. 10,000 is probably too high for the Punjab. Also for the present it would be as well to stipulate that the member elected should be a member of an agricultural tribe if the landholders are to be taken as a "class".

(5) Yes. I am of opinion that the alternative that the land-holding members of the Provincial Council should elect to the Imperial Council is much the better. I consider that the objections stated to election by a number of nominated landholders are fatal under present conditions.

(6) I suggest no alteration in the proposal, and prefer the system of election by the Muhammadan members of the Provincial Councils.

IV. (7) I would increase the number to 10 to begin with and later to 15 provided that can be done and still maintain the official majority.

(8) I would nominate because I consider that no satisfactory system of election for such work can be devised in the present state of the country.

(9) I advocate no fixed rule but that the local Government should determine from time to time the classes to be represented and the number of members allotted to each. Tentatively, I should suggest two to represent agriculturists, one Hindu and one Muhammadan. One Hindu to represent the money-lending class, one merchant, Parsi, Hindu, or Muhammadan, and one professional man, doctor, barrister, or engineer. This would entail a council of eleven. If the council could be enlarged to 15 or 20 particular classes, such as Sikhs and others, it could be specially represented; but I do not consider that this is necessary at present in a Legislative Council though most advisable in an Advisory Council.

(10) The information given in paragraph 9 of the Government of India letter shows that the result of election hitherto has been that the members have been practically self-elected because the people at large do not take sufficient interest in public affairs. The remedy which I propose if there is to be election is that the Government through the district officers should nominate a large number of electors from every class in proportion to the interests as well as to the numerical strength of each class. These men can be so chosen that it will hardly be possible to cavil at them.

It is not difficult for district officers to find men thoroughly representative of their community and with the interest of their communities at heart. They will sometimes be members of local bodies and sometimes not. This would be better than utilizing either district boards or municipal committees. The district board members are too wholly representative of agriculturists, and the municipal committees contain many unsuitable members.

(11) Paragraph 22 (*a*) of the Government of India. I consider this to be an excellent proposal.

(22) (*b*). Yes.

(22) (*c*), Yes ; I agree to these proposals. I would prefer to leave the choice of the alternative described in the latter part of paragraph 22 (*c*) to the Deputy Commissioner. The caste basis may be useful in one locality and a basis of four classes mentioned in another. I would not insist on the "literate" qualification yet in the case of land holding electors.

(12) Paragraph 17 of the Government of India letter. I would prefer to fix a number of Muhammadan seats and make up by nomination when these were not filled by election as being a simple and effective plan, but if the system proposed in paragraph 17 is carried out as regards 17 (1), (2), and (3) I think (2) is much too wide. I would raise the qualification to Rs. 2,500 and lower gradually in the distant future if deemed advisable. The Rs. 1,000 qualification would include a large proportion of persons who would be influenced by considerations other than the public interest, and I doubt whether the classes mentioned in (1), (2), and (3) will work together and return a really representative candidate. I would, therefore, allow each class (1), (2), and (3) to elect a candidate and nominate out of the three elected except when there are three Muhammadan seats for election when each elected member would get one.

V. (13) Yes.

(14.) I think this would be an advantage, in so far as it would give the members an opportunity of bringing forward their views as to the need of expenditure on particular objects, but perhaps this object would be better obtained in the proposed Advisory Council. I consider that discussion by separate heads is advisable as well as an opportunity of comparison of total expenditure on different objects.

(15) No ; except with reference to any subject before the council.

H. E. A. WAKEFIELD,
Deputy Commissioner, Gurgaon.

Copy of an opinion dated 29th October 1907, recorded by B. T. Gibson, Esq., B.A., I.C.S., Settlement Officer, Gurgaon.

I. (1) Such a council might be of service (though this is, I think, rather problematical) and could do no harm. I have no alterations to suggest in the proposals made in paragraph 5 of the Government of India letter.

II. (2) I think a Provincial Advisory Council would be useful as it is important that Government before undertaking any measures should have full knowledge of the opinions of the various communities affected, and should be able to ascertain those opinions direct and benefit by their advice. I have no modifications to suggest.

III. (3) I think the enlargement of the Imperial Legislative Council would be a step in the direction of progress. The scheme sketched out in paragraph 12 seems suitable.

(4) The proposal is that one member should be elected by and from the non-official members of the Provincial Legislative Council. I approve.

(5) I think that one of the great land holders should be appoined to the Imperial Council. I think that the best method of selection would be nomination by the Lieutenant-Governor from qualified candidates. The qualification should be the payment of a certain amount of land revenue, *e.g.*, Rs. 5,000 as suggested in paragraph 5 of the Punjab Government letter.

(6) I approve of the appointment of 4 Muhammadans as suggested under heads D (*d*) and E of paragraph 12 of the Government of India letter.

I think that election by some such electorate as that described in paragraph 18 of the letter is preferable to election by the very small electorate constituted by the Muhammadan members of the Provincial Council.

IV. (7) I would advocate an increase, but have not sufficient experience to give an opinion as to what figure.

(8) A combination of nomination and election would I think be best ; highly educated communities, *e.g.*, the commercial and legal communities, the Senate of the University, should elect their representatives, while less highly educated communities, *e.g.*, agriculturalists, Hindus, Sikhs, Muhammadans (as a body) should be represented by nomination.

(9) (11) I have not sufficient experience to enable me to offer an opinion on these questions.

(12) I would advocate nomination.

V. (13) and (14) I have no opinion to offer.

(15) Yes. I think this is a necessary corrolary of enlarging the basis of the legislative. I regret that inexperience prevents me from giving fuller answers to the questions forwarded.

Copy of the opinion recorded by G. M. Boughey, Es., B.A., I.C.S., Assistant Settlement Officer, Gurgaon, on 19th October 1907.

With only a very limited experience I have naturally little, if anything, to say upon the important questions sent down for opinion, and I am not attempting to give definite answers to all the questions.

I have grave doubts as to the advisability of an Imperial Advisory Council. The Government of India point out that this is in accordance with old established ideas of oriental policy, but it must be remembered that in those times there was no press to enable the ruler to see at once what would be the attitude of the various communities upon important questions. Now a days every community publishes one or more papers and the Advisory Council members would (if the press represents the wishes of their community) merely put forward views which the Government can find out for themselves without any ponderous machinery and still more without any suspicion of nominating a person not in accord with the real spirit of the community. If the press admittedly does not represent the wishes of any community that is surely a matter for legislation, possibly temporary but certainly strong enough to make it clear that if newspapers are going to take up politics they must take them up from the standpoint of their community, and that their community must be bound and judged by the tone of its press.

The case for a Provincial Advisory Council seems to be a little stronger, but I am opposed to this also. The Provincial Government has to deal with details affecting a community over a (comparatively) limited area, and often the broad lines of a policy may be agreed on, but the details may be the subject of very different opinion. I do not think that when important questions of policy affecting various communities are going to be undertaken it is eminently that the local Government itself should consult, quite informally, the persons who are at the head of those communities. They should be consulted upon the details of working as well as upon the broad line of policy, and their views should be forwarded by the local Government to the Government of India to assist the latter in framing its broad policy and to show how far details would have to be left to the various Provincial Governments. At present the Government of India are too inclined to insist upon uniformity of procedure throughout the whole of India although prejudices of the same religious community often differ widely in different parts. To this limited extent I think consultation is advisable, as in these cases press criticism can only come after the publication of details, and what the Provincial Government wants is something to show how a proposed measure will be taken by the communities within a province.

On III. (3) and (4) I have nothing to say ; as to (5) it would seem best and simplest surely to arrange a satisfactory electorate for the Provincial Council, who would elect a certain number of representatives. Out of these one should be nominated by the Viceroy to the Imperial Legislative Council and the vacancy on the Provincial Council should be filled up by election as before.

On (6) I prefer the plan of election by the Muhammadan members of the Provincial Council only.

IV. As regards the Punjab if the province is to be represented on the Imperial Council I think it is essential that there should be election to a certain number of posts. I would have the number of seats fixed by the local Government. As to proportions I have not sufficient experience. On the vexed question of the representation of the legal profession I would suggest that an even number of seats be reserved for members of the bar of the local, High, or Chief

Court residing and practising in the capital; Hindus and Muhammadans to divide the seats between them, and lawyers not to be otherwise eligible. I admit the importance of the profession, and in a Legislative Council the presence of a certain number of trained lawyers is a *sine qua non*, but local interests at present suffer from an undue preponderance in this direction and this accounts for the results of the election by municipal committee and district boards commended on in the Government of India letter. The proposals in paragraph 22 seem suitable, and the electorate sketched in paragraph 17 is also good.

V. I have no opinion to offer.

Dated Gurgaon, the 22nd November 1907.

From—DHANI RAM, B.A., LL.B., Pleader, Secretary, Bar Association, Gurgaon.

To—The Deputy Commissioner, Gurgaon.

After duly considering the matter and going through all the papers concerning thereto, the opinion of the Bar members and certain other gentlemen consulted in this behalf is given below in reply to each of the questions set up by the Punjab Government in their letter no. 2643-S. (Home-Legislative), dated the 27th September 1907. The reply to each question is given *seriatim*.

DHANI RAM,

Secretary Bar Association Gurgaon.

I. (1) We do not consider that the Imperial Advisory Council chosen on the lines sketched out in paragraph 4 of the Government of India letter no. 2310—2317, dated 24th August 1907, would be of any practical service to the country. No Advisory Council can be of any use to the country unless it is organised on the principles of general and free election and has a voice in the deliberations of the Government in the same manner and to the same extent as the members of the Legislative Council. Otherwise it is only a name without any practical significance.

II. (2) We submit the same reply to this question as that given to the first.

III. (3) The enlargement of the Imperial Legislative Council is proper and desirable, but there should be no class or racial distinctions in the appointment of its members; the principles of free election according to the free choice of the electors, which are quite natural and wholesome modes of organising an able and worthy council, should be had a recourse to. We cannot approve of the scheme sketched out in paragraph 12 of the letter which gives an exorbitant power of appointment to the Governmemt. Under that scheme the Government can nominate 29 members under clauses A, B, and C, and 6 under clauses E and F *i.e.*, out of 53 members 35 are the nominees of the Government itself. The 2 members elected under clause D(*a*) will also in all probability be Europeans. So an enormous majority of 37 members will in almost all cases side with the Government.

(4) Yes.

(5) The land-holders should, in our opinion, be given the power to elect one member from each province as specified in paragraph 12 D (*c*); but they should not be obliged to elect a member of their own class but should not be given a free choice to elect any one whether of their class or not, when they may think fit.

(6) We do not approve of the appointment of 4 Muhammadans under clause D (*d*) and E of paragraph 12 of the letter. Such a proposal is quite arbitrary and is calculated to give an undue preference to the Muhammadans to the prejudice and dissatisfaction of other races and creeds. It is quite possible that the 14 members elected under sub-clauses (*b*) and (*c*) of clause D of the aforesaid paragraph would include a due proportion of Muhammadans and also the Government would nominate some Muhammadan officials under clause B. Such being the case there is no necessity of an invidious distinction to be made in specially reserving 4 seats for Muhammadans while no special provision is made for other races and creeds.

IV. (7) The present number of the members of the Punjab Legislative Council is, in our opinion, much too small. We would, therefore, advocate that it may be raised to 20 to represent all classes and interests.

(8) We advocate the system of free election, and the un-official seats at least must in our opinion be filled up by election.

(9) In either case there should, in our opinion, be no class distinction. should, however, there be any necessity for class representations, then all the classes should be represented in accordance with their numerical strength, which is a wholesome rule in every case.

(10) We think that besides the municipal and district boards the right of election should be extended to the Punjab University, the Punjab Provincial Association, Lahore, the Chamber of Commerce, Delhi, and some landholders' associations, which will have to be constituted if the district boards, which are chiefly constituted of landholders, are not deemed enough to represent territorial interest.

(11) We do not think that class and race distinction in the representations is desirable and therefore no opinion can be given therein. The present constitution of the municipal and district boards is good and reasonable in our opinion, and therefore we advocate no alterations therein.

(12) No special provision for special representation of Muhammadans is needed and therefore we do not approve of the suggestion.

V. (13) Yes, and agree with the suggestion made in paragraph 23 of the letter.

(14) Yes, we approve of the suggestion.

(15) Yes, the want of such a power has been keenly felt on several occasions.

DHANI RAM, B.A., LL.B.,

Pleader, Gurgaon.

NOTE.—Maulvi Barkat Ali, pleader, has dissented from this note. The pleaders who have agreed to it have signed it, others were not present.—DHANI RAM.

DHANI RAM, B.A., LL.B.,

Pleader, Secretary, Bar Association.

LEKHRAJ, B.A.,

Vakil, High Court, U. P.,

and Pleader, Chief Court, Punjab, Gurgaon.

HAIT RAM,

Pleader.

CHANDU LAL,

Pleader.

MAKHAN LAL,

Mukhtear.

Dated Palwal, 8th November 1907.

From—G. W. HALE, B.M.S., Palwal (Gurgan),

To—The Deputy Commissioner, Gurgaon.

Answers to question in 2310—2317, dated 24th August 1907.

I. Yes, I think in the long run it should be..

No, I suggest no alterations to paragraph 5.

II. Answer as in I.

III. (3) and (4) Yes.

(5) Yes.

I agree that as things are nomination would probably be the method of selection most satisfactory. But as in this scheme it is evidently the intention of Government to make these councils representative as far as possible by popular vote, so I should favour the alternative of election by land-owning members of Provincial Councils as in paragraph 15.

N.B.—In my opinion these measures would be purely experimental and educative.

I think some such measures are necessary if only in response to the increasing demands of public opinion at Home for something of the kind in India, and this scheme on the whole commends itself to me not so much because of what it may achieve, as that it concedes more in the way of "representation" than the people, nor any sections of the people, are able intelligently to avail themselves of without playing unduly into the hands of the "educated class" who clamour most for representation, but who do not and cannot represent the masses of India.

(6) Special legislation and over-representation have not helped the Muhammadan communities; it is a question if it does not hasten their degeneration. The sympathies of Englishmen in India are naturally with these communities, but they are being left hopelessly behind, and will be until they to try find their feet and help themselves. I do not favour *class* representation by election. I prefer Government nomination if the best men are to be secured.

(7) Yes; subject to the considerations in Note under I and II.

(8) Yes, some by election.

(9) I should say have nothing whatever to do with "caste" as caste and as little "class representation" as possible. The attempt should be made to register house-holders as voters, and to make village *panchayats*, and the existing municipal committees really representative of all classes. These *panchayats* and councils should be granted a large measure of local government; from a beginning like this, representation on district and provincial councils could be easily evolved.

(10) Yes. By post, under registered cover.

(11) No.

(12) Preferably by nomination.

If by election the method in paragraph 17 reads alright. But I do not *favour* class representation in any case.

V. (13), (14), (15). I am not sufficiently well informed to be able to hazard an opinion of any possible value.

Extract of opinion given by Lala Ramji Dass, Tahsildar, Nuh, regarding Advisory Council.

(1) Yes, the proposal made in paragraph 5 regarding its constitution and duties are alright and needs no alteration.

(2) Replies in affirmative, and approves of the proposals for its constitution and duties.

(3) The enlargement of the Imperial Council is very feasible. The proposals contained in paragraph 12 of Government of India's letter are reasonable but with regard to clause (*e*) he thinks that the condition that at least there should be 2 Muhammadans may better be omitted so that one from each community, *viz.*, one Hindu, one Muhammadan, one Sikh, and one other, can be nominated.

(4) Yes.

(5) Yes. If the selection be made by nomination it would be the best way.

(6) It is very advisable that two members ought to be elected from among the Muhammadans and their electorates should be such persons as mentioned in paragraph 18 of the Government letter. The number of the nominated members should not be restricted to the Muhammadans as this will be prejudicial to the interests of other communities.

(7) Suggests that the number of the members be increased.

(8) If few posts be filled by election it will do well.

(9) Advocates a fixed rule determining the proportion of seats to be allotted to each class.

(10) The election should be made by the voters of whom a list should be made out. The voters should be the leaders of each community.

(11) Separate representation of classes is not necessary.

(12) No provision for separate representation of the Muhammadans is necessary.

(13) Yes.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion given by Pundit Badri Pershad, Tahsildar, Ferozepore, Jhirka, and others (members of the Municipal Committee, etc.).

(1) Imperial Advisory Council would be of service to the country. They have read paragraph 4 of the Government of India's letter, and are of opinion that the appointment of the members should better be made by election. The system for election which the Government thinks best may be adopted. Duration of the term of the membership be better reduced to three years so that a chance may be afforded to other leading gentries in giving advice. It is advisable that the proceedings of this council may be kept confidential in the first instance, but it should be well if they are laid before the public for their opinion after they have been approved of by the Advisory Council.

(2) Replies in affirmative and approves of the proposals for its constitution and duties

(3) The proposals contained in paragraph 12 are very appropriate and reasonable.

(4) Yes.

(5) By election from among the landholders paying land-revenue five thousand or upwards.

(6) The proposals laid down in paragraphs 12 and 18 are appropriate.

(7) Suggests that the number of the members be increased.

(8) Two-third by election and one-third should continue by the system in vogue.

(9) The proportion of seats allotted to each class should be according to population.

(10) The election through the members of the district board and municipal committees would be feasible.

(11) The proposal laid down in paragraph 22-A is feasible and should be given effect to in the manner provided in paragraph 22-B, and if a change may be effected accordingly in the constitution of the district board and municipal committees as laid down in paragraph 22-C it would be well.

(12) Arrangements for separate representation of the Muhammadans should better be made. Such representation through election is most desirable. The classes of electorate should be such as mentioned in paragraph 17 of the Government letter.

(13) A discussion of the Budget will improve the matters both for Government and for public. The suggestion made in the Government letter would do well to be given effect to.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion given by Lala Makhan Lal, Honorary Magistrate, Rewari.

(1) Reply is in affirmative.

(2) Reply is in affirmative and approves of the proposals for its constitution and duties.

(3) The proposals contained in paragraph 12 are very appropriate and reasonable.

(4) Yes.

(5) Any such landholder of the province who is a graduate of any province may be elected provided that five years should have elapsed after he got his degree and would have done judicial and revenue work.

(6) As paragraph 12 of the Government letter refers to the appointment of four Muhammadan members to the council he, therefore, also agrees to this suggestion. Their elections should be made in accordance with paragraph 15 of the Government letter.

(7) Seems no necessity to an increase.

(8) The present system of the nomination should be maintained.

(9) Paragraph 22 of the Government letter should be adhered to in giving force to this system.

(10) The election of all the non-official members should be made through some official of a supreme authority.

(11) The proposal laid down in paragraph 22-A is feasible and should be given effect to in the manner provided in paragraph 22-B, and if a change may be effected accordingly in the constitution of the district board and municipal committees as laid down in paragraph 22-C it would be well.

(12) The representation of the Muhammadans should better be made by nomination.

(13) The suggestions made in paragraph 23 of the Government letter should be given effect to.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion by Muhammad Saraj-ud-Din Haider Khan, Jagirdar of Farukhnagar.

(1) Replies in affirmative and suggests no alteration in the proposals made in paragraph 5.

(2) Replies in affirmative and suggests no alteration in the proposals made in paragraph 6.

(3) Suggests no modification in the scheme sketched out in paragraph 12 of Government of India's letter.

(4) Yes.

(5) Yes, by the majority of votes of the zamindar members of the Privy Council.

(6) Yes, 2 by nomination and 2 by election, through the votes of the Muhammadan members of the Provincial Council.

(7) Advocates increase by one-third of the present strength.

(8) It will be desirable if some of the seats be filled by election.

(9) As laid down in paragraph 22 of the Government letter.

(13) Yes.

(14) Yes.

(15) Yes.

Extract of opinion given by Sohna Municipal Committee by M. Madan Mohan Lall and Muhammad Abdul Aziz Khan, Members.

(1) Reply in affirmative and suggest the following modifications in paragraph 5 of the Government letter, *i.e.*, (1) The number of the Chiefs may be reduced from 20 to 10 and the number of the land-owners increased. Only those Chiefs should be admitted to the council who have obtained higher education and manage their States well and have also experience; (2) the council may be authorized to present their own opinions on any point, whether raised by Government or not.

(2) Agree with the Government proposal.

(3) Yes, but there seems no necessity of election, *vide* paragraph 12-D, until there might have been a marked minority of the Muhammadan members on the council.

(4) Yes.

(5) Yes, one of the biggest landholders of the province should be elected for Imperial Council and his electorate should be the zamindar members of the Provincial Council.

(6) If the number of the Muhammadan members is so low that by addition of these four members their number will not exceed the number of other community then this may be done. In case of necessity their electorate should be Muhammadan members of the Provincial Council or such persons as mentioned in paragraph 18 of the Government letter.

(7) The number may be increased as far as the number of the official members permit of their being raised.

(8) Half by nomination and half by election would be advisable.

(9) It is difficult to fix a standard exclusively for each community. If it is so desirable to give effect to it the representation should be made as laid down in paragraph 17.

(10) The election through the municipal committee and district board would be easy. It would be well if they may be supplemented by addition of big zamindars and traders and men of higher qualifications. Any one who may be elected for a seat in the Provincial Council must be a man of higher qualifications, influence, and means. The voters should also be literate and men of position and influence.

(11) Reply in affirmative.

(13) Yes.

(14) Yes.

(15) Yes.

By L. Balmukand, member.

(1) Replies in affirmative and suggests that instead of five years, three years would be enough. The members should be permitted to make any suggestions on their own initiative as they like.

(2) The council should be authorised to make any suggestions on their own initiative.

(3) Yes, if there exists a sufficient number of the Muhammadan already on the council there seems no necessity of their further election as laid down in paragraph 12-B.

(4) Yes.

(5) Yes, but he should not be elected from amongst the Provincial Councillors, but the Provincial Councillors should elect him from among the biggest zamindars of the province to be decided by the majority of votes. The electorate should be some able zamindars and they should first select some candidate and from among them one will be selected by the Provincial Councillors.

(6) Two Muhammadan members be elected, the other two should be elected by the Fellows of the University, and need not be restricted to Muhammadans.

(7) The number may be increased to such limit that it may not interfere with Government standard.

(8) All should be filled by election.

(9) The able members of each community should elect their own members, but if one community finds an able member in other community he may select him. The proportion should be according to census or according to qualifications.

(10) Under the present circumstances the representation is advisable as laid down in paragraphs (*a*) and (*b*) 22, but if the qualified persons may not be available then the restriction would be injurious. A change would be advisable in the district board and municipal committee, according to each community, but if this does not procure qualified men it may be relaxed. The educational and other qualifications must be fixed as a test. The electorate should be those of Muhammadans and district board non-official members, coupled with other educated voters.

(11) As against question 10.

(12) When ordinary and a general standard has been fixed separate representation is not required.

(13) Yes.

(14) Yes.

(15) Yes, as in Imperial Council.

Extract of opinion given by President and members of the Farukhnagar Municipal Committee.

(1) to (15) The members, including Khan Bahadur Mir Nasir Ali, Vice-President, agree *in toto* with the Government proposal and suggest no representations or notifications. Tahsildar, Gurgaon, agrees with them.

Extract of opinion given by Municipal Committee Palwal.

(1) to (15) The Tahsildar, together with other members of the Palwal Municipal Committee, reply all the questions in affirmative.

Extract of opinion given by Lalla Kashinath, M. A., Tahsildar of Rewari.

(1) Replies in affirmative, but adds that an equal proportion of the traders should also be admitted to the council. Besides one or two members of the biggest municipal committee should also be nominated for their seat in the council. The members should be given option that if they want to make any point public they may lay it before the council, and if unanimously agreed it may be given publicity.

(2) to (4) Yes.

(5) Yes, through Commissioners of the divisions, and finally by the local Government.

(6) Yes, 2 by election and 2 by nomination.

(7) Yes.

(8) Some by election and some by nomination.

(9) By public election.

(10) Yes, through district boards and municipal committees.

(11) The proposal suggested in paragraph 22 are desirable.

(13) The system proposed in paragraph 23 is advisable.

(14) and (15) Yes.

No. 278, dated Delhi, the 21st December 1907.

From—A. MEREDITH, Esq., I.C.S., Commissioner, Delhi Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your lettor no. 2643-S. (Home Legislative), dated 27th September 1907, I enclose in original the opinions of the Deputy Commissioners of the five districts noted in the margin, together with the opinions of the various individuals and bodies they have consulted. The opinions of the Deputy Commissioners of Rohtak and Gurgaon will be forwarded directly they are received. I enclose also my own opinion.

1. Hissar.
2. Karnal.
3. Simla.
4. Ambala.
5. Delhi.

A. MEREDITH,

Commissioner, Delhi Division.

Opinion regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

The spread of education and the great increase in the numbers of the educated classes has induced an increased interest in public affairs among a not inconsiderable section of the population, and I agree that it is advisable to devise some means of satisfying their legitimate aspirations and to utilize the increased intelligence and knowledge which are now available for the public benefit. The formation of the Advisory Councils and the increase in the numbers of the members of the Legislative Councils appear on the whole suitable means of attaining the desired end, though I would advocate modification rather than extension of the proposals as enumerated in the following paragraphs.

I. (1) No doubt we have high authority for believing that "in the multitude of counsillors there is safety," but in an excess of them it seems to me there is likely to result little practical advantage and indeed possible administrative inconvenience. The Imperial Advisory Council as proposed to be constituted seems to me far too large, and I would limit the numbers to half or about thirty for the whole of India. In a council composed of about twenty Ruling Chiefs and forty territorial magnates there is not likely to be found much independence of opinion, two or three leading spirits will rule the whole and the majority of the members will not venture to press an opinion at variance with that of the principal and most powerful Chiefs in India. It is presumed that meetings of the council will take place both at Simla and Calcutta. With regard to the former the objection made by the Deputy Commissioner of Simla deserves, I think, consideration. In the present congested state of Simla, the influx of twenty ruling Chiefs with large native retinues, and forty territorial magnates with a following proportionate to their dignity and position, is not likely to add to the convenience of the European residents and visitors who as it is find Simla far too crowded for health and comfort. If the council is to consist of the dimensions now proposed, it would appear advisable to limit its meetings to Calcutta. Moreover, the expense entailed by frequent meetings of the council will prove a strain on the resources of some of the members, whose position requires them at all times to travel with a following ridiculously extravagant according to European ideas. Further as pointed out by the Deputy Commissioner of Delhi I see no reason why commerce, industry, capital, and learning should be entirely unrepresented on the Imperial Advisory Council, whose advice is likely to be far more weighty and useful to Government if representatives of the other classes of the community are included in its deliberations. Their exclusion indeed appears hardly consistent with the arguments adduced in paragraph 2 of the Government of India letter. I would therefore limit the Imperial Council to about 30 members for the whole of India, of whom about 10 should be Ruling Chiefs, about 10 territorial magnates, and the remainder drawn from the commercial, professional, and monied classes. I agree with the other proposals made in paragraph 5 of the Government of India letter, and advise very strongly that the functions of the council should be purely advisory on matters specifically referred to it from time to time. If allowed to make suggestions upon any matter affecting the administration, inconvenience is likely to result, and the work of the Home Department of the Government of India will certainly be largely and unnecessarily increased.

II. (2) I think also that a small Provincial Advisory Council, invested with similar duties, will be a useful institution and likely to be of assistance to Government as a means of ascertaining popular opinion on matters of public importance. The provincial members of the Imperial Council will belong to it, and the remaining members should be nominated by Government from among the various classes of the community named in paragraph 6 of the Government of India letter. Its functions should be purely advisory and suggestions should not be allowed except on matters referred to it.

III. (3) I agree that the Imperial Legislative Council may be enlarged with advantages but I think that the present proposals are unnecessarily liberal and that a Legislative Council composed of 53 members, excluding His Excellency the Viceroy, is likely to be unwieldy, and that its deliberations are likely to be unduly protracted with a consequent delay in the despatch of public business. I think the total number might be raised to 35 or 36, including the President, as follows :—

A. Ex-officio.	8
B. It will be sufficient to nominate ten additional officials in order to maintain a majority, if a corresponding reduction is made in the other proposals	10
C. A ruling Chief to be nominated by the Viceroy . . .	1
D (*a*) I would leave the 2 members elected by the Chambers of Commerce of Calcutta and Bombay as now, it will be sufficient if members of the other Chambers are appointed to the Advisory Council or to the Provincial Legislative Councils	2
(*b*). I would leave the non-official members of the Provincial Councils at 4 as now, taking the 7 provinces in turn : I see no objection to one member being elected by the non-official members of the Provincial Legislative Council . .	4
(*c*) I would limit the representatives of the land-owning classes to 4, taking the provinces in turn. They should be nominated for each province, the system of election is quite unsuited, in my opinion, for the filling of such an appointment. The best men will not come forward for election ; the idea, in this province at least, would be entirely repugnant to their feelings and traditions. If the amount of land revenue conferring the qualification to vote were fixed at Rs. 10,000 a year, the electorate in this province would consist of 10 members, if of Rs. 5,000, of 52. The former is manifestly too small in any case . . .	4
(*d*) I would eliminate the 2 members proposed to be elected by Muhammadans altogether as unnecessary. It will be sufficient if the Viceroy has power to nominate 4 under the next head to represent minorities or special interests. It seems to me quite unnecessary to flatter Muhammadan susceptibilities to this extent, and I would omit the words in the next clause E "not less than two to be Muhammadans" as calculated to unnecessarily excite racial feeling and to give needless offence to a large number of loyal supporters of Government. They seem, moreover, to be superfluous, as the Viceroy will have it in his power to nominate all 4 members from among the Muhammadans, if he finds it advisable in order to maintain racial equilibrium among the native members of the council. A Provincial electorate seems to me impracticable, and a system of appointment by nomination to be much more suited to the conditions of this province. If it is decided, however, to appoint 2 Muhammadan members by election the provincial electorate might be composed as proposed in paragraph 18 of the Government of India letter, clause (*c*) consisting of the following :—	
(*a*) Payers of land revenue of Rs. 2,500 and over .	96
(*b*) Payers of income-tax on an income of Rs. 25,000 and over	78
TOTAL .	174
(*E*) Non-officials nominated by the Viceroy to represent minorities or special interests	4
(*F*) Experts to be nominated by the Viceroy when necessary for special purposes	2
TOTAL .	35
or including His Excellency the Viceroy	36

IV. (7) A small enlargement might, I think, be made with advantage in the Provincial Legislative Council of this province; the present number is nine, in addition to the Lieutenant-Governor, of whom at least one-third must be non-officials. I would increase the number to fifteen, *i. e.*, that I would appoint 6 more members, of whom 3 should be official and 3 non-official.

(8) The present system of nomination should be maintained as regards all members, whether official or non-official. The best men will not come forward for election; the idea of canvassing and posing before their fellow-countrymen as candidates is distasteful to the leading native gentlemen of this province as far as my experience goes, and the introduction of a system of election will result in the council being swamped with members of the legal profession. A provincial electorate, moreover, is, as I have said above, in my opinion, quite impracticable.

(9) If a system of appointment by nomination is maintained I would not fix any rule determining the proportion of seats to be allotted to each class, but would leave it to the local Government to select its own men; it may safely be trusted to see that the various interests of the community are duly represented. If a system of election is to be followed in the case of non-official members, who I have proposed should not exceed six in future, I would allow the following classes and bodies to select their own representatives :—

Punjab Chamber of Commerce	1
Punjab University	1
Land-owners of the province, Hindu, Sikh and Muhammadan, one each	3
Legal profession	1
	6

(10) I do not advocate election through municipal committees or district boards. Election by a provincial electorate will only be required in the case of the 3 land-owners, and for them I prefer an electorate as foreshadowed in paragraph 17 of the Government of India letter (omitting the last class) fixing the amounts as follows :—

(*a*) Payers of land-revenue of Rs. 1,000 and over	369
(*b*) Payers of income-tax on incomes of Rs. 5,000 and over	1,030
TOTAL	1,399

But it will be difficult to obtain the votes of even this limited electorate, and a provincial electorate is, it seems to me, impracticable.

(11) I do not suggest any change in the present constitution of municipal committees and district boards, and the subject appears somewhat foreign to that of the present reference.

(12) I have already discussed this question above.

V. (13) I agree that the changes proposed in the debates on the Budget in the Imperial Legislative Council are most desirable. If the scope of the debate is to be enlarged as proposed, I would restrict the right of reading their speeches to the *ex-officio* members.

(14) and (15) I do not think that the Provincial Budget should be discussed in the Punjab Legislative Council or that the right of interpellation by members should be granted. The council is only 10 years' old and its growth must be gradual, "*fastina lente*" should be it smotto and we may well await the introduction of these measures into the constitution of the councils of the older provinces and watch their working there before we advocate their adoption in the council of our own province.

A. MEREDITH,

Commissioner, Delhi Division.

No. 237-G., dated 16th November 1907.

From—CAPTAIN A. C. ELLIOTT, Deputy Commissioner, Hissar District,

To—The Commissioner, Delhi Division.

With reference to your circular no. 215, dated 2nd October 1905, I have the honour to forward herewith my opinion in the matters under consideration after consulting the following persons :—

(*a*) Lieutenant Stanley Skinner, Honorary Magistrate, &c.

(*b*) All Extra Assistant Commissioners in the district.

Association.

After having considered them, I think there is no use in sending on copies of all these documents, but I give the gist of their replies in the *précis* attached to this letter which will indicate sufficiently the opinions expressed by the various persons consulted.

2. In addition I send separately my own opinion in the matters under reference.

A. C. ELIOTT,

Deputy Commissioner.

Replies to questions in connection with Government of India letter, dated 24th August 1907.

I. *Imperial Advisory Council.*—I consider that such a council on the lines sketched in paragraph 4 of the Government of India letter would be of great service to the country. All members to be appointed by the Viceroy, and to hold office for seven years, or some such period, by which a charge of the Viceroyalty simultaneously with a change of members of the Advisory Council might be avoided.

I consider that, apart from any ruling Chiefs whose relations with the Government of India are conducted through Political officers and Residents, each presidency and province should select two ruling Chiefs or territorial magnates as representatives of the local Governments. Such members to be proposed by local Governments for acceptance, or otherwise, of the Viceroy.

The council in addition to its advisory duties should also be empowered to offer suggestions to the Government of India, provided such suggestions are supported by a majority of the members.

II. *Provincial Advisory Council.*—This would certainly be of great use also, and the proposed number should not exceed 21, including members of the Imperial Advisory Council. The duties to be the same as for the Imperial Advisory Council. The number fixed would allow of most diverse interests being represented. But it might be well to consider whether a member to represent each district would not be advisable.

III. *Imperial Legislative Council.*—I consider the enlargement of this council, as proposed in paragraph 12, on the whole, suitable, and I especially approve of the proposal that a member should be elected by the Provincial Legislative Council, thus extending to the Punjab the privileges already enjoyed by the three presidencies and the United Provinces of Agra and Oudh only at present.

I approve the selection of one of the great land-owners of this province to the Imperial Council. Such selection should be made by the members of the Provincial Advisory Council, not necessarily from among themselves, who should assemble and elect one name from among those put forward.

If any class distinctions are to be made, then the appointment of 4 Muhammadans—2 by election, and 2 at least by nomination—is suitable. There are special reasons for endeavouring to encourge the Muhammadan community, but I feel convinced that it will cause ill-feeling; and though it may do good to the Muhammadan enducated class, it will have no effect on the masses, and it is liable to mis-representation by other classes, especially if in the end they find themselves insufficiently, or not at all, represented.

To leave the election of the two members by election to the Muhammadan members of the Provincial Councils would be to leave it in too few hands. I would leave it to an electorate such as described in paragraph 18 of the Government of India letter, fixing the income-tax in clause (*c*) at Rs. 1,000 and the amount of land revenue paid annually at Rs. 5,000 per annum.

IV. *Provincial Legislatie Council, Punjab.*—An increase seems necessary in view of the other changes in other councils, and I would recommend a total of 21 members, with His Honour the Lieutenant-Governor as President of the Council. I would suggest the council being composed as follows :—

8 nominated official members, to wit :

The chief Justice, Punjab ;

The Financial Commissioner ;

5 Divisional Commissioners ?

The Chief Secretary to Government, Punjab.

In addition I would suggest eight other nominated members, non officials two each, to represent the following classes :—

Hindu, Muhammadan, Sikh, and Christian, also five other non-official members to be elected, one to represent each division of the Punjab. I would deprecate election through

district boards or municipal committees and would suggest an electorate for each district in the division such as contemplated in paragraph 17 of the Government of India letter, fixing the land revenue in clause 1 at Rs. 1,000 per annum, and the income-tax at not less than Rs. 104 per annum. Each district having elected its representative, the choice for the division to be settled before the Commissioner by lot.

I would advocate a fixed rule in the allotment of seats to the classes to be represented as noted above. I would not advocate election, but nomination. I would advocate a change in the constitution of municipal and district boards as indicated in paragraph 22 (*c*) of the Government of India letter. Anything more unsatisfactory than the present constitution of, and method of election to, district boards it is hard to imagine, but not strange when one sees how the majority of the electorate are intellectually unfit to vote. In addition to what I have suggested above I think no further separate representation for Muhammadans is advisable. But were such decided on I would adopt the form of electorate in paragraph 17 of the Government of India letter with the restrictions as to land revenue and income-tax noted above.

V. *Budget discussion.*—I consider that in this connection a "full dress" Budget debate on the lines of the usual Budget debates in the House of Commons would have advantages. Too frequently the cry has been raised that the wealth of India is being drained, that the Budgets are framed without reference to the real needs of India, and that any discussion thereon is ruthlessly "closured." Apart from the opinion which I hold that open discussion is wise and advisable, I consider that it will also effectually silence the cry of the Congress on this point And if discussion is allowed in the Imperial, why not in the Provincial Legislative Council? But ours is a young council, and discussion might for some time to come be well restricted to a Budget debate, without extensions, such as is usual in the Imperial Council at present, *i.e.*, a general discussion on the Budget as a whole.

When the extended Punjab Legislative Council is created I think interpellation should be permitted, if only so that the opinions of the council as a whole may be best utilized. A council which acts in the manner in which district boards usually act would be quite superfluous, and unless right of interpellation is allowed members may be inclined to lapse into district board methods.

A. C. ELLIOTT,

Deputy Commissioner.

Précis of opinions received.

I. *Imperial Advisory Council.*—All agree that the number of ruling chiefs, *viz.*, 20, or one-third of the whole, is too large. Various numbers ranging from 5 to 15 are advocated. All, except the Bar, agree to the principle of nomination instead of election. It is proposed further that the term of office be for ten years. Also that persons of marked intellectual attainments should be eligible, and that territorial magnates should not be erected unless intellectually fit, nor unless they have already shown interest in public affairs.

II. *Provincial Advisory Council.*—The opinion generally is that these should be formed and enlarged to take in all classes. All, except the Bar, agree that members should be nominated, and that as far as possible each district in the Punjab should have at least one member in this council.

III. *Imperial Legislative Council.*—(*a*) All agree that the enlargement of this council will have good results and is desirable. The constitution as sketched in paragraph 12 of the Government of India letter is generally approved, except the appointment of Muhammadans.

(*b*) All approve that one member should be elected by the Provincial Legislative Council.

(*c*) All propose that one of the great land-owners should be selected and chosen by the land-owing members of the Provincial Council from among themselves, or from other land-owners paying at least Rs. 1,000 land revenue per annum.

(*d*) Generally the majority that is, depreeate the favouring of any one class of the community and urge that harm may come of it while the good to accrue to Muhammadans from it is doubtful.

IV. *Provincial Legislative Council in the Punjab.*—(*a*) The opinions as to an increase are unanimous, and the number fixed on is 25—keeping an official majority. This number is thought to be the least possible to allow of all classes being represented.

(*b*) All agree that all non-official seats should be filled up by election.

(*c*) Opinions divided, but all are agreed that whatever classes are fixed they should not have any preponderance in number of members, the one over the other, no matter what their numbers are.

(*d*) Election through municipal and district boards is strongly deprecated. It is proposed that the method laid down in paragraph 17 of the Government of India letter should be applied here, and that Rs. 1,000 be fixed as the sum of land revenue to qualify as an elector. Others fix the land revenue at Rs. 100.

(*e*) Separate representation is deprecated by most, but urged by officials. Nor is any change in the constitution of municipal and district boards suggested.

(*f*) Those who agree to separate representation of Muhammadans propose an electorate formed as suggested in paragraph 17 of the Government of India letter. Land revenue qualification fixed at Rs. 100.

V. *Discussion of Budget in the Legislative Council.*—(*a*), (*b*), and (*c*) All agree to unanimously and strongly argued.

A. C. ELLIOTT,

Deputy Commissioner.

No. 292-G., dated the 20th November 1907.

From—Q. Q. HENRIQUES, Esq., C.S., Deputy Commissioner, Karnal,

To—The Commissioner, Delhi Division.

With reference to your circular endorsement no. 215, dated 2nd October 1907, I have the honour to forward herewith my opinion in regard to the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, *vide* Government of India letter no. 2310—2317, dated 21th August 1907.

Q. Q. HENRIQUES,

Deputy Commissioner.

Punjab Government No. 2543-S. (Home—Legislative) of the 27th September 1907, on the subject of giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) All the people I have consulted have approved of an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter. At the same time they have almost all been struck by the anomaly of a determinate body of advisors with no power of initiative.

My own opinion is that a body of this sort may within very narrow limits be useful as long as it maintains its present character. The fact that its members will be so widely scattered over the country will tend to prevent its having any corporate existence. If it ever does obtain a corporate existence, it is bound to extend its functions, and it will become a distinct source of embarrassment. It would then either clash or amalgamate with the Legislative Council.

I do not think there is any need for a Provincial Advisory Council. A properly constituted Legislative Council could always be consulted informally, and I do not believe that there is material in the Province to supply two separate councils.

Most persons consulted approve of it in the form suggested. One interesting suggestion is that its members should each represent a district.

III. (3) I have no suggestions to make.

(4) Yes.

(5) I do not think there is any need for the great land-owners of this province to be represented. One representative should instead be nominated to represent the land-owners of the Province.

(6) I approve of proposals contained in paragraph 12 D (d) and E.

IV. (7) Opinions seem to be divided about the necessity of increasing the size of the Legislative Council. If an official majority is to be maintained, it cannot be very largely increased. I do not propose any increase.

(8) All the unofficial members should be nominated. Opinion of those I have consulted is about equally divided on this point.

(9) There should be class representation. One Hindu, one Sikh, two Muhammadans, and one Christian would fairly represent the classes.

(10) Election through district board and municipalities is quite unsuitable. This is the general opinion. Election, if resorted to, should be through lambardars, and income-tax payers.

(11) If classes are to be allowed to send their own representatives, I think the power of election should be delegated to selected Anjumans and Panchayats.

(12) By nomination.

V. (13) I am unable to make any suggestion.

(14) Ditto ditto.

(15) No, I consider it unnecessary. There is no difficulty at present in ventilating a grievance, and the system of asking questions causes a great waste of official time.

Q. Q. HENRIQUES,

Deputy Commissioner.

No. 29, dated 29th November 1907.

From—W. MALAN, Esq., C.S., Deputy Commissioner, Simla,

To—The Commissioner, Delhi Division.

In your circular no. 215, dated the 2nd October 1907, with which you forwarded a copy of the Punjab Government letter no. 2643-S., dated the 27th September 1907, on the subject of Imperial and Provincial Advisory and Legislative Councils, a reply was requested by the 20th November. On receipt of your endorsement opinions were invited from Khan Sahib Fakhruddin, Lala Jai Lal, Mr. Pir Bakhsh, Mr. Mir Muhammad Khan, and from the local Secretaries of the Brahmo-Samaj, Arya Samaj, and Sri Guru Singh Sabha. Replies were received from Lala Jai Lal on the 16th, from Mr. Pir Baksh and Mr. Mir Muhammad Khan on the 18th, and from Khan Sahib Fakhruddin on the 23rd November. No replies have been received from the Secretaries of the local bodies addressed, and, as my reply is already over-due, I consider it undesirable to await the receipt of further opinions. The opinions received up to date are submitted herewith. They speak for themselves and do not require detailed notice.

2. I now have the honour to deal with the questions annexed to Mr. Maclagan's letter quoted above.

I. (1) I understand that it is intended that the Imperial Advisory Council should be a body entirely distinct from the Imperial Legislative Council, though membership of one body would not disqualify for membership of the other body. I venture to suggest that the simpler plan (for the present, at any rate, while the scheme is in an experimental stage) would be to have one "Imperial Council" only, which would exercise the functions both of an Advisory and of a Legislative Council. The proposed constitution of the two councils indicated in paragraphs 5 and 12 of the Government of India letter, no. 2310—2317-S., dated the 24th August 1907, do not differ in any radical way, except in so far as it is proposed to eliminate the elective principle from the Advisory Council. It might be advisable to modify, to some extent, the constitution of the combined council now suggested, but this would be a matter for future consideration. In my opinion the sudden creation of a new Advisory Council together with an equally sudden enlargement of the Legislative Council, would, in practice, lead to difficulties which would be avoided by the alternative scheme of merely enlarging and altering the constitution of the existing Legislative Council, and using it for the purposes indicated in paragraph 4 of Sir Harold Stuart's letter, for which the new Advisory Council is proposed to be created. For example, when the Government of India is in Simla, there would be considerable practical difficulty in collecting together the members of the proposed Advisory Council and arranging for their suitable accommodation. An influx of even half the proposed score of Ruling Chiefs, with their retinues into an already overcrowded hill station, at the height of the season would be liable to strain the resources of the Summer Capital to breaking-point. In Calcutta, of course, there would be no difficulty in housing the members, but it would probably be found advisable to have a meeting more than once a year. If an almost equally large Legislative Council had also to be arranged for in Simla, the difficulties would be doubled. On this ground alone, then, I would suggest that the duplication of councils is unnecessary, and that equally good results would be obtained by utilising the Legislative Council, in its enlarged state, as an Advisory Council when this was considered necessary. An advisory meeting might be held, as a matter of course, just before or after each Legislative Meeting and the members of the "Imperial Council," as it might suitably be called, would benefit by the extension of the range of their responsibilities as advisers of the Government as well as Legislators. The Governor-General could still consult the members of the council either individually or collectively or by means of committees appointed from among their number, as suggested in the last sentence of paragraph

4 of the Government of India letter. There seems to be no objection to utilising a council to which the elective principle has already been introduced, as an Advisory as well as a Legislative body.

I. (2) Similar remarks apply to the proposed Provincial Advisory Council. I would suggest that the Provincial Legislative Council, in an enlarged form, should merely be utilised on occasion as an Advisory body.

III. (3) The enlargement of the Imperial Legislative Council appears to me to be desirable only in case it is decided to use it also as an Advisory Council, as suggested above. If there are to be two councils, I would recommend that the Legislative Council be maintained in its present compact size. A large council of 54 would tend to become unwieldy for practical legislative purposes, unless the bulk of the members were content to sit silent and follow the lead of an active minority. The simplest plan would seem to be to have, for purposes of legislation, a council of comparatively small size, to which additional members could be invited when it was desired to hold an advisory meeting. The Legislative members would thus form the nucleus of the Advisory Council, and Legislative and Advisory members alike would benefit by this association of interest and responsibilities.

(4) The proposal that one member of the Imperial Legislative Council should be elected by the Provincial Legislative Council seems suitable.

(5) The elective method is, in my opinion, entirely unsuitable for the selection of a great Punjab land-owner for a seat on the Imperial Council, to judge from the deplorable features usually associated with municipal elections in this province. Nomination by the Lieutenant-Governor is the only possible solution.

(6) I agree with Lala Jai Lal in his opinion that the Viceroy's discretion should not be fettered in the matter of nominating not less than 2 members under head E in paragraph 12 of the Government of India letter.

IV. (7) I see no good reason for increasing the number of members in the Provincial Legislative Council. The Punjab Legislative Council is not yet in its "teens," and should not be allowed to grow until it attains its majority.

(8) Nomination should be maintained, the elective principle being quite unsuited to this province.

(9) No fixed rule determining the proportion of seats to be allotted to each class is desirable. The local Government should be at liberty to manipulate the constitution of the council so as to suit existing conditions. The Muhammadan and Sikh communities should, of course, be fairly represented on the council.

(10) Election through municipal or district boards would be a failure. If election is to be introduced the constitution of the electorate should be left entirely to the discretion of the local Government.

(11) I would not suggest any changes in the constitution of municipal or district boards.

(12) The question of giving a sufficient proportion of seats to Muhammadans and also to Sikhs, as far as this province is concerned, should be left entirely to the discretion of the local Government. The electorate suggested in paragraph 17 of the Government of India letter would be unsuitable to the Punjab, which has not as yet (judging from the ordinary results of municipal and district board elections) learnt to appreciate the advantages of the elective principle. In course of time it may be possible to introduce the elective system on lines which have been found successful in other provinces.

V. (13) The proposals for the alteration in the system of discussing the Budget in the Imperial Legislative Council seem to be entirely suitable. Written speeches should be absolutely prohibited, except in the case of official members.

(14) I see no objection to the proposed discussion of the Provincial Budget in the Punjab Legislative Council. The system indicated in paragraph 23 of the Government of India letter should be followed, written speeches being prohibited, except in the case of official members.

(15) Interpellation by members should not be introduced into the comparatively young Punjab Legislative Council until it has been seen how the innovation works on other Provincial Legislative Councils.

3. In conclusion, I may remark that the submission of opinions with regard to the constitution and procedure of Legislative Councils must necessarily be made with some diffidence by one who, like myself, has never had the privilege of attending meetings of such councils. As, however, opinions have been invited on definite questions, it was necessary to deal with such questions on the basis of *à priori* considerations in default of any basis of actual experience.

W. MALAN,

Deputy Commissioner.

Opinion expressed by Lala Jai Lal, Pleader, Simla, on the Advisory Councils' Scheme.

I. (1) Yes, I think that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country; much will, however, depend on the *personnel* on the proposed council.

I would suggest that the membership of the council should not be confined to the ruling Chiefs and big land-holders only. These, I regret to say, do not ordinarily represent public opinion, and their knowledge of the condition of the country and feelings of the people is usually limited and second-hand. They are very seldom in touch with the people at large—the ruling Chiefs for obvious reasons, and the big land-holders because they also consider themselves entitled to the privileges of ruling Chiefs.

The aims of the Imperial Advisory Council as detailed in paragraph 4 and paragraph 5 of the Government of India letter will only be half fulfilled if the council is constituted as proposed, because the gentlemen who are proposed to constitute the council will not be able to act "as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government," and will not be an agency "to make its motives and intentions better known, to correct misstatements, and to remove erroneous impressions," which I submit is a very important, and perhaps the most important, function of the proposed council. Again, I fear that the proposed councillors if selected as suggested will not be quite competent to give sound opinions on questions which may be outside the sphere of their occupation, *e.g.*, questions of commercial and industrial importance, etc.

I am, therefore, of opinion that a fair proportion, say one-fourth, of the members of the Imperial Advisory Council should consist of gentlemen of standing, influence, and experience representing the other interests, such as industry, commerce, capital, and professional classes.

I have no alterations to suggest in the duties of the proposed council.

II. (2) I do not think that a Provincial Advisory Council will be a very useful institution for this Province just yet, my reasons mainly being that this Province is usually governed by an officer who has an extensive knowledge of the Province and who is assisted by experienced officers who have passed a good many years of their career in the province. Such a council I think will be quite a superfluous body. I am not against such a council, however, and if one is to be formed, I have no modifications to suggest in its constitution and duties as proposed.

III. (3) I approve of the enlargement of the Imperial Legislative Council. The modifications that I have to suggest in the scheme sketched out in paragraph 12 of the Government of India letter will appear from my answers to question III (4), (5), and (6).

III. (4) I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter. The election, I think, ought to be by ballot.

III. (5) I approve of the election of one great land-owner of the Province to the council from this Province, but I don't think election will be a suitable method for such selection. I would prefer nomination by the local Government to any other method so far as this province is concerned. The number of land-holders paying R10,000 or more per annum land revenue is only ten in this province, and this is too small a number to form a suitable electorate. I am not in favour of reducing this limit of R10,000 if other provinces maintain it. If, however, election is considered desirable, I would suggest that only those land-holders should be made eligible for membership who pay not less than R10,000 per annum land revenue, while the limit of land revenue paid by an elector might be reduced to R5,000, and every sum of R5,000 paid as land revenue be made equal to one vote, thus a person who pays R10,000 may be given two votes, and a person paying R15,000 be given three votes, and so on. The election should be by ballot.

In the alternative I would suggest that an electorate be formed consisting of the unofficial members of the Punjab Legislative Council and all the land-holders paying more than R19,000 annually as land revenue, and this electorate might be given the power to elect one member from the Provincial Council and one from the big land-owners. This will obviate the objection of giving the right of election of a member to the Imperial Legislative Council to a very small body, and avoid the difficulty of forming an electorate "of the land-holders in so large and in many respects so heterogeneous an area as an entire province."

III. (6) I do not approve of the appointment of *four* Muhammadans to the Imperial Council as suggested under *both* heads of D (*d*) and E of paragraph 12 of the letter. I am in favour of giving Muhammadans a right to elect two Muhammadans by election as provided under head D (*d*) of paragraph 12 of Government of India letter, but I am not in favour of fettering he discretion of His Excellency the Viceroy in the appointment of members under head E of paragraph 12 of the letter by reserving two more seats for Muhammadans. The

members to be appointed under this head will be selected to represent minorities or special interests, and presumably appointments under this head will be made after selections have been made under other heads. Supposing there is already a preponderance of Muhammadans selected under other heads, the aim of the appointments under this head will be frustrated by the appointment of at least two more Muhammadans. As the constitution of the Provincial Councils is proposed to be altered, I believe the alterations proposed will secure the Muhammadans a fairly good number of seats on the Provincial Councils, and it is very probable that a good number of members elected by Provincial Councils will be Muhammadans. I am in favour of leaving the appointment under this head entirely to the discretion of the Viceroy, who may give all the four seats to the Muhammadans if he considers that they are not properly represented in the council, or may not allot a single seat to them if he considers that there is already a good number of them on the council. I would recommend that the elected members should be elected not by the Muhammadan members of the Provincial Council, but by an electorate such as that described in paragraph 18 of the letter, with this modification that under head C of paragraph 18 I would substitute "Muhammadan graduates of at least ten years' standing" in the place of "Muhammadan Fellows." This election should be by ballot.

IV. (7) Yes, I advocate an increase in the present number of members of the Punjab Legislative Council. I think the number should be increased to 25. This does not include the Lieutenant-Governor.

IV. (8) I would partly maintain the present system of nomination and I would partly have election. I think the number of unofficial members should be 11—6 elected and 5 nominated, as fellows :—

2 elected by Muhammadans.

1 „ graduates of the Punjab University of more than 5 years' standing.

1 „ the district boards.

1 „ the municipalities of 1st class.

1 „ the Hindus.

The Muhammadan and Hindu electorates should consist of persons of each class who pay income-tax on incomes of Rs. 3,000 or more (I think Rs. 1,000 is a very low limit, as suggested in paragraph 17 of Government of India letter) and also of persons who pay Rs. 100 or more land revenue in one district.

I have excluded the graduates from this electorate as suggested in Government of India letter, paragraph 17, as in my opinion graduates should be given a separate right to elect one member. These elections should be open, and of the two members to be elected by Muhammadans one must be a land-owner paying more than Rs. 500 land revenue annually. The member to be elected by the district board must be one who pays more than Rs. 2,500 land revenue annually.

Of the five unofficial members to be nominated by the Lieutenant-Governor one must be a big land-owner, one a Sikh, one representing European commerce and capital, and one Indian commerce and capital.

I have not suggested an elected member for the Sikhs, as in my opinion there will be great difficulty in the way of forming a suitable Sikh electorate. If, however, an electorate of Sikhs is considered feasible, I would give them also right of electing one member, reducing the nominated members to four.

From the scheme submitted by me it will appear that two seats are secured to the Muhammadans who are likely to get more seats from selections under other heads. The constitutions of the district boards and municipal committees are proposed to be altered so as to secure a certain and fixed number of seats to each class, this change might make it likely for a Muhammadan to be elected by these bodies. Three seats are also secured to the big land-holders by the scheme proposed by me. In the alternative, if it is considered proper not to have a majority of seats in the Provincial Council by election, I would suggest at least three seats should be filled by election, *i.e.*, one Muhammadan by election by the Muhammadan members (past and present) of the district boards and municipalities, and one Hindu by the Hindu members (past and present) of the district boards and municipalities, and one elected by the graduates of over 5 years' standing. The remaining seats might be filled by nomination but the class representation should be as stated above.

IV. (9) I think I have discussed this point under paragraph (8).

IV. (10) Ditto ditto.

IV. (11) I have partially answered this question before. I would leave the matter of election altogether in the hands of the municipalities and district boards, where those bodies have to elect. I advocate the representation of classes as I have explained in answer of question (8). I would not supplement the list of members of the committees and district boards by other members, or, in the alternative, I would form an entirely separate electorate as suggested before. The only corresponding change that I would suggest should be made in the constitution of municipal and district boards is that certain number of seats should be allotted to Hindus and certain number to Muhammadans, the proportion to be decided according to the numerical strength and local influence and importance of each class in each district. In districts and towns having a sufficiently large influential Sikh population seats ought to be allotted to the Sikhs also accordingly. I am not in favour of allotting the seats according to occupations, as this will make the matters very complex, the determination of occupations to be represented, and then persons belonging to particular occupations will cause a good deal of waste of time unnecessarily and will lead to great controversy.

IV. (12) This also has been discussed by me above.

V. (13) Yes, I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered as proposed.

V. (14) Yes, I think that the Provincial Budget should be discussed in the Punjab Legislative Council. I do not advocate its discussion by separate heads as suggested in paragraph 23 of the Government of India letter. I think the difficulties that necessitate the discussion of Budget under separate heads in the Imperial Council hardly arise in the Provincial Council.

V. (15) Yes, I advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

JAI LAL,
Pleader.

Opinion on questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

(1) Yes. No change is necessary.

(2) Do. do.

(3) Do. do.

(4) Yes.

(5) Yes, should be selected by nomination method.

(6) Yes, four Muhammadans should have the appointment in accordance with the method given in paragraph 18.

(7) The present number of the members of the Provincial Council might be doubled.

(8) Nomination method should be adopted.

(9) The Hindus and the Muhammadans should be separately represented according to their respective total number as shown in the Census Department.

(10) Election of unofficial members be made by the Government. If they are to be elected then those people whose yearly income is Rs. 10,000 or more should vote for them.

(11) There should be representation of classes.

(12) The Muhammadans should have a separate representation, half by nomination and half by election, which might be exercised by Muhammadan graduates of experience and good social status.

(13) Yes.

(14) Yes.

(15) Yes.

K. S. FAKHEER-UD-DIN.

Replies to questions enclosed with the Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—Yes, I consider that an Imperial Advisory Council on the line sketched would be useful, but its usefulness would greatly depend upon the experience, independence, and moral courage of its members.

As regards its constitution and duties I beg to say that the number of ruling Chiefs might reasonably be reduced from 20 with a corresponding increase in the number of important land-holders.

II. (2) *Provincial Advisory Council.*—Yes, it will be a useful institution.

III. (3) *Imperial Legislative Council.*—Yes, I am in favour of its enlargement. The chief modification which I beg to suggest is an increase in the number of Muhammadan members from *four* to *eight* at least in a total of 54 members. At present the proportion of Muhammadan representatives to the total number is two to eighteen roughly, which is generally regarded as inadequate.

(4) In the Punjab, Eastern Bengal and Assam, and Burma nomination by the head of local Government would be more suitable than election by the Provincial Legislative Councils.

(5) I consider the last of three methods, *viz.*, nomination, would be the best for this Province.

(6) As stated in reply to question III (3) above, I am strongly in favour of there being at least eight Muhammadans in Imperial Legislative Council, *i.e.*, four by nomination by the Viceroy and four by election as under:—

(*i*) Two by the Muhammadan non-official members of the Provincial Council.

(*ii*) Two by the Muhammadan Fellows of the local University.

(7) *The Provincial Legislative Council in the Punjab.*—Yes, I advocate that the present total number should be doubled, and that no less than half of the non-official members should be Muhammadans in virtue of their ratio to the total population of the province.

Further, it is absolutely unnecessary to maintain any distinction whatsoever between Hindus and Sikhs, as the latter are practically part and parcel of the former community in all respects.

(8) I would maintain the existing system of nomination for the present. In case of election, the Muhammadan candidates should be elected by Muhammadans through the municipal and district boards and Anjumans.

(9) *Vide* as (7) above.

(10) As in (8) above.

(11) Yes, as indicated in paragraph no. 22(*b*) of Government of India letter.

(12) Yes, by nomination, and in case of election, according to suggestions made in paragraph no. 17 of Government of India letter would answer the purpose very well.

IV. (13) *Discussion of the Budget in the Legislative Council.*—Yes.

(14) Yes.

(15) Yes.

MUHAMMAD PIR BAKHSH,
Barrister-at-Law, Simla.

Opinions on questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

(1) Yes, Imperial Advisory Council, as sketched out in paragraph 4 of the Government of India letter, would be of service to the country. Proposals made in paragraph 5 require no alteration in its constitution and duties.

II. (2) The same view as in (1).

III. (3) Yes, enlargement of the Imperial Legislative Council would be an improvement. No modification is needed.

(4) Yes, one member should be elected by the Provincial Legislative Council.

(5) Yes, one of the great land-owners of the province should be selected by nomination method.

(6) Yes, four or more Muhammadans should have the appointment, three-fourths by nomination and one-fourth by election.

Either the Muhammadan Fellows of the University or the Muhammadan members of the Provincial Council should elect.

IV. (7) The present number of the members of the Provincial Council may be increased. The increase should be proportionate to the increase in number of the Imperial Legislative Council.

(8) System of nomination should be maintained.

(9) There should be separate representation of the Hindus and the Muhammadans in the Provincial Council. In the same way the Christians who constitute a separate class should have separate representation. But in all cases the method of nomination is most salutary.

(10) Election of unofficial members through municipal and district boards would be useless. Government itself should elect such unofficial members.

(11) There should be representation of classes but not on the method suggested in paragraph 22, A, B, and C.

(12) Muhammadans should have separate representation which might be as follows:—

Three-fourths Muhammadans by nomination and one-fourth by election, which may be exercised by the Muhammadan graduates of not less than 5 years' standing.

V. (13) A system of discussion of the Budget in the Legislative Council may be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes.

(15) Yes.

Note.—I advocate the system of nomination as the people of the province are not, in my humble opinion sufficiently advanced for the introduction of a system of election.

NUR MUHAMMAD KHAN, B.A.,
Chief Court Pleader, Simla.

No. $\frac{215}{1065}$-M., dated Ambala, 3rd November 1907.

From—MAJOR, R. M. LOWIS, I.A., Deputy Commissioner, Ambala District,

To—The Commissioner, Delhi Division.

With reference to circular endorsement no. 215, dated the 2nd October 1907, I have the honour to forward herewith my opinion on the questions formulated therein. I have also consulted the following bodies and individuals and copies of their replies are attached:—

The District Association, as representing the educated Hindu community.

The Anjuman Islamia of Ambala City.

S. Jiwan Singh, C.S.I., of Shahzadpur.
S. B. Harnam Singh of Kharar.
M. Anrodh Singh of Ramgarh.
} The leading jagirdars of the district.

L. Panna Lal, a representative factory-owner.

L. Joti Parshad, Government Treasurer, as representing the commercial classes.

B. Harbaksh Singh of Ropar, as representing the trading classes.

The Extra Assistant Commissioners of the district.

Of these L. Arjan Das, E. A. C., L. Joti Parshad, Government Treasurer, Lala Panna Lal, factory-owner, have not as yet sent replies, and I am unable to delay my answer on their account. Also your circular endorsement no. 267, dated 22nd November 1907, was received too late for circulation as the opinions of the above-mentioned gentlemen had already been received.

R. M. LOWIS, *Major,*
Deputy Commissioner, Ambala.

Opinions on the various questions.

(1) I consider that the Imperial Advisory Council proposed would be of great assistance to Government, and with regard to its constitution and duties I would only suggest that the proportion of ruling Chiefs proposed appears unduly high, and that I consider that if Government takes action on any matter as a direct result of the advice of the council the opinions of the members thereon should be published.

(2) My opinion is the same regarding the Provincial Advisory Councils.

(3) I approve of an enlargement of the Imperial Legislative Council and consider the number proposed suitable, but I would suggest that there should be two ruling Chiefs nominated by the Viceroy, that there should be no separate elected Muhammadans, but that the number of non-officials to be nominated by the Viceroy should be five instead of four; that there should be no proviso as to any given number of these nominated members belonging to any particular class, but the nominations should be made after the results of the elections are known in such a way as to ensure adequate representation of minorities or special interests.

(4) I approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) I consider that for the present the representative of the great land-holders of the province should be selected. If, however, he is to be elected I consider that he should be elected by the Durbaris of the province.

(6) I do not approve of the proposals *re* appointment of 4 Muhammadans. I consider that as framed they are likely to give needless offence to a very large number of loyal Hindus who will ask why similar safeguards are not proposed for small communities like the Sikhs and Parsis. I would ensure proper representation of minorities in the way proposed in paragraph 3.

(7) I would raise the number of members of the Provincial Legislative Council to 25, including His Honour the Lieutenant-Governor.

(8) I would, for the present at all events, have only 8 members elected, *i.e.*, one by each division of the province, one by the Punjab Chamber of Commerce, one by the Senate of the Punjab University, one by the first class municipalities of the province.

(10) In the case of the divisional and municipal members I would suggest that each district board should select two inhabitants of the district with adequate qualifications (say a jagirdar of ₹2,000 or over, a payer of ₹1,000 or over land revenue, or of ₹250 or over income tax); the member selected by all the district boards of one division would meet and elect one of themselves. The municipal member might be elected in the same way.

(11) I consider that no special system for representation of classes is required except the reserving of a sufficient number of seats to be filled by nomination after the results of elections are known.

I would not at present recommend any alteration in the constitution of district and municipal boards.

(12) If it is considered necessary to provide separate representation of the Muhammadan community by election, I would leave the election to the Muhammadan Durbaris of the province.

(13) I consider that the system of discussing the Budget in the Legislative Council should be altered as proposed in paragraph 23 of the Government letter.

(14) I consider that the Provincial Budget might usefully be discussed at present in the manner in which the Imperial Budget is now discussed; later on it might be discussed under separate heads.

(15) I do advocate the power of interpellation by members of the Provincial Legislative Council.

From—The Ambala District Association,

To—The Deputy Commissioner, Ambala.

In reply to your office letter no. 899-M., dated 9th October 1907, asking the opinion of the Ambala District Association about the proposed measures of reform in the Imperial and Provincial Legislative Councils and the formation of Advisory Assemblies, I beg to state that this Association has read with regret the Government of India's adverse remarks about the preponderance of pleaders and barristers in the Legislative Councils. The Association thinks that the members of the legal profession come into direct contact with all classes of people in the course of their daily work and are, therefore, well qualified to speak with authority about the condition of the country. All things considered, the fact that their work in the councils involves a loss of much valuable time to them should have entitled them to the thanks of Government and not produced in the Government a desire to reduce their number and importance in the councils.

2. As regards the proposed Advisory Council, the Ambala District Association has, after careful consideration, come to the conclusion that if these bodies are formed on the lines sketched out in the Government of India (Home Department) letter no. 2310—2317, dated 24th

August 1907, they would not be of any real service to the country. Divested altogether of all "power of initiative" and with no powers of any sort vested in them and with their work as councillors, too, depending solely on the convenience and pleasure of the executive heads of Imperial and Provincial Administrations, the members of such councils would hardly recognise any responsibility of their position or be inspired with any lofty sense of duty. To men of more than average ability their distinction as members of the Advisory Councils would appear as more or less of a sham, while men of inferior intelligence and education would hardly throw any light on matters submitted for their consideration.

This Association has refrained from making its own proposals about the constitution and work of an ideal advisory body because the Government wants suggestions only about the constitution and the duties of these councils and not about their status and powers and, therefore, the Association's representation in the matter would have no chance of being seriously considered.

3. This Association is not in favour of representations of classes as such on the councils. Superiority of intelligence and ability is the only recognised test of eligibility to appointments under the Government, and the supersession of this good principle of recruitment by the antiquated method of class representation would, in the opinion of the Association, instead of producing harmony among the different classes of His Majesty's Service give rise to considerable bitterness of feeling.

4. As would appear from a perusal of the answers (to the questions on which the opinions of this Association is asked by Punjab Government) appended herewith, this Association sugests the allotment of one seat, by election, to each of the five Indian Universities on the Imperial Legislative Council and of one seat on the local Legislative Council to a representative of the Punjab University. In making this proposal the Association has been influenced by the consideration thah the Fellows of a University, though appointed for helping the Government in educational matters, are often some of the best men working in the various spheres of life. The members elected by Universities, which are in themselves fairly large bodies, and contain representatives of many classes of society, are therefore expected to prove of much help in voicing public opinion and aiding the councils in their deliberations.

5. By appointing a ruling Chief to the Imperial Legislative Council in accordance with the wishes of his compeers, the Government would avail itself of the services of accredited representative of all the States, and would thus have the benefit of their collective opinions in addition to producing a feeling of satisfaction in them that their interests are guarded by one of their own representatives in the Imperial Legislature. The advantages of election over nomination are well established, and this Association prays that the seat of the Imperial Legislative Council, which the Government wishes to reserve for a ruling Chief, may be filled by election.

Answers to the questions appended to the Chief Secretary to Punjab Government's letter no. 2643-S. (Home-Legislative) at Simla, dated 27th September 1907.

(1) and (2). In the opinion of this Association the Imperial and Provincial Advisory Councils, on the lines sketched out in the Government of India (Home Department) letter no. 2310—2317, dated 24th August 1907, would not be of any service to the country.

(3) This Association approves of the enlargement of the Imperial Legislative Council, and begs to request that the council may in future be constituted on the following lines :—

(*i*) *Ex-officio* members	8
(*ii*) Additional (nominated) officials, not exceeding	2
(*iii*) Elected members—	
(*a*) By the ruling Chiefs	1
(*b*) By the Calcutta and Bombay Chambers of Commerce	2
(*c*) By the Senates of the Universities of Allahabad, Calcutta, Madras, and Lahore	5
(*d*) By the non-official members of the Provincial Councils of Lower Bengal, Bombay, Madras, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7
(*e*) By the nobles and great land-owners of the above-mentioned seven provinces, by rotation	2
(*f*) By the All-India Congress Committee	2

(*iv*) Non-officials to be nominated by the Viceroy to represent minorities or special interests	4
(*v*) Experts to be nominated by the Viceroy when necessary	2
TOTAL	35
His Excellency the Viceroy	1
	36

(4) Yes.

(5) Yes, by rotation, *vide* answer to question 3. An electorate of all land-owners in the province paying a land revenue of Rs. 2,000 and over to be constituted for electing the aforesaid members.

(6) Class representation not advocated.

(7), (8), and (9) Yes, we advocate an increase in the number of the members of the Punjab Provincial Legislative Council. The Council should, in the opinion of this Association, consist in future of 26 members and be constituted as under :—

(*i*) Nominated officials	13
(*ii*) Elected members—	
(*a*) By the Punjab Chamber of Commerce	1
(*b*) By the Indian Association of Lahore as representing the District Association of the province	1
(*c*) By the graduates of the Punjab University (graduate of more than 5 years' standing)	1
(*d*) By the Senate of the Punjab University	1
(*e*) By land-holders paying land revenue of Rs. 500 a year or over and all payers of income-tax of not less than Rs. 100 per year	3
(*f*) By the district boards	1
(*g*) By the municipalities	1
(*iii*) Non-official members to be nominated by the Lieutenant-Governor to represent minorities or special interests	2
(*iv*) Expert to be nominated by the Lieutenant-Governor when necessary	1
TOTAL	25
His Honour the Lieutenant-Governor	1
TOTAL	26

(10) As regards the system of election it need hardly be mentioned that the members referred to in head (II), sub-heads (*a*) to (*d*), would be elected by the different bodies which they respectively represent.

For purposes of election of members for head (II), sub-head (*e*) this Association suggests that the whole province be divided into two groups, and that each group should elect by rotation from amongst the land-holders and income-tax payers of that group. Similarly as regards the district boards and the municipalities, the system of election that this Association would advocate is that these bodies, too, may be divided into two groups, and that each group should have, by rotation, the right to elect its representatives to the council.

(11) and (12) This Association does not advocate separate representation of class.

(13) Yes, with the right of demanding division extended to non-official members.

(14) Yes, this Association advocates the discussion of Provincial Budget in the local Legislative Council by separate heads.

(15) Yes.

Answers to questions in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I. (1) In the opinion of the Anjuman-i-Islamia, Ambala, the proposed Imperial Advisory Council is likely to prove of great service to the country. No alterations are proposed, but it is respectfully suggested it should be fairly representative of the various communities and classes which occupy an important place in the country. It is also suggested that though no formal powers of any kind may be vested in the council, some sort of right of interpellation and putting forward proposals and suggestions for the consideration of Government may be conceded to the members so that the objections as to the council being a purely ornamental body may be removed. The proceedings may, however, be kept confidential as proposed.

II. (2) The proposed Provincial Advisory Councils are also considered by this Anjuman as useful institutions, subject to the foregoing remarks, at least one-half of such members in the Punjab being Muhammadans.

III. (3) The Anjuman approves the proposed enlargement of the Imperial Legislative Council. No modifications are suggested in the scheme sketched out in paragraph 12 of the letter, except that under head D (*d*) four elective seats may be fixed for Muhammadans instead of two. As is at present proposed in paragraph 12 it is not likely that out of the 23 non-official members more than 5 would ever be Muhammadans, and this small proportion is hardly commensurate with the number and the political and historical importance to which the Muhammadan community is entitled in Indian polity.

(4) The Anjuman approves of one member being elected by the Provincial Legislative Council.

(5) The Anjuman approves the selection of one of the great land-owners of this province to the Imperial Legislative Council. This should be by election through an electorate consisting of land-owners paying land revenue not less than Rs. 5,000 per annum.

(6) As has already been suggested, this Anjuman considers that the number of Muhammadans may be raised to 6 instead of 4. That is to say, four Muhammadans may be elected and two may be nominated. The election should be confined to the Muhammadan non-official members of the Provincial Legislative Council.

IV. (7) This Anjuman advocates an increase in the present number of the members of the Punjab Legislative Council. The figure may be raised to 21, excluding the Lieutenant-Governor of the Punjab. Out of the 21 members 11 may be officials and 10 non-officials.

(8) Out of the 10 non-official members 4 may be appointed by nomination and 6 by election.

(9) The Anjuman would advocate a fixed rule determining the proportion of seats to be allotted to each class. The Anjuman would propose the following allotment :—

Of the four seats to be filled by nomination 2 may be allotted to Muhammadans and 2 to other communities. Nominations should be made of such magnates and big persons of high social status who do not like to stand for election.

Of the six seats open to election 3 may be reserved for Muhammadans and 3 for other communities. The Anjuman is of opinion that for all political intents and purposes the Sikhs are a portion of the Hindu community and no special provision need be made for them. But if it be decided to give the Sikhs a distinct status, of the latter 3 seats one may be given to them.

(10) The election should in no case be through the district boards and municipal committees in the Punjab. These bodies, as at present constituted, need considerable change and reform on the lines sketched out in paragraph 22 (*c*) of the letter. In any case, such bodies are constituted for a certain narrow and local purpose, and it would be unwise to entrust them with any functions affecting the larger administrative questions such as returning members to the Provincial Legislative Councils. However, in provinces where such a function has already been conceded to such bodies it may be maintained, subject to the condition that the member returned must possess certain qualifications which must be fixed high enough in order to ensure that only men of real substance and status are returned to the councils.

For the election of Muhammadan members the Anjuman would suggest the electorate to be the same as has been proposed in paragraph 17 of the letter. Instead of the lists being prepared on a district basis, three lists may be prepared in the Punjab, one list for each of the three classes mentioned in paragraph 17 of the letter. And as there would be three Muhammadan members to be returned, let each class return its own representative so that each of the three classes may have one member.

On the same lines electorates may be formed for the election of the remaining three members by the other communities.

(11) The Anjuman certainly advocates separate representation of classes and religions. Representatives of each class may be elected as provided in paragraph 22 (*b*) whenever necessary. The Anjuman would certainly advocate the proposed changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*).

(12) The Anjuman is of opinion that there should be a separate representation of Muhammadans as stated above.

V. (13) The Anjuman considers the proposed alteration in the system of discussing the Budget in the Imperial Legislative Council as desirable.

(14) The Provincial Budget should also be discussed by separate heads in the same manner suggested in paragraph 23 of the letter.

(15) The Anjuman advocates the introduction into the Punjab Legislative Council of the power of interpellation by the members.

IJAZ HUSSAIN, *President,*

Anjuman-i-Islam, Ambala.

Translation of the answers received from S. B. Jiwan Singh, C.S.I., Shahid of Shazadpur.

(1) The proposal made by the Government of India regarding the appointment of an Imperial Advisory Council is indeed a good one. I consider it to be very serviceable to India. I suggest no alterations in the proposal made.

(2) The Provincial Advisory Council also would similarly be very beneficial, and I propose no alteration for it.

(3) The proposal for enlargement of the Imperial Legislative Council is also good. It would enable the leaders of the different classes, races, and occupations to make known their views and wishes to Government more freely. But I do not agree with the schemes proposed for its constitution in paragraph 12, parts D (*d*) and E, because the special election of Muhammadans under the above two sub-sections would be prejudicial to the other classes.

(4) Of course it is desirable that the Provincial Legislative Council should appoint one member—a native of this province—a member in the Imperial Council.

(5) One of the great land-owners of this province should be elected as a member of the Imperial Council and who should be elected by the zamindar members of the Provincial Council.

(6) There appears some special favour towards the Muhammadans, and on this I have given my opinion in the answer to question no. (3), otherwise I gladly agree with the Government in their policy.

(7) In my opinion the present number of members should be increased, and the number increased should be taken from among the jagirdars, land-owners, rich people paying more than R500 as land revenue or an income-tax more than R100, traders, educated people, municipal and district boards members. The appointment of the Government servants should be made by the Government themselves.

(8) The appointment by election is in my opinion the best system.

(9) The Government should consider the circumstances before deciding the proportion of the seats.

(10) and (11) These questions have been answered in no. 7.

(12) I have no suggestion on this question. The Government should consider the opinion of some Muhammadan gentlemen in this matter.

(13) I agree with the proposal made by the Government of India.

(14) Yes, in my opinion it should be so.

(15) Yes, in my opinion the power should be conferred.

S. JIWAN SINGH, SHAHID, C.S.I.

Translation of the answers received from Sardar Bahadur Harnam Sing, Honorary Extra Assistant Commissioner of Kharar.

(1) I heartily agree with the proposal regarding the appointment of Imperial Advisory Council mentioned in paragraphs (4) and (5), and I humbly request that the council would probably not make an illegal use of its powers on the discussion of any important matter put before it.

(2) I strongly support the proposal of the Provincial Advisory Council and hope the introduction into the council of the powers of interpellation for guidance of the Provincial Government.

(3) The proposal of the increase of the number and power of members is of course good, but I beg to request that regard should be had of the higher classes, religions, and races, as far as possible, in making these appointments.

(4) I agree with the proposal made in paragraph (13).

(5) Of the suggestions that have been made I prefer that the land-holder members of the Provincial Council should select a representative for the Imperial Council from among themselves.

(6) It is the best proposal of the Government in return of the loyalty shown by Muhammadan community, and in my opinion a Muhammadan electorate should be constituted of the persons who pay an income-tax of R1,000.

(7) I am of opinion that the number of members should be increased so that people from high classes and religions may have access to the council.

(8) I propose that some of the members should be appointed by the Government themselves as has been done heretofore and a greater portion to be taken according to the income-tax returns, etc.

(9), (10), (11) I agree with the proposal pointed out in paragraph 32 (*c*).

(12) I am of the same opinion which I have expressed in reply to question 8 and which is according to paragraph 18.

(13) The alteration suggested in paragraph 23 would indeed lessen the difficulty felt in regular discussion.

(14) I agree with this.

(15) The power of interpellation by members should necessarily be introduced.

S. B. S. HARNAM SINGH,
Honorary Extra Assistant Commissioner,
Kharar.

Translation of the answers received from Sardar Miyan Anrodh Singh, Rais and Honorary Magistrate of Ramgarh.

(1) In my humble opinion the Imperial Advisory Council would be beneficial to the people as well as to the Government. I agree with the proposals made in paragraph 5; there appears no necessity of any alterations.

(2) The Provincial Advisory Council would equally be very useful to the country, and there appears no necessity of any modification in the proposals made in paragraph 6 regarding its constitution and powers.

(3) An enlargement of the Imperial Legislative Council is, in my opinion, necessary. But one-half of the members should be taken by nomination and the other half, all of whom must be from among the people of different classes, by election.

(4) I agree with the proposal that one unofficial member by the Provincial Legislative Council should be elected as proposed in paragraph 13.

(5) I am of opinion that one of the great zamindars from the province should be selected for the Imperial Council, and I prefer that the land-holder members of the Provincial Council should elect one unofficial member for the Imperial Legislative from the province.

(6) I agree with the proposed appointment of 4 Muhammadans to the Imperial Council, two of the members should be taken by nomination and the other two by election as described in paragraph (18) (*b*).

(7) In my opinion the number of the members for the Provincial Legislative Council should be doubled.

(8) I propose that one-half of the members should be appointed by nomination and the other half by election who will be unofficials.

(9) I am of opinion that each class should have seats according to their population.

(10) The election of unofficial members should, in my opinion, be made by the district boards in such a manner that the people of different classes and clans may have no reason to complain.

(11) I would propose separate representation by each class as described in paragraph 18(*c*).

(12) I think provision should be made for the separate representation of Muhammadans by election in the manner described in paragraph 17.

(13) I agree with the proposal made in paragraph 23.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council by separate heads as suggested in paragraph 23.

(15) The power of interpellation by members should be introduced into the Punjab Legislative Council.

S. MIYAN ANRUDH SINGH,
Rais and Honorary Magistrate, Ramgarh.

Translation of the answers received from Bawa Harbaksh Singh, Bedi, of Rupar.

Answer to question no. I.—I quite agree with proposals made in paragraphs (1) to (4), but I will briefly discuss about the qualifications and election of the members in the answers to other questions. As to paragraphs (5) to (6) I think the Government can neither be fully aware of the requirements and of the difficulties felt by the public unless some powers are conferred upon the members, nor the Council would be so beneficial as it should be. The members should at least have a right to submit the grievances of the public to have them remedied.

As to paragraph (7).—Any proceeding kept secret from the subject will be deemed to be so kept on account of want of confidence; and 2, if for some reason it is kept secret the result should necessarily be published.

Answer to question no. II.—The main point for consideration in this question is whether the proceeding should be kept secret from the subject or not, and to keep it secret would or would it not be against the objects of the council. The appointment of the council is on the whole necessary. The members can have no opportunity of expressing their ideas to others unless they find an opportunity of sitting together for discussion. A few meetings during a year would suffice for this purpose, otherwise it can in no way serve the main object of extirpating misderstandings and prejudicial ideas. The members for the Provincial and Imperial Councils should, in my opinion, be different persons. The members for the Imperial Council should be selected from among the highest classes and those for the Provincial Council from other higher classes. It is not good to prefer the ruling Chiefs and land-holding classes merely for their wealthiness and zamindari without considering their special abilities. If the above two classes cannot supply the number required, the deficiency should be made up of the educated men, Government pensioners, and other experienced men. Regard should be had of the commercial class.

If a matter is considered necessary to be communicated to others, it would be better to discuss its minor detail in a meeting beforehand.

Answer to question no. III.—I have no objection about A, B, C, D, A (2) and (*b*). But about C (2) I request that there must be members from among educated and others besides those from the land-holding and ruling Chiefs' classes.

As to D, it seems improper to make a special selection from a particular religion or race, and it would likely cause an enmity. The people of every religion or race are just like the sons of the same parent (the Government), and a special favour towards any one of them will probably cause an enmity among them, and will make them suspicious of the parent. Moreover, to limit the number of Muhammadan members would cause their disappointment while they are successfully making improvements.

It seems therefore against the justice to limit their number. If the Muhammadans are entitled to some special favour on account of some historical points, then the Rajput on the same grounds and the Sikhs for their military services are also entitled. The members from

the different classes should be taken according to their population so that no religion or race may raise an objection.

As to paragraph IV of question (3).—The method proposed appears good, and I have no objection to it.

As to paragraph V of question (3).—This member should, in my opinion, be other than a member of the Provincial Council.

The educated classes and others and the Provincial Council members should get an opportunity for this election.

Answer to paragraph VI of question (3).—I regret to say that I cannot agree with the special favour shown towards a particular religion for the reasons which I have briefly expressed under head D of question no. (3).

If this special favour is necessary to be given effect to, then the member should be selected by the Governor-General and the rest to be selected by the Fellow of a University in the manner described in paragraph 18(*b*).

Answer to question (4).—The proposal made by the Government as to the enlargement of the members is in my opinion good.

Answer to paragraph VIII.—The proposal made by the Government to the election of the members is no doubt good, but other members should, in my opinion, be selected from a committee sent from every district. The committee to select members for the Provincial Council. The members should be officials and unofficials, this does not matter.

Answer to paragraph IX of question (4).—A reply to this has been given above.

Answer to paragraph X of question (4).—The state of the municipalities and the district boards in the Punjab is not satisfactory, hence I do not support the method proposed. The question of election has been discussed above.

Answer to paragraph XI of question (4).—With reference to paragraph 22, I agree with the proposal mentioned therein for the following reasons. The election of members should be made from among educated and respectable men.

The members from different occupations should be taken according to the occupations on progress in the province. Four seats to be given in my opinion to land-holders, cultivators and artizans, but such members should be educated men and can well understand the country affairs.

Answer to paragraph XII of question (4).—I have fully discussed the question above. The method of election is in every way good.

Answer to question (5) *and paragraph XIII.*—The proposal of discussion on the Budget as entered in paragraph 23 is very good and beneficial.

Answer to paragraph XIV in question (5).—The Budget should be discussed by separate heads.

Answer to paragraph XV.—The members should get the power of interpellation.

HAR BAKHSH SINGH,
Bedi, of Rupar.

Opinion recorded by Lala Bishambar Dyal, Revenue Extra Assistant Commissioner.

With a few exceptions the ruling Chiefs in India are not sufficiently educated and enlightened and many of them are too much engrossed in a life of ease and luxury. The administration of their own States is generally carried on with the help of outsiders and under the supervision and control of residents and political agents. I do not think that such ruling Chiefs would be in a position to give sound and independent counsel in the administration of the whole country. The same remarks apply to many of the other territorial magnates. So I think that an Advisory Council formed of such a large number of members as 60 and composed of only the ruling Chiefs and territorial magnates on the lines laid down in paragraph 5 of the Government of India letter would not serve any useful purpose at all.

But a small council, composed of say two members taken from each province, may work on fairly well if the members appointed are men of education and experience, whether they are ruling Chiefs or territorial magnates, or other educated men of position and influence. These members may be selected from the members of the Provincial Advisory Councils and the term of office of each may be fixed at two years so that members of all classes and of all views may have a chance of serving on these councils.

The proceedings of the council may be kept private and confidential so long as the subjects taken under consideration are not taken up for action, but I am of opinion that as soon as any action is taken on them the opinion of the members should be published in full for the information of the people at large so that the views and opinions of the members may be subjected to popular criticism, and their good and bad merits tested according to popular standard.

II. (2) Provincial Advisory Councils would be very useful if they include representatives of the land-holders as well as representatives of industry, commerce, profession, and all other interests in the province, as contemplated in Government of India letter, paragraph 6.

III. (3) I see no objection to the enlargement of the Imperial Legislative Council. In a large country like India divided into so many provinces and peopled by many castes and creeds the number of members for the Legislative Council can and may safely be increased to any extent. But I think that the total number may be kept at an odd number, say 52 members, and one His Excellency the Viceroy, so that the total number may (? stand) at 53.

I quite understand the advisability of maintaining a majority of officials in the Legislative Council, but I think that there is no need of keeping such a large majority as is contemplated in the scheme laid down in paragraph 12. It would, I think, be quite sufficient if of a council of 52 members 26 are officials and 26 non-officials. I would include the 1 ruling Chief and 2 experts among the non-officials. The ruling Chief and the experts would of course be appointed by the Viceroy. Thus there would always be an official majority in the council, and His Excellency the Viceroy would be at the head of the council to give his casting vote and order after hearing to all the parties.

III. (4) Yes, one member should be elected by the Provincial Legislative Council.

III. (5) and (6) It is very good to have representatives of land-holders and of Muhammadans, but I think it is also necessary that representatives of other classes and communities in the country should also be adequately represented. Ample provision seems to have been made for the representation of land-holders and Muhammadans as actors, but there is nothing, or very little, to safeguard the interests and to have the representation of commercial, industrial, and professional classes. Sikhs in the Punjab, Marhattas in the Bombay and Central Provinces, and Parsis in the Bombay Presidency are, I think, as good and influential classes as landlords and Muhammadans. In my opinion, therefore, there is no necessity of making any class distinction in the elected representatives of the people to the Legislative Council. But the Government may by nomination appoint representatives of minorities and of special interests if these classes are not adequately elected by the people themselves. This can, I think, be easily done. I have said above that 26 may be fixed in the number of non-officials. This may be taken as below :—

Elected (16).

(*a*) By Chambers of Commerce	2
(*b*) Elected by Provincial Legislative Councils	7
(*c*) Elected by the people	7
	16

Nominated (10).

(*d*) Ruling Chief	1
(*e*) Experts	2
(*f*) Others to represent minorities and special interests (1 from each province)	7
	10

Now out of the 14 members elected by the Provincial Legislative Councils and the people some members would, as a matter of course, be those who represent the special interests of land-holders and Muhammadans and be members of those two classes. This would certainly be the case in those provinces where the majority of the population consists of land-holders and of Muhammadans. If the Government, however, finds that the elected members do not include a sufficient number of those and other classes who should be represented on the council then the Government can appoint such members by nomination under class (*f*).

IV. (7), (8), (9), (10), (11), (12) *Provincial Legislative Council.*—Yes; I think an increase in the number of members of the Provincial Council is necessary. Twenty members, with His Honour the Lieutenant-Governor as President, would, I think, be sufficient and not too many for a province like the Punjab. Half of the members may be nominated and the other half (10) may be elected.

In my opinion representation by classes and creeds is not necessary and not politic. All the members to be elected by the district boards and municipal committees, but the qualifications of the electors and the members should be increased. They are very low at present. All classes and creeds are, I think, adequately represented in the district boards and municipal committees, and in those places where the Muhammadans form the large number of population they must have the larger number of members. So if district boards and municipal committees be authorized to elect members for the Legislative Council, they will, on the whole, be able to send up members of all classes and creeds according to their proportion in the general population. If the Government find that Muhammadans or any other classes have not adequately been sent up by election, the Government may nominate some members of those classes to make up the deficiency.

V. (13.) *Discussion of the Budget in the Legislative Council.*—Yes; I think that the system of discussing the Budget suggested in paragraph 23 of the Government of India letter would be an improvement.

V. (14) The Provincial Budget may also be discussed in the Provincial Legislative Council by separate heads as in the case of the Imperial Legislative Council.

V. (15) Members of the Imperial Legislative Council, and probably members of the Legislative Councils of some other provinces, have long enjoyed the powers and privilege of interpellation, and I see no reason why the members of the Punjab Council should not be given that privilege. The Punjab has now sufficiently advanced in education and experience, and it would be a good thing if the Punjab members also are now placed on the same footing as their brethren in other provinces.

Dated Ambala, 12th September 1907.

From—MUHAMMAD MAHMUD ALI,

To—The Deputy Commissioner, Ambala.

I have carefully read the accompanying correspondence sent to me to write down my opinion upon. I can possibly suggest no alterations in the rules already prescribed by the Government of India, because they are quite complete in themselves and are based entirely for the benefit of the Indians. But I cannot refrain to submit that in my humble opinion there should always be two members in the councils, whether Imperial or Provincial and local. If there is one member only of one community, it would be a matter of complaint to other community. The difference of religion is so rife nowadays in India that it does not look safe to admit one man of one community in the Councils and not admit the man of other community in the councils.

In my opinion two ruling Chiefs should be nominated by the Viceroy, one Hindu, another Muhammadan. Similarly, in the Provincial Councils there should be allotted two members from each province and not one. In this case the number of members, 7 for 7 provinces, should be raised to 14, and 2 members for each province. It is no matter if Burma may have one member as the Muhammadan community is not so much in that one province.

For the present I cannot recommend the election system because the Indians have not yet proved themselves fit to work impartially and satisfactorily. The selections by the Governments would be the safest system, and will leave no room for complaint to any one in India.

The Muhammadans are generally poor, therefore the rule of wealth should not apply to them strictly. Some leniency might be shown unto them in this respect.

Otherwise I quite agree with the rules framed and wish them success with respect.

MUHAMMAD MAHMUD ALI.

From—Mr. R. F. MITRA, Extra Assistant Commissioner,

To—The Deputy Commissioner, Ambala.

In reply to your no. 899-M., dated 2nd October 1907, asking for my opinion on the question of the expansion of councils, I have the honour to say that I have no opinion to offer, as in my opinion the present constitution for the councils is quite adequate for the requirements of the country and does not stand in need of improvement or expansion.

(2) If, however, the Government in its wisdom does decide upon giving effect to the scheme, I do hope that the right of election of members of council will be restricted to the educated as I believe in Bismarck's maxim "everything for the people; nothing by them," and think that extension of the privilege of election to the masses would only tend to add to the worries without any counterbalancing advantage.

R. F. MITRA,
Extra Assistant Commissioner.

No. 294-R., dated Delhi, the 26th November 1907.

From—R. HUMPHREYS, Esq., I.C.S., Deputy Commissioner, Delhi District,

To—The Commissioner, Delhi Division.

With reference to your circular endorsement no. 215, dated the 2nd October 1907, asking for opinions on the proposals made for giving the people of India wider opportunities for expressing their views on administrative matters, I have the honour to report as follows:—

2. It is a matter for regret that so short a time was allowed for consideration of the proposals which are rightly considered by the people generally to be of vital importance. The papers reached my office on the 4th of October: and vernacular copies of the letter and its enclosures only arrived, in time for my letter to issue to several of the people I wished to consult, on the 25th October. This left very little time for the people I consulted to think over the proposals, and consider them with the members of their association or brotherhood as my reply was due in your office on the 20th instant.

3. I now enclose copies of the English replies I have received and the original vernacular replies with copies of their abstract translations. I have endeavoured to obtain opinions from all the leading associations and classes of people of whom the following have responded:—The Punjab Chamber of Commerce, the Anjuman Muayid-ul-Islam, R. B. Lala Sheo Pershad, and Hardhian Singh, as representing the Khatris; Mr. Raj Narain, Barrister-at-law, as representing the Kaisths; L. Ishri Pershad, as representing the Jains; Chaudhri Rughnath Singh, R.B., as representing the agricultural interest; Haji Abdul Ghani, as representing the Punjabi Muhammadan community in Delhi; K. B. Ghulam Muhammad Hasan Khan and Hakim Muhammad Ajmal Khan, as representing the Muhammadan community generally; and Pandit Banke Rai, as representing the Pandits of Delhi. In each case the individual addressed was requested to consult his community or brotherhood.

4. I now proceed to take up the list of questions propounded by the Punjab Government.

I. (1) *Imperial Advisory Council.*—There is a concensus of opinion that such a council would be beneficial to the country at large, but several amendments are suggested. It is proposed that this council should consist purely of ruling Chiefs and territorial magnates. It is not apparent why it is proposed to exclude commerce, industry, capital, and learning from representation on this council, and it seems to me that if the council is to carry weight in its advice and command the greatest possible confidence on the part of the people at large, the sphere of selection of members should be increased so as to include representatives of the other great interests of the community as well. The number of ruling Chiefs might be reduced from 20 to 10 and the remaining 50 chosen—40 from territorial magnates and 10 from representatives of other interests. All members of the Imperial Advisory Council, other than ruling Chiefs, should be selected from the Provincial Advisory Councils.

The proposals make no mention as to how collective deliberations of the Imperial Advisory Council should be conducted, but apparently the intention is, they should be carried on without official intervention, such as is provided for in the case of the Provincial Advisory Councils. The reason for the difference in the procedure proposed for the two councils is not very clear, but it seems to me that, provided it is arranged that the best official advice is available for explaining proposals referred to the councils for the opinion, they should be left to themselves as far as possible in their deliberations; as the more they are unfettered by official interventions in their sessions the more unbiassed the opinions are likely to be as generally representing the feelings of the community at large.

A point to which exception has been taken in many of the opinions is that the Advisory Councils are to have no powers of initiative. I can quite see the force of those objections, but I also see the difficulties which loom up on the other side. These two appear to have been present in the minds of the persons whom I consulted for they usually do not advise that an unfettered power of initiative should be conferred. It seems to me that if these councils are ever to have any real vitality and to fulfil the object for which they have been designed, some power of initiative, subject to proper safeguards, must eventually be granted, if not at the beginning, at any rate within a reasonable time after they come into existence. From the very first we must recognize this important eventuality as a goal to be attained.

There should, I think, be regular times of session for the councils when questions for their collective deliberation would be considered by them. This question seems to me important if the councils are to be of any real use.

II. (2) *Provincial Advisory Councils.*—Much of what I have said regarding the Imperial Advisory Council applies to the proposals for Provincial Advisory Councils also as I have explained above. There is only one point to which I wish to refer here. Towards the end of paragraph 7 of the Government of India letter it is said: "In their capacity as advisers they will be consulted as to measures which may eventually assume legislative shape. I think it would be advisable if it were provided that they might be consulted also about bills after they had

been drafted. At times they might be able to give valuable advice as to the drafting of a measure and foresee pitfalls or undesirable results which should be provided for and which might possibly escape the notice of an official.

III. (3) *Imperial Legislative Council.*—There is a general consensus of opinion that the Imperial Legislative Council should be enlarged on the lines indicated, but there are many different suggestions on matters of detail. I certainly agree that the number 54 may be accepted at present as the maximum number of members. I strongly support the recommendation made by the Punjab Chamber of Commerce and also referred to by the Punjabi Muhammadan community that another seat on the council ought to be given to the other Chambers of Commerce outside Calcutta and Bombay. The Punjab Chamber asks for two extra seats, one for a representative of the three Chambers in Northern India and one for the two Chambers in the South Madras and Rangoon. I think, however, that three seats on the Council for representatives of Chambers of Commerce ought to be sufficient, and I would recommend that the three chambers in Northern India should form one group and the two in Southern India as second group, each group selecting a member alternately. To provide for this extra member I would reduce class F, experts, from 2 to 1 which ought ordinarily to be sufficient for all practical purposes.

(4) I approve of the proposal that one member should be elected to the Imperial Legislative Council by the non-official members of the Punjab Legislative Council.

(5) I approve of the selection of one of the great land-owners of the province as a member of the Imperial Council.

For the present I recommend that selection should be by nomination by the local Government or perhaps by the Provincial Legislative Council acting as a whole. While I am of opinion that no satisfactory electorate could at present be devised for the purpose of selection by election, yet, if such is decided on, then it seems to me that the basis of the electorate must be the amount of land revenue paid. I consider that an electorate of about 150 is sufficient and accordingly would limit it to those paying Rs. 5,000 land revenue, and upwards, per annum.

(6) Though some of the replies which I forward deprecate any distinctions based on religions, yet I consider that the circumstances are such as demand that these distinctions should be made. Interests in this country are distinguished as much by religion as by calling, and it is important that all interests should be represented according to their importance. I accordingly approve of the proposal that four seats should be reserved on the council for Muhammadans. Some of the Muhammadan communities consulted consider that that number is not sufficient, but with this I am not able to agree. In the ordinary course of events a considerable number of the other members of council will be Muhammadans, and there is no reason for supposing that in the enlarged council the proportion of such Muhammadan members would be smaller than it is at present; the addition of four more seats, therefore, appears to be ample to secure the due representation of Muhammadan interests.

I also agree that at least two of the four should be nominated, in fact I should prefer that all should be nominated. One electorate for the whole of India seems to me to be, at present at any rate, impracticable. Some sysem of rotation would have to be devised and the electorate and election confined to a single province, *i.e.*, two provinces at a time would each select one member.

It seems to me that it should be accepted as a principle in evolving an electorate that no one person should have more than one vote, *i.e.*, if he is entitled to vote as a land-owner he ought not to have another vote as a Muhammadan, or if he votes as a non-official member of the Provincial Legislative Council he ought not to have another vote as a Muhammadan non-official member. To negative such a principle would, in my opinion, be to give an undue prominence to Muhammadan interests. This principle would therefore, according to what I have recommended above in answers to questions 4 and 5, exclude from the electors the Muhammadan non-official members of the Provincial Councils and Muhammadan land-owners paying Rs. 5,000 land revenue and upwards. There are accordingly left, of the classes mentioned in paragraph 18 of the Government of India letter, the Muhammadan Fellows of the local University and income-tax payers. I doubt if this would prove a satisfactory or representative electorate, and I do not see how it could be improved. I should therefore be inclined to abandon this classification entirely and to constitute as an electorate all the Muhammadan Durbaris not being officials in the service of the Government and not being otherwise entitled to vote. It seems to me that in our Durbar lists we possess an electorate composed of men who have been carefully selected before hand on a uniform basis and which has the merit of being fairly representative of the province. I think it is self-evident that if such an electorate is chosen Government officials should be debarred from voting, but I see no objection to a retired official entitled to a seat in Durbar being given the privilege.

IV. (7) I think it would be advisable to make some increase in the members on the Provincial Legislative Council. At present it is nine, plus the Lieutenant-Governor, of whom

one-third must be non-official. The non-officials are accordingly limited to three. I would increase the non-officials to six as I shall explain below. It is not, I think, necessary to maintain the proportion of two to one at present existing between official and non-official members. I would increase the official members to 10, plus the Lieutenant-Governor. The total strength of the council would accordingly be 17 including the Lieutenant-Governor.

(8) Subject to the exceptions which I shall refer to in answering question 10, I would certainly maintain the present system of nomination. I do not think the Punjab is yet sufficiently advanced to permit of the elective principle being introduced with satisfactory results. If it were generally introduced, it is almost certain, I think, that in the present state of society in the Punjab the best men would not come forward as candidates. This, I consider, has been sufficiently demonstrated by the attempts which have been made at various times to introduce the elective system in the Punjab.

(9) If the principle of class representation on the Imperial Legislative Council is admitted, as I think it should be, it seems to me to follow that the same principle should be followed in the case of the Provincial Legislative Council. I have said that there should be six non-official members whom I would describe as follows:—

Three territorial magnates, a Hindu, a Muhammadan and a Sikh, of whom one should be a ruling Chief or high official from one of the Native States; one representative of the Punjab Chamber of Commerce; one representative of the Senate of the Punjab University; and one representative of the large municipalities in the Punjab, *i.e.*, Delhi, Lahore, Amritsar, Multan, and Simla. The Punjab Chamber of Commerce is a young institution, but it has already, I consider, justified its existence, and its importance and influence are bound to increase. It should certainly be encouraged as a useful institution and I certainly think it should be allowed to send a member to the Provincial Council. As regards the Punjab University, though there is force in the objection to introducing political element into a body which is constituted purely for educational objects, yet I think it is possible to give too much force to it, and that there are advantages on the other side which more than outweigh the drawback referred to. To admit a representative of the Senate would not be to depart from established principles in other countries, and considering how largely educational interests bulk in the welfare of the community at large and the special qualities which might be expected to be possessed by the University representative, I am strongly in favour of the proposal. I do not think I need say much in favour of my recommendation that a representative should be taken from the large municipalities of the Punjab. Here too we should be following well-established practice. On the other hand, I consider that our district boards contain no elements at present which would entitle them to separate representation. The two territorial magnates to be chosen from the Punjab districts sufficiently represent their interests.

(10) As I have stated before, I think that nomination should be the general rule, but in the case of the Chamber of Commerce and the Senate I should allow those bodies to select their own representatives. For the Native States' representative nomination must necessarily be relied on. For the other two territorial magnates also I consider nomination to be the only reliable method at present; otherwise if election must be resorted to I would fall back on the Darbar lists, the Hindu, Muhammadan, and Sikh Darbaris, respectively, forming a separate electorate each for their own representative who should, however, be a territorial magnate.

As regards the municipal representative, here, too, I would strongly recommend nomination, otherwise I would allow the members of each municipality in turn to select a member for the council. I do not consider it necessary to alter the constitution of the municipal committees concerned as the existing constitution in practice appears to secure a fairly equable representation of interests. Furthermore, it appears that as regards the elected members of the municipal committees we are practically bound to adopt local rather than class distinction, the balance being kept by a judicious selection of the nominated members.

(11) and (12) See 10 *supra*.

V. (13) I agree to the suggestions made in paragraph 23 of the Government of India letter regarding the discussion of the Budget in the Imperial Legislative Council; but

(14) I do not think the time has yet come when the Provincial Budget should be discussed in the Punjab Legislative Council; nor

(15) do I recommend that the power of interpellation by members should be granted. The Punjab Council is the youngest of the Provincial Councils in India, and is only ten years old. I think quite sufficient changes have been recommended for a start and that we ought to wait before proceeding further. In a matter of this kind the maxim "slow and sure" appears to me to be peculiarly applicable.

R. HUMPHREYS,

Deputy Commissioner.

Copy of a letter, dated the 6th November 1907, from Abdul Ahad, Honorary Secretary, Anjuman Muayid-ul-Islam, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi District.

With reference to your circular no. 1371, dated the 17th October 1907, enclosing a copy of the Punjab Government letter no. 2643-S., dated the 27th September 1907, and a copy of the Government of India's letter embodying proposals for the extension of the Indian Councils and the establishment of an Imperial Advisory Council, I have the honour to inform you that I have laid the same before the managing committee of the Anjuman Muayid-ul-Islam, Delhi. I am desired to convey to you the thanks of the Anjuman for having given them an opportunity of expressing their views on the important proposals under the consideration of the Government, and to submit the enclosed answer to the questions set forth in the list attached to the letter of the Punjab Government. These answers embody the opinion of the Anjuman on the extension of councils and the suggestions it has ventured to make in certain matters connected therewith. The general principle of giving the people of this country wider opportunities of having their voice heard is worthy of every commendation, and the Anjuman deeply appreciates the spirit of the proposed reforms.

From the Anjuman Muayid-ul-Islam, Delhi.

Special meeting held on 6th November 1907.

Held that in accordance of Punjab Government letter no. 2643-S., dated 27th September 1907, the following opinion from this Anjuman on the questions put in Government of India's letter dated 24th August 1907, received for expression of opinion, be forwarded to the Government through the Deputy Commissioner, Delhi.

I. (1) *Imperial Advisory Council.*—This Anjuman believes that an Imperial Advisory Council on the lines sketched in paragraph 4 of the Government of India's letter will be of service to the country. This would serve as a necessary medium between the Government and the subject, provided persons be nominated who are fully qualified to perform this duty. As regards the proposals made in paragraph 5 regarding its constitution, the Anjuman fully agrees with proposals nos. 1, 2, and 4. No. 3 that the council should consist of sixty members out of whom twenty to be ruling Chiefs, the Anjuman agrees, but in the number of the representatives from each province besides the land-holders of dignity and status, other classes of people should also have a sufficient number of the representatives.

As to proposal no. 5.—It would be very well to vest the council with some formal power (whether it be very small) as it would render general satisfation to the public. Special provisions and restrictions can be regulated to entrust the council with power, but it does not seem proper that such a respectable, dignified, and reliable body should not possess any power.

Proposal no. 6.—That its functions should be purely advisory, and that it should deal only with such matters as might be specially referred to it from time to time would be better —if so much be added,—that in special cases the council would be entitled to refer to Government for consideration any matter which the two-thirds of the members consider to be of public interest.

Proposal no. 7.—It is not improper that for some time it be tried as a test whether it is advisable to have the proceedings of the council generally confidential. But if it be requested that they should be published as a rule, the Anjuman believes that the request would not be unreasonable; because such publication of the proceedings would render the influence of the council far more extensive.

II. (2) *Provincial Advisory Councils.*—These councils would also be useful; but they would be more useful if, instead of the proviso that the Government should be at liberty to consult the members either individually or collectively, the rule be that it must always be consulted collectively. The Government of India has itself preferred the latter case, which therefore should be laid down to be the rule without any exception. In the former case it is quite possible that the local Government may not have occasion to call together its Advisory Council for some years, and from time to time consult them by letters. Thus, after some time, these councils would lose their usefulness, and the object sought for by the higher Government, to constitute them, would not be accomplished.

III. (3) The Anjuman approves of the enlargement of the Imperial Legislative Council and proffer their utmost gratitude to Government for the proposed appointment of 4 Muhammadans as suggested under heads D (*d*) and E of paragraph 12 of the letter. The Anjuman most respectfully further requests that this number may be further increased to fulfil the object in view.

(4) The Anjuman approves of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter.

(5) The Anjuman approves of the proposal. About 100 and 150 great land-holders of the province, in respect of the amount of land revenue paid by them, should be chosen, to whom the right of voters should be given to elect a member to the Imperial Council from among their own number.

(6) The Anjuman is grateful to the Government of India for the suggestion, and approves of the appointment, half by election and half by nomination. It further requests, as hereinbefore requested under head (3), that instead of two elected and two nominated, if the number be increased to 3 elected and 3 nominated, the increment would be a greater obligation. The election of the elected members would be very well, if the electorate be each of the three as described in paragraph 18 (*a*), (*b*), (*c*) of the letter. The limit of the amount of income-tax *re* class of Muhammadans under (*c*) should be determined, paying due regard to the financial status of the province. There is a very small number of Muhammadans paying an income-tax on an annual income of ₹25,000 in this province; so the amount of income-tax to be fixed as giving the right to vote should be such that at least fifty voters of this class may be found in the province. The Anjuman believes that ₹5,000 income *per annum* would be a fair limit almost.

IV. (7) *The Provincial Legislative Council in the Punjab.*—The number of members should be increased, which is at present ten, including His Honour the Lieutenant-Governor. This should be increased to at least 15 or 20 at most.

(8) Under the present circumstances, the Anjuman agrees with the present system of nomination.

(9) The Anjuman recommends a fixed rule determining the proportion of seats to be allotted to each class and that each class in this province should have their representatives in proportion of the population thereof.

(10) In case election is resorted to for the appointment of some of the unofficial members, such election through municipal or district boards has not proved satisfactory. The Anjuman suggests electorates to be persons of high financial status, or possessing marked educational capacities or personal influence.

(11) The Anjuman approves of the separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, and fully agrees that it should be carried out in the manner proposed in paragraph 22 (*b*) and (*c*). A general introduction of such a system would prevent the many objections existing in the system of election by municipal and district boards.

(12) The Anjuman approves of the form of electorate suggested in paragraph 17 of the Government of India letter.

V. (13) Yes; the Anjuman approves that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Anjuman is of opinion that it would be advisable if the Provincial Budget were discussed in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) The Anjuman considers that it is time to bestow the power of interpellation on members in the Punjab Legislative Council.

ABDUL AHAD,
Honorary Secretary,
Anjuman Muayid-ul-Islam, Delhi.

Copy of a letter, dated 9th November 1907, from Rai Bahadur Lala Sheo Pershad, Banker and Honorary Magistrate, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

With reference to your circular letter no. 1371 of 17th October 1907, with the copy of Punjab Government letter no. 2643-S., dated the 27th September 1907, together with its enclosures, I most respectfully beg to send herewith my views regarding the same.

I am sorry I could not write to you earlier as I was too busy on account of Devali Festival.

To be excused for the delay.

I. (1) I consider that an Imperial Advisory Council would be of much service to the country, and I agree with the suggestions proposed in paragraph 3 of the Government of India

letter no. 2310—2317. But it would be better, I think, that the number of members be divided as follows:—

Ruling Chiefs	10
Great land-holders including also a suitable number of great nobles, heads of commercial classes, and educated persons proficient in Vernacular languages and Western sciences	50

Their vast and extensive knowledge and experience would cause a real advancement in the proceedings of the council, and they would then collectively be in a position to make the best suggestions for the welfare of their country.

II. (2) I have no doubt that a Provincial Advisory Council would be a useful institution and agree in full with the proposals made in paragraph 6 of the letter.

III. (3) I agree with the scheme and the suggestions concerning it, as sketched out in paragraph 12 of the letter.

(4) I approve of all the suggestions proposed in paragraph 13 of the letter, and agree with the proposal that one member should be elected by the Provincial Legislative Council.

(5) I consider that the selection of one of the great land-holders of this province to the Imperial Council should also be made by the Provincial Council.

(6) I second the electorate as described in paragraph 18 (*c*) of the Government of India letter.

IV. (7) I am of opinion that the enlargement of the Punjab Legislative Council is necessary: the number should be 20 exclusive of His Honour the Lieutenant-Governor.

(8) I support the present system of nomination to fill in some of the unofficial seats.

(9) If it be decided that classes of different race, caste, or religion are to be represented separately, the best way would be to allot them seats, as far as possible, in proportion to their numbers.

(10) I suggest that the Commissioner of the Division may nominate a number of respectable persons in his division, to elect a member for the council.

(11) I am of opinion that the manner proposed in paragraph 22 (*b*) is quite just.

(12) I concur in the suggestion proposed in paragraph 17 of the letter.

V. (13) I agree with paragraph 23 of the Government of India letter.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council and by separate heads in the manner suggested in paragraph 23 of the letter.

(15) I am of opinion that to bestow power of interpellation on the members in the Punjab Legislative Council would work well.

Copy of a letter from Rai Bahadur Lala Hardhian Singh, to R. Hamphreys, Esq., I.C.S., Deputy Commissioner, Delhi District.

In compliance with your circular letter no. 371, dated the 17th ultimo (received on the 26th), I have the honour to submit herewith a written statement expressive of my views on the proposal of the Government of India contained in their letter no. 2643, dated the 27th September 1907.

Views of Rai Bahadur Lala Hardhian Singh re *constitution of Advisorg Councils and the enlargement of the Legislative Councils.*

(1) The first question is, whether an Imperial Council, constituted of persons qualified in all ranks of Indian society, to advise on constitutional measures would be of service to the country, and, if so, are there any alterations to be suggested in the proposals made in paragraph 5 of the Government of India letter regarding its constitution and duties. At first sight it seems to me that the constitution of such a council is not needed, because its object is already secured. Even now those who are qualified to advise are consulted on administrative matters. The advice thus given remains confidential and receives no legal force. The same is proposed for the council's recommendations, with the defect that the procedure is lengthy. On the contrary, when it is considered that the Government of India propose to admit and give effect to the claims of the ruling Chiefs, the great land-holders, and the mercantile and industrial classes; when they have recognised the abilities of the Indian

people to advise, and seeing that this ability is increasing every day, one is inclined to think that the scheme of Government of India for the constitution of such a council is worth a trial. The Ruling Chiefs, great landholders, and merchants of repute, &c., would consider it an honour to take part in the council, and prefer their gratitude to Government for this favour. The people of India would thus in the future be induced to feel their responsibility in public matters. Such a council will be useful to the public, and people will be glad of its institution. But the election of its members will require a perfect knowledge of the locality and of individual merits, otherwise the scheme will be discouraging and cause a bad effect on the country.

(2) I agree with the proposals regarding the appointment of members, but I think the number of sixty would not suffice for all India. I may note here that in the appointment of the Ruling Chiefs and great landlords as members, their dignity only was considered, and not whether they have any opinion of their own or not. In this way original views will not appear in the council, because these members will get opinions from others and submit them in the council as their own, as is already done in some cases. One should possess wide knowledge and experience to advise. I hope the Government of India will pay regard to this and will consult local Governments about it.

(4) As aforesaid, a Provincial Council is as necessary as the Imperial one, and will be useful to the latter. As for the Punjab, it can be said that the province has so much advanced as regards education, that the constitution of such a council will be of service to the public, and a selected body of members could be very easily got together. The proposals suggested by the Government of India for the constitution and duties of the council are very proper, and I hope that the Punjab Government will act with the utmost care and circumspection, for which it has a reputation, in the election of members. The number of members should be not less than 20 or more than 25. The suggestion of the Punjab Government regarding the nomination of members for the council, that the fact must not be considered whether a given class has its members in proportion, is good, and that only those should be elected who are qualified to advise, without regard to their race, caste, religion, or occupation.

(5) The third question relates to the enlargement of the Imperial Legislative Council. The Government of India after having discussed the question why extension is necessary, *i.e.*, that representatives of each class of people should be allotted seats in the Imperial Legislative Council, have dealt in paragraph 12 with the principle of representation of different classes with different aims and objects. They have also fixed the number of members for the Imperial Council, and have explained from paragraphs 13 to 19, why and on what grounds the number of each class is so fixed.

(6) I agree with the proposals suggested by the Government of India for the enlargement of the Imperial Council, but I do not agree in some points as to the number of seats allotted to each class. I very strongly urge that I am quite against the system of election, which has been the cause of many vices, and by which the object in view is not secured. I prefer nomination.

(7) I now turn to paragraph 12 of the Government of India letter. As I read the different heads in the paragraph, I find no provision for the election of those who are mostly required to take part in the Legislative Councils, *i.e.*, those who are, by virtue of their educational capacities and legal knowledge, qualified to assist in regulating law. It has been the custom from old in India that the Kings and Rajas have called for assistance from the experienced learned men of their time in matters of administration and in the enactment of law. They always recognised this as their most necessary business. If it be said that the educated class comes under the head F (experts) the number 2, fixed for them, is not sufficient. I admit that the number of advocates and pleaders should not be above the average, as at present, in councils, but to exclude them entirely would also not be wise. I also know that their opinions would in other respects have a bad effect on the consultations of the council; but it would be better that their qualifications should be openly admitted and their dignities maintained.

(8) The next point is, that I see no ground why special favour should be shown to the Muhammadan community. In paragraph 16 of the Government of India letter their proportionate numbers of their political and historical importance have been given as the grounds for this favour; but the same can be said of other communities, which have not been granted the same favours. As for instance, the Sikhs are professional soldiers who assisted the British Government to acquire the Punjab. The followers of the Jain religion have also much influence in India, as they are so rich that some of the Rajputana States are debtors to them. They also deserve, therefore, special favour from the Government. In the heads enumerated in paragraph 12 the Sikhs and the Jains are counted as one and the same with the Hindus, but in some other respects the Sikhs are not put aloof from the Hindus. I am, therefore, of opinion that, provided it be decided that the Muhammadans should be specially favoured, the

number allotted to them under E would be sufficient. The head D (*d*) should be struck off and the number added to F—for experts.

(9) I think it proper to add here regarding the Imperial Legislative Council that the Government of India has included under head D (6) of paragraph 12, the Central Provinces but has omitted the Frontier Provinces and Rajputana. The Government may perhaps have special ground for this, but they do not appear in the letter.

(10) I have already answered the fourth question, that I do not like the system of election. I support nomination. Each class of people should be first composed in sets, and the authorities concerned should then nominate as representatives the number allotted to that class out of these sets, *i.e.*, the President of the Provincial Council should be authorised to nominate a member to the Imperial Council from out of his council.

(11) I agree that a great landholder of the Punjab should be nominated as member of the Imperial Council, but that His Honour the Lieutenant-Governor be given authority to nominate. The nomination should be in turn, *i.e.*, if a Hindu be nominated once, a Muhammadan should be nominated next, and so on. Followers of each religion should receive this honour by turn.

(12) As for the election of Muhammadans, I have already said that the number 4 is above the scale, and 2 would suffice.

(13) Increase should be made in the present number of members of the Punjab Legislative Council, and in the same proportion as that of the Imperial Legislative Council; from 24 to 53 persons of each class and interest would then have opportunity to express their views.

(14) It has been already said that I like nomination better than election, and I wish that in each association, whether a council or committee, members should be nominated.

(15) If election be maintained for appointment of members to the council, the best way to act would, I think, be to group the whole population of the province into classes, but the smaller the number the better. Then out of each class the number of voters, either in proportion to the population or some other respect, should be fixed. This number should also be as small as possible. Voters should be nominated by the district authorities from their respective districts. The educated class should be paid special regard to while grouping classes, and it should comprise University Fellows and graduates.

(16) The budget should be discussed in the Legislative Council and in the same manner as that proposed for discussion of the Budget in the Imperial Council, *i.e.*, by separate heads.

(17) I advocate the introduction into the Punjab Legislative Council of the right of interpellation by members, because the educational capacities of the people of this province is not lower than the people of those provinces where this right has been granted.

I beg to submit the following opinion on the questions contained in the Government of India letter no. 2310—2317, dated 24th August 1907 :—

HAKIM MUHAMMAD AJMAL KHAN.

(1) In my opinion the Imperial Advisory Council mentioned in paragraph 4 of the Government of India letter will be beneficial to India if it is not meant for the purpose of giving advice only. In connection with the proposals contained in paragraph 5 of the Government of India letter, I beg to state as follows :—I agree with clause (1) of this paragraph, but with regard to clause (2) I am of opinion that mention should be made therein about the allotment of seats in the Imperial Council with regard to census of classes and superiority of claims. If this is not done, then the classes will not be satisfied by the number of its members. As to clause (3) I am of opinion that the number of Ruling Chiefs is large, and I think that at times when Government will be really in need of advice, sound advice as can be had from other Provincial Councils will not be forthcoming. Similarly, in clause (3) with landholders a proportionate number of non-landholders should be elected. Clause (4) is correct, but with regard to (5) I think that if no authority is given to the Imperial Council it will not only be improper, but the council cannot be expected to prove of any benefit. To simply take advice is a thing which the Government can take at any time and from such persons as it chooses, and which the Government has been, and is still, doing as the Government itself in this letter admits. As to clause (6) I submit that this council should not be only for the purpose of giving advice. The following amendment should be made "that when owing to a pressing necessity at least half the number of members make up a certain proposal it should be considered by Government." With regard to clause (7) I am of opinion that proceedings of this council should be published subject to such proposals as appear to Government to be unsuitable, for any reason, for publication being omitted.

(2) The establishment of a Provincial Advisory Council for each province will be useful. But to make the restriction that when local conditions admit local Governments should be

furnished with a selected body of advisers appears at this time to be unsuitable; for through the blessings of Government in each province the required number of persons to form the council are easily available. The Provincial Council should be given the same powers which I have advocated in dealing with clauses (5) and (6) of paragraph 5 of the Government of India letter. To give no powers to a council which shall consist of so many influential men and its function being only to give advice when Government wants them to do is improper. The number of members of the Provincial Council should be the same as that of the Imperial Council, for, as the Government has itself stated, the members for the Provincial Council will be chosen upon a wider basis.

(3) The enlargement of the Imperial Legislative Council is without doubt necessary and the Muhammadans are grateful to the Government for its proposing to appoint two members under paragraph 12 (*d*) and two under paragraph 12 E of their letter. But this number is too small considering the Muhammadan population, and it is hoped that the Government will make them further grateful by increasing the number and thus protecting their rights, since this class is a prey to the attacks of other classes.

(4) I agree with the proposal that the Provincial Council should elect from among themselves a member for the Imperial Advisory Council as laid down in paragraph 13 of the Government letter.

(5) In my opinion it would be better if big land-owners are allowed to select from among themselves a member for the Imperial Council.

(6) From the present state of Muhammadans and their population it appears necessary that the number of Muhammadan members should be raised from 4 to 6 as follows :—

4 by selection, and

2 by appointment.

The mode of selection of Muhammadan members should be that laid down in paragraph 18 (*a*) and (*b*). But it will be more suitable if in paragraph 18 (*c*) for the income of Rs. 25,000 the income of Rs. 5,000 is substituted.

(7) The number of members of the Provincial Council, Punjab, should be increased from 10 to 20.

(8) Out of the ten members to be increased 5 should be Muhammadans, 4 Hindus, and one Sikh.

(9) The proportion of seats to be allotted to each class should be determined in proportion to their population.

(10) For the election of unofficial members it would be proper if a list of electors is prepared in which influential, learned, and wealthy men be entered and they be asked to elect a member.

(11) I advocate separate representation of classes and therefore agree with the proposals laid down in paragraph 22 (*b*) and (*c*) of the Government of India letter.

(12) I agree with the suggestions contained in paragraph 17 of the Government of India letter.

(13) I agree with the suggestions made in paragraph 23 of the Government letter regarding the discussion of Budget.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council by separate heads.

(15) I advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

Copy of a letter, dated 10th November 1907, from Mahamahopadhyaya Pandit Banke Rai Nawal Goswami, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioners Delhi.

I respectfully beg to acknowledge the receipt of your circular letter no. 1371 of 17th October 1907, and also the Punjab Government letter no. 2643-S., dated 27th September 1907, together with its enclosures.

In compliance with your order I beg to send herewith my opinion and views regarding the same: please excuse the delay.

(1) The establishment of an Imperial Advisory Council would, in my opinion, be of great service to the country. The existence of such a council would be the cause of advancement in the country and a means of better understanding between Government and its subjects. From

the reading of the Hindu Shastras it appears that in ancient times such counsel was taken from the subject.

I agree with paragraph 3 of the Government letters nos. 2210 and 2317. But the number of members should be as follows :—

10 ruling Chiefs and among the remaining 50, besides zamindars, should be included men of Oriental and Occidental learnings, *raises* and big traders, in order that by their vast learning and experience the country may benefit.

(2) I agree with paragraph 6 of the above-quoted letter. There is no doubt of the Provincial Advisory Council proving a useful institution.

(3) I agree with all the suggestions contained in paragraph 12 of the above-quoted letter.

(4) I agree with all the suggestions contained in paragraph 13 of the above-quoted letter In my opinion one member should be elected by the Provincial Legislative Council.

(5) In my opinion the Provincial Council should select a great land-owner for being member of the Imperial Council.

(6) I agree with paragraph 18 of the above-quoted letter.

(7) In my opinion it is necessary to make an increase in the number of members of the Punjab Legislative Council. It should consist of at least 20 members.

(8) In my opinion a few unofficial seats should be filled up by nomination.

(9) If representations of different races, classes, and creeds is considered necessary then seats should be allotted according to the census of each class.

(10) In my opinion it would be more suitable if in each division the Commissioner appoints a committee of respectable persons to nominate a member.

(11) In my opinion the suggestions made in paragraph 22 (*b*) is suitable.

(12) I agree with paragraph 17 of the letter above quoted.

(13) I agree with paragraph 23 of the letter above quoted.

(14) In my opinion the budget should be discussed in the Punjab Legislative Council according to the manner proposed in paragraph 23 of the letter above quoted.

(15) In my opinion it would be better to give power to members to interpellate in the Punjab Legislative Council.

Copy of a letter, dated 9th November 1907, from K. B. Ghulam Muhammad Hassan Khan, B.A., Honorary Magistrate, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

I beg respectfully to submit herewith respectful answers to the questions on which my opinion was desired. Would you have the graciousness to despatch them to the Government of India.

Answers to the questions on which opinions are invited in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—I beg respectfully to submit that the Imperial Advisory Council, as sketched out in paragraph 4 of the Government of India letter, would be of immense use for the country, and if the nomination of intelligent, patriotic, public-spirited, and legal members would be made, it would in a large measure serve as a vehicle for conveying the actual sentiments of the masses to the Imperial Government.

As regards its constitution as detailed in paragraph 5, I beg to say that I agree with the contents of sub-heads 1, 2, 3, 4, and 5. As to the subjects of sub heads 6 and 7 I beg to suggest that this council should also be empowered only when half the number of members are agreed to hold its meeting of its own initiative, in order to discuss a matter not referred to it by the Government, but in its opinion sufficiently important to require the attention of the Government, and after thoroughly discussing the same to lay it before the Imperial Government.

I also respectfully beg to suggest that the proceedings of the meetings of this council should invariably be published in order that the public may always know what service they are doing for the country and how much sympathy they deserve from the public they are meant to represent.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council would certainly be as useful as its Imperial elder sister and would, in my humble opinion, in a large measure

help the Provincial Government in conveying the real mind of the people to them on any legislative or administrative innovation contemplated to be introduced. It may also be suggested that the system of individual consultation in writing should not be introduced. Meetings of the council should always be called when any matter is intended to be referred to it. I also beg to submit that this council should also be granted power to discuss in a meeting, called of their own initiative, any momentous matter not referred to it, but in its judgment sufficiently important to demand their attention and also the urgent attention of the Government.

III. (3) *Imperial Legislative Council.*—Yes; the Imperial Legislative Council should be enlarged on lines laid down in paragraph 12 of the Government of India letter.

I have nothing to say on (1), but as to its constitution detailed under head (2) I beg respectfully to submit that instead of four seats six should be reserved for the Mussalman community, three to be nominated and three returned by election.

(4) My answer is i the affirmative.

(5) Yes; I approve of the selection of one of the great land-owners of this province to the Imperial Council. No; I think the electorate for electing one land-holding member from the whole Province for the Imperial Legislative Council will be too unwieldy and would also lack in solidarity. The alternative system suggested by the Government that the land-holding members of the Provincial Legislative Council should be empowered to elect from among themselves in the council or from their brother land-holders outside it, a member for the Imperial Council, is, to my mind, practicable.

(6) I beg respectfully to submit that considering the rights of seven *crores* of Mussalmans inhabiting India, which approximately constitute at least one-fourth of the entire population of this vast Continent, and also the importance attaching to this solid community so amply set forth in their humble representation before His Excellency the Viceroy, on 1st October 1906, they certainly deserve more seats in the council than the number so graciously conceded to them by the benign Government. I therefore respectfully suggest that at least six seats may be reserved for the Mussalman members, half to be appointed by nomination and the remaining half by election.

As to their election, the methods suggested in paragraph 18 that they should be elected by Mussalmans are desirable with the exception of the qualification mentioned in (*c*) which is indeed too high for a comparatively poor community like the Mussalman. The qualification should be reduced to R8,000 income per year.

VI. (7) *The Provincial Legislative Council in the Punjab.*—Yes; in my opinion the number of members in the Punjab Provincial Council should be raised to 20 members.

(8) I should think that half of the unofficial seats should be filled by nomination and the other half by election.

(9) In my opinion seeing that about 54 per cent. of the population in the Punjab is Mussalman, half, if not more, seats should be reserved for the Mussalmans only, to be elected by a Mussalman electorate nominated by the local Government in each division, with a reasonable qualification for voting. A third of the remaining half number of members should be Sikhs and Native Christians. The remaining two-thirds should be Hindus.

(10) Separate sectarian electorates of every community should be nominated by the local Government. Election through municipality or district boards is not desirable. The qualification for voters of the above electorate should be fixed higher than those accepted for elections of a municipal or district board member.

(11) I beg to advocate class representation as proposed in paragraph 22 (*a*) and refer the introduction of the change in the municipal and district boards' elections as indicated in paragraph 22 (*c*).

(12) Yes; I strongly advocate the separate representation of Mussalmans in addition to that open to them by nomination or by election. The electorate suggested in paragraph 17 of the Government of India letter has my entire approval.

V. (13) I beg to submit that the alteration in the system of discussion of Budget as set forth in paragraph 23 is most desirable and would be highly appreciated by all classes of His Majesty's Indian subjects.

(14) My answer is in the affirmative.

(15) The introduction of power or interpellation in the Punjab Legislative Council will prove a great boon, and is most desirable.

G. MOHAMMAD HASSAN.

Copy of a letter, dated the 7th November 1907, from Hajee Abdul Ghani, Delhi, to the Deputy Commissioner, Delhi.

I beg to acknowledge receipt of your letter no. 1371, dated the 17th ultimo, with enclosures, and in compliance therewith I beg to attach the view of the brotherhood to which I belong (the Punjabi Sheikhs of Delhi) agreeable to myself, in the form of answers to questions raised in the letter of the Supreme Government, in the Home Department, no. 2310—2317, dated the 24th August 1907. These answers were laid before a largely attended meeting of the Punjabi community, held on the 5th instant, in the Punjabi school for the purpose, and approved by those present, while all thanked the Government that it obliged the people and the country by having a regard for the public good.

Answers by the Punjabi community of Delhi.

Reply to query (1).—The establishment of an Imperial Advisory Council based on the lines noted in paragraph 4 of the Government letter will be useful. In paragraph 5 certain changes as mentioned below seem advisable.

5. (3) The nomination should not only be confined to ruling Chiefs and principal zamindars, but should also be extended to recognized leaders of other sections of the Indian communities who should be admitted to the council.

5. (7) The proceedings of the Advisory Council, if instead of being kept private and confidential as a rule, be made public like those of the Legislative Councils, will command greater confidence and general satisfaction.

Reply to query (2).—Provincial Advisory Council is an essential part of the scheme of an Imperial Advisory Council, and the "Anjuman" of the Punjabi community sees with satisfaction that the aim of the council is to afford opportunities of representation to different interests, and that it is proposed to have on the council representatives of communities engaged in art and industry and trade.

Reply to query (3).—The increase in the number of the members of the Legislative Council is appreciated by this meeting, but the following changes in paragraph 12 (*d*) are respectfully submitted, that other Chambers of Commerce besides those of Calcutta and Bombay may be given similar rights, and that the rights for representation of the Punjab Chamber of Commerce may also be taken into consideration:—

12. (*d*) (*e*) It is respectfully submitted that the number of the Muhammadan representatives may be three instead of two by election and three instead of two by nomination.

Reply to query (4).—The appointment by election of one member of the Imperial Council by the Provincial Legislative Council is very appropriate.

Reply to query (5).—The appointment by election of one of the principal zamindars of the Punjab Province to the Imperial Council is necessary and the mode of election proposed to be adopted is unanimously approved.

Reply to query (6).—The proposal is approved, and we cordially thank the benign Government that it has specially safeguarded the interests of the Muhammadan community, but we submit that it would be far more advisable to allow three Muhammadan representatives instead of two, both in the elected and nominated list. For the purpose of election the members of the Provincial Council would not be adequate, and we would beg to submit that other persons referred to in paragraph 18 of the Government of India letter should take part in the election. Further, as far as the Punjab is concerned, the proposed annual income of Rs. 25,000, liable to the assessment of the income-tax, should be put at Rs. 10,000, *vide* clause C, in view of the fact that this is not a very rich province.

Reply to query (7).—The present number of members may be increased to the extent of double the present strength.

Reply to query (8).—The meeting is of opinion that for the present the system of nomination will be more suitable to the Punjab than election.

Reply to query (9).—It would be useful and essential to fix a proportion of office for each community in accordance with a previously prescribed standard and, taking into consideration the large and influential population of the Muhammadans in the Punjab, their number should reasonably be half the non-official native element, especially in the case of the trading Muhammadan community, the number to be determined should be on the basis of their commercial status, their commercial connection, and the position they hold in the trade of the country.

Reply to query (10).—The reply is not required in case of existence of nomination.

Reply to query (11).—The procedure proposed to be adopted, *vide* paragraph 22 (*b*) of the Government of India letter, is reasonable and advisable.

Reply to query (12).—The appointment of the Muhammadan representatives should, as proposed, be partly by nomination and partly by election. We agree to the mode of appointment laid down in paragraph 17.

Reply to query (13).—The alterations proposed in paragraph 23 are advisable.

Reply to query (14).—The discussion of the Budget on the lines of the proposed debate of the Imperial Council in Provincial Council will be useful; the discussion under various heads preceding the general discussion of the Budget.

Reply to query (15).—It would be useful and advisable that members may have the privilege of putting questions in the Legislative Council of the Punjab Province.

Translation of opinion expressed by R. B. Ch. Raghunath Singh.

(1) The establishment of an Imperial Advisory Council will be of service to the administration of the country. The duties of the council as proposed in paragraph 5 of the Government letter are suitable and no alterations in them are required until experience is gained.

(2) The establishment of a Provincial Advisory Council will also be useful, and without such an institution it will be found difficult to select experienced men to serve on the Imperial Advisory Council. The number of members of this council should be about 50. For three districts there should be one member from the agricultural class. A member residing at a far distance from a district will only be able to make imaginary suggestions about the district. Commerce and industry are the only two subjects on which suggestions could be made by the members. Matters relating to factories and industries are not separate subjects, but connected with commerce. There, therefore, seems no necessity for selecting members from commercial and industrial classes.

(3) The scheme sketched out in paragraph 12 of the Government letter is quite correct. The enlargement of the Imperial Legislative Council will remove complaints that are sometimes made against certain legislations.

(4) If Eastern Bengal and Assam, Punjab and Burma are given the same rights that Bombay, Bengal and United Provinces have, regarding the selection of a member, it will be considered a boon.

(5) I am not acquainted with any great land-owner in the Province by the appointment of whom to the Imperial Advisory Council the object in view could be obtained. I therefore can say nothing about it.

(6) The appointment of four Muhammadans to the Imperial Council, two by election and two by nomination, would be right. The selection of such members by the Provincial Council would be a facility.

(7) It would be advisable to make an increase in the present number of members of the Legislative Council, Punjab.

(8) The system of appointment by nomination is good, but it would be gratifying to the people if one-fourth of the members are appointed by election.

(9) The proportion of seats to be allotted to each class should be according to its census. Industrial and agricultural are the only two classes, consultation with which is often necessitated.

(10) Election through municipal and district boards would be more suitable as their members are, in my opinion, the representatives of the district.

(11) The proposal of separate representation of classes is a good one. The list should be prepared according to paragraph 22 (*b*), and under 22 (*c*) the electors should not be men who pay less than ₹100 as land revenue or income-tax. Persons paying less than ₹100 hardly understand the aim and object of such measures.

(12) Separate representation of Muhammadans' appointments should be filled by ordinary method of election.

(13) It would be better if discussion of the Budget in the Imperial Legislative Council is conducted by separate heads as suggested in paragraph 23 of the Government letter.

(14) The method of discussion in the Punjab Legislative Council should be by separate heads like that in the Imperial Council.

(15) Interpellation by members in the Punjab Legislative Council should be by permission of the President.

Copy of a letter from Lala Ishri Pershad, to R. Humphreys, Esq., C.S., Deputy Commissioner, Delhi District, dated 7th November 1907.

In expressing the feelings of gratitude for the honour you have done me by forwarding to me your letter no. 1370, dated the 17th ultimo, with a copy of Punjab Government letter no. 2643-S., dated the 27th September 1907, with enclosures, for expression of the views of my brotherhood on the proposals of giving the people of India wider opportunities of expressing their views on administrative matters, I most respectfully beg to state that I could not obtain a general opinion of the members of the Jain community as the letter reached on the evening of the 25th ultimo by post, so the time being very short for the discussion and consultation with my community in general. I consulted with a few of the leading English educated members of the Jain class. I therefore beg to communicate separately the result of my enquiry on the subject.

May I be allowed to state that the proposals, if finally carried out, would prove very beneficial to the people if efforts are made to represent every class of people in india and especially the Jains, who are quite distinct from the Hindus in respect of manners, customs, and religion.

They are spread all over India, and count about 14 lakhs in number. They are one of the most loyal and peaceful class of tradesmen, and therefore deserve every consideration at the hands of the British Government.

Questions on which opinions are called for in Government of India letter no. 2310—2317 dated 24th August 1907.

Questions.	*Answers.*
Imperial Advisory Council.—Do you consider such a council as proposed in paragraph 4 of Government of India letter to be useful? If so, do you suggest any alterations?	Yes; the Council if constituted on the lines sketched out in paragraph 4 of Government of India letter will be useful. No alteration is required.
II. (2) *Provincial Advisory Council.*—Would this institution be useful? Do you suggest any modification?	Yes; requires no alteration.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement? Is any modification required?	Yes. No modification is desired, except that a member of the Jain community may be nominated to represent its interests, *vide* paragraph 12 (2) E.
(4) *Election of one member by the Provincial Legislative Council.*—Do you approve it?	Yes.
(5) Election of one of the great land-owners of the Punjab to the Imperial Council? Method of selection.	Yes. The election should be made by land-holders paying land revenue amounting to Rl5,000 and above.
(6) Appointment of four Muhammadans to the Imperial Council.	The Muhammadan members should be elected by the Muhammadan non-official members of the Provincial Councils. (*Vide* paragraph 18 (*a*) of the Government of India letter quoted above.)
IV. (7) *Provincial Legislative Council in the Punjab.*—Would you approve of an increase in the number of members?	Yes. The number should vary according to the number of the most influential classes whom it is intended to represent in council. It should be left entirely to the option of the local Government.
IV. (8) System of nomination.	The present system of nomination may be maintained. No election is necessary at present.
(9) Fixed rules for allotment of seats.	Though no fixed rules for determining the proportion of seats to be allotted to each class to be represented can at present be laid down, it would be advisable to allot seats as follows:—

To land-holders	2
To cultivators	2
To commercial classes	2

Questions.	*Answers.*
	To professional classes—lawyers 2
	Municipal body 1
	District Board 1
	Sikhs 2
	Jains 1
	Christians 1
	Hindus 2
	Muhammadans 2
	Bankers 1
	19
(10) Election	In case election has to be made it should be made through municipal as well as district boards.
(11) Separate representation of classes ...	In case of separate representation of classes election should be made by the heads of each brotherhood provided that such electors pay an annual income-tax of Rs. 200.
IV. (12) Separate representation of Muhammadans.	No election is required but nomination.
V. (13) Discussion of the Budget in the Legislative Council.	Yes. The Budget should be discussed separately for each head.
(14) Discussion of the Provincial Budget in the Provincial Legislative Council.	The question seems to be premature.
(15) Power of interpellation	Yes. The members should be empowered to interpellate in the Punjab Legislative Council.

Copy of a letter no. 8-218, dated the 7th November 1907, from Mr. Raj Narain, Barrister-at-law, to the Deputy Commissioner, Delhi.

With reference to your circular letter no. 1371, dated Delhi, the 17th October 1907, I have the honour to submit my views on the question of the creation of Advisory Councils and extension of the Legislative Council in India.

I. (1) I consider an Imperial Advisory Council will be of service to the country. But if it is constituted as stated in paragraph 4 of the Government of India letter it cannot fulfil any of the three objects intended thereby, *viz.*, (1) correct information to Government; (2) sound advice to the Government; and (3) diffusion of correct information to the people as to the true intention of the Government. To be able to discharge these functions a man must possess three qualifications—(1) loyalty to the Government, (2) intellect, and (3) influence. If there is any difficulty in finding such men it is due to the indifference with which the question of maintaining old loyal families in power and influence has been treated. I shall therefore strongly urge this indifference being provided against in the rules. With the above remarks I beg to suggest the following alteration in the proposed constitution of the intended Imperial Advisory Council.

Refer to paragraph five of the letter of the Government of India:

(1) May stand as it is.

(2) May stand as it is.

(3) The council shall consist of sixty members. Of these five shall be native ruling Chiefs, etc., and the remaining fifty-five shall be the natives of India and the said sixty members shall be nominated by the Viceroy. All the members so nominated must possess the following qualifications:—

(i) must have passed entrance examination of one of the Indian Universities;

(ii) must belong to a family of tried loyalty;

(iii) must have an income of at least one thousand a month or be paying revenue to the extent of Rs. 2,400 yearly.

(4) May remain as it is.

(5) May remain as it is.

(6) The following should, I think, be added—"The members may ask for information from, and submit suggestions to, the Government who in turn will not be bound to give or receive them respectively.

This I think is essential for the object in view. If the nomination is made on the lines suggested there is little fear of its being abused.

II. (2) I consider that a Provincial Advisory Council will be a useful institution provided that the members possess the qualifications mentioned in the preceding paragraph. I shall give this council also the right to ask for information from, and submit suggestions to, the Government which the Government may or may not furnish or act upon, respectively. In these councils all the communities of the province shall be represented as far as possible.

III. (3) I approve of an enlargement of the Imperial Legislative Council subject to the following modifications in the scheme:—

See Government of India letter, Paragraph 12 (2)—

His Excellency the Viceroy	...	1
One native ruling Chief to be nominated by His Excellency	...	1
Ex-officio members	...	8
Additional official nominated member	...	1
Other nominated members	...	6
Experts to be nominated by the Viceroy	...	2
	——	31 (?)
Elected by the Chambers of Commerce of Calcutta and Bombay	... 2	
Elected by the Provincial Legislative Councils ...	...21	
	23	
TOTAL ...		54

(4) I have proposed a much larger representation of the Provincial Council on the Imperial Legislative Council and the right of election may safely be given to them.

(5) I have suggested that the Provincial Councils should elect some members to go on the Imperial Legislative Council. Some provinces have no land-holders of sufficient importance to go there. In provinces where such a class of sufficient importance exists the local council is sure to have some of them and from there they stand as good a chance of being returned as any other member of the Provincial Council. Over and above this, the Viceroy's right to nominate a large number is a sufficient safeguard against the land-holder's interest going unrepresented on the Legislative Council.

(6) My answer to this question is in the negative. The reasons are—

A. The policy of religious distinction, in my humble opinion, will not promote the best interests of the Government or of the people as it helps tension of feelings and gives an idea of separation of interests.

B. There is no necessity so far as legislation is concerned for such a distinction. No Legislation has yet been taken in hand affecting the two classes differently.

C. The fear of the Muhammandans going unrepresented on Imperial Legislative Council is sufficiently guarded against in the Viceroy's power of nomination.

IV. (7) I would advocate the enlargement of the councils to more than twenty-one members.

(8) I suggest that the Provincial Legislative Council should be formed partly by nomination and partly by election. Organised bodies, such as local boards, municipal committees, commercial societies, and such castes as have a well organised system of representation, as well as joint-stock companies, may be allowed to elect their own members having the necessary qualifications of certain education and status for seats allotted to them. Other seats will have to be filled by nomination.

(9) I would suggest a fixed rule determining the proportion of seats to be allotted to each class, and give below the division and sub-division according to which I think the non-official seats may be allotted:—

A. Population, non-agricultural:

1. Brahmans.
2. Khatris, including Sudhs.
3. Kayasths.

4. Banias, other than Jains.
5. Jains.
6. Sikhs.
7. Muhammadans.
8. Minor castes.

B. Agricultural population.

C. Commerce, art, capital, and labour, including joint-stock companies, commercial associations, and persons of great commercial importance.

Each of the first seven of group A may have one seat at least on the Provincial Legislative Council. The proportion of the Muhammadan seats to those occupied by the Hindus may be adjusted according to their respective population in the province. One seat may be given on the Provincial Legislative Council to represent commerce, art, capital, and labour. The number of seats to be given to agriculturists or land holders may be fixed at two. The mode of filling up these seats shall be as follows:—

A. Non-agricultural communities, or such of them as have an organized mode of representation, according to any rules from time to time approved by the Government shall be allowed to return their own members. Failing these the seats are to be filled by the Government by nomination from the respective classes.

B. The seat for commerce, art, capital, and labour may be given by election; the electorate in this case being formed of the Joint-stock Companies, Commercial Associations formed under rules approved by the Government, and persons paying income-tax on an income of not less than Rs. 15,000 per year.

C. Of the seats for agricultural communities one may be given by election of the local boards of the province and the other by nomination of the local Government.

4. (10) The preceding suggestions cover the answer.
4. (11) As above.
4. (12) As above.
5. (13) I say yes to this question.
5. (14) As above.
5. (15) As above.

No. 814, dated Delhi, 9th November 1907.

From—JAMES PRENTICE, ESQ., C. A., Secretary, Punjab Chamber of Commerce,

To—The Deputy Commissioner, Delhi District.

With reference to your circular no. 1371, dated 17th October 1907, I am instructed to forward my committee's opinion on the proposed measures for giving the people of India wider opportunities of expressing their views of administrative matters.

I. (1) *Imperial Advisory Council.*—My committee approve the proposal to constitute an Imperial Advisory Council, and do not wish to suggest any alterations therein.

II. (2) *Provincial Legislative Council.*—My committee approve the proposal to constitute a Provincial Advisory Council and note with special satisfaction that the Government of India in their letter nos. 2313—2317, dated Simla, 24th August 1907, paragraph 6, distinctly lay down that it is "essential" that "industry, commerce, and capital" (among other interests) should also be included in the council.

III. (3) *Imperial Advisory Council.*—My committee approve the principles of enlarging the Imperial Legislative Council, and they are in accord with the general lines on which it is proposed that such enlargement should proceed; they are, however, strongly of opinion that the immensely important commercial interests of India should be accorded more adequate representation than the scheme provides for. They would urge that the Calcutta and Bombay Chambers of Commerce, though doubtless entitled by their status to elect one member each, as is proposed, are not representative of the diverse commercial interests of the whole of this great country, and in particular are not representative of these two main bodies of commercial interests which in Northern India may be considered to be represented by the Upper India, the Karachi, and the Punjab Chambers of Commerce and in Southern India by the Madras and the Rangoon Chambers of Commerce. They would, therefore, suggest that an additional commercial member should be allotted to Northern India, and another to Southern India, to be elected either conjointly or in rotation, the latter preferably, by the two groups of chambers above mentioned. They hope that the Commissioners and the Deputy Commissioners

of Lahore and Delhi, who have special opportunities of appraising the magnitude of commercial interests in Upper India, will see their way to give to this suggestion the great advantage of their official approval and support.

My committee approve the proposal that one member should be elected by the Provincial Legislative Council to the Imperial Legislative Council.

(5) and (6) My committee do not think that the subjects of these two questions come within the special province of the chamber as such, and they therefore refrain from expressing any opinion.

IV. (7) *The Provincial Legislative Council in the Punjab.*—My committee would advocate a liberal increase in the present number of members of the Punjab Legislative Council, in conformity with the general principle underlying the whole of the proposals now under consideration as enunciated by the Government of India, namely, the desirableness of "giving the people of India wider opportunities of expressing their views on administrative matters." They do not feel competent to suggest an exact number.

(8), (9), (10), (11) and (12) For the reason given in their reply to questions (5) and (6) my committee refrain from expressing any opinion on the matters embraced by questions (8) to (12), inclusive. But they would ask to be allowed to urge, with special emphasis, the powerful claims of commerce and industry (both of which are rapidly growing factors in the economic well-being of this province) to be allotted on a permanent basis, a special representative in the Provincial Legislative Council. They are also strongly of opinion that the electorate best qualified by its constitution to nominate a suitable representative of commercial and industrial interests in this province, is to be found in the Punjab Chamber of Commerce, and earnestly hope that the Commissioners and the Deputy Commissioners of Lahore and Delhi, with their special knowledge of the character of the chamber and of the interests which it has been created to promote, will see their way to support their recommendations in this matter.

V. (13) *Discussion of the Budget in the Legislative Council.*—My committee approve the proposal to alter the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(14) My committee consider that it is desirable that the Provincial Budget should be discussed in the Provincial Legislative Council, but they do not think that the time has come when its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter would be advantageous.

(15) My committee advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JAMES PRENTICE, C.A., *Secretary,*
Punjab Chamber of Commerce, Delhi.

No. 1015—99-07, dated Multan, 21st November 1907.

From—H. J. MAYNARD, Esq., I.C.S., Commissioner, Multan Division,
To—The Chief Secretary to the Government of the Punjab.

With reference to correspondence ending with your letter no. 51 (Home—Legislative) dated 18th November 1907, I have the honour to forward a note recorded by me, together with a copy of the correspondence noted in the margin, regarding the measures proposed by the Government of India for giving the people of India wider opportunities for expressing their views on administrative matters and to state that the opinions of the other Deputy Commissioners will be forwarded on receipt.

1. Deputy Commissioner, Dera Ghazi Khan's letter, no. 661, dated 13th November 1907.
2. Deputy Commissioner, Mianwali's letter no. 485-C., dated 13th November 1907, with enclosures, in original.

H. J. MAYNARD,
Commissioner, Multan Division.

NOTE.

I. (1) *Imperial Advisory Council.*

1. There are some features in the proposals regarding the Imperial Advisory Council which might be modified with advantage. This will become clear if we consider in what light the *dignity* of membership will present itself to those who are likely to be asked to serve upon it. Side by side with an Imperial Legislative Council, having certain definitely recognised powers

at law, with the right to assemble, to interpellate and to discuss, and an important share in the work of legislation, it is proposed to establish another council, which will only meet when specially summoned, only express opinions on subjects specifically referred to it, enjoy no legal status or legal powers, and exercise no *authoritative* influence on the decisions of Government. When these conditions are fully realized, it will, I believe, be found that the most able and influential of the Chiefs and territorial magnates will regard membership of the Advisory Council as lacking *dignity*,* and will contrast unfavourably their own position as members with that of the men, often their social inferiors, who have attained to seats on the Legislative Council. To those who know anything of the Indian aristocracy, it is a truism that they value personal dignity above most other considerations. The suspicion that they occupied an inferior position in the Advisory Council would do much to impair the usefulness of that institution.

2. Without any surrender of the postulated supremacy and independence of the executive authority, it is possible to change these conditions for the better by giving to the proposed Imperial Advisory Council the legal right to meet and to tender collective advice on any subject on its own intiative. I suggest that, upon a requisition signed by at least five members, Government should bind itself to summon a meeting. I am also inclined to think that either His Excellency the Viceroy or the Honourable Member in charge of the subject under discussion should preside. This would probably have no tendency to stifle discussion, if the subject were one on which strong views were held. But it would add to the *dignity* of membership.

3. Incidentally the legal right to tender collective advice unasked will meet the criticisms which have been levelled against the council as a mere device for assisting Government to resist the pressure of the educated and reforming classes. A body which has legal authority to insist on recording its collective opinion on any subject, is in a very different position from one which lends itself to the suspicion that Government calls for advice only when advice is likely to be acceptable.

4. Similar considerations lead me to doubt whether it is judicious to provide that the proceedings of the council should as a rule be private, informal, and confidential. It is politically undesirable that Government should be charged with suppressing unpalatable advice, but such charges will certainly be made by unscrupulous opponents unless every pretext for them be removed.

5. Nawab Bahram Ali Khan, C.I.E., the Mazari Tumandar, who is probably the ablest and most representative man in the South-West Punjab, has talked to me on this subject. He holds that a member of the Imperial Advisory Council should be in a position to satisfy his "kaum" as to the advice which he gave on any question affecting its interests, and he does not think confidential proceedings desirable, or believe that communications of a more public kind will in any way impair the frank exchange of opinion. If Government feels doubt on the subject, I suggest that it should be left to the Imperial Advisory Council itself to decide whether its proceedings, on any particular subject, or in general, should be public or private.

6. It appears unnecessary that Government (which will have absolute discretion as to the individuals to be nominated) should bind itself absolutely to the nomination only of great ruling Chiefs and territorial magnates. Though these will of course constitute the great majority of the members an opening should be left, as Captain O'Brien has hinted, for the Tatas and others whose characters and enterprise may render them representative of other great interests. With this opening for future modifications and developments, the Advisory Council should escape from the reproach of being an instrument of reaction and obstruction.

7. I fear that there will be disappointment in regard to the council's work as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government. Except when they occupy a *quasi*-patriarchal position, like that of the Beloch tumandars, the Chiefs and magnates are not generally in very close touch with the mass of the people. Those who will understand the proceedings best will be the Europeanised, whose education and mode of life has in some measure alienated their sympathies. But even the Chief or magnate of the old-fashioned type is somewhat apt to have conceptions of his own dignity which preclude confidential intercourse with his inferiors, other than personal followers and attendants. It is in other directions that Government must look for the explanation of its aims and objects. In this respect I fancy that the influence of the educated middle classes, who teach the young, control the press, and come in contact with the people in the capacity of professional men and subordinate officials, is underrated. As against the real tribal or patriarchal Chief, these classes are a feather in the scale. But all territorial magnates are not tribal or patriarchal Chiefs. Sometimes, as is the case with the great cis-Sutlej Jagirdars, they live like strangers in enemy's conquered country.

8. On the whole, my feelings is this: that in formulating the plan of an Imperial Advisory Council the Government of India have had in view some province, where the territorial magnates are true feudal chiefs or patriarchal heads, living in kindly and confidential relations

* In the Legislative Council His Excellency the Viceroy presides: in the Advisory Council this is not the case.

with the people about them or at all events in a substantial sympathy with them such as that which a good English landlord feels for his tenantry: and that, so far as the Punjab or a considerable portion of it, is concerned, the facts are disappointingly out of harmony with the conception. Something, however, will depend upon the breadth of the meaning which will in practice be assigned to the expression "territorial magnate." As pointed out further on, it is the men who enjoy influence over other men for hereditary or tribal or religious reasons, who are really important. Property counts for something, but not for so much as it would in a state of society further separated from the tribal or patriarchal. If this be overlooked we shall find ourselves in the unfortunate position of having selected leaders who do not lead, representatives who do not represent, and of having impaired, by ignoring, the influence of those who might under other circumstances have discharged the desired function.

9. I invite attention to the important fact that in the past, at all events, Indian aristocracies have risen and fallen with surprising rapidity. Except among the hill Rajputs, it would be impossible to find a Punjab family with a history dating back before the seventeenth century, and most of the Sikhs and many of the Muhammadans have a much more modern origin than this. Marauding conquerors of the latter days of the decadent Moghul empire, intriguing courtiers or favourites of the Maharaja Ranjit Singh, astute Hindu traders who acquired land, such are the men who have succeeded to others not better than themselves, and under natural conditions they would in many cases have given place to a new set no worse. I understand that the position in Bengal is not dissimilar. Many of the great rajas or zamindars there are merely descendants of astute traders or contractors who contrived to engage for the revenue in the early days of British rule. Is there not something in these facts to hint a warning against the stereo-typing of the influence of normally ephemeral aristocracies, where they have no real hold upon the hereditary sentiments of their dependents?

10. My argument is one for elasticity in the constitution of the council: for recognition of the facts that *influence with men* comes first, that this may be in some measure independent of the possession of property, and that though it is most powerful when grounded upon tribal and religious sentiment, it may be, and is under modern conditions, dependent in part upon the respect which education and practical capacity for affairs secure to their possessors.

11. There is one more word to be said: as regards the true significance of a "stake in the country." Those who argue for this as a condition of a man's fitness for a share in the work of Government have in view the fact that the man who has nothing to lose by change or chaos lacks the most powerful of steadying influences. Under Indian conditions property is perhaps the thing which a man is most afraid of losing: but his fear of losing what he calls his "izzat" runs the other fear very close. The man who has little property, but a distinguished position among his own disciples or in his own tribe, has his "stake in the country" as much as a richer man. Again, professional incomes and officials salaries are just as much dependent upon the continuance of peace and a settled *régime*, as is the security of landed property: perhaps more dependent: for the influential land-owner might stand to gain in a general scramble, when the professional man could only expect a stoppage of business. The income dependent upon the continuance of existing conditions is a "stake in the country," whether it be derived from land which may change hands, from investments which may depreciate to vanishing point, or from professional services which may cease to be in demand.

II. (2) *Provincial Advisory Councils.*

12. I consider that a Provincial Advisory Council consisting of some twenty nominated members would be a useful institution, if invested with legal authority to meet and tender collective advice on its own initiative. The manner in which it is proposed to compose it is appropriate, due regard being had to the remarks recorded by me under the last head.

13. I think it would be wise to provide for travelling allowances in the case of the members of this and other councils, and also of the member of the electorate colleges which are proposed further on in this note. The Oriental idea, of course, is that when the ruler summons a subject for any purpose of honour, he presents him with a "khillat" or at any rate entertains him and supplies him with "kharcha." The English idea of unpaid service is not altogether familiar to the Indian mind. We shall also need suitable buildings at Lahore for the reception of the electoral delegates from the districts: something after the fashion of the district "zailghar," but rather better.

III. (3) *General remarks regarding the Legislative Councils.*

14. The necessity of confining the number of non-official members within narrow limits is due to the necessity of maintaining an official majority. Presumably the simple plan of giving to each official member, or to the *ex-officio* official members, more than a single vote has been considered and rejected. This plan would give wider scope to the representation of the public, without entailing the attendants of a superfluously large number of officials. A possible modification of it would be to give to the President a power (which he would naturally

exercise only on crucial occasions) to declare a particular question, one involving the supremacy of the executive authority; and to provide that on such questions each *ex-officio* member would be entitled to give one (or more than one) additional vote. When it has been so definitely announced that an official majority must be secured, the theoretical and constitutional objections to inequalities of voting power appear to me to have lost their force. Many or most of the official members will attend the council, under the clearly admitted obligation to vote on crucial questions in accordance with instructions. Their time, which is worth money, might be saved: except when their presence is needed for the discussion or exposition of some measures with which they are acquainted.

15. An opposition, of great solidarity and commanding a numerical majority of the council, might conceivably manœuvre to compel too frequent recourse to the President's special power. It seems to me safe to say that a party thus bent on discrediting the institutions of the council would not be able to count on the support of all the non-official members.

16. An objection to the proposed plan is that it would establish a precedent for inequalities or voting value, and postpone, *sine die*, the fulfilment of aspirations for public control. There would be a tendency to apply a similar principle in other and less important spheres of public business, and in these spheres at any rate the chairman's special authority might be too freely exercised. I note, however, that when the next step towards expansion of public representation becomes necessary some such devise may be inevitable for the preservation of executive supremacy.

17. It is not so long ago that members of the British House of Lords used to send their footmen to vote as proxies on their behalf. There are always political disadvantages about a system which lends itself to satire. But I am not sure that some decorous plan of voting by proxy could not be devised to obviate the need of the presence of men, who are, *ex hypothesi*, present only, to be counted. I also suggest that the dumb official majority trooping past the division table may in time become an object of effective derision.

III.—(3) *Imperial Legislative Council.*

18. Assuming that there is to be equality in the value votes, and that voting by proxy is not to be allowed, the number proposed in paragraph 12 of the Government of India letter appears to me appropriate. But owing to the heterogeneous character of the interests to be represented, a somewhat larger number would be preferable. For instance, there is no sort of solidarity in the Punjab between classes which will be jointly represented by single member. A Baloch tumandar is not a suitable representative of a large Hindu land-holder: nor a Sikh jagirdar of a capitalist purchaser. Yet all alike would presumably fall into the "nobler and great land-owner class." Again the interests of commerce and of the professional and educated classes in the Punjab might go unrepresented in the Imperial Legislative Council since the non-official members of the Provincial Council, if of the present type, would probably choose a noble or land-owner to represent them. It would be an advantage if the Viceroy had a larger power to nominate for the representation of minorities or special interests. An average of one per province over and above the proposed Muhammadan representation would give what is required. The power to nominate should be used only to the extent and in the manner required to redress the balance of interests.

III.—(4) *Imperial Legislative Council.*

19. Accidentally, no doubt this question takes a form different from that formulated by the Government of India. I should think it a mistake to have a member elected by the Provincial Legislative Council, with its official majority. I approve of the proposal that he should be elected by the non-official member of that council. It is still the case in the Punjab that many of the best men are too proud to submit themselves to the suffrages of a wide constituency; whereas lawyers and professional men (whom I am far from decrying in any way) are, by professional training, less sensitive and more self-assertive. A system of indirect election through the local council appears to meet this difficulty: and it is preferable to nomination, which, though sometime inevitable, incurs the suspicion of servility and does actually tend to bring forward men who speak to please.

III.—(5) *Imperial Legislative Council.*

20. In regard to the class of "land-owners" an important point has to be cleared up. There is a very large and influential class of assignees, who do not pay, but receive, revenue. I need only draw attention to the cases of Baloch tumandars and the cis-Sutlej Sikh jagirdars to show that it is necessary to place revenue assignees on the same footing with revenue-payers. This will substantially affect the statistics given in paragraph 5 of the Punjab Government letter.

21. Though I am not certain about it, I think there may be superior proprietors such as Sadat Ali Khan of Kot Kamalia, whose "ala milkiat" dues combined with other income

give a total which would place them in a class higher than that to which their revenue-paying land taken alone would entitle them. I believe that in the Punjab there are no ala maliks who are allowed to engage for the revenue; but the question whether there are any ala maliks who deserve to be regarded as territorial magnates despite a deficiency in their revenue payments is one which may deserve attention. A man like Sadat Ali Khan enjoys an influence which is quite out of proportion not only to his property but even to his character. I have made a proposal below which may assist in the solution of similar difficulties.

22. In this division fluctuating assessment is so common that the question how the revenue paid under a fluctuating system is to be determined for franchise purposes naturally suggests itself. I suppose that the average of the past five years may appropriately be taken.

23. I should like to plead for a reconsideration of the decision that the land-owners, if they elect a representative must elect one of their own class. In the Punjab, at all events, it is practically certain that thay will choose one of their own number, without any legal compulsion to do so. Perhaps this may not be the case in all provinces: but I suggest that men of this very weighty and wealthy type, accustomed by the management of their own properties to the conduct of affairs, are the best possible judges of the manner in which their interests can effectively be represented. If, here and there, and now and then, they choose an eloquent lawyer, or a man of business, or a smaller land-owner of influence and character, no practical harm can result to the council with its safe official majority: while the new measure will gain by the elimination of a restriction which casts an aspersion upon the discretion of the unfranchised magnates. The removal of all checks which are not absolutely inevitable must beneficially affect the spirit in which these reforms will be received.

24. I approve of the selection of one of the great land-owners or assignees of the Punjab to the Imperial Legislative Council. Nomination by Government is, I think, preferable to either of the other two plans sketched in paragraph 15 of the Government of India letter. Election by the land-owning members of the Provincial Council might concentrate power to an undue degree in the hands of a few men, who would also have votes for the council representative. On the other hand, the whole body of land magnates, unless unduly limited by a high franchise, would be far too heterogeneous to make the best selection. There is, however, a method which seems to escape these drawbacks, while giving effect to the best mind of the class to be represented. This is the method of indirect election. The land-owners and assignees of required status would elect seven, nine, or eleven of their own number to be electors. A majority of this electoral college would choose the member for the council after meeting and dissussing the question.

25. I can best illustrate the question of the franchise limit by citing the cases of Baloch tumandars. The inam of the Leghari tumandar is valued at Rs. 15,375 per annum, of the Mazari at Rs. 10,605, of the Khosa at Rs. 6,000. The other six vary from Rs. 4,599 (Sori Lund) to Rs. 1,000 (Bozdar). It is possible that if the Mazari and Leghari tumandars alone enjoyed the franchise, the other seven would not feel particularly aggrieved. But a limit fixed at Rs. 10,000 would give a very small constituency, even after assignees as well as proprietors had been included, and a limit of Rs. 5,000, which would include Sardar Mubarak Khan Khosa, while excluding such a man as Sardar Jallab Khan, C.I.E., would be unintelligible to the Baloches and would give rise to heart-burning. Moreover all the Baloch tumandars are of substantial political importance, and the degree of that importance is not directly dependent upon the figure of their inams but on the influence which they exercise over the men of their section. Here, and perhaps in some other quarters, the patriarchal and tribal authority requires to be recognised, without regard to income. The neglect of this point would lead to a serious disturbance of political balance. The Mulan district has two, if not more, very worthy Hindu landlords (Babla Chaudhris of Shujabad), each paying over Rs. 10,000 land revenue. They enjoy the influence which comes from money and the disposal of their tenancy: but nothing more. The Ambala and Karnal districts have several Sikh jagirdars of equal or superior means. They are important because of their historical and ancestral connection with the Phulkian States and the Punjab Sikhs. But, so far as the people among whom they live are concerned, their disappearance would attract but little notice and would affect the administration in but slight degree. On the Baloch Chiefs, on the other hand, depends the peace of a whole district and of a considerable area beyond it. Something similar in kind, but less in degree, is true of the ancestral heads of tribes such as the Sials of Jhang, and I think there are families in Shahpur which enjoy the same kind of pre-eminence.

26. The remedy is to introduce into the formation of the primary consituency an element of elasticity, dependent upon a principle which the men concerned will very readily comprehend. The franchise should rest with land-owners and assignees paying or receiving a stated minimum (Rs. 5,000 appears to me appropriate if this further proposal of mine be accepted): and such other persons as the local Government may, by reason of their territorial or political importance, declare to be entitled to it.

27. My answer to this question therefore is that the landed class should be represented on the Imperial Legislative Council by a member not necessarily belonging to the class, to be selected by a process of indirect election, in which the primary constituency will be made up partly of men entitled to the franchise by a fixed property qualification of Rs. 5,000 revenue per annum and partly of men selected by Government for their territorial or political importance.

III. (6) *Imperial Legislative Council.*

28. The plans of Government having been provisionally announced, it would now be an awkward thing to reduce in any way the proposed special representation for Muhammadans. It is of course perfectly fair itself; and the only question is whether it could not have been better arranged in whole or in part by the reservation of a general power to redress the balance by appointing representatives of any class or interest which appeared to have been excluded from its fair share in the Imperial Legislative Council. It is by this power also that provision can best be made for the representation of that class of Sikhs which does not recognize its substantial identity with Hindus.

29. There are obvious disadvantages about the constitution of a special Muhammadan electorate in any way which will give to specified classes of Muhammadans privileges not enjoyed by the corresponding classes of other communities. The payment of income-tax will not confer the franchise for the Imperial Legislative Council on the Parsi merchant or the Hindu banker; and it will be awkward to put it on a different footing for the Khoja who conducts his business side by side with them. Jealousy, and the suspicion of partiality, are very readily awakened, and they are dangerous corrosives to loyal sentiment. The Hindu fellow or graduate of the local University, who sees his Muhammadan peer invested with an influence which is denied to himself, will become the prey of a rancorous envy. Everyone who has held charge of a district knows that these passions are administratively most inconvenient, to use no more serious expression.

30. The objection to a system of election by the Muhammadan non-official members of the Provincial Councils is, I think, somewhat less strong partly because the number of persons to envy and to be envied will be smaller, and partly because the non-official members of the other communities will at any rate be in enjoyment of the substantial dignity of a seat in the Provincial Council (with the possible addition of a vote for one member of the Imperial Council), and will be the less sensitive to the deprivation of the additional dignity of a vote for an extra Imperial Councillor.

31. The Muhammadan with whom I have had an opportunity of discussing this point (mostly men of the landed class or of those hereditary "saintly" families which are so common in the Multan division) incline to protest against the system of election; but their strongest objection, I think, is to a large and wide constituency, rather than to the principle of election as opposed to nomination. There are moreover in the town populations many Muhammadans who are as much disposed to cavil at the old-fashioned leaders, as are the educated Hindus.

These would doubtless like to choose their own representative, and if they did choose him his resemblance to the agitating demagogue of other communities would be sufficiently close. A system of election of the kind which Government can contemplate would not satisfy these men who would certainly desire a lower limit for the franchise. Yet they would probably prefer it to simple nomination, and at any rate it will lend itself slightly less to effective criticism from their point of view.

32. Assuming that Government does not feel able now to withdraw from the Muhammadan community any portion of the expectation of special privileges, and to substitute a general engagement to redress inequalities by nomination, I can suggest no improvement in the plan of election of two Muhammadan members by the Muhammadan non-official members of the Legislative Councils of six provinces in rotation: coupled with the nomination of at least two Muhammadans by the Viceroy.

33. If the Muhammadan constituency should be composed on lines similar to those suggested by the Muhammadan deputation of October 1906, I suggest that it ought to be amplified by the inclusion of electors chosen by the leading Muhammadan societies, and of the hereditary incumbents (sajjada-nashins) of important historic shrines such as Taunsa Sharif which count their adherents and disciples by thousands and exercise an extraordinary authority. Just as it is an error in the choice of the landed representatives, to consider only property and ignore tribal and patriarchal influence, so it would probably be an error, in the choice of the Muhammadan members, to give to money and modern education the weight which, in actual conditions, belongs rather to religious influence and the hereditary reputation for sanctity or spiritual power. Many of the saints, Makhdums, Pirs, or sajjada-nashins, have engaged very actively in the business of this world, without sacrificing any large part of the credit which they enjoy on account of the more ascetic virtues of their ancestors; and the class is one which should not be overlooked in making arrangements for the representation of Muhammadans.

IV. (7) *Provincial Legislative Council (Punjab).*

34. If it be considered necessary that the representatives of the land-owing class on the Provincial Council shall constitute a majority of the non-official members, I advocate such an increase of number as will make it possible to have seven non-official members. If this be not considered necessary, six non-official members, or one more than the average of the past are possibly sufficient. In the former alternative the membership would be made thus:—

Representatives of Muhammadan land-owners or assignees	2
Representative of Hindu land-owners or assignees	1
Representative of Sikh land-owners or assignees	1
Representative of educated and professional class	1
Representative of trade and commerce	1
Special additional ropresentative of Muhammadans (in consideration of the fact that the representatives of the educated and professional class and of trade and commerce will very seldom both be Muhammadans and often neither)	1
TOTAL	7

In the second alternative thus:—

Representative of Muhammadan land-owners or assignees	1
Representative of Hindu and Sikh land-owners or assignees	1
Representative of educated and professional class	1
Representative of trade and commerce	1
Representative of Muhammadans	1
Representative of Sikhs	1
TOTAL	6

The natural bias of the administration in a province in which revenue work is the passport to official success, is towards the protection of the landed interest, and more than one official member of the council will be practically a member for the land-owners. If anything runs a serious risk of being overlooked, it is the interest to trade and commerce.

I do not, therefore, think that the interests of the land-owners necessitate the adoption of the first of the two alternatives. On the other hand, it has the advantage of guaranteeing at least three out of seven Muhammadan members: whereas the second alternative only guarantees two out of six. In a province in which the Muhammadans constitute a majority of the population, two out of six is inadequate representation. On the whole, therefore, I prefer seven as the figure of the non-official members of the Provincial Council, though six might be accepted if the inconvenience of adding the additional official member be of a serious kind.

35. If Government were starting with a *tabula rasa* as regards the expectations awakened by previous public announcements, I should have been disposed to prefer an entirely free-hand for nominations to redress the balance of creeds and classes. Instead of reserving a vacancy for a Muhammadan (and under the second alternative system a vacancy for a Sikh also) I should have suggested that certain places be left to be filled in the interests of imperfectly represented classes, whether actual minorities, or two imperfectly organised to secure proper representation. This plan would have the great advantage of being an obviously fair one, and of remaining fair under all conceivable conditions. The other plan might conceivably work badly. In the improvable event of Muhammadans being elected to represent both trade and commerce and the educated and professional class, it would be plainly inequitable for the Muhammadans to have yet another seat. My own opinion, therefore, on this point is that there should be seven non-official members the first six corresponding to the first six shown in the first alternative in paragraph 34 of this note, and the seventh nominated (or elected by a constituency to be named) with the object or redressing inequalities of representation. But as this arrangement is perhaps now out of the question, I shall proceed in the remainder of this note on the assumption that a place or places will be definitely allotted to a particular creed.

IV. (8) *Provincial Legislative Council (Punjab).*

36. As regards the representatives of the educated and professional class and of trade and commerce, there can be no doubt of the suitability of a system of election. For the representatives of the landed interest, I think a suitable system of *indirect* election can be devised; but if *indirect* election be thought too elaborate or complicated, I prefer nomination by Government to *direct* election by heterogeneous and scattered constituencies. For the Muhammadan member I suggest election by a constituency of which the members are mainly or wholly selected by Government, and in default of this, *direct* nomination.

IV. (9) *Provincial Legislative Council (Punjab).*

37. I have answered this question in answering the two foregoing. In certain interests there is a solidarity which is little affected by distinctions of class and creed. In others the distinction is of paramount importance. I believet hat the distinctions which I have proposed in regard to the classes to be represented, with the explanations which I shall give below as to the constituencies to be established, will meet the requirements of the Punjab.

IV. (10) *Provincial Legislative Council (Punjab).*

38. I do not advocate election through municipal or district boards. Except in a few large cities, any life which municipal committees might under more favorable circumstances have developed, has been stifled out of them by the incubus of departmentalism. Until they are allowed to do their own work, and learn by practice how to do it, they are unfit to exercise any political function. The district board is not such a good representative of the rural population or of the land-owning class, as an assemblage of zaildars would be; and it very seldom includes any of the leading land-owners or assignees, who look down upon it with something closely approaching to contempt.

39. There are two distinct strata in the landed classes which may fairly look for recognition in the arrangements for the choice of land-owning representatives for the Provincial Legislative Council. There is the "country gentleman," as we may call him, who seldom has anything to do with the district boards, but is often an honorary magistrate, and will make up the bulk of the constituency by which the land-owning representatives for the Imperial Council are to be elected. There are some districts (Hissar is, I think, one of them) in which this class practically does not exist. Quite distinct from the magnate class are the yeomen from whom most of our zaildars and inamkhwars are drawn. The aim should, I think, be to give to each of these two classes approximately equal voting power for the choice of the provincial land-owning members. I propose to arrange for this as follows.

40. An electoral college would be constituted by the deputation of a number varying from two to five or more land-owners from each district. A district like Hissar would contribute two members only, one elected by the Hindu zaildars, another by the Muhammadan zaildars. A district like Ambala would contribute four, elected by Sikh magnates, one by Muhammadan magnates, one by Hindu and Sikh zaildars, one by Muhammadan zaildars. A district like Dera Ghazi Khan would contribute three, two elected by Muhammadan magnates and one by Muhammadan zaildars. The members having met at Lahore would divide into a Muhammadan and a Hindu-cum-Sikh committee or separate Hindu and Sikh committees. The Muhammadan committee would elect a Muhammadan, or two Muhammadans. The Hindu-cum-Sikh would elect a Hindu or a Sikh or if it be feasible to have both a Hindu and Sikh, the Hindu committee would elect the Hindu and the Sikh committee the Sikh.

41. The land-owning electors for the Provincial Council will be far more numerous, more heterogeneous, and more subject to the machinations of wire-pullers than the small electoral college which I have proposed for the choice of the provincial representative for the Imperial Council. At the outset, therefore, I would require them to elect members of the landed classes. But when the habit of choosing a land-owner or assignee has had a fair chance to establish itself, I would withdraw the restriction upon the electors discretion: and I would in no case impose a restriction as regards the religion of the candidate to be elected. Of course Muhammadans will always elect Muhammadans, but a Hindu committee might elect a Sikh, and a Sikh committee might elect a Hindu, and I can see no objection at all to their doing so.

42. For the educated and professional classes there can be no better electorate than that which forms a portion of the electorate for Muhammadans proposed in paragraph 17 of the Government of India letter: all registered graduates of an Indian University of more than five years' standing: unless it be preferred to limit the franchise to those who have attained the higher degree such as that of Master of Arts. Apparently there are about 140 Masters of Arts of the Punjab University, of five years' standing or more. A constituency made up of these men would return a member of the intelligent and reasonable "opinion," who would voice the new aspirations in a useful manner and supply some valuable criticism.

43. Except in the one instance of the appointment of an English banker, no attempt has yet been made in the Punjab to represent trade and commerce on the Provincial Legislative Council. We now have a Punjab Chamber of Commerce, a Punjab Trades Association, several new native banks as well as the European managed institutions of older standing, a couple of native insurance companies, and a daily increasing multitude of factories, though I believe that most of the latter are packers rather than manufacturers, and there is a huge export of agricultural products. Some of the weakest points in the provincial administration, its bad district roads, its dilatory civil courts, with their kaleidoscopic personnel, its failure

to provide adequately for the execution of decrees, offer themselves to the criticism of the men who are engaged in these occupations, but they have as yet no means of aiding in the constructive work which should remove their causes of complaint.

44. I have not the particulars which would enable me to make detailed proposals with confidence: but an electorate constituted somewhat as follows would probably meet the requirements:—

"All persons who during the year preceding paid income-tax on an income of Rs. 10,000 or more."

The directors of all registered joint stock companies, of more than five years' standing, having a *paid-up* capital of at least two lakhs, and certified by the registrar of the joint stock companies to have filled all documents required by law and a closing balance sheet which shows no deficit. (As some names reappear rather frequently in the directors' lists, no one should be permitted to vote in respect to more than a single qualification.)

A number of votes approximately equal to those of the foregoing classes should be assigned to the Punjab Chamber of Commerce and the Punjab Trades Association, in the proportion of three-fourths to the former and one-fourth to the latter.

IV. (11) *Provincial Legislative Council (Punjab).*

45. What I have already written makes a further answer to this question unnecessary. There is a great deal to be said about the constitution of municipal and district boards, but as they are not, and are not likely to become, within any near period of time, suitable constituencies for the choice of members for the Provincial Legislative Councils, this is not the place to say it. The suggestion that any seats on district and local boards should be allotted to traders or artizans is rather a revolutionary one so far as the Punjab is concerned. These classes do not at present contribute to the funds which the district and local boards administer: and so long as this condition continues, it would be anomalous to arrange for their representation upon the boards. The proviso that the electors ought to be literate is unsuited to rural conditions in the Punjab. Clause *(c)* of paragraph 22 of the Government of India (letter ?) has, I think, been suggested by the experience of some Indian province which differs very widely from the Punjab in essential particulars.

IV. (12) *Provincial Legislative Council (Punjab).*

46. Subject to remarks which I have made in replying to question IV (7), I think provision should be made for the separate representation of Muhammadans, and I would provide for it by election by a constituency of which the members would be mainly or wholly selected by Government. In choosing the members of this constituency, less weight should be attached to the possession of property than to the exercise of influence, tribal or religious. The incumbents of the great historic shrine, the executive committee of the principal anjumans, the hereditary heads of tribes would be the main elements in this constituency.

47. If the second alternative plan sketched in paragraph 34 of this note be adopted, and separate Sikh representative (not necessarily a Sikh land-owner or assignee) be allowed, the mode of selecting him should be similar to that suggested for the separate Muhammadan representative.

48. Even if my proposal in paragraph 35 of this note be accepted, and the extra seat or seats for the redressing of inequalities be allotted according to circumstances instead of being assigned beforehand to particular classes, the mode of selection might be similar to that indicated in paragraphs 46 and 47. That is to say, Government might determine to what class or classes the additional member or members ought to belong, and then nominate the men who are to elect him.

V. (13)

49. I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

V. (14)

50. I consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and I advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

V. (15)

51. I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

Dated 18th November 1907.

H. J. MAYNARD,
Commissioner, Multan Division.

No. 661, dated 13th November 1907.

From—M. L. WARING, Esq., I.C.S., Deputy Commissioner, Dera Ghazi Khan,

To—The Commissioner, Multan Division.

With reference to your endorsement No. 889, dated 3rd ultimo, I have the honour to give my answers to the list of questions attached to the Punjab Government letter No. 2643-S. (Home—Legislative), dated 27th September 1907.

I. (1) I consider that an Imperial Advisory Council would be a useful means of ascertaining on any important question, such public opinion as there is in the country.

I have no suggestions to make regarding its constitution and duties as sketched by the Government of India letter.

I. (2) For the same reason I think that a Provincial Advisory Council would be a useful institution. Its constitution and duties as indicated in the Government of India and Punjab Government letters do not call for criticism.

III. (3) I do not think that an enlargement of the Imperial Legislative Council is likely to add to the efficiency of that body. An increase of public speaking will not help in the governing of India. I admit, however, that the proposed enlargement is a necessary concession to the spirit of the times.

I have no modifications to suggest in the scheme sketched out by the Government of India.

(4) I approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-holders of this province to the Imperial Council. The province is not ripe for elective systems, and I am entirely in favour of nomination. If election be adoped I would support election by the land-holding members of the Provincial Council from among their own number.

As regards a franchise qualification in this connection I think that in this province it would be most impolitic to make any hard and fast rule. The only criterion which can be perfectly definite is that of wealth and there are at any rate some parts of the Punjab where political and social influence are much more dependent on birth than on property. Where tribal feeling survives in any strength, the natural leaders of the people are sometimes men of great position but of very little money. The large Baloch clans of Dera Ghazi Khan district are managed exclusively through their Chiefs. This gives the Baloch Chiefs a position of great importance and yet of a minimum of wealth were fixed as a qualification for selection, election, or voting, they, or at least most of them, would be excluded.

I think the matter should be left to the discretion of Government. If nomination be adopted Government will not nominate a nonentity. If election be adopted, Government would nominate a body of influential men to constitute a small electorate, and this electorate might be trusted not to disgrace itself.

(6) I approve of the proposed appointment of four Muhammadans to the Imperial Council, as suggested in paragraph 12 of Government of India letter.

The elected members should, in my opinion, be elected by the Muhammadan members of the provincial councils.

It is doubtful whether the Muhammadan fellows of the local university would not be guided too exclusively by literary or scientific merit.

On the question of property qualification I have already expressed my opinion.

IV. (7) I would not advocate an increase in the present number of members in the Punjab Legislative Council. I do not think there is any real demand for it in the Punjab. However if other provincial councils are enlarged it will be hardly possible not to take similar action in the Punjab. Fifteen would perhaps be a large enough number.

(8) I would maintain the present system of nomination.

Owing to the many unedifying features of the elective system I would not introduce it until there were a very strong and general feeling in its favour. This feeling does not appear to exist in the Punjab. As to election by the Senate of the University I would deprecate the introduction of a political element into that body.

(9) In either case I would advocate a fixed rule determining the proportion of seats to Hindus, Sikhs and Muhammadans. In setting the proportions the first guide would be the census figures, but other considerations of character, vigour, and extent of contribution to the strength of the social organism, should be allowed due weight.

(10) If election is resorted to I would discard municipal and district boards altogether. They are hot beds of chicanery and are conspicuous mainly for their want of public spirit. I would form a small electorate by nomination.

(11) I think it would be unwise to connect local and municipal boards in any way with elections for the Provincial Legislative Council.

(12) Muhammadans would be provided for in the separate representation already advocated. I am in favour of direct nomination, but in case of election I think the electoral body should be nominated, and that it should be small, care being taken to include all shades of opinion existing among good citizens.

V. (13) The suggested change in the system of discussing the Budget would assist intelligent criticism.

(14) I think the same system in provincial councils would produce a similar result.

(15) I would await further experience before introducing the power of interpellation into the Punjab Legislative Council.

M. L. WARING,
Deputy Commissioner,
Dera Ghazi Khan.

No. 485-C., dated Mianwali, the 13th November 1907.

From—CAPTAIN A. J. O'BRIEN, C.I.E., I.A., Deputy Commissioner, Mianwali,

To—The Commissioner, Multan Division.

Referring to your no. 889 of 3rd October 1907, on the subject of Advisory and Legislatory Councils, I have the honour to state that I have consulted as many leading officials, barristers, and others from whom sound opinions might be expected. There are no political societies of any standing in an out-of-the-way district like this. All whom I have consulted agree in the main with the action proposed. The only points of difference are the method of selection of the members of the various councils and of representation of minorities. My own opinion is given in the attached note. The opinion of the gentlemen named on the margin are enclosed in original.

Lala Ganga Ram, District Judge.
M. Sultan Ahmad, Revenue Extra Assistant Commissioner.
Lala Kishan Lal, Pleader.

A. J. O'BRIEN, *Captain,*
Deputy Commissioner, Mianwali.

NOTE.

I. (1) I consider that an Imperial Advisory Council would be certainly of value to the country. I agree, however, with my correspondents to this extent that the constitution of the council should not be limited to the representatives of the landed aristocracy, but that commercial magnates of the highest grades like Tata and other persons whose stake in the country approximates to that of the chief land-holders should also be included. I think also that it is most necessary that the council should meet for certain at least twice a year. Otherwise there will be a great danger of the consultations becoming desultory. It is better that some meetings should be *pro formâ* than that the custom should lapse into disuetude. I am inclined also to think that term of three years of membership would be better than five.

II. (2) Similarly I agree with the establishment of a Provincial Advisory Council. It should meet at stated intervals and its members should be asked to and should tender advice whenever anything of importance was on the topic.

III. (3) I agree with the proposal to enlarge the Imperial Legislative Council and the general lines of the constitution. I think there should be two ruling Chiefs, not one. I agree that the representation of Muhammadans should be ensured, but consider that it would be better to amalgamate classes D (*b*), (*c*), (*d*) and (*e*) and to arrange for proportionate representation in each province. Thus Punjab should have a Hindu, a Sikh, and a Muhammadan. Bombay should have one Parsi for certain, etc.

(4), (5), (6) My own feelings are against election, but if there is any at all for the Imperial Legislative Council, it should be by the Provincial Council. I cannot imagine the great landowners of different districts forming a satisfactory electorate. If not elected by the Provincial Council they should be nominated. Similarly, if Muhammadans are to have separate representation, I think nomination will be best.

IV. (7) I think that the Punjab Legislative Council should be enlarged to 21—11 officials and 10 non-officials.

(8) Paragraph 8 of Mr. Maclagan's letter as opposed to paragraph 9 of the Government of India letter shows clearly that nomination under existing condition ensures for better representation of different interests than election. I am certain that election would result in election of wire-pullers of Lahore, and the outside districts would have no chance.

(9) I would not bind Government, but consider that the average should be kept up much as at present.

Two Hindus, two Sikhs, four Muhammadans, and two Christians instead of half the numbers as at present.

(10) I do not think it practicable to have election through the boards, even if grouped by divisions.

The people of Mianwali have little or no connection with those of Muzaffargarh. I cannot think of any other electorates. If, as Lala Ganga Ram, District Judge, suggests, part of the council were nominated and part elected, the result should be that people would consider it an honour to be nominated, and the better men would void election and wait to be nominated.

(11) I do not approve of the proposal in paragraph 22 (*b*). I think that the system of nomination for municipal and district boards as in this district is best. I agree with M. Sultan Ahmad that if election is to continue in some districts, the system should be improved, but this is a matter for separate discussion.

(12) See paragraph (8) above.

V. (13) All my correspondents and myself are agreed in the advisability of further discussion of the Imperial Budget as proposed.

(14) The Budget should certainly be discussed in the Provincial Legislative Council and should be discussed by separate heads at the outset. There is nothing so valuable towards allowing more popular connection with Government than the power to discuss ways and means. In connection with this point I hope it will not be overlooked that this enlargement of discussion will also entail more work on officials, and that the necessary strength will be maintained.

(15) I think the power of interpellation sound, even though there are provinces in which this power is used somewhat frivolously. I therefore advocate its introduction into the Punjab Council.

A. J. O'BRIEN, CAPTAIN,
Deputy Commissioner, Mianwali.

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1. *Imperial Advisory Council.*—The idea of creating an Imperial Advisory Council is an excellent one and such council is sure to be of much service to the country. However, in order that this council may deserve the name proposed, and serve the purpose intended, I would respectfully submit that some slight alterations are necessary in the proposal for its constitution. As at present proposed, the council is to consist of Ruling Chiefs and territorial magnates only. It is clear that all interests will not be represented in the council if the proposed constitution is not altered. The Government have recognised the necessity of representing all interests in the Supreme Legislative Council. I submit that the same principle may, with advantage, be followed in the case of the Advisory Council.

Again, the landed aristocracy, at least in the Punjab, are not sufficiently well educated to give sound and independent advice on public questions, and for this reason also it is necessary that the council should include some members who on account of their attainments or public career are fitted to serve as councillors of Government and who can be expected to give independent opinion on questions of public utility with some show of authority.

2. *Provincial Advisory Council.*—It would really be a useful institution, and I have no suggestions to make regarding its constitution.

3. *Imperial Legislative Council.*—I approve of the proposed enlargement, but beg to submit the following observations with regard to its constitution :—

In the proposed constitution arrangements are made for separate representation of Muhammadans. This is hardly fair to the other classes. Either there should be no class representation, as it kills the spirit of competition, or if there is to be class representation, it should extend to all classes, in proportion to their importance and numerical strength. What I mean

is this that if the number of seats reserved for Muhammadans is fixed, the number of seats reserved for Hindus, Sikhs, Christians, Parsis, etc., should also be fixed, so that each class may be sure of its strength in the council.

This suggestion is not novel, and is in force in some of the important municipal committees of the province.

4. Yes.

5. I see no objection to the selection of one of the great land-owners of the province to the Imperial Council. In my opinion it would be better to make the selection by nomination. If, however, it is to be done by election, the electorate should be the land-holding members of the council.

6. See question no. 3.

7. *Provincial Legislative Council in the Punjab.*—I am of opinion that the number of members may be raised to 19 (exclusive of His Honour the Lieutenant-Governor). Of these 10 to be officials and 9 non-officials.

8. I would recommend the introduction of the elective system to a certain extent. Of the 9 non-official members, 3 may be nominated by Government (so that the Government may appoint some members to represent special interests, and the remaining 6 to be elected.

9. I am of opinion that the election should be free and without regard to class representation. If the Government finds that any class has not been represented in the election, it can set right the defect by bestowing on that class some of the seats in its gift.

10. The district boards and municipal boards should be given the privilege of electing members to the council. But I would, at the same time, remark that, as at present constituted, the district boards consist generally of members who cannot form an intelligent opinion on matters of importance and that some improvements are called for in the manner in which these bodies are constituted. Four members may be elected by these bodies, 2 by the district boards and 2 by the municipal committees. The Punjab Chamber of Commerce may elect one member and the University another.

11. I do not advocate class representation. The official majority in the council is the best guarantee that interests of all classes will receive due consideration.

12. I am against class representation in any form for the reason given in (11).

13. *Discussion of Budget in the Legislative Council.*—It would be more useful, if the system of discussing the Budget in the Imperial Council is altered in the manner suggested in paragraph 23 of Government of India letter.

14. Yes. It would be better if the discussion of the Provincial Budget is allowed in the Provincial Council. The discussion should be by separate heads, as suggested in paragraph 23 of Government of India letter.

15. Yes. The members of other Provincial Legislative Councils enjoy the power of interpellation, and there is no good reason for depriving the members of the Punjab Council of this much coveted privilege.

MIANWALI:
The 28th October 1907.

GANGA RAM,
District Judge.

Answers to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) An Imperial Advisory Council shall be of service to the country no doubt, but its constitution and duties leave much to be desired. The constitution of the council is made up of the Ruling Chiefs and the landed aristocracy. *The Ruling Chiefs have no stake in British India* and possess no or little knowledge of the British Indian subjects, they would be hardly competent to give sound advice on matters affecting British Indian subject. *The advice of the Deputy Commissioners* would be more valuable than the opinions of such Chiefs. As for the territorial magnates, a good many of them are considered unfit to manage their own little estate and therefore naturally of not much use to sit on the council. But excluding such disqualified aristocracy, a better selection could be made. The educated territorial magnates, *especially the turn out of the Chief's College,* to be preferred. The claims of the various *professions, commercial bodies,* and *educationists,* at present left out, may also be considered and *provision* should be made to *represent these classes.* The object of Government to make its motives and intentions better known and to correct mis-statment and to remove erroneous impressions is not likely to be fulfilled by such a class of persons. Such an aristocracy never consents to stoop down to speak to the masses.

In the Punjab an electorate body for each separate division may be nominated to send one of their members on the Imperial Advisory Council. The electorate body of the division may be composed of one member for each district in the division. The members should be for a term of three years instead of five.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council would be a useful institution, but the number of councillors beside one or two Ruling Chiefs should be 29, *i.e.,* one for each district. The selection of such councillors should be made from the various classes holding influence over the community. *The Muhammadans, being in majority in the Punjab, require no protection from the State,* but on the other hand the interests of *Sikhs* and *Christians* should be preserved. But it would have been far better if no such distinction had been made, as good from every class is very welcome.

III. (3) *Imperial Legislative Council.*—The enlargement of the Legislative Council is a desideratum, but the scheme sketched out in paragraph 12 of Government India letter does not secure the desired object. The *wholesale exclusion* of the lawyers from the legislative body and the inclusion of the landed classes not conversant with the existing laws and dependent upon the lawyers in their respective strife and petty quarrel in courts of justice is not a sign of improvement of the Legislative Council. It would be a round peg in a square hole.

The discourses are in English, which such landed members in many instances without the knowledge of the language would not be able to understand. The value of such law-giver is apparent. A lawyer of exceptional ability is required to promulgate law which may produce the highest good to the greatest number of people and the charge of law-making is vested in the law-members or persons specially fitted for the task. A zamindar can very well look after his estate.

(4) The proposal that one member should be elected by the Provincial Legislative Council is a desired thing.

(5) The selection of one great land-owner of this province to the Imperial Legislative Council from among provincial councillors, if the assembly is to be composed solely of the landed class, would meet the case.

(6) The appointment of four Muhammadans to Imperial Legislative Council, two by election and two by nomination, is a departure from the ordinary course of law. However to preserve Muhammadan interest two seats on the council for them by nomination are enough. The remaining four members should be elected from the qualified Muhammadans, Parsis, Hindus, Sikhs, and Christians. Although it may be contended by the Parsis, who are very much advanced in intellectual training, and by the Sikhs, who have fought for the British Crown since the dark days of mutiny, that the same concession may be extended to them. However, the laws to be promulgated make no distinction of caste and creed, and therefore passed by the ablest men, without any motive of whatever society are very welcome and less liable to be criticised.

IV. (7) *The Provincial Legislative Council.*—The number of members should be increased to 25—13 to be official and 12 non-official. The total number, including His Honour the Lieutenant-Governor, shall be 26. Of the 12 3 to be nominated by the Government and 9 to be appointed by election from among the different classes.

(8) One-fourth of the non-official members to be appointed by the Government and three-fourths by election. Five members to be elected, 1 each from Hindus, Muhammadans, Sikhs, Christians, and the graduates of the University. The remaining 4 to be appointed by the opinion of the majority from the qualified candidates. The qualifications necessary for such candidate is the payment of land revenue of Rs. 10,000 or above.

(9) The representation of each class is necessary, and the number of seats should be assigned to each class in proportion to their ability to pay the land revenue and income-tax. Muhammadans, Hindus, Sikhs, Christians and graduates to be qualified to be represented on the council.

(10) The election of unofficial members through municipal and district board would meet the case, if the members to these boards have been appointed by election. Where the condition of the district is backward the membership to be awarded by the Deputy Commissioner.

(11) Separate representation of classes, as proposed in Government of India letter, paragraph 22 (*a*) is advocated. The change proposed by the Government of India in paragraph 22 (*c*) in the constitution of municipal and district board is necessary.

(12) No separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way in the Punjab, where there is majority of them, is necessary. It may be necessary in other provinces, where the Muhammadans are in minority. But acting on one uniform principle no such distinction should be made. Of course the Government could make up the deficiency by nomination if their interests suffer.

V. (13) *Discussion of Budget in the Legislative Council.*—The alteration in the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23, Government of India letter, are essential.

(14) The discussion of Provincial Budgets by separate heads on the lines suggested in paragraph 23 of Government of India letter is also desirable.

(15) The power of interpellation in the Punjab Legislative Council should also be introduced.

KISHEN LAL BAHEL,

Dated 27th October 1907. *Pleader, Bhakkar.*

Opinion tendered by Mirza Sultan Ahmed Khan, Revenue Extra Assistant Commissioner, Mianwali, in connection with Government of India letter No. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—The proposal set forth in paragraph 4 of the Government of India letter regarding the constitution of an Imperial Advisory Council would in my opinion prove very useful considering the present state of the country and the ideas of the people, and would, one day, give effect to a condition of general tranquility. The following alterations in the proposals made in paragraph 5 appear to me to be worth consideration :—

(*a*) (2) *of paragraph 5.*—The appointment by the Viceroy of the Ruling Chiefs might perhaps be open to no defect, but it would appear more appropriate if the big land-owners are appointed by the Provincial Councils, in which case it is hoped to be done on a right principle.

(*b*) (3) *of paragraph 5.*—The landholders in the Punjab are not of uniform dignity and status throughout. They vary with the circumstances of their districts. Some districts possess very vast proprietorships, accruing comparatively large land revenues, but are below mark in education, while others have small ownerships, but are much advanced in learning. The principle of right proportion would not therefore be maintained if the dignity and status of the landholders be taken into account uniformly without any regard for the local state of affairs.

The definition of "sufficient dignity and status" for the purposes of council should be as consummate and comprehensive as to apply to the true condition of the agriculturists of all the districts of the Provinces as a whole.

(*c*) (7) *of paragraph 5.*—There can be no objection to keeping the proceedings of the council private and confidential from political point of view, but this would sometimes be a task of very great responsibility for the members, and a mere mention thereof even indirectly would go against the real object of keeping them secret. It would, I think, be more advisable to say that sometimes such proceedings would not, from political point of view, be published, and that the mutual consultations would be considered as ineligible for publication.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council on the lines of the Imperial Advisory Council would of course be a useful institution. With reference to paragraph 6 of the Government of India letter the following points are worth consideration :—

(*a*) In addition to emergent occasions when the council can be called together at all times, it would be advisable to call it twice or thrice a year at fixed period. This would tend much to establish the feelings of general satisfaction among the people.

(*b*) The Provincial Councils should of course be of smaller size than the Imperial Council, but it is essential to have particular regard for the extent to which sub-sections of the communities and professional classes represent their position in each Province. As for instance in the Punjab, the majority of population consist of landholders, and if their tenants and other kamins be also taken along with them the total rises up sufficiently. This class should therefore be highly represented in the council in this Province with regard to agricultural objects.

(*c*) The inclusion of the great landholders in the Imperial Council might be necessary but the middle class zamindars should also be represented in sufficient number, according to the needs of the Province. The great landholders no doubt can serve as representatives of the interest of the lower and middle class ones, but in the case of the Punjab, unless the latter class is associated with the former, the object of common consultation cannot be obtained fully.

(*d*) The opinions tendered by the members of the Provincial Councils in their ordinary meetings should necessarily be given general publicity to, so that the classes they represent might have knowledge of the interest, etc., taken by them in the matter.

III. (3) *Imperial Legislative Council.*—It is necessary that the Imperial Legislative Council be enlarged. This is also essential because the Provincial Council cannot be liable to enlargement without the Imperial Council having been first extended. With reference to this question the following modifications suggest themselves :—

(*a*) (2) *A of paragraph 12.*—In the case of necessity the Lieutenant-Governor on the Agent to the Governor-General of every Province should be included in the council whether it assembles in Simla or Calcutta, while in other ordinary cases the proposal set forth appears sufficient.

(*b*) (2) *C of paragraph 12.*—In my opinion the ruling Chiefs should be two in number—one Hindu and the other Muhammadan—so as to preserve fair proportion in representing both sides in discussions.

(4) The proposal of electing one member by the Provincial Legislative Council as set forth in paragraph 13 of the letter appears to suit best the present state of affairs.

(5) Government is no doubt right in a way to think that substantial representation should be given to great land-holders, but there will accrue no practical benefit therefrom if the conditions of their inclusion be so restricted as to offer no easy and adequate scope for so doing in this Province. There is an idea current among the lower sections of the people of this country that the great land-holders are not only unaware of the real interests and local demands of the lower ones, but they consider it detrimental to their own pursuits and interests to acquire a knowledge of them. Under the circumstances, how far can the selection of big land-holders prove useful.

Paragraph 14 of the letter.—In the Government of India letter it is given out that only the persons paying land revenue of not less than Rs. 10,000 a year should have the right to vote. This condition might hold good in some other province of the country, but it would hardly suit the Punjab where it is likely to create manifold difficulties. If by annual land revenue it is meant that a person pays revenue to that amount a year for his own holding, the scope for election would be very narrow, as men of such standing are very rarely met with in the Punjab generally, and in the central districts particularly, where there are very small proprietorships.

Chief Secretary to Government, Punjab's letter no. 2643-S., dated 27th September 1907, shows that there are in the Punjab in all 52 land-owners paying land revenue of Rs. 5,000 and over. From the figure it is easy to judge the proportion it bears to the agricultural population of the whole province. This may be put in as the evidence to show how per thousandage not to speak of the percentage is insignificant.

Every law and every political discussion affects largely the middle and lower classes. Great land-owners and big people are generally free from legal and other disputable objects. They therefore take no interest in the affairs of smaller men, nor can they represent their side adequately and clearly in discussions. It is therefore most incumbent that the middle classes should also have some share, as the saying goes "a victim himself can express his woes best."

The limit of Rs. 10,000 land revenue a year proposed as giving the right to vote is very high, it should be from 2 or 3 thousands to 10 thousands, so to embrace all grades. Also the total land revenue of a joint family should be taken as the revenue paid by a leader of the family. If it be granted that the limit of Rs. 10,000 land revenue, the districts of Dera Ghazi Khan, Multan, and Campbellpur would always take part in the expression of opinions in the council, it means that the central districts of the Punjab are to be deprived for ever of the fair chance which Government intends to offer to the people. It is also apprehended that the consultations would not be as comprehensive as the calling together of the council's demands. It would be easy, no doubt, to adopt the system of nomination, but it will give effect to the same defects as are noticed above, if the same limit and condition of selection is preserved. The safest and the right systems can only be the following two :—

(1) Election; and

(2) Nomination.

If the appointments of members are made half by election and half by nomination it would be better in view of the primary state of affairs.

In the case of nomination it is essential that it should be done by formation of the districts of the province into circles, so that the classes as whole of the districts might share it. For this purpose there is no easier method than to call for Deputy Commissioners' reports on the subject, and then to make selection with regard to dignity, status, ability, and influence.

(6) The proposed appointment of 4 Muhammadan members to the Imperial Council would be very proper and to the Muhammadan community a matter of gratitude. The question how the elected members should be elected is somewhat a complicated one, *i.e.*, should the members of the Provincial Council make such elections, or should some other electorate under the conditions specified in paragraph 18 of the Government of India letter do

so? In my opinion it would be more appropriate to make half the appointments by election and half by nomination. The electors should have the qualifications determined with regard to the condition of every district.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Undoubtedly a reasonable addition should be made to the number of members. The question to what figure the addition should be made largely depends upon the respective population of different provinces. In the case of the Punjab such addition should in no way be less than 15.

(8) The present system of nomination is a good one considering that it saves the trouble of canvassing, and the people who are afraid of opposition have to remain safe from the turmoils of keeping moving about to secure votes. But it would be more proper to fill half the seats by nomination and half by election.

(9) There should undoubtedly be a fixed rule determining the proportion of seats to be allotted to each class. The following are the important classes of the population of this province:—

(1) Sikhs.

(2) Hindus.

(3) Muhammadans.

This classification exists with regard to population and religious status of each.

Again Muhammadans sub-divided into 2 sections—agriculturists and others.

The Sikhs are, from religious and professional point of view, a distinct class from the Hindus. They should therefore have a separate proportion of seats.

The Hindus include a very small number of agriculturists, the majority of them being traders, shopkeepers, and Government and other servants. The seats should therefore be allotted to them in proportion to the population. This is the safe and clear method of representation and is sure to lead political discussions on right principles.

(10) Unless reasonable changes are effected in the method of elections in the municipal and district boards and their own method placed on a respectable footing, making elections through these bodies is simply to disgrace this sound system. The present way of election of the members of municipal and district boards is open to objection. The municipal system of election has been so disgraced that persons of some substantial standing consider it below their dignity to be appointed as members.

Such persons are always very rarely found in the district boards as might properly represent the zamindars or be able to give their opinion on their objects by acquiring knowledge of their condition. In making appointments of members, the present status of a class as a whole is disregarded. Unless the primary condition of affairs is bettered, it would not be creditable to make elections through municipal or district boards. In case these bodies attain to the respect compatible with their position, it would be beneficial to make elections through them. In preparing lists of voters it is no doubt appropriate to put in members of that class who have held or are holding office in local boards, but in some classes it would be hard to find such sort of persons. It would therefore be necessary to resort to some other method of appointment, say unconditional nomination, if sufficient members be not available from among a certain class as mentioned above.

The grouping of castes would create difficulty to some extent. If groups are formed according to sections it would be more easy. It is no doubt a good proposal that each member has to elect one of his own group. The property qualifications should be determined according as the separate condition of each province requires.

(11) There should be separate representation of classes as explained above. The remaining points bearing on the question have been discussed under question 10 above.

(12) I think provision should be made for the separate representation of Muhammadans. It would be advisable to make half the appointments by nomination and half by election.

If the above may not be thought proper, the following points demand consideration with reference to paragraph 17 of the Government of India letter:—

(*a*) The amount of land revenue should be fixed with regard to the average agricultural status of each province, so as to admit of the zamindars taking part with facility.

(*b*) It would be more proper if the Oriental scholars such as Alims, Fazils, or religious leaders be also taken along with the graduates of the Indian Universities. A right principle will be maintained in this way.

V. (13) *Discussion of the Budget in the Legislative Council.*—It is necessary to alter the system of discussing the budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of the Government of India letter. The discussion should take place by separate heads. It is not sufficient to explain to members severally the heads to be discussed, but printed notes should be distributed among them before the council sits, so as to enable every member to enter upon the right discussion of any point.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council. The system of discussion should be the same as in the Imperial Legislative Council.

(15) There can be no reason why should not the members of the Punjab Legislative Council have the power of interpellation, when the members in other provinces are so empowered, the members in the Punjab should also be.

My opinion is that to deprive the members of a Legislative Council of their right of interpellation is to weaken and dishonour the council itself. In such case the people generally think that the council exists in the name only and that it has neither any value nor any power.

The act of interpellation by members in the council clears the points under discussion. It tends much to develope gradually their faculty of systematic criticism and right discussion. The members begin to take greater interest in the debates than before, while Government finds therein a right and fair course of legislation, and the council is not termed as a so-called "dumb" council. The members who are unable to put any question are in fact like fancy pictures hung by way of decoration in the drawing room of the council, and their existence and non-existence is all the same.

SULTAN AHMAD,

Extra Assistant Commissioner,

Settlement, Mianwali.

Dated 3rd November 1907.

Dated Delhi, the 14th December 1907.

From—LALA BARKAT RAM, B.A., care of Postmaster, Delhi,

To—The Chief Secretary to the Government of the Punjab.

In thankfully acknowledging your letter no. 56 (Home) dated the 26th November 1907, I have the honour to submit my opinion regarding the proposals for council reforms, in the order of questions laid down in the enclosure to the Punjab Government letter no. 2643-S., dated the 27th September 1907.

I. (1) An Imperial Advisory Council could certainly be of immense good to the country and could, in due course, given the proper chances, bring about very happy relations between the rulers and the ruled, instead of the estrangement existing at present. Such a council could be helpful in avoiding the taking up of measures which, though well intended, would be calculated to go against the interests of the people, intended to be benefited, or to offend their sentiments, or to violate their traditions. Another great advantage would be, as rightly considered by the Government, that the council would be in a position to remove erroneous impressions to correct misstatements, and to make the motives and intentions of the Government better known. But all these advantages would depend upon the formation of the council on a right or a wrong foundation.

In regard to the foundation, as proposed by the Government of India, I would respectfully submit the following suggestions:—

"The association of the great ruling Chiefs and the territorial magnates (alone) of British India, with the Governor-General, in the guardianship of common and Imperial interests to the exclusion of all proper representation of public interests, can produce no advantages whatever. Nor would the presence of the so-called hereditary leaders, refered to, on such a council bring about any of the desired results. Here are my reasons for the opinions held:—

(*a*) The ruling Chiefs and the territorial magnates, generally speaking, are far backward in education, intellectual advancement, moral courage, and patriotism to realize the sense of responsibilities of such a position, and to discharge them conscientiously guarding the interests, sought to be represented by them.

They do not form in proper sense the leaders of the people any more. The qualifications of a leader in the past do no longer hold good for the present day leaders of the peaceful times under the benign British Government, but are far divergent. In the near past there was no educational or patriotic test applied, but in the present times enlightened through the Western education and restoration of the laws of civilisation only those ought to be taken as leaders who really make some

sacrifice in the interests of the public, and are conscientious and undaunted guardians of their rights. Thus the so-called hereditary leaders can form no more the popular leaders of the nation.

(*b*) The Chiefs and the magnates are not in proper touch with the people and could not fairly represent the latter's views, much less guard them.

(*c*) Generally these Chiefs and magnates know of no other course than to say "aye" to "aye" and "no" to "no" with the Government, thinking that they could please the Government only thereby (and secure or serve their personal ends, than which there is nothing more dear to them), although the Government officers may be laughing at them, in their sleeves, and may value sincere and independent opinions as far more useful.

(*d*) The Chiefs would be exposed to criticisms from the public, which would result in embittering the feelings between themselves and the British subjects.

(*e*) The proposed class of councillors will be absolutely of little use, specially in the case that it is proposed to seek their opinion in confidential communications. Wanting, as they are, in moral conrage and patriotic feelings, they will have got all the more chance of yielding to their weakness in the vain hope of securing good will of the powers that be, and serving their own interests thereby, and saying nothing more nor less than "aye" to "aye" with the Government; because they will have no fear of the public criticism, or being looked down upon by the people for such unfaithfulness.

(There may be some honourable exceptions, but such would go only to prove the general rule.)

(*f*) All the world over it is admitted, and there is a regular fight for it, the most strenuous fight being carried on in the capital of the Empire of His Most Exalted Majesty the (our own) King-Emperor, that the public affairs are best in the hands of the middle classes, as opposed to the aristocracy; and this is the case where the aristocracy are as much advanced in education as are the middle classes. The rule should be consequently applicable with greater force to this land. There can be no different general rule for this country in regard to the subject under discussion.

(2) Therefore the Advisory Council to be of any practical use to the country should be recruited from only the real leaders of the people, the highly educated men of large capacity, well known for their independent, honest, patriotic but moderate views among their countrymen, no matter what class or creed they belong to, but representing all interests. No illiterate men or men of nominal education should be allowed an admission through any inlet, for such are the people as keep the Government officers in dark by withholding proper and real public opinion from them, through fear of alienating their favour, and are the source of all misunderstanding and wrong-doing on either side so very frequently.

I am not however opposed to those magnates, etc., having sufficient representation to guard their own interests. My object is that so much undue importance should not be attached to them, as the proposal betrays the Government are anxious to; and they should certainly not be entrusted with the guardianship of the public interests. On the contrary all interests of much greater importance, such as industry, commerce, capital, education, and the learned and other professions should be adequately represented on the council, as has been proposed by the Government itself, with regard to Provincial Advisory Councils.

(3) Yes, the council, under the present circumstances of the country, may with advantage be for purely consultative purposes.

(4) But it would be much more useful if the members were elected rather than nominated, because in that case alone the true opinions of the people could be ascertained. Members nominated by the Government are apt to pay less regard for the public opinions as to their way of discharging their high duties.

(5) It would give better satisfaction to the people if there could be a provision that all new changes or modifications in policy or administration, proposals regarding enhancement of revenue and expenditure, and new legislations were referred for opinion to the council, necessarily, before they are carried out.

(6) The public would be better satisfied, and there will be a better chance for arriving at the correct conclusions, by allowing the proceedings of the council to be open to public, except in exceptional matters of high importance, the disclosure of which may be considered against the public interests.

II. (2) Certainly, a Provincial Advisory Council would be a very useful institution. Regarding its constitution and duties I have the same remarks to make as in the above case, with which the Government of India proposals are in agreement, to a great extent.

III. (3) An enlargement of Imperial Legislative Council would, no doubt, be very welcome, but I would suggest the following modifications :—

(*a*) The proportion between the official and nominated and the elected members should be that of 32 to 22. This would in nowise stand in the way of Government majority.

For distributing the number of seats to be filled by election, I would make the following suggestions :—

(1) Commercial interests should be better represented.

(2) Undue importance need not be attached to the land-owning class at the exclusion of other interests.

(3) Special favour for class representations to Muhammadans would be a very unsound innovation and productive of serious evils in the long run.

(4) Again to open two doors for the Muhammadans by giving them two seats by election and two more by nomination, at the cost of other as important classes, would be an ill-advised departure which would result in sowing the seeds of serious discontent among innumerable interests, which it would be hard to satisfy afterwards.

(*b*) So I would suggest the composition as follows :—

A.—By nomination.

(1) The Viceroy	1
(2) *Ex-officio* members	8
(3) Other officials	16
(4) Ruling Chief	1
(5) Viceroy's other nominees	4
(6) Experts	2
	32

B.—By election.

(1) Commercial members (two to be Europeans and three to be Indians)	5
(2) Members on behalf of Provincial Councils	7
(3) Land representatives	5
(4) Education members (from the five Universities)	5
	22

III. (4) Yes; the proposal is a sound and satisfactory one.

(5) The five members proposed should be selected by nomination from the seven provinces named, by rotation, with the restriction that the members elected should be well-educated.

(6) As already explained above such special concessions to any one particular community are bound to work great mischief and so they cannot be recommended.

IV. (7) Yes; it would be better to raise the number to have a better representation of all interests. The number may be fixed between 15 and 20.

(8) All unofficial seats ought to be filled up by election.

(9) Electorates may be composed of—

Municipalities and district boards (by groups each)	1
University	1
Educated class	1
Commerce and Industry (through Chamber of Commerce)	1

Minorities, Hindus and Sikhs, should be granted special representations, if Muhammadans are given that concession in the Imperial Legislative Council.

(10) Please see answer to (9).

(11) I don't advocate separate representation of the classes at all.

(12) I don't advocate separate representation of the classes at all. (I am against any special concession to any class.)

V. (13) Yes. It would be highly beneficial.

(14) Yes, and precisely in the manner suggested.

(15) Yes, certainly.

BARKAT RAM,

Care of Post Master, Delhi.

No. 216, dated 23rd November 1907.

From—R. T. CLARKE, Esq., I.C S., Deputy Commissioner, Muzaffargarh,

To—The Commissioner, Multan Division.

With reference to your letter no. 889, dated 3rd October 1907, I have the honour to forward herewith my opinion on the proposals for creating Advisory Councils and enlarging the existing Imperial and Provincial Legislative Councils. The views that I have expressed therein have been framed after conversations on the subject with leading men of all classes in the district.

I also forward an opinion on behalf of the local bar. The bar is, with one exception, composed of Hindus, and the views expressed by the gentlemen who have signed the opinion are in my estimation either narrow and tending to defeat the object Government has now in view or too advanced for the present political position of the country.

R. T. CLARKE,

Deputy Commissioner.

Endorsement by the Commissioner, Multan Division, no. 1035, dated Multan, 26th November 1907.

Copy, with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab, in continuation of this office letter no. 1015, dated the 21st November 1907.

M. W. FENTON,

Officiating Commissioner.

OPINION.

I. (1) The establishment of an Imperial Advisory Council is desirable for the reasons mentioned in the Government of India letter. Its proposed constitution and duties appear unexceptionable.

II. (2) The appointment of Provincial Advisory Councils would also be a popular measure, and is an almost necessary corollary of the Imperial Council.

III. (3) The enlargement of the Imperial Legislative Council is desirable on the lines laid down in paragraph 12 of the Government of India letter. I would, however, suggest two modifications:—

(*a*) The Punjab zamindars may be divided into two classes, (1) Muhammadans, (2) Hindus and Sikhs. The former occupy almost exclusively the western and southern districts, while the latter occupy the eastern. They have little in common in their ways of thinking and mode of life, and it is impossible to select one great land-owner to represent both parties satisfactorily. I would suggest that two members be chosen by the Punjab under D (*c*).

(*b*) The second modification which I would suggest is the necessity of allowing a member under E to the North-West Frontier Province and Baluchistan thereby raising the Viceroy's nomination to 5.

(4) I see no objection to a member of the Viceroy's Legislative Council being chosen by the non-official members of the Provincial Council except that that body must necessarily be small. For the present at any rate the nomination system by which the head of the local Government would select one of the non-official members of his own council to be a member of the Imperial Legislative Council is preferable.

(5) As I have noted above under (3), the Punjab should be represented by two land-owners—one Muhammadan and one Sikh, or Hindu: direct election is impossible in this province. There appears no grave objection to the second proposal in the Government of India letter (paragraph 15), but for some years it would probably be better that the selection should be made by nomination.

(6) As I have stated above, question 3 (*b*), I think 5 Muhammadan members should be appointed, 2 by election from the provinces specified in paragraph 18 of the Government of India letter by rotation. The electorate in this case should be as wide as possible, and the electorate specified in the Government of India letter as proposed by the Muhammadan deputation of 1906 would be suitable. (It is not of course intended that the two men should for any single term be chosen from the same province.)

IV. (7) It is, I think, generally admitted that the Punjab Legislative Council as at present constituted is too small. The number might with advantage be raised to, say, 27—

Officials members, including Lieutenant-Governor	15
Non-officials	12

The distribution of the non-officials which would seem to meet the case would be as follows:—

(*a*) Landed class	7
(*b*) Non-official commercial representative	1
(*c*) Educated Hindu class (barristers, pleaders, and University higher degrees)	1
(*d*) Muhammadan class (barristers, pleaders, and University higher degrees)	1
(*e*) Hindu or Sikh ruling Chief	1
(*f*) Muhammadan ruling Chief	1

(8) The present system of nomination might be relaxed to some extent in a council thus formed. I would suggest for class (*a*) the following system which is not worked out in detail. District boards should select from the class of landed proprietors two or three men for each district whose names would be submitted to the local Government, and from the 100 or so thus selected the local Government should nominate the number required.

For class (*b*) municipalities and the Chambers of Commerce would similarly submit names; for classes (*c*) and (*d*) enrolled barristers and pleaders and persons holding any degree from the Punjab University higher than that of B. A. would select the men.

For classes (*e*) and (*f*) nomination would still be necessary.

(9) It is absolutely necessary that the 7 seats in class (*a*) above should be distributed in a fixed proportion among classes. The proportion I would suggest is Muhammadans 4, Hindus and Sikh 3, or if the representation of Muhammadans thus is considered too high I would take away one seat to be assigned to the European non-official community.

(10) Under question (8) above I have sketched the mixed system of election which is the only system of election that can be worked with any success. An electorate composed of men of a certain rating scattered over a province is for many reasons impossible, and it is questionable whether it is well to rouse political passion by such a sudden change.

(11) I consider that change in the constitutions of boards and municipal committees generally are necessary on the lines laid down in 22 (*c*) of the Government of India letter, and that classes should be represented in all. This will be no great innovation.

(12) I think that provision for the separate representation of Muhammadans is necessary, and I think they should be selected by the mixed system of election and nomination which I have outlined above.

(13) The alteration suggested in the system of discussing the Imperial Budget seems desirable.

(14) It would seem unnecessary to discuss Provincial Budgets in the same way. Discussion of the Budget as a whole would be sufficient when added to the right of interpellation.

(15) The power of interpellation appears harmless and might therefore be allowed.

R. T. CLARKE,

Deputy Commissioner.

From—LALAS RAJENDAR PARSAD, NAU NEHAL KISHAN, and PYARE LAL, Pleaders, Muzaffargarh,

To—The Deputy Commissioner, Muzaffargarh.

As you have been graciously pleased to elicit the opinions of members of the local Bar, we beg to submit our humble opinion in the form of answers to the questions suggested in Punjab Government's letter, in the same order in which these questions are put :—

I. (1) The Imperial Advisory Council as suggested would be an ornamented body without being of any real use to the country. Either it must have some legislative recognition or at least so much that a bill, before being put before the Legislative Council, be first discussed in the Advisory Council. It should consist not only of ruling Chiefs and territorial magnates, but also merchant princes.

II. (2) The same answer as for question (1).

III. (3) We do approve of the enlargement of the Legislative Council, but we suggest the following modifications :—

In D (*a*) besides the Chambers of Commerce of Calcutta and Bombay, the Punjab Chamber of Commerce. and the Madras Mahajan Sabha should also be represented and the number made up to four. We propose also that a corresponding decrease in number be made by omitting clause D (*d*).

In D (*c*) besides nobles and great landowners, the merchant classes paying a certain amount of income-tax should also be included, because in the scheme as proposed the members returned by the Provincial Councils will mostly be from land-holding classes and if these seven members be also recruited from land-holding classes only, there would be fourteen members in all from this class and in this way the commercial classes will be wholly crowded out.

Regarding group D (*d*) this franchise to return two Muhammadans to the Councils by Muhammadans all over the country is undesirable, and if granted is likely to give rise to chagrin in other communities that are in minority, but are equally important such as Sikhs, Indian Christians, and the Parsis. The interests of minorities can very well be safeguarded under clause E. If the Government finds that in the members returned to the Imperial Council any of the classes that are in minority are not properly represented, the Government may exercise its discretion under clause E, and nominate such members as the Government deems fit.

III. (4) We approve that one member be elected by each of the Provincial Councils.

(5) We do not approve that a land-holder from this Province be selected for the Imperial Council. The land-holders are backward in education here. If such selection be desirable, nomination would be suitable.

(6) We approve that two Muhammadans be nominated to the Viceroy's Council, if the members returned do not fairly represent Muhammadans. It is an invidious distinction to grant a special franchise to one class to elect two members.

IV. (7) We approve the increase of members in the Provincial Council of the Punjab. The members might be 15, out of which the non-official members might be 7.

(8) The non-official members ought to be elected.

(9) The population of the Province ought to be divided not according to religion or caste, but according to their profession in life, *i.e.*, the land-holders and the commercial classes. The land-holders to elect 3, commercial classes 2, and the Punjab University to elect 1.

(10) The district and municipal boards are not proper electorates. Separate electorates for each class might be formed. A land-holder paying Rs. 1,000 a year as land revenue and a commercial man paying Rs. 100 a year as income-tax would be qualified to vote. The University member to be elected by a graduate of 10 years' standing.

(11) If the right of election be granted to district and municipal boards, then the proposal embodied in paragraph 22 (*a*) and (*b*) is suitable. A change in the constitution of the district and municipal board as suggested in paragraph 22 (*c*) would also be necessary, but the division of classes should be by occupation, not religion.

(12) If separate provision for representation of Muhammadans be considered absolutely necessary, then the process of election be restored to. The electorate may be formed in the manner suggested as a second alternative in paragraph 17 of the Government of India letter.

(13) Yes.

(14) Yes.

(15) Yes.

RAJENDAR PARSAD, *Pleader.*

NAU NEHAL KISHAN, *Pleader.*

PYARE LAL, *Pleader.*

No. 116, dated Lahore, the 18th February 1908.

From—The HON'BLE MR. R. E. YOUNGHUSBAND, I.C.S., Commissioner, Lahore Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your endorsement no. 8 (Home), dated the 31st January 1908, forwarding for opinion copy of a letter no. 214, dated the 21st idem, from the Government of India, Home Department, regarding the claims of the Eurasian community to representation on the Advisory Councils and Provincial Councils in India, and on the Council of the Secretary of State, I have the honour to enclose herewith in original the letters marginally noted containing the opinions of all Deputy Commissioners in this Division, except Sialkot, whose reply has not been received yet.

1. Deputy Commissioner, Montgomery, no. 42, dated the 14th February 1908.
2. Deputy Commissioner, Lahore, no. 138-C., dated the 14th February 1908.
3. Deputy Commissioner, Amirtsar, no. 58, dated the 14th February 1908.
4. Deputy Commissioner. Gurdaspur, no. 45, dated the 8th February 1908.
5. Deputy Commissioner, Gujranwala, no. 306, dated the 5th February 1908.

2. So far as the Punjab is concerned, the number of Eurasians is not, in my opinion, sufficient to entitle them to separate representation. The proposal to reserve special seats for Muhammadans on the Viceroy's Council has undoubtedly stimulated other minorities (Sikhs, Eurasians, and possibly others) to apply for separate representation on it, and there will, in my opinion, be considerable difficulty in admitting the claims of Muhammadans to special representation and ignoring the claims of other minorities. In this connection I invite attention to my answer to question 6 in the opinion submitted with my letter no. 587, dated the 20th December 1907.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

No. 42, dated the 14th February 1908.

From—CAPTAIN C. H. BUCK, Deputy Commissioner, Montgomery,

To—The Commissioner, Lahore Division.

In reply to your circular no. 28, dated 3rd February 1908, I have the honour to state that, in my opinion, it is not necessary to make any special provision for representation on the Advisory Council of Eurasians. A member of that class could be nominated, if considered necessary, among the non-official selected members.

C. H. BUCK, CAPTAIN,

Deputy Commissioner, Montgomery.

No. 138 C., dated the 14th February 1908.

From—LIEUTENANT-COLONEL C. G. PARSONS, I. A., Deputy Commissioner, Lahore,

To—The Commissioner, Lahore Division.

With reference to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to say that my opinion on the scheme for Advisory Councils in general was sent direct to the Under Secretary to Government (as far as I remember). My opinion on the point now raised can only usefully be read in connection with my general opinion. But I may say here that if Advisory Councils of irresponsible non-officials (as distinct from Councils of responsible officials) do come into existence, I think Eurasians should certainly be represented.

C. G. PARSONS, LIEUT.-COL.,

Deputy Commissioner, Lahore.

No. 58, dated the 14th February 1908.

From—MILES IRVING, Esq., I.C.S., Deputy Commissioner, Amritsar,

To—The Commissioner, Lahore Division.

In reply to your circular endorsement no. 28, dated the 3rd February 1908, on the subject of the representation of the Eurasian community, I have the honour to state that in my opinion it would be impossible to treat the Eurasian community apart from the domiciled community of pure European origin, and that it would be undesirable to recognise the Eurasian association as necessarily representative.

2. I think, however, that it would be desirable that the whole domiciled European community should be represented, and I should be inclined to connect the representation with

membership past or present of a volunteer corps. I would accordingly have such representatives as can be appointed to the Provincial Councils, elected by a constituency composed of all efficient volunteers in the province, all reservists who have been efficient ten years before transfer to the reserve, and all volunteers who have retired after 20 years, of which at least 10 must have been as efficients. The representatives on the Imperial Council might be elected either direct by the volunteers in India or by the provincial representatives from among themselves.

MILES IRVING,

Deputy Commissioner, Amritsar.

No. 45, dated the 8th February 1908.

From—Major C. Powney Thompson, I. A., Deputy Commissioner, Gurdaspur,

To—The Commissioner, Lahore Division.

With reference to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to inform you that I do not consider it is necessary that the Eurasian community should be specially represented either on the Advisory Councils and Provincial Councils in India or on the Council of the Secretary of State.

9. The community is, as Mr. A. J. Robertson admits, numerically an insignificant part of the population of India. Their interests are to a great extent analogous with the interests of the European official community, and I think that Government may be trusted to pay due attention to any representations made by their associations.

3. Moreover, if the claim of such a small community to special representation in these councils is admitted, there are numerous other such communities which will consider they have equal rights to special representation.

C. P. THOMPSON, Major,

Deputy Commissioner, Gurdaspur.

No. 306, dated the 5th February 1908.

From—E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala,

To—The Commissioner, Lahore Division.

In reply to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to state that I do not think there are sufficient reasons for specially selecting the Eurasian community as entitled to have one or more seats in any of the Councils reserved for that community. The interests of Eurasians generally are so closely bound up with the interest of the Government itself that I do not think their interests will suffer in any way by not being specially represented. It would be further possible in the case of any Eurasian of sufficient merit being found for the Government to nominate that person specially to the council. Should the Eurasian class be specially singled out for representation, it would undoubtedly give rise to further claims of the same sort being put forward by Parsis, Jains, and others.

E. A. ESTCOURT,

Deputy Commissioner, Gujranwala.

No. 387, dated Rawalpindi, the 15th February 1908.

From—J. McC. Douie, Esq., I.C.S., C.S.I., Commissioner, Rawalpindi Division,

To—The Chief Secretary to the Government of the Punjab.

On receipt of your memo. no. 8 (Home), dated the 31st January, on the subject of the representation of the Eurasian community on the Imperial and Provincial Advisory Councils, which it is proposed to form, and on the Council of His Majesty's Secretary of State for India, I consulted the Deputy Commissioner of Rawalpindi, who has no opinion to offer on the subject. My own view is that there should be no representation of the Eurasian community as such on any of these bodies. The English Government in India has a very special duty towards its Eurasian subjects, and their importance is not to be measured by their numbers as compared with other classes. But if the Imperial and Provincial Advisory Councils are to possess real weight, they must be very small bodies. I think it is a defect in the scheme put forward by the Government of India that it contemplates the formation of councils consisting

of too many members. On a small Advisory Council there is no room for a Eurasian appointed specially to be the spokesman of the small community to which he belonged, and *à fortiori* it seems to me there is no room for him on the Council of the Secretary of State.

J. McC. DOUIE,

Commissioner, Rawalpindi Division.

No. 887, dated Multan, the 5th February 1908.

From—M. W. Fenton, Esq., I.C.S., Offg. Commissioner, Multan Division,

To—The Chief Secretary to the Government of the Punjab.

In reply to your circular no. 8, dated the 31st January 1908, I have the honour to say that no district or division with which I have ever been connected are the Eurasians as a class of sufficient importance as to require separate political representation.

2. The retention of a power to fill by nomination a few seats on each Legislative or Advisory Council will ensure that provision can hereafter be made to meet the claims of any class really entitled to representation. In this way it will be possible, if it is ever necessary, to nominate a member from among the Eurasians, Parsis, Buddhists, Armenians, Jews, Native Christians or any other such minor community.

M. W. FENTON,

Offg. Commissioner, Multan Division.

XI.

No. 860—1L.-6.

GOVERNMENT OF BURMA.

GENERAL DEPARTMENT.

FROM

THE HON'BLE W. F. RICE, I.C.S.,
Chief Secretary to the Government of Burma,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Rangoon, the 24th February 1908.

SIR,

I am directed to acknowledge the receipt of your letter No. 2315 (Public), dated the 24th August 1907, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils.

2. A copy of your letter was furnished to the Burma Chamber of Commerce, the Rangoon Trades Association, the Rangoon Municipal Committee, and the Rangoon Port Commissioners, as being the most important public bodies of the Province, and also to the Hon'ble Messrs. Stikeman and Roberts and Maung Ba Tu, K.S.M., non-official members of the local Legislative Council, and they were invited to favour the Lieutenant-Governor with an expression of their opinions on the important proposals under discussion. The advice of selected officers of administrative experience was also sought, and these were requested to submit their matured conclusions after consulting, as far as possible, representatives of all important interests in their respective charges. I am to submit, for the information of the Government of India, copies of my letter* No. 429—1L.-18, dated the 16th October 1907, and of the repliest received thereto, as displaying the views of public bodies and individuals representative of the various classes of the community in Burma. The Lieutenant-Governor has given his most earnest consideration to the discussion in your letter of the constitutional reforms proposed by the Governor-General in Council, and, after paying due regard to the advice and suggestions which he has received, he now submits the following expression of his own views and recommendations in the matter.

* Enclosure 1.

† Enclosures 2 to 16.

3. The object of the measures now in contemplation is to bring all classes of the people into closer relationship with the Government and its officers, and to give them wider opportunities of expressing their opinions on matters of practical administration. The measures proposed are admittedly a step towards the fulfilment of a pledge to give the educated classes among the natives of India a larger share in the actual work of administration and more extensive employment in the higher offices of the State. The justice and expediency of the policy so stated appear to the Lieutenant-Governor to be beyond dispute, and he has only to express his entire concurrence therein His Honour has no doubt

that a larger measure of self-government ought in the course of time to be conferred upon the peoples in India, and he thinks it probable that in many Provinces the time has now come when the measures proposed may be usefully undertaken with that end in view. But His Honour ventures at the same time to submit for the consideration of the Government of India certain remarks on the subject of this Province in particular and the application to it of the measures in question. In Burma, as the Government of India are aware, although elementary education of an indigenous type is widely spread, higher education is in a comparatively backward state. The number of Burmans who are possessed of a knowledge of English and of any real degree of education in the Western sense of the term is comparatively small and consists mainly of Government officials, lawyers and schoolmasters. The two latter classes are as yet few in number, and their influence with the rest of the community is by no means to be compared with that exercised by the professional classes in certain other Provinces. The bulk of the native population of Burma have not themselves the education to fit them to take a part in public life, and they have no natural representatives or leaders other than those officers of Government who are of their own race. They have as yet evinced no desire for an extension of self-government, and the Lieutenant-Governor doubts whether among the Burmese population any considerable number of persons can be said to take a real interest in the matter. The only local bodies in the Province are the Municipal Committees, and in the case of these the interest taken by the Burmese members in matters even of local importance is of the slightest character. It is certain that there has been in this Province no popular demand for any change in the existing methods of administration, and there is no reason to believe that the measures now proposed, if they are introduced in Burma, will for some time to come excite any genuine or substantial interest or response among the mass of the people. The conditions in Burma are in fact widely different from those prevailing in other Provinces in India, where higher education has made great advances and where large sections of the community have not only expressed a strong desire to take a more prominent part in public life, but have in some respects at least given proof of their fitness to share in the work of administration. In Burma those features are absent; the intellectual development is less, and the desire for self-government has, His Honour believes, not yet arisen. This view finds support in the official and non-official opinions which have been expressed on the present reference. Sir Herbert White deprecates the application to Burma of arrangements suitable to Provinces under widely different conditions. He does not think it at all desirable to encourage in Burma the growth of political opinion on the lines of other Indian Provinces; and he thinks it would be an unmixed evil to confer on this Province institutions for which the people are not prepared and for which they have no desire. It is with due regard to the conditions described and opinions indicated above that the Lieutenant-Governor now submits the following remarks and recommendations.

An Imperial Advisory Council.

The Imperial Advisory Council which it is proposed to create would be a body of advisers who would be consulted individually and collectively by the Governor-General, and who would be entitled, when summoned for collective deliberation, to offer their counsel to the Government of India on important matters affecting the welfare of the people. The Lieutenant-Governor has no doubt that benefit would accrue from the association in this manner of suitable representatives of the peoples in India with the Imperial Government, and the proposals to this end, which are set forth in paragraph 5 of your letter under acknowledgment, seem to His Honour to be generally suitable. But I am to submit two suggestions for the consideration of the Government of India with regard to the composition of the Imperial Advisory Council and the interests to be represented thereon. The intention of the Government of India is that the Council should represent the views of the hereditary leaders of the people, and it is therefore suggested in your letter that it should consist of about sixty members for the whole of India, including about twenty Ruling Chiefs and a suitable number of the territorial

magnates of every Province where land holders of sufficient dignity and status are to be found. If this proposal is adopted, the European and Eurasian communities will apparently be unrepresented on the Council, and this omission appears to the Lieutenant-Governor to be of doubtful expediency. It is true that these communities have other means of placing their views on any subject before the Government of India, and that the secondary object of the Council, namely, to serve as an agency for the diffusion of the correct information upon the acts, intentions, and objects of Government, has not the same force in their case as it has in the case of the native population. But apart from those considerations it seems to the Lieutenant-Governor that the Imperial Advisory Council should properly be representative not of native interests only, and he thinks that the good results to be expected would be enhanced if the Native Chiefs and gentlemen serving as Imperial Councillors were associated in their deliberations with a certain number of non-official Europeans and Eurasians of good position. This matter, so far as it relates to Eurasians, has been dealt with in your letter No. 215 (Public), dated the 22nd January 1908. With regard to the enquiry in that letter, I am to say that while the Eurasian community in Burma is comparatively small, the members of it as a class hold themselves less aloof from the Burmese population, and their interests are therefore less isolated than is believed to be the case with the Eurasian community in India. The interests of the section in Burma of the Eurasian community do not, therefore, in the Lieutenant-Governor's opinion, entitle them to special representation on the Imperial Advisory Council, but His Honour suggests that a measure of representation for the Eurasian community as a whole might suitably be conferred by the appointment as Imperial Councillors of one or more Eurasian gentlemen who might be nominated for the approval of His Excellency the Viceroy by the Eurasian and Anglo-Indian Associations of Madras, Bombay and Calcutta. Sir Herbert White is strongly impressed with the political expediency no less than with the natural equity of affording every encouragement to the Eurasian community and larger means of improving their intellectual and material condition. He is convinced that, with better training and fuller opportunity, they should become an important and loyal section of the community with the same standards as those of Europeans. He regards as entirely mistaken the view that Eurasians should be encouraged to adhere rather to the Native than to the European side of their origin. They should be a very valuable branch of the European population and an important addition of strength to the Government. For these reasons, any measure which will tend to raise Eurasians socially or politically should be welcome. And the allotment of due representation on the Imperial Advisory Council to the Eurasian community seems to His Honour to be a measure which should be warmly supported. A European gentleman of good position might at the same time, His Honour suggests, be selected for service as an Imperial Councillor from each of the more important Provinces in India. But this seems to the Lieutenant-Governor to be of less pressing importance than the recognition of the claims of Eurasians. Europeans, official and non-official, have many opportunities of making known their views and wishes, and it is of less moment that they should be represented on the Imperial Council.

5. The second suggestion which the Lieutenant-Governor desires to submit with regard to the Imperial Advisory Council is one which more intimately affects this Province. It relates to the representation on the Imperial Advisory Council of the indigenous races of Burma. Although the status of the Shan Chiefs is not the same as that of the Native Princes of other parts of India, His Honour hopes that the Shan States will be represented on the Council by one or more Shan Chiefs appointed among the Ruling Chiefs who, it is proposed, shall form a portion of the Council. But with regard to Burma proper I am to observe that as the Government of India are aware, there are no great landowners or hereditary aristocracy among the Burmese, and it would not therefore be possible to nominate territorial magnates to represent the Burmese community on the Imperial Advisory Council. His Honour hopes, however, that it is not the intention to exclude Burma, apart from the Shan States, from representation, and he would strongly deprecate any such proposal. Although it may not be possible to find suitable members for a large Pro-

vincial Council and although the constitution of such a Council may not be desirable, if an Imperial Council is to be constituted, it seems necessary that all Provinces should be duly represented: and it will doubtless be possible to find suitable representatives in Burma. The Lieutenant-Governor submits, therefore, that, in the absence of territorial magnates, the Burmese should be represented on the Imperial Council by a proportionate number of Burmans of good position, qualified to voice the opinions of the people of the Province. His Honour thinks that he could, if so permitted, recommend for appointment by His Excellency the Viceroy a sufficient number of Burmese gentlemen who would be qualified in dignity and ability for a seat on the Imperial Advisory Council. The gentlemen selected would probably, in most cases, be retired officials of the British Government, but I am to submit that this need not be regarded as an objection. The appointment of retired officials as Imperial Councillors would be strictly in accordance with the customs and opinions of the Burmese themselves, who have always regarded the official class as the aristocracy of the country. The Lieutenant-Governor trusts, therefore, that, in the final composition of the Imperial Advisory Council, provision may be made for the appointment of selected Burmese gentlemen other than large land holders as Imperial Councillors.

Provincial Advisory Councils.

6. It is proposed to constitute in each Province a Provincial Advisory Council by which the local Government would be furnished with a selected body of advisers whom it would consult upon all measures of importance affecting the population committed to its charge. The proposal, as a general measure of policy, meets with the Lieutenant-Governor's approval and His Honour has no reason to doubt that in the more advanced provinces in India the benefits anticipated by the Government of India will in fact accrue. A similar result might be anticipated in this Province if a different stage of development had been reached; but I am to submit that the conditions in Burma are not yet ripe for such a measure, and that it should not for the present be introduced. In the existing circumstances, to which reference has been made, the Lieutenant-Governor doubts whether it would be possible to appoint sufficient members of a Provincial Advisory Council in Burma who would be truly representative of the people, and whose advice and assistance would, at the same time, be of much real value. Neither in the Public press nor in the opinions which have been recorded, is there any serious or enthusiastic expression of a desire for an Advisory Council in Burma. And Sir Herbert White does not believe that such a Council would be practically useful. He strongly recommends, therefore, that the creation of an Advisory Council for this Province should be postponed until the interest and the knowledge of the people with regard to public affairs and Western methods of administration have increased. It is recognised, however, that this view may not commend itself to the Government of India, and I am accordingly to submit the following proposals for the formation of a Provincial Advisory Council in Burma in case it should be decided that the immediate constitution of such a body is desirable.

7. The Lieutenant-Governor proposes that the Provincial Advisory Council should consist of twenty members, made up of the following nationalities in the proportions stated:—

Europeans and Eurasians	2
Mahomedans	1
Hindus	1
Chinese	1
Shans	2
Burmese	13
Total	20

The members of the first four classes would probably, in most instances, be selected from Rangoon and the other principal towns where the greater portion of the communities in question are located and their leaders ordinarily reside,

The two Shan members would generally, it is proposed, be selected from the Northern and Southern Shan States respectively. Of the thirteen Burmese members, the Lieutenant-Governor proposes that ordinarily one should be selected from each of the eight Commissioners' Divisions, and that the remaining five should be composed of one member selected from each of the five towns of Rangoon, Mandalay, Moulmein, Bassein and Akyab. This distribution could not be invariably followed with exactness, but it would serve as a general guide. The rural population of the Province, consisting of the landowners and all persons whose interests are wholly or partly connected with agriculture, would be represented by the eight Burmese members chosen from the Commissioners' Divisions. Industry, commerce, capital, and the professional classes would be represented by the European, Mahomedan, Hindu and Chinese members, and by the five Burmese members selected from the large towns. It is suggested in your letter that the Provincial members of the Imperial Advisory Council might with advantage form the nucleus of the Provincial Advisory Council. The Lieutenant-Governor concurs in this suggestion, and he proposes that the abovementioned twenty members of the Provincial Council should include the Shan Chiefs and Burmese gentlemen whom he has recommended above for appointment to the Imperial Advisory Council. The question whether the members of the Provincial Advisory Council should be appointed by election or by nomination has been discussed by certain of the gentlemen whose views are submitted as enclosures of this letter, but the Lieutenant-Governor is satisfied that no practical scheme of election could be devised. There are no District or Local Boards in this Province, and the only public bodies which could be conveniently utilised as an electorate are the Municipal Committees of the larger towns, and in Rangoon the Chamber of Commerce, the Trades Association, and the Port Trust Board. Except in the case of the European members, however, none of these bodies could well be utilised for the election of members of specified nationalities. It has been suggested by one officer* that village headman might be utilised as an electorate in the case of the Burmese members representative of rural areas but there are, in the Lieutenant-Governor's opinion, obvious objections to this proposal. It is improbable that the majority of the headmen would take an intelligent interest in the matter and there is no reason to suppose that the persons elected by them would be suitable. Having regard to the great importance of obtaining Councillors whose advice and counsel would be of real assistance to the Local Government, the Lieutenant-Governor has no doubt that all the members of the Provincial Advisory Council should be appointed by nomination. That, indeed, is the suggestion made in paragraph 6 of your letter, and His Honour does not understand that the Government of India contemplate the appointment by election of the members of Provincial Advisory Councils. It is suggested in your letter, however, that the members of the Provincial Advisory Council should be nominated for the Viceroy's approval by the Head of the Local Government. His Honour ventures to submit that the matter is one with which the Local Government would be competent to deal, and that the members might therefore suitably be appointed by the Lieutenant-Governor himself. Finally, there is a point which in this Province is of much importance, and to which I am to draw special attention. The constitution of the Provincial Advisory Councils is, it is understood, to be entirely non-official. This is doubtless practicable in many Provinces and in Burma the Lieutenant-Governor would, he thinks, probably be able to nominate or appoint non-official European, Mahomedan, Hindu, and Chinese gentlemen to serve on the Advisory Council of the Province. The two Shan members also could be selected from among the Chiefs of the Shan States, and a certain number of suitable Burmese members could probably be found among the professional and other educated classes resident in the larger towns. But the selection of Burmese members to represent the rural population would give greater difficulty. The small landholders of the Province are almost all unacquainted with English, and they are not possessed of sufficient education to render their services as Councillors of any real value. Probably for some time to come the majority of these members would have to be

*Enclosure 13.

selected from among retired Burmese servants of the Government. There would, I am to submit, be no real objection to this, and there would probably be no other means of obtaining suitable representatives. The Lieutenant-Governor hopes, therefore, that it may be decided that, if a Provincial Advisory Council is formed in Burma, retired servants of the Government may be regarded as eligible for nomination as Councillor. It would be necessary to grant an allowance to members summoned from a distance, and the Lieutenant-Governor hopes that provision may be made for this. I am to suggest that members of the Provincial Advisory Council, when summoned for consultation, should be permitted to draw travelling allowance, including halting allowance, as if they were Government servants of the first class. These proposals are submitted as being in the Lieutenant-Governor's opinion the most feasible, having regard to actual conditions, but His Honour ventures to repeat his recommendatien that an Advisory Council should not for the present be constituted in this Province. It will be observed from the letters* received from the Hon'ble Messrs. Stikeman and Roberts and the Chairman of the Burma Chamber of Commerce, that the European mercantile community are satisfied with the existing practice by which the local Government habitually consults the representative local bodies in all matters affecting their interests. In the case of the Asiatic communities, and in particular the great mass of the rural population of the Province, there has been no demand for any change, and the Lieutenant-Governor does not believe that by means of an Advisory Council he will be supplied with more accurate information as to the opinions of the people than he now obtains through the medium of the officers of Government who are in touch with them. With regard to the Burmese in particular, His Honour anticipates that the gentlemen who may be selected for appointment to the Provincial Advisory Council will display no alacrity, and he fears that their deliberations on administrative affairs will be of little value.

*Enclosures 4, 5, and 6.

The Imperial Legislative Council.

8. The Governor-General in Council has decided that the Legislative Councils in India shall now be enlarged to the fullest extent compatible with the necessary authority of the Government, and desires that these bodies shall be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community. The scheme formulated in your letter for the enlargement on those lines of the Imperial Legislative Council seems to the Lieutenant-Governor to be generally suitable, and there is nothing in the recommendations which he is about to submit with regard to the Provincial Legislative Council which is inconsistent with the proposals of the Government of India for the future constitution of the Legislative Council of the Governor-General. His Honour ventures to submit, however, that the constitution of the Imperial Legislative Council, as detailed in paragraph 12 of your letter under acknowledgment, contains insufficient provision for the representation of the non-official population of Burma. The only non-official members from Burma under that scheme would be one member elected by the non-official members of the Provincial Legislative Council, and possibly in addition one of the non-official members other than Mahomedans, to be nominated by the Viceroy to represent minorities or special interests. I am to urge that the provision is inadequate, and that Burma is entitled to representation on the Imperial Council on a scale as liberal as that allotted to other Provinces. His Honour recommends, therefore, in the first place, that one member should be elected by the Burma Chamber of Commerce, as is proposed to be permitted in the case of the Chambers of Commerce of Calcutta and Bombay. This proposal, I am to submit, is justified by the industrial development of Burma and the growing interests of its mercantile community. The mercantile interests of Burma are fully represented by the Chamber of Commerce which is a body of weight and influence; and it is most desirable that these interests should be directly represented on the Imperial Legislative Council. It is specially necessary that there should be this representation in order that the important and powerful commercial community of Burma may have an

opportunity of expressing its views in the discussion on the Budget and of obtaining information by interpellation in Council. This will tend to remove the impression which certainly exists among the non-official European community that, owing to its geographical position and the dissimilarity of its conditions, Burma does not receive due consideration from the Imperial Government. It will also tend to emphasize the solidarity of the Province with the rest of India which, it has been suggested, is sometimes in danger of being overlooked. Sir Herbert White therefore ventures to press this recommendation as strongly as possible.

9. In the second place I am to point out that Burma is excluded from the provision by which one member will be elected by the nobles and great land-owners of each of the seven important Provinces in India. That is inevitable, owing to the fact that there are in Burma no large land-owners and no hereditary aristocracy; but I am to submit that though there are no large land-owners in Burma, the agricultural interests of the Province are none the less of great importance, and the agricultural community, which forms the bulk of the population, is entitled to representation equally with the land-owning class in other Provinces. For this reason I am to recommend that special provision may be made for a representative from Burma among the four non-official members who, it is proposed, should be nominated by the Viceroy to represent minorities or special interests. The Lieutenant-Governor fully accepts the view of the Government of India that the Mahomedan community should be granted a measure of representation commensurate with its numbers and political and historical importance, and His Honour has therefore no objection to offer to the proposal that not less than two of the non-officials to be nominated by the Viceroy should be Mahomedans, but I am to submit that the same arguments apply to the Buddhist community, which is also entitled to special measure of representation. The numbers of the Buddhist community in Burma may be estimated at present at about nine millions, and I am to recommend that, of the four non-officials to be nominated by the Viceroy to represent minorities or special interests, one should be a Burmese Buddhist.

10. I am also to recommend that it may be definitely stated that at least one of the official additional members of the Legislative Council shall be appointed for each of the larger Provinces. If this is not done there is a risk that in this respect also Burma may not receive an equal share of representation.

11. If these proposals are accepted, the proposed constitution of the Imperial Legislative Council would then stand as follows:—

A.—*Ex-officio*, the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of the Executive Council . .	8
B.—Additional officials, of whom one at least should represent each of the Presidencies and the United Provinces, the Punjab, Burma, Eastern Bengal and Assam, and the Central Provinces, to be nominated, not exceeding	20
C.—A Ruling Chief to be nominated by the Viceroy . . .	1
D.—Elected members—	
(*a*) By the Chambers of Commerce of Bengal, Bombay and Burma	3
(*b*) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma . . .	7
(*c*) By the nobles and the great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces . . .	7
(*d*) By Mahomedans	2
E.—Non-officials or retired officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans and one to be a Burmese Buddhist . .	4
F.—Experts to be nominated by the Viceroy, when necessary, for special purpose	2
Total .	54
Or, including His Excellency the Viceroy .	55

12. The Lieutenant-Governor is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of the Legislative Council. Such official and non-official opinion as has been expressed is in favour of this proposal. At present the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. The Council as at present constituted consists of five official and four non-official members, two of whom are Burmese. There is difficulty in finding qualified non-officials outside of the European mercantile community for nomination to the Council, and it is not possible, therefore, to increase the number of the non-official members to a very great extent. Hitherto, owing to the absence of persons of conspicuous standing and intelligence even among the professional classes, no Mahomedan, Hindu, or Chinaman has yet been appointed to the Provincial Legislative Council and the Burmese members have been almost exclusively selected from among the Shan Chiefs or *ex*-officials of the late Burmese or the British Government. No regulations have been framed as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the Municipal Committee of Rangoon. The Provincial Budget is not brought under discussion in the Legislative Council, and the members have no right of interpellation, because rules authorizing those privileges have not as yet been framed under section 2 of the Indian Councils Act, 1892. The Lieutenant-Governor has carefully considered whether, in the observance of the principle that the widest possible representation should now be given to all classes, races and interests, the elective system should be introduced, but he is satisfied that it is practicable to do so only to a very limited extent. His Honour proposes that in future the Council should consist of eight official and seven non-official members, of whom two shall be, as at present, representatives of the European mercantile and trading communities. The total strength of the Council will thus be fifteen or, including the Lieutenant-Governor, sixteen. His Honour trusts that the numbers will not be regarded as too small to admit of the adoption of the proposal that one non-official member of the Imperial Legislative Council should be elected by the non-official members of the Burma Legislative Council. One of the European members of the Provincial Legislative Council may, it is suggested, be elected by the Burma Chamber of Commerce. The other will, it is proposed, be nominated by the Lieutenant-Governor after consultation with the Rangoon Trades Association, the Rangoon Port Commissioners, and the Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein, and Akyab. It has been considered whether the latter member might not be elected by all or some of these bodies, but no practical scheme has been devised. One member shall, His Honour proposes, be selected to represent the Indian and Chinese mercantile and trading interests. No feasible system of election can be suggested for these communities, and their representative also will require to be nominated by the Lieutenant-Governor. The remaining four non-official members will, it is proposed, represent the Burmese population. The only existing machinery which could be used as an electorate in the case of these members is provided by the Municipal Committees of the larger towns, but these, while they represent only a portion of the whole community, are at the same time largely composed of natives of India, Chinese, and other races, and they are therefore unsuitable for the purpose. All four Burmese members of the Legislative Council will therefore, it is proposed, be nominated by the Lieutenant-Governor. Their selection will be made so as to afford representation, as far as possible, to all interests, agricultural, commercial, industrial, and professional.

13. After the Council has been enlarged in this manner the Lieutenant-Governor, concurring in the unanimously expressed opinion on this point, proposes that discussion of the Provincial Budget and the right of interpellation should be allowed. The proposals of the Government of India in paragraph 23 of your

letter, for the discussion of the Budget in the Legislative Council, seem to His Honour to be suitable, and he is prepared to adopt them. A separate note containing a detailed statement of the alterations which the Lieutenant-Governor desires to make in the Council regulations in order to carry out these proposals is submitted as an enclosure* of this letter.

*Enclosure. 17.

14. For convenience of reference a list of the enclosures of this letter is appended.

I have the honour to be,
Sir,
Your most obedient servant,
W. F. RICE,
Chief Secretary to the Government of Burma.

LIST OF ENCLOSURES.

1. Letter No. 429—1L.-18, dated the 16th October 1907, to the Chairman, Burma Chamber of Commerce, and certain others.

2. Letter No. 4832, dated the 1st November 1907, from the Superintendent and Political Officer, Southern Shan States.

3. Letter dated November 1907, from the Hon'ble Maung Ba Tu.

4. Letter dated the 16th November 1907, from the Hon'ble Mr. W. R. Stikeman.

5. Letter dated the 27th November 1907, from the Hon'ble Mr. Sidney Roberts.

6. Letter dated the 3rd December 1907, from the Chairman, Burma Chamber of Commerce.

7. Letter No. 6106—1L.-7, dated the 17th December 1907, from the Commissioner, Arakan Division, and annexures.

8. Letter No. 135—3M.-2, dated the 6th January 1908, from the Secretary to the Financial Commissioner, with annexures.

9. Letter No. 158—17L.-07, dated the 11th January 1908, from the Commissioner, Magwe Division.

10. Letter No. 3118—300, dated the 13th January 1908, from the Chairman and Chief Engineer, Port Commissioners, Rangoon, with annexures.

11. Letter No. 19T.-08, dated the 14th January 1908, from the Secretary, Rangoon Trades Association, with annexure.

12. Letter No. 1804—2M.-79, dated the 24th January 1908, from the President, Rangoon Municipality, with annexures.

13. Letter No. 581—2L.-1, dated the 33rd January 1908, from the Commissioner, Mandalay Division, with annexures.

14. Letter No. C.-69—6L.-13, dated the 26th January 1908, from the Commissioner, Irrawaddy Division, with annexures.

15. Letter No. 1439—5L.-17, dated the 30th January 1908, from the Commissioner, Pegu Division, with annexures.

16. Letter No. 63—2L.-1, dated the 4th February 1908, from the Commissioner, Mandalay Division, with annexures.

17. Statement of the alterations proposed in the Regulations relating to the Burma Legislative Council.

Enclosure 1.

From the Hon'ble W. F. Rice, I.C.S., Chief Secretary to the Government of Burma, to (1) the Chairman, Burma Chamber of Commerce; (2) the Chairman, Rangoon Trades Association; (3) the President, Rangoon Municipal Committee; (4) the Chairman, Rangoon Ports Commissioners; (5) the Financial Commissioner; (6) the Commissioner, Pegu Division; (7) the Commissioner, Mandalay Division; (8) the Commissioner, Magwe Division; (9) the Commissioner, Arakan Division; (10) the Commissioner, Irrawaddy Division; (11) the Superintendent and Political Officer, Southern Shan States; (12) the Hon'ble W. R Stikeman; (13) the Hon'ble S. Roberts; (14) the Hon'ble Maung Ba Tu, K.S.M.,—No. 429—1L.-18, dated the 16th October 1907.

I am directed to forward a copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils. The measures which are brought under discussion are of much importance, and the Lieutenant-Governor will be glad to be favoured with the views of the {1. Burma Chamber of Commerce / 2. Rangoon Trades Association / 3. Rangoon Municipal Committee / 4. Rangoon Port Commissioner} with regard to them. I am to offer the following remarks on certain points which immediately concern this Province. (5—14, your views)

2. The first proposal dealt with by the Government of India relates to the establishment of Advisory Councils as a means of free and intimate consultation between Government and the community. If a Provincial Advisory Council is constituted for Burma in the manner proposed, the Lieutenant-Governor suggests that twenty would perhaps be a suitable number of Councillors to be appointed. His Honour is also disposed to think that the best plan will be for all the members of the Advisory Council to be nominated, but if any practicable scheme for the election of the Advisory Councillors can be devised, His Honour will be glad to consider it. This question, as well as the number of Advisory Councillors to be appointed, are matters on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce. / Rangoon Trades Association. / Rangoon Municipal Committee. / Rangoon Port Commissioners.} your advice.

3. With regard to the proposals for the enlargement of the Imperial and Provincial Legislative Councils, I am to explain that the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. Under section 45 of the India Councils Act, 1861, not less than one-third of the members so nominated shall be non-officials. The Council, as at present constituted, consists of five official and four non-official members. No regulations have as yet been made by the Governor-General in Council under section 1 of the Indian Councils Act, 1892, as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice certain of the non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners and the Municipal Committee of Rangoon. In the Legislative Councils of most other Provinces in India the annual financial statement of the local Government is brought under discussion, and the asking of questions on matters of public interest is permitted. This is not the case at present in Burma because these privileges only arise when rules authorising them have been made under section 2 of the Indian Councils Act, 1892, and no such rules have as yet been framed for the Legislative Council of Burma. In dealing with the proposals of the Government of India with regard to the Provincial Legislative Councils, the Lieutenant-Governor will be glad to be favoured with the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} as to whether an annual discussion of the Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province. Another point on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} is as to what (your advice)

increase, if any, in the membership of the Burma Legislative Council is desirable and in what manner it can best be effected. His Honour is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of his Council. As at present advised, however, he doubts whether the elective system could usefully be introduced to any great extent. He suggests for consideration that the Burma Chamber of Commerce might suitably elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association might, in combination, elect another. The Members of the Provincial Advisory Council, when constituted, might elect one or two more. Apart from these members who might be appointed by election, it would probably be necessary for the remaining non-official members of the Burma Legislative Council to be nominated as at present, and it might perhaps at the same time be laid down that not less than two of the elected members should be natives of Burma. If the number of non-official members of the Legislative Council of the Province is increased as suggested, His Honour will welcome the proposal of the Government of India that they should elect one non-official member of the Imperial Legislative Council.

4. The above are certain points on which the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} your advice is sought, but the Lieutenant-Governor hopes at the same time to receive a full expression of opinion on the proposals as a whole and on all the aspects of the subject.

I am to ask you to be so good as to submit your matured conclusions, after consulting, as far as possible, representatives of all important interests in your charge.

To Nos. (5)—(11) only.

The suggestions on certain points which are put forward in the foregoing paragraphs are, I am to explain, tentative and provisional only. They indicate the views which the Lieutenant-Governor is, as at present advised, disposed to hold, but they do not represent His Honour's final conclusions, and they are put forward at this stage merely in order to afford a basis of discussion.

5. As the Government of India have desired to receive a reply from the local Government not later than the 1st March 1908, the Lieutenant-Governor will be glad to have a reply to this letter at as early a date as possible.

ENCLOSURE 2.

From Sir J. GEORGE SCOTT, K.C.I.E., Superintendent and Political Officer, Southern Shan States, to the Chief Secretary to the Government of Burma,—No. 1832, dated the 1st November 1907.

In reply to your General Department No. 429—1L-18, dated the 16th October 1907, regarding the creation of Imperial and Provincial Advisory Councils I have the honour to state that on the face of them, and theoretically the proposals are most axiomatic and full of promise. Except to party politicians with dangerously little knowledge and sadly fluent verbosity, and to irresponsible students, they are unhappily likely to prove disappointing. From the present state of Imperial politics, however, they appear inevitable, though the great mass of the Indian populations and still less the people of Burma are really fitted for them.

The Province of Burma is in so many ways different from those in India that from one point of view the question is more difficult and from another infinitely more easy.

In India there is a very much larger number of possible electors who are educated in the ways of Government, even if it be only to consistently oppose those ways, and have definite and frequently stubborn views on the questions which will come before the Councils for discussion. The number of individuals qualified at any rate in their own opinion, to be Councillors is also very much greater.

In Burma the general body of the people is far more literate than in India but there are comparatively few who are qualified to be Councillors, nor would many of the electors be properly qualified to select suitable candidates.

It may be that my long detachment from Burma propor may make this opinion seem presumptious, but so far as the opinion is worth anything I am unhesitatingly of the opinion that the Councillors should be nominated and not elected.

The number suggested—twenty—seems suitable, provided that of these twenty Councillors, or in addition to them, two should come from the Shan States; *primâ facie* one from the Northern and one from the Southern charge, but not necessarily so, if in either charge there should be two who are most obviously fitted for the post.

As regards the Shan States I feel myself justified in very strongly recommending that the Councillors should be nominated and not elected, whatever course be adopted for the rest of the Province.

The conditions of the Shan States is no doubt primitive though not so primitive as appears to be lightly assumed, but the interests of the States are considerable, and in the future it may be hoped will be very large, when the country is opened up.

At present the Chiefs are in a transition state. There is a constantly decreasing number of Chiefs who belong to the old régime whose advice could not be ignored on any point of old customary law. There is another body, consisting mostly of those who have succeeded since the States were taken over by the British Government, whose opinion would not be of much value either with regard to old customs or new proposals. There is a third body now being educated at the Chief's school, who, it may be hoped, will grow into useful members of the Empire, but who at any rate are certain to take an interest in general affairs and may form their interest through the study of hysterical literature.

It is certainly an undisputed fact that a very considerable number of the Chiefs subscribe to the vernacular papers, follow contemporary events and form strong opinions. Though the condition of the states be primitive it is not wise to assume that the Chiefs can be safely ignored as varnished savages or heavy bumpkins, though some may present that appearance.

I would therefore submit that, in view of the area of the Shan country, the number of rulers and the transition state in which it now is, one Shan Chief should sit with the twenty proposed in the Government of India letter for the Imperial Council, in addition to the one non-official member suggested in your letter now under reply. The Yawnghwe *Sawbwa* is the Chief whom I have in my mind in writing this. His views both with regard to Burma and the

Shan States would be deserving of respect. I urge this matter all the more strongly because if the forty-eight Shan Chiefs do not obtain recognition now they are unlikely to do so for a considerable number of years.

2. Theoretically I think, that in the annual discussion of the Provincial budget, the right of interpellation should be permitted in the Legislative Council of Burma, if only for the purpose of ventilating and discussing, refuting or substantiating, the points that are now fitfully raised in the newspaper press.

I would therefore support the proposed increase in the number of the non-official members of the Burma Legislative Council and give them the right of interpellation.

Possibly it might be well that the Rangoon Chamber of Commerce should elect a member and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trade's Association might very suitably elect another conjointly, but I would submit that the remainder should be nominated either expressly by the Lieutenant-Governor or at any rate from a list submitted by the electorate or some body chosen to represent the electorate. I would also submit that at the very least one member should represent the Shan States, North and South, and that he should be nominated and not elected.

I would also very respectfully urge that it is extremely desirable that the people of Burma should have representatives on the Council who are real and not *pseudo* Burmans; Buddhists and not perverts; and particularly that the people of Burma should not be lost sight of in favour of the aliens who make money out of them.

ENCLOSURE 3.

From the Hon'ble MAUNG BA TU to the Chief Secretary to the Government of Burma, dated Insein, November 1907.

In reply to your letter No. 429—1L.-18, I have the honour to inform you that I have nothing to add, as my views on the subject in question entirely coincide with those contained in the said letter.

I do not think that it will be necessary for me in this letter to go into the question of the advisability of establishing an Advisory Council, as there cannot be a shadow of doubt that the existence of such a Council will be highly beneficial and most advantageous to this country. The number of members suggested by His Honour is neither excessive nor small.

The appointment of members both for the Advisory and Legislative Councils should, in my humble opinion, be by nomination at least for the present. Burma stands in a peculiar position with regard to the other provinces of India inasmuch as education is still in its infancy, and its people for the most part not sufficiently enlightened to appreciate and value the advantages of an elective system.

This being the case, suitable men for the Council can only be obtained by selection. I beg humbly to suggest that a certain number of the nominations be for the present reserved for retired officials who have had the practical advantages of studying and observing the conditions and needs of this country and its people, and thus would be able to give much valuable advice on measures which theoretically may give no room for criticism but in practice found to be failures.

ENCLOSURE 4.

From the Hon'ble W. R. SIKEMAN, Vice-Chairman, Rangoon Port Commissioners, to the Hon'ble W. F. RICE, I.C.S, Chief Secretary to the Government of Burma,—dated the 16th November 1903.

I have the honour to acknowledge your letter No. 429—1L.-18, dated the 16th October 1907, regarding the proposed creation of Imperial and Provincial Advisory Councils, and the enlargement of the existing Imperial and Provincial Legislative Councils.

So far as these proposals concern the Indian Councils other than that of Burma, I feel that I have not sufficient knowledge of the local aspirations and requirements to be in a position to offer any useful comments, and therefore refrain from touching on the views and suggestions contained in Sir Harold Stuart's letter of the 24th August 1907.

The principle however of associating the Ruling Chiefs, Territorial Magnates and all the stable elements of Indian Society with the Government of the country cannot but be sound and has my entire sympathy and approval. Whether the proposals now formulated will meet with the success that they deserve, time alone will show, but they appear to me to trend in the right direction.

So far as Burma is concerned I am inclined to doubt whether at the moment the policy now propounded may not be premature, and certainly so far as my knowledge extends, it has never met with any popular recognition or demand.

Burma is on a rather different plane to any of the other Indian Provinces: its growth and prosperity having been extremely rapid, and its future would appear to be particularly bright, but this can hardly be considered due to the initiative of the Burmese themselves, but more to the great natural wealth of the land which has been mainly developed by the energy of alien races. The country possesses few natural leaders and practically no territorial magnates, though the former may in course of time be expected to arise. The elective principle is also almost entirely absent so far as any useful purpose would be served, and therefore it is desirable to continue the present practice of nomination with a few exceptions.

Although no demand at present exists for the enlargement of the Legislative Council, I am prepared to admit that, with the enlargement of other Indian Councils and the general advance of this province, such may arise in the near future, and I am therefore inclined to agree in the main with the proposals contained in your letter under reply, which I now propose to consider in detail.

2. *Provincial Advisory Council.*—Twenty Councillors, all nominated by the local Government, should prove a sufficient number to represent fairly the varied interests of the Province. I would suggest that it should be constituted as follows:—

Two Europeans	Two Mahomedans
Two Hindus	One Chinaman

who, on account of the greatly preponderating influence and importance of Rangoon over the remainder of Burma should, in my opinion, be mainly if not wholly chosen from the Capital, as so many of the large interests in the country and smaller towns have their headquarters or representatives in Rangoon.

A *Sawbwa* might very well be appointed to represent the Shan States, and the remaining vacancies would be filled by other nominees, the majority of whom should be Burmans.

No practicable scheme for election appears possible.

3. *Enlargement of Provincial Legislative Council.*—For the reasons already stated, I am in favour of a moderate increase in the number of the non-official members, and I will now review the means by which it is proposed they should be provided—

(*a*) The election of one member by the Burma Chamber of Commerce has my entire approval.

(*b*) The election of one member by the Rangoon Municipal Committee, the Port Commissioners and the Trades Association conjointly presents difficulties owing to the want of unanimity between these three bodies, and also their different composition. The two first are limited to 25 and 13 members respectively, and are not likely to be increased in the near future; the latter consists of 29 members at present, but is unlimited in membership and will probably receive in course of time large accessions. The difficulty might be overcome by granting each body a fixed and equal number of votes. For example, say, the number of 100 is agreed upon. Each Municipal Commissioner would command four votes, each Port Commissioner six votes with a surplus of four, each member of the Trades three votes with a surplus of 13.

The surplus votes might automatically be allocated to the nominee who heads the respective poll. This number would allow of ample expansion to the Trades Association, and when the membership exceeded 33 the recently joined members would receive one vote less than the older members.

If some such device be not adopted, it is possible, and even probable, that each body will elect a different representative, and in such a contingency the decision might very well devolve upon the Lieutenant-Governor. Whatever method is adopted an equality of votes might be decided in this manner.

(*c*) I favour the Provincial Advisory Council electing one member, who should be a Burman, which thereby would, in my opinion, receive its full measure of representation.

(*d*) I approve of the remaining non-official members being nominated as at present, and should it be decided to retain the present number of four, the non-official element would consist of seven members. The Council, with the addition of official members, would thus probably consist of 15 or 16 members, a number sufficiently large to admit of all interests being fairly represented.

4. I approve of an annual discussion of the Provincial Budget and the right of interpolation.

5. I also approve of the non-official members of the Legislative Council electing one non-official member of the Imperial Legislative Council.

ENCLOSURE 5.

From the Hon'ble SYDNEY ROBERTS, to the Chief Secretary to the Government of Burma,—dated the 27th November 1907.

I have the honour to acknowledge receipt of your No. 429—1 L.-18 of 16th October.

It occurs to me that the conditions in Burma are so very divergent from those obtaining in the other Provinces of the Indian Empire that one has to consider whether the proposals dealt with in letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, are at the present stage in any form suited to the requirements of this Province.

A careful perusal of that letter and of the speeches of the Secretary of State for India and His Excellency the Viceroy has left upon my mind the impression that the Government are anxious to satisfy a demand which whilst having taken form in certain Provinces has no existence in Burma.

And as the Government of India has, in my opinion wisely, hitherto refrained from forming regulations for Burma under section 1 of the Indian Councils Act as to the conditions under which the nominations of Members of the Burma Legislative Council shall be made so I think they will be well advised in considerably limiting for the present the application of the measures which is under consideration.

In this country there are no Ruling Chiefs, Nobles or Great Land Owners in the sense in which the terms are used in the letter from the Secretary to the Government of India. The Mercantile Community although rapidly increasing in numbers can as yet only be regarded as of comparative importance, the number of firms belonging to the Chamber of Commerce being forty-five.

Whilst each Province may perhaps be said to be in a state of development this is more particularly the case in regard to Burma and at the same time the main condition operating in favour of development creates a state of transition in the character of the population for many years to come. It is a point for consideration whether or not the different communities forming this inevitable heterogeneous population should be represented on the Council and I venture to express the opinion that it is advisable to delay taking any steps in this direction until there is more evidence of the existence of leading men of education among the various races.

To the formation of an Advisory Council I can see no objection and I consider that in fixing the number of Councillors at twenty the Lieutenant-Governor will have ample scope for selecting representatives of all existing interests and those likely to arise within a reasonable period of time. From every point of view I think that nomination of Members is the best plan and I am neither able nor desirous to suggest any scheme of election. At the present moment the Lieutenant-Governor refers to the Local Public Bodies, such as the Chamber of Commerce, the Trades Association, etc., for their opinions, questions in which such bodies may be particularly interested, and I should regret the formation of the Advisory Council if this method of obtaining well considered collective opinions was abandoned in favour of a looking for advice from such Members of these Public Bodies as may be nominated to the Advisory Council.

I have given my reasons for not at present favouring any substantial increase in the number of non-official Members of His Honour's Council, but in the event of some enlargement being decided upon I would suggest that the Additional Members might be found in the persons of some Chief of the Shan States and an Elected Member of the Chamber of Commerce; this would raise the number of non-official European Members to three and I think that the interests of all Public Bodies would be fully represented by this number. If, however, it is deemed advisable, as suggested by his Honour, to have a Member particularly representative of the Trades Association, the Municipality and the Port Commissioners, it occurs to me that it might be wise, whilst permitting these Bodies either in combination or separately to select names, to leave the nomination of the representative in the hands of the Lieutenant-Governor. Any further addition to the Council would to my mind at this stage tend in the direction of over-representation and possibly lead to persons who have not the desirable qualifications securing seats.

Although I think some difficulty might be experienced in finding a non-official Member who would be able to accept the position of a seat on the Imperial Legislative Council yet I agree with His Honour in welcoming the proposal that the non-official Members should be accorded the privilege of electing a representative.

I am quite in favour of the right of interpellation being introduced into the Legislative Council as I consider that it will assist in making the measures and motives of the Government more readily understood.

ENCLOSURE 6.

From J. R. HALLIDAY, Esq., Chairman, Burma Chamber of Commerce, Rangoon, to the Chief Secretary to the Government of Burma,—dated the 3rd December 1907.

I have the honour to invite a further reference to your General Department letter No. 429—1 L.-18, dated the 16th October 1907, forwarding copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils, which has received due consideration from the Committee of the Chamber.

In reply, I am to say that the Committee approve of the formation of a Provincial Advisory Council for Burma, but, at the same time, venture to hope that the formation of such a Council will not result in any modification of the present policy of Government of seeking the opinion of the Chamber of Commerce, Trades Association, and other public bodies on questions in which such bodies are particularly interested.

They also approve of the Lieutenant-Governor's suggestion that the Council should consist of 20 members, who should all be nominated, and would suggest the following composition, *viz.*, two Europeans, two Hindus, two Mahomedans, and one Chinaman. Of the thirteen remaining vacancies it is thought desirable that the majority should be filled by Burmans, and that, in view of the unusually preponderating importance of Rangoon over the rest of Burma, the capital should be represented by at least one-third of the Council, and also that one of the *Sawbwas* might very appropriately be appointed to represent the Shan States.

With regard to the enlargement of the Provincial Legislative Council, although the Committee are inclined to the opinion that a substantial increase in the number of non-official members is perhaps premature in this Province, as no such need has ever been publicly recognized or expressed, they are nevertheless prepared to approve of a moderate increase in view of the probable enlargement of the other Provincial Legislative Councils, which might cause the demand for an increase to assume voice and shape if the Burma Legislative Council remained unaltered, and they are in agreement with the proposals put forward, *viz.*—

(*a*) That the Burma Chamber of Commerce should elect one member.

(*b*) That the Rangoon Municipal Committee, the Port Commissioners and the Trades Association should conjointly elect one member.

In this case, however, there would be some difficulty in arriving at a satisfactory basis of voting. The first body consists of 25 members, the second of 13, and the last of 29. The first two are limited in the constitution of their members, but the last has an unlimited membership and may receive large accessions in the next few years. An actual poll might therefore give the Trades Association an undue advantage to the exclusion of the nominees of the other two bodies. It is possible and even probable that each body would favour a different candidate and, in such a contingency, it is suggested that the decision should be left in the hands of the Lieutenant-Governor. The only other alternative would appear to be to give each body the same number of votes, and even then an equality might occur.

(*c*) That the Provincial Advisory Council should elect one member only and that he should be a Burman.

(*d*) That the remaining non-official members should be nominated as at present, as the elective system appears to be too limited to form a satisfactory basis.

It is also thought desirable that there should be an annual discussion of the Provincial Budget and the right of interpellation, and the election of one non-official member of the Imperial Legislative Council by the non-official members of the Legislative Councils is approved of.

The Committee have refrained from commenting on the broad principles enunciated in Sir Harold Stuart's letter, as they feel that they are not sufficiently acquainted with the varied needs and circumstances of other Indian Provinces to form an accurate opinion, but they cordially sympathise with the Government of India in their desire to associate with themselves the moderate and stable elements of India Society, the Ruling Chiefs, and large landowners.

Enclosure 7.

From B. Houghton, Esq., B.A., I.C.S., Commissioner, Arakan Division, to the Chief Secretary to the Government of Burma,—No. 6106—1L.-7, dated the 17th December 1907.

In reply to your General Department letter No. 429—1L-18, dated the 16th October 1907, I have the honour to give as follows my opinion regarding the proposed Advisory Councils and the remodelling of the Legislative Councils. A copy of letter No. 3707—1L.-4, dated the 15th November 1907, from the Deputy Commissioner, Akyab, together with the written opinions of certain members of the Akyab Municipal Committee, the Committee was consulted informally on the subject, are also forwarded herewith. My remarks shall, in the first instance, deal with the Councils so far as Burma is concerned.

2. The functions of an Advisory Council are stated by the Government of India to be two-fold: firstly, they will form a body to be consulted in important matters, either individually or on rarer occasions collectively by the Local Government, and, secondly, they will be "an agency for the diffusion of correct information upon the acts, intentions and object of Government." They will possess neither voting nor legislative powers, their functions being purely consultative. From these premises it follows that no numerical limit is placed to this Council as with the Legislative one by the necessity for an official majority; no officials will be membered amongst them; there will be an absolutely free hand in fact so far as members are concerned. I cannot but think then that the number (twenty) suggested in your letter is very much below that which is both practical and expedient. In the first place Burma is a large province about the size of France with a population of over ten millions. The ideas and idiosyncrasy of the people differ widely not only between the urban and rural populations, but between Upper and Lower Burma, between cosmopolitan towns, such as Rangoon and the indigenous peasantry such as in Myingyan or Sandoway. If we are to have a real consensus of the opinions of the people, a true microcosm of their ideas, hopes, fears, desires and aspirations, we must have available a fairly large body of men, a body drawn from all districts of the Province and representative of the various shades of local feelings. Take, for instance, such measures as the empowerment of Burmans to make wills, or a codification of their laws of inheritance. Surely an Advisory Council of twenty members would be inadequate to determine the real views of the people on such a question; we should feel so far as they were concerned as though erecting a lofty structure on foundations both frail and slender.

3. But there is another and to my mind very weighty reason for a comprehensive Advisory Council. Throughout Asia at the present time the new or Western knowledge is stirring and producing ideas and aspirations but little in conformity with traditional oriental stagnation. Hence everywhere even in Burma there is gradually coming into existence a Liberal or progressive as contrasted with the Conservative or Reactionary Party which latter still embraces the great bulk of the population. Though as yet small in numbers those people possessing Western knowledge are usually very influential and they are at least in Burma practically the only indigenous non-officials capable of understanding the gist and principles of a new Bill and of criticising it from an independent stand-point. It is, of course, to be regretted that in Burma as in India the more intelligent non-officials adopt the law as their profession and it is no doubt true that in India at least the legal profession is over-represented. But it is necessary to accept the facts of the case and unless a fair opportunity of expressing their views is afforded to the legal profession, Government will deprive itself of what is probably the most intelligent and valuable non-official opinion. Now unless the Advisory Council is in Burma numerically large, the almost certain result will be that it will be filled with eminently respectable, even influential, people wholly destitute of the power of criticism or of that extended knowledge which can only be obtained by a liberal education on Western lines. Far be it from me to demur to the presence of such worthies on the Councils. Without them or indeed a majority consisting of them the Councils would not indeed be truly

representative. But unless through enlarged numbers opportunity is given for inclusion of a number of lawyears and such like educated non-official opinion the Councils are likely to be of the nature rather of decorous ornaments that of instruments of practical utility.

4. Again, it is obvious that, unless there is at least one representative for each district and more than one for more important districts the second function of the Advisory Council that of disseminating the objects and intentions of Government is likely in practice to result in an entire failure. Even with one member for each district, the number of people who will be acquainted through such members of the said objects and intentions will be extremely exiguous. If one throws a handful of seed in a ten-acre field of wheat one does not expect any appreciable quantity of the entire growth to be pollinated by it. Clearly anything but a large number of Advisory Councillors will spell failure for this aspect of the matter.

5. From the above considerations I would recommend an Advisory Council of perhaps eighty members. Each of the thirty-four districts in Burma should send a member and the more important two members. The balance should be made up of representatives of trading interests in Rangoon, Shan Chiefs, and special members to represent such peoples as Muhammadans, Hindus, and Karens. I would not give an undue proportion to Rangoon interests; they are sufficiently vocal not to say vociferous even now, and need no excessive representation in order to press their particular interests.

6. The members of the Council should at its inception at least be nominated by Commissioners, but those for Rangoon might perhaps be elected. When summoned together for deliberation the proceedings should ordinarily be public; the healthy and free discussion of public measures can to my mind be productive of nothing but good. The President, who will be a Government official, might have power, however, to declare that specified sittings or portions of sittings should be held *in camera*.

7. In respect to the Legislative Council we are at once confronted by the limitation in numbers due to the necessity for preserving an official majority. This necessity is a regrettable but inevitable feature of our policy. The spectacle of a number of officials brought in like faggot voters to create a majority does not, I confess, altogether commend itself to my mind, but presumably such contrivances as to make each official's vote count as two or to make the President's vote decisive would not be accepted as practical alternatives. But if such expert members as the Director of Public Instruction or the Inspector-General of Hospitals are included amongst officials there should be no difficulty in bringing the number of the latter up to ten and thus of obtainiig nine non-official members. There can be no doubt that the more non-official members there are the better. As regards the method of appointment I would have at least seven out of the nine members elected by the Advisory Council, the remaining one or two members being nominated by the Lieutenant-Governor to represent any important interest not allowed for in the election. My reasons for recommending this large number of elected members are as follows.

8. No one who has followed the proceedings of the Burma Legislative Council but must have been struck by the absence of any real discussion or any incisive criticism of official measures. Even so vitally important a measure as the Village Bill which affects intimately the life of every peasant in the country was passed without any real debate, except perhaps in Committee. From a purely bureaucratic point of view nothing can be more admirable than the decorum, smoothness and brevity of the debates; but are such qualities healthy or wholesome from the wider national standpoint? Are they consistent with any real national interest in the proceedings or with the quickening and vivifying of the national political conscience? The heated debate, the sharp retort, the impassioned speech are no doubt mightly disturbing and sometimes even indecorous but they at least evidence a keen and intelligent interest in matters political, the first awakening of the people to the highest task of a citizen, that of self-Government. Those who have examined the moon through a telescope know well the beauty in the ordered symmetry of its ringed plains, the glitter of the peaks on the terminator, the dazzling whiteness of the strangely marked uplands; but

such beauty is that of a dead and silent world. For the average man this earth of ours with its fog-banks, its storms and blasting hurricanes, its sunshine alternating with periods of gloom possesses a higher and more intellectual charm; for it represents life and change all in fact that stands for progress. So must it be with these Legislative Councils. So long as they retain their air of cold decorum they fail in obtaining that free discussion of principle and detail necessary for the due elaboration of laws, and they fail also in awakening that interest and intelligent criticism without which the political education of a people is impossible. For these reasons I am strongly in favour of the election of a large proportion of members by the Advisory Council.

9. It follows from the above that I am also in favour of a discussion on the Budget and of the right of interpellation. The Deputy Commissioner, Akyab, considers the latter right inconsistent with an autocratic government. But in the first place we are not strictly speaking an autocratic government, we are an autocratic government in process of change to a more popular form, or one at the least largely tempered by popular opinion. In the second place unless I am altogether mistaken in the character of educated Burmans there is no reason to fear the insolent personalities, the venomous and unfounded attacks on Government, which have elsewhere done so much to hinder the march of liberal ideas. In Burma criticism of Government is much more likely to be expressed in temperate and courteous language and to be based on real errors of procedure or of principle.

10. As regards the representation of Burma in the Viceroy's Council I consider that it should be represented by at least one official and one non-official member, the latter of whom should be elected not by the Legislative but by the Advisory Council. Political history shows us that the more direct an election, the more likely the person elected is to be a real representative of the people. Moreover, by giving the Council this double power of election to both Councils we shall do much to strengthen and develop popular interest in it, a point which its want of direct power renders of some importance.

From Major W. R. STONE, I.A., Officiating Deputy Commissioner, Akyab, to the Commissioner, Arakan Division,—No. 3707—1L.-7, dated the 15th November 1907.

With reference to your Judicial Department demi-official letter No. 5298—1L.-7, dated the 28th October 1907, I have the honour to report as follows.

2. The Government of India's letter on the subject of Advisory and Legislative Councils was circulated to all the members of the Akyab Municipal Committee, and the subject was discussed unofficially at a Special Meeting held on the 14th November 1907. I requested the members to record their views in writing and three members (Mr. Tun Chan, U Lu Bu and Mr. Wilson) were good enough to do so. Two other members, Mr. Ahmed and Mr. Orr Orr, have also promised to put their views in writing, and these five expressions of opinion will be submitted to you on receipt from the Municipal Office with the printed letter, the eturn of which has been requested. With the exception of these five members no other memer of the Comm ittee had any views to offer, the members named confined their expressionsof opinion to the views expressed in writing, the only difference being that the view that each district should be represented by one member on the Burma Advisory Council found some favour.

3. The members of the Committee, however, were generally of opinion that in a matter of such importance, demanding detailed consideration, each of them should have been supplied with a printed copy of the Government of India's letter, but only one copy is available for circulation, and this has to be returned to you.

4. My own views are as follows :—

Imperial Advisory Council.—I understand that the Government of India have already decided what the constitution and functions of this Council are to be. Burma should certainly be represented by one non-official member, elected by the Legislative Council or by the Advisory Council. The election might be restricted with advantage to natives of Burma, who would thus be given some share in the Imperial Advisory Council. Burmans would not be adequately represented by a European or Native of India. Such a member could only efficiently represent the Mercantile classes of Rangoon who have already the largest facilities of pressing their views on the authorities. A non-Burman so elected would not represent the agricultural or Buddhist communities, and would not be an efficient agent for the diffusion of correct information upon the acts, intentions and objects of Government.

5. *Provincial Advisory Councils.*—Members should be nominated, at all events for some years, until experience is gained as to the working of the Council. I cannot suggest any practicable scheme for election. In my opinion the Council should consist of 60 members. One member should be nominated for each of the 34 districts in Burma (excluding the two Hill Tract Districts) ; in this way all local areas in the Province would be represented. If no suitable Councillor was availuble in any particular district the Commissioner could nominate a member from some other district of the division. If the Shan States sent two members, that would be 36 in all, and would be an adequate representation of rural Burma and the Burman population generally. It is certainly advisable that the Burman population should be adequately represented and should form a majority, for the interests of industry, commerce, capital and the professional classes do not always coincide with those of the great bulk of the Burman population, and being largely non-Burman and urban (mainly Rangoon residents) they are not in touch with the people generally. Such interests could, I think, be adequately represented in the Council by 24 members, making a total of 60.

6. *Imperial Legislative Council.*—Regarding this I can only say that Burma is adequately represented by one member, while the adjoining Province of Eastern Bengal and Assam has two [clauses (*b*) and (*c*) of paragraph 12 (*2*) D of the printed letter]. The growing importance of Burma warrants as full a representation, however given, as the other non-regulation Provinces named.

7. *Burma Legislative Council.*—In my opinion members should be appointed as suggested by His Honour the Lieutenant-Governor. The number might be increased by the nomination of one member from each division, but as an official majority has to be maintained this may be impracticable, and I am unable to make any further suggestion. The proposals of His Honour are as far as I can see the best practicable method of dealing with the question. This is scarcely a matter on which a mofussil district officer can give a useful opinion owing to want of knowledge of the conditions and requirements of Rangoon and its concentrated mercantile interests. I think an annual discussion of the Provincial budget would be useful but I do not consider that the right of interpellation should be introduced. Such a right is used in India simply to embarrass Government, and not to elicit information. There are ample safeguards for the redressal of abuses and the righting of wrongs, and Government in the Advisory Council will be able to get non-official advice on all general questions. The right of interpellation can only be safely allowed to a people who rule themselves. Under an autocratic system of Government or even where a majority rule a minority (as in the case of Ireland) the right of interpellation is used by the representatives of the subject race to embarrass the Government and to injure the administration, by malicious insinuations and petty inteference with every action of an executive nature. The administration would not, in its present state, be benefited by the introduction of this system.

1. With reference to the Burma Advisory Council I consider the members should be elected and not nominated.

By adopting the principle of election, the people, though not yet advanced in education and in appreciation of their interests and welfare, would gradually learn to recognise their rights and take interest and participate in the Government of their country.

A practical scheme for election can be devised on the basis of Municipal elections ; but the right of franchise should be more restricted, given larger privileges to the landholder, monied, and educated classes.

2. There ought to be two Advisory Councillors from each Division and a representative from each important body or Association ; and the number would be as follows :—

(i) Two Advisory Councillors from each of the eight Divisions in Burma	16
(ii) Chamber of Commerce, Rangoon	1
(iii) Port Commissioners, Rangoon	1
(iv) Bar Association, Rangoon	1
(v) Trades Association, Rangoon	1
(vi) Four Advisory Councillors, to be nominated by Government to represent technical learning on special branches of knowledge, such as medicine, engineering, etc., to secure the best learning and talent of the country	4
Total	24

3. The number in the Burma Legislative Council should be increased from 9 to 15, consisting of eight official and seven non-official members. The non-official members are to be elected by the Advisory Councillors from among themselves.

4. Annual discussion of the Provincial Budget in the Burma Legislative Council is necessary for beneficial legislation. It is of the utmost importance for the Legislative members of the Council to be well informed of the financial position of the country and the important works or projects to be carried out for the welfare and improvement of the country and for the development of the natural resources.

5. The right of interpellation should be introduced in the Burma Legislative Council to enable the Councillors to take a keen interest in the affairs of the country and to keep the people in touch with Government so that they may know and understand the views, aims, objects and action of Government on important matters.

HTOON CHAN,—13-11-07.

In concurring with the proposals of the Government of India, I may state that the Councillors of the Provincial Advisory Council should be nominated by Government, as Government ought to have the right of choosing its own advisors rather than suffer questionable advisors forced on it.

1. Arakan Division.	5. Minbu.
2. Pegu.	6. Meiktila.
3. Mandalay.	7. Irrawaddy.
4. Tenasserim.	8. Sagaing.

(ii) The number of advisors should be 12, *i.e.*, one from each division, and one from each important body such as the Chamber of Commerce;

Trades Association;

Rangoon Municipality, and

Port Commissioners, Rangoon.

(iii) I am of opinion that such a large and important Province as Burma ought to have move members in the Legislative Council. The present number might with advantage be increased to 12 to be made up of seven official and five non-official members. The non-official members ought to be elected by the people of different communities or bodies.

(iv) There ought certainly to be an annual discussion of the Budget in the Legislative Council as has not hitherto been done. This will make the non-official members look about more in order to honourably fill the high position accorded them.

(v) The right of interpellation should always go hand in hand with the constitution of large councils, and the right of asking questions ought to be given to the members as it is done in all other Councils in India and England. The right of interpellation will satisfy the members who make them, as well as the people whom they represent.

U LU BU,

Member of Akyab Municipality.

AKYAB,

The 11th November 1907.

The only suggestions I can make with reference to the subject is in regard to the proposed Provincial Advisory Councils:—

(i) Members to be nominated. A practicable scheme for election could be devised but would be very expensive.

(ii) The number might consist of 20. Two members being nominated by the Commissioner of each division after consultation with Deputy Commissioners and Municipal Committees. One member each by—

(1) Chamber of Commerce, Rangoon.

(2) Rangoon Municipality.

(3) Port Commissioners, Rangoon.

4) Trades Association, Rangoon.

J. H. WILLSON,—8-11-07.

I concur in entirety with the opinion of my friend Mr. Htoon Chan with this addition only that a Mahomedan Advisory Councillor to represent Mahomedan interest should be elected by Mahomedan Anjumans or societies where Mahomedan population bear no mean proportion to the Burmese.

M. AHMAD,—19-11-07.

BURMA ADVISORY COUNCIL.

1. My experience of the Burma and Arakanese is that, in matters which do not immediately affect his own interest, he, individually, is too apt to adopt the first view which suggests itself, or is suggested to him. Consequently, should favour the selection of two councillors from each division, so that measures affecting their own localities, put before them for consideration, should receive at least the benefit of two opinions. By the similarity or difference between these opinions, it may be possible to arrive at a true basis.

Nomination, pure and simple, does not appear to me to be an ideal method of securing the most suitable men. Wealth, in a matter of this kind, seems to give its owner an undue claim to recognition, whereas it may be a very real reason why he is not a fit and proper person to represent public opinion. I should suggest that the most suitable persons be selected by Municipalities, or where a body of this kind is not available, by committees of headmen appointed by the local Government, and their names submitted, with the reasons for their selection, to the Commissioner of the division. Should he be unable to recommend the appointment of any two of those selected, he might be at liberty to appoint two of his own nomination, but Government should satisfy themselves that he was justified in rejecting the elective body's recommendations in their favour.

The selections should be, as far as possible, from the landholder and merchant classes, one representative of each. Unfortunately, these classes are comparatively backward in the matter of education, but reliable views are more likely to be received from them than from more highly educated men in other walks of life. As they are the backbone of the country, they should be led to realise their proper position in public affairs. All men whose business is solely, or to a great extent, usury, should be considered ineligible.

2. I consider that two councillors should represent each division of the province and one each the Rangoon Chamber of Commerce, Port Commissioners, Trades Association and Bar Association, Engineering, Medicine, and Education might also be represented, if considered necessary.

LEGISLATIVE COUNCIL.

3. The number of members might be increased to fourteen, eight officials and six non-officials. Three of the latter, two Europeans and one Native, should be appointed by the Lieutenant-Governor, two elected by the Advisory Council from its own members, and one selected by the Chamber of Commerce, Port Commissioners and Trades Association combined.

4. There should be an annual discussion of the Provincial Budget.

5. The right of interpellation should be introduced into the Legislative Council.

W. ORR ORR.

AKYAB, *17th November* 1907.

Enclosure 8.

From R. C. S. Keith, Esq., I.C.S., Secretary to the Financial Commissioner, Burma, to the Chief Secretary to the Government of Burma,—No. 135—3 M.-2, dated the 6th January 1908.

In reply to your letter No. 429—1L.-18, dated the 16th October 1907, I am directed to submit a note by the Financial Commissioner upon the proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Provincial Legislative Councils.

Note by the Hon'ble Mr. F. C. Gates, C.S.I., I.C.S., Financial Commissioner.

My opinion is invited upon all the proposals contained in Government of India, Home Department, letter No. 2310—2317, dated the 24th August 1907, and I have not thought it my duty to consult with representatives of important interest as I infer that such consultation will be done by Commissioners of Divisions.

The Imperial Advisory Council.

2. The institution of an Imperial Advisory Council on the lines indicated, appears to me to be expedient. It is not clear whether membership is proposed to be confined to Ruling Chiefs and territorial magnates. I suggest that it should not be expressly so confined. There may be great merchants or bankers or retired officials whose membership would be advantageous to Government and would not be unwelcome to the Chiefs and great landowners. There will be a difficulty in selecting Councillors in Burma unless some such concession is made.

Provincial Advisory Council.

3. The institution of a Provincial Advisory Council may be expedient in other provinces but I do not think one is wanted in Burma, more especially if the Legislative Council is enlarged. It would not be difficult to arrange for the representation of industry, commerce, capital, the professional classes and the non-official Europeans, but the representation of the smaller landholders (there are practically no great landholders) would present a hard problem. True representatives of such a class could with difficulty arrange to attend, when required, at the Provincial capital. The distances in Burma are great and communications with many districts are slow.

4. I concur with Mr. Mathews, the Officiating Settlement Commissioner, a copy of whose note I append, in believing that Advisory Councils for Divisions could be constituted with advantage. They might be utilized as much for announcing and explaining measures decided upon as for eliciting opinion upon proposals. I conceive that they would be useful in dealing with measures such as the Land Alienation and Tenancy Bills. I am not in favour of District Advisory Councils for all districts, but the representatives of each district upon the Commissioner's Council would naturally come to be consulted by the Deputy Commissioner. It would be possible, also to arrange for conferences of village headmen and other notables in each township about once a year in the course of the Deputy Commissioners' tours, and at these conferences, grievances could be represented, opinions elicited on current topics and the men of special influence and intelligence discovered. I refrain from further detail as these matters are not within the scope of the reference.

Imperial Legislative Council.

5. As 20 officials are proposed to be nominated as additional members of the Viceroy's Council, it may perhaps be assumed that Burma will usually send two, and there seem to be strong reasons why the official representation of this Province should not be minimized, lest its peculiar conditions should be overlooked in legislation affecting the whole of British India. In these circumstances it seems advisable that Burma should send two non official members also. The Chamber of Commerce is sufficiently important to deserve representation and might elect one member. Only members of British nationality should be eligible to vote. The other member might be elected by the non-official members of the Provincial Legislative Council coupled with the members of the Divisional Councils advocated in paragraph 4 above. If, as is possible, the Chamber of Commerce experiences difficulty in finding a gentleman able and willing to represent it in Calcutta, the second non-official member for Burma might be nominated from the land-holding interest. Or Commerce and Land

could be represented alternatively for periods of two years each. Though it would be difficult to form a land holding electorate in Burma, I should not despair of finding a suitable representative of the land-holders from time to time.

Provincial Legislative Council.

6. I think that the Provincial Legislative Council may be enlarged with some prospect of advantages. I agree that the Chamber of Commerce might elect one member. But it does not seem to me that a combination of the Rangoon Municipal Committee, the Port Commissioners and the Trades Association would form a good electorate. The three bodies have nothing in common. The second merchantile member might be nominated by the Lieutenant-Governor after consultation with the bodies above named and with the Municipal Committees of Moulmein, Mandalay, Akyab and Bassein. One Burman member might be nominated by the Lieutenant-Governor after consultation with the *Thathanabaing* and his Council. I regard it as expedient that there should be some formal representation of the Buddhist Church. There might be one representative of the Chinese and Indian merchants and traders. I do not see any feasible system of election but the Chinese and Indians might be consulted and it might be understood that they should each be represented in alternate periods. Failing any recognized association, the Municipal Commissioners and Honorary Magistrates of these races might be treated as the persons to be consulted. There might be four other Burman members. I should prefer six, but for the inconvenience of making the total membership of the Legislative Council too large, two of these members might represent Lower and one Upper Burma. They might be chosen from each division in rotation by the Lieutenant-Governor with the assistance of the Divisional Councils. Thus each Lower Burma Division would be represented every alternate period, while the Upper Burma Divisions would each be represented on one period out of four. The remaining member should be nominated by the Lieutenant-Governor. I anticipate that the Buddhist Church representative would usually be a Mandalay man or at any rate an Upper Burman. If not, the Lieutenant-Governor's unprompted nomination could be used to redress the under-representation of Upper Burma. In other circumstances it might be used to bring on to the Council a representative of the Pegu or Irrawaddy Division.

7. According to the above proposals there would be eight non-official members. There should therefore be nine official members. This number can be found without much difficulty, though with some interference with touring arrangements. I suggest that as a corollary of the increase in their numbers, the precedence of Legislative Councillors should be substantially reduced. Such a measure would, I think, tend to convenience in making the appointments. I suggest that they should have the same rank as Deputy Commissioners of Districts who are within their own charges. I am aware of the expediency of making a reasonably high place for some non-officials in the scale of precedence. But other means for that end could be devised.

8. Nothing has been said above about the occupational qualifications of non-official members because the Lieutenant-Governor will see to that point when nominating.

Interpellation.

9. I consider that the right of asking questions can be conceded to members of the Burma Legislative Council.

Discussion of the Budget.

10. In my opinion the framing of the Provincial budget should be deferred until February. By appropriate financial arrangements the Provincial budget can be made entirely independent of the budget of the Government of India. The draft budget might then be laid before the Legislative Council in February in a Committee of the whole Council. Each section of the budget would be explained

by the official member placed in charge of it. There would then be an opportunity for the non-official members to offer concrete advice about the allocation to expenditure in various heads of the available funds, or to make suggestions for increasing revenue. After the close of the Committee proceedings, the budget would be settled by the Lieutenant-Governor and would be presented as a whole to the Council at any convenient time with a speech by the official member in charge of Provincial finance explaining to what extent it had been possible to meet the suggestions made in Committee. A general debate would then follow, if desired, on the motion that the budget be approved. The non-official members might perhaps be allowed to move "instructions" for the preparation of the next year's budget. Such a procedure would tend to focus speeches on the practical points. It would not be convenient to announce in February intended enhancements or reductions of taxation but in Provincial finance such events occur seldom and I do not anticipate any practical inconvenience on this account.

Note by H. M. S. Mathews, Esq., Officiating Settlement Commissioner.

I have no doubt that the proposals to—

(*a*) enlarge the Provincial Legislative Council,

(*b*) grant powers to discuss the annual financial statement in Council,

are measures which it is politic to take.

About the formation of a Provincial Advisory Council I am not so sure. It seems to me that if the Legislative Council be sufficiently enlarged the grounds for advocating a Provincial Advisory Council are swept away.

The line to take is, I think, to secure some approach to territorial representation on the Legislative Council by the appointment of Divisional non-official members; and then to have Divisional Advisory Councils to advise and assist the local member.

At present the Legislative Council has three non-official members nominated by—(i) The Chamber of Commerce; (ii) The Rangoon Municipality; (iii) The Port Trust and Trades Association. It seems to me that the Port Trust and Trades Association should be given separate members instead of a joint member. With four members on the Council the Pegu Division is sufficiently represented, but I would give a member to each of the other seven divisions of Burma and a member to the ShanS tates.

These Divisional and Shan members would be nominated by the Divisional Commissioner in consultation with his Deputy Commissioners (Assistant Superintendents in the Shan States) and also in consultation with the local advisory committee to which I shall refer later.

Under the above arrangements there will be twelve non-official members on the Legislative Council. Many of these members will have to come a long way to attend the sittings. They should, I think, be allowed travelling allowance as first class officers and should perhaps be granted an allowance of Rs. 500 for the Sessions if all meetings are attended.

As a set off to the non-official members it will be necessary to add to the number of official members. This might be done by appointing the heads of the larger departments. The Accountant General, the Director of Public Instruction, the Chief Conservator of Forests and tho Sanitary Commissioner would be useful on the Council, especially when the Provincial Financial Statement is under discussion.

Attendance during the discussion and during the consideration of such legislation as may affect the department would scarcely interfere with the ordinary duties of a Departmental head. The same argument would apply to the case of the Settlement Commissioner, but in his case there is another point to think about, that is, whether with the Financial Commissioner on the Council the assistance of the Settlement Commissioner is necessary. I doubt the necessity myself but think that the Settlement Commissioner might be put on if required to balance the non-official members.

Neither for the Provincial Legislative Council nor for the Divisional Advisory Councils, which I have suggested, would elective representation be possible. No useful body of electors could be formed. The area from which each Legislative Member or Advisory Councillor would be taken must be far too large for local persons to have any knowledge of the candidates. A property qualification either for an elector or a councillor also seems impossible. Records have been made and could be obtained in settled districts of large landholders. For instance, in many Settlement Reports lists are given of persons holding estates of over 100 acres.

This could not, I think, be accepted as a property qualification, for the qualified persons would be concentrated in certain tracts where local conditions have led to the formation of large estates.

Thus Hanthawaddy probably contains hundreds of estates over 100 acres, while Prome has very few.

It seems to me that the Divisional Advisory Council should be entirely nominated so far as non-officials are concerned. It should, I think, consist of the Commissioner, the Divisional Legislative Councillor, Deputy Commissioners of Districts, and one or two nominated non-officials from each district. I think that an advisory council of this kind could exercise useful functions. At the present time Commissioners and Deputy Commissioners are much harassed by incessant calls for opinions on proposed changes in enactments and executive instructions. I think that all these matters might well be referred to the Divisional Advisory Committee.

These might be summoned periodically by the Commissioner. A convenient time for the Advisory Councils to assemble would be in June and November when the periodical examinations are on. Two or three days discussion then would probably settle all the questions referred for opinions.

The Secretary of the Advisory Council should be the Assistant Superintendent (a new appointment) of the Commissioner's office. He will have a good deal to do in distributing papers for the previous perusal of the Members of Council. He will also have to write up the proceedings of the Advisory Council. He can be given other duties and will be useful as the Superintendent's understudy.

The Members of the Divsional Advisory Committees should be given a suitable Burmese designation.

The non-official members should receive travelling allowance when going to and from meetings and should also receive halting allowance whilei n attendance at first class rates. This would probbaly form sufficient remuneration.

The Shan States Advisory Council would be formed like the Divisional Councils.

ENCLOSURE 9.

From N. G. CHOLMELEY, Esq., B.A., I.C.S., Commissioner, Magwe Division, to the Chief Secretary to the Government of Burma,—No. 158—17L.-1907, dated the 11th January 1908.

With reference to your General Department No. 429—1L.-18, dated Rangoon, the 16th October 1907, I have the honour to say.

2. As to the desirability of having an Advisory Council at all, the Government of India apparently contemplates the possibility of the existence of local conditions which would, in some provinces, not admit of the formation of Advisory Councils (see the first sentence of paragraph 6 of the Government of India's letter). It seems at least doubtful whether the conditions of the Province of Burma are favourable to the formation of such a Council. No doubt such a Council could be readily formed if Burman official members were admitted, but as this is not possible it is difficult to see where Burmese members are to come from.

The Government of India wishes that the Provincial Advisory Council shall consist of representatives of the smaller landholders, industry, commerce, capital and the professional classes. Non-official Europeans of the proper status would be easy to find; the other classes, with the exception of the landholders, could be found among domiciled natives of India or Chinese, no doubt, and it is perhaps reasonable that these foreigners should find representation in the Council even though they might be expected to have the interests of their own class rather than that of the province at heart. The question is where are non-official Burmans of the proper status to be found. It is, I think, essential that members of the Council should have a good acquaintance with English, otherwise their presence at deliberation would be idle. What non-official Burmans well acquainted with English are there? So far as I know (I must admit to a limited acquaintance with the Lower Province), there are none but barristers. If this is so, of the five classes mentioned above, the only one that could supply Burman representatives would be the "professional class" and only one profession, that of the law would be represented. The Government of India, however (paragraph 9), deprecates the prominence given in India to the legal profession even in the legislative councils, where their presence is much more suitable than on the advisory body. The only way to obtain educated Burmans for the Council would seem to be to admit pensioned Burmese officials, but this, I suppose, would not be permissible. Speaking for Upper Burma, of which part of the province alone I have at all an intimate acquaintance, the land-holding interest would, I think, find a difficulty in producing half a dozen members paying a land revenue of over Rs. 1,500 a year (the largest of the Salin *thugaungs* pays about Rs. 2,347), and they are without English education. There are wealthy men among the Yenangyaung *Twinsas*, but they are also uneducated and in other ways undesirable. I suppose there must be wealthy and influential Burmans among the trading community in Mandalay. I doubt if there are any in this Division, but the want of English would again operate as a bar. It may be thought that I have attached too much importance to the knowledge of English, but the Government of India, see paragraph 6, last sentence, "attach the highest importance to collective deliberation," and I do not see how a Government could derive much profit from a deliberation in which the Burmese members would be unable to understand anything that was said by those of other nationalities and *vice versâ*, and I do not think it would be practicable for each sentence of each member's speech to be translated as he went along, by an interpreter. I imagine that the language of the enlarged Indian Legislative Councils has always been English.

3. To pass on, however, assuming that an Advisory Council is decided upon, His Honour the Lieutenant-Governor proposes that the Provincial Advisory Council should consist of 20 members and should be nominated. I notice that it is proposed that the Advisory Council of the United Provinces should number 25 members, but, considering the great difficulty that will arise in finding suitable Burmans for the Council and the smallness of the population, I should think a less number than 20, say, 14, would be quite sufficient. I think it would be both impracticable and inadvisable to attempt to have the members elected: nomination seems to be the only feasible scheme.

His Honour apparently does not require an opinion as to the constitution of the Advisory Council, and I feel very diffident of being able to make any useful suggestion.

4. To turn to the question of the Legislative Council, His Honour asks advice as to what increase, if any, in the membership of the Burma Legislative Council is desirable. The letter goes on to say that His Honour is prepared to adopt the suggestion of the Government of India and accept a substantial increase in the numbers of the non-official members of his council. This will imply an increase in the official members, as the Government of India point out that a standing majority is essential. It may, therefore, be taken, I suppose, that His Honour has decided to enlarge the Council. I doubt whether the right of interpellation and discussion of the Budget would be of any value in this province, where public opinion on general questions scarcely exists, and the great bulk of the commerce, industry and capital is in the hands of non-Burmans, who are naturally much more concerned with the furtherance of their own interest than of those of the province at large. With so little promising material to be gathered from the natives of the province, it would be no use to enlarge the council to any considerable dimensions, and although a province such as the United Provinces, may require a council of 36 members with 17 non-officials, it would, probably, not be easy to find half that number of suitable representatives in Burma and allow a proper proportion of natives of the country.

5. His Honour, apparently, contemplates a council not much larger than that at present existing and comprising four elected non-official members with certain others nominated by himself. I should think a council of 14 would be enough, comprising 8 official and 6 non-official members. Two of the elected members might be Burmans, as suggested by His Honour, and the elective bodies might very well be those proposed : there might be however, a practical difficulty in deciding which body was to elect a Burman. I doubt if the Rangoon corporate bodies mentioned, which consist, I suppose, mainly of Europeans and natives of India, would be willing to elect Burmans. But the Advisory Council if constituted, might do this as suggested.

6. The whole questions of advisory Councils seems, as far as Burma is concerned, to have little more than an academic interest. As far as I am aware the wealth of the country, commercial and industrial, lies almost entirely in the hands of foreigners, who, as a rule, know little and care less for the general welfare of the province except in so far as it touches their pockets. Within the somewhat limited scope of their interests, no doubt, their advice would be valuable to Government. After all, however, the great fundamental basis of the common weal is the agricultural population ; these are almost entirely Burmans, and these are the people with whom we want to get in touch, and whose interests we wish chiefly to study. Unfortunately, to obtain a representative from this class seems well nigh impossible. There are some men among the old officials of the Burmese regimè who could, no doubt, give valuable advice founded on an intimate knowledge of the people, but they are not acquainted with English, and I doubt whether to make them members of an Advisory Council would be the best way to utilise their knowledge.

7. I must conclude, I fear, in the same mind as I began, that the province is not ripe for Advisory Councils, and that until the standard of education and of thought among the Burmans has advanced considerably, any attempt to utilise such bodies is doomed to failure.

Enclosure 10.

From G. C. Buchanan, Esq., M.Inst.C.E., Chairman and Chief Engineer, Port Commissioners, Rangoon, to the Chief Secretary to the Government of Burma,—No. 3118-300, dated the 13th January 1908.

I am directed to acknowledge receipt of your General Department letter No. 429—1L.-18, dated the 16th October 1907, forwarding a copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils.

2. In reply I am to say that the matter was discussed at a meeting of the Port Commissioners on the 4th December, when the following Resolution was passed :—

(1) The Commissioners consider that an Advisory Council in Burma is desirable, and agree that 20 is a suitable number to appoint.

(2) They further agree that the Burma Legislative Council should be enlarged, and cordially approve of the proposal that there should be an annual discussion on the Provincial Budget and also the right of interpellation.

(3) With regard to the manner in which increase in the number of members of the Local Legislative Council can best be effected, the Commissioners consider the proposals of the Local Government suitable, except as regards the election of one member by the Municipal Committee, Port Commissioners and Trades Association in combination. They are of opinion that it would be impossible for three bodies so differently constituted and of such diverse interest to ever agree upon a member who would represent all three. Moreover, they are of opinion that the Corporations aforesaid are of sufficient importance to warrant their being given more than one member to represent them ; they therefore recommend for the consideration of the Local Government that each body should elect a member from amongst themselves, and that the Lieutenant-Governor should select two out of the three so elected.

(4) The Commissioners approve generally of the proposals as a whole.

3. An excerpt from the Proceedings of the Ordinary Meeting of the Commissioners along with a copy of the notes by the Chairman and Members is herewith enclosed.

COMMISSIONERS FOR THE PORT OF RANGOON.

Excerpt from Proceedings of an Ordinary Meeting of the Commissioners for the Port of Rangoon held on the 4th December 1907.

Creation of Imperial and Provincial Advisory Councils and the enlargement of the existing Imperial and Provincial Legislative Councils.

VI. READ.—Letter from the Chief Secretary to Government, No. 429—1L.-18, dated the 16th October 1907, forwarding copy of a letter from the Government of India dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, and asking for the views of the Port Commissioners with regard to them, and communicating remarks on certain points which immediately concern this Province.

A note by the Chairman dealing with the points noticed by the Local Gov erment having been circulated, is taken as read.

Read also the remarks by certain of the Commissioners.

RESOLUTION—

(1) The Commissioners consider that an Advisory Council in Burma is desirable, and agree that 20 is a suitable number to appoint.

(2) They further agree that the Burma Legislative Council should be enlarged, and cordially approve of the proposal that there should be an annual discussion on the Provincial Budget and also the right of interpellation.

(3) With regard to the manner in which increase in the number of members of the Local Legislative Council can best be effected, the Commissioners consider the proposals of the Local Government suitable, except as regards the election of one member by the Municipal Committee, Port Commissioners and Trades Association in combination. They are of opinion that it would be impossible for three bodies so differently constituted and of such diverse interests to ever agree upon a member who would represent all three. Moreover, they are of opinion that the Corporations aforesaid are of sufficient importance to warrant their being given more than one member to represent them; they therefore recommend, for the consideration of the Local Government, that each body should elect a member from amongst themselves, and that the Lieutenant-Governor should select two out of the three so elected.

(4) The Commissioners approve generally of the proposals as a whole.

Note by the Chairman to the Commissioners, dated the 27th November 1907, and comments by the Commissioners.

I circulate for perusal, prior to consideration at the next ordinary meeting, a letter from the Chief Secretary to Government forwarding a copy of a letter from the Government of India dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils.

The principal points for discussion are—

(1) Is an Advisory Council in Burma desirable? Is 20 a suitable number, and what is the best and most practicable method of appointment?

(2) Should the Burma Legislative Council be enlarged, and should an annual discussion on the Provincial Budget and right of interpellation be permitted?

(3) In what manner can the increase in members of the Council, if agreed to, be best effected? His Honour the Lieutenant-Governor suggests that the Chamber of Commerce might elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association in combination elect another.

(4) You are also asked to give a full expression of opinion on the proposals as a whole and on all aspects of the subject.

It will facilitate matters if the members will kindly record any view they may have in writing so as to form a basis of discussion.

Personally I am in favour of all the proposals of Government except the election of one member to the Council by the Municipal Committee, Port Commissioners and Trades Association in combination, because I do not think any combination by these three bodies possible.

GEO. C. BUCHANAN,

Chairman.

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I approve generally of the proposals of Government.

The election of one member by the Municipality, Port Trust and Trades Association certainly presents difficulties, as their interests are not identical, and unanimity can hardly be expected. I would suggest that in the event of each body electing a different member, the decision should rest with the Local Government, or else that each body should receive an equal number of votes.

W. R. STIKEMAN,—28-11-07.

I think the proposals of Government may be accepted and that the Provincial Budget should be discussed and right of interpellation be allowed.

C. HOOPER,—28-11-07.

I consider the proposals of Government are wise and the right of discussion of the Provincial Budget a desirable concession. I agree with the Chairman's concluding paragraph, but think the difficulty might be got over, or at any rate modified, if Government would allow the three bodies in combination to elect two members (leaving one less for the Lieutenant-Governor to appoint) instead of one, as this might lessen the likelihood of any one of the three bodies always obtaining the dominant representation. The three bodies in combination might by their importance be considered entitled to elect two representatives. I do not lose sight of the Burma Chamber of Commerce only being allotted one, but this body always has representatives on the Port Trust and Municipality and, in addition to its own direct election of one member, would indirectly share in nominating the two members, I suggest that the combined Port Trust, Municipality and Trades Association should elect.

R. J. WILKINSON,—28-11-07.

If the object is simply to get a large number of people to suggest or nominate members of the Provincial Council, the plan as stated may answer. But if the members of the Council are to represent important interests, then the Chamber, the Trades, the Municipality, the Port Trust, ought each to elect a representative, and the members for the Municipality and Port ought not to belong either to the Chamber or the Trades.

F. D. PHINNEY,—28-11-07.

Seen. M. LAURIE,—28-11-07.

Seen. A. S. JUDGE,—28-11-07.

Seen. A. R. FINLAY,—3-12-07.

W. N. BAINES,—29-11-07. J. R. HALLIDAY,—29-11-07.

I think the suggestions of His Honour reasonable on the whole and acceptable except as regards the number of members for the proposed Advisory Council. Twenty seems to be too small a number if it is to include officials and allow of members going on leave.

I do not think the non-official community will gain by any large extension of the Legislative Council, and consider such extension undesirable. I therefore support His Honour's suggestions in this connection unless it be found more convenient for the Government to nominate as at present after consulting these bodies which cannot expect to elect a member each.

I think non-official members of the Legislative Council should be given the privileges of discussing the Provincial Budget and of interpellation. Perhaps His Honour might be induced to take steps to procure them these privileges irrespective of the question of increasing the number of members.

G. SCOONES,—29-11-07.

I agree with Mr. Scoones' views, and with Mr. Stikeman's suggestion, in connection with the election of a Member of Council to the effect that each of the three bodies should nominate a representative and it be left to His Honour to decide which should be elected.

J. S. FINDLAY,—29-11-07.

ENCLOSURE 11.

From W. J. H. REDMOND, Esq., Secretary, Rangoon Trades Association, to the Chief Secretary to the Government of Burma,—No. 19 T.-08, dated the 14th January 1908.

I am desired to acknowledge receipt of your General Department No. 429—1L.-18, under date the 16th October 1907, together with enclosures, on the proposal regarding the creation of Imperial and Provincial Advisory Councils and the enlargement of the existing Imperial and Provincial Legislative Councils.

In reply I am directed to enclose a note by myself on the proposals which my Committee have carefully considered and which meets their views.

With reference to the enlargement of existing Provincial Legislative Councils I am to urge for the consideration of His Honour the desirability of granting to the Chamber, the Port Trust, the Municipality, and this Association, the privilege of each electing a representative to the Legislative Council of His Honour.

Note by Secretary on proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Legislative Councils.

President.—The Local Government has forwarded to us a letter from the Home Department of the Government of India dealing with certain proposals for the—

I.—Creation of Advisory Councils—

(*a*) Imperial.
(*b*) Provincial.

II.—Enlargement of the existing—

(*a*) Imperial.
(*b*) Provincial,

Legislative Councils

I may here say at once that in formulating these proposals the Government of India quote the words of the Secretary of State for India who, in speaking of the Indian Councils Act, 1892, observed that the spread of education and enlightened public spirit and the recent organisation of local self-Government might render it possible to give representation to the views of different races, classes and localities through the medium of corporations vested with definite powers upon a recognised administrative basis or of Associations formed upon a substantial community of legitimate interests, professional, commercial and territorial.

Creation of Imperial and Provincial Advisory Councils.—The creation of these Councils, which will receive no legislative recognition and be vested with no formal powers of any sort, is purely for consultative purposes. The members shall be consulted individually or collectively, and when consulted as a body, the proceedings shall be informal.

Provincial Advisory Councils.—His Honour the Lieutenant-Governor proposes that twenty shall be the number on this Council. This number should be considerably enlarged and the members should be elected, as unless they are elected there would be no need of calling them a Council. His Honour the Lieutenant-Governor has now the power of consulting any person on any matters necessary. All bodies capable of electing should elect, while members from bodies unable to elect might be nominated.

ENLARGEMENT OF IMPERIAL AND PROVINCIAL LEGISLATIVE COUNCILS.

(*a*) *Imperial Legislative Councils.*—The numbers and constitution of this Council as set out in Sir Harold Stuart's letter would be difficult to be improved upon.

(*b*) *Provincial Legislative Councils.*—In giving the constitution of the Imperial Legislative Council as a convenient model for the guidance of Local Government in framing their own proposals, the Government of India admit that the constitution of the Imperial Council can only to a limited extent (and hardly to afford sufficient guidance to Local Government) serve this purpose, as, to quote their own words—"From the nature of the case *that* scheme makes no provision for the representation of the Municipalities and District Boards, the Universities, the Presidency Corporations, *the Trades Associations*, the European Planting and Industrial interests and Indian Commerce." It will be seen from the above that the Government of India intend that the widest possible representation of separate interests should be available on the Legislative Councils.

His Honour the Lieutenant-Governor suggests the following with reference to representation by the different public bodies and associations in Burma :—

The Chamber of Commerce to elect—1.

The Municipality, the Port Commissioners, and the Rangoon Trades Association in combination to elect—1.

The objection to this are *inter alia* the following :—

I. Owing to the difference in numbers of the Municipality, the Port and the Trades, it will be difficult to formulate a satisfactory basis upon which these three bodies would vote.

II. Should this difficulty be met, the member elected, if a Port Commissioner, could not fully represent the interests of the Municipality or Trades and *vice versâ*.

III. Recent events have proved that the interests of different public bodies in Rangoon may be antagonistic.

IV. The election by three different public bodies with largely divergent and at times antagonistic interests does not accord with the views of the Government of India, who desire the widest representation of all important interests and altogether nullifies the *raison d'etre* of the proposed enlargement.

V. Should, by any means, a Port Commisssioner be elected by the three bodies it might be taken for granted that he would also be a member of the Chamber, and would probably vote in the interests of the Chamber, should these be opposed to either of the Municipality or Trades.

VI. Interests of the Trades in Burma are sufficiently important to deserve separate representation.

The Representatives of the Association on the Port Trust and Municipality have not failed in any way, and their advice on matters affecting the welfare of the Province in general, and Rangoon in particular, has always deserved and received consideration. Our sister Association (Calcutta) is granted representation and we should also urge that we be granted the same privilege. The Trades Association in Rangoon bears as important a relation to the trade of the Province as the Calcutta Association bears to the trade of Bengal.

We have consistently, ever since our formation in 1898, approached the Local Government for representation on the Legislative Council of the Lieutenant-Governor of Burma, and the present proposals for enlarging His Honour's Legislative Council affords, we might urge, His Honour Sir Herbert White, the opportunity of recognising this Association. If the Committee approve, I would suggest the following :—

The Chamber elect one Representative.
The Port Trust elect one Representative.
The Municipality, one Representative, and
The Trades also, one Representative.

This will undoubtedly give the Chamber the preponderating representation which they desire. I would also suggest that the Financial Statement of the Province be laid before the Legislative Council and that the right of interpellation be allowed to members.

To sum up. If the object of the enlargement of the Provincial Legislative Council be simply to get a large number of people to make a few nominations, then the scheme proposed is good enough; but if the members of the Council are to represent any important interest, then the Chamber, the Port Trust, the Municipality, and this Association ought each to have the right to elect a member.

ENCLOSURE 12.

From M. LAURIE, Esq., M.V.O., I.C.S., Preident, Rangoon Municipality, to the Chief Secretary to the Government of Burma,—No. 1804—2M.-79, dated the 24th January 1908.

In continuation of this office letter No. 1606—2M.-79, dated the 12th December 1907, I have the honour to report that your letter No. 429—1L.-18, dated the 16th October 1907, regarding proposals for the creation of Imperial and Provincial Advisory Councils and the enlargement of existing Imperial and Provincial Legislative Councils was considered by the Municipal Committee at a special meeting held on the 7th instant, when the following resolution was passed :—

"The Committee approves generally of the proposal to create Advisory Councils and extend Legislative Councils and directs that Mr. Cowasjee's note on the subject, which is read at the meeting, be submitted to Government with notes made by other members."

I have accordingly the honour to submit herewith a copy of Mr. Cowasjee's note, together with copies of notes made by other members, for the information of His Honour the Lieutenant-Governor.

Note by Mr. M. Cowasjee, K.-i.-H.

With reference to the letter from the Government of Burma, forwarding, for opinion, a copy of a letter from the Government of India on the proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, I gather that the opinion of the Municipal Committee is sought on the following points which immediately concern the Province:—

First.—The question of election or appointment, as well as the number of Advisory Councillors to be appointed, if a Provincial Advisory Council is constituted for Burma.

Second.—The proposals for the enlargement of Imperial and Provincial Legislative Councils.

With regard to the first point I am in favour of the constitution of a Provincial Advisory Council; it will no doubt inspire greater confidence in the minds of the general public and bring about the ruler and the ruled into closer communication. I am in accord with the views expressed in the Local Government's letter that the number should be restricted to twenty; which, in my opinion, should be composed as follows:—

(*a*) To be nominated by Government	16
(*b*) To be elected by the Chambers of Commerce . . .	1
(*c*) To be elected by the Port Commissioners	1
(*d*) To be elected by the Rangoon Municipality . . .	1
(*e*) To be elected by the Trades Association	1
Total .	20

It will be observed that out of the twenty Councillors one-fifth of the number is to be elected by the four large bodies in Rangoon and four-fifths to be nominated by the Local Government. The sixteen Councillors to be nominated by Government should be composed of leaders and elders of different nationalities residing permanently in Burma, possessing knowledge and experience, capable of representing the various interests, such as Industry, Capital, Trade, Commerce and also landed proprietors and the Professional classes.

Incidentally I may mention that the presence on the Advisory Council of the Commissioners of the Divisions would prove very useful in the interest of their different divisions. As to the question of election or nomination of members on the Board of Advisory Council, I am decidedly of opinion that an elective system cannot for the present be usefully introduced in the selection of members; I am therefore in favour of the Councillors being nominated by Government and elected by the four bodies as above suggested. I would, however, suggest that in selecting Councillors preference should be given to those who by their long residence in the Province have vast and matured experience of the country and people and who have proved themselves capable of taking an intelligent interest in the public affairs of the Province. With regard to the second point, *viz.*, the proposal for the enlargement of the Imperial and Provincial Legislative Councils, I would suggest that the number of members on the Provincial Legislative Council be increased from nine to twelve and that the Provincial Council be constituted as follows:—

To be nominated by the Local Government . .	{ 6 officials 4 non-officials.
	10
To be nominated by the Advisory Council from among its members	2
Total .	12

The Local Government will then have the nomination of five-sixths of the members, and the proposed advisory Council one-sixth. This will obviate the necessity of the nomination as at present of one member by the Chamber of Commerce and the other member by the three public bodies of Rangoon, *viz.*, the Port Commissioners, the Rangoon Municipality and the Trades Association, as each of these four bodies will be represented on the Advisory Council and the two members who, it is suggested, should be nominated by the Advisory Council for the Provincial Legislative Council and who, is also suggested, should be non-officials, would be representatives of the four public bodies as well as of the general public.

I am also in accord with the views expressed by the Local Government that the non-official members of the Burma Legislative Council should be nominated as at present; and that not less than two should be natives of Burma. I have already suggested that the Local Government should nominate six officials and four non-officials, on the Provincial Legislative Council; of these four non-officials, I would suggest that two should be natives of Burma, one European, and taking into consideration the increasing importance and wealth of the Indian population, I think one should be a native of India. I am also of opinion that an annual discussion of the Provincial Budget and the right of interpellation in vogue in most provinces in India should be introduced in the Provincial Legislative Council and I am confident that it will prove to be a source of help and strength to the Local Government. The right of interpellation, if allowed, will have the effect of clearing possible misconception in the minds of the public as to the policy and intention of the Government, and will also be the means of bringing to the notice of the Government, the feeling and grievances of the public.

In regard to the suggestion of the Government of India that the Provincial Legislative Council should elect one non-official member to the Imperial Legislative Council, I desire to point out, that in paragraph 12 (2) D of the Government of India's letter, it is proposed that the Chamber of Commerce of Calcutta and Bombay are to be allowed the privilege of nominating two members in addition to the nomination of two members each by the Provincial Councils and the non-official public of Bombay and Bengal; I would suggest that this Province be also similarly treated, *viz.*:—

First.—That the Burma Chamber of Commerce should be allowed to elect a representative.

Second.—That as Burma does not possess nobles and great landlords as in India, the Local Government should be granted the power to nominate a person of social standing, of long residence in and who possesses vast and matured experience of the Province.

Third.—That the Provincial Legislative Council should be allowed to elect a non-official member from among its members.

Notes made by Members.

MR. FORBES said:—"The subject divides itself practically into two heads, the creation of Advisory Council and the extension of Legislative Councils. We are all agreed to extend the Legislative Council. As to the formation of Advisory Councils, a body of men to be elected or nominated would be asked to discuss certain subjects and their advice would be sent to Government. They would have no executive or representative powers of any kind. They would simply discuss matters and their opinions would be forwarded to the Legislative Council which would not necessarlily accept its view. That being so, I do not see any use in establishing an Advisory Council. They might discuss matters till doomsday, but their opinions might never be accepted. I think it would have a tendency to alienate the people from the rulers, as if their opinions were not accepted it would certainly do harm. Supposing we have an Advisory Council in Rangoon to discuss certain subjects. It would be very easy if the replies were to be 'yes' or 'no' and submit them to Government; but if it is a matter requiring a great deal of argument, I see no means of doing that unless a member of the Advisory Council is also a member of the Legislative Council. I think the suggestion as it appears before us that Advisory Councils are not necessary, I do not know who would agree to go on a Council that had no power of any kind."

I conceive that an enlarged Legislative Council would contain within itself, in this Province at any rate, the most important elements of an Advisory Council, and to that extent the Advisory Council would be superfluous. I think that Rangoon opinion is already fairly well organized in the form of a Chamber of Commerce, a Trades Association, a Municipal Committee and a Port Trust; and doubt whether any advantage is to be derived, for Rangoon at any rate, from the establishment of Advisory Councils.

DR. PEDLEY:—"I think we should heartily welcome the proposal of Government to institute these Councils. Supposing there was no executive power, there were many questions which it might be advisable to bring to the notice of Government which would not come under the cognizance of officials. Very often there are matters which should go before our rulers which are not easily conveyed through official channels. These proposals have emanated from home and from men who have the most benevolent and the best interests of the population at heart and they wish to see the population taking a part in self-government, and I think, whether such Council has executive powers or not, we should gladly accept them. I do not think we can do it in a better way than Mr. Cowasjee has expressed it. I think no amount of discussion, as the President says, will put it in a clearer way than Mr. Cowasjee has given, and I think Mr. Cowasjee's proposals might go as the proposals of this Committee. I cannot agree with my friend Mr. Forbes. I think Advisory Councils will be the means of doing a great deal of good, and our fellow subjects will feel they, at any rate, have opportunities of expressing their opinions which now are not held by Government, or are matters difficult to convey to Government. I think by and by it will be looked upon as a high honour for a man to be appointed to a seat on the Advisory Council."

Mr. Buchanan was in favour of the Municipal Committee, Trades Association and Port Trust each electing one member and the Local Government to elect two out of three of such nominations.

Enclosure 13.

From D. H. R. Twomey, Esq., I.C.S., Commissioner, Mandalay Division, to the Chief Secretary to the Government of Burma,—No. 581—2L.1-, dated the 23rd January 1908.

I have the honour to acknowledge the receipt of your letter No. 429—1L.-18, dated the 16th October 1907, concerning Advisory and Legislative Councils. I submit in original the opinions of the Deputy Commissioners, Bhamo, Mogok and Myitkyina. The Deputy Commissioner, Mandalay, has not yet sent me his opinion and that of the Mandalay Municipal Committee. They will be forwarded on receipt. But as I am about to make over charge of the Division to my successor I venture to offer the following remarks on this important subject.

2. In constituting a Provincial Advisory Council, the first difficulty that arises is the absence in Burma of any territorial proprietors of sufficient dignity to be appointed Imperial Councillors and thus to form the nucleus of a Provincial Council. The system of land tenures throughout the country is that of small holdings. The structure of society is entirely democratic, and was never touched by feudalism in any shape. There are practically no class distinctions as in Europe and India ; there are no great families and no great fortunes or estates. The only rank has always been that of the officials actually in power, and nothing better illustrates the tendency of Burmese society to remain at a dead level than the rapidity with which off-shoots of the reigning house became merged in the commonalty in two or three generations. The Burma Advisory Council should presumably consist of representatives of the small landholders, industry, commerce, capital and the professional classes. If the Chamber of Commerce, the Rangoon Port Commissioners, the Trade Association, and the Municipal Committees of Mandalay and Rangoon were each to elect one member, I think industry, commerce and capital would have full recognition. The only professional class of any importance is the legal profession, and they might be permitted to elect one member. There remains the most important interest of all, that of the cultivators. The last census returns show that about 67 per cent. of the population follow pastoral or agricultural pursuits, and if a Council is formed as proposed it is essential that some adequate means should be provided for the representation of this great rural population. The problem will best be solved in my opinion by treating the village headmen as the primary electors, and permitting the elected headmen to choose the Councillors. Nearly all the headmen are themselves cultivators. Most of them have hereditary influence and speaking generally the village headmanships embody the only hereditary authority in the country. Those who are not hereditary have been chosen by the people as their spokesmen and leaders, for though it is not expressly laid down that vacancies should be filled by election, in practice an informal election is always held and the Deputy Commissioner in making an appointment is influenced greatly by the comparative popularity of the various candidates. The village headmen as a body may, therefore, be regarded as truly representative of the rural population and well qualified to express their feelings and wishes. It might be arranged that the headmen of each township, taking the township as a convenient unit, should assemble and nominate an elector from among themselves, and that the electors so nominated should then choose the Provincial Councillors for the Division. I would not bind the electors to choose village headmen as their representatives. Their choice had better be left unfettered except that the persons chosen should be natives of the Province and men of good repute. To begin with at any rate it would be desirable that nominations should be submitted to the Commissioner and be supported by the signatures of say, three electors, and that the election should take place only from among the candidates whose nominations are accepted by the Commissioner. The electors of each Division might elect two Councillors, so that the total number of Councillors elected in this manner would be sixteen, and the aggregate strength of the Provincial Council would be twenty-two.

3. I see no objection to the scheme sketched in paragraph 3 of your letter for enlarging the local Legislative Council except that the increase from four to seven in the number of non-officials will involve a corresponding increase

to at least eight in the number of official members and it may be found difficult in practice for so many officials to arrange their tours and other duties so as to spare time for legislative business.

4. I am in favour of the proposals that the Provincial Budget should be discussed, and the right of interpellation should be granted. The people of this Province would have good cause for complaint if these concessions, having been bestowed elsewhere, were withheld in Burma.

5. Messrs. George and Dawson, who are officers of ability and experience, consider that the proposals in the Home Secretary's letter are premature so far as Burma is concerned. This will probably be the general official opinion and there is a good deal to be said for it. The educated class in Burma is still very small and consists mostly of Government officials, lawyers and school masters. Higher education has not made great strides. For example, no Burman has yet passed the Indian Civil Service examination, and no literary or scientific work of any merit has been produced by a native of the Province. It is true also that no demand for representation has arisen and that, to all appearances, the mass of the people are content with the present method of Government and likely to remain content with it for a long time to come. It may be noted on the other hand, however, that though higher education is not yet so diffused as in other provinces, Burma compares very favourably with the rest of India in primary education, the proportion of totally illiterate people is small and the general range of intelligence perhaps higher than in Indian provinces. In other respects also I think that Burma offers a more promising field for political development than India. Burmese society is not complicated by such institutions as caste and the seclusion of women, and the religion of the people is of a simpler and purer type than that of the Hindus. It should also be remembered that the Home Secretary's letter was written at a time of seditious agitation and clamour in several Indian provinces and these manifestations of the literati of Bengal and the Punjab are probably regarded by many Indians as the real cause of the proposed concessions, the assurances of the Government of India to the contrary notwithstanding. It would, in my opinion, be invidious and politically unwise to exclude from the scope of these constitutional changes a Province which distinguished itself by holding aloof from the agitation.

6. As to the wisdom of the step which the Government of India are taking, I think there can be no doubt. It is idle to assume that the present type of Government in India and Burma can continue indefinitely. While the people were still steeped in ignorance they regarded the despotism of their native rulers as part of the order of nature. With the spread of enlightenment it seems very unlikely that they will rest satisfied for long with the despotism of an alien bureaucracy, however benevolent in its intentions and just in its methods. I think, therefore, that it is the interest as well as the duty of the British Government to train the people gradually in the art of administration, and the Advisory Councils are the first stage in the course of instruction. At first they will probably be slightly grotesque and not very efficient consultative bodies. But they will serve a useful purpose if only they implant the idea of representation in the minds of the people, and are accepted as an earnest of the wish to associate the people in the Government of the country.

From G. W. DAWSON, Esq., I.C.S., Deputy Commissioner, Bhamo, to the Commissioner, Mandalay Division,—No. 2530 -1L.-1, dated the 20th December 1907.

I have the honour to reply to your endorsement General Department No. 618—2L.-4, dated the 20th November 1907, with which were forwarded the proposals of Government regarding the enlargement of the Provincial Legislative Council and kindred subjects. It is to be remembered in connection with these proposals that they are not in any way, so far as I am aware, the result of agitation in Burma. Nor do I believe that the small number of Burmans whose education and intellectual development give a value to their opinions have any idea that the views of the Burman Community are inadequately represented under the existing régime. The proposed reforms are devised to satisfy the political aspirations of the people, to give the Government an opportunity of consulting public opinion and to supply a means of correcting misapprehensions regarding the policy of Government. It is not, I think, altogether the backwardness of education in Burma which retards the development of political ambition in this Province. In Upper Burma, at any rate, the influence of the late Monarchy strongly affects the habits of thought of the people at large. In place of that Monarchy they have received a bureaucracy, unattractive, it is true, and shorn of all the pomp and glory which attended the King and his Court, but less difficult of access and infinitely more even-handed than what they have lost. They have got a benevolent despotism in place of a greedy and capricious one. If they think at all about the matter they think they are better off, but they have no more wish to be mixed up in the business of Government, unless the work involves executive power and a salary, than they had in Thibaw's time. In Lower Burma, no doubt, the recollection of Burmese rule is dead. But I doubt whether the disinterested ambition to take part in public life is any keener than it is in Upper Burma. Have Municipal elections evidenced any such ambition? There is, in fact, no "great body of moderate men who under existing conditions have no sufficient inducement to enter political life, and are anxious to be afforded an opportunity of expressing their views on matters of practical administration." Indeed, I believe an Advisory Council of twenty would absorb practically all the non-official Burmans of sufficient standing and attainments to be eligible for appointment and at the same time desirous of appointment for any reason other than the dignity attaching to the office. I consider that it would be a mistake to introduce a political reform before the people are ripe for it and this part of the scheme, at any rate, I would postpone, so far as Burma is concerned until such time as the development of education and the progress towards western ideals demand it. The advantages which the Government of India expects to accrue from the appointment of these Councils are no doubt of great importance. But I question whether the Government of Burma is often embarrassed by the difficulty of ascertaining the opinion of the bulk of the people regarding any proposed measure of legislation. I have no experience of India, but the nature of the Burman makes him very ready of access to any officer who takes the trouble to know him and there is no difficulty in eliciting his views on any subject that interests him. This is done at present when any important measure, legislative or administrative, is initiated. Similarly, except on the subject of plague, I am not aware that any difficulty has been experienced of late years in correcting misapprehensions as to the motives of Government. The business of Government, no doubt, tends to become more complex, but this is the result of the increase in the material prosperity of the country and the gradual assimilation of conditions in Upper and Lower Burma. I see no reason to apprehend that the measures of Government are more likely to excite feelings of doubt or suspicion in the future than they have in the past, or that any agency will be required to allay such feelings, if they arise, other than that which already exists. In a word, I think that the proposal to appoint an Advisory Council in this Province is premature, and should be abandoned.

2. The question of increasing the number of non-official members of the Legislative Council stands on a different footing. The Council is an institution of ten years' standing, its functions are definite and practical, and an appointment to membership is recognized as the highest honour to which a non-official of this Province can attain. I think the time has come when the non-official element in that Council may suitably be increased. As there is to be an official majority this means a considerable increase in the aggregate membership. The difficulty of obtaining a suitable electorate is recognised in the correspondence forwarded with your endorsement. The Local Government's suggestion is that the Advisory Council should be nominated and that the Councillors should elect one or two of their own numbers to serve on the Legislative Council. I see no possible alternative. While I do not support the proposal to create an Advisory Council, as such, for reasons which I have given, yet some such determinate body of electors is required to put forward members for the Legislative Council. I suggest that from each district should be nominated one, two or three electors, according to its size and importance. The Deputy Commissioners of the districts might be consulted in the selection of these gentlemen, who should be summoned to Rangoon and their expenses paid, on the occasions when their services are required. They might sit under the Chairmanship of one of the nominated Burman members of Council, who, however,

should not vote. There are 35 regular districts. The electorate might be limited to 100 and they might return two members. The European commercial element might be increased by one in the manner proposed in the Chief Secretary's letter. This will give four non-official members and the Local Government might nominate two more. The elected members (other than from Rangoon) will almost certainly be Burmans and the nomination of two other gentlemen will make it possible to include all interests. These six members might, as proposed, elect one of their number to serve as a non-official member of the Imperial Legislative Council. In case of equal votes the Lieutenant-Governor should have a casting vote. The number of the official members will have to be correspondingly increased.

3. With a Council so constituted I think there is no reason for withholding from the members the right of discussing the Provincial Budget or the right of interpellation.

From E. C. S. GEORGE, Esq., C.I.E., I.C.S., Deputy Commissioner, Ruby Mines District, to the Commissioner, Mandalay Division,—dated the 17th December 1907.

With reference to your General Department No. 618—2L.-4 of 20th November 1907, I am unable to suggest any improvement in the method of nomination for the Burma Legislative Council noted in paragraph 3 of the letter from the Chief Secretary to the Government of Burma, No. 429—1L.-18 of 16th October to your address. I certainly think that the number of non-official members of the Legislative Council should be increased, if it is only by this method that Burma can be represented by a non-official member of the Imperial Legislative Council. At the same time, speaking purely for Upper Burma it seems to me far too early to adopt any measures towards the introduction of Provincial Advisory Councils or to introduce the right of interpellation in the Provincial Legislative Council accompained by a discussion on the Provincial Budget.

So far as Upper Burma is concerned there has been too great a precipitancy in thrusting novel (even of improved methods) on the people which they do not understand and which they feel irksome and I do not think that the time is ripe for District Officers to establish Advisory Councils. I would pave the way for interesting the people in local administration by a general direction (when Deputy Commissioners are a little less burdened with heavy routine work than at present) to District Officers to collect the chief men of the various communities from time to time in a general sort of informal conference on local matters. I have adopted this course in the Ruby Mines District where work is not so heavy as elsewhere and found it useful, fancied grievances are ventilated and the intentions and methods of Government explained, the Burmese as a rule of course are diffident and disinclined to speak in a general conference but under the example of the more confident Chinamen and valuable native of India they are getting to know that in inviting their opinions openly the District Officer is not concealing sinister designs against them, but it will take a long time before the local people learn to speak fully except in circumstances of secrecy and in strict confidence, and therefore beyond recommending these informal conferences as a step towards training the people later for the establishment of Advisory Councils I would recommend no present action. The mere nominating of a man now as a Councillor would immediately close his mouth. At present the Deputy Commissioner can and does see a man privately and sometimes learns the truth and the trend of public opinion through him but only in confidence and no one knows whom the Deputy Commissioner consults. But an appointed Councillor would feel he was a marked man made responsible for all actions of officials whether in pursuance of his advice or not and would never give any definite opinion. The Deputy Commissioner, therefore, would either have to forego the advantage he has at present of consulting the best men privately or would have to select for the Advisory Councils men of less standing and character.

I merely, however, make the above suggestion of a sort of preliminary training because it would seem as if from the letters and resolution attached to your letter above quoted it is intended to insist that the people shall be trained after European models, with Municipalities, District Boards, Advisory Councils and so on, all of which schemes appear to me to be radically unsound, because they begin in the middle layer of the pyramid, so to speak, instead of the base. So far as Upper Burma is concerned the bed rock of administration is the village unit and any method of electoral or popular local management must, if it is to have a fair chance of succeeding, begin at the base. Instead of District Councils for the district one should have the village left to manage its own affairs under its own headman. We are trying to maintain and improve the local headman and nothing to my mind would so improve his status and increase his authority as to make his village the unit for the introduction of first steps in local self-government, and thereafter when his position is more important and coveted than it now is, associate with him in its governance some of the local elders. At present the local headman can and does by custom consult his village elders generally in matters pertaining to the village but I do not think matters are advanced enough yet to *formally* appoint Village Councils to practically rule the village and be given powers to control expenditure on local objects. You must first train a class of *individuals* (namely, the village headmen) to walk in the way required as permanent local guides and mentors to the Village Councils when formed. To suddenly give Village Councils formal recognition and

powers would be to at once introduce chaos with the people in their present stage of anvancement. As a beginning the District Officers can train a series of individuals, but if called on suddenly to deal with and instruct a whole series of local Councils all inexperienced and unaccustomed to the proper use of power, the task would be hopeless. The thugyi instead of being their light and guide would be no better than any Councillor and might be outvoted and swamped, whereas had he previously received a more regular training, had already had sufficient experience in exercising extended powers of governance, he would be no mere figure head but a real vitalising force in directing and training his local Councillors. At present the thugyi has not yet as a class been sufficiently trained even to exercise his present powers under the Village Act properly and effectively. He must learn to walk before he can run. As I have said above I consider the right steps towards local self-government should be—

(*a*) to increase the powers of the thugyi gradually giving him powers of expenditure on local public works, for instance, but only letting the village elders assist as they do now with informal advice ;

(*b*) thereafter when as a class the thu gyis have learnt to use their powers with ability and discretion, to associate with them in formal Council the village elders with power to make their views felt by voting ;

(*c*) thereafter when the villagers have thus learnt the rudiments to proceed to the constitution in term of Township Councils, District Councils, Provincial Councils, and so on.....selected from men who have been previously used to the ideas of representation.

Instead of beginning at once with District Boards and Councils whose constitution will, to begin with, be alien and repugnant to the mass of the people and from whom I feel sure the true spirit of representative Government will never *percolate downwards*.

But we have not yet in Upper Burma got to the (*a*) stage above, and I can see no object in a haste which will only defeat its own object. It is not as if the people at large here wanted representation. At present they only want to be left alone and have nothing to do with the process of Government. We wish to bring them into an activity foreign to their natures. The process should be gradual, and the informality of the method in which the village elders assist the thugyi by their advice must be maintained till the thugyi has acquired the necessary habit of fully exercising his present powers and the experience necessary to direct and guide a regular Council.

From W. A. HERTZ, Esq., Deputy Commissioner, Myitkyina, to the Commissioner, Mandalay Division,—No. 4893—1L.-15, dated the 12th December 1907.

With reference to your General Department endorsement No. 618—2L.-4, dated the 20th instant, I have the honour to state that the creation of a Provincial Advisory Council for Burma would, in my opinion, serve a useful purpose. The difficulty in forming such a Council would lie in getting members who possess an intimate knowledge of the people, or of a section of the people, and who are at the same time sufficiently educated to be able to tender useful advice and who also possess a material state in the country.

2. The number of Councillors proposed by his Honour the Lieutenant-Governor, namely, twenty, appears to be sufficient. The great majority of the Councillors would have to be nominated, as the people of this Province are not sufficiently educated to permit of selection by ballot. But some of the Councillors might be elected, as proposed by the Lieutenant-Governor, for the Legislative Council, namely, by the Burma Chamber of Commerce, the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association, the rest being nominated by the Lieutenant-Governor on the recommendation of the Commissioners of Divisions, a certain number of Councillors being allotted to each division according to its population. At least one Councillor in each division should be a Burman, and the term of office of members of the Advisory Council should not be less than two years. If there is only one Councillor allotted to a division, he should be a Burman.

3. With respect to the Provincial Legislative Council, I see no reason why there should not be an annual discussion of the Provincial Budget, nor why the privilege of interpellation, under proper safeguards, should be withheld. The elective system will not work, except in the cases mentioned by the Chief Secretary in his letter to you, and, apart from these members, it would be necessary for the remaining members to be nominated, as is done now. As at present constituted, the Legislative Council consists of nine members. If to these be added one member who will be elected by the Burma Chamber of Commerce, another by the Rangoon Municipal Committee, Port Commissioners and Rangoon Trades Association in combination, and two by the members of the Provincial Advisory Council, the total number will be thirteen, which would, I think, be a sufficiently large number. It should be provided that at least four of the members shall be natives of Burma, and in making the nominations, it should be arranged that Government should always be able to reckon on a numerical majority.

ENCLOSURE 14.

From Major F. D. MAXWELL, C.I.E., I.A., Commissioner, Irrawaddy Division, to the Chief Secretary to the Government of Burma,—No. C.69—6L.-13, 1907, dated the 26th January 1908.

In reply to your General Department letter No. 429—1L.-18, dated the 16th October 1907, on the proposal to create Advisory Councils and to enlarge the Provincial Legislative Councils, I have the honour to inform you that I have consulted all Deputy Commissioners and the principal Municipalities in this Division. They are unanimously in favour of the proposals and almost unanimous in accepting the suggestions put forward in your letter.

2. As regards Advisory Councils my own view is as follows:—

The population of Burma may be classed as either trading, those resident in towns or agricultural, those resident in villages and engaged in agricultural or kindred pursuits. The trading community is that consisting of the large European or native firms or of those dependent on them; it is a wealthy, well-educated community which has no difficulty in making its voice heard, and it is, it may be noted, well-represented already on the Legislative Council.

The agricultural community is, on the other hand, just the reverse of all this, consisting of a large number of peasant proprietors, attached by necessity and sentiment to the soil and living in scattered villages and hamlets, only partially educated, passionately attached to their creed, unrepresented in any Council. Their voice is scarcely heard save through the mouths of officials, and their interests are almost entirely parochial certainly not provincial. The opinion of the trading community is known now and I agree that, if expressed on an Advisory Council, good would possibly result: at all events the rulers and ruled would be brought nearer together. But, as regards the agricultural community, as it exists in Burma, it seems to me that the Secretary to the Government of India expresses in paragraph 2 the correct view that, for the present at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf. The community has at present no homogenity, no leaders. The interests of the cultivator of Myingyan are as different from those of the cultivator of Ma-ubin as both are from those of the trading community.

The agricultural community takes, as I have said, little or no interest in provincial matters or in any matters outside the villages in which the community lives, but I think it could be educated up to taking interest, and that this education would not take very long. for the Burman is essentially assimilative and limitative. The education should be by means of District and Divisional Advisory Councils as is now proposed for the Province. It is those Councils I would start first in a confident hope that the better and more intelligent members would find seats and adorn seats on a Provincial Advisory Council when such was created.

I think when the District and the Divisional Councillor shews an intelligent interest in district or divisional affairs, it will be time to widen his horizon bounded now by the compound of the village monastery. Eliminate the agricultural community and you have but the trading community left, well represented and loud voiced, in whose sole interests I would deprecate the creation of a Provincial Advisory Council.

3. As regards the enlargement of the Provincial Legislative Council, I think nothing but good would result, more especially if interests other than those of trade and of Rangoon can be represented. Election in Burma is out of the question, but the interests I refer to can be obtained by nomination. If the total number of non-official members was fixed at, say, eight, and Rangoon trade given two seats, it would leave six for nomination by His Honour from the rest of the Province, and no doubt there could be found, say, four men out of the six, who would and could represent interests other than trade and the law. Of the eight certainly one-half should be Burmans or natives of the Province speaking a language of the country as his mother tongue. I see no reason whatever why an annual discussion of the Provincial Budget should not take place,

nor why the privilege of interpellation should be withheld. The Government has nothing to hide, therefore the more publicity given to its proceedings the less the chance of misunderstanding.

4. I forward copies of letters received, No. 3398—1L.-19, dated the 28th November 1907, from the Deputy Commissioner, Ma-ubin, and No. 276—1L.-1, dated the 16th January 1908, from the Deputy Commissioner, Bassein.

From H. CLAYTON, Esq., M.A., I.C.S., Deputy Commissioner, Ma-ubin, to the Commissioner, Irrawaddy Division,—No. 3338—1L.-19, dated the 28th November 1907.

In reply to your letter No. 430—6L.-13, dated the 13th November 1907, I have the honour to say that the proposed Advisory Council seems to offer a very valuable method of obtaining the opinion of the people of the Province on proposed measures. But if this object is to be secured, it will be necessary to see that all parts of the Province are fairly represented.

I would suggest that two members be appointed from each division, two from the Southern Shan States, and one each from the Northern Shan States and the towns of Rangoon and Mandalay. The members should be nominated by the Commissioner of the Division or the Superintendent as the case may be, and be finally appointed by the Local Government. The Council should, I think, meet twice a year, once in Mandalay and once in Rangoon, as there is a chance that men of influence upcountry would be unwilling to undertake the journey to Rangoon.

The proceedings of the Council should be conducted in Burmese, or at any rate Burmese should be placed on an equality with English.

I would also suggest that a permanent President will be necessary. This should either be an officer appointed by name or the post should be attached to a particular appointment, *e.g.*, District Magistrate, Rangoon Town. It would not be difficult to arrange to set him free from his ordinary duties for the few days during which the Council would sit at Mandalay.

If the Council were to meet some time before the sessions of the Legislative Council of the Province, an extremely valuable body of opinion would be obtained on the draft Bills which the Local Government were proposing to introduce at the forthcoming session.

2. With regard to the proposed changes in the Legislative Council I have no suggestion to offer except to point out that the position of the Advisory Council would be much strengthened if, say, it were empowered to send ten of its members to the meetings of the Legislative Council.

From Lieutenant-Colonel F. H. ELIOTT, I.A., Deputy Commissioner, Bassein, to the Commissioner, Irrawaddy Division,—No. 276—1 L,-1, dated the 16th January 1908.

With reference to your letter No. 427—6L.-13, dated the 13th November 1907, forwarding four copies of the Chief Secretary's letter No. 429—1L.-18, dated the 16th October 1907, I have the honour to submit my report together with the recommendations of the Municipal Committee, Bassein, Subdivisional Officer, Ngathainggyaung, and President, Town Committee, Kyonpyaw, who were consulted in the matter.

2. I regret the delay which was caused by the papers being kept back in the office of the Subdivisional Officer, Ngathainggyaung.

3. In writing this report, I do not think it is necessary for me to comment on the proposed constitutions of the Imperial Advisory Council and merely deal with the proposals regarding Burma. The difficulty in Burma in getting into touch with the people through their own representatives is so enormous that I am inclined to doubt whether any good will be effected by the establishment of an Advisory Council or an enlargement of the Provincial Legislative Council.

Burma being essentially a country of peasant proprietors it is difficult to pick out a man who will represent the great bulk of the population and at the same time command their confidence. The result will probably be that the men selected will be townsfolk who are quite unaffected by measures which affect the villages and whose interests are sometimes quite opposed to those of the country folk. Even if they took the greatest interest in their work it is easy to see that their opinion on, say, an amendment to the Village Act, or a new Fishery Bill would be of very little value. They would not know exactly where the shoe pinched, nor would they be in close touch with the people who did.

In short I am in favour of an Advisory Council, and an enlarged Legislative Council, if the right men can be found or exist, but I have the gravest doubts in this point and I think a Council formed of Pleaders and retired Government Officials would be entirely useless and only help to make delay.

If it is decided to establish an Advisory Council, I would strongly recommend that Rangoon should not be preponderant. The questions concerning Rangoon are usually questions that are readily understood, and on which the administration does not require advice so much as on questions affecting the peasantry, and their attitude towards any proposal.

I think that 20 would be a sufficient number of members for the Advisory Council. They should be appointed for two years, each Commissioner in Burma would nominate two who would be representative of his division and be able to explain how any measure would affect the people of that part.

This would give 16 members. The remaining four would be selected by the Local Government to represent the Shan States and the foreign populations such as Indians and Chinese. This body of men would represent the whole Province very fairly. I would insist on the candidates being nominated by the Commissioner. Any form of election would immediately result in the lawyer and retired official class being elected and this class does not represent the general community. The Commissioners might be able to find men amongst the Circle Thugyi class who are fairly well-educated and intelligent, who would yet have all their interests outside the towns, and be able to represent the working of the Acts.

As regards the enlargement of the Legislative Council, I am strongly in favour of this proposal again if the men can be found. At present no non-official represents the country generally. It would be advisable to appoint three members, one to represent Lower Burma (already strongly represented by Rangoon), one to represent Central Burma, and one for the frontier districts. These would all have to be nominated by the Local Government on the selection of the Commissioners.

I think the Council should discuss the budget on full, but I think the right of interpellation should be most rigidly restricted if allowed at all.

BASSEIN MUNICIPALITY.

Extract from the Proceedings of an ordinary meeting dated the 28th November 1907.

* * * * *

Paragraph 6.—Considered the papers dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils.

(*a*) The Committee are of opinion that twenty members would be ample to constitute Advisory Council and that they should be appointed by nomination of the Lieutenant-Governor.

(*b*) The Committee suggested an increase of three members in the Burma Legislative Council, two from the Advisory Council, of which one to be a Native of Burma and one for Delta Division, to represent maritime and trade interests other than those of Rangoon.

(*c*) The Committee recommended that the annual discussion of Provincial Budget and the right of interpellation be introduced in the Legislative Council, as is permitted in the Legislative Councils of most of the other Provinces in India.

(*d*) The Committee recommended that the Burma Chamber of Commerce elects one member; the Rangoon Municipality in combination with Port Commissioners and the Rangoon Trades Association elect one member; the Provincial Advisory Council elects two members and the rest non-official members to be nominated as at present and that no less than two of the elected members should be natives of Burma.

Resolved that the Deputy Commissioner be informed accordingly in compliance with his endorsement No. 5991—1L.-12, dated the 16th November 1907.

From the Subdivisional Officer, Ngathaingyaung, to the Deputy Commissioner, Bassein,—No. C.-5, dated the 19th December 1907.

With reference to the letter of the Commissioner, Irrawaddy Division, to your address No. 427—6L.-13, dated the 13th November 1907, requesting a report upon the proposals contained in Chief Secretary's letter No. 429—1L.-18, dated the 16th October 1907, I have the honour to state my opinions as follows:—

As regards the Legislative Council, I think that its influence so far as it at present exists, is in its nature consultative especially with regard to the non-official members, who are, I suppose, chosen out of regard to their representative position and weight in affairs regarded from a view external to and in a sense more intimate than Government's view, developed, through the medium of reports, etc., in the Secretariat. I see no reason to think an extension of its personnel is impossible or undesirable inasmuch as this question seems to me to be mainly one of the fitness of non-officials for the functions demanded by the position of Legislative member. I am quite certain that in Burma there are considerably more interests worthy of representation than four and correspondingly there exists representatives of these interests as capable of treating legislative and other problems in a statesmanlike manner and without partialities biassed by narrow interests, as the four present non-official members. The present trade representation on the Council for example, may,

I think, be called mainly representative of Rangoon; the interests represented ramify, of course, in other directions but they all centre in Rangoon, and I do not think that such a representation is likely to do justice, for example, either to trade interests in Lower Burma, elsewhere than Rangoon or in Upper Burma. I would say, therefore, that the number of the Council might with advantage be increased by the addition of such representatives: I have looked at the latest list of the Council and I think I am not wrong in saying that there are really only two members who are truly representative of trade interests apart from connection with Government. I would support too the extension of functions implied by the discussion of the budget and interpellation, not only because criticism is never bad for sound finance but because I think that publicity so far as possible should be given to Burma's needs and the difficulties under which Government labours in an attempt to meet these needs with insufficient funds; I think that an informed public opinion might strengthen the position of Burma with regard to the periodical provincial settlement.

With regard to the method of selection I should think that where an interest to be represented was sufficiently organised and consolidated the principle of election would be extended, *e.g.*, to the Chamber of Commerce as suggested in the letter of the Chief Secretary. In other cases the method would be nomination.

As regards the Advisory Council I have the honour to report that I cannot feel any confident hope that it will serve any very useful purpose. If the intention is that it shall exist to advise Government I would state that I think this is already done in matters involving trade or other interests by the Secretariat by means of direct consultation. I do not believe that there would be any real interest taken in an Advisory Council with no powers, and I think it would give rise to much delay and correspondence over the references. I do not in the least mean to say that I am against the extension of consolidation, but I think it is done and could be done more easily, less ostentatiously and probably more effectively by an extension of the present habit of demi-official reference to individuals or associations. If the aim of Advisory Council is less obvious than that implied by its name and is really what appears to be suggested by many remarks in the letter of the Government of India then I believe speaking in this connection, without reference to India of whose local conditions I know nothing directly and with reference only to Burma where conditions are, I think, to a great extent individual that to establish an Advisory Council is beginning at the wrong end. In Burma there is no class of hereditary estate owners or Zamindars whose interest in India apparently most strongly need representation; whatever be the case in India I do not know of any manifestation yet in Burma of the desire to mix public spiritedly and without an assured measure of powers in public affairs. In Burma, it seems to me that loyalty and feeling are local to village, subdivision, district and even division, because the people know them and come in contact with their representative official; and if effective works is to be done in the direction of rousing in the people an altruistic political sense, I think it should begin by utilising the existent elements of local loyalty which are even now dimly existent and perhaps are only dormant.

I have not yet been able, on account of my absence on tour, to consult the Municipal Committee, whose opinion I shall communicate as soon as possible in my capacity of President; the views in this letter are, of course, my own only.

Proceedings of the Ordinary Meeting of the Kyônpyaw Town Committee, held on the 21st December 1907.

PRESENT.

U THA SHUN, Township Officer	*President.*
MAUNG PO SAW	*Vice-President.*
U PE GYI	*Members.*
MAHOMED WAHID	
U PO TU	

Read endorsement No. 599—1L.-12, and its enclosures, dated the 16th November 1907, from the Deputy Commissioner, Bassein, to the President of the Kyônpon Town Committee relating to the proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Councils for opinion. The Committee after discussing the matter fully, express their opinions as follows:—

(*a*) That twenty members would be ample to constitute an Advisory Council and that they should be appointed by nomination of the Lieutenant-Governor.

(*b*) That an increase of three members in the Burma Legislative Councils, two from the Advisory Councils to represent maritime and trade interest other than those of Rangoon.

(*c*) That the annual discussion of Provincial Budget and the right of interpellation be introduced in the Legislative Council as was done in other Provinces in India.

(*d*) That the Burma Chamber of Commerce elect one member, the Rangoon Municipality in combination with Port Commissioners and the Rangoon Trades Association one member, the Provincial Advisory Council elects two members and the rest non-official members to be nominated as at present and that no less than two of the elected members should be natives of Burma.

It is furtheragreed that the Deputy Commissioner be informed accordingly in compliance with his endorsement above quoted.

* * * * * *

ENCLOSURE 15.

From the Hon'ble H. L. EALES, I.C.S., Commissioner, Pegu Division, to the Chief Secretary to the Government of Burma,—No. 1439—5L.-17, 1907, dated the 30th January 1908.

In reply to your letter No. 429—1L.-18, dated the 16th October 1907, forwarding copy of Home Department letter No. 2317, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, I have the honour to report as follows :—

The papers were circulated to the Deputy Commissioners and they were asked to consult local opinion and to submit reports in accordance with the points raised in your letter of the 16th October. Copies of their letters as noted in the margin are forwarded herewith.

Letter No. 7728—1L., dated the 28th October 1907, from the Deputy Commissioner, Tharrawaddy.
Letter No. 7628—1L.-39, dated the 8th November 1907, from the Deputy Commissioner, Pegu.
Letter No. 7045—1L., dated the 15th November 1907, from the Deputy Commissioner, Hanthawaddy.
Letter No. 2533—1L., dated the 20th November 1907, from the Deputy Commissioner, Rangoon.
Letter No. 56—1L., dated the 7th January 1908, from the Deputy Commissioner, Rangoon.
Letter No. 274—1L.-11, dated the 29th November 1907, from the Collector, Rangoon.

The most interesting of these reports are those of the Deputy Commissioner, Hanthawaddy, and the District Magistrate, Rangoon, Mr. Leveson. Mr. Leveson consulted the Honorary Magistrates on the subject, and they were unanimously of opinion that no Advisory Council should be constituted. They were all of opinion that the Provincial Legislative Council should be increased, and when it was pointed out that a large increase in the number of the members of the Legislative Council owing to the difficulty in obtaining a sufficient number of official members might not be feasible, they suggested the Bills might be disposed off in Committee. It is hardly worth while discussing this proposal. For it is quite clear such a proposal could not be adopted under any possible circumstances, because it could only be effected, not merely by altering the law, but by running counter to all pre-conceived notions which underlie the functions of representative assemblies.

I myself have consulted a large number of Burman notables in the course of my tours. The gentlemen I consulted were of opinion that a Provincial Advisory Council should be constituted. The number of members suggested by His Honour, 20, appears to be generally considered suitable. They were all of opinion that it would be premature to appoint them in any way but by nomination. Personally, I myself think some of the members at least of the Advisory Council might be elected, but that the franchise should be confined to representative bodies, such as the Chamber of Commerce, the Rangoon Trades Association, the Rangoon Bar, the Rangoon Port Commissioners and the Municipal Committees of Rangoon, Moulmein, Akyab and Mandalay, who might be asked to each elect one member. I think it would be premature to extend the number for election any further at present.

With regard to Provincial Legislative Council it is generally considered that the time is now come that the annual discussion of the Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province.

I agree in thinking that this might be done.

With regard to the increase of membership and the best method of appointing the members to the Provincial Legislative Council, I am of opinion that, outside of Rangoon, the Burmans would not at present welcome any extension of the elective principle as applied to the Provincial Legislative Assembly. The Burmans are afraid that they would not thereby secure the appointment of men who would best represent them on the Council. I think that for some time to come the selection of members by election should, as His Honour suggests, be confined to the Chamber of Commerce who might suitably elect one member and the Rangoon Municipal Committee, the Rangoon Port Commissioners and the Rangoon Trades Association might, in conjunction, select another member.

Two other members might suitably be elected by the Provincial Advisory Council, but I think it should be clearly laid down that the field of selection should in their case be limited to natives of Burma. For I do not think that either the Chamber of Commerce or the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association would welcome the idea of limiting their field of selection to natives of the Province.

It would perhaps be sufficient to counterbalance these elected members and to ensure a proper representation of Burmese opinion outside Rangoon, if two more members were nominated by the Lieutenant-Governor to sit on the Council. Of these at least one should be a Burman. This will give us six non-official members half of whom must be Burmans. In order to maintain the desirable majority of official members, it will be necessary, therefore, to increase the numbers of official members from 5 to 7. There would then be 14 members in all including the Lieutenant-Governor as President.

As regards the selection of members for the Imperial Legislative Council, I am of opinion that it would be premature here in Burma to entrust the election of the members to the general public or even any section of it. I think, however, that the election of one member might be left either to the Provincial Advisory Council or to the non-official members of the Legislative Council. The drawback of leaving the selection to the non-official members of the Legislative Council has been discussed in paragraph 12 of Sir Herbert Risley's letter. Objection has been taken to entrusting the privilege of election to an electorate consisting of only ten persons unless it be intended to increase our non-official members to above this number which might not be feasible yet awhile in Burma. If this objection be considered insuperable, I would suggest the election might be left to the Advisory Council or to the Advisory Council in conjunction with the non-official members of the Provincial Legislative Council. This method of election by two or more bodies has already received sanction in the suggestion that the Rangoon Municipal Committee, the Port Commissioners and Rangoon Trades Association should, in conjunction, elect a member to the Provincial Legislative Council.

Personally I must admit I do not see much force in the objection raised in paragraph 12 of Sir Herbert Risley's letter. The non-official members would act as an electoral College and might will be entrusted with the election of one member.

Letter from the Deputy Commissioner, Tharrawaddy District, to the Commissioner, Pegu Division,—No. 7728-1L., dated the 28th October 1907.

With reference to your endorsement No. 824—5L.-17, dated the 23rd October 1907, I have the honour to reply as follows :—

(1) I consider that 20 is a suitable number for the Provincial Advisory Council. In Burma the Council will have to be nominated, as it will be impossible to obtain suitable members by election. Fully two-thirds of the members should, in my opinion, be Burmese Buddhists. There would, I think, be danger of the trading element preponderating because the traders are on the whole wealthier, more intelligent and more amenable to modern ideas than any other section of the community. It will, on the other hand, be extremely difficult to provide proper representation of the landed classes, because large land-owners are not numerous and the majority of them are money-lenders, pure and simple. There would be no difficulty in obtaining Burmans of high character, intelligence and public spirit as members of an Advisory Council, but the danger is that the men we should obtain would be out of touch with the people. The true representatives of the people of Burma are their *Ywathuggyis, Taikthuggyis* and *Myothuggyis*. It is to these that District Officers almost always have to turn for information and advice. I do not propose to appoint *Ywathuggyis* as members of the Advisory Council, but I am of opinion that in selecting the members great care should be taken to see that the men selected are in touch with the people, know their needs and conditions and are really competent to give advice to Government in matter affecting their welfare.

(2) I see no reason why the right of interpellation should not be introduced into the Legislative Council of Burma.

(3) I am of opinion that the Legislative Council should be increased by the addition of nine extra members, four of whom might be non-officials. This would make a total of eight non-official members ; of these three might be elected as suggested in the letter under report and the rest nominated. The majority of the non-official members should, in my opinion, be Burmans.

Letter from the Deputy Commissioner, Pegu District, to the Commissioner, Pegu Division,—No. 7628—1L.-39, dated the 8th November 1907.

In reply to your letter No. 824—L5.-17, dated the 23rd October 1907, I have the honour to state that the time has been too short to form any very matured conclusions on this important matter. I have, however, consulted Maung Ogh and Maung Pein and am of opinion that the suggestions put forward by the Local Government are suitable.

With regard to the specific points on which advice is required, I would report as follows :—

Provincial Advisory Council.—Twenty would be a suitable number of Councillors ; they should for the present at any rate be all appointed by nomination.

Provincial Legislative Council.—I think that discussion and the right of interpellation should be allowed.

The numbers of the members might also well be increased, but I do not think that the elective principle could be introduced to any great extent. The suggestions of Government for the election of three or four members by certain representative bodies is as far as that principle can at present be safely introduced.

Letter from the Deputy Commissioner, Hanthawaddy District, to the Commissioner, Pegu Division,—No. 7045—1L., dated the 15th November 1907.

With reference to your endorsement No. 824—5L.-17, dated the 23rd October 1907, forwarding for advice certain proposals of the Government of India for the constitution of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Provincial Legislative Councils, I have the honour to remark as follows :—

The Imperial Advisory Council.—The scheme outlined in paragraph 5 of the Government of India's letter for the formation of this Council appears to me to be sound. But I consider that apart from members nominated by the Viceroy, who should perhaps form a majority, say, 2 to 3 of the Council, it would be well for a certain number of seats to be reserved for each Province, to be filled by nomination of the respective Local Governments. It appears to me that unless this is done there is some danger of certain Provinces with important local interests being inadequately represented on the Advisory Council. In Burma, for instance, there are probably few if any individuals of the class referred to in paragraph 5 (3), and it is intended that the majority of the Council should be drawn from this class.

2. *The Provincial Advisory Council.*—The number of Councillors suggested by the Local Government (twenty) appears to me suitable. I do not, however, altogether agree with the suggestion that all the Councillors should be appointed by nomination. It appears to me that the adoption of this method of appointment is open to the criticism that individuals whose views are known to be opposed to those of the Local Government in certain respects would be unlikely to be nominated. It must be remembered that the Advisory Council will be vested with no formal powers and that it will receive no legislative recognition : and it therefore appears to be advisable that the widest possible opportunities should be given for the representation of every shade of public opinion on this Council. It seems to me advisable that in addition to the four bodies mentioned in paragraph 3 of the Chief Secretary's letter, the first of which might suitably nominate two members, and the other three a member each, the members of the Provincial Bar and the more important Municipalities, such as Mandalay, Bassein and Moulmein, should be allowed to nominate a representative. I do not think that any practicable scheme for the erection of Councillors can be devised and I consider that the balance of members should be appointed by the Local Government's nomination.

3. *Enlargement of the Imperial Legislative Council.*—It appears to me that under the constitution sketched in paragraph 12 of the Government of India's letter the interests of this Province are not sufficiently represented among the elected members. Burma is only given one elected member out of 18, and it appears to me that the constantly increasing importance of the Province justifies its representation by at least two, if not three, elected members. The Provincial Chamber of Commerce might reasonably be placed on an equality with those of Calcutta and Bombay and permitted to elect a representative. Again the nobles and great land-owners of every Province, except Burma, are allowed to nominate a member. It is explained in paragraph 14 that the class of the community proposed to be selected for electoral purposes in other Provinces is non-existent in Burma. This may be and is no doubt a sound reason for not forming an electorate in this Province. But the fact appears to have been overlooked that the population and material prosperity of Burma entitles the Province to a representative of the class which will be appointed by election in all other Provinces. There seems to be no good reason why a Provincial representative of the class referred to in sub-paragraph D (*c*) should not be appointed by nomination of the Lieutenant-Governor. The Province would then secure three out of 20 elected members, a representation which its importance would appear to fully justify.

The other proposals for appointing members do not affect Burma.

The Provincial Legislative Council.—It is proposed to increase considerably the membership of the Provincial Legislative Councils. It is stated in paragraph 13 that an electorate of only ten non-official members is not sufficiently large to elect a member of the Viceroy's Council. Again it is laid down in paragraph 20 as an axiom that there must be an official majority. The present strength of the Burma Legislative Council is only nine, of whom four are at present non-official members. It would seem that the Government of India contemplate an increase of the Provincial Council to a membership of from 30 to 40. If the latter figure be taken it will, I should say, be a matter of some difficulty to obtain 21 officials competent to fill places on the Council. As regards the non-official membership it is suggested than the following bodies should elect members :—

(1)	The Chamber of Commerce	1
(2)	The Rangoon Port Commissioners The Rangoon Trades Association The Rangoon Municipal Committee	1
(3)	The Advisory Council	1 or 2

This will leave 15 or 16 places to be filled by nomination. It is unlikely that any of the first four bodies mentioned above will elect a member with any interests outside of Rangoon, and it is extremely difficult to devise any scheme of election by which representatives of Extra Rangoon interests can be appointed or to name any Municipal body of sufficient importance to justify its being granted the privilege of nominating a member. It appears to me therefore that the Advisory Council, which is intended to represent in as wide as possible a manner the interests of the Province as a whole, should be allowed to nominate as many as five members of the Legislative Council, and that the remaining members should be appointed by nomination of the Lieutenant-Governor. I think also that in view of the extreme importance of the Port of Rangoon in relation to the interests of Burma as a whole the Port Commissioners should elect a member. It is probable that the Rangoon bodies will rarely if ever send a native of Burma to the Council and it therefore appears important to enact that at least two-thirds of the non-official members should be natives of Burma.

5. It seems to me highly desirable that a discussion of the Annual Provincial Budget should be allowed, and that the right of interpellation should be introduced.

Letter from the Deputy Commissioner, Rangoon, to the Commissioner, Pegu Division,—No. 2533—1L., dated the 20th November 1907.

With reference to your letter No. 824—5L.-17, dated the 23rd October 1907, on the subject of Imperial and Provincial Councils, I have the honour to report that I find myself unable in the short space of five days to obtain adequately reasoned opinions from any of the officers under my control or myself to give the subject the careful consideration that it demands. I therefore submit with diffidence the following remarks premising them with the suggestion that they should be taken as framed only on a *primâ facie* view of the proposals set forth.

2. I see no objection to the proposal to constitute an Advisory Council ; twenty appears to be a suitable number of Councillors to be appointed ; I am unable to offer any suggestion for a feasible scheme of election, and of opinion that for the present at any rate the Councillors should be nominated.

3. As regards the proposal to enlarge the Provincial Legislative Council I am of opinion that the time has not yet arrived when such a measure is likely to be attended with fruitful results. It appears to me that the number of Burmese non-official gentlemen who have any knowledge at all of the Province as a whole or of the requirements of more than one comparatively small portion of it is extremely limited, whereas one opinion based on the knowledge of the whole is very much more valuable than several opinions which are the outcome of experience in several separate parts. I venture to suggest that the establishment of District Boards is a necessary preliminary to the proposed measure, so that experience in dealing with questions on a smaller scale may afford an education to assist in the consideration of matters of larger scope.

With this proviso I see no objection to the introduction of the right of interpellation. The value of the elective system on the tentative lines suggested by His Honour appears to be somewhat negatived by the condition that not less than two of the elected members should be natives of Burma. It appears hardly likely that any of the bodies named except the Advisory Council will of their own choice elect a Burmese gentleman to represent them. In my opinion the proviso is very much more important than the elective system. I would, therefore, recommend deferring the introduction of an elective system until the country is sufficiently advanced to ensure its resulting in the election of Burmese by Burmese.

Letter from the Deputy Commissioner, Rangoon, to the Commissioner, Pegu Division,—No. 56—1L., dated the 7th January 1908.

I have the honour to return herewith the papers received with your No. 313—5L.-17, dated the 9th December 1907, and to report that I have consulted the Honorary Magistrates on the subject of Provincial Councils with the following result.

2. The opinion unanimously expressed that it was not advisable to establish an Advisory Council. It was considered that unless powers were delegated to the Council nobody whose opinion was worth taking would be willing to serve on it. As one gentleman expressed it, "The only thing then will be to talk." It was further suggested that for expressing the views of the people with regard to the governance of themselves the presence of non-official members on the Legislative Council was sufficient.

3. The proposal to increase the Legislative Council was also unanimously approved on the grounds that the collective knowledge of two Burmese non-official gentlemen cannot be said to cover the needs of the whole Province. On my pointing out the difficulties of securing a majority of Government officials if the non-official element were largely increased, it was suggested that Bills might be disposed of by Committees, all the official members being appointed to all the Commitees, but the non-official members only to those they were specially suitable for.

4. It was also considered that the right of interpellation should be granted; that the Budget and similar questions on which opinions without voting was required should be discussed in the whole Council; and that if this were done there would be still less need for an Advisory Council.

5. No practical suggestions for an elective scheme were offered, and it was generally held that nomination by the Lieutenant-Governor was at present at any rate, the means best fitted to the requirements; but the suggestion was made that if representation in some form was considered desirable each Commissioner of a Division should nominate one member; or that in the event of District Boards being established each Board should elect a member, the Boards themselves being presumably nominated.

6. The opinions expressed above are opposed to those I expressed in my former letter. I am still of opinion that it is not advisable at present to enlarge the Legislative Council; and that the establishment of District Boards should be the first step to be taken towards development of self-government. I also think that the objection raised to the establishment of an Advisory Council is not insuperable but concur with the Honorary Magistrates in the view that if a substantial enlargement of the Legislative Council on lines similar to those proposed should be considered feasible, the need or desirability of an Advisory Council will be thereby superseded. The proposal to vote entirely by Committees is a novel one, but on the supposition that an enlargement of the Legislative Council is decided on, it appears to me to be a convenient method of meeting the difficulty with regard to the maintenance of the official majority and I do not at present see any serious objection to its introduction.

Letter from the Collector, Rangoon, to the Commissioner, Pegu Division,—No. 274—1L.-11, dated the 29th November 1907.

I have the honour to submit the following observations on the circular about the proposed Advisory Council and the Legislative Council.

2. I think twenty is a suitable number of Advisory Councillors for Burma.

3. In order to decide whether a practicable scheme for election of them or some of them can be devised or they should all be nominated, it is necessary to consider what are the principal interests to be represented by the Councillors.

As regards Rangoon, the following interests should be represented :—

Timber extraction and conversion.	Transportation.
Oil winning and refining.	Religion and education, monasteries and missions.
Paddy financing and rice milling.	Non-Burman communities settled in Burma.
Export trade.	Mahomedans, Hindus, Chinese, Eurasians.
Import trade.	

The Chamber of Commerce might perhaps elect a Councillor to represent the first six of these. Representatives of the others might be elected by constituencies consisting of persons nominated for the purpose.

4. An annual discussion of the Provincial Budget by the Burma Legislative Council and the right of interpellation should be introduced with the improvements suggested in the circular.

5. The elective system might be advantageously introduced in connection with the appointment of members of the Legislative Council on the lines proposed in the Chief Secretary's letter and not less than two of the elected members of the Burma Legislative Council should be Burmans.

Enclosure 16.

From B. S. Carey, Esq., C.I.E., Officiating Commissioner, Mandalay Division, to the Chief Secretary to the Government of Burma,—No. 63—2L.-1, dated the 4th February 1908.

In continuation of Mr. Twomey's letter No. 581—2L.-1, dated 23rd January 1908, I send as he promised the report of the Deputy Commissioner, Mandalay, on the subject of the proposed Advisory Councils.

2. I have nothing to say against the proposals set out in paragraph 3 of his letter except that I do not consider that a "special representative of persons or firms engaged in developing the mineral resources of the country" need be appointed; the interests of such persons would naturally be championed by the Chamber of Commerce.

3. As Mr. Twomey has submitted his own views there seems no need for a second report to issue from this office, but I should like to make a few remarks on the subject of representation on the Advisory Council. The interests of the European and the wealthy Indian and Burman trading communities can be fully voiced by very small representation, and if the objects of the measure are to be attained it is absolutely necessary that (1) the Burman cultivator, (2) the petty trader, and (3) those others whose work depend on the two former, and who all together form the vast majority of the population, should be largely represented. In this Division it would not be sufficient for the agricultural member to understand the condition of affairs under the Mandalay canal only; he ought to be able to advise on the state of affairs under the Kachin Hills also. In the Meiktila Division the dry crop expert of Myingyan and Yaméthin knows little of the vital interests of the Kyauksé garden land workers. As regards the native traders, I feel that the Chamber of Commerce and the Trades Association naturally approach the subjects in which they are interested from an European point of view, and that they are apt to consider what is best for the Burman, rather than what the Burman feels and wishes. I do not think that the feeling and views of the country Burman will be accurately voiced by elected members from the large European associations and Municipalities.

4. I am inclined to think that the number of members should be twenty-four of whom five should be elected—

By the Chamber of Commerce	1	election.
Port Commissioners	1	„
Trades Association	1	„
Rangoon Municipality	1	„
Mandalay Municipality	1	„
Burman Agriculture	12	nominations.
Burman Trade	4	„
Selected Burmans	2	„
Shan States Representative	1	„
	24	

5. I suggest that it would not be necessary for every Division to be represented by two representatives of agriculture, and hence I put down twelve instead of sixteen.

6. Many of the men who are most capable of speaking on the agricutural interests and of the feelings of the people of the upper country are in Government service, and especially amongst the Myooks are to be found what may be termed the aristocracy of the country officials under the King of Burma and their descendants. Such persons (who often own land) would be invaluable on the Council although they are officials. I suppose that there is no Deputy Commissoner in the country who will not say how much he owes to some elderly Upper Burma Subdivisional Officer or Township Officer for true information and invaluable advice.

7. I have put down " selected Burmans " for two appointments, and I suggest that these men should be chosen from the whole of Burma for their knowledge of the Burman, his thought, and his interests in religious, social, and educational matters especially.

8. I have not seen all the correspondence on the subject, and I do not know if the question of defraying the expenses of the members has been mooted, but those Burmans of my acquaintance whom I should choose to advise me under similar circumstances, should certainly have their expenses paid. In Burma we want to hear the voices of the poor in the interests of the country. It might perhaps be arranged to pay the expenses of nominated members, but not those of elected members.

From Major D. J. C. MACNABB, I.A., Deputy Commissioner, Mandalay, to the Commissioner, Mandalay Division,—No. 488—2P.-1, dated the 31st January 1908.

In reply to your General Department letter No. 618—2L.-4, dated the 20th November 1907, I have the honour to report that after circulating copies of the enclosures to the leading residents of Mandalay and to the Municipal Committee and Upper Burma Bar Association, I held a meeting on the 25th January 1907, at my office, when the following gentlemen honoured me by attending :—

Maung Nyum, Municipal Commissioner.
Maung Kan Bow, Advocate.
Mr. H. N. Hirjee, Advocate.
Mr. Dank, Bombay Burma Trading Corporation, Limited.
Mr. Wakefield, Whiteaway Laidlaw & Company.
Mr. H. N. Lutter, Advocate.
Mr. R. Playfair. Banker.
Mr. L. Griffin, Tramway Company.
Mr. R. C. J. Swinhoe, Advocate; and
Mr. Wilkins, Manager, Misquith & Company.

2. The subjects of Advisory Councils and an increase to the present Legislative Council was then discussed in the light of the marginally noted letters from the—

No. 2310—2317, dated the 24th August 1907.
(*i*) Officiating Secretary to the Government of India.
(*ii*) Chief Secretary to the Government of Burma.
No. 429—1L.-18, dated the 16th October 1907.

3. The meeting resolved to submit the following suggestions to the Local Government as representing their collective opinion on these two important proposals.

Advisory Councils.

(*a*) The number of members of the Provincial Advisory Council it is suggested should be 21.

(*b*) Of these one-third or seven should be allotted to Upper Burma.

(*c*) Nomination is the most likely method to secure suitable members and a representation of all classes and communities.

(*d*) Representation by " interest " is more likely to lead to good results than representation based on communities or nationalities.

(*e*) The only exception to nomination should be in the case of the Mandalay Municipal Committee which, it is suggested, should elect one of its members to the Advisory Council.

(*f*) The seven members may be apportioned as follows :—

One to be elected by Mandalay Municipality.
One to represent Northern and Southern Shan States.
Two to represent agricultural interests.
Two to represent general trading interests.
One to represent persons or firms engaged in developing the mineral resources of the country.

4. *Legislative Council.*—These seven Upper Burma members of the Advisory Council should elect one of its members to the Burma Legislative Council.

5. The meeting finds it impossible to advise on the members for the Legislative Council; but trusts that in distributing the seats the fair representation of outlying centres of population, such as Mandalay, Moulmein, and Akyab, may not be overlooked.

6. The meeting are unanimous in thinking that the annual discussion of the Provincial Budget should be provided for and that the right of interpellation should be allowed.

7. In conclusion, I may remark that these suggestions embody my personal views on the questions discussed, and I think that an Advisory Council, constituted on the lines as sketched above and a more numerous Legislative Council with somewhat extended duties, will go far towards furnishing Government with the sought-for medium by which to ascertain the general opinion and aspirations, and the public a valuable means of placing its views and wishes before the Government.

ENCLOSURE No. 17.

Statement of the Alterations proposed in the Regulations relating to the Burma Legislative Council.

I. It is proposed that the following Regulations should be made by the Governor-General in Council under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Members of Council shall be made by the Lieutenant-Governor of Burma for his assistance in making Laws and Regulations.

Note.—With regard to the question of increasing the number of Members of the Burma Legislative Council, it is noted that section 1, sub-section (2), of the Act of 1892, authorising the Governor-General in Council to increase the number of Members who may be nominated by the Lieutenant-Governors of Bengal and of the North-West Provinces and Oudh respectively, contains no similar express provision in respect of the Legislative Council of Burma.

Regulations under section 1 (4) of the Indian Councils Act, 1892, for Burma.

1. The Lieutenant-Governor of Burma has been authorized by the Proclamation of the Governor-General in Council, No. , dated the , to nominate fifteen Councillors, of whom not more than eight shall be officials.

2. The nomination of a European Councillor to one seat shall be made by the Lieutenant-Governor on the recommendation of the Burma Chamber of Commerce.

3. The nomination of another European Councillor shall be made by the Lieutenant-Governor after consultation with the Rangoon Trades Association, the Commissioners for the Port of Rangoon, and the Municipal Committees of Rangoon, Mandalay, Moulmein, Akyab, and Bassein.

4. The Lieutenant-Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall, in his opinion, secure a fair representation of the different classes of the community.

5. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Lieutenant-Governor shall cause the Burma Chamber of Commerce to be requested to recommend a person for nomination by the Lieutenant-Governor.

6. If within two months after receiving the request of the Lieutenant-Governor as provided by Rule 5 the Burma Chamber of Commerce fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion any person he chooses.

7. If the Lieutenant-Governor shall decline to nominate any person who has been recommended for nomination under Rule 2 of these Regulations, a fresh request shall be issued as provided in Rule 5, and the procedure laid down in Rule 6 shall apply.

II. It is further proposed that, in exercise of the powers conferred by section 2 of the Indian Councils Act, 1892, and with the previous sanction of the Governor-General in Council, the following rules should be made by the Lieutenant-Governor of Burma authorizing, at any meeting of the Burma Council for the purpose of making Laws and Regulations, the discussion of the annual financial statement of the Government of Burma and the asking of questions in the Council :—

Rules under section 2 of the Indian Councils Act, 1892, for Burma.

I.—PRELIMINARY.

1. In these rules—

"Council" means the Council of the Lieutenant-Governor of Burma assembled for the purpose of making Laws and Regulations.

"Member" means a Member of the Council of the Lieutenant-Governor for making Laws and Regulations.

"Secretary" means the Officer appointed by the Lieutenant-Governor to perform the duties of Secretary to the Council.

II—Rules for the Discussion of the Financial Statement.

2. The financial statement of the Government of Burma shall be explained in Council every year, and a printed copy given to each Member. Separate explanations shall be given of the different heads or groups of heads of the statement.

3. After the explanation of any portion of the statement has been made, each Member shall be at liberty to offer any observations he may wish to make on that portion of the statement.

4. The Member who explained the portion of the statement shall have the right of reply, and the discussion shall be closed by the Lieutenant-Governor or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, making such observations, if any, as he may consider necessary.

5. After each portion of the financial statement has been separately discussed in the manner aforesaid, the statement as a whole shall then be brought under discussion in Council. Each Member shall be at liberty to offer any observations he may wish to make on the statement as a whole; the Member or Members who explained the statement or any portion of the statement shall have the right of reply; and the discussion shall be closed in the manner provided in the last preceding rule.

6. The discussions will be limited to those branches of revenue and expenditure which are under the control of the Local Government; it will not be permissible to enter upon a criticism of Imperial finance.

III.—Rules for Asking Questions.

7. No question shall be asked or answered in the Council of the Lieutenant-Governor at a meeting of the Council for the purpose of making Laws and Regulations, as to any matters or branches of the Administration other than those under the control of the Lieutenant-Governor; and, in matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

8. Except as provided above, any question may be asked by any Member subject to the following conditions and restrictions.

9. A member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

10. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

11. The Lieutenant-Governor may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests; and in such case, the question shall not be entered in the Proceedings of the Council.

12. The Lieutenant-Governor may, if he thinks fit, allow a question to be asked with shorter notice than six days, and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

13. When the Lieutenant-Governor has permitted the question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

14. A question shall be read by the Member by whom it was framed or, in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given either by the Lieutenant-Governor or some other Member whom he may designate for the purpose.

15. The Lieutenant-Governor or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, may rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interests.

16. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

17. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

No. 946 C.

From

The Hon'ble Mr. P. C. LYON, C.S.I., I.C.S.,
CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM,

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Camp Dacca, the 14th March 1908.

Sir,

I am directed to reply to your letter No. 2316, dated Simla, the 24th August 1907, on the subject of Advisory Councils, and the measures to be adopted for the improvement of Legislative Councils.

2. Opinions have been called for from a very large number of officers and others, and their replies are submitted as an appendix to my present letter. These replies show an extraordinary amount of difference of opinion in the views held by the officers and gentlemen consulted. The Lieutenant-Governor finds himself unable to agree entirely with any single adviser, though there is much which he admits is entitled to consideration in a large number of the opinions which have been submitted. At the same time, the constitution-monger will find in these opinions ample support for almost any scheme which he may wish to put forward, but the Lieutenant-Governor has no wish to dabble in constitution making experiments. In the absence of experience, a large number of the proposals are of the nature of a leap in the dark, and it is impossible to place any great reliance on the opinions of those who suggest them as to the effect which is likely to follow from their adoption. Under these circumstances, the Lieutenant-Governor considers that the necessity of very cautious measures, and of following approved and tried lines, is clearly indicated. It will be extremely difficult to withdraw privileges which have once been given, and it seems, therefore, of the utmost importance to advance with extreme care and by only very gradual steps.

3. It seems to Sir Lancelot Hare that the problem will be best dealt with by first fixing certain essential conditions, and laying down the principles which must be observed. He would then indicate how he would apply those principles. He will reverse the order adopted in the Government of India's letter, and proceed from the lowest local bodies to the Supreme Councils, instead of dealing first with the Government of India's Councils.

4. The first essential which appears to the Lieutenant-Governor is that laid down in the letter under consideration, namely, that it is absolutely necessary for the Government to retain a majority in its Legislative Councils. It has been suggested by not a few officers that Government need not insist upon this numerical official majority, but in this view the Lieutenant-Governor does not at all agree. The first necessity of Government is that it must be able to govern. It is not enough that Government should be able to veto. It must, when necessary, be able to pass such legislative measures as it considers to be absolutely necessary in the face of any opposition which may be brought against it. It may be hoped that it will rarely be necessary for Government to exercise these powers, but have them it must. It is possible to give an example. The recent legislation in connection with the unrest could never have been passed in the teeth of a popular assembly, and such cases may recur. For instance, the Lieutenant-Governor is clearly of opinion that legislation will be necessary to fix the responsibility of newspaper editors and printers, and to give power to confiscate presses and newspaper stock under certain circumstances, and to prevent the scandal that the law only enables us to punish the printer, who is a mere tool. Again it is easy to see that in all sorts of questions it may be quite inadequate for Government to have the power only to apply the brake, and not to be able to supply the moving power. This power of a majority in Council must, no doubt, be exercised with the greatest moderation and statesmanlike reserve, but it cannot possibly be dispensed with.

The suggestion that Government officials might be given double votes, or a possible alternative that they might be allowed to vote by proxy and not generally be summoned to the Council, must also be brushed aside as unpractical and untenable.

Sir Lancelot Hare is wholly in accord with the views of the Government of India on this matter of a Government majority, and he recognises the consequent limitation of the size of the Legislative Councils. So long as useful Government officials, who will bring to bear special experience calculated to be of value and assistance, can be provided, the Councils can be enlarged so as to admit an increasing number of non-official members representing special interests. It is possible that some relief might be afforded to Government officials by allowing their absence when only non-contentious matter is to be brought before the Council.

The argument that is advanced that unless some power is given to the non-official representatives in Council people will not be willing to come forward and advise because they cannot be sure that their advice will be adopted, cannot be accepted. Such a position is wholly untenable, and if the power on the part of the non-official membe s to enforce their advice is a necessary condition of legislative assemblies with non-official members, then such councils must be abandoned, lamentable as such a result would be.

Before leaving this subject, Sir Lancelot Hare would observe that even the Extremists do not probably contemplate making the Government merely ineffective. It seems to be rather their intention to transfer the Government to themselves. It is certain that if they could succeed in this endeavour, they would not allow, any more than the present Government would allow, their power to be blocked in any eventuality. The only way that it seems to be possible for the Indian voice to get more effective representation of the kind asked for is to take more Indians into the Government, and this is being done quite as fast as they are showing capacity for such employment.

5. The next point which His Honour considers it necessary to decide is whether there is any real demand for democratic representation on European or "Manhood Suffrage" lines. Sir Lancelot Hare is of opinion that there is no true demand for anything of the kind. Even the Extremists only appeal to such methods in the confidence that with their superior organisation and intelligence they would be able to manipulate the elections to suit themselves. It is not difficult to raise a racial antipathy or hatred by slander, or misrepresentation, but this is a very different matter from establishing a confidence on the part of the masses in the integrity of the Extremists, and a belief that they can look for a better government at their hands than from the present Government. In this Province the Muhammadans have a very profound distrust of the Hindus, whom they see at every turn exploiting them for their benefit, whether as landholders, as mahajans, as money-lenders, or in every turn of life, where the Muhammadans are, so far as the Hindus find it possible, shut out from lucrative employment. The principal weapon,—the boycott of European goods,—is an intensely selfish method by which the agitators compel the poorer people to pay the cost of the pressure they wish to bring to bear upon the Europeans, and it is carried out by tyranny and oppression, and utterly regardless of the cost to the poorer classes, who are made to pay. The Hindus frequently also treat the Muhammadans with great contumely and contempt.

Sir Lancelot Hare considers it a wise measure to widen the Councils by admitting representatives of additional and hitherto unrepresented interests which are of admitted importance, and who have expressed their wish for representations. He does not, however, consider it necessary to move in advance of such expressed wish. It is also his opinion that, where such interests are admitted to representation, it is desirable as far as possible that the representatives should be self-elected, rather than nominated by Government. As to the manner of representation and the election of their representatives, he would be inclined as far as possible to allow the interests concerned to follow out their own methods, and would only interfere so far as may be absolutely necessary in order to assure fairness or to meet the case of a dead block. Thus for instance, in regard to trade representation. In this province there was at first only the Narainganj Chamber of Commerce, and they were allowed to elect a representative. Now the Chittagong Chamber of Commerce has been started, and other Chambers may be started at other large centres, such as Chandpur and Sirajganj. Each Chamber as it comes into existence and proves its weight and importance may claim a share in the one member which is all that at present can be given to trade. If they arrange to combine their interests and elect a common representative on a fair basis, Government need not interfere. It is only necessary to interfere if an important section of the interest is being denied representation by those who are already in possession.

It would be far better to allow each important interest as far as possible to work out its own system of representation, and so leave this matter to follow out its own natural development on its own lines, rather than to fetter it unduly by arbitrary rules which might be unsuitable, and which would hamper the natural growth of association of those holding similar interests. The importance of these considerations comes into view when we consider how, for instance, the landed interest of this Province should be represented. Instead of forming artificial electoral colleges, such as suggested in the letter under reply, or laying down rules as to the amount of land revenue or road cess which must be held to qualify for a vote, Sir Lancelot Hare would prefer to allow the self-constituted landholders' associations to frame their own rules for the selection of representatives, only reserving the right to interfere and frame rules if the interest itself is unable to come to a fair and equitable agreement.

6. The Lieutenant-Governor has considered whether the Municipal and Local and District Boards Councils of this Province should be elected on a revised system such as that suggested in the letter under reply. On the whole, he is of opinion that it is not necessary to form electoral classes or colleges on the basis of race, caste or religion, or on the basis of occupations, such as landholders, cultivators, traders, and professional men. These proposals are put forward in the interest of minorities who might otherwise be excluded and receive no representation. In Eastern Bengal, where the Muhammadan voters largely exceed the Hindu voters, it is not necessary to adopt such a measure in order to protect the Muhammadan voters, and it does not appear that the Hindus are at all desirous of such a measure. The Hindus have, under the present system, secured a more than proportional share of representation, and though it is true that certain Muhammadans have expressed their views in favour of such a measure, it is easy for them to protect themselves if they wish to do so by attendance at the voting poll. It is due to the apathy of the Muhammadan voter that he has not secured representation in proportion to his numbers, and it would seem better to advise him to show more activity in exercising the powers that he possesses than to protect him by such a measure as is under consideration. It may be further noticed that the adoption of such a rule would certainly be held by the Hindus to be a measure adverse to themselves, and in the absence of any very strong demand by the Muhammadans for such protection, it does not seem to the Lieutenant-Governor advisable to adopt such a measure.

7. In regard to the division by occupations, there is only one Municipality in the town where a trade occupation is very inadequately represented, and its fuller representation appears to be a measure of considerable importance. This Municipality is Narainganj, where the income of the Municipality is principally derived from the business premises of the jute traders. Here it would, in the opinion of the Lieutenant-Governor, be fair and reasonable that the jute interest should have special representation, and some proposal to secure this may have to be submitted, but in ordinary Municipalities and District and Local Boards no division by occupation appears to be necessary. The Lieutenant-Governor is, therefore, not in favour of making such a change as has been suggested. Nor does he think it necessary to raise the limit of taxation which will qualify for a vote. The limit is certainly extremely low, but it does not appear that any serious consequences have resulted. It might, perhaps, be desirable that powers should be given to the Local Government to deal with any case of corruption or bribery at an election which might be found to arise.

8. I am next to consider the enlargement of the Legislative Council of this Province. The Lieutenant-Governor considers that there are several interests which should receive further representation. The official membership could be increased by five members, and this would be as much as this Government could conveniently spare for the purpose, but this number could be supplied from Commissioners and heads of Departments and Secretaries not already in the Council, and would form a valuable addition to the strength of the Council.

The interests which require more representation in this province are the Muhammadan interest, the landed interest, the tenant or rayatwari interest, tea and trade, and a fuller or more frequent representation of the District Boards and Municipalities. As regards the tenant interest, this is not yet organised, and it can only be represented by nomination. It is exceedingly difficult to find a representative nominee.

There are not wanting signs that other interests will force themselves on the notice of Government. Such are the interests of the lower Hindu castes, as, for instance, the Namasudras, who numerically represent by far the larger number of Hindus, who are beginning to organise, and who have submitted class representations to Government. The Assamese again are in interest somewhat apart from

other interests in this Province. Unfortunately they have at present no immediate representative, as their division is not the one at present represented in Council by District Boards or Municipalities under the system of rotation, and this has caused some dissatisfaction. It will generally be well to give them special representation in the years when they do not secure representation by rotation.

9. The definite proposals which the Lieutenant-Governor puts forward are that the nominations under Rule II of Government of India Notification No. 3339, dated Simla, the 16th October 1905, should be augmented as noted below:—

Group A (*Municipalities*).—One more representative.

Group B (*District and Local Boards*).—One more representative.

Group C (*Associations of landholders and others*).—One more representative.

At present the provincial Muhammadan Association of Eastern Bengal and the Eastern Bengal Landholders' Association exercise the privilege in turn. The Lieutenant-Governor would give them each a representative.

Group D (*Associations of Merchants*).—One more representative.

At present the tea and jute trades share one representative between them. The Lieutenant-Governor would give a representative to each.

The Lieutenant-Governor would add one representative to the two at present reserved for nomination under Rule III of the same Notification.

10. Next, to consider the Imperial Legislative Council. The Lieutenant-Governor accepts generally the proposals contained in the letter under reply. As regards this Province, one member would be elected by the non-official members of the Provincial Council, one member representing the Landholders' Association of Eastern Bengal, and one representing the Provincial Muhammadan Association. He would permit the Landholders' Association and the Provincial Muhammadan Association in the first instance to make their own arrangements for electing their representative. One official representative of this Province would presumably also be placed on the Council.

An important interest which ought to be represented on the Imperial Council is the tenant interest, but in the absence of an organised tenants' association, this can only be supplied by direct nomination.

Other important interests which the Lieutenant-Governor would be glad to see represented on the Imperial Council would be the tea and jute industries of this Province, which are represented by the Chambers of Commerce and the Tea Association, respectively.

In this Province, Eurasians do not constitute so large a body as to be entitled to separate representation, but they might combine with other provinces through the medium of recognised Eurasian Associations.

11. To return now to the question of Advisory Councils. The Lieutenant-Governor approves of Advisory District Councils, but they should be, in fact, what their name implies, and should consist of persons invited by the District officer to assist him with their advice. They should represent all important interests in the district and their selection should, as far as possible, be made by the Associations representing those interests with the approval of the District Officer. They should have the right of interview at fixed and suitable times, and of privately addressing the District Officer in the interests of their constituencies, but should have no right to insist on collective discussion of any subject at an authorised meeting. The District Officer would also fix the times and dates for every meeting. The District Officer should have full power to decide on the subjects for discussion at such meetings, and fix the agenda for every meeting, though any one would be at liberty to suggest to the District Officer subjects for discussion at such meetings.

Honours could be conferred on the members of such a council, who might be titled "District Councillors" or "District Privy Councillors" and they might be exempted from the provisions of the Arms Act.

12. As regards a Provincial Advisory Council, the Lieutenant-Governor is rather doubtful whether such a council could be very easily got together. The expense and labour of attending would be considerable if members came from distant places and it is clear that the meetings of such a council could not be very frequent. Possibly one representative from every district council might be elected by the members of the district council and would be willing to represent the special interests of his own district. Representatives of other interests might also be invited to attend. The members of the Legislative Council would from the nucleus of such a council.

13. As regards the Imperial Advisory Council the representatives from this Province would not be very numerous, say, 6 or 7, or perhaps fewer—out of the 40 members other than Ruling Chiefs. The Landlords' Association, the Provincial Muhammadan Association, trade and Commerce, the tea and jute industries of this Province could furnish members for such a council, and if more representatives were required the Provincial Advisory Council and the District Advisory Council would put forward other persons for domination by the Viceroy.

14. As regards the discussion of the Budget in the local council, His Honour is in agreement with the remarks in paragraph 33 of the letter under reply.

I have the honour to be,

SIR,

Your most obedient Servant,

P. C. LYON,

Chief Secretary to the Government of Eastern Bengal and Assam.

ADVISORY AND LEGISLATIVE COUNCILS.

Statement showing the position and status of the several officers and gentlemen who have been consulted.

Page.	Name.	Status and position.
1	2	3
1	Eastern Bengal Landholders' Association	Chandra Kumar Datta, Secretary.
3	Assam Association	Manik Chandra Barua, Secretary.
5	Provincial Muhammadan Association .	The Hon'ble Syed Nawab Ali Chaudhuri Khan Bahadur, Secretary. Member of Legislative Council, Eastern Bengal and Assam.
7	Indian Tea Association . . .	H. M. Haywood, Secretary.
9	Assam Branch, Indian Tea Association .	M. M. Hadow, Secretary.
11	Surma Valley Branch, Indian Tea Association.	The Hon'ble Mr. W. T. Cathcart, Chairman. Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
13	Dooars Planters' Association . .	A. W. C. Chaplain, Chairman.
15	Chamber of Commerce, Narayanganj .	R. Glen, Honorary Secretary.
17	Chamber of Commerce, Chittagong .	J. L. Brown, Secretary.
19	Commissioners for the Port of Chittagong	H. Luson, I.C.S., Chairman.
21	W. B. Brown, I.C.S.	Judge, Assam Valley Districts.
23	E. G. Drake-Brockman, I.C.S. . .	Judge, Dacca District.
25	E. H. Cuming, I.C.S.	Judge, Tippera District.
28	B. K. Mullick, I.C.S.	Judge, Chitagong District.
31	A. Majid P.C.S.	Judge, Rajshahi District.
33	H. Luson, I.C.S.	Commissioner, Chittagong Division. Chairman, Port Commissioners, Chittagong.
37	F. C. Henniker, I.C.S.	Commissioner, Rajshahi Division.
39	F. W. Strong, I.C.S.	Collector, Dinajpur district.
40	J. F. Gruning, I.C.S.	Deputy Commissioner, Jalpaiguri district.
41	S. C. Mukharji, I.C.S.	Collector, Pabna district.
42	J. C. Arbuthnott, I.C.S. . . .	C.I.E. Member of Legislative Council, Eastern Bengal and Assam. Commissioner, Surma Valley and Hill Districts.
44	H. A. Colquhoun, I.C.S. . . .	Deputy Commissioner, Sylhet.
45	F. C. French, I.C.S.	Deputy Commissioner, Cachar.
47	Hari Charan Das	Government Pleader, Cachar.
49	Syed Abdul Majid	Chairman, Sylhet Municipality.
51	Major H. W. Cole, I.A. . . .	Superintendent, Lushai Hills.
53	Kamini Kumar Chanda . . .	Vakil.
59	F. J. Monahan, I.C.S.	Commissioner, Assam Valley Districts.
63	Manik Chandra Barua . . .	Secretary, Assam Association.
67	Major D. Herbert, I.A. . . .	Deputy Commissioner, Kamrup.
72	A. W. Botham, I.C.S.	Deputy Commissioner, Sibsagar.
73	Lieutenant-Colonel A.E. Woods, I.A. .	Deputy Commissioner, Lakhimpur.
74	Major H. M. Halliday, I.A. . . .	Deputy Commissioner, Darrang.
75	Muhammad Ali Nawab . . .	Khan Bahadur. Zamindar, Tippera district.
76	Bar Library, Barisal	Chandra Mohan Chatarji, pleader, Honorary Secretary.
77	District Board, Dacca	B. C. Allen, I.C.S., Collector, Chairman.
78	Ditto, Mymensing . .	L. O. Clarke, I.C.S., Collector, Chairman.
80	Ditto, Backergunj . .	R. B. Hughes-Buller, I.C.S., Collector, Chairman.
84	Ditto, Chittagong . .	P. G. Rogers, I.C.S., Collector, Chairman.
86	Ditto, Noakhali . . .	Nabin Chandra Das, Chairman.
87	Ditto, Rangpur . . .	J. Vas, I.C.S., Collector, Chairman.
89	Ditto, Dinajpur . . .	F. W. Strong, I.C.S., Collector, Chairman.
91	Ditto, Tippera . . .	A. H. Clayton, I.C.S., Collector, Chairman.
92	Municipality, Rangpur . . .	Sarat Chandra Chatterji, Chairman.
94	Ditto, Dacca . . .	Khan Bahadur Khajeh Muhammad Yusuff, Chairman.
100	Ditto, Narayanganj . .	G. Morgan, Jute Merchant, Chairman.
101	Ditto, Barisal . . .	Rajani Kanta Das, Chairman.
103	Ditto, Mymensingh . .	Shama Charan Ray, Chairman.

Statement showing the position and status of the several officers and gentlemen who have been consulted—continued.

Page.	Name.	Status and position.
1	2	3
105	Municipality, Rampur Boalia	Bhuban Mohun Maitra, Chairman.
106	Ditto, Chittagong	E. A. W. Hall, Lieutenant-Colonel, I.M.S., Chairman.
107	Ditto, Gauhati	Azahar Hussain, Vice-Chairman.
109	H. Savage, I.C.S.	C.S.I. Member of Legislative Council, Eastern Bengal and Assam. First Member, Board of Revenue, Eastern Bengal and Assam.
112	C. R. Marindin, I.C.S.	Member, Legislative Council, Eastern Bengal and Assam. Second Member, Board of Revenue, Eastern Bengal and Assam.
116	Khwaja Salimulla of Dacca	Nawab Bahadur, C.S.I. Member of Viceroy's Council. Member of Legislative Council, Eastern Bengal and Assam.
118	Girija Nath Ray	Maharaja Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Maharaja of Dinajpur.
122	R. H. Henderson	C.I.E. Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
123	Dulal Chandra Deb	Rai Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Government Pleader, Sylhet.
127	Sita Nath Ray	Rai Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Zamindar and Banker.
133	Syed Nawab Ali Chaudhuri	Khan Bahadur. Member of Legislative Council, Eastern Bengal and Assam.
138	Khwaja Muhammad Ashgar	Member of Legislative Council, Eastern Bengal and Assam.
140	V. Woods	Member of Legislative Council, Eastern Bengal and Assam. Agent, Assam-Bengal Railway.
142	W. Teunon, I.C.S.	Member of Legislative Council, Eastern Bengal and Assam. Officiating Legal Remembrancer to Government.
145	W. T. Cathcart	Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
147	Municipality, Dinajpur	Jogindra Chandra Chakravarti, Vice-Chairman.
150	Chamber of Commerce, Bengal	H. M. Haywood, Secretary.
155	J. E. Webster, I.C.S.	Judicial Secretary to the Government of Eastern Bengal and Assam.
157	L. O. Clarke, I.C.S.	Collector, Mymensingh district.
159	H. LeMesurier, I.C.S.	C.I.E. Commissioner, Dacca Division.
162	R. B. Hughes-Buller, I.C.S.	Collector, Bakarganj district.
165	B. C. Allen, I.C.S.	Collector, Dacca district.
168	J Donald, I.C.S.	Collector, Faridpur district.
170	Suresh Chandra Singha, P.C.S.	Rai Bahadur. Subdivisional Officer, Munshiganj, Dacca district.
171	Municipality, Faridpur	Ambica Charan Mozumdar, M.A., B.L., Chairman.
172	Bar Library, Dacca	M. K. Ghosh, pleader, Secretary.

Statement showing the position and status of the several officers and gentlemen who have been consulted.—concluded.

Page.	Name.	Status and position.
1	2	3
174	Hemayet-uddin Ahmed	Pleader, Barisal.
176	Jogendra Kishore Rai Chaudhuri	Rai Bahadur. Zamindar, Mymensingh district.
177	Jagat Kishore Acharjee	Zamindar, Mymensingh district.
178	Anath Bandhu Guha	Pleader and Zamindar, Mymensingh district.
180	Rai Parvati Sankar Chaudhuri	Zamindar, Dacca district.
182	Muhammad Ismail	Pleader, Mymensingh.
184	Bar Library, Sylhet	Harendra Chandra Sinha, pleader, Secretary.

No.

FROM

BABU CHANDRA KUMAR DATTA,
HONORARY SECRETARY, EASTERN BENGAL LANDHOLDERS' ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the 1st December 1907.

SIR,

IN accordance with the desire of Government, conveyed through your letter of the 10th October 1907, forwarding a copy of a letter, No. 2310-2317, dated the 24th August 1907, of the Government of India in the Home Department, on the subject of the Imperial and Provincial Advisory Councils, the enlargement of the Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the budget, I beg respectfully to give below the decisions we arrived at in regard to the aforesaid letter of the Government of India, at a meeting of the Committee of the Association held on the 26th instant.

Imperial Advisory Council.

(1) We consider it necessary that the Councillors should be vested with the power, or have the permission, of at least reporting an offering, of their own initiative, their opinions on the needs and sentiments of the people and on other matters of considerable importance to their own province.

(2) We are of opinion that the Council should include among its members a few representatives of the leading and learned class.

Local Advisory Council.

(1) We consider that, irrespective of whether the size is greater or smaller than that of the Imperial Advisory Council, the Provincial Advisory Council must needs have sufficient number of members, besides those nominated from the landed and professional classes, to admit of due representation from all the districts, so that Government may, at all times, be acquainted with the true state of affairs in each district. Each district has its peculiar usage and custom and should be represented separately. We presume that these private bodies will be more accessible to the people than the official ones, and Government will have the double advantage of receiving reports from the officials, as well as having a frank interchange of opinions with the people through these recognised bodies.

(2) As regards presiding over the deliberations of the Local Advisory Council, we beg to suggest that it be done by a non-official member to be elected president at the meeting.

Enlargement of the Imperial Legislative Council.

(1) We consider the amount of land revenue, making a person eligible for a seat, to be extraordinarily high, and propose that this be reduced to Rs. 5,000 only.

(2) We humbly beg to suggest that, while yet keeping a majority, Government be pleased to reduce the number of the official members.

Enlargement of the Provincial Legislative Council.

(1) We beg to suggest that the non-official members be given some additional powers over the distribution of the finance of the province, and that, similar to the procedure introduced by Sir Andrew Fraser in the Bengal Legislative Council, the financial questions be discussed informally before the final debate takes place.

(2) Both the Hindu and Muhammadan members of our Association apprehend that caste representation of the Hindus, as proposed by Government, will ultimately result in serious consequences. The instance may appear to be singular, but from time immemorial the higher classes have been given a predominance over the lower ones, and have had the privilege of a larger share in the administration of the country. In view of the constitution of the Hindu societies in India, such procedures will be disastrous to the Hindus and will interfere with their religion. The high castes, such as the Brahmans, Baidyas and Kyestha, constitute a handful minority of the entire Hindu population, and if such privileges are offered to the lower castes, such as Namasudras, Mahishayas, etc., it might bring revolution in the retire Hindu society. Under the existing rules, the deserving men, high or low, are never grudged, and instances have been that low caste men have secured high appointments and also seats in the Council. The Hindu religion binds the other castes to look upon the Brahmans with veneration, and demand the lower to respect the higher, and to give the lower castes an upper hand over the higher ones, by established regulations, is, on the part of Government, laying hands on the Hindu religion which is by no means desirable. We therefore pray that Government be pleased not to break this long-established order and deprive the higher class of the prominence they deserve.

(3) As regards the District Boards having failed to represent the landed interest, we admit that it is due to some extent to the apathy of the zamindars in getting themselves elected, as many of them are under the impression that their interests are being properly represented.

(4) Our Association is of opinion that the zamindars should be elected and by the landed class, and not nominated as suggested by Government.

I have the honour to be,

SIR,

Your most obedient Servant,

CHANDRA KUMAR DATTA,

Honorary Secretary, Eastern Bengal Landholders' Association.

No.

FROM

MANIK CHANDRA BAROAAH,

GENERAL SECRETARY, ASSAM ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Gauhati, the 28th November 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your letter No. 11535C., dated the 10th October 1907, forwarding a copy of the communication No. 2316 (Public), dated the 24th August 1907, from the Government of India, Home Department, on the subject of formation and enlargement of Councils, and asking for an expression of the opinion of my Association on the points raised in the letter under reply.

The best thanks of my Association are due to Government for giving them an opportunity of expressing their views on such an important subject, and they are deeply grateful to Government for having approached the consideration of the question in a very sympathetic spirit and with a sincere desire to satisfy the just and legitimate aspirations of the people.

After having very carefully considered all the important issues involved in the question, they desire me to submit the following representation to the favourable consideration of Government :—

Imperial Advisory Council.

(1) This important concession granted by the Government will be appreciated by the nobility, gentry, and people at large with very grateful sentiments, as a further recognition of their just claims to share in administrative matters. While agreeing, in the main, with the views expressed by the Government of India in their letter under reference, my Association venture to think that in order to be popular, the Advisory Council should be representative of the people, and that all its members, with the exception of the twenty ruling chiefs, should be elected by their people. The elective principle has already been recognised by the Government and has produced excellent results. Whatever may be said against the fitness of the masses of the people for taking part in the actual work of administration, it must be allowed that, now with the spread of education amongst them and with the elective principle at work for the last 25 years, they may be depended upon to select their own representatives and to return none but their real and popular leaders to the Advisory Councils. The privilege of election will not only be greatly valued by the people as affording a scope to their legitimate aspirations for a voice in the government of their country, but will also better serve the purpose indicated in paragraph 3 of the India Government's letter under reference.

There may be a strong sentimental objection on the part of territorial magnates and zamindars to contest for a seat in an open election, but they cannot have any to being elected by men of their own class, and my Association would, therefore, suggest that the number of members required be distributed equally among all the provinces, and that territorial magnates and landholders formed into a class, public bodies representing large interests and not merely a class or clique, Municipalities and Local Boards in each province may be empowered to make the necessary elections.

On the very same grounds my Association hold that the opinions of the Councillors in a meeting assembled should be formally recorded, and as a general rule, published, subject to the provision that in exceptional cases His Excellency the Viceroy may, for reasons of the State, direct that their proceedings, or any part thereof, be treated as confidential and withheld from publication.

Publicity of the proceedings will bring home to the minds of the Councillors the responsibility of their position and at the same time it will leave no room for the intentions of the Government being misconstrued by the people at large.

The value of collective deliberations being already recognised by the Government, it is necessary that all important questions referred to the Imperial Advisory Council should be discussed only at a general meeting of the Councillors, and that they should formally meet at least once in a year, if not more frequently. It is also desirable that they should be allowed to elect nine of their members, one from each province and two to represent the minorities and backward provinces, such as Assam and Orissa, to represent them at the Imperial Legislative Council.

Provincial Advisory Councils.

(2) The above remarks also apply to the constitution of these Councils. At present the number of members for each Council has not been fixed, but speaking for the province of Eastern Bengal and Assam, my Association would suggest that the number should be 30, 10 to be nominated by the Government, 2 from each division, and the remaining 20 to be equally divided among all the divisions and elected in the manner stated above.

(3) With regard to the constitution of the Imperial Legislative Council, my Association desire respectfully to point out that even under the present system the four Provincial Councils of Bombay, Madras, Bengal, and the United Provinces elect one member each to the Imperial Council. Accordingly, with the enlargement of the latter Council, it will become necessary that they should elect more members in order to be as adequately represented as at present. It is therefore to be hoped that the number of non-official members to be elected by the Provincial Councils be raised to fourteen, that is to say, each of the Provincial Councils be allowed to elect two members instead of one, it being understood that, of the two members from the Council of Eastern Bengal and Assam, one should be either elected by the Assamese members on the Council or nominated from among them by His Honour the Lieutenant-Governor.

By allowing all the interests to be fairly represented in the Council, Government may maintain a strong official majority, in the best way they think proper.

Provincial Councils.

(4) As no definite scheme has, in view of great variety of conditions in different parts of India, been laid down by the Government of India, my Association think it presumptuous on their part to formulate a scheme of their own, and they will therefore confine their remarks to the proper representation of their own division. They fully agree in the views expressed in the Government of India's letter that, as regards the Municipalities and Local Boards, the qualifications required both for electors and candidates are very low, and they would here take the liberty of strongly condemning the system introduced by Sir B. Fuller, of giving the *gaonboorahs* the monopoly of voting for members elected for Local Boards. For electors, my Association would propose all landholders paying an annual revenue of Rs. 100 or upwards, persons paying an income-tax, and schoolmasters or pandits drawing a pay of Rs. 20 and upwards a month. For candidates, landholders or zamindars paying an annual revenue of Rs. 500 or upwards, lakhirajdars or proprietors of fee-simple grants holding not less than 300 acres of land, persons paying an income-tax of Rs. 50 and upwards, first grade pleaders, Honorary Magistrates, and graduates of not less than five years' standing.

A similar system can, my Association believe, be adopted as regards the Municipalities, but that a lower scale of yearly payment of taxes, *i.e.*, Rs. 10 or upwards, for an elector and Rs. 30 or more for a candidate, should be prescribed.

The Municipalities and Local Boards either alternately or both together, the zamindars of Goalpara and the Tea Planting Community alternately, should, my Association respectfully submit, be given the privilege of returning a member each to the Provincial Council. These two members and another from our Association should be able to represent truly the interests of Assam, and my Association venture to hope that the Government will be graciously pleased to give them the full advantages of the opportunity that has occurred.

Regarding the discussion of budget in the Legislative Council, all my Association desire to stay is, that members should have access to all the figures and proposals contemplated by Government before the budget is framed, or it would be useless, as is the case now, to discuss a budget that has already been settled.

I have the honour to be,

SIR,

Your most obedient Servant,

MANIK CHANDRA BAROAAH,

General Secretary, Assam Association.

No.

FROM

SYED NAWAB ALY,
SECRETARY TO THE PROVINCIAL MUHAMMADAN ASSOCIATION,
EASTERN BENGAL AND ASSAM,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 30th November 1907.

SIR,

I AM directed by the Committee of the Provincial Muhammadan Association, Eastern Bengal and Assam, and the Anjumans in the Province affiliated to it, to acknowledge with thanks your No. 10219 C., dated Shillong, the 10th September 1907, forwarding a copy of the communication No. 2316 (Public), dated Simla, the 24th August 1907, from the Government of India in the Home Department, and inviting their opinion on the subject of the formation of the Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils, and the procedure to be adopted in discussing the Imperial and the Provincial budgets, and to submit the following opinion discussed and finally adopted at a meeting of the members held on the 29th November 1907.

Advisory Councils.

The Association is of opinion that the constitution of the Advisory Councils on the contemplated basis will be an inestimable boon conferred on the people by Government, as it will facilitate free intercourse of thoughts between the people and Government and bring them into closer touch. Under the existing system it has been invariably observed that even the beneficient and well-intentioned Government measures are looked upon with suspicion, and often misconstrued, resulting in the imperceptible but deplorable growth of disloyalty in the popular mind, and finally in the dissemination of sedition and disturbance of public tranquillity, but these Advisory Councils will, if not completely, in a considerable measure, tend to obviate the difficulties arising out of the mutual misunderstanding of aims and objects, affording, as it will do, an opportunity to the people of directly approaching the highest authority and representing their grievances through their natural leaders, who will as well be in a position to place before them a true exposition of the views of Government.

While highly approving the appointment of the Councillors by nomination, the Association begs to point out, with regret, that the hereditary Muhammadan leaders, though they may be men of education, are not generally versed in religious laws or in the social laws which are inseparably bound up with religion, and difficulties will in consequence be experienced in securing authenticated opinions on matters affecting such social or religious laws of the Muhammadans. It, therefore, humbly begs to suggest that the Council may include a proportionate number of the Motwallies of the *Khankhas*, the Shums-ul-ulams and the Maulanas who are admittedly men of culture and the best authorities in such matters.

As regards the number of Councillors in the Provincial Advisory Council, it considers that it should be fixed irrespective of the size of the Imperial Council. To make the scheme a complete success, it is essential that each district should have a member of its own to represent its interest and furnish Government with all information whenever called for. It is also higly desirable that when an important question is in issue the local authorities would invite these Councillors, who are in the confidence of Government, to friendly consultation and then decide on the course to be adopted. This course alone will contribute greatly to the efficient administration of the country and ensure peace and prosperity. The Association notes that the members of the Advisory Councils are not to be vested with formal powers of any sort; but without any encroachment on the absolute power of the Government may it venture to suggest that like the administrative authorities these private bodies be allowed to report, on their own initiative, on the needs and the grievances of the people and on other matters which they might consider to be of sufficient moment,--not

by way of interpellation, but in the shape of mere representation of facts submitted loyally for consideration of the Government should they deserve it. This privilege, the Association ventures to presume, will infuse into the Councillors themselves an idea of the responsibility of their high functions and enhance their importance to the public.

Enlargement of the Imperial Legislative Council.

The Association begs to offer its heartfelt thanks to the Government for the benevolent intention of securing a representation in the Council of all important classes and interests, as far as possible, and it expresses its deep debt of gratitude to His Excellency Lord Minto and shall ever cherish in memory his Government for the kind recognition of the legitimate claims of the Muhammadans. It is of opinion that the scheme is a decided improvement, and it is all that could be decided. It begs, however, to point out that the money qualification, as set forth therein, is far too high, for many of the Muhammadan territorial magnates, whose dignity and status rests not so much on wealth of which they are mostly destitute, as on their family traditions and noble name, will not be entitled to a seat. With a view to making it accessible to a sufficient number of Muhammadan gentry, it ventures to suggest that Rs. 25,000 be reduced to Rs. 5,000 only for the Imperial Council and Rs. 2,000 only for the Provincial.

Provincial Legislative Council.

The Association notes with the highest satisfaction that Government are desirous of introducing a system similar to the one prevalent in Rangoon and Mandalay with regard to the election of the Municipal and District Boards, and it is confident that it will suit the Muhammadans well. The Association, however, confesses that the Muhammadan community were full of apprehension as regards the constitution of the Provincial Legislative Councils under the new organisation, and it is gratifying to find that Government has made sufficient provision commensurate with their needs and aspirations. Under the old system the Hindus had virtually the monopoly of these elections for the simple fact that the zamindars are mostly Hindus and tenants, though the majority of them are Muhammadans, could not dare cross their landlords' will. The proposal which has now been made, namely, that the Muhammadans will exclusively vote for the Muhammadans is only just and fair. It highly appreciates the suggestion embodied in clause 22 which has its through approval.

In conclusion, it again begs to thank the Government for the consideration bestowed on the legitimate aspirations of the Muhammadans and for allowing them a wider scope in the legislation of the country.

I have the honour to be,

SIR,

Your most obedient Servant,

SYED NAWAB ALY,

Secretary to the Provincial Muhammadan Association,
Eastern Bengal and Assam.

No. 26—0.

FROM

H. M. HAYWOOD, ESQ.,

SECRETARY, INDIAN TEA ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Calcutta, the 10th January 1908.

SIR,

I am now directed to address you with reference to your letter no. 12740C.,* dated the 18th November 1907, in which you invite the views of the Indian Tea Association upon the proposals which have recently been made by the Government of India, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils. The Committee do not propose to enter into any detailed criticism of the proposals of the Government of India; they heartily sympathise with the policy that has dictated them, although they do not agree that sufficient account is taken of the importance of the commercial interests of the county. But they desire to limit themselves to a discussion of the measures as they affect the Tea industry, and to suggestions as to the representation which it merits on the different Councils.

* Letter no. 2310—17, dated the 24th August 1907, from the Government of India, Home Department, to the Local Governments and Administrations.

2. The Committee think it well to preface their remarks with some statistics which will serve to indicate the importance of the industry. In the whole of India the quantity of land under actual tea cultivation was, in 1906, 531,808 acres, while the land occupied by planters, although not under tea, was 1,011,815 acres. The capital of the Joint Stock Tea Companies registered in India and in London amounts to nearly 22 crores of rupees, to which has to be added the large amount of private capital engaged; and all this capital is irrevocably sunk in the country. The figures of area for Eastern Bengal and Assam were in 1906, respectively, 423,828 acres under tea cultivation and 914,925 acres not under tea cultivation; and the number of persons in the province to whom direct employment is given on tea gardens approximates to half a million, exclusive of their dependents. It has to be remembered, too, that the industry gives rise to many other smaller trades, which entirely owe their prosperity to it. And it accounts for over 40 per cent. of the exports from the province according to value.

3. The Committee come now to deal with the suggestions of the Government of India in regard to the formation of Advisory Councils. With regard to the Imperial Advisory Council, they feel that matters affecting the industry they represent are bound to come under consideration from time to time, and they accordingly recommended that a representative of planting interests be given a seat on this Council. On the Provincial Advisory Council of Eastern Bengal and Assam they do not hesitate to ask for two representatives—one to be representative of the tea districts in the province, and the other to represent those who are responsible for the management of the industry in Calcutta, the nomination for the latter seat being entrusted to this Association. The reason the Committee have in making the recommendation is that, although the area under tea cultivation—so far as Eastern Bengal and Assam is concerned—lies within the limits of the province, the industry is very largely controlled from Calcutta; this being the case, it seems only reasonable that the Indian Tea Association should be represented on the Eastern Bengal and Assam Advisory Council, and therefore it is asked that one seat on the Advisory Council should be allocated to them. The representation of the local Branches of the Association and of the different planting organizations throughout the tea districts is equally important and one seat is accordingly asked for them.

4. The question of the representation of industry on the Legislative Councils now falls to be considered. The scheme suggested by the Government of India in paragraph 12 of their letter for the composition of the Imperial Council appears to the Committee to give altogether an inadequate number of representatives of non-official Europeans. They note with much satisfaction that as there outlined, the scheme is only tentative, and they strongly urge that arrangements should be made for a number of seats to be given to those engaged in commercial and industrial pursuits. The Committee foresee that it would be difficult to provide for a representative of this industry alone, but what they would respectfully suggest is that the Government of India should set aside one seat for a representative of the different planting interests in the mofussil.

5. With reference to the Eastern Bengal and Assam Legislative Council, the Committee desire to record their view that up to the present the claims of the tea industry for adequate representation have not been sufficiently recognised. The question has been the subject of correspondence between the Government of the Province and this Association in the past, but as yet the unanimous request of all connected with the industry for permanent representation has not been granted. The last representation of the Committee on this matter was submitted for the sympathetic consideration of the Government of India, but it was intimated that all interests could not then be provided for without unduly enlarging the Council. This opportunity is taken to urge most strongly that any scheme of enlargement should provide for two representatives of the industry: one of the seats, the Committee would ask, should be placed at the disposal of this Association, for the same reason as is indicated in paragraph 3 with regard to the Provincial Advisory Council, the other being given to a representative from the tea districts.

Letter no. 11781J. of 1st November 1906, from the Secretary to the Government of Eastern Bengal and Assam, to the Secretary, Indian Tea Association.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,

Secretary, Indian Tea Association.

No. 274—5.

FROM

M. M. HADOW, ESQ.,
SECRETARY, ASSAM BRANCH, INDIAN TEA ASSOCIATION,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,
OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM

Dated Dibrugarh, the 26th November 1907.

SIR,

IN continuation of this Association letter of the 14th October 1907, I have the honour to state that your letter No. 11537 C., of the 10th October 1907, forwarding copy of a communication from the Government of India, No. 2316 (Public), dated the 24th August 1907, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, was discussed at our annual general meeting held at Dibrugarh on the 12th November 1907. This Association wishes to associate itself with the representations on the above subject made by the Surma Valley Branch, Indian Tea Association and the Dooars Planters' Association.

It notes with regret that the general tendency of the tentative scheme propounded for the Imperial Councils is to Indianize them and, with due respect, submits that greater weight might be given to English capital and enterprize which has done, and is still doing, so much to build up the financial and commercial prosperity of the Empire.

It should be borne in mind that practically the entire capital of the industry (amounting to between 12 and 14 millions of pounds sterling) is irrevocably sunk in the country, and that the industry may fairly claim to be the greatest industry in India, holding as it does some 475,000 acres of land from Government, and being responsible for 49 per cent. of the exports of this province, amounting in value to 155·79 lakhs of rupees yearly.

Up to the present this industry has had to share a single seat in the Legislative Council of this Province with the Jute industry, whose commercial stake in the country, it is submitted, cannot be compared with Tea, as its conditions do not necessitate the taking up, or permanent holding of land or require the permanent investment of capital in the country.

This Association now trusts, with the expansion of Legislative Councils, that it may be possible to place two permanent seats on the Provincial Legislative Council at the disposal of the Tea industry, and further respectfully submits that the industry is fairly entitled to be permanently represented on the Imperial Legislative and Advisory Councils, and trusts that their claims to adequate representation will receive the sympathetic consideration that the importance of the industry demands.

I have the honour to be,

SIR,

Your most obedient Servant,

M. M. HADOW,

Secretary.

SURMA VALLEY BRANCH,

INDIAN TEA ASSOCIATION.

FROM

THE HON'BLE MR. W. T. CATHCART,
CHAIRMAN, SURMA VALLEY BRANCH,
INDIAN TEA ASSOCIATION,

To

THE HON'BLE MR H. LEMESURIER, C.I.E., I.C.S.,
OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

AMRAIL, SATGAON P. O.,

South Sylhet, the 10th October 1907.

SIR,

As requested in the Resolution (No. 10219 of date the 10th September 1907) issued by the orders of His Honour the Lieutenant-Governor, in reference to the Government of India communication (No. 2316 of date the 24th August 1907) on the subject of the formation of Imperial and Provincial Advisory Councils, and of the enlargement of the existing Imperial and Provincial Legislative Councils, I have the honour to submit on behalf of my Association the following opinion on the points raised in the above Government of India communication.

We observe with extreme regret that whilst it is proposed to increase the non-official representation on both the Imperial and Provincial Councils, that this increase appears to be entirely confined to Native representation, and while we gladly welcome a proposal which promises to the non-official classes a further share in the future legislation of the country, we would respectfully point out that unless the European non-official community be allowed to participate in the benefits of the increased representation, their position will be very much worse than at present. Further recent occurrences throughout India have been such as to cause non-official Europeans to look with the gravest uneasiness on a proposal to give an increased Native representation, without their being accorded a compensating equivalent, in consideration of the stake they have in this country, and the interests which they represent.

We would urge more especially the claim of the Tea Industry to an increased representation, it being not only the greatest industry of this province, but amongst the greatest in India. Its whole operations are carried on within this country, and it has perhaps a greater immoveable and vested interest than any other.

Thus any legislation affects it more closely than is the case as regards other industries, which rely, chiefly or in part, on India for the supply of their raw material alone. Further, there can be no question but that the Tea Industry in India has suffered much from want of representation in the past.

One of the greatest menaces to its prosperity in the future is the labour question, and many of us consider that this difficulty is greatly, if not entirely, due to faulty legislation in the past.

We may here contrast the position of Ceylon where the planting community have always had a share of representation proportionate to the interest which they represented in the Colony. There the Tea Industry has been fostered and aided by the Government of the Colony, and with the assistance of that Government a " Labour System " has been organized, which has made going to work on Ceylon tea estates extremely popular with the natives of Southern India, and has also immensely benefited the employers of labour in Ceylon. In India, where the " Planting interest " has been entirely unrepresented, little or no assistance has been given, and the Labour Acts have been burdensome alike to employer and employed. It is true that during the consideration of the last Labour Act (Act VI of 1901), one representative each from the Surma and Assam Valley was appointed to the Imperial Legislative Council for the purposes of that Bill, but a representative who is brought in thus for the consideration of an already drafted Bill can be of little real usefulness : he is not in touch with his colleagues, and the most he can hope to effect is the alteration of one or two clauses, which he may consider most hurtful in the Bill.

A permanent representative would, on the other hand, have the opportunity of suggesting beforehand a perhaps entirely different method of dealing with what the Bill was intended to amend.

It is for these reasons that we would earnestly urge that further representation should be given to the Tea Industry, and we would respectfully suggest that two members should be nominated by it, on both the Provincial Legislative and Advisory Councils, and that it should also have one representative on each of the Imperial Councils.

I have the honour to be,

SIR,

Your most obedient Servant,

W. T. CATHCART,

Chairman, Surma Valley Branch, Indian Tea Association.

DOOARS, PLANTERS' ASSOCIATION.

SAM SHING TEA ESTATE.

Chalsa Post Office, B. D. Railway.

FROM

A. W. C. CHAPLAIN, ESQ.,
CHAIRMAN, DOOARS PLANTERS' ASSOCIATION,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,
OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

The 2nd November 1907.

SIR,

I have the honour to acknowledge receipt of your letter no. 11539 C., dated 10th October 1907, forwarding copy of the communication from the Government of India in the Home Department, no. 2316 (Public), dated 24th August 1907, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to the adopted in discussing the Imperial and Provincial Budgets, and inviting an expression of opinion from my Association on the above proposals.

2. In reply, I have the honour to inform you that on the 28th October 1907, a general meeting of my Association was held in Jalpaiguri to discuss the above proposals from Government, and after a full discussion I was requested to address you on the subject and to formulate the views of my Association for the consideration of Government.

3. The proposal now under consideration of Government is, we understand, to have 54 members of the Imperial Council, which shall consist of the Viceroy's 28 officials, 1 a Ruling Chief, 2 representatives of Calcutta and Bombay Chambers of Commerce, 7 members returned by the 7 existing Provinces or Provincial Legislatures, 7 representives of Indian Nobles and landholders, 2 Muhammadans, as such, 4 non-officials nominated by the Viceroy, of whom not less than 2 to be Muhammadans, and, when necessary, 2 experts selected by the Viceroy. These arrangements omit Trade Associations, Planting and Mill Industries altogether and give only 2 representatives to Commerce.

4. The details of Provincial Legislatures have been left for future elaboration, but may be expected to follow the principles on which the Imperial Legislature is to be based. These principles tend to restrict non-official representation on both the Imperial and Provincial Legislatures so as to practically exclude the planting and manufacturing industries, since their chances of nomination among District Boards and other rural bodies, who almost invariably nominate members of the legal and other professions, are usually swamped. Great producing industries, therefore, such as our own, on whom so increasingly large a share of the prosperity of the country, the wealth and comfort of large classes of the people, so directly depends, are thus left altogether unrepresented.

5. On the 14th May 1906 my Association addressed the Government of Eastern Bengal and Assam on the subject of the inadequate representation of the Tea Industry on the Provincial Council and expressed the alarm with which we viewed the rule stipulating that the Tea and Jute Industries were to share the privilege of nominating a representative, and that no provision was made for the permanent representation of the Tea Industry on the Council. The Government of Eastern Bengal and Assam in their reply sympathised with this feeling, but pointed out that the permanent representation of the Tea Industry on the Council was unfortunately, for the present, impossible, owing to the regulations passed by the Governor General in Council allowing of only one representative for both the Tea and Jute Industries.

6. The Government of India have now made further definite suggestions with regard to the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets. My Association therefore consider that a suitable opportunity has now been afforded of again opening the question of permanent representation of the Tea Industry on the Councils.

7. The Tea Industry of Eastern Bengal and Assam controls 914,925 acres the land, of which 423,828 acres are under tea cultivation, representing property of the aggregate value of not less than 25½ crores of rupees (£17,000,000). The value of the annual production of tea exceeds 10 crores of rupees, of which over 5 crores are spent in the province itself. The Industry affords regular employment to nearly half a million people and their dependents, is primarily responsible for many minor trades, industries and markets that have sprung up around it and is pre-eminently one of the chief civilizing and wealth-producing factors of the province.

8. Under the present arrangement, this great Industry shares the privilege of recommending a person for nomination to the Provincial Council with the Jute Industry; it is represented for two years, then remaining unrepresented for one; it has no right to permanent representation on even the Provincial Council. The Jute-growing industry is a purely native one, and its interests in common with rice and other agriculture products are represented on the Legislatures by the landholders, of which class there are several representatives on the Councils. Tea, on the other hand, is almost an entirely European industry, and the land is held direct from Government. It is, we submit, sufficiently important in itself for separate representation on both the Imperial and Provincial Legislative and Advisory Councils, and, owing to the paucity of non-official European members on the Government Councils, it has not hitherto received a measure of representation commensurate with its numbers or its political and economic importance.

9. It seems to us anomalous that a class that has so large a stake in the country, that has taken so great and leading a part in the permanent development of the Province, that contributes to so important a degree, both to the Imperial and Provincial revenues, should be practically excluded from representation on its Legislatures.

10. The planting community, moreover, apart from the vested interests they represent, come by reason of the nature of their occupation into closer touch with the people themselves than any other European class in India. On the Tea Planters depend, directly and indirectly, the livelihood, welfare and contentment of nearly a million of His Majesty's subject, who look up to them for protection from famine and oppression, for the representation of their interests, and redress of their private and public grievances. It is the avowed intention of the Imperial and Provincial Governments to endeavour to come into closer touch with the people, and we respectfully submit that the first step towards the realization of this principle is the more adequate representation on the Legislative and Advisory Councils of those classes, who live amongst the people themselves, who are in sympathy with their customs and requirements, who are trusted by them, and who best understand their needs.

11. My Association desire to thank Government for the invitation accorded them of expressing an opinion on the above important question of representation, and I have the honour, on behalf of my Association, of submitting their views as above for the sympathetic consideration of Government.

I have the honour to be,

SIR,

Your most obedient servant,

A. W. C. CHAPLAIN,

Chairman, Dooars Planters' Association.

FROM

THE CHAMBER OF COMMERCE, NARAYANGANJ,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Narayanganj, the 10th December 1907.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 1151C., dated Shillong, 10th October 1907, enclosing a copy of the Government of India letter No. 2316(Public), dated Simla, 24th August 1907, and requesting that an expression of the opinion of this Chamber of Commerce on the points raised therein may be communicated to His Honour the Lieutenant-Governor.

2. In reply, I am to state that the Chamber has very fully considered the points raised in the Government of India's letter, and I beg to give below an expression of its opinion thereon and more particularly on those points which seem to come most within its scope, *i.e.*, the election of Municipal and Local Boards.

Imperial and Provincial Advisory Councils.

3. The Chamber is of opinion that the formation of these Councils, as provisionally set forth in the letter of the Government of India, would be of immense advantage to the Government in enabling them to obtain the opinion and advice of persons qualified to express the views of the different classes of the population, and who might be safely trusted to make known to the people the true aim and intention of the acts of the Government, thus greatly assisting the Administration by promoting more intimate relations between the Government and the people through their natural leaders.

Imperial and Provincial Legislative Councils.

4. The Chamber ventures to express its entire sympathy with the desire of the Governor General in Council that the Legislative Councils should be enlarged to the fullest extent compatible with the necessary authority of the Government and at the same time made more truly representative of all the more important classes and interests concerned.

5. As it would appear that to a certain extent the foundation on which the elected portion of the Councils is based is the Municipal and Local Boards, the Chamber considers that its opinion will be most usefully offered with regard to the method of electing these bodies—

(*a*) In the first place the Chamber considers that the present method of election by wards is unsuitable as a means of obtaining a true representation of all the classes and interests concerned, as it lends itself to a monopolising of the great majority of the seats by a professional class, who, as a rule, have little or no real interest in the localities they nominally represent, but whose influence is becoming more apparent each year and that not always to the welfare of the communities by whom they are elected.

(*b*) The Chamber considers that the Members of Municipal Boards should be, as hitherto, nominated as to one-third of their number by Government and elected as to the remaining two-thirds.

(*c*) In place of the ward system of election, the Chamber would strongly advocate the adoption of the principle suggested by Government of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and permitting the members of each class to select its own representative, as set forth in paragraph 22(*c*) of the Government of India letter under consideration, with the proviso that in cases where there exists

any predominant interest, trade or otherwise, special means should be adopted to ensure such interest having the full amount of representation which is due to its stake in the locality.

If the Chamber may be permitted to cite, as an example of their meaning, a particular case, it would point to the case of the Municipality of Narayanganj, which has a membership of twelve, consisting of—

4 Government nominees, Europeans.
5 Pleaders or Mukhtears, including Muhammadans.
1 Hindu trader.
I Muhammadan.
1 Petty contractor, Muhammadan.

12

The four Government nominees represent in themselves annual taxation amounting to Rs. 8,762-14, approximately 94 per cent.,
the five pleaders „ 29-15, „ $\frac{1}{3}$ „
the remaining three „ 545-15, „ $5\frac{2}{3}$ „
„ 9,338-12,

while the bulk of the total Municipal taxation is paid by the European traders, whose only possible way of securing representation under present circumstances is by Government nomination. In such a case, the Chamber would suggest that, as it represents the entire European mercantile community, it should have the privilege of nominating four, or at least three members, to the Municipal Board, subject to the approval of His Honour the Lieutenant-Governor, in addition to the Government nominees. This would leave four or five members to be elected on the class principle, and these might consist of—

One owner of house or landed property.
„ Native trader.
„ Muhammadan.
„ or two professional ; if two, one to be a Muhammadan.

A Board such as this would seem to the Chamber to much more justly represent the interests concerned than any which it is possible to have under the existing conditions. The case which the Chamber puts forward as an example is no doubt more or less representative of the conditions prevailing in many other Municipalities, and the merits of each, with the manner in which the distribution of seats may most justly be fixed with regard to all the interests concerned, would be a matter for the Provincial Government to determine.

Local Boards.

6. The Chamber would suggest modifying the method of election to these Boards on lines similar to those proposed for adoption with regard to Municipalities.

7. While the question of enlarging the Provincial Legislative Council is under discussion, the Chamber would take the opportunity of putting before Government the hope that it may be granted the privilege of having continuous representation on the Provincial Council, as part of any scheme for increasing the non-official element.

I have the honour to be,

SIR,

Your most obedient Servant,

ROBT. GLEN,

Honorary Secretary.

FROM

J. L. BROWN, ESQ.,

CHAIRMAN, CHITTAGONG CHAMBER OF COMMERCE,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Chittagong, the 23rd January 1908.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 11540C., dated 10th October 1907, requesting the opinion of this Chamber on the proposals set forth in letter Nos. 2310—2317, from the Officiating Secretary to the Government of India, and in this connection I would make the following remarks as to the opinions which have been expressed by the Chittagong Chamber of Commerce. With the proposals as to the forming of Advisory Councils, this Chamber is in accord, and I consider that the formation of such bodies should be of great use in enabling Government to more closely be in touch with the many classes it has to deal with and to obtain the opinions of the various races and interests its rules. Moreover the opinions obtained, whether collectively as the result of a meeting or privately in writing from an individual, should be of more weight if coming from elected Councillors, than if emanating from bodies or individuals who have not been specially selected for Advisory purposes.

It is, however, the opinion of this Chamber that the result of the meetings of such bodies, whether Imperial or Provincial, should be made public and that such meetings should not, as is suggested, be held *in camera*.

1. *Imperial Advisory Councils.*—The chief object of the formation of this Council seems to be that the ruling Chiefs and territorial magnates of India should be sufficiently represented to make their wants felt, and that the presence of such Chiefs or magnates as recognised members of a determinate body of advisors will bring Government into closer relationship with the big landholders and at the same time stimulate the interest of this class in Government affairs, and with this object I heartily concur, but at the same time as a commercial body we consider that trade interests should be equally provided for, even if this necessitates the number of this Council being increased.

2. *Provincial Advisory Councils.*—It is stated that such combinations should be " a selected body of advisors chosen upon the wider basis " to be consulted on all matters of importance, and again here I would urge that if such a body is formed commercial interests should be fully represented, even if the enlargement of the Council is necessary. I would strongly urge that the two great industries of the province—tea and jute—should be separately represented on the proposed Advisory Council of this province.

3. *Imperial Legislative Council and its enlargement.*—We view with concern also that in the provision made for an enlarged council to consist of 54 members only, only two commercial bodies— Bombay and Calcutta—have the nomination of a member, and while fully recognising the overshadowing proportion of the trade of Calcutta and Bombay to that of other ports of India, we cannot help feeling that no scheme would be complete which did not give representation to the commercial interests of the smaller ports and provinces, such as Chittagong and Eastern Bengal and Assam. Very large interests are locked up in the jute, tea and other planting concerns of the province, and their claims to representation are strongly urged by my Chamber.

4. *Provincial Legislative Councils and their enlargement.*—Here also I would urge that the Council should be increased in numbers, if necessary, so that the industries of tea and jute should receive separate recognition ; and while on this topic I would bring to your notice a matter which affects the prestige of this Chamber

very closely, namely, that it has no power in electing the non-official member who represents Chittagong on the Legislative Council of this province. The Chittagong member is at present elected by the Local Port Trust—a body which has a standing Government majority, and it is significant that the Port Trust representative, the Agent of the Assam-Bengal Railway, did not at his election receive the vote of a single non-official member of the Port Commissioners.

In the proposed formation of the Legislative Council the Chamber of Commerce of Calcutta and Bombay are each to have the right to elect a member. Surely, therefore, our Chamber should also have the privilege of electing the non-official member who is to represent Chittagong on the Council of this province. I trust that this matter will receive favourable consideration.

I have the honour to be,

SIR,

Your most obedient Servant,

J. L. BROWN,

Chairman, Chittagong Chamber of Commerce.

No. 2057.

FROM

H. LUSON, ESQ., I.C.S.,
CHAIRMAN OF THE COMMISSIONERS FOR THE
PORT OF CHITTAGONG,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Chittagong, the 26th November 1907.

SIR,

1 have the honour to acknowledge the receipt of your letter No. 11542C., dated the 10th October 1907, forwarding copy of letter No. 2316, Home Department (Public), dated the 24th August 1907, from the Government of India, on the subject of the proposed formation of an Imperial Advisory Council and of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial Budgets, and requesting the Port Commissioners' opinion on the points raised therein.

2. In reply I beg to inform you that the correspondence on the subject was laid before the Port Commissioners at their 27th special meeting held on the 22nd instant when they passed a Resolution No. 3, a copy of which is enclosed herewith.

I have the honour to be,

SIR,

Your most obedient Servant,

H. LUSON,

Chairman, Port Commissioners.

Copy of Resolution No. 3, passed at the Port Commissioners' meeting of the 22nd November 1907.

Read 3.—Letter No. 11542C., dated the 10th October 1907, from the Local Government, forwarding copy of letter No. 2316, Home Department (Public), dated the 24th August 1907, from the Government of India, on the subject of the proposed formation of an Imperial Advisory Council and of Provincial Advisory Councils, the enlargement of an Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and requesting the Port Commissioners' opinion on the points raised therein.

Resolved.—The Port Commissioners consider that commerce and industry should be represented on the proposed Advisory Councils as well as on the Legislative Councils, and that there should be at least one non-official representative of such from this province and the Imperial Advisory Council and two on the Provincial Advisory Council of Eastern Bengal and Assam.

The Port Commissioners regret that very little allusion is made to commerce and industry in these proposals of Government, and that provision is only suggested for the election of two representatives of such, one each by the Chamber of Commerce of Calcutta and Bombay, respectively. The Port Commissioners consider that the interests of commerce and industry in the outlying provinces require specially to be represented an the Imperial Legislative Council, and that in this province there should be never less than one non-official representative of such. To ensure this the number of 54 suggested for the Imperial Legislative Council should apparently be increased.

The Port Commissioners consider that the Local Legislative Council of Eastern Bengal and Assam should consist of 21 members and that the Tea and Jute Industries should always be separately represented by elected members.

No. 3044.

FROM

W. B. BROWN, ESQ., B.A., I.C.S.,
JUDGE OF THE ASSAM VALLEY DISTRICTS,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Gauhati, the 22nd November 1907.

SIR,

IN reply to your letter No. 11496 C., dated the 9th October 1907, I have the honour to say that the subjects discussed in the letter of the Government of India are not much in my line of business, but I shall give my opinions briefly on the different questions raised.

The institution of an Imperial Advisory Council on the lines proposed by the Government of India appears to be a measure which will gratify many important interests and will materially assist the administration in obtaining the information necessary for the initiation of important schemes of policy, in familiarizing the public with the intentions of Government, and in ascertaining the effect of its measures when they have come into operation. Such a Council would, for instance, have been of great use in the course of the combat against the spread of plague. The proposed Council seems almost identical with the indigenous institution of the Darbar as it existed under the Muhammadan emperors and before it became a mere court of ceremony, and I think it might appropriately be known as the Khas Darbar of the Viceroy.

With regard to the composition of the Council, I have no remarks to make, except that the proportion of ruling chiefs seems too large for a council which will deal mainly with the affairs of British India.

Provincial Advisory Councils would, in a similar manner, prove useful to Local Governments in the conduct of their administration. In this province care should be taken to preserve the separate identity of the Assamese people and to recognize the wide difference between the institutions of Assam and Bengal. The Councillors from Assam should sometimes be consulted as a separate body on questions which peculiarly concern their country.

The enlargement of the Imperial Legislative Council is a reform for which the times are ripe; and the reconstitution of the Council proposed in section 12 of the Government's letter appears to be satisfactory on the whole. It is a pity that the necessity of maintaining an official majority requires the presence of so many as twenty additional officials on the Council, for all practical purposes it would be better to lay down that the votes of class A of the scheme should count as double their actual number. A ruling chief is quite in his place on an Advisory Council; but as he is not a British subject it seems anomalous that he should legislate for British India. The schemes put forward for electing representatives from the classes of nobles and landlords and of Muhammadans do not seem to me likely to work well. It would be better to leave the election to the associations which represent such classes in the provinces where suitable associations of the kind now exist; and in the other provinces to nominate persons to represent these interests until such associations have been formed. Probably if Government would indicate the proper constitution for associations of landlords or Muhammadans to which the privilege of electing members of the legislature might be entrusted, these classes would succeed in forming such associations.

I do not see any necessity for enlarging the Provincial Legislative Councils, the duties which they perform are not of much importance, and can be as well discharged by a small body as a large one. It is not worth while to take up the time of a number of officials and business men attending such Councils. The Local Government can discuss the general effect of its proposed measures with the

Advisory Council; and the actual work of hammering them into the shape of laws may be left to a small body of experts. For this reason I am disposed to think that the preponderance of lawyers on the existing Provincial Legislative Councils is not altogether a bad thing. Lawyers are more useful than other classes in discussing the details of a Bill. Of course they are not representative of the community as a whole, but nobody supposes that they are, and it is not necessary that they should be. Representative institutions without responsible Government are useless and may be dangerous. I am, therefore, of opinion that, while the Advisory Councils ought to be made representative of various classes and interests and ought to be fully consulted about the general policy of Government the Legislative Councils should be kept for the duty of discussing the details of the measures which Government proposes to pass into laws.

In this view I do not think that there is any great necessity for altering the constitution of District Boards and Municipalities for the purpose of forming better constituencies for the election of Legislative Councillors. Whether such alteration may be advisable for the purpose of improving the working of these bodies themselves, I am hardly in a position to say; and the proposals put forward in paragraph 22 of the Government's letter are somewhat vague and I have no remarks to offer on them.

The proposal for a fuller discussion of the budget in the Imperial and Provincial Council seems an excellent one.

I have the honour to be,

SIR,

Your most obedient Servant,

W. B. BROWN,

Judge of the Assam Valley Districts.

No. 1859.

FROM

E. G. DRAKE-BROCKMAN, Esq.,
DISTRICT JUDGE OF DACCA.

To

THE CHIEF SECRETARY TO THE GOVERNMENT,
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 18th November 1907.

SIR,

In reply to your letter No. 11497C., dated the 9th ultimo, forwarding for opinion the proposals of the Government of India regarding the formation of Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils and the procedure for discussing Imperial and Provincial budgets, I have the honour to make the following remarks.

2. It is certainly advisable to allow the people of India further opportunities of expressing their views on administrative questions. There is an increasing body of men belonging to the landholding, mercantile and industrial classes whose interests are on the side of law and order and whose views should be generally in favour of moderation. At present, whether from the lack of moral courage, or of public spirit, or of opportunity, these persons are almost inarticulate. They render the Government little or no open support. It is desirable to induce them to express their views and so act as a counterpoise to the noisy section whose clamour tends to bring it into greater prominence than it deserves. This section has also a tendency to increase. The love of notoriety, which is everywhere an unsatisfactory feature of the present age, encourages ill-educated and disappointed persons to come forward and with an assurance so conspicuous advance crude opinions, finding in the growing members of the unemployed a sympathetic audience. This is not the place to discuss the remedies for dealing with this problem of the unemployed, but it is one which owing to existing conditions is not likely to be soon solved, and hence it is the more desirable to induce the men of moderate views to take a greater part in support of the side of law and order. The time is not yet when the executive authority can be reduced in strength. That strong body of public opinion which exists in European countries and though usually latent is ready to find expression whenever the exigencies of the situation demand, is yet to seek in India. The present proposals may foster the growth of public opinion in India, but much time will elapse before such is general, as the diversities of race, caste and religion and other interests tend to check unanimity on questions dealing with the advancement of the people.

3. In the matter of representation, existing conditions should be recognised and western notions not rashly imitated. Even among advanced communities the question of representation has not yet reached finality. It is there noticeable how various sections of people are demanding special representations of their own peculiar views or interests. In India the term interest should be accepted on its widest signification, and be taken as comprising a sect, caste, occupation, trade or any section whose size or importance would justify Government in permitting special representation of its views. A systsm of territorial representation alone is not suited to India, and the election system in vogue has not hitherto worked satisfactorily. The elections of individuals from certain sections would be more successful and not so foreign to Indian conditions. These elections could be made subject to the approval of Government. These representatives are more likely to be fitted to express the views of those electing them and there is more likelihood of the professional politician being excluded. If representation be given on these lines the difficulty felt of maintaining an official majority in the Councils should be lessened. There will probably be a smaller band of men who consider it necessary to be always in opposition. The presence also of men of moderate views and thoroughly representative of their sections should result in some voting in favour of Government proposals. The feeling of antagonism would be absent, and there would be less desire for such a representative to oppose in order to obtain applause from a section of the public. A form of subordinate patriotism may arise.

4. The proposal to appoint Advisory Councils, though necessarily, cautious is a step in advance. Whether these bodies will justify their existence can only be ascertained from experience. I have doubts of their utility, but perhaps their sphere of usefulness may hereafter be enlarged. The Councils should not be too large though sufficient to embrace all important interests. The suggestions defining the lines on which they are to be based seem suitable.

5. In the Imperial Legislative Council it is desirable to increase the landed interest. The proposal to form lists of electors for each province may, however, tend to result not in keeping with the main proposals, and it seems advisable to further divide these electors into Hindu and Muhammadan or other large classes, always maintaining that each representative belongs to the class by which he is elected.

6. I have doubts whether the presence of a ruling chief in this Council will be helpful. There seems much chance of his position being at times one of embarrassment.

7. Even in the election of Muhammadans, the area should not be too large. It must be remembered that the interests of the multitude are still confined in the main to their immediate surroundings, even in respect of matters concerning caste or creed. For example, I have noticed a lack of unity of sentiment between Assamese and Eastern Bengal Mussalmans, and a similar remark might be applied to other classes between whom any identity of interest would be merely neminal. Members of the so-called "National Congress," who will agree on a proposal for increase of posts being granted to Indians would divide into several factions when the question of social reform is advanced. The conditions peculiar to this country must be accepted if it is desired to obtain any real representation of the various interests.

8. Since the present privilege of election by Municipalities, District Boards is to be maintained, it is necessary to change the system of voting which is unsuitable for the election of legislators. Even for the purposes intended this system of election has been a failure. The lawyer element has been too much in evidence here as elsewhere. The goal of a large section of the educated youth of Bengal is to become legal practitioners. The proposal suggested in clauses "*a*" and "*b*" paragraph 22 of the Government of India's letter, may be adopted. The Local Government should determine the classes important enough to be represented and allot seats to each. The list of voters should be compiled of each class and the representatives belonging to it, whether such comprises a race, caste, trade or creed or any other section of the community. The lists should be prepared by districts among the literate population, and the voters should possess a property qualification, based on the amount of revenue rent, or taxes paid, the limits being higher than those now in force. The presence of trader or cultivator or such like on a Board should not be obnoxious to other members when all have similar educational and property qualifications.

9. Finally in the matter of discussing the Budgets, the proposal to divide these under separate heads or divisions of subjects would facilitate business.

I have the honur to be,

Sir,

Your most obedient Servant,

E. G. DRAKE-BROCKMAN,

District Judge of Dacca.

No. 2178G.

FROM

A. H. CUMING, ESQ., I.C.S.,

DISTRICT AND SESSIONS JUDGE OF TIPPERA,

To

THE CHIEF SECRETARY TO THE GVERNMENT OF

EASTERN BENGAL AND ASSAM.

Comilla, the 28th November 1907.

SIR,

WITH reference to your letter No. 11498C., dated the 9th October 1907, I have the honour to submit the following expression of opinion on the points raised therein.

Taking first into consideration the question of the Advisory Councils it appears that these are to be of two kinds: the Imperial Advisory Council and the Provincial Advisory Councils.

From the ietter from the Government of India it is clear that the Imperial Advisory Council will represent only the landed interests, commerce, industry, and the professional classes will be entirely unrepresented. The Council is to consist of about 20 Ruling Chiefs and a suitable number of the territorial magnates of every province. No doubt a Council so constituted would conduce to stability and order, and should strengthen the hands of Government, but I do not think they would form a channel of communication between the Government and the people.

(1) The Council so constituted will represent the landed gentry's interest, and their interest only. It has been my experince—an experience which has been confined to Eastern Bengal and Assam—that in the majority of cases the interest of the zemindar and his tenants, or in other words the mass of the people, lie very far apart. The majority of the zamindars whom I have come in contact with have been men of little education, many, if not most of them, absentee landlords who look upon their tenants merely as a source of revenue to be squeezed as much as possible. The number of zamindars who nowadays live among their tenantry and take any interest in them grows fewer every day as the attraction of a town life appeals to them more and more. I have seldom if ever, found among the landed gentry of this country that sense of responsibility towards their tenants which is such a conspicuous feature of most of the great English landlords. No zaminder that I have ever met has taken any genuine steps to promote the welfare of his tenants by investing money in village sanitation, roads, water-supply, agricultural improvements, etc. From time to time no doubt they build a school or dispensary. This, however, is as a rule done with the idea of winning the approbation of Government and conciliating the local authorities, and once built and opened is usually allowed to languish in neglect having served its purpose. As far as this province is concerned, I venture to think that it would be incorrect to describe the zamindars as the hereditary leaders of the people. Most of the great zamindars of this province are Hindus and their tenants Mahomedans. They live in the big towns, leaving the management of their estates to their subordinates. They seldom go about among their tenantry and are quite out of touch with the people themselves.

(2) They would take little or no interest in the Council or the question submitted to their consideration. The experience of District Boards and Municipalities has shown clearly that the landed classes take little or no interest in the Government of the country. Any sense of responsibility towards the public, or any feeling that they should devote any portion of their time to the public good, is entirely wanting.

(3) Their opinion on any question would not be frankly given. As a class they devote a good deal of their time to endeavouring to evade or get round the laws made for the protection of their tenants. The methods used in realizing rents are such as to bring them frequently within the criminal law. Such methods are only possible as long as the tenants are under the impression their zamindar enjoys the favour of Government. And the zamindars themselves think that the only way to gain Government favour is by a ready outward acquiescence to any measure proposed by Government.

The present anti Government and boycott agitation illustrates my meaning.

No one has been louder in protestation of loyalty and no one has denounced the method of the agitation more roundly than the landholders of Bengal. It was even considered necessary to publish a loyal manifesto. Let any one acquainted with the mofussil know full well that had such protestation been genuine the agitation could not have lived for a day in the mofussil.

There is further the fact to be considered that the landed aristocracy of India can in no way compare with the landed aristocracy of England. The landed aristocracy of Bengal is a mushroom growth, the growth of a century or two at the most. Most of them had their origin in the tax-collector of the Moghul Empire whom the Permanent Settlement of 1793 converted into landlords. Many of them belong to lowest castes, and as such command little real respect. They are very different from the landed aristocracy of England, whose ancestors for generations have held the land, who live and go about among their tenantry, and whose interest are closely bound up with theirs. To sum it, I submit that the Advisory Councils, as constituted at present, would represent a small indifferently educated section of the people, wanting as a rule in public spirit and who would take little, if any, interest in the work they would be called on to perform. I would include in the Imperial Advisory Council representatives of Commerce and Industry. The interests of the commercial community are most closely bound up with the interest of Government in maintaining law, order and stability. Their state in the country is as great, if not greater, in many cases than those of the landed classes. Their advice on important financial questions would be invaluable. The future of India lies, not in the hands of her backward and apathetic landowners, but in the hands of the trades and capitalists.

I would exclude the so-called professional classes whose stake in the country is small and who stand unfortunately as a rule for agitation and disorder.

With regard to the Provincial Advisory Councils, provision has been made for the representation of industry, commerce, capital and the professional classes. I have, therefore, nothing to suggest further.

I venture to think that the Councillors will take little or no interest in their work. The proceedings of that Council are to be more or less confidential. There will be no opportunity for displays of rhetoric or violent attack upon the Executive Government, no report in the newspapers, nothing in fact which appeals to the professional politician.

Furtner, the Advisory Councils will have no real power, and this will prevent the Councillors taking much interest in the Council or its work. If the Councillors could be induced to take a proper interest in the work of the Councils, they would doubtless be invaluable aid both to the Local Government and the Government of India.

But the idea of quiet unostentatious work for the good of the State and the public is at persent absolutely wanting. The absolute lack of interest taken in the District Boards and Municipalities is an instance of the absence of public spirit. Most District Boards and Municipalities are in the hands of the pleader class.

With regard to the proposed extensions of the Imperial and Provincial Legislative Councils, I approve generally of the proposition to increase the number of Councillors in order to provide for the representation of the small minorities which at present are unrepresented.

I would approve of the suggestion of granting to persons, paying over Rs. 10,000 land revenue, the privilege of directly electing a member or members to the Council, and the condition that the elected member must belong to the class he represented.

One difficulty may arise in the case of a joint or undivided family where the revenue of a number of shareholders is paid jointly. Would this joint family, if paying more than Rs. 10,000 a year revenue, be entitled to a vote? There are a

No. 1918.

FROM

B. K. MULLICK, ESQ., I.C.S.,
DISTRICT AND SESSIONS JUDGE, CHITTAGONG,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM

Chittagong, the 3rd December 1907.

SIR,

I HAVE the honour to submit the following note on the proposals of the Government of India, contained in their letter Nos. 2310-2317, dated the 24th August 1907.

Advisory Council.

1. I welcome the proposals made in paragraphs 4, 5, 6 of the letter above referred to. I think a limit of 25 for each Provincial Council will be sufficient. The nominees would be the principal landholders, the representatives of capital, industry, commerce and the professional classes, and, if properly selected, these men should form a valuable link between Government and the people. Speaking of the Government of a country by foreigners, Mill used the following words: "What a native of the country of average practical ability knows as it were by instinct they have to learn slowly and after all imperfectly by study and experience. The laws, the customs, the social relations, for which they have to legislate, instead of being familiar to them from childhood, are all strange to them. For most of their detailed knowledge they must depend on the information of natives, and it is difficult for them to know whom to trust. They are feared, suspected, probaly disliked by the populations; seldom sought by them except for interested purposes; and they are prone to think that the serviley submissive are trustworthy. Their danger is of despising the natives; that of the natives is of disbelieving that anything the strangers do can be intended for their good." These words apply very forcibly to the present time in India, and if the Advisory Councils can even in the smallest degree contribute to a better understanding between the Government and the people, they will have very largely lightened the work of administration.

With regard to the Imperial Advisory Council, the only feature in which it differs from the Provincial Councils is the addition of 20 ruling Princes. This too is a reform which will be fruitful of good results. The ruling chiefs of India have made great strides in education within the last 40 years, and I am confident that they will be able to give a well-reasoned and valuable opinion, not only on matters affecting their own States, but also those relating to British India.

The Provincial Legislative Council.

2. It would appear that Government intend to maintain the present privileges of the Universities, Trades, Associations, Presidency Corporations and other recognized public bodies, and at the same time to give greater representation to European planting and industrial interests and to Indian commerce. But the prvilege of election hitherto enjoyed by Local, Municipal and District Boards is to be considerably modified. The effect of those modifications will be, in my opinion, not to give greater representation, but to curtail the power of the professional classes. It is proposed that representation should be based on religions, caste, and class distinctions, and, if necessary, the organisations of Municipal and District Boards should be radicially changed, so that due representation may be given to landlords, big and small, trades, professional men, cultivators, and artisans. To my mind the scheme will be incapable of execution; there will be no cohesion in these Boards, and in the long run the lead will fall as now into the hands of the landed and the professional classes. It is, I take it, the duty of all good Governments to create solidarity and to stimulate unity of action. In India the duty is more pressing than in most

number of such families probably and their case requires some consideration. With regard to the constitution of an electorate for the seats to be filled by Mahomedans, I approve generally of the proposed constitution. Government servants would I presume be allowed a vote. Probably the majority of class (3) graduates of an Indian University will be found in Government service. With regard to the electorate for the Governor General's Council, section 18, I do not think there should be much difficulty in compiling a list of Muhammadans paying an income tax on annual income of Rs. 25,000. The figures would be available in the Income-tax Office.

With regard to the Provincial Legislative Councils, I would suggest that the person selected to represent any class or group must himself belong to that class or group, *e.g.*, the person representing the District Boards must himself be a member of some District Board. This would help to eliminate the professional Councillor, who uses the Council merely as a means of advertisement.

In assigning certain seats to certain class or group, what is to be the standard by which the class or group is to be judged? For instance, in Eastern Bengal the Census shows the Mahomedans to be to the Hindus in the proportion of 7 to 3. If, then all District Boards are to be constituted with the above proportion, the very greatest difficulty will be found in filling the seats. Because although the Muhammadans are numerically the strongest, the number of them properly qualified to act on District Boards is very small. A knowledge of English is essential to taking any real part in District Boards' work. That the member who represents a caste or group should be one of that caste or group, should certainly be strictly adhered to, though in some cases it may lead to some particular group or caste going unrepresented. The best division would be into (1) landholders, (2) cultivators, (3) traders and professional men, allowing an equal number of representatives to each. The chief difficulty that will be encountered in putting these principles into practice will, I think, be found in the apathy of the general body of electors. The idea of representative Government is so absolutely foreign to the East that it is very difficult to get the masses of the people or the electors to take the slightest interest in the election of representatives.

With regard to section 23, the discussion of the budget in the Legislative Council, I would suggest that more reality might be given to the proceedings by allowing a discussion before the passing of the budget and not, as at present, after the budget has been finally settled.

Members might be allowed to move amendments to the budget of which due notice would be given beforehand. There could be no danger in this procedure as long as Government has always the standing majority, and it would make these discussions on the budget more real and less academic. Due notice would have to be given of every amendment, and it would be, of course, considered before the budget came on for discussion, and the Government would determine whether they should accept or reject the amendment. The number of amendments allowed to be proposed might be limited. A fixed time could be allotted to the discussion of each head of the budget to prevent an endless and futile discussion.

Consdering the proposals now under consideration, as a whole, I venture to doubt if they will in any way satisfy the demands of the small class who make themselves heard and demand a large share in the administration of the country. The mass of the people are indifferent to politics. What the so-called educated classes demand is not wider opportunities of expressing their views on administrative matters, for their own newspapers already supply them with the means for doing this. They ask for a real share in the administration or, in other words, the control of the finances and the distribution of the various posts now at the disposal of Government. What is now offered will not satisfy them in any way.

I have the honour to be,

SIR,

Your most obedent Servant,

A. H. CUMING,

District and Sessions Judge, Tippera.

countries, but the scheme set forth by the Government will retard all further progress and may even cause retrogression. It is, moreover, useless to attempt to check the growth of the influences of the professional classes. Even in a highly organized country, such as England, the power of the professional classes in the affairs of the nation is altogether out of proportion to its numbers. The thinking minority in every country will assume the lead and in India till the remainder of the population is better educated and acquires the power to express its wants, the professional classes must as of necessity be their mouth-piece in public affairs. Nor is the present state of things on the whole unsatisfactory. The landed classes as a body know their own interest, and if they desire to elect a member of the professional classes to represent them, there is no reason why Government should not allow them to do so.

3. The Government of India's letter does not call for any definite scheme for the formation of a Provincial Legislative Council, but if any scheme were required, I would respectfully commend one similar to that submitted by the British Indian Association to Sir John Woodburn in 1898. Its main features were—

(1) To limit the franchise to the propertied and educated classes in proportion to their relative importance. That relative proportion was arrived at by various tests at 3 to 1 in the province of Bengal as it stood before the partition.

(2) The Province was to be divided into electoral circles, each consisting of a certain number of districts.

(3) The propertied class was to be divided into 3 groups according to the land revenue paid by them. Each group was to return one representative. The educated section (the qualification limit being good University distinction) to form the 4th class and to elect one representative.

(4) The representatives of each group in each electoral circle to elect one representative and the four representatives of the four classes in the whole province to form the Central Electoral Council. This Council to elect its representative for the Legislative Council.

(5) A necessary qualification for all classes in addition to any other qualification to be the payment of Rs. 1,000 per annum in taxes. These are the rough outlines of the scheme, and I think that if any real representation is desired, a trial might be given to it.

The Imperial Legislative Council.

4. The Imperial Council is to be composed as follows :—

A.—*Ex-officio* members	8
B.—Additional officials nominated	20
C.—1 ruling chief nominated	1
D.—Elected members—	
(*a*) By the Chambers of Commerce	2
(*b*) By Provincial Council	7
(*c*) By Nobles and Great landowners	7
(*d*) By Muhammadans	2
E.—Nominated members representing minorities, not less than two being Muhammadans	4
F.—Experts nominated for special purposes	2
Total	53

At present there are only ten non-officials in the Imperial Council, five nominated and five elected. Under the proposed scheme the number will be 7 and 18. This is a very substantial concession to the principle of representation, but so far as results are concerned, the parties will remain where they were. The debates will merely become longer and more academic.

The next point to be noticed is the special provision for representing Muhammadans and other minorities. Although the principle is a somewhat dangerous one, I think, having regard to the special necessities of India, that it is a wise and generous step towards ameliorating the condition of the Muhammadans.

I also note with pleasure the recognition of the claims of the landed interest, but I think the number might have been increased to ten at the expense of the 20 additional official members. The condition, however, as to the representative

belonging to the class which he represents, appears to me to be repugnant to the principle of representation; for if the landlords desire to be represented by some one who is not himself a landlord, a curtailment of their powers would amount to a denial of the very principle which the reforms are intended to affirm. The apprehension that the landlords will be worked upon by wire-pullers who have no interest in land is, I think, imaginary. The landlords as a class are quite shrewd enough to know their own interests; what they lack is education and the consequent capacity to express their wants.

I regret that no provision has been made for representing the great Universities. The seat reserved for a ruling chief might with advantage be given to a representative of the Universities. If the landlords are represented, I see little use in adding a ruling chief to the list of members.

Budget Discussions.

I have only to suggest that, before definite financial arrangements are made for the year, two or three conferences may be held by the Finance Members with the non-official members, so that their advice may, if necessary, lead to a recasting of the budget. At present the budget debate is a mere academic discussion, which has no effect on the budget under review.

I have the honour to be,

SIR,

Your most obedient Servant,

B. K. MULLICK

District and Sessions Judge, Chittagong.

No. 2073G.

FROM

A. MAJID, ESQ.,
DISTRICT AND SESSIONS JUDGE, RAJSHAHI.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Rajshahi, the 7th December 1908.

SIR,

WITH reference to your letter No. 11500C., dated the 9th October 1907, on the subject of the formation of Advisory Councils, Imperial and Provincial, and the enlargement of the Legislative Councils, also Imperial and Provincial, I have the honour to submit the following observations.

(*1*) *The proposed Advisory Councils.*

(1) It seems that they will bring the representatives of the people into closer relation with the Government and its officers and increase their opportunities of making known the feelings and wishes of the people in respect of administrative and legislative questions. The usefulness of the Councils will depend upon the zeal and enthusiasm with which their members will avail themselves of the opportunities afforded to them. The members will perhaps have to be given all the possible inducements which will lead them to value their seats in the Councils. The designation proposed to be offered to them will be deemed by many of them as an honour. In public functions, they will perhaps receive all the honour that is due to their position as Councillors. There can be no doubt that Government will attach value to their opinion and advice. Their functions being purely advisory, it is desirable that it should be made apparent to them and the people that their advice, when given, is received and viewed with the consideration that is due to it. In any matter in which their advice is of use, acknowledgments of their services may be made in public, care been taken at the same time to avoid the semblance of having made any invidious distinctions. It may perhaps be possible to enlist their services in important Committees, which Government form for the purpose of considering any important measures of reform. (2) The importance of the Councils as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government is problematical, in view of the work done in that direction by the Press. This object may to some extent be secured by any member or members issuing *Communiques* as occasions require. (3) It seems to be needed that in the Imperial Advisory Council, the mercantile, industrial, and professional classes should be represented. In selecting their representatives the precaution may be taken that men with moderate views find their seats in the Councils. There will, I fear, be much disappointment among the members of these classes if they are altogether left out of the Imperial Council. This aspect of the question may be considered, and it is perhaps safe to say that their advice and opinion on some questions will be very valuable. It is possible that there will arise questions on which territorial magnates may not be sufficiently acquainted with the views of the other classes. It may be remembered that the professional classes, among whom there are many educated men, exercise considerable influence upon their fellow countrymen. (4) It is proposed that the Local Governments should consult the members of their Councils, whether individually or collectively, and that when they are consulted individually, they would be consulted by letter, and not by personal interviews. Perhaps no such restriction needs be imposed. It is probable that in certain cases that personal interviews and discussions with the individual members may be attended with good results.

(*2*) *Legislative Councils.*

The proposed enlargement of these Councils seems to be a move in the right direction, in view of the necessity of securing a representative of different classes and interests, instead of having, as now, what is actually a narrow electorate. (1) The

proposal to raise in the Imperial Council, the number of members elected by the non-official members of the Provincial Councils will meet a growing want. (2) The question as to how the great landholders should be represented is one of much complexity. To give the landholding members of the Provincial Council exclusively the right to vote would result in giving that right to a small electorate, some of whom would, in ordinary course, exercise the right of voting when electing a member from among themselves, under clause D (*b*) of paragraph 12 of the India Government letter. There is much to be said in favour of the proposal to mass together for voting purposes the entire body of landholders; but, in adopting this course, there is the danger of the electorate falling into the hands of wire-pullers. With a view to minimise or obviate this danger, the electorate may perhaps be required not to elect one member only, but to give the names of more than one member, leaving to Government the opportunity of exercising a selection. This course may be followed in appointing members of both the Councils, Imperial and Provincial. The number of members required to be given may be fixed by Government from time to time in view of local circumstances, or of the problems required to be dealt with, or with regard to the administrative divisions, *e.g.*, Commissionerships, into which a province is divided. (3) The proposal to give the Muhammadan community an increased measure of representation will go towards removing a recognised want, about which a representative deputation of that community waited on the Government of India. (*a*) In this province, in which there is a preponderance of Muhammadans, this community should, it seems, be largely represented, with a view to have public questions considered in the light of their feelings, and wants. In the Provincial Council of this province a fair number of seats may be allotted to be exclusively filled by Muhammadans, regard being had to their large numbers in this province. (*b*) Of these, a good proportion may be left to be filled in by Government by nomination, leaving the rest to be filled in by election. (*c*) The electorate for representation in the Provincial Councils may be formed on the lines proposed in paragraph 17 of the India Government's letter. In order to embrace the body of substantial landholders, the amount of revenue required to be paid for eligibility to vote should be sufficiently low, as stated therein, especially as the majority of them do not own big estates, the Muhammadans being generally poor. The minimum may be fixed by Government by taking into consideration the amount of revenue which the Muhammadan landholders each in large numbers pay in the several districts or divisions. If necessary, information on this point may be called for from the several district offices. (*d*) The proposal adopted in paragraph 18 of the India Government letter for representation of the Muhammadans in the Imperial Council may be adopted, perhaps subject to this modification, that instead of the Muhammadan Fellows of the University, all graduates of more than, say 10 years' standing, may be given the right to vote, as it seems that the number of such graduates is small, and the number of the Muhammadan Fellows of the University is much smaller. A list prepared on the lines of 18 (*c*) would afford a larger electorate than that which is confined to the non-official members of the Provincial Council. The preparation of the list will, I fear, involve much labour and trouble. Until that list can be prepared, the non-official members of the Council may perhaps be given at present the right to vote.

Discussion of the budget in the Council.

2. The proposed change will, it seems, be a great improvement on the existing system.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MAJID,

District and Sessions Judge, Rajshahi.

No. 1416G.

FROM

H. LUSON, ESQ., I. C. S.,
COMMISSIONER, CHITTAGONG DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Chittagong, the 13th January 1908.

SIR,

In accordance with the request made in your letter No. 21487-91C., dated the 9th October 1907, I have the honour to submit my opinion upon the points raised in the recent proposals of the Government of India for the formation of an Imperial Advisory Council; for the formation of Provincial Advisory Councils; for the enlargement of the Imperial and Provincial Legislative Councils, and for the procedure to be adopted in discussing the Imperial and Provincial Budgets.

2. I have received copies of the replies of the following, who were consulted direct by Government:—(1) B. K. Mullick, Esq., I. C. S.; (3) the Hon'ble Mr. V. Woods; (5) the Port Commissioners, Chittagong; (6) the District Boards of Chittagong, Tippera and Noakhali. The following who were also consulted direct by Government have not yet furnished me with copies of their replies:—(2) A. H. Cuming Esq., I. C. S.; (4) the Chamber of Commerce, Chittagong; (7) the Municipality of Chittagong. I have also consulted the District Officers of this Division and through them have endeavoured to elicit the views of the leading people and associations of their districts. I have further consulted various gentlemen individually. His Highness the Raja of Hill Tippera was consulted separately, and his opinion has already been submitted to Government. I regret to have to say that the opinions received in this Division are not on the whole very helpful. There are scarcely any large landlords in the districts under my charge. The better classes of Muhammadans here are just emerging from a long period of inaction. The educated Hindus are at present in a mood in which most of them are disposed to view with suspicion any proposals put forward by the Government. But I have had the advantage of consulting the proceedings of the Conference of Commissioners and others held at Darjeeling on the 10th October last under the Presidency of Sir Andrew Fraser, when the proposals for consideration were discussed.

3. The first question is as to the proposed Imperial Advisory Council and its constitution. Generally I may say that the proposal for such a Council is welcomed here. The feeling undoubtedly exists that the Imperial Government of this country, which for a few busy weeks is in Calcutta, and for most of the remainder of the year is at Simla, does not obtain sufficient opportunities for coming into contact with those who have direct knowledge of the country. It is most desirable that the Executive Government of India should be afforded a means of free and close consultation with leaders of the different communities and interests, who are best qualified to give them information and advice, as well as to interpret their intentions to the people. Such cousultation should add strength to the Government.

4. It is said that the proposed Advisory Council would require no legislative recognition. It might, however, as I understand, be established by an Ordinance of the Sovereign, and it would I think have more value in the eyes of the people of this country if it were brought into existence by the direct order of His Majesty. Its constitution is to be somewhat of the nature of the Privy Council in the United Kingdom, and appointment to it will be made by His Excellency the Viceroy for a term of years. This appears to be generally considered as suitable, but it is for consideration whether formal appointment to it should not be made by Letters Patent. Sixty would seem to be an appropriate number. It is thought that it may well include 20 ruling chiefs who would not be specially appointed for purposes involving their own interests. But it is suggested that besides the chiefs and territorial magnates of the provinces, it should also include representatives of commerce and industry and of the learned professions. I would suggest that it consist of (1) twenty ruling chiefs, (2) twenty territorial magnates of the provinces or recognised heads of communities, and (3) twenty representatives of commerce and Industry and of the learned professions. Hindus, Muhammadans, Parsis, Buddhists and Europeans will no doubt receive some of the appointments.

5. As to the functions of the Imperial Advisory Council, His Highness the Maharaja of Cooch Behar has made a suggestion which has been accepted by the Darjeeling Conference, *viz.*, that the members of this Council, singly or collectively,

should have the privilege of bringing to the notice of Government such matters as are considered of Imperial importance with a view to discussion in Council. I venture to think that something more definite should be laid down to the effect that it will always remain for His Excellency the Viceroy, or the Government of India, to decide whether or not any particular matter is to be discussed. Some discussions might be extremely inconvenient, *e. g.*, with reference to an impending war or treaty or to the bringing up again of a matter finally closed, such as the formation of this province.

6. There has been a considerable amount of criticism of the proposal that the proceedings of the Imperial Advisory Council should, as a rule, be private, informal and confidential, and they would not be published, although Government should be at liberty to make any use of them they thought proper. The proceedings should doubtless be confidential unless the Government directs otherwise, but it will be difficult to ensure this always, if any record is kept. I am disposed to suggest that ordinarily no record should be kept, but that the meetings of the Council be attended by His Excellency the Viceroy himself or one or more members of the Executive Council. It is just possible that the Advisory Council may take some directly opposite view to that determined on by Government, say, on some fiscal change or during some crisis, such as a mutiny. Their opinions on such a matter might be brought forward if not directly yet indirectly in connection with another subject the discussion of which had been allowed. The publication of views held by the Advisory Council in opposition to those of the Government might be dangerous. It is to be hoped that the Advisory Council and the Government of India will usually be in accord, but provision should, I submit, be made in contemplation of the Advisory Council being hostile for the time being. The Advisory Council is intended to be purely a consultative body, but it may attempt, with a large body of public opinion behind it, to enforce its opinions upon the Government of India. There is no doubt that any adverse opinion expressed by the Advisory Council would be eargely availed of by opponents of Government outside the Council. A large party will always exist whose main object is to weaken, and thereby to control, the paramount power of the Executive British Government in India. The existence of this party, as well as the possibility of the sudden occurrence of a grave crisis in the affairs of the country, will no doubt be kept in view when finally settling the means for putting Government into closer touch with the people.

7. The proposed Provincial Advisory Councils are somewhat different from the proposed Imperial Advisory Council. It is proposed that the Local Governments should consult their Advisory Councils on all measures of importance affecting the populations committed to their charge, either individually in writing or collectively with a member of the Government presiding over a meeting, when a Secretary would attend to furnish information and to record the conclusions arrived at. It is not proposed that their proceedings should be confidential. It seems to me that the Provincial Advisory Councils should be on the same footing as the Imperial Advisory Council. It may be impossible on account of urgency for a Local Government to consult its Advisory Councils in all cases; or it may be inexpedient to do so on account of the confidential nature of a case. I would leave it to the Local Government to decide upon what cases to consult the Advisory Council, and unless the Local Government orders otherwise, I would not provide for a formal record of the proceedings. I would allow the Local Government to decide entirely upon the mode of consulting the Council, whether by letter, by conference, by personal interview, or by the deputation of an officer.

8. As to the number of the Advisory Council for Eastern Bengal and Assam, it has to be considered that this province is at present badly off in the matter of communications, especially by railway. For some years to come there will be difficulty in getting the members of the Advisory Council together, whether at Shillong, Dacca or Chittagong. On this account I would fix the number of Advisory Councillors in Eastern Bengal and Assam at, say, 21 for the present. The members of the Imperial Advisory Council from the Province are to form a nucleus for the Provincial Advisory Council. These may be expected to be for Eastern Bengal and Assam, say, 4 or 5. The Government of India's letter states that for the remainder it is essential that the smaller landlords, industry, commerce, capital and the professional classes, including non-official Europeans, should be represented. The head of the Local Government is to nominate for the Viceroy's approval. The Lieutenant-Governor will be able to make the requisite nomination after knowing who the Imperial Councillors from the Province are. Before making his nominations, His Honour will perhaps consult the District and Divisional Officers confidentially. It is understood that the appointment will be for five years.

9. As to the enlargement of the Imperial and Provincial Legislative Councils, I beg to submit my opinion that too little account is taken in the proposals of the representation of commerce and industry. Commerce is largely responsible for the present administration of this country, and the industrial development of India promises to be very rapid in the near future. Commerce and industry require therefore to be very considerably represented on both Councils, but their representatives will be unable to secure recognition (on account of their numerical inferiority in the provinces) unless special provision is made for them. As regards Muhammadans, I beg to support the proposal of Raja Ban Behari Kapur at the Darjeeling Conference, that if, under the system sketched in the Government of India's letter for the Imperial Legislative Council, five Muhammadans (including, as I presume, officials) are not appointed to the Council, the Viceroy may appoint one more. Indeed, I should be disposed to carry this principle still further and to provide that after the elected members have been chosen the Governor General should be given several more seats so as to be able to nominate, as far as possible, to give representation to important interests which are found on the results of the elections to be in an undue numerical minority or altogether unrepresented. The universities should, I think, have one seat on the Imperial Legislative Council as well as the domiciled Europeans and Anglo-Indians. Some additions would thus be required to the total number 54 in the proposed scheme. There is a difficulty in increasing the number mainly on account of the additional officials required. I have elsewhere, in connection with the Royal Decentralisation Commission, ventured to suggest that the number of the members of the Governor General's Elective Council should be enlarged.

10. As to the qualifications for the electorate for the 7 nobles and great landowners to the Imperial Legislative Council, I beg to say that the land revenue limit of Rs. 10,000 per annum, suggested in the Government of India's letter, does not give for these provinces so good a criterion as the road and public works cess valuation suggested by the Darjeeling Conference. It would, however, be necessary in these districts to have a lower monetary qualification than that suggested there. I would suggest an annual value of Rs. 25,000.

11. Regarding election to the Imperial Legislative Council by the non-official members of the Provincial Legislative Councils, I would not allow an outsider to be elected. I would have the representative on the Imperial Council a man who is a member of the Local Council or has been so within, say, three years. The Local Councils are to be enlarged, so a large enough choice should be found. Or if an outsider is to be eligible, he should be a member of the Imperial or Local Advisory Council.

12. For the qualification for Muhammadan electors for representatives in the Imperial Legislative Council, I am disposed to think that the representative elected should come from the Provincial Legislative Councils or the Imperial and Provincial Advisory Councils, and that the electorate should be confined to Muhammadan members of the Provincial Legislative Councils.

13. The total number of members of the Legislative Council of Eastern Bengal and Assam I would enlarge to 21, of whom 11, including His Honour the President, should be officials. Communications are yet poor and officials are few in this province. A larger Council would cause inconvenience at present. There would thus be 10 non-officials instead of 8 as now. I would give the tea industry permanently a representative. I would also give the railways a representative on the Council, as so much of the future of the province depends upon railway development. I would transfer the seat held by the Chittagong Port Trust to the commercial community as represented by the Chittagong Chamber of Commerce and the Narayanganj Chamber of Commerce jointly if they will amalgamate, or alternately if they will not do so. The Chittagong Port Commissioners should, I consider, ordinarily be represented in the Council by their Chairman, who will, I presume, continue to be an official, and one of the senior officers of the province. In other respects I would not at the present time change the constitution of the Council of this province. The Muhammadans are in considerable numerical majority in this newly-formed province, and on that account it is unnecessary I think to make special provision for a minimum number of their representatives. Moreover this is not a province of great landlords though there are a few such. In this division there is not one, except His Highness the Raja of Hill Tippera, who has a zamindari in the regulation districts.

14. As regards qualifications for election as representatives on the Provincial Legislative Council, I am clearly of opinion that there should be a strict condition of residence. We do not want our Municipalities and District Boards to be electing representatives from Calcutta, as some of them would probably do if they could

Nor do we want a nominal resident of one of our districts who is really an absentee, but has a house here and comes to it for a few days once a year in the Puja holidays as some do. I beg to express my humble concurrence with Sir Andrew Fraser's view as expressed at the Darjeeling conference, that it will be better in the long run if we confine the candidature to members of the Municipalities and District Boards.

15. As to the budget debates, the proposals of the Government of India, with the addition of Sir Andrew Fraser's suggestion for a Budget Sub-Committee to sit before the budget goes to Council, seems very appropriate.

I have the honour to be,

SIR,

Your most obedient Servant,

H. LUSON,

Commissioner, Chittagong Division.

No.37J.C.T.

FROM

F. C. HENNIKER, ESQ., I.C.S.,
OFFG. COMMISSIONER OF THE RAJSHAHI DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Camp Rangpur, the 7th December 1907.

SIR,

I HAVE the honour to refer to your No. 11487-91C., dated the 9th October 1907, on the proposals for forming Advisory Councils. I forward the marginally noted letters from District Officers who were consulted.

Letter No. 7 J.C.T., dated the 26th November 1907, from the District Officer of Dinajpur.

Letter No. 2219J., dated the 19th November 1907, from the Deputy Commissioner, Jalpaiguri.

Demi-official from the District Officer of Pabna, dated the 18th November 1907.

2. The chief criticism that suggests itself with regard to the Advisory Council is that it will have no real power and consequently (it is to be feared) will have no sense of responsibility. Moreover, it is not often to be summoned for collective deliberation. Apparently individual members are to be consulted by post. As to the subjects on which they are to be consulted scarcely a hint is given. In paragraph 4 of the Government of India's letter there is a cursory allusion to famine relief and education. Famine is fortunately of comparatively rare occurrence. Reference on these two subjects cannot be so frequent as to afford much work for the Advisory Council, and the number of similar subjects also is limited.

3. Turning to the suggested enlargement of the Legislative Council, there is little doubt that the Government of India have correctly gauged the position in saying, as in paragraph 9, that in India a "general election" fails to secure accurate representation of the classes which ought to be represented. The reason of the preponderance of the lawyer element is easily intelligible. In other countries besides India the lawyer element figures largely in the legislative assembly. The lawyer is accustomed to public speaking (a great initial advantage), and also to some extent he is accustomed to court popularity in competition with his fellows. The best classes of the Indian community shun such competition. They will not stoop to enter the arena and therefore are liable to be left out of any scheme which depends on election. Nomination is distinctly necessary in the present stage of public opinion.

4. As to the constitution of the Imperial Legislative Council, I have no criticism to offer except in one particular. I find an objection on the part of some officers to the special electorate of Muhammadands. It is urged that this gives a Muhammadan two votes, *i. e.*, one for his class and one for the general election. There is truth in this contention, but a stronger objection lies in the opinion held by many that in order to secure representation of particular classes or minorities it is much better to nominate. In paras. 17 and 18 the Government of India sketches an electorate of Muhammadans. I have enquired the number of Mohammadans in this Division (*a*) holding degrees and (*b*) paying over a certain amount in income-tax and land revenue. The result is as follows :—

Total number of Muhammadans who are—	
(1) Graduates	37
(2) Pay income-tax over Rs. 5,000	16
and (3) Pay land revenue of—	
(i) Rs. 5,000	9
(ii) Rs. 10,000	2
(iii) Rs. 20,000 and upwards	*Nil*
Total ...	64

The total electorate on this principle would therefore be 64, a very small number. No Muhammadan pays income-tax on Rs. 25,000, the figure mentioned in 18 (c) of the Government of India's letter.

5. The above remarks apply, firstly, to the Imperial Council, but they are also applicable to the Provincial Councils. The Government of India has not discussed in detail the constitution of Provincial Councils, but has merely in paragraph 22 laid down general principles. In regard to these I have only to say that the special electorate suggested in sub-paras (b) and (c) seem to be rather complicated and difficult of practical application. A broad division of Hindu and Muhammadan is reasonable and might be popular. Beyond that I should not recommend subdivision, but the classes that fail to obtain due representation should receive nomination.

I have the honour to be,

SIR,

Your most obedient Servant,

F. C. HENNIKER,

Offg. Commissioner of the Rajshahi Division.

No. 7 J.C.T., dated Camp Farabari (Dinajpur), the 26th November 1907.

From—F. W. STRONG, Esq., I.C.S., District Officer of Dinajpur,

To—The Commissioner of the Rajshahi Division.

In reply to your Circular No. 844J., dated the 11th November 1907, forwarding copy of Local Government's letter No. 11487—91, dated the 9th October 1907, on the subject of Advisory and Legislative Councils, I have the honour to submit the following remarks :—

Government of India's letter, paragraphs 4, 5, 6, and 7.

The proposals for the consultation of the Advisory Councils seem good, and I have only a few observations to make.

(1) The various classes to be represented on the Provincial Advisory Councils should, where possible, be represented by members of those classes, *i.e.*, landholders should be represented by a landholder, merchants by a merchant, etc. This should to some extent have the effect of excluding wirepullers.

(2) I do not see how cultivators can very well be represented by a member of their own class. Real cultivators are not, as a rule, men suitable for a seat on a Council, and the big cultivators are really zamindars or landholders on a smaller scale. The definition of landholder is, I think, one who pays revenue direct to Government, but some such landholders are quite small men, while some persons who only pay rent to superior landlords are really important zamindars. Thus, the representatives of the cultivators would be to all intents and purposes landholders in the broad sense—I think I would, therefore, omit cultivators from the classes to be represented.

(3) It should be borne in mind that visits to the capital of a province or of India for purposes of attending Councils entail very heavy expenses on Councillors, more especially big landholders who have dignity and state to maintain. To take an instance from this district, each visit of the Maharaja of Dinajpur to Shillong or Dacca to attend the Council costs him some thousands of rupees, and if such visits were to become frequent, the attendant expense would, I am afraid, act as a deterrent on persons who would otherwise be quite willing to attend the Councils. All the above remarks apply equally to the Legislative Councils.

Government of India's letter, paragraphs 11 to 19.

I have no objection to raise to the proposed constitution of the Imperial Legislative Council as set forth in paragraph 12.

2. D. c.—The electoral should consist of the representatives of the landholding class on the several Provincial Councils who should elect one of their number to represent the province on the Imperial Council.

2. D. d.—The Muhammadan representatives should be elected by the Muhammadan non-official members of the Provincial Councils. Each Provincial Council should submit one name and the Viceroy should select two out of the whole number so submitted. They should, of course, be Muhammadans.

Government of India's letter, paragraphs 20-22.

I would propose that the Provincial Legislative Council for this province be constituted as follows :—

A. *Ex-officio* members.

B. Additional officials to be nominated.

C. Elected members—

(*a*) Landowners	5
(*b*) Merchants	3
(*c*) Professional classes	4
(*d*) Representatives of European mercantile community	3
D. Non-officials nominated by the Lieutenant-Governor to present minorities or special interests, not less than half the number to be Muhammadans...	4
E. Experts nominated by the Lieutenant-Governor when necessary for special purposes	2

As regards A and B, I am not prepared to go into figures, but the number of additional officials to be nominated should be sufficient to give the Government a majority.

Method of election of elected members.

Every district has an assessors' list or a jury list prepared under the orders of the Collector and revised every year. These lists contain the names of the literate men of the district of any standing and of all classes except those who have been specially exempted on account of age, illness or habitual absence from the district. Thus, all the important landholders, merchants, shopkeepers, cultivators, professional men, etc., with the exception of barristers, pleaders and muktears, are contained in the lists. It seems to me that if these lists supplemented by a list of the members of the legal profession are divided into three classes,—landholder (including cultivators), merchants and professional men,—we shall have an efficient electorate of a manageable size. The method of selection would be as follows:—

(1) The landholders on the list would elect one landholder as a candidate for the Council. Out of the candidates from the various districts, the Commissioner will select one, who will be the representative of the division on the Council.

(2) The same process will be gone through as regards merchants and professional men; but, in the case of merchants, the Lieutenant-Governor will select three out of the five submitted by the various divisions, and, in the case of professional men, four out of five submitted. It may happen that a district has no name to submit as representing one or more of the classes. In that case that district will only submit one or two names, or none at all, but it is not probable that out of a whole division three candidates, one for each class, will not be forthcoming. If this should happen, the Lieutenant-Governor might nominate at his discretion to fill up the blanks.

As regards the representative of the European mercantile community, I would make the electorate to consist of managers of tea estates in independent charge, bank managers, managers of mills, factories, etc., in fact, all managers of business concerns, but not assistants. Each division would elect one man, and the Lieutenant-Governor would select three out of five to sit on the Council.

Government of India's letter, paragraph 23.

I do not feel qualified to give an opinion on this point.

No. 2219J., dated Jalpaiguri, the 19th November 1907.

From—JOHN F. GRUNING, Esq., C.S., Deputy Commissioner of Jalpaiguri,
To—The Commissioner of the Rajshahi Division.

With reference to your Memorandum No. 844J., dated the 11th November 1907, forwarding copy of letter No. 11487-91, dated the 9th October 1907, from the Chief Secretary to Government, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budget, I have the honour to say that the time allowed is not sufficient for a full consideration of such important questions, but I give below a few suggestions :—

Imperial Advisory Council.

2. I have no suggestions to offer. I am glad to see that it is proposed to appoint the members by nomination.

Provincial Advisory Council.

3. I would urge the importance of adequate representation of the tea and jute industries.

Imperial Legislative Council.

4. I do not consider that the proposals made in paragraph 12 (2) D. (*c*) and (*d*) will give satisfactory results. Nobles and great landowners and Muhammadans of position will accept as an honour a nomination of the Viceroy, but the best men will not come forward if they have to convass for votes in order to secure election. I venture to suggest that if really representative men are to be obtained for the Council, the only way to get them is to nominate them. The principle of election does not work well in this country.

5. I note also that the only way in which large industries outside the cities of Calcutta and Bombay can be represented is under Fibre Experts to be nominated by the Viceroy. I suggest that it would strengthen the Council if two members were given to large industries.

Provincial Legislative Council.

6. I would cut down the number of elected representatives as far as possible if they cannot be abolished altogether; the only way in which I believe that a Council representative of all classes of the community can be obtained is by nomination.

7. I beg also to suggest that the opportunity should be taken when the Council is enlarged of giving a representative to each of the two great industries of the Province, *viz.*, tea and jute.

Discussion of the Budget in the Legislative Council.

8. I have nothing to say about this.

Camp Ataikula, Pabna, 18th November 1907.

My dear Henniker,

By your Circular No. 844J., of the 11th instant, you have asked me for an expression of my opinion on the subject of the formation of the Advisory Councils (Imperial and Provincial) and the enlargement of the Legislative Councils. As my own personal opinion seems to have been asked for I am not dealing with the matter in office.

As regards the Imperial Advisory Council it seems to me unnecessary for Government to tie its own hands by laying down that only territorial magnates will be appointed—clause (3), paragraph 5 of the Government of India letter. There may be occasions when Judges (Indian), or retired Judges of the High Courts, leading lawyers or merchants in the various provinces, etc., might be suitably nominated. If proper and sound advice has to be taken, there is no reason why such classes should be permanently excluded from the Advisory Council A few seats at least might be offered to them. And it also seems to me that the members of the Imperial Legislative Council should be ex-officio members of the Advisory Council. With reference to the Provincial Advisory Council it seems (paragraph 6) that there will be no such restrictions. I beg to point out here that, as far as my experience goes, lawyers and other middle class men in the *mofussal* districts know as much about the general condition of the people as the *zamindars*. With regard to paragraph 9 of the Government of India letter, it has to be mentioned that many of the barristers and pleaders are also landholders.

As regards the enlargement of the Imperial Legislative Council, I have nothing much to say except that it seems invidious to create a special electorate of Muhammadans. It is not as if they were specially fit to elect representatives; on the other hand, the argument is that they are backward. I think the same object might be gained without creating this invidious distinction by increasing the number of nominations, under head E, clause (2), paragraph 12, by two and eliminating the sub-clause (*d*) under head D. As regards paragraph 15, the alternative solution seems to me to be more suitable.

With referenee to the Provincial Legislative Councils the suggestion to have "caste" representation on the District and Local Boards, clause (*c*), paragraph 22, would not, I think, be a very suitable step. The endeavour should be to break down caste and not to emphasize it in any way. "Class" representation would do all that is needed—there should be four "classes" as mentioned in the Government of India letter, *viz.*, landholders, cultivators, traders and professional men—and I therefore think that the last paragraph 22 of the Government of India letter is the most suitable.

As regards discussion of the Budget in the Legislative Councils, I have had no experience and can therefore offer no useful opinion.

S. C. MUKHERJEE,
Magistrate and Collector.

No. 2575-T.

FROM

THE HON'BLE MR. J. C. ARBUTHNOTT, C.I.E., I.C.S.,
COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Camp Kotesima, the 20th December 1907.

SIR,

IN reply to your No. 11487-91G., dated the 9th October 1907, forwarding copy of communication No. 2316, dated the 24th August 1907, from the Government of India on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial Budgets, I have the honour to forward copies of the replies received from the Deputy Commissioners of Sylhet and Cachar, who have been consulted as selected District Officers in this division.

2. I have no special criticisms to offer with reference to the formation of Imperial and Provincial Advisory Councils except to observe that the suggestion which has been put forward to the effect that an enlarged Provincial Council might suffice to perform the functions of an Advisory Council appears to be not only in conflict with the deliberately expressed opinion of the Supreme Government but to be based on an erroneous conception of the functions of an Advisory Council as distinguished from those of a Legislative Assembly.

3. It is stated that in the Government of India's letter that the present election system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. The problem for solution therefore is to provide for the adequate representation of the Muhammadan community—the monied classes and landed aristocracy—the persons who possess a stake in the country and who have hitherto been excluded from the representation to which they are entitled, as a counterpoise to the monopoly hitherto enjoyed by the professional classes. There can be no question of the general accuracy of this assertion as regards the over representation of the latter though in the case of the Legislative Council of the new province as at present constituted the legal element does not unduly preponderate. It may, however, be said with truth that nowhere is the diversity of races, classes and interests more faithfully reproduced than in the composite province of Eastern Bengal and Assam, and that nowhere is it more desirable that each and all should receive fair representation.

4. With regard to the election of members for the Imperial Legislative Council by the aristocracy and great land owners of the various provinces, it has been suggested that a Provincial electorate varying in size from 100 to 150 might be formed with a restriction of the franchise to persons paying not less than Rs. 10,000 a year in land revenue. It may be said at once in Assam there would practically be no electorate under this qualifications with the exception of representatives of the larger Tea Companies. I am of opinion, therefore, that the objection taken in paragraph 15 of Government of India's letter has very considerable force as regards this portion of the new province. It would, I venture to think, be preferable that the land-holding members of the Provincial Council should elect a representative from their own class to the Imperial Council than to attempt the formation of a special electorate. I also think that the Muhammadan representatives on the Imperial Council should similarly be elected by the non-official Muhammadan, non-official members of the Provincial Council.

As regards the Provincial Council, I may perhaps be allowed to say that the question of representation by race should not be overlooked. Provision should, I think, be made for the representation of the Assamese population by the election or nomination of an Assamese. There is reason to believe that among the Assamese the feeling exists that by the absorption of Assam in the larger province there is considerable danger of the subordination of their interests—in fact, that Assam and the Assamese may be completly swamped by Eastern Bengal. It would undoubtedly assist to remove this impression if an Assamese gentleman were appointed to represent his countrymen in the Provincial Council.

6. I am also of opinion that a strong case has been made out for the permanent representation of the important Tea Industry, at any rate in the Provincial Council.

7. Adverting to the question of the election of members to the Provincial Councils, proposals have been set forth for a modification of the system of election in the case of Local Boards and Municipalities. I would say that I am not in favour of altering the constitution of the Local Boards and Municipalities in this Division except that perhaps provision should be made for the more adequate representation of Muhammadans on the Local Boards in the District of Sylhet. It is to be remembered, however, that these Boards have been very recently reconstituted under Executive orders, and that hitherto the system which provides for the representation of localities rather than of classes has been found to work well. It would, I think, be preferable to leave the election of Provincial members to recognized Associations of Anjuman than to reconstitute the Boards at the almost certain expense of efficiency in order to carry out an experiment of doubtful issue.

With regard to the discussion of the budget by Provincial Councils, it might be advisable to appoint a preliminary Sub-Committee of official and non-official members to consider it in detail before the actual Council debate takes place—in fact, to hold an informal conference as has recently been proposed by the Government of Madras.

In conclusion, I have to regret the delay in replying to your communication which is due to my absence on a tour along the frontier in the Naga Hills which has involved constant marching.

I have the honour to be,

SIR,

Your most obedient Servant,

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

No. 5765, dated Sylhet, the 9th November 1907.

From—The Deputy Commissioner, Sylhet,

To—The Commissioner, Surma Valley and Hill Districts, Shillong.

As requested in your No. 2202—T., dated the 24th October 1907, I have the honour to submit the following note on the proposals contained in the letter from the Government of India referred to therein.

1. With reference to paragraphs 1-6 of the letter, I have no criticisms to make on the proposed establishment of Advisory Councils—Imperial and Provincial.

2. As regards the suggested constitution of the Imperial Legislative Council (paragraph 12), I need only comment on the election of nonofficial members by landholders and Muhammadans. As to the former [Head D (*c*)], the electorate, if limited, as proposed, to gentlemen paying over Rs. 10,000 in land revenue, will vertually leave the province of Assam (excluding possibly Goalpara) unrepresented. In Sylhet two tea companies only pay land revenue over Rs. 10,000. Reduction of the limit to Rs. 5,000 brings in five more proprietors, of whom only the Prithimpasa Zamindars—who are minors—can be considered in any way as representative landowners of Sylhet (*see* list in margin).

Estates paying land revenue Rs. 5,000—10,000.

1. Maharaja of Hill Tippera.
2. Zamindars of Prithimpasa.
3. Alinagar Tea Company.
4. Imperial Tea Company (Habiganj).
5. Zamindars of Gauripur in Mymensingh.

Rs. 15,000—25,000.

South Sylhet Tea Company.

Rs. 25,000—30,000.

Consolidated Tea and Lands Company.

To include those who are generally considered leading zamindars, such as Raja Girish Chandra Rai, the Mazumdar and Dastidar families and the Chaudhuries of Pailgaon and Selbarash, the limit would have to be considerably reduced. Of course in permanently-settled areas in Sylhet the amount of land revenue bears no definite relation to the value and extent of an estate and is thus unsuitable as a criterion. On the whole the suggestion (in paragraph 15) that a representative should be selected by the landholders of the Provincial Council seems preferable to the establishment of a separate electorate. Similarly, the Muhammadan reprentative [D (*d*)] should, I think, be chosen by the non-official Muhammadans on the Provincial Councils. So far as Sylhet is concerned, Muhammadan gentlemen with the electorate qualification suggested (an income of Rs. 25,000) are very few.

3. The proposals discussed above presuppose considerable alteration in the Provincial Councils. It appears that the latter are to be enlarged and the representatives to be chosen by election are to be alloted to all important classes of the population. It is also apparently considered desirable that the District Boards should be recognised on somewhat similar lines. In the absence of any specific scheme I find it somewhat difficult to comment on these suggestions. I presume, however, that, as in the Imperial Council, so in the Provincial Council, special representatives are to be alloted to landholders and Muhammadans. If this so, the chief point for consideration is the franchise under which these representatives are to be elected. Setting aside the Tea Association, the only existing electorates in the Surma Valley Division, the Local Boards and Municipalities, are of course unsuitable for the election of class representatives. We must therefore either modify their constitution considerably or else establish special electoral bodies. To consider the latter expedient first I should prefer if it were possible to leave matters in the hands of the communities concerned. A District Landholders' Association, for instance, or the Sardar-Anjuman-i-Islamia would probably be as competent to choose suitable members of Council as anybody of voters selected in a property qualification. If, however, formal lists of electors are considered necessary, there would be little difficulty in preparing a register of the more important landholders. Payment of Rs. 500 annually as land revenue might be the criterion, and this limit would probably secure an electorate of reasonable size and fairly representative. The register of Muhammadan voters would be a more difficult matter. The majority of Sylhet Muhammadans are small proprietors (Talukdars) or tenants with occupancy rights (jotdars), both classes as a rule cultivating their own holdings. A high property qualification would exclude the majority of the community: a low one would produce an electorate of unmanageable size: and in any case the labour involved in preparing and checking the register would be very great. I cannot at present form any estimate of the numbers which any given qualification (*e.g.*, payment of Rs. 50 land revenue) would place on the register.

Assuming that electorates have been established, whether District Association or formal registers of voters, it remains to be considered whether these should be independent bodies, exercising their right of election directly, or whether they should do so through the Local Boards. The question thus raised is of considerable importance. The Government's letter apparently assumes it to be desirable that local authorities should be recognised as political organisations. This seems to me open to question. I am aware that in theory the distinction between local and political affairs is not easy to define, and that in practice bodies constituted to deal with the former only do not always restrict their activities accordingly. But I know of no attempt in modern times to invest local authorities with a deliberately political character either as regards the franchise under which they are elected or the powers which they administer; the tendency is in the other direction. The Government's suggestion seems to be based on a theory which is novel and to my mind unconvincing. The wisdom of applying this theory to the Surma Valley Local Boards is also doubtful. In the Boards as now organised, class interests are not forgotten, but the intention is to represent localities rather than classes. The result in most cases is a body which is not only representative but also fairly efficient; it may be doubted whether any new scheme based on class representation would give us as much. For these reasons I am in favour of retaining the Local Boards as now constituted and of leaving the Council elections to bodies specially created or recognised.

If, however, it is considered essential that Boards should be brought into more direct relation with the Provincial Council, and that the constitution ofthese bodies should be assimilated, no doubt a workable scheme of class representation might be devised. The number of elected members might, for instance, be increased and seats allotted to landholders and Musalmans, represented by the special bodies suggested above; to cultivators, represented as now by the rural panchayats; to traders, represented by mercantile payers of income-tax; and to lawyers, represented by the Bar Library. The members representing the various classes on the different Boards would form the electorate of these classes for the district or division as a whole.

4. I doubt whether any alteration in the voter's register of the Sylhet Municipality is necessary. The present qualification is the payment of Rs. 3 in rates and is sufficiently high, the division into electoral wards gives a fairly representative body of Commissioners and should not, I think, be altered into a system of class representation without the approval of the Municipality. I have had as yet no opportunity of ascertaining public opinion on this question.

No. 3156, dated Silchar, the 12th November 1907.

From—The Deputy Commissioner, Cachar,

To—The Commissioner, Surma Valley and Hill Districts.

I HAVE the honour to acknowledge the receipt of your letter No. 2202-7T., dated the 24th October 1907, asking for my opinion on the proposals of the Government of India with regard to the formation of Advisory Councils and the enlargement of the Legislative Councils.

2. I understand that various gentlemen in this district have been consulted direct, and as only one copy of the proposals was sent me and a very early reply was required, I have only consulted my senior Extra Assistant Commissioner, Maulvi Mahmad Azhar, whose opinion is entirely favourable to the scheme.

3. The proposed constitution and functions of the Advisory Councils, Imperial and Provincial, appear to me to be admirable, and the inclusion of a member of Ruling Chiefs in the Imperial Advisory Council should be of great value to the Government, and at the same time should strengthen in the Native States the feeling that they form an important branch of the Indian Empire.

4. The main objects aimed at in the proposals for the enlargement of the Legislative Councils are to secure adequate representation (1) of the landed aristocracy, and (2) of the Muhammadan community, neither of which have in the past had their fair share of influence in the Councils.

5. It is proposed that lists should be prepared of the great landholders for each province and that they should elect representatives of their own class direct. In the case of the Provincial Councils, I think this plan should work satisfactorily, the electorate areas being defined by the divisions of the province and the more important divisions being entitled to extra representation either permanently or in rotation amongst each other. But the temporarily-settled portion of this province

could not be represented in this way, and would need to be compensated by special representation in the Provincial Council.

6. The objection alluded to in paragraph 15 of the Government letter to massing together for voting purposes the entire body of landholders in a province seems to me of much gravity, and for the purpose of election of landholders to the Imperial Council I think the electors should be land-holding members of the Provincial Council and their nominee either one of themselves or of the class by which they are elected.

7. I think it probable that those of the great landlord class best fitted for the Imperial and Provincial Council could be obtained by nomination, but as representatives of the interests of the people, elected members will, I think, command greater confidence than nominees of Government. In this case I am a believer in the proverb—"Le mieux est quelquefois l, ennemi du bien"— and I think the Council will inspire greater confidence if a considerable proportion of the members are in a position quite independent of Government.

8. For the adequate representation of the Muhammadan community in the Imperial Council the proposals contained in paragraph 18 of the Government letter appear to be sound and workable. There should, I think, be little or no difficulty in preparing a list of voters who pay income-tax on an income of Rs. 25,000 or whose income from all sources is not less than that amount. The qualification should, I think, be stated thus, not as in clause (*c*) of paragraph 18 of the Government letter. It would then be simple by reference to Cess Returns and Income-tax Registers to estimate the amount of income, and cases of doubt might be referred to the Lieutenant-Governor for decision. The electorate so formed would not be very large. Most of the non-official Muhammadan members of a Provincial Council will probably have votes—confined to Councillors—to elect two members of the Imperial Council—the representatives of the non-officials and of the landholders—and I think in the election of their special representative they should share their responsibility with their leading co-religionists not in the Council.

9. Turning to paragraph 17 of the Government letter, it is difficult to offer an opinion on the subject of the election of Muhammadans to the Provincial Councils without having any definite idea how the latter will be composed. Assuming, however, that the membership of the Council of this province is doubled, it may be that about 5 seats will be reserved for Muhammadans. Of these, two might be filled by nominations, and the remainder by election in the divisions in the following proportions,—

Dacca	1
Rajshahi	1
Chittagong	⅔
Surma Valley	⅓
Assam Valley	Nil.
Total	3

I think not less than Rs. 100 land revenue should be the minimum to qualify for voting power.

10. In paragraphs 21 and 22 of the Government letter proposals are put forward for the modification of the systems of election to District Boards and Municipalities. But the method of election to the Local Boards of Assam is very different from that described and is suitable to local circumstances.

I do not think any alteration need be made either as regards the Local Boards or the Municipalities, nor do I think it necessary that a special qualification for members of Council elected by Local Bodies should be insisted on. Most of the non-official members of Council will necessarily be men of wealth and position, but I do not think it would be wise to insist that the Councils should be a rich men's preserve.

11. The proposals in paragraph 23 for a more systematic discussion of the budgets in the Concls are almost a necessary sequel to those for the enlargement of the Councils, ad I have no comment to offer.

Dated Silchar, the 13th November 1907.

From—Babu HARI CHARAN DAS, Government Pleader, Cachar,

To—The Commissioner, Surma Valley and Hill Districts, Camp Shillong.

I have the honour to acknowledge receipt of your office no. 2202-7T., dated the 24th October 1907, with a copy of the communication (noted on the margin), from the Government of India in the Home Department, and to state my humble opinion on the subject of the formation of an Imperial Advisory Council, as follows :—

Nos. 2310-2317, dated the 24th August 1907.

I most respectfully beg to state that I feel great diffidence in expressing my opinion on the subject. Since the partition of Bengal was first proposed, many matters affecting the interests of India and of Bengal in particular have cropped up and have been discussed by men of light and leading in India. I was overawed by the magnitude and paramount importance of the several issues involved, and, owing to my inability to consider and comprehend them fully and properly, I shrank from passing any opinion on the public acts of the greatest statesmen and highest functionaries in India and out of it. When I had the honour of being asked by you to express my humble opinion on the subject of the formation of an Imperial Advisory Council, I thought over the matter, and I was more than ever convinced of my own littleness and inability to deal with such a momentous matter fully and properly. But it is, however, my bounden duty to comply with the requisition.

With all my feelings, I believe in Providential action. Political puritans may not like it, and may scoff at it. But I feel I must not conceal my conviction. I believe British Rule in India is a God-send and the Rulers before and after the Queen's Proclamation have discharged the providential trust well, and I fervently believe that the destinies of India could not have been placed in better hands, and England will do her duty to India and give her all that she wants, and when the time comes India will reach the climax of her glory and shed an amazing lustre all over the world, as she did in the glorious past.

The Queen's gracious Proclamation is another Providential act, and marks an epoch in the annals of India. I retain to this day the impression that was made by it on my mind when I was eight years old, and the Proclamation was well received by the people and the expansion of the powers and privileges received by them and their extensive participation in the administration of the country and the gradual development of self-Government and the prosperity of the country created in their minds the deepest reverence and love for the most virtuous Sovereign in the world, and the hearty homage they paid to her in the course of her long and glorious reign would rank with the homage paid by devotees to the deity they worship. If this royal edict was passed in prehistoric times it would, for its sublimity, solemnity and pathos, be regarded as a divine message.

I think the best and highest form of Government is that which aims at the establishment of the kingdom of heaven on earth. Of course, the time has not come for the realization of this high ideal, and may not come at all. Nevertheless, it is closely associated with the Indian idea of Government. The Indian—nay the Asiatic—idea of Government, is that it derives its sanction from the Creator of the Universe, and it deserves to be considered by those who are responsible for the administration of India. The cultivators think that the Government is responsible for the drought which is now affecting their crop.

Rationalism has begun to do in India what it has already done in Europe, and even the Russian Empire and the Ottoman Empire are not free from its influence. The common people of India, who form the bulk of the subject population of His Imperial Majesty, are not yet affected by rationalism. Religious fanatics and political agitators and seditionists often appeal to the religious beliefs and prejudices of the masses with a view to incite them to do unlawful things and to cause disaffection, and I have noticed that itinerant bards or singers who have been signing national songs to crowds of people since the partition of Bengal, effectively tell them that English-made salt and sugar are adulterated with things which are un clean and impure according to Hindu and Muhammadan scriptures. This is of course done to boycott of foreign goods. Many people think that Indian sepoys mutinied in 1857 because they were led to believe that unclean and impure things were mixed with cartridges used by them.

Primary education in India is very limited, and the masses are illiterate and hold crude and strange notions about Government. They know very little of the outside world, and I am credibly informed that the masses are not affected by the present

agitation against the Government. A few designing people here and there do mischief for wrongful gain, but the bulk of people are unaffected by it. They are satisfied and contented with the security of person and property they have enjoyed since the establishment of British Rule in India. The administration of justice under British Rule has made the deepest impression in the minds of the people, and it will last for ever, and will not be affected by any agitation against Government. The Hindus, according to the injunction of their scriptures, appreciate knowledge and condemn ignorance, and they will like primary education very much. The authorities may take note of what has recently happened in Russia, and take steps for the diffusion of knowledge among the masses. The Indian Administration may take note of another thing, which is seriously affecting the Indian Society at the present moment. Rationalism has set in, and Education has developed the minds of the higher classes of Indians to such an extent, that the new current of scientific thought is sapping the foundation of the Indian Society and wrecking its archaic institutions and doing away with its old traditions, and demoralisation of the society in an appalling form is apprehended. The advocates of Hinduism are trying in vain to maintain the old traditions and shaky institutions, and the new creed or faith of *Bande Mataram*, which is materialistic in its tendency, cannot stop it (demoralization). Our young friends who utter *Bande Mataram* in season and out of season, are not generally respectful to their parents and superiors. and recklessly infringe rights which are upheld by the law of the land as well as by natural religion and universal morality. I am shocked at the immodest boldness of schoolboys and irresponsible persons shown by them in finding fault with the acts of the highest functionaries in the land. The people should not only be good citizens, but they should also be morally and religiously good men, and although the Government cannot directly interfere with the religion of the people, much can be done to retain all that is good in the old institutions, so far as natural religion and universal morality will allow. What I have stated above may not have a direct bearing on the opinion I am required to give, but my object in doing so is that the Government of India may take it into their consideration in selecting members who are capable of advising them in such matters.

I therefore beg to submit that religious teachers, moralists, and educationists of unexceptional character, who exercise great influence over people of all creeds and colour should be associated with Councillors selected from other classes.

It is said a cloud is visible on the horizon of India. I mean the "unrest" that now prevails in the country. The immediate cause of the unrest in the Bengal Presidency may be the partition of Bengal. But there are other causes which may have brought about this tension of feeling between the Indians and Englishmen in India. The East India Company, who took the initiative in establishing British Rule in India, was an English Trading Company. The bulk of the British subjects in India seem to think that India is still ruled on the mercantile principle of loss and profit, and not for the benefit of the people. Before English princes began to visit India and Indians began to visit England, many people used to say that England was situated somewhere near Ceylon, and English Sovereigns where mythical personages, and for the same reason many people look upon the Institution of Co-operative Societies and other measures adopted by Government for the financial improvement of the country with suspicion. And I was surprised when a friend of mine, who is old and well-meaning, and a man of some culture, told me that the venerable mother of our King-Emperor had died long before her death was publicly announced, and that the matter was suppressed for a political purpose. These erroneous notions are due to want of contact between Englishmen and Indians, who have not properly studied the character of Englishmen and English Rulers in India. I think Indian gentlemen who have seen England and Englishmen in England, and who freely mix with their countrymen and are qualified to sit on the Council, should be made members of the proposed Council, for the purpose of informing the people of the true character of the British Officers in India and of the British nation, and the benevolent intentions of the Government of India and the integrity of their purpose. Since the Queen's Proclamation the Government has done much to meet the claims and anticipations of the Indians. The Queen's Proclamation followed the mutiny of 1857, and as the unrest now prevailing in India is engaging the attention of Government, I think the formation of an Imperial Advisory Council on the lines indicated in the communication of the Government of India is a concession of rights and privileges worth being coveted. This is one of the best things that could be done by Government under the present circumstances. It is an act of true statemanship, and all India ought to be thankful to His Excellency the Viceroy of India for this boon. In my humble opinion, the concession is supplementary to the Proclamation, and is calculated to satisfy the people to a

considerable extent and restore order and peace where they are wanting. It is "Divinity that shapes our ends, rough-hew them how we will." In my humble opinion the agitation has done a good thing. In it I see the dawn of altruism and the growth of public spirit which enable men to devote their energies and resources to the service of their country. This altruism, or public spirit, is especially necessary to the execution of the good work intended to be done by the Advisory Councils. This public spirit may be utilized in advising and helping the Government, instead of its being wasted in agitation against it. The coronation of Mr. Banerjea was a sad mistake. All patriots should be above such weakness. The deportation of Lala Lajpat Roy is very much condemned by our country men, but they seem to forget that Ram, the Raja of Ayodhya, who is held in the highest veneration by the Hindus, sent his innocent wife, Sita, into exile, under painful circumstances, for no other reason than to remove a cause of discontent, for his subjects suspected her and did not think well of her on account of her long residence in the Court of Ravana of Lanka Rama. The King, like Julius Cæsar, thought that his wife must be above suspicion. Patriots ought to be prepared for temporary privations, and, if need be, for perpetual banishment for the good of their country. There is a feudatory relation between the Paramount power and Native Chiefs of India. British Indian subjects and subjects of the Feudatory States in India freely mix for all purposes, and if a Ruling Chief be on the Imperial Advisory Council, he will command the respect of the people, and in that way may do much good. Perhaps it will not be advisable to consult the members of the Advisory Council in matters relating to military operations and other military matters and also matters which come under the category of State Secrets. For such matters may not bear divulging.

The Indian peasantry, including the labouring class, possess large and important interests in the country. But it appears that no express provision has been made for their representation in the Advisory Council. Plagues and famines in India are other important matters, and the experts to be nominated by His Excellency the Viceroy may be consulted in these special matters.

I feel I am not competent to speak on matters of detail.

Nothing can be said now as to how a Council so large and composed of members of different classes and creeds will work. If, however, the members act in harmony and in a disinterested manner, and that from a public point of view, immense good will come out of it. It would be very gratifying to the people to find that their leaders will be taken into the confidence of the Government and they (people) will be given means and opportunities to bring their grievances to the notice of the Government. This concession is in keeping with the traditions of India. For Hindu rulers in prehistoric times used to consult *Munis* and *Rishis* and act upon their advice. But these *Munis* and *Rishis* were not paid for their services. The rulers in return protected the *Munis* and *Rishis* when they were molested by the *Rakshasas*. Vikramaditya reigned in the century immediately preceding the Christian era, and he had an Advisory Council of nine pundits or learned men. The Muhammadan rulers who followed the Hindu rulers used to take Hindu chiefs and noblemen into their confidence.

Patriotism is good a thing, and I am for the development of indigenous industry in a legitimate way. Many men of light and leading who are interested in the national movement may be on the Imperial or Provincial Advisory Council. It is for them to consider whether the wealth of a nation may increase without free trade between their country and other countries. It is for them to consider whether in boycotting foreign goods, they will not forfeit the sympathy of foreign countries when India will severely suffer from famine, inundations, and other dire calamities. I think the masses are deeply attached to the King-Emperor of India and are sincerely loyal. May the leaders of our country be always loyal to their sovereign, true to their country, and true to themselves.

No. 160, dated Sylhet, the 13th November 1907.

From—Maulvi Syed Abdul Majid, B.L., Chairman, Sylhet Municipality,

To—The Commissioner, Surma Valley and Hill Districts, Silchar.

With reference to your memorandum No. 2202-7-T., dated the 24th October 1907, I have the honour to state as follows:—

1. That the proposal of the Government of India to take only the ruling chiefs and big territorial magnates to the "Imperial Advisory Council" is a very sound one, and should, I think, meet with the approval of all classes of His Majesty's subjects.

2. To the Provincial Advisory and Legislative Councils opportunity should be given to all the districts of a province which, if necessary, may be divided into groups and empowered to vote in rotation.

The interest of the less advanced districts should also be safeguarded, and a limit should be fixed to the number of lawyers to such Councils who very seldom represent the great majority of the people; at best they may be said to represent the microscopic minority of the educated people.

The criterion of income of the landed and other interests should not be the same for all the districts. Thus, in Mymensingh there are many zamindars who have an income of a lakh or over per annum, while Cachar and several districts of Assam have not probably a couple of zamindars who have an annual income of Rs. 10,000, while in Sylhet there are, I believe, not to be found a dozen of zamindars with an annual income of Rs. 20,000. The above remarks apply to the election of Muhammadans. Besides, the number of votes should vary according to the population of Muhammadans in each district. The voting power should also be given to the graduates of any University and members of the learned professions besides zamindars, merchants and other classes. The representative Anjumans should also be given power to vote.

No.

FROM

MAJOR H. W. G. COLE, I.A.,
SUPERINTENDENT, LUSHAI HILLS,

To

THE COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS.

Dacca, the 18th November 1907.

SIR

REFERRING to your letter No. 2202-7T., dated the 24th October 1907, on the subject of the extension of the Imperial and Provincial Councils and the formation of Advisory Councils, I have the honour to submit the following observations :—

Imperial Advisory Council.

2. The usefulness of this body may be considerable as a means of explaining the intentions and objects of Government, removing misapprehension and giving a valuable hall-mark to the measures it accents. But it should be composed of members of unquestioned loyalty incapable of utilising its deliberations to undermine or misrepresent the objects of the executive for political motives.

Provincial Advisory Council.

8. With an enlarged Provincial Legislative Council it is not easy at first sight to recognize the help the Provincial Advisory Council could give which could not be equally gained from the Legislative body. Two grounds for its creation suggest themselves however :—It might be desirable to exclude certain Legislative members from the Advisory body which should presumably enjoy the full confidence of Government. It might also include two or three religious leaders, a Brahmin and Muhammadan Maulvi and one of the Assamese Gossains to represent the religious preferences or prejudices of their followers. But with these possible exceptions I am of opinion that an enlarged Provincial Legislative Council could very well perform the requisite Advisory functions.

Governor General's Legislative Council.

4. The only suggestion I have to offer is that the qualifications for the electorate of the Provincial member from the great landholders and nobles should be more stringent. A Provincial electorate of not more than 50 should be ample and offer fewer facilities for exploitation by political wire-pullers.

Provincial Legislative Council.

5. The increase in the number of official members of the Council from 7 to 15 would allow of an addition of 7 non-official members, raising the total number of such members to 15. The additional 8 official members would presumably be drawn from the Commissioners of the Province and the Departmental heads, but if Council meetings at which their presence was imperative were frequent or prolonged, the resultant administrative inconvenience would be considerable. Of the 15 non-official members, 10 might be elected and 5 nominated.

The following distribution of the elected members suggests itself :—

Tea Associations, Assam and Surma Valleys alternately ...	1
Narayanganj Chamber of Commerce	1
Port of Chittagong	1
Provincial Muhammadan Association	3
The professions, *i.e.*, Barristers, Doctors, etc.	2
(The electorate in this class being composed of graduates and in the case of the medical profession diploma-holders qualifying for appointment to Assistant Surgeons.)	
The mercantile community	2

These should be nominated by the Samajes of the chief trading castes. The Marwaries of Assam should be given an exceptional vacancy at intervals proportionate to the interests they represent.

The Assamese representative should be nominated and the other four vacancies at the disposal of the Local Government should fall to classes not otherwise represented.

Discussion of the Budget in the Legislative Council.

6. The proposals of Government for the discussion by heads or groups of heads are commendable, but the detention of the whole Council by a prolonged Budget debate would cause dislocation of the administrative machine. To obviate this it is worth while considering the alternative of appointing a Budget Committee of reasonable dimensions, say, a dozen members, to discuss all details and to limit discussion by the whole Council to the general debate indicated in paragraph 23. The deliberations of the Budget Committee might be public, but all matters not having direct reference to the budget discussion should be vigorously barred both in Committee and Council.

7. It is obviously the desire of Government to extend the association of the classes that have a real stake in the country with its administration, with the object of gaining real assistance from such association. The Council Chamber will, it is hoped, cease to be the platform from which the professional politician will get his most valuable advertisement. With this end in view it is essential to attract genuine representatives of all classes who would be more likely to forfeit the confidence of their followers by an insistance on barebrained schemes of impossible reform than to excite their admiration. To me it appears doubtful whether gentlemen of this calibre would care to submit themselves to the suffrages of any but a most limited electorate. India is not yet ripe for the introduction of Western methods of representation, and the general adoption of the executive system would, with very few exceptions, drive all self-respecting Indian gentlemen of repute from the Council Chamber.

I have the honour to be,

SIR,

Your most obedient Servant,

H. W. G. COLE,

Superintendent, Lushai Hills.

MEMO. No. 5702.

Silchar, the 4th December 1907.

SUBMITTED to the Chief Secretary to the Government of Eastern Bengal and Assam, with reference to his letter No. 11487-91C., dated the 9th October 1907.

By order,

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

FROM

BABU KAMINI KUMAR CHANDA, M. A., B. L.,
VAKIL, HIGH COURT, SILCHAR,

To

THE COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS DIVISION.

Dated $\frac{\text{Shaistaganj}}{\text{Silchar}}$, *the* $\frac{24}{28}$*th November* 1907.

SIR,

I HAVE the honour to acknowledge with gratitude your invitation to express my opinion on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets as described in letter No. 2310-2317, dated Simla the 24th August 1907, from the Officiating Secretary to the India Government to all Provincial Governments. I was away to Colombo during the last month, and your letter, after following me from place to place, only reached me on my return to Silchar last week. This delayed the submission of my views, and they could not be sent within the time mentioned in your letter. I do not know whether this letter hurriedly written on the way will reach you in time.

2. My first respectful submission to Government is that it is unfortunate that the present proposals which indicate a desire on the part of Government to meet the growing demands of the people to a larger share in the administration of the country should in public estimation bear marks on them of being "belated." Such as they are, the present proposals and the recent appointment ot two Indians to the Council of the Secretary of State for India, if Government could see their way to have made them two years ago, would almost certainly have largely contributed to create environments which would be uncongenial to the growth of the present unhappy state in the country. I do not know if the Governmeat views the matter in this light, but it seems to the necessarily limited observation and judgment of a humble individual like myself that the proposals have failed to arouse any enthusiasm at all proportionate to the value of the gifts or concessions or rights, by whatever name they may be called, which Government are now offering. In this view it would, I submit, be wiser to make the scheme more comprehensive and confer rights or gifts which would, in the present state of the country, be considered as more substantial and would thus tend to create a more contented state of public feeling.

3. The idea of associating the great Ruling Chiefs of India, in however a small measure it may be, in the administration of the country is very happily conceived and will make towards better government of not only British India, but of the various Native States. Perhaps the present proposals do not go far enough ; but of course they are tentative and as a sort of feeler.

4. I am not sure if the Indian public opinion has very much been impressed with the idea about the Advisory Councils. The amount of participation which it would confer upon the "Councillors" does not seem to be very tangible, and it is somewhat doubtful if the public have realised what are their exact scope and functions. The object seems to be make them a sort of interpreters between the Rulers and the Ruled. It is more than doubtful if the object will be realized. The scheme is based on an idea —I would not presume to call it assumption— that the landed aristocracy are the "hereditary" or "natural leaders" of the people. But whatever may have been the real fact in the past, this idea is very erroneous now; the zamindar *as such* is not— at least, no longer is—the leader. Whether it is "natural" or otherwise, leadership has passed out of the hands of *mere wealth*— assuming it to have at one time held it —into those of the gaeat middle classes. Kisto Das Pal did not belong to the landed aristocracy—the class from which he sprang is, even now through ignorance to be

sure, looked down as very low; but can it be denied that he led the great zamindar of Bengal? It is an illustration, and other names could be cited as well. I believe this state of things obtains in the West also. Nor is it historically correct either to look upon the landed aristocracy as the "hereditary" leaders of the people. It was the landless and poor Brahmin, and not the zamindar, who was the law-maker and "natural leader." Among the Musalmans, too, I believe, the influence of a really learned and pious maulvi is in no way less than that of a zamindar. In any case, it would not be a correct observation now to make that the zamindars, *qua* zamindars are natural leaders of the people. If Government pleases to revive or perpetuate Indian national forms of leadership, learned maulvis and pandits should be invited to join the proposed Advisory Councils. If, on the other hand, they are to be formed on Western models then also it is the great middle classes wherein must be looked for men whose voice ond opinion will be implicitly followed not only by the masses, but the great landed aristocracy even. I need hardly explain that there are zamindars who by their culture, intellectual attainments, sanctity, and independence of character are certainly undisputed leaders of their people and who would indeed lead in any position they might be placed; but it is not due to the fact of their belonging to the landed aristocracy, but to their character and enlightenment.

5. But tha idea of the functions of the "Imperial Councillors" being those of mere interpreters between the Rulers and the Ruled does not appeal to my judgment as very sound. The people will not readily accept without misgiving any message from, or interpretation of any measure of, Government through their agency. Surely Government cannot be unaware that, with some exceptions, these territorial magnates live in absolute detachment from the outside public—out of all touch with the people whose representatives they will virtually be expected to be. They can only deliver their message vicariously, which cannot inspire much confidence. Results may often be disastrous. It would almost be difficult to realise what would be the sphere of their usefulness in view of the circumscribed limits of selection and the limitations placed upon their functions. The institution is bound to lack vitality through sheer inaction—I was going to say inanity. The Councillors themselves will it is apprehended, chafe under the restrictions placed upon their jurisdictions; their position will simply be place without power, which, as Lord Roseberry described on a recent historical occasion, is purgatory. On the whole, I doubt if a real sphere of usefulness has been conceived or discovered for the proposed Councillors in the scheme.

6. The Legislative Councils offer a more tangible sphere of activity and usefulness. But a mere amplification of the constitution only, which (with the exception of a proposal for improvement of the budget discussion) the Government apparently contemplates, will hardly satisfy the public. It must have struck Government that there is no longer that keen contest or feverish excitement which marked the early elections to the Councils. It is not merely to "boycott" the new province that Indian candidates in various instances declined to stand for election or to take part in elections to the recently formed Council, but in the older province, too, the position of the Hon'ble Member of Council has lost much of that glamour which formerly illumined it. It is from a consciousness that one cannot do much real good to his country, more than anything else, that one's public spirit does not now prompt one to aspire to that once-very-much-coveted honour. The dignity attached to the position has also undoubtedly been considerably diminished, the causes af which need hardly be discussed here. I feel sure that Government cannot be fully ignorant of the change that has come upon the educated communities in this matter. The Hon'ble Dr. Rash Behari Ghosh was once a candidate for election to the Bengal Council, but it required a good deal of coaxing to induce him to accept a seat in the Imperial Council now.

It behoves, therefore, that Government should make the Councils really attractive to persons who would be acquisitions to it—not indeed for the mere object of having them on the Councils, but because they will, by making their ripe judgment and cultured experience to bear on the deliberations, be able to help the Government in making good laws materially.

The proprosal to enlarge the Councils is hailed by every section of the public as a move in the right direction. But here, again, Government evidently experience an unexpected difficulty (which is, however, more imaginary than real) and approach the question from an admittedly wrong point of view. Government find itself in

this difficulty, that an increase of non-official members would necessitate the deputation of a corresponding number of officials in the Councils in order to keep up the official majority. And as with the growth of the size of the Councils considerable time would be spent in the debates, it means a serious inroad upon the public services for the requisite draft of official members. Hence "the necessity of maintaining an official majority thus implies the necessity of limiting the number of non-official members": This is of course the inverse order of dealing with the question. But is this difficulty real? I respectfully submit, not. Nobody would suggest that the Government in this country is in the same position as in England, and that defeat of Government on any matter means that it should walk out, making room for the opposition. The question of defeat of Government does hardly arise. The position I conceive shortly is this: The Government, as the paramount power, offers a legislative measure before the public and the Council, which it wishes to pass after making such amendments as after a full discussion it deems desirable. The non-official members propose such amendments as suggest themselves to their minds, it may be that the non-officials may be unanimous in demanding such modifications; and they give their reasons for the consideration of the Government. But the Government do not feel justified in accepting them. Well, in that case, although the Council, that is the majority thereof—or it may be the whole body of the non-officials,—may be in favour of it, it need not be made law. In that contingency, I would suggest that it should be in the power of Government by recording its reasons to disallow the amendments. No doubt it may appear to be somewhat arbitrary: yet I am persuaded to think that it would be less distasteful than the practice of defeating the non-officials by an artificial majority of official members. The existing practice is objectionable in many serious respects, and is no less arbitrary than the suggestion I have ventured to make. The "mandate theory" about the voting of official members, which was publicly enunciated by a former Viceroy, has not been withdrawn. It is desirable that as much non-official criticism should be made available in Council as is practicable, and this can only be secured by increasing the non-official element. But if an official majority has to be kept up, this cannot be done. If the suggestion I have ventured to put forward is unacceptable, I would then suggest that a sufficiently large number of non-official members be added, quite irrespective of the number of officials, who can be made available to be put on the Council: to keep up a majority of official votes, a number of the added non-official members may be declared to be without voting powers. Such a provision would not be without precedent.

7. With regard to the scheme described in paragraph 12 of the Government of India letter about class representation, I am afraid it is not free from the fault of cross-division. The idea underlying the scheme of there being a conflicting interest in legislation seems to be groundless. There are undoubtedly cases where there will, or may, be a clashing of interest (not racial); but that is hardly provided against in the scheme; on the other hand, the racial factor has been introduced, which, I submit, is not desirable. When tenancy legislation is under consideration, there should be representatives of tenants as well as zamindars in the Council: when the contract law is discussed, there may be representatives of money-lenders and debtors, but I do not conceive what clashing of interest can there be between Hindus and Muhammadans as such? The occasions, if there be any, will be few and far between and can very well be provided for as they arise, instead of keeping up a permanent cause of fanning up a racial antagonism implied in such a division. The Hindu is equally affected by the laws made with the Muhammadans; is there any preferential treatment conceivable in legislation in India as regard races? The best representatives of the country, be they Hindus or Muhammadans, should be returned. Is it true again that Hindus always return Hindus and Muhammadans Muhammadans. An emphatic contradiction to this is furnished by the unanimous re-election for the third time of the Hon'ble Nawab Sayed Muhammad to represent Madras on the Viceregal Council. In the latest election for the Bengal Council, namely, to represent the University, no doubt the Musalman candidate failed to score his Hindu rival (who is senior to him), but if the votes are looked into, it will be seen how many Hindu votes were given for the Musalman. To compare great things with small, at the last general election for the Silchar Local Board, all the Indian members (excepting my humble self, who was the only candidate proposed to represent the town) elected were Musalmans. The senior member from the important ward of Janiganj in Silchar Municipality is a Muhammadan, who was returned by a majority of Hindu votes. If there has been only a few Muhammadan members, it is not because Hindus have not voted for Muhammadan candidates, but because there has been a paucity of Musalman candidates. How many Muhammadan members were in the Councils before the elective system was introduced? How many Muhammadan

Judges are there in the High Courts and Chief Courts of India or the Indian Civil Service either? Has there been a single Muhammadan Vice-Chancellor of any University? These appointments are not contingent on Hindu votes. If there were candidates like the late Mr. Justice Badaruddin Tyabji, Sir Sayed Ahamad Khan, or Mr. Justice Muhammad (for obvious reasons, I do not name living persons), is it conceivable that Hindus would have preferred a Hindu to any of these? But since some of the respected and estee med leaders of the Muhammadan community desire that a number of seats should specially be allotted to them, I do not think any educated Hindu will, or should object to or grudge, the same. (As a matter of fact I believe there was a division among the Muhammadan leaders about the matter and a number of the most distinguished Muhammadan representatives did not join the deputation). But, as I said, I believe the educated Hindu community need not and will not grudge the special seats to our Muhammadan friends. In course of time they themselves will come round and see that such special provision is harmful to them in the long run. The scheme on this point is perhaps a little bit illogical. The object of the Government in suggesting the scheme is presumably that there should be a fair proportion of Muhammadan members, and not that all the elected members should be Muhammadans. But the tentative scheme, as put forth, may bring about this result. What is there to prevent the representatives of the members of the Provincial Councils, as well as the nobles, being all Muhammadans? It is by no means impossible, not even improbable. But in that case, too, as the scheme stands, Government will have to fill up the special seats with fresh Muhammadan members Perhaps this was not meant by Government. I simply draw attention to it, without objecting to it, as even in that case, too, I do not think the Hindu community need at all be anxious or need protest. If good candidates be available from among the Musalman community, let all the elected members be Muhammadans: there will be nothing to be apprehensive of. All that is wanted is that we should have members who are the fittest available in the country.

8. With regard to the proposal to allot special seats to the 'nobles,' I think that it is very objectionable on several grounds. What is to be the test? Mere wealth? I am sure the 'noble' themselves will resent, if a man with no honourable antecedents, but who has been just able to collect enough wealth to qualify himself, sits with them; not an absolutely imaginary case? Will female zamindars have votes? Will those who do not know English be eligible? Numerous other difficulties stand in the way of a satisfactory solution. Then, as the Government of India anticipate, what solidarity will there be in an electorate of such heterogeneous units? It will, it is feared, be something like a Council of perfection, and it will be rash to expect that such an electorate will be able to exercise the franchise in a rational or satisfactory manner, and that in a country which, it is supposed, will never be ripe for representative institutions for years to come.

9. I think it would be far more satisfactory that, instead of providing special seats to be filled up in all cases by representatives of special communities, under all circumstances, to come out of such communities themselves, Government should have some seats at its disposal to be filled up by members drawn from different communities who may stand in need of having special representatives at times, whereas by allotting a fixed number of seats to be filled up by representatives of special communities only, the area of selection is considerably narrowed and may—probably will—result in the Council being composed of members of not the proper standard every now and then, as it is quite conceivable that there may not be the requisite number of members available from one community, while there may be plenty in another who would not be made available.

10. In the composition of the enlarged Council, as formulated in the second paragraph, it will be noticed that the lawyer has almost obtrusively been absolutely eliminated. I do not know if the experiment of having a Legislative Council without lawyers has yet been tried. No doubt Government has the power (to borrow a figure from Currency *legislation*) to demonetise any precious metal at any time, but it is by no means certain that the resultant evils will not be more serious than those caused by the obnoxious metal passing as currency. Will any number of 'notables' of indifferent qualifications make up for the absence of one member like Dr. Rash Behari Ghosh, for instance?

11. The proposed provision for splitting up the debate on the budget into different sections will certainly be more useful than the present practice. I would also suggest, for the consideration of Government, whether the right of introducing private Bills could not be experimentally given.

12. It is not in any carping spirit that I have criticised the scheme as above, but in the sincere belief that the Government of India, in inviting public criticisms, desires to see if the public, or any section thereof, consider the scheme tentatively put forth to be defective, and, if so, in what way: so that, should the criticism meet the acceptance of the Government, the scheme may be revised. I regret very much that I had to write out the above opinion while I am travelling and am without any help.

I am,

SIR,

Yours truly,

KAMINI KUMAR CHANDA.

MEMO No. 5705.

Dated Silchar, the 4th December 1907.

SUBMITTED to the Chief Secretary to the Government of Eastern Bengal and Assam with reference to his letter No. 11487-91C., dated the 9th October 1907.

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

No. 5459G.

ROM

F. J. MONAHAN, Esq., I. C. S.,
COMMISSIONER OF THE ASSAM VALLEY DISTRICTS,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Gauhati, the 26th November 1907.

SIR,

I HAVE the honour to make the following reply to your letter No. 11487-91C., dated the 9th October 1907, asking for an expression of my opinion on the points raised in the Government of India's letter No. 2316 (Public), dated the 24th August 1907, on the subjects of the formation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets. I have yet not received replies from the Deputy Commissioners of Kamrup, Sibsagar, and Lakhimpur, whom I consulted on the above points, nor copies of the replies received from the gentlemen and public bodies in this division, consulted by Government direct, but I submit my opinion now, as I am about to make over charge of the division in order to proceed on special duty. The opinions of the District Officers consulted by me will be forwarded by my successor when received.

2. It is proposed that seats on the new Advisory Councils should be filled by nomination only, while the system of election should be retained for the appointment of a proportion of the members of Municipal Committees and District and Local Boards, and of the Legislative Councils, but with considerable modification. In paragraph 9 of the Government of India's letter, it is pointed out that the existing system has failed to give satisfactory representation on the Legislative Councils to important classes and interests. This is, I think, due to the fact that the elective system is out of harmony with the ideas and sentiments of the mass of the people, and with the organization of Indian society, which is extremely complex and heterogeneous and embraces a very wide range of different standards of civilization, education, and intelligence. The aristocratic sentiment, which is opposed to the theories of equality of votes and of entrusting power to numerical majorities, is very strong in India. Among Hindus it finds expression in the caste system, while among Muhammadans the gulf between the Ashraf or upper, and the Azlaf or lower, class is practically as great as that between the upper and lower castes of Hindus. This ground of objection to the elective system cannot be removed by any raising of the rating or property qualification of voters, as unless the qualification is raised so high as to reduce the constituency to a few individuals, it will be found to comprise a number of distinct social grades. Neither payment of taxes or rent, nor even the possession of an University degree is, in India, a very sure index of social position or civic worth. The principle of caste representation is, no doubt, an excellent one for certain localities and cases, but I do not think that satisfactory representation of any large caste is likely to be secured by election. Every such caste contains a number of sub-castes, representing different grades of society and standards of education and intelligence. The limits of many castes, again, are not very clearly defined, the disputes which may arise with regard to the claims of persons to vote as members of a caste will be very difficult to decide, and it is unlikely that the decisions of Government officers on such questions will give satisfaction. In paragraph 17 of the Government of India's letter reference has been made to the reluctance of Indian gentlemen of position to offer themselves as candidates to a wide electorate.

3. On the other hand, there can be no doubt but that the elective principle is valued by the small but very influential class who have received an English education and who, from English literature, have learnt to associate the democratic form of Government with the ideas of progress and civilization. Some recognition of the principle is necessary to satisfy the aspirations of this class. It must also be admitted that in India the selection of candidates by nomination presents peculiar difficulties and that, under the elective system, there is a chance of good men coming to the

front who would never have secured on official nomination. The problem, then, is to reconcile the conservative and aristocratic sentiment of the mass of the people, and the aristocratic organization of Indian society as a whole, with the democratic tendencies of the English educated class. These tendencies have been recognized by the institution of the system of election of members of District and Local Boards and Municipalities and of Legislative Councils, and it seems natural that professional men, who have received an English education, and understand and value the system, should form a large proportion of the elected members of those bodies. I venture to think that it would be better not to alter the rules of election with the object of securing representation for the more numerous classes, among whom the conservative and aristocratic tradition prevails, and for whom, therefore, the elective system is unsuitable, and that the representation of those classes should, generally, be secured by nomination. This is done, to some extent, at present, a certain proportion of the members of Municipal Committees, and District and Local Boards, and of the Legislative Councils being nominated. Further representation of classes not sufficiently represented now may be obtained by enlarging the Legislative Councils, and in the proposed Advisory Councils. I think, however, that the latter should include an elected element, and I would suggest that all the non-official members of the Imperial and Provincial Legislative Councils should also be members of the corresponding Advisory Councils. The Advisory Councils would thus be formed by the addition of nominated members to the non-official members of the Legislative Councils, and would represent a wider range of different classes and interests than the latter.

4. The scheme of separate election of Muhammadan members of the Provincial and Imperial Legislative Councils, which is suggested in the Government of India's letter, seems open to objection on the ground that it would place the Muhammadans in a privileged position by giving them permanently a double representation on the Councils. It appears to be contemplated that Muhammdan members of the Provincial Legislative Council should be elected by Muhammadan members and *ex*-members of Municipal and Local Boards, supplemented by nominated electors of the same persuasion, as indicated in paragraph 22 (*b*) of the letter, and also by the special Muhammadam electorate suggested in paragraph 17. It also seems to be intended that the Muhammadan non-official members of each of the Provincial Legislative Councils should vote with the other members in the election of a member of the Imperial Legislative Council under paragraph 12 (2) D (*b*), while they would vote again, alone or as part of a special Muhammadan electorate, for a Muhammadan member under paragraph 18. I think that, where the principle of election is applied, it is better that electors of all creeds should meet on a common footing. If it is found that election does not give adequate representation to the Muhammadan or any other important class, the balance may be redressed by nomination, but, in making nomination, due weight should be given to the recommendations of any really representative *Anjumans* or associations of the class.

5. Coming now to the future composition of the Legislative Council of this province, it would appear that, probably, not more than seven non-official members could be added to the existing Council, consistently with the maintenance of an official majority. I would suggest that each of the divisional groups of District Boards should be permanently represented by a member elected under the rules now in force, and two of the groups of Municipalities at a time should be represented by a member each. This would add four to the number of elected members of the Council. I think also that the tea industry and the jute industry should each be permanently represented. The remaining two additional members of the Council might be nominated by the Lieutenant-Governor from among important interests or classes not already sufficiently represented.

6. To form the Provincial Advisory Council representatives of other interests and classes might be chosen. Of the classes selected for representation, some might be castes, others functional groups, and others again religious denominations. Two general tests might be applied in considering the claim of any class to representation, *viz.*, (1) that the class must be fairly numerous, and (2) that there must be some member of the class qualified by education and social position to occupy a seat on the Council. The number of members of the Advisory Council would have to be settled after a special enquiry into the relative claims of different classes, and, as these would be liable to alteration, and new claims might be established, it would be well not to fix the number permanently, but leave it liable to be changed from time to time.

7. Supposing the number of non-official members of the Provincial Legislative Council to be raised to fifteen, the same number of non-officials, in addition, would be required to form an Advisory Council of thirty. The total number of nominated non-official members of the Advisory Council would then be nineteen. Of the eleven elected members, three representing the tea and jute industries and the Commissioners of the Port of Chittagong would, presumably, be Europeans. Supposing the remaining eight elected members to be Hindus, as they might be when the Provincial Muhammadan Association was not represented, four Muhammadans might be nominated as members of the Legislative Council, and of the 15 other nominated members of the Advisory Council a certain number might be Muhammadans, and the remainder might be chosen to represent other communities. The Marwaris and the Shaha traders of Eastern Bengal and Assam might each have representation, and so might the Rajbansi caste, numbering, according to the Census of 1901, 1,617,334 members in the province, and comprising people of widely different social grades, from cultivating peasants to a ruling chief. It might be possible also to nominate to the Advisory Council representatives of important castes peculiar to the Assam Valley, such as the Ahoms and the Kalitas, but this would depend on the claims to representation which might be established by other castes and groups in different parts of the province. I think that it would be well to nominate one of the principal Assam Gossains as representing orthodox Vaishnava Hinduism. Though without English education, these Gossains are usually enlightened men, whose opinions it would often be worth while to have on important public questions, and they are in close touch with their disciples throughout the Assam Valley having their representatives in every important village, chosen from among the most respectable of the villagers. A Gossain would not often be able to attend meetings of the Council in person, but he could give his opinion in writing, and might, as a special case, be represented at meetings of the Council by agent. As regards the Imperial Advisory Council, I would recommend that it should be formed, like the Provincial Advisory Council, by the addition of nominated non-official members to the non-official members of the Imperial Legislative Council, and that it should include, besides ruling chiefs and territorial magnates, representatives of other important classes in each province.

8. Instead of having separate elections of members of Municipal and District or Local Boards by different classes, I would have their adequate representation provided for by nomination, legislation being undertaken, if necessary, to increase the proportion of nominated members of these Boards. In my humble opinion it is not clear that any advantage would be gained by raising the rating or property qualification of voters or candidates for Municipal Committees in Bengal and Assam, or for Local Boards in Bengal, or by prescribing special qualifications for elected members of Council, but I think that the qualification of literacy for voters should be insisted upon, and for this purpose legislation would be required. For the present a simple test of literacy might be applied; later on, it should be possible to prescribe a leaving certificate from a Primary school as the minimum educational qualification. The Local Boards in Assam are constituted not by law but by executive rules, under which the members representing rural circles are elected by chaukidari panchayats in the Surma Valley and in Goalpara, and by *gaonburas* in other districts, and no qualification of any kind is prescribed for candidates. The *gaonburas* do not form a very satisfactory electorate. A large proportion of them are illiterate, and the status of many is little above that of a village menial. Before the issue of the present Local Board Manual in January 1905, a rating and property qualification for voters and candidates for the seats on Local Boards fitted by elected Indian members was in force in the districts of Kamrup and Sibsagar. I think that it would be well to introduce rating and property qualifications for voters and candidates for Local Boards in Assam similar to those in force in Bengal with the qualification of literacy added.

9. It appears that the functions of the Advisory Councils and the Legislative Councils will to some extent overlap. The Advisory Councils will be consulted on administrative measures of importance, while the Legislative Councils will discuss the Imperial and Provincial budgets, and the remarks made in such discussions will be considered in framing the budgets. There are, however, few administrative measures of importance which have not a financial aspect, and, presumably, the Advisory Councils will also be consulted with regard to proposed legislation and with regard to the budgets.

There would be no difficulty in submitting draft bills, before their introduction in the Legislative Council, to the members of the Advisory Council either individually or collectively, or both, for opinion. The precise definition of the respective functions of the Legislative and Advisory Councils with respect to the budgets is more difficult and would require more technical knowledge of financial matters than I possess. I think it very necessary, however, in order that the Advisory Councils may exercise a real influence on the administration, that they should be consulted as fully as possible on the financial arrangements of Government, and especially with regard to Provincial finance. It seems that any consultation of non-official advisers with reference to the preparation of the budget, before it is presented to the Legislative Council, must be informal and unofficial only. Perhaps the existing practice of a general discussion on the financial statement on its presentation in the Legislative Council might be continued and thereafter it might be referred for more detailed discussion by heads to the Advisory Council or to Committees of that body. It is possible that the modification of the Provincial budgets in accordance with non-official advice might be facilitated by a further decentralization of Provincial finance, which I have elsewhere suggested, on the principle of allowing each province to retain the whole of its revenues under main heads, while making a lump contribution towards Imperial expenditure. I think that, in addition to the discussion of the initial budget, the opinion of the Advisory Council or of a Committee thereof should be taken on any important re-appropriations proposed during the year.

10. In conclusion, I may be permitted to offer the opinion that an essential condition of the success of this scheme is that it should commend itself to the educated classes of the population by giving them, practically, a larger share in the administration of the country. Unless there is some clear assurance that a definite advance will be made in this direction, the scheme will not give satisfaction, nor even excite much interest. People will take little interest in the constitution of Advisory Councils, if they think that the functions of the councillors will be merely honorary, that they will be consulted only as a matter of form, and that not much attention will be paid to their advice. There is the more necessity for reassuring the public on this point, as there are certain features of the Government of India's proposals in which the pretext may be found for describing them as reactionary. It would be highly inexpedient to confer, by legislation, authority in administrative matters on non-official councils, but it seems advisable that, on the inauguration of the new scheme, it should be publicly laid down as a principle of Government policy, that, subject to necessary exclusions or limitations, the advice of the Councils shall be followed, in all matters of internal administration, so long as it is not inconsistent with public security and a due regard for the important interests of all sections of the community. There are very few matters in regard to which non-official opinion may not be followed without in any way weakening the authority of Government, but we should be prepared to sacrifice some official programmes, and sometimes to allow the postponement of apparently desirable reforms.

I have the honour to be,

Sir,

Your most obedient Servant,

F. J. MONAHAN,

Commissioner, Assam Valley Districts.

MEMO. No. 5515

Dated Gauhati, the 28th November 1907.

Forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office letter No. 5459G., dated the 26th November 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

The Reform and Expansion of Legislative Councils.

The scheme sketched out by the Government of India for reforming and expanding the Legislative Councils with a view to giving the people of India wider opportunities of expressing their views on administrative matters, is a just recognition of the claims of the leaders of public opinion, who by their education, honesty of purpose, ability, touch with the masses and loyalty to Government are entitled to great consideration, to have a large share in the representative institutions. It therefore behoves on them to examine very carefully the proposals contained in the Government of India's letter to see in what respects these satisfy the legitimate aspirations of the people, in what points they are defective and to offer their criticisms, not in a carping spirit, but with a view to placing before the Government the shortcomings, errors or defects in the scheme, in order to enable them to arrive at a correct conclusion regarding the real requirement of the people. While it is the duty of the people to speak out their minds freely and to help the Government as loyal subjects of the King and Emperor, it is, I believe, also the bounden duty of Government to grant the people such privileges as they prize and as would conduce to bring about better understanding and better relations between the governor and the governed. It is said that the present Legislative Councils, with always an official majority, are mere shams. Although the official majority is inevitable, yet there are means by which the voice of the non-official members might be made more effective. Much, however, depends upon the quality, character, and calibre of these members. There are some instances of official members siding with non-official ones and two or three cases of Government sustaining a defeat, owing to the opposition of the non-officials members. I will here cite a most remarkable one which I remember well. During the Viceroyalty of His Excellency Lord Lytton, when the Civil Code Procedure Amendment Bill was introduced, Sir Arthur Hobhouse, the then Law Member of the Council, had introduced a section depriving the Munsiffs of the power of taking up civil cases in which Government was a party. The section was retained by the Select Committee, and when the Bill was discussed in the Council, Maharaja Sir Jotindra Mohan Tagore Bahadur most strongly opposed the insertion of the clause. The Council, in the felicitous language of His Excellency the Viceroy, was "so nicely balanced and narrowly divided that the amendment," continued His Excellency, "was carried by a single vote and that vote was, I believe, my own." This may be an isolated case, but it proves a good deal. Sir Arthur Hobhouse was a liberal of liberals and Lord Lytton a tory of tories, The section which the former wanted to introduce was of a most retrograde character, and nobody even dreamt that it would be expunged by such a conservative Viceroy, yet Maharaja Sir Jotindra Mohan Tagore, by his pluck, tact and determination, could gain his point and thus the country was saved from a huge political scandal. Had not the Maharaja Bahadur moved the amendment, a most objectionable clause would have disfigured the statute book. It would indeed be very deplorable that if, after all these agitations and anxious thoughts given to them by the Government, we were to get mere shadows instead of substance and if the representative institutions were rendered more shams than they are at present. The very thoughtful and excellent letter from the pen of Sir William Wedderburn, which has appeared in *India*, that the Secretary of State and the Government of India have still an open mind on the subject and the proposals are simply submitted to public criticism, which will be shaped into a workable scheme after the opinions received are fully considered and matured, should convince every right-thinking man that it would be a great mistake not to consider the matter carefully now and not to give his honest opinion.

The spread of education, the large increase in the number of undergraduates and graduates, the introduction of the elective system into the representative institutions, *viz.*, the Legislative Councils, Municipalities and Local Boards and the successful and satisfactory working of the same, on the whole, have naturally created an ambition in the minds of the people for a larger and more responsible share in the administration. When the elective system was introduced by Lord Ripon in 1881. His Lordship did not expect any immediate good result. He fully anticipated the difficulties and apprehended that in some cases the experiment would fail. All that he wanted was to foster sedulously the small beginning of independent political life and to make a beginning in teaching the people the art of Self-Government. Similarly, when the Council Act of 1892 was passed in Parliament, the greatest statesman of the age, Mr. Gladstone, then in opposition, declared, from his place in the House of Commons, that he did not except any large or imposing results, but he looked hopefully to the Municipal institutions for doing the best they could, in order to make the measure a success. It is most gratifying to see that the results have exceeded the most sanguine expectations. The people have come to understand pretty fully the right of voting and the privileges it has conferred on them. In the elections there have been frequently keen competitions. Although here and there some members have been returned who should have not been elected, yet, on the whole, the elected bodies are superior to the nominated ones and the former are more in touch with the masses than the latter. The right of interpellations has been the means of eliciting much useful information which was hitherto before hidden from the public and of checking the vagaries of hot-headed, over-zealous or unsympathetic officers.

We are indeed very grateful to say that the Government has approached the consideration of the subject with a sincere desire to satisfy the just and legitimate aspirations of the people and they in turn will respectfully but most emphatically state that the elective system, which has worked with such admirable results for nearly a quarter of a century, should not only be continued but extended with such safeguards as may be necessary for due protection of the interest of the Government.

In paragraph 9 of the letter of the Government of India it is said that the representative institutions in electing members to the different Councils have failed to fulfil the expectations formed of them, because they have returned as disproportionately large number of Barristers, Pleaders and Schoolmasters. It is no doubt well-known to the authorities that Pleaders and Barristers are the creation of the Government. Before the British rule and some time after it, Barristers and Pleaders, as a class, were not known. The few men who practised as Muktears did not occupy a good position in society, as that profession was condemned by all. When the English methods of administration were introduced in the country, the existence of Pleaders and Barristers became a necessity. Government have placed them in such a position as secures to them unbounded respect from the people. They know that without Pleaders and Barristers they cannot get justice. They know that without these lawyers they cannot go up to the highest Courts to get redress. They know that many an innocent man has been saved from the gallows by the mediation of these professional men. No wonder that the admiration of the people for these professional classes should be great and that their voice should always be supreme. Moreover, they being always in direct contact with the masses and knowing their real wants can better represent them than anybody else. There can certainly be no objection to supplying the requisite counterpoise to the excessive influence of the Pleaders and Barristers by creating an additional el ectorate recruited from the landed and monied classes. But the members should be elected by these classes and not nominated by Government. There may be some noblemen and zamindars who may not like to contest for a seat in a general election held openly, but surely there can be no objection to their seeking suffrage from men of their own class. Besides, such objections are merely sentimental ones and are fast dying out.

The most important consideration involved in this question, *viz.*, the members as a consultative body should be able to represent faithfully the wants and grievances of the masses and explain to them correctly the intentions of the Government, should not be lost sight of. This is, no doubt, the chief object which the Government has in view, and with this object the Government have come forward to take action. A man cannot certainly represent his fellow countrymen unless he is in immediate contact and touch with them, and of this the best judge is the people themselves. It would indeed be deplorable if Government were to pass any measure affecting adversely the interest of the people in consultation with, and with the approval of, the members appointed by Government, in the name of the people, who know nothing of the qualifications of these members and would have perhaps never returned them. It is the interest and duty of the Government to look more to the welfare and prosperity of the masses than

of any particular class or classes, and a system should be therefore devised by which the masses can be properly represented. In this direction the Municipalities and Local Boards have been doing very well. It is true that the qualifications of voters and candidates are very low, but these can be raised. It is also true that some important classes of people have been excluded from voting, while some unimportant classes have received undue preponderance. All these might be easily rectified. The recognised public bodies and landholders' associations or committees might also greatly help in the matter by returning such educated, intelligent, and public-spirited men as may be regarded fair exponents of the wishes, intentions and wants of the aristocracy, the middle classes and the masses.

Let us now consider the constitution of the different Councils. While thankfully acknowledging the noble intentions of the Government regarding the constitution of the Advisory Councils, I would respectfully submit that, in order to be popular these Councils should be representative of the people, and all its members, with the exception of 20 ruling chiefs who may be nominated by Government, should be elected by the different classes, namely, territorial magnates, zamindars, landholders, public bodies representing large interests, and not merely a class or clique, Municipalities and Local Boards, to be distributed among the different provinces in equal numbers, regard being had that such backward provinces as Assam and Orissa get a fair share and are not neglected.

The Council being thus an elected and representative one the opinions of the Councillors given in a meeting, assembled or privately, should be formally recorded and as a general rule, be published, subject to the provision that in exceptional cases His Excellency the Viceroy may, for reasons of the State, direct that the proceedings or any part thereof be treated as confidential and withheld from publication.

Publicity of the proceedings will bring home to the minds of the Councillors the responsibility of their position, and at the same time it will leave no room for the intentions of the Government being misconstrued by the people at large.

The value of collective deliberations being already recognised by the Government it is essentially necessary that all important questions referred to the Imperial Advisory Council should be discussed only at a general meeting, and that they should formally meet at least once a year, if not more frequently.

Provincial Advisory Council.—Leaving one-third of the members to be nominated by Government, the rest should be elected in the manner stated above and the functions and duties of the Councillors should also be the same.

Before entering into the question of the constitution of the Imperial Legislative and Provincial Legislative Councils, it should be very carefully considered whether it is necessary to have two sets of Councils, and whether one set, if properly constituted, will not serve the purpose. In the event of the Advisory Councils being constituted on the lines indicated above, and in the event of their members being increased, in order to include all the interests and more power being given to the members, an Advisory Council, call it simple Advisory or Advisory Legislative, will be quite fit to do all the functions of a Legislative Council. In fact, the interests and responsibilities of both will be identical.

The advantages of having only one set of Councils will be many. First of all Government as the paramount power has to maintain a standing official majority. This is, I think, only possible as regards the Imperial Legislative Council in Calcutta, but almost impossible as regards the Provincial Councils, as, when these are enlarged, a sufficient number of high officials fit to have seats in the Council cannot be had to preserve the official majority. The object of Government to keep this majority being to preclude all possibility of the non-official members defeating it, it is very desirable for the Government to say distinctly in what matters the Government should hear the Councillors and abide by the collective votes and in what matters they will not. I think the time has come when there should be a little more plain speaking on the part of Government. A line should be drawn beyond which the people should not expect to go, and all false hopes should be banished from their minds. It would be sheer folly and madness on the part of the people to dictate Government as regards the army organisation, the military expenditure, the frontier defence, the foreign affairs, appointments to the highest offices of the State, and the like, in which matters Government as the ruling paramount power will act in the best way they think proper, but in the matter of education, distribution of money under the different heads of expenditure, imposition or remission of taxes, municipal administration and generally all matters relating to the management of the affairs of people or conducing to their interests their voice, as echoed by their representative in the Council, should

not only be heard but respected and carried out, subject of course to the ruling power of the Viceroy to veto any measure in exceptional cases. In such matters with the direction and advice of official members, the non-official ones will be able to conduct their own business and no official majority will be required. This will be teaching the people the real elements of self-government and instead of shadow they will get some substance.

If such a scheme be not acceptable to Government, then I will respectfully submit that the Imperial Legislative and Provincial Legislative Councils should be more representative and constructed on the lines I have suggested as regards the construction of Advisory Councils.

In the proposed scheme for the constitution of the Imperial Legislative Council, only one member has been allotted to each of the seven Provincial Councils to be elected by the non-official members. In my humble opinion the number should be at least two, or else there cannot be any fair, much less adequate, representation.

We are grateful to Government for taking up the question of minorities and backward provinces with a view to secure to them due representation, and we fervently hope that they will take up the question of the representation of the Assam division in the same way as they have treated the Muhammadan representation. It is, I believe, well known to Government that Assam has shared in the general satisfactory progress of the country. Education had spread, the number of undergraduates and graduates has vastly increased, the elective system introduced in the Municipalities and Local Boards has been fairly successful, and the working of these institutions has shown good results. At the time of the formation of the new province, Sir Bampfylde Fuller distinctly gave it to understand that it would be his business to see that nothing but good would result to Assam by its amalgamation with Eastern Bengal, and although it had been promised that an Assamese would have a seat on the new Council, yet nothing was done and consequently the disappointment of the people has been great. Up to this time Assam has remained unrepresented on any of the Councils, either Imperial or Provincial, and it is now high time that she should be represented in both, in view of several large questions regarding the development of her resources, the working out of her potential assets and the adequate recognition of the just claims of the people now awaiting solution at the hands of Government. Two seats on the Imperial Legislative and six on the provincial, one-half by election and the other half by nomination, will for the present, have the effect of removing their just grievance.

As regards the budget debate, it is difficult to understand what advantage can be gained by discussing a cut-and-dry budget. The debate includes not only the figures but also the principal administrative measures of the Government. These latter instead of being discussed at the fag of the session at a single or two or three sittings of the Councils, might with great advantage, be taken up from time to time as occasions arise during the session.

As regards the budget itself, it is useless for the members to criticise the expenditure incurred under different heads or the imposition or remission of taxes after these have been already settled. Surely the members may be taken into the confidence of the Government and intentions of the Government made known to them before arriving at any decision.

Gauhati,
The 22nd November 1907.

MANIK CHANDRA BARUA.

No. 3529.

FROM

MAJOR D. HERBERT, I.A.,
DEPUTY COMMISSIONER OF KAMRUP,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Gauhati, the 30th November 1907.

SIR,

WITH reference to your memorandum No. 5018-21G., dated the 20th October 1907, forwarding, for my opinion, a copy of Government letter No. 11487-91C., dated the 9th October 1907, on the subject of the formation of Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, I have the honour to report as follows:—

I.—Advisory Councils.

2. I understand from paragraphs 5 and 6 of the Government of India's letter No. 2316, dated the 24th August 1907, that Imperial Councillors will be appointed by the Viceroy and that Provincial Councillors will be nominated for the Viceroy's approval by the head of the Local Government, none being elected. In the latter part of paragraph 2 of the letter of the Government of India it is stated that the classes which will be represented on the Advisory Councils may reasonably look forward to a larger share in the actual work of administration and to more extensive employment in the higher offices of the State.

3. This then limits the classes to be represented on these Councils to such only as may be considered fit for a larger share in the work of administration. Certain castes in Bengal and Assam have shown special aptitude for the work of administration, and although the Brahmins of Assam, owing to their strict orthodoxy, have hitherto generally held aloof from work of Government, still they are by tradition and training eminently fitted to share in this work and to be represented on the Provincial Advisory Council. It seems to me, however, that any system of selection from castes is hardly feasible, firstly, because castes omitted from scheme will have a strong grievance, and, secondly, because selection from castes would overlap with selection from associations, and some appointments must necessarily be made from recognised associations. In my opinion, the system appropriate to Assam would be selection from classes and associations combined with the nomination of prominent individuals.

4. The Gossains are the most influential class in Assam, and I have considered whether they should not be represented on the Provincial Advisory Council. Although one of the principal Gossains would consider it derogatory to his spiritual dignity to sit in a Council Chamber with Hindu gentlemen of inferior caste, or, in fact, with any other persons on a position of equality with him, still a Gossain on the Provincial Advisory Council could send to the Advisory Council in writing valuable views on any subject to be discussed. It has, however, been pointed out to me that the Gossains have never taken part in politics, and even in the days before the British occupation they never advised the Rajas on any other than spiritual matters. The impression has indeed been conveyed to me that the appointment of one of the Principal Gossains to a seat on the Provincial Advisory Council would be considered as improper and contrary to the traditions of the race, and I have, therefore, come to the conclusion that they should not be represented. The Musalman community of Assam should be represented on the Provincial Advisory Council. The Assam Association, which, though a young body, is likely to become truly representative of the Assamese people, should be represented.

The commercial class in Assam is heterogeneous. The majority belong to the Marwari community, and some of these were, I believe, established in Assam before the country was ceded to Great Britain. I think that the trading classes should be represented on the Provincial Advisory Council. It appears to me, however, that the Naryanganj Chamber of Commerce is the body best suited to select a Councillor to represent commercial interests if in the course of time it becomes more representative of such interests generally, instead of, as at present, representing jute interests only. The tea planters of the Assam Valley should have a Provincial Councillor, because the conditions of the tea industry in this valley are different to those of the

Surma Valley and the Duars. I presume that the landed proprietors of Goalpara will be represented also on the Provincial Advisory Council, and there should also be one Councillor from the Assam Valley to represent the professional classes.

5. I have thus suggested six Councillors for the Assam Valley districts. Whereas it is stated in paragraph 6 of the Government of India's proposals that Provincial Councils will be smaller than the Imperial Council, which will consist of about 60 members, and whereas there are five divisions in the province, it seems to me that the Assam Valley Division will be sufficiently represented by six Councillors. My suggestions are made on the assumption that a knowledge of English will not be an essential qualification for membership of the Provincial Advisory Councils.

II.—The Imperial Legislative Council.

6. In paragraphs 14 and 15 of the Government of India's proposals the question of an electorate of landholders for each province to elect direct a member of the Imperial Legislative Council is discussed. The system of election does not, however, commend itself to the respectable Indian, because of the apparent stigma attaching to defeat by a rival candidate, as is stated in paragraph 17 of the Government of India's proposals. I have discussed this point with several prominent gentlemen of Gauhati, both official and non-official, and they agree with me that if an electorate, such as is suggested by the Government of India, is formed for the landholders of each province, it would work satisfactorily only if it chose or nominated a representative, that is to say, candidates would not put forward their own names but they would be put forward by their friends and backers, who would do the canvassing, and the result would be election under another name.

7. Excluding Goalpara, there are in Assam no landholders of the standing contemplated by paragraph 14 of the Government of India's proposals, and I do not think that the landholders of Assam as a class are sufficiently prominent to be represented on the Imperial Legislative Council.

8. With reference to paragraph 17 of the Government of India's proposals, I am of opinion that, in addition to the Muhammadans ordinarily elected to the Provincial Councils, a certain number of seats should be reserved exclusively for Muhammadans. I think, however, that in Assam such seats as may be allotted would best be filled by nomination. There being in Assam no substantial landholders as contemplated by clause (1) of paragraph 17, the payment of a certain sum in land revenue could not suitably form the basis for an electorate, and election from the classes suggested in clauses (2) and (3) only would exclude altogether the comparatively few Muhammadan landholders who are fit to be on such an electorate as is proposed. The proposals for the Eastern Bengal Divisions, in which the Muhammadans form a majority of the population would, however, while excluding Assamese Muhammadan landholders, sufficiently represent Muhammadan interests throughout the province, if the Muhammadans of Assam, who fall within the definitions given in clauses (2) and (3) of paragraph 17, are included in the electorate proposed especially for the Muhammadans of the whole province.

9. *Paragraph 18 of the Government of India's proposals.*—I am not in a position to express an opinion as to the difficulty or otherwise of compiling a list of voters under the head (*c*); but in my opinion the Muhammadan non-official members of the Provincial Councils, though they will probably be few in number, even in the Province of Eastern Bengal and Assam, will be fit to form the electorate for the two seats set apart for Muhammadans on the Governor General's Council, because they will necessarily be the cream of the Muhammadan community, and ought to be thoroughly representative of Muhammadan views.

III.—Provincial Legislative Council.

10. In paragraph 10 of the Government of India's proposals, it is stated that the Legislative Council should be enlarged to the fullest extent compatible with retaining an official majority, and the question is asked, what number of official members of the requisite standing and experience can be spared for attendance on Legislative Councils. At present, in the Council of 15 members for Eastern Bengal and Assam, the number is 7, as follows :—

Members of Board of Revenue	2
Secretaries to Government	2
Commissioners	2
Legal Remembrancer	1
Total	7

I am of opinion that this number can be increased to 14 without detriment to the public service, because it is not essential that all official members should attend every meeting of the Provincial Council, and ordinarily the full number of members will be required only at the budget meeting, which, if the procedure proposed in paragraph 23 of the Government of India's letter is adopted, may extend to 2, or perhaps even 3, days with an enlarged Council. For the reasons given below, I think the official members of the Provincial Council may comprise the following officers :—

Board of Revenue	2
Commissioners	5
Chief and Financial Secretaries to Government	2
Legal Remembrancer	1
Selected Heads of Departments or Judicial Secretary when a senior officer	2
Selected Magistrates and Collectors	2
Total	14

It seems obvious that all Commissioners may usefully be on the Council. Their experince is necessarily wide, and embraces every branch of administration. The Chief and Financial Secretaries to Government and the Legal Remembrancer must be on the Council, indeed they may be considered as *ex-officio* members of Council. The Judicial Secretary, if of requisite standing, would be a useful member of Council. Certain officers holding the appointment of head of a department may do good work on the Council, but they must be officers selected for their ability, experience, and judgment, and not because they happen to hold a certain appointment. I have proposed that two seats be allotted to such officers. I also propose that two selected Magistrates and Collectors be appointed to the Council. Senior Magistrates and Collectors rank next to Commissioners in the extent of their experience, and in certain provinces of India selected Magistrates and Collectors are now members of the Provincial Council. The office of Member of Council confers distinction upon the holder and is highly esteemed. The Lieutenant-Governor, therefore, will have no difficulty in finding officers of the requisite standing and experience willing to accept seats on his Council. For this reason, I am of opinion that the mere holding of an appointment at headquarters should be given no weight as a reason for the appointment of an officer to the Council, but that the Lieutenant-Governor should select the members of his Council from the widest possible field and appoint a certain number from among Heads of Departments and from among Magistrates and Collecters. It occurred to me that Judges would perhaps be even more useful on the Council than Heads of Departments, who are generally specialists, but Judges cannot be spared from their regular duties to attend Council meetings and their services must therefore be lost to the Council, at any rate as members of the Legislative body.

11. If it be conceded that so many as 14 officials may be on the Council without detriment to the public service, then the Provincial Council may be one of 30 members, and I would make up the number by election of non-official members as follows :—

	Proposed Council.	Present Council.
Municipalities	3	1
Local Boards	4	2
Provincial Muhammadan Association	1	3
Eastern Bengal Landholders Association	1	
Tea Industry, Assam	1	
„ Surma Valley	1	1
„ Duars		
„ Chittagong		
Narayanganj Chamber of Commerce	1	
Chittagong Port Commissioners	1	1
Total	13	6
Nominated members	3	2
Official members	14	7
Total	30	15

12. In paragraph 21 of the proposals of the Government of India are discussed the qualifications for electors and candidates for seats on Municipalities and District Boards. The qualifications in Assam Valley Municipalities vary as is shown below :—

Municipalities.	Qualification.	
	Voter.	Municipal Commissioner.
Dhubri, Goalpara	Rate-payers of Re. 1	Rate-payers of Rs. 4.
Gauhati, Dibrugarh	Rate-payers of Rs. 3	Rate-payers of Rs. 3.

The remaining Municipalities are under Act V (B.C.) of 1876 and the Commissioners are appointed by the Lieutenant-Governor, there being no electoral franchise. The electoral franchise for Municipalities follows the lines generally accepted, and I would not propose any alterations except that the voter's and Commissioner's qualification in Dhubri and Goalpara Municipalities be raised to equal the qualification in the Gauhati Municipality.

13. In Assam there are Local, and not District Boards. The qualifications for voters and for membership of all Assam Local Boards are as follows :—

(*a*) One member for the headquarter station must have the qualification necessary for a Commissioner of the Municipality, and the voters must have the qualification required for a voter for Municipal Commissioners.

(*b*) One commercial member, whose qualification is the payment of income-tax. The voter's qualification also is the payment of income-tax.

(*c*) Rural members, varying in number in the different Local Boards from 5 to 2, are elected by *gaonburas*. No qualifications are required of these rural members except that Rule 4(V) on page 5 of the Assam Local Board Manual requires that they be not "unsuited for office." This electorate of *gaonburas* appears to me to be very weak, and not truly representative of the landholder classes. It is true that in theory the *gaonbura* is selected by the villagers, and in *nisfkhiraj* villages he is nominated by the *nisfkhirajdar* or landholder, but *gaonburas* generally are drawn from an inferior class of cultivators, and are likely to be easily influenced to sell their votes.

I am of opinion that the electorate should comprise the mauzadar class and all respectable landholders, who are the persons having a real stake in the country, and I would, therefore, propose that the electorate for Local Board rural members be altered to one based on a property qualification. The five upper districts of Assam being under *raiyatwari* settlement, there are few large landholders, and therefore I would propose, as qualification for voters for rural members of Local Boards, the payment of not less than Rs. 100 in land revenue.

14. The electoral franchise for Municipalities and Local Boards is quite unsuited as a basis for the election of members of the Provincial Legislative Council, and the Government of India have proposed in paragraph 21 that, while the system in force for the election of Municipal Commissioners and Local Board members may remain unchanged, special qualifications might be insisted upon for membership of the Provincial Legislative Council.

I beg to suggest that none but persons included within one or other of the descriptions noted below should be eligible for membership of the Provincial Legislative Council :—

(1) Registered graduates of an English or Indian University of more than five years' standing.

(2) Payers of income-tax on an annual income of more than Rs. 2,500.

(3) Payers of land revenue in excess of Rs. 5,000.

(4) Titleholders and Honorary Magistrates.

No. 1 needs, I think, no explanation.

No. 2 would comprise the trading and professional classes, including barristers and those who have passed the pleadership examination and have a fair practice, but are not University graduates, as well as persons living on private means, retired Indian officers of standing, etc.

No. 3 would include the leading landholders, although in Kamrup there are but two persons paying more than Rs. 5,000 in land revenue and both are Hindus.

No. 4 would include gentlemen who have rendered service to the State, and who might be capable of useful work on the Council.

15. *Paragraph 22 of the Government of India's proposals.*—I am unable to suggest any class which requires the special assistance given to Muhammadans. It seems to me that, unless they are specially excluded, the most advanced and most intellectual must come to the fore under any ordinary electoral system. I do not think I am called upon to make suggestions with regard to paragraph 22, clauses (*a*), (*b*), and (*c*). It appears to me that the existing system in Assam is, on the whole, good. In Municipalities with an electoral franchise the various classes and interests are, so far as I am aware, adequately represented. The ward system works well, and Ward Commissioners take an interest in the affairs of their respective wards. Under the system proposed in paragraph 22, clause (*c*), the various classes might be better represented, but I doubt if the work of Municipalities would be better done unless Commissioners be placed in charge of wards, and that would be difficult because some wards would always be unpopular.

16. In paragraph 11 of this letter I have already suggested improvements that might be made in the constitution of, and system of election in, Local Boards, and I think that the existing system, if modified as I propose, would be practically that suggested in the first part of paragraph 22, clause (*c*) of the Government of India's proposals, *i.e.*, the leading classes into which the population is divided by race, caste, or religion would each elect its own representative. In the last part of paragraph 22 it is laid down as a principle that electors for seats on Local Boards and Municipalities ought to be literate, and with this principle I entirely agree.

IV.—Discussion of the Budget in the Legislative Council.

17. I am of opinion that the procedure suggested in paragraph 23 of the Government of India's letter for adoption in discussing the Imperial and Provincial budgets is calculated to make the debates more practical, and that the adoption of such procedure would be highly appreciated by members of Council and by the intelligent public.

I have the honour to be,

SIR,

Your most obedient Servant,

D. HERBERT,

Deputy Commissioner, Kamrup.

MEMO. No. 5704G.

Gauhati, the 7th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 1209R. & F.

FROM

A. W. BOTHAM, ESQ., I.C.S.,
OFFG. DEPUTY COMMISSIONER, SIBSAGAR,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Sibsagar, the 4th December 1907.

SIR,

WITH reference to your memorandum No. 5018-21G., dated the 28th October 1907, on the subject of the formation of Advisory Councils and the enlargement of Legislative Councils, I have the honour to reply as follows.

2. *Provincial Advisory Councils.*—One or more of the Adhikar Gossains of the more important Sattras might be included in the Council. They would, I know, welcome the honour, and from their position and influence amongst Assamese Hindus, they would be a most useful agency both for eliciting the opinion of that community on contemplated measures, and for diffusing correct information upon the acts, intentions and the objects of Government. There might be some difficulty in getting them to attend meetings of the Council, but as it is contemplated that the members should be consulted individually, as well as collectively, this would matter little.

3. I think the proposals contained in paragraph 5 of the Government letter would, *mutatis mutandis*, be suitable for the constitution of Provincial Councils.

4. *Enlargement of the Legislative Councils.*—The proposal to allot the available seats amongst the more important classes into which the population is divided is a good one. The system has been tried to some extent, in connection with the Local Boards of Assam, and the way it works here may perhaps give some indication of the way a similar system will work on a large scale in connection with the election of members of the Legislative Council. The majority of the elected members of Local Boards are the rural members, who are elected by the *gaonburas*. The connection between the *gaonburas* and the mauzadars makes it tolerably certain that the mauzadars of the largest mauzas will be elected to the Local Board. In a system of election by a limited number of a particular class, the opportunities for wire-pulling will be large, and there will always be the danger that a scheming and well-organised party may control the electorate, and induce the election of its own candidate, rather than of the man best suited to represent the class. I would, therefore, prefer a system of nomination by the Anjuman or other association of the class, if such has been formed—and by the Lieutenant-Governor, if such has not been formed. No doubt, if such a system were introduced, every class entitled to representation would form an Association.

I have the honour to be,

SIR,

Your most obedient Servant,

A. W. BOTHAM,

Offg. Deputy Commissioner, Sibsagar.

MEMO. No. 5814G.

Gauhati, the 13th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 1, Camp.

FROM

LIEUTENANT-COLONEL ALBERT E. WOODS, I.A.,
DEPUTY COMMISSIONER OF LAKHIMPUR,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Dated Camp, Dhaukuakhana, the 25th November 1907.

SIR,

WITH reference to your Memorandum No. 5018-21, dated Gauhati, the 28th October 1907, forwarding, for an expression of opinion, Government No. 1487-91C., dated Shillong, the 9th October 1907, I have the honour to state that in my opinion the proposed Advisory Council, if composed of truly representative men, would be of considerable assistance in the working of Government. The Councillors, being in touch with the people, and knowing their wants might be empowered not only to advise Government when called upon, but also to offer suggestions on subjects connected with the welfare of the people, for the consideration of Government. Sixty Imperial Councillors would appear to be ample, and about thirty members would seem to be sufficient for the Provincial Advisory Council. The following should be represented on the Provincial Advisory Council :—Municipalities, District and Local Boards, Landholders of a certain status, the tea-planting community, the Muhammadan community of Eastern Bengal and also that of Assam, the Assamese-Hindus of Eastern Bengal and Surma Valley, traders, legal profession. The Assamese-Hindus have little or nothing in common with their brothers in Eastern Bengal, and should be represented. The Councillors should be appointed by the Local Government. The suggestions made for the enlargement of the Governor General's Legislative Council, and its constitution appears to ensure the representatives of all classes and interests. There are very few, if any, great landholders that I know of in the Assam Valley, and I am not aware of the condition in Eastern Bengal.

As far as the Assam Valley is concerned, a system of nomination would be best suited to it, that is, if it is considered desirable to represent it in the Governor-General's Council. With regard to the representative of Muhammadans on the Governor-General's Council, I am of opinion that the electorate proposed by the Muhammadan deputation might be worked and the compilation of a register is not impracticable. With regard to the Provincial Legislative Council, it might consist of some thirty members, and it is desirable that the number of seats to be filled by representatives of the most important classes should be determined, and the same principle should apply to Local Boards and Municipalities.

The proposals made for the discussion of the budget appear to be desirable.

I have the honour to be,

SIR,

Your most obedient Servant,

ALBERT E. WOODS,

Deputy Commissioner, Lakhimpur.

MEMO. No. 5556G.

Dated Gauhati, the 2nd December 1907.

Copy forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam, in continuation of this office Memorandum No. 5515G., dated the 28th November 1907.

P. R. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 956G.

FROM

MAJOR H. M. HALLIDAY, I.A.,
DEPUTY COMMISSIONER, DARRANG,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Dated Tezpur, the 3rd December 1907.

SIR,

WITH reference to your memorandum No. 5018—21G., dated the 28th October 1907, I have the honour to forward the following expression of my opinion :—

1. The information of Advisory Councils and the enlargement of Legislative Councils should be welcomed by all sections of the community as tending to enhance the confidence of the people in the desire of the rulers to admit them to a fuller share in the Government of the country.

2. *Paragraphs* 14 *and* 15.—I am of opinion that, as far as Assam is concerned, nomination should take the place of election.

3. *Paragraphs*, 17, 18 *and* 19.—It is desirable that Muhammadans should get a fair proportion of seats in the Councils (both Imperial and Provincial). This object may be secured by following the principles laid down in paragraphs 17, 18 and 19 of the Resolution.

4. *Paragraphs* 21 *and* 22.—The principle of election for the Provincial Legislative Council suggested in paragraph 22 of the Resolution could be adopted with advantage, as the members thus elected are expected to be thoroughly representative of the whole community.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HALLIDAY,

Deputy Commissioner, Darrang.

MEMO. No. 5703G.

Dated Gauhati, the 7th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam, in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. GURDON,

Offg. Commissioner, Assam Valley Districts.

FROM

KHAN BAHADUR MUHAMMAD ALINAWAB,
ZEMINDAR, PASCHIMGAON, TIPPERA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

The 13th November 1907.

SIR,

IN reference to your Circular No. 10219C., dated the 10th September 1907, I beg to say, after careful perusal of its contents, I think we cannot do better than leave the matter in the competent hands of the officers of the Government.

The alterations suggested are wise ones, and I would only mention that since the Imperial Council has been increased to 54 members, it might be possible to ecure six seats in the council for Muhammadans.

I have the honour to be,

SIR,

Your most obedient Servant,

MUHAMMAD ALI.

FROM

THE HONORARY SECRETARY,
BAR LIBRARY, BARISAL,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

SIR, *Barisal, the 30th November* 1907.

IN view of the "Seditious Meetings Act" recently passed and enforced in this district, the members of the Barsial Bar Library are of opinion that the subject alluded to in your letter No. 11493C., dated Shillong, the 9th October 1907, *in re* the formation of an Imperial Advisory Council, etc., cannot be discussed in a meeting. So I regret that it is not practicable to give an expression of opinion of this Bar on the subject.

I have the honour to be,

SIR,

Your most obedient Servant,

CHANDRA MOHAN CHATTERJEE,

Honorary Secretary, Bar Library, Barisal.

No. 1278.

FROM

B. C. ALLEN, ESQ., I.C.S.,
CHAIRMAN, DISTRICT BOARD, DACCA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 28th November 1907.

SIR

WITH reference to your memorandum No. 11516 C., dated the 10th October 1907, I have the honour to submit a report on the deliberations of the Board with reference to the enlargement of the Advisory Councils.

The following gentlemen were present :—

1. B. C. Allen, Esq., I.C.S., *Chairman.*
2. Khan Bahadur Khajeh Mahamud Yousuff, *Vice Chairman.*
3. Sub-Divisional Officer of Munshiganj.
4. Special Sub-Registr.
5. J. Hodding, Esq., C.I.E.,
6. Maulvi Sadat Ali Khan,
7. Babu Sarat Chandra Gupta.
8. „ Mohendra Kumar Ghose.
9. „ Raj Kumar Nag.
10. „ Biseswar Roy.
11. „ Sarat Chandra Chakravarty.

2. Babus Sarat Chandra Chakravarty, Mohendra Kumar Ghose, and Raj Kumar Nag were of opinion that the Advisory Councils would be of little use, as members nominated by Government would not be capable of giving an independent opinion. This view was held by all the Hindu gentlemen present, but only to a partial extent. There is probaly, at any rate, a substratum of truth in it.

3. Five out of the nine Indian members present would like to see half the Legislative Council composed of elected members, the Viceroy retaining the power of veto. None of these gentlemen consider that much weight should be attached. to the theory that Indian gentlemen hesitated to submit themselves to the suffrages of a reasonable electorate.

4. Some of the Hindu members considered that the powers given tohe Legislative Council were insufficient. Three gentlemen considered that three of the members of the Executive Council of the Government of India should be appointed from amongst the elected members of the Legislative Council, and should be placed in charge of three of the Departments. One gentleman proposed that instead of this, certain of the elected members of the Legislative Council should be nominated to the Executive Council, to assist it in its deliberations and to vote in its divisions, but without being placed in charge of any Government Department.

5. Some of the Hindu members wished the Council to have the power of dividing on the budget, and considered that it should have some control, which they could not, however, define, over financial matters. The Hindu members objected to the proposals for elections as being based on class representation, but the Muhammadan members took no objection to class representation.

I have the honour to be,
SIR,
Your most obedient Servant,
B. C. ALLEN,
Chairman, District Board, Dacca.

At a special Meeting of the District Board of Mymensingh held at the Board's Meeting Room at about 2-30 p. m. on the 25th November 1907.

Present :

1.	L. O. Clarke, Esq., I.C.S., Chairman.	*Ex-officio Members.*
2.	Captain T. C. Rutherfoord, M.D., I.M.S., Civil Surgeon.	
3	C. A. Craven, Esq., Superintennent of Police.	
4.	Babu Jamini Mohan Das, Senior Deputy Magistrate.	
5.	„ Mathuranath Guha, Deputy Inspector of Schools.	
6.	„ Charu Chandra Chaudhuri.	*Members.*
7.	„ Prasanna Kumar Chakrabarty.	
8.	Maulvi Talattaf Hussain.	
9.	Munshi Sahed Ali.	
10.	Babu Rajendra Kumar Ukil.	
11.	Munshi Ali Husain.	
12.	Babu Anath Bandhu Guha.	

Considered letter No. 2316 (Public), dated the 24th August 1907, from the Government of India in the Home Department, on the subject of the formation of Advisory Councils, of the enlargement of Legislative Councils, and of the discussion of the budgets.

Resolved—

1. That this Board welcome the fact that proposals have been put forward for the formation of Advisory Councils, and the enlargement of the existing Legislative Councils.

2. That this Board approves, as a tentative measure, of the proposals to establish Imperial and Provincial Advisory Councils.

3. That this Board approves of the proposal to enlarge the Imperial and Provincial Councils.

4. That this Board approves of the proposal for electoral representation of classes according to religion and occupation in place of the present purely local election systems, but considers that it would be impracticable, and would also be unwise as tending to create dissensions, to attempt anything like a representation of castes.

5. That the Board as a whole has not yet had time to consider the question thoroughly, but is of opinion that a scheme somewhat on the following lines might be adopted for districts similarly circumstanced to this. Zamindars, taluqdars professional men, traders and artisans, and cultivators should form five classes, which should be represented on every Local Board and every District Board, and a certain proportion of these members should be Muhammadan and a certain proportion Hindu.

To begin with one, or two electoral representatives of each class could be chosen by election in each thana in the area of a Local Board, and these electoral representatives would elect the members of the Local Board.

The members of each class in the several Local Boards in a district would elect their class representatives for the District Board.

To provide against any individual Local Board having no local representative on the District Board, each Local Board should also elect one of its members to the District Board.

The electors shoud be literate, and there should be some property qualification, either of land revenue or road cess or rent or income-tax. The qualifications for memberships should be the same as for electors in the case of Local Boards, but higher in the case of District Boards. The representatives of each class should be members of that class, except in the case of cultivaters who might choose any one they might wish to represent them. Municipalities might follow the same lines of election as Local Boards. (*Note.*—Babu Charu Chandra Chaudhuri, Zemindar and Chairman of the Sherpur Municipality, was in favour of the present Municipal elective system being retained, but did not press for a motion on the subject.)

6. That as regards the Provincial Legislative Councils, the privilege of members of the District Boards and Municipalities of choosing members for the Provincial Council should not be curtailed by associating with them, as electors with equal voting power, other persons who have not been chosen members of these bodies, but that if any other bodies or communities are not sufficiently represented, they should elect their own representatives direct to the Council or their representatives might be nominated by Government.

7. That this Board approves of the proposals of Government regarding the Budget discussions.

8. As regards the Imperial Legislative Council, no resolution was passed, but it was suggested that a land revenue of Rs. 10,000 as a qualification for voting for the land-owner member of each province on the Council, was too high and would be unfair in a province which is permanently-settled, for the land revenue there paid is low in proportion to the estates, as compared with other provinces. It was also suggested that an income of Rs. 25,000 as a qualification for the electorate for Muhammadan members was too high.

9. The following criticisms on the scheme as a whole were made by individual members, who did not, however, ask that any resolution should be passed :—

(1) Education, as such, is not represented at all on the Advisory Council.

(2) The Advisory Councils are a mere name and will have no real power. There is nothing new in them except the name.

(3) Education as such is not sufficiently represented on the Imperial Legislative Council. The Universities, at least, should be represented on it.

(4) The Legislative Council will only be enlarged in number, no new powers or privileges will be given to it. More members will merely mean more speeches and expenditure of time.

(5) The large representation of landholders is not called for. The landholders are now not the real leaders of the people, they have been replaced by men of education and intelligence.

(6) Mere ability to read and write, which, it is presumed, is what is meant by literacy, though perhaps a sufficient educational qualification for a voter, is not sufficient for a member of a District or Local Board. People who can take an intelligent interest in matters concerning the welfare of the country and who have a sufficient knowledge of English to be able to understand the proceedings of those bodies, are what is wanted.

L. O. CLARKE.

Chairman, District Board, Mymensingh.

MEMO. No. 1715.

Mymensingh, the 26th November 1907.

Copy submitted to the Chief Secretary to the Government of Eastern Bengal and Assam, for information, with reference to his letter No. 11517 C., dated the 10th ultimo.

L. O. CLARKE,

Chairman, District Board, Mymensingh.

No. 605.

FROM

R. B. HUGHES-BULLER, ESQ., I.C.S.,
CHAIRMAN, DISTRICT BOARD, BAKARGANJ.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Sir,

Barisal, the 21st December 1907.

WITH reference to your letter No. 11518 C., dated the 10th October 1907, I have the honour to enclose herewith the opinion of the Bakarganj District Board on the question of an Imperial Advisory and other Councils. The original reply was drafted by a special committee of the Board consisting of Mr. R. G. G. Brown, Babu Rajani Kanta Dass, Vice-Chairman, and Maulvi Hemayet-uddin Ahmed. This draft, which contains a note of dissent by Maulvi Hemayet-uddin, was fully considered at the District Board's meeting this morning. Various addenda were proposed by members, and a copy of the proceedings in connection therewith is also enclosed.

I have the honour to be,

SIR,

Your most obedient Servant,

R. B. HUGHES-BULLER,

Chairman, District Board, Bakharganj.

Proceedings of a Special Meeting of the Bakarganj District Board held on the 21st December 1907.

Present.

The Chairman.	Maulvi Hemayet-uddin Ahmed.
The Vice-Chairman.	,, Asgar Ali.
The Civil Surgeon.	,, Ubaidul Ghani.
The Road Cess Deputy Collector.	,, Sayed Mahmud Hussain.
The Deputy Inspector of Schools.	,, Imdad Ali.
The Khasmahal Deputy Collector.	Babu Pramatha Nath Mukharji.
The Subdivisional Officer, Patuakhali.	,, Jogesh Chandra Sen.
	,, Devendra Nath Datta.
H. C. F. Meyer, Esq.	,, Bimala Charan Guha.
	,, Pratap Chandra Mukherji.

1. Read the draft report of the Sub-Committee appointed under Resolution No. 7 (*4*) of the District Board meeting held on the 30th November 1907 on the Government of India's proposals about the formation of Advisory Councils and enlargement of Legislative Councils :—

Proposed by Mr. Meyer and seconded by Babu Pramatha Nath Mukharji that the following be added to the draft.

With regard to the Provincial Legislative Councils : that an electorate be formed by assigning a certain number of votes to each district ; that these votes be distributed, partly among recognised public bodies such as the District Board, Municipality, Landholders' Association, Anjuman Islam, People's Association, Pleader's Association (or Bar Library), etc., and that the balance be divided among the members of the more important religious denominations in the district in proportion to their relative strength ; and that this voting power should be exercised through the representative association of each such denomination.

Maulvi Fazlal Karim, Subdivisional Officer, Patuakhali, moved as an amendment that the number of votes allotted to the district should be divided among the classes according to their numerical strength.

As this was not seconded, it was lost. The original addendum was then put and carried by 12 votes to *nil*.

With regard to the Provincial Advisory Councils, Mr. Meyer proposed as an addendum that in the opinion of the Board the selection of a certain number of Councillors should be made from nominations previously submitted by Collectors of districts.

This was seconded by Maulvi Fazlal Karim (Subdivisional Officer, Paluakhali), and carried unanimously.

Babu Ganga Narain Ray proposed with reference to the Special Committee's paragraph about Provincial Advisory Councils that the words "Members of the Indian Civil Service" should be added "before Sub-Judges."

Babu Jogesh Chandra Sen seconded the motion, which was carried *nem. con.*

Proposed by Babu Pratap Chandra Mukharji that an experienced Editor of an Indian newspaper should be selected as a member of each of the Advisory Councils.

As no one seconded the proposal, it was not put to the meeting.

Babu Devendra Nath Dutta proposed, as an addendum to the draft : that the Imperial and Provincial Advisory Councils should meet for collective deliberation at least twice a year.

Babu Ganga Narain Ray seconded the motion. It was put to the vote and lost, 7 voting for and 9 against it.

Report of the Sub-Committee.

IMPERIAL ADVISORY COUNCIL.

The Government propose to form an Imperial Advisory Council, in order :—

(1) that this might associate the great ruling Chiefs and the territorial magnates with the Governor General in Council in the guardianship of common and Imperial interests ;

(2) that this would give a greater sense of responsibility to those whose advice is sought on questions submitted to them, and it would at the same time commend itself to public opinion as tending to promote more intimate relations between the component parts of the Indian Empire ;

(3) that this will represent the views of the hereditary leaders of the people, both in British India and in the principal Native States;

(4) that this will form an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

Although the proposal is made with the best of intentions, but in the opinion of the Board the manner in which the Council is proposed to be constituted and the way in which their advice is sought to be taken, the Government will probably fail to gain all its objects. The ruling Chiefs and the territorial magnates are not accessible to the public, and they do not always represent the education, experience and wisdom of the country. Though in one sense they are the hereditary leaders of the people, but practically speaking, in several matters their interest and the interest of the people are opposed to each other, and in such cases the people are naturally reluctant to be led and guided by them. Information upon the acts, intentions and objects of Government carried through them may be accepted as correct by men of their own class, but they will be liable to be misunderstood and misinterpreted by the people in general unless such information is conveyed to them through persons upon whom they can thoroughly rely. The Board, under these circumstances, venture to submit that if with the Native Chiefs and territorial magnates are associated some of the picked men of the country, men of moderate principle, vastly learned, possessing vast experience, and who are accessible to, and held in high esteem by, the people, such as the retired native Judges of the several High Courts, and the Council so formed be requested to give their collective opinion except on occasions when it would be inconvenient for them to meet together, it will be to a great extent a really useful institution and the Government will possibly gain by it most of its desired objects.

PROVINCIAL ADVISORY COUNCILS.

The procedure laid down under this head appears to be sound and more practical. The Board only suggest that the members may be also selected from among the retired Sub-Judges and Deputy Magistrates.

ENLARGEMENT OF THE LEGISLATIVE COUNCILS.

The condition of paying Rs. 10,000 as Government revenue to get the right to vote seems to be rather very high. In the opinion of the Board the four Universities should be also represented in the Council.

In the formation of the Councils, both Imperial and Provincial, the scheme seems to be wanting in one important respect. The claims of the graduates and other educated men of the middle class are throughout ignored. To cure this defect therefore, adequate provision ought to be made for their representation.

Caste or race representation in the Councils or in the constitution of the Municipal Committees and the Districts or Local Boards will not be much appreciated by the people of this country. It should be, as much as possible, discouraged and not encouraged, by the Government. It can do no good, but at the same time it is sure to create racial feelings and breaches among the different sects and classes of the community. In the Councils and the District Committees the best men available are needed to help with their deliberation and advice. If class representation be made the basis of election, it will evidently shut out many able and competent men from becoming useful to the Government and to their country.

Barisal,
13th December 1907.

RAJANI KANTA DAS,

R. G. G. BROWN,
Members of the Sub-Committee.

I AGREE with my learned colleagues in all except what is said in the last paragraph of the report. In reference to the enlargement of the Legislative Council, it is said in paragraph 10 of the scheme that the Governor-General in Council desires "that these Bodies should be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community." By

the end of the said paragraph it is further said "that the problem which faces the Government of India now, as it faced Lord Lansdowne's Government fifteen years ago, is how to provide for due representation, within the narrow limits thus imposed, of the vast diversity of classes, races and interests in the Indian Empire." In paragraph 9 it is stated that "when the Councils were thus enlarged and the elective principle was introduced, it was recognised that territorial representation was unsuited to India, but an endeavour was made to constitute the electorates so that all the more important classes and interests should, as far as possible, be represented. In the case of Provincial Councils, it is admitted that the results have not justified the expectations formed."

The principle upon which the Legislative Councils are sought to be enlarged is to give due and ample representation to the different classes and interests of the community. I venture to think that none can question the soundness of this principle and we ought to formulate our scheme on this principle. Then it is said, as a matter of fact, being the result of experiment which none can contest with any show of reason, that territorial representation is found unsuited to India. Now, the question before us is how to provide for the due representation of the vast diversity of classes, races and interests in the Indian Empire. The best and I should think the only practical solution of this question is "assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative" as is said in sub-section (*c*) of paragraph 22 of the scheme.

The territorial representation, as it obtains now, is not only a failure but it has caused heart-burning and racial animosity in those communities which owing to their peculiar position have been debarred from reaping any advantage of the Self-Government. The whole Muhammadan population of India dislike it, and they represented the matter to His Excellency the Viceroy through a deputation on the 1st October 1906. I cannot understand why "class representation" should create racial feelings and breaches and shut out able and competent men. In every community there are able and competent men in the real sense of the word, and they only will be returned. Intimate knowledge of, and broad sympathy with, a people befit a man to be its representative more than mere academic qualification. Even now, the trading communities send their representative to the Councils through their Chambers of Commerce, but it has caused no racial feeling or breaches between them and other communities.

In my humble opinion "class representation" is the only way in which the principle of representative Government may be safely and successfully introduced in this country.

HEMAYET-UDDIN AHMED.

No. 1202G.

FROM

P. G. ROGERS, ESQ., I.C.S.,

CHAIRMAN, DISTRICT BOARD, AND COLLECTOR OF CHITTAGONG,

To

THE COMMISSIONER OF THE CHITTAGONG DIVISION.

Chittagong, the 29th November 1907.

SIR,

In reply to your memorandum No. 1065G., dated the 7th instant, forwarding copy of Government letter No. 11487—91C., with enclosure, on the subject of Advisory and Legislative Councils, I have the honour to say that the Board appointed a Sub-Committee consisting of the marginally-noted members to discuss the subject and frame a reply. I have now the honour to submit the Sub-Committee's conclusions.

Chairman.
Vice-Chairman.
Babu Durga Das Das.
Babu Upendra Lal Roy.
Mr. A. R. Leishman.

2. The Committee felt that it was not called upon to give any opinion upon Imperial Advisory Legislative Councils nor did it feel competent to do so. It therefore confined its attention to the Provincial Councils.

3. *Advisory Councils.*—Judging from clause (7) of paragraph 5 of the letter of the Government of India, the Committee assumed that the proceedings of the Provincial Advisory Councils would not be private and confidential. Babu Durga Das Das was strongly of the opinion that the proceedings should be public, and the Committee endorse his view. It was thought that if secrecy be observed in this respect, the results to be obtained from the Advisory Councils and the beneficial impressions which it is desirable to create in the mind of the public would be very much impaired. The Committee believe that unless the proceedings are public, the great mass of the community will have little confidence in either the Council itself or in the individual member who represents them, and they venture to suggest that secrecy should be the exception and not the rule.

The Committee are also of opinion that the members of the Council should for the present at any rate, be nominated and not elected. Both Babu Durga Das Das and the Vice-Chairman are convinced by actual experience that the elective principle is neither understood nor appreciated by the people at large, at any rate so far as this district is concerned.

4. *Legislative Councils* —In considering the recommendation made in paragraph 22 of the letter of the Government of India under reference, the Committee think clause (*a*) that the proposed allocation of seats should not be made, and that the electing bodies should have a freehand in selecting their representatives. They believe that it will invariably be found that the most suitable representative available will be nominated.

With clause (*b*) the Committee are in entire accord.

As regards the proposals made in clause (*c*) the Committee are, as already stated, not in favour of election, but if election should be the method adopted, they welcome the division of the voters into classes on the basis of occupation. The Committee is not in favour of divisions according to caste.

5. The Committee desire to add that the Chittagong District Board has always been a nominated Board, and that the elective system has not yet been applied to it. They therefore think that the elective system, if initiated, should be introduced with the greatest caution.

I have the honour to be,

SIR,

Your most obedient Servant,

P. G. ROGERS,

Chairman, District Board.

MEMO. No. 1209 G.

Chittagong, the 29th November 1907.

Copy submitted to the Chief Secretary to the Government of Eastern Bengal nd Assam, in reference to his letter No. 11519 C., dated the 10th October 1907, or information.

P. G. ROGERS,

Chairman, District Board.

No. 1231.

FROM

THE CHAIRMAN, DISTRICT BOARD, NOAKHALI,

To

THE SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM,
APPOINTMENT DEPARTMENT.

Dated Noakhali, the 9th December 1907.

SIR,

With reference to your letter No. 11521 C., dated the 10th October 1907, forwarding India Government Nos. 2310-2317, dated the 24th August 1907, on the formation of the Advisory Councils, etc., I have the honor to state that the subject was laid before and considered by the District Board meeting held on the 7th December 1907. The District Board fully concurs with Government in the course to be adopted regarding these Councils, and I beg to submit the following suggestions:—

Advisory Councils.

The objects of these Councils are explained in paragraph 3 of the Home Secretary's letter. Generally speaking, landed gentry are the best qualified to carry out these objects and possess the largest amount of influence. But I would exclude from this such landlords as are oppressive or unpopular among their tenants and hence possessed of little influence, (2) and all absentee landlords in Eastern Bengal,—I understand there are many such, and they are not unknown in this district. I would suggest that where Landholders' Associations exist, these bodies may be asked to nominate or co-opt a certain number of candidates, and that Government should make its final selection from among them. This system would have the double effect of eliminating undesirables and also of increasing the popular interest. Where such Associations do not exist, the system adumbrated in paragraph 14 of the letter under reply may be followed.

Enlargement of Provincial Councils.

The minimum qualification for membership should be either a good general education or general intelligence.

As regards the election system, I do not anticipate that it would prove distasteful to the landed classes, inasmuch as the electorate would be confined to them. It is, I think, where the candidates are of different status that election is unpopular. As in this Province, land revenue does not bear a fixed proportion to rent, I would suggest that in the permanently-settled areas a minimum income from landed property may be fixed as the standard of qualification for membership of Council.

Qualifications of Members of Council nominated by the District Boards or Municipalities.

This is a more difficult problem. As matters stand at present, District Boards and Municipalities form groups, and each such group jointly elects one member before the whole. I would deprecate the raising of the minimum rate and cesses payable per head. Perhaps the members of Local Bodies may be left to decide on this themselves. It is certain that any large enhancement would frustrate the object in view.

Reconstitution of Local Bodies.

I am inclined to recommend the system laid down in paragraph 22 C,—the formation of an electoral group on the basis of four classes,—landholders, cultivators, traders and professional men,—with thequalifications suggested.

I have the honour to be,
SIR,
Your most obedient Servant,
NOBIN CHANDRA DAS,
Chairman, District Board, Noakhali.

No. 2463

FROM

THE CHAIRMAN, DISTRICT BOARD, RANGPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Rangpur, the 24th December 1907.

SIR,

With reference to your letter No. 11522C., dated the 10th October 1907, asking the opinion of this Board on the subject of the Imperial and Provincial Advisory Councils, I have the honour to forward herewith a copy of Resolution no. 10, passed by the Rangpur District Board at their meeting held on the 18th December 1907, for your information.

I have the honour to be,
SIR,
Your most obedient servant,
J. VAS,
Chairman, District Board, Rangpur.

Resolution No, 10 of the Rangpur District Board Meeting held on the 18th December 1907.

READ letter no. 11522C., dated the 10th October 1907, from the Chief Secretary to the Government of Eastern Bengal and Assam, enclosing India Government no. 2316, dated the 24th August 1907, on the subject of the Imperial and Provincial Advisory Councils.

"*Resolved*".—That the thanks of this Board are due to the Government for the expansion of political rights and privileges implied in the proposals for Legislative and Advisory Councils, but that the hope is expressed that these proposals do not represent the last word on the subject. Resolved, further, that the representation of individual members, if any, be forwarded to Government through the proper channel".

No. 1638.

FROM

F. W. STRONG, ESQ., I.C.S.
MAGISTRATE AND CHAIRMAN, DISTRICT BOARD,
DINAJPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dinajpur, the 4th December 1907.

SIR,

In continuation of my no. 1592, dated the 27th November 1907, on the subject of Advisory and Legislative Councils, I have the honour to say that I have now received the opinions of four prominent members of this Board and to submit a summary of these opinions for your perusal, in case it should not be too late for them to be of use.

Imperial Advisory Council.

(1) The Imperial Advisory Council should not be purely advisory. The opinion of a two-third majority in the Council should be accepted by Government. The Council should also be allowed to take the initiative and put up any subject to Government when a two-third majority agreed to do so.

(2) Members of the professional classes of proved merit and ability and moderate views should be admitted to the Council. This is necessary as the landholders and princes are no longer in touch with the people to the same extent as formerly.

(3) Some standard of education should be insisted on. A common knowledge of English would be essential to the deliberations of the Councils.

(4) The opinions and deliberations of the Councillors should not be confidential. This would be inconsistent with the proper representation of the people by the Councillors.

Provincial Advisory Councils.

The inclusion of representatives of the small landholders, industry, commerce, the professional classes, and the non-official European community is approved.

Enlargement of the Legislative Councils.

(1) An educational limit should be insisted on for membership of the Councils.

(2) It will be impossible, at any rate at first, to insist on the representation of each class by a *bonâ-fide* member of that class. Education is as yet not sufficiently advanced for this.

(3) More legislative power should be given to the Councils, otherwise the members will take very little interest in them.

(4) The landholders on the Imperial Legislative Council should be partly elected by the Provincial Councils and partly nominated. Their number might also be increased with advantage.

(5) The Imperial Legislative Councils should contain a few trained lawyers and journalists of moderate political views. Such men are the brain of the community.

Budget discussion in the Legislative Council.

The discussion of the budget under different heads will serve no useful purpose unless it be possible to alter the budget actually under review as a result of such discussion. Some means might be devised to allow the non-official members of the Councils to offer suggestions on the budget after its preparation but before it is actually presented to the Council.

General.

Attendance at headquarters in connection with meetings of the various Councils will entail very heavy expenditure, especially on the landed classes, and it will be necessary to provide travelling allowance and free quarters of the Councillors. The representative of the Muhammadan community, who was consulted, gave it as his opinion that the Muhammadans would very much prefer nomination to election to the various Councils. He also thought that the measure suggested for securing the adequate representation of the Muhammadan community on the Councils would be greatly appreciated by his co-religionists.

I have the honour to be,

SIR,

Your most obedient servant,

F. W. STRONG,

Magistrate and Chairman, District Board, Dinajpur.

No.1486.

FROM

A. H. CLAYTON, ESQ., I.C.S.,

CHAIRMAN, DISTRICT BOARD, TIPPERA,

To

THE SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM, APPOINTMENT DEPARTMENT.

Dated Commilla, the 18th January 1908,

SIR,

In reply to your no 11794—11801C., dated the 22nd October 1907, I have the honour to state that I have had some difficulty in eliciting the opinion of the members of the Board in this matter. In the first meeting, in which the question was raised, the members stated that they would prefer to submit their opinion in writing. They have, however, failed to do so; and in the next meeting scarcely any of the non-official members were present.

2. I understand that the majority of the non-official members do not approve of the proposals for the Advisory Councils now put forward. They disapprove of the non-representative character of the proposed Mofussil Council, and have little confidence in the wisdom or public spirit of such a Council of Ruling Chiefs and teritorial magnates.

3. It is suggested by a Hindu non-official member, whose views are, I think, those of the majority of his class, that the Advisory Councils should always sit together to consider such matters as are referred to them with a non-official President, and that their resolutions on matters so referred to them should be accepted by Government.

4. The special provisions for the election and nomination of Muhammadans in the Mofusil Legislative Council are regarded as invidious. A provision for the nomination of six non-official members by the Viceroy to represent minorities or special interests would be less open to objection.

5. The proposal that seats in District and Local Boards should be filled by election among occupational groups appears to be impracticable. A reasonable proportion of landholders of the district might perhaps be expected to take some interest in the election of one or more of their members to serve in the District Board, but their is little hope that the traders, cultivators or artisans of a whole district would do so. The landholders would, however, probably resent being placed in the same position with other groups in such an election and also stand aloof. For the purposes of the District Boards it is perhaps more important that the members should represent different parts of the district, than that they should represent different classes of the population.

I have the honour to be,

SIR,

Your most obedient servant,

A. H. CLAYTON,

Chairman, District Board, Tippera.

No. 264.

FROM

BABU SARAT CHANDRA CHATTERJEE, B L.,

CHAIRMAN, RANGPUR MUNICIPALITY.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Dated Rangpur, the 4th November 1907.

SIR,

With reference to your no. 11531C., dated the 10th October 1907, forwarding the Secretary to the Government of India's no. 2310-2317 on the subject of formation of the Imperial Advisory Council, *etc.*, I have the honour to inform you that the subject was put up before the special meeting of the Municipal Commissioners of Rangpur for their consideration.

A copy of an extract paragraph (1) of their Resolution is herewith annexed for your information.

I have the honour to be,

SIR,

Your most obedient servant,

S. C. CHATTERJEE,

Chairman, Rangpur Municipality.

Copy of an extract, paragraph (1), *from the proceedings of the Municipal Committee held at their special meeting on the 23rd November 1907.*

* * * * *

Resolved that, in the opinion of the Municipal Commissioners, the proposed reforms fall far short of the existing needs and that they do not consider that the Advisory Councils, as proposed, are likely to attract intelligent and thoroughly representative men who are really willing to serve their country and Government, unless greater powers are vouchsafed to them and greater respect for their views is shown by the Government, and that a mere council of chiefs and notables without their being fully supplemented by thoroughly representative people from other branches of life, is not likely to be in touch with either the people or the Government, and a Council formed on the lines proposed is not likely to prove of much value or assistance to either of these parties. The Commissioners further are of opinion that in the formation of Legislative Councils, better representation of the more intelligent and educated classes of the community should be provided for and not curtailed in the way proposed.

Carried by all the Commissioners present, excepting Maulvi Syed Abool Fattah and Dr. Muhammad Mozammal, who, though present, refrained from expressing any opinion.

No. 1350.

FROM

KHAN BAHADUR KHAJEH MAHAMED YUSUFF,
CHAIRMAN, DACCA MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 29th November 1907.

SIR,

With reference to your endorsement no. 11524C. of the 10th October 1907, forwarding a copy of nos. 2310-2317, of the 24th August 1907, from the Government of India, regarding the formation of Advisory Councils and the enlargement of the Imperial and the Provincial Councils, I have the honour to state that the letter was considered at a meeting of the Municipal Commissioners, held on the 20th instant, and a Committee of two Commissioners was appointed to report. Their reports were again considered at another meeting held on the 27th idem, attended by 10 Commissioners; 6 of them were of opinion, marked A, given by one member of the Committee and three of opinion, marked B, given by the 2nd member. I beg to forward copies of both these opinions for your information.

2. I also beg to add here my personal views on the letter under reply.

3. I have carefully read through the Government scheme on the formation of the Imperial and the Provincial Advisory Councils and on the enlargement of these Councils, and in my opinion both the Advisory Councils will be useful bodies, but I would venture to suggest that the Councillors may be empowered to draw attention of the Government on important matters affecting the public peace and convenience unasked.

4. Regarding the constitution of the Provincial Advisory Council, specially of this province, I think it should consist of 40 members, of which—

Provincial Advisory Council.

19 to be landholders.
9 to be traders.
9 professional gentlemen.
1 recognised Pandit.
1 ditto Maulvi.
1 Specialist.

40

5. I should think that the number of Provincial Electorate to elect a great landholder representative in the Imperial Legislative Council should not be less than 150, and that the land revenue is not a suitable standard to judge the income of the landholders. The cess papers might be a correct guide to the income of the representative, which should not be less than Rs. 50,000 derived from a direct revenue-paying estate.

Imperial Legislative Council.

6. The alternative solution suggested in paragraph 15 of the Government letter:—

"That a representative of the landholders should be elected to the Imperial Council by the landholding members of the Provincial Council, either from among their own number or from among landholders, paying the amount of land revenue that may be fixed, as giving the right to vote for or to be a member of the Provincial Council does not commend to me, nor would I suggest to follow the system of nomination for this purpose."

7. I have already said that the correct standard to ascertain the income of a representative or elector will be the cess papers and not the land revenue.

I would therefore have, in clause 1 of paragraph 17, the cess paid, as a standard, and not the land revenue. But the income should, I think, be not less than Rs. 5,000, which will embrace the great body of substantial landholders. I would increase the income of an income-tax payer, in clause 2 of the same paragraph, from Rs. 1,000 to Rs. 5,000, as it would exclude the low-class Muhammadan traders.

8. I would not authorise the non-official members of the expanded Provincial Council alone to elect a Muhammadan representative to the Imperial Council as mentioned in paragraph 18 of the said letter.

9. Regarding the expansion and the reorganisation of the Provincial Legislative Council, I would suggest to double the present number of the Councillors, that is, it should consist of 30 members as follows, not more than 14 to be officials, which may be thus divided:—

Provincial Legislative Council.

(*a*) 3 Secretaries.
2 Members of the Board of Revenue.
Inspector General of Police.
" " of Hospitals.
" " of Excise and Registration.
Legal Remembrancer.
Commissioner of Dacca Division.
Commissioner of Assam.
Director of Public Instruction.
Director of Land Records and Agriculture.
Chairman of the Dacca Municipality.

(*b*) 4 Nominated members.

(*c*) 12 Elected members, consisting of:—
1 By the traders.
1 By the tea planters.
1 By the Port Commissioners of Chittagong.
2 Landholders.
2 Muhammadans.
1 By the Municipalities.
1 By the District Board.
1 By the Local Board.
1 By the professional men.
1 By the traders.

12

The two landholders to be elected by persons of the same class with an income of not less than Rs. 10,000, which is to be ascertained from the cess papers.

The two Muhammadan Councillors are to be elected as stated in paragraph 7 of this letter.

The professional members may be elected by two professional classes, the B. L.s, and Barristers and the L. M. S.

The trader may be elected by any trader paying an income-tax on an income of Rs. 5,000

The professional and the trader members may be elected by voters of the same class in a division forming into a group out of five in the province, each division having the power to elect one member by rotation.

Regarding the election by the Municipalities, the District and Local Boards, the present system may be followed.

10. I am in agreement with the Government in their views expressed in paragraph 21 as far as it recommends to frame a higher franchise of the voters for the Municipalities and the District Boards. But I would not recommend introducing special qualifications for the members of the Councils.

11. The scheme recommeded by the Government of India in paragraph 22 of their letter does not seem suitable to me. I would not make any class distinction in this selection.

I have the honour to be,
SIR,
Your most obedient servant,
KHAJEH MAHAMED YUSUFF,
Chairman, Dacca Municipality.

A

FROM

MAULVI MUHIBUDDIN AHMED,

MUNICIPAL COMMISSIONER, DACCA,

To

THE CHAIRMAN, DACCA MUNICIPALITY,

Dated Dacca, the 25th November 1907.

SIR,

I have carefully considered the proposals sketched in the India Government letter no. 2310-2317, dated the 24th August 1907, regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, and I welcome them as an earnest of Government intentions to take the people with confidence in the administration of the country. It is a regrettable fact that many of the Government measures and actions are at times misunderstood and misconstrued by the people, and I believe that the proposed Advisory Councils will help to disseminate correct information among the masses and enable Government to gauge the real popular feeling on any question affecting the public. They will further give to the rulling chiefs and the territorial magnates an interest in the administration of the country and will thereby tend to the stability of the empire.

Imperial Advisory Council.

As regards the constitution of the Imperial Advisory Council the proposals made in paragraph 5 of the Government letter commend themselves to me, but I would have preferred to see some sort of electorate devised by which the rulling chiefs and the territorial magnates could be either wholly or partly elected.

Provincial Advisory Council.

The proposal sketched for Provincial Advisory Council are very indefinite, and until further details are available it is difficult to offer any criticism. I however, fully realise the necessity of such a Council in every province. The maximum strength of the Council will perhaps vary with different provinces, but it should not be very much smaller than the Imperial Advisory Council: what I would specially contend for is that the Council should be sufficiently large and representative of all classes and interests, so that the Government may not remain in the dark as to the real views held by all the important sections of the community in any important public question. In the case of these Councils also, it is desirable to devise some sort of electorate, by which the members will be either wholly or partly elected.

Imperial Legislative Council.

I think the Commissioners should agree with Government that territorial representation is unsuited to India and at all events, in the state of education in the country, and that in order to make the Imperial Legislative Council truly representative of the people, there should be due representation of various classes, races and interests of the Indian Empire.

Coming now to the detailed scheme set forth in paragraph 12 of the Government letter for the enlargement of the Imperial Legislative Council, I am in agreement with the principles underlying them. The only comment I would make is that perhaps too much prominence has been given to the landed interest. In view of the fact that some of the non-official members elected by the Provincial Councils would probably be landholders, it is not necessary that there should invariably be seven landholders elected by the nobles and the landholders of the different provinces, when the non-official members of the Provincial Council elect a landholder to represent them in the Imperial Council, that province should have the right to vote for a second landholder. The seat or seats thus set free may be given to the minorities or special interests to be filled up by election.

As regards the election of members by the great landholders, I agree that there should be an electorate varying in size from 100 to 150 in every province, but the qualifications for voting should not be more than Rs. 500 land revenue in the permanently-settled area. The amount of land revenue paid by a landholder there is no certain guide as regards his income. The cess valuation papers will, I submit, afford a better guide as regards the income of the landholders in the two Bengals; and the right to vote should depend upon income rather than upon the amount of land revenue paid. If the qualification is to be based on payment of revenue, I

think it should not exceed Rs, 500 in the permanenly-settled area. The condition that the member elected to represent a class must himself belong to that class should be strictly enforced, and I would also insist on another condition, *viz.*, that the member should possess sufficient educational qualification to understand the proceedings of the Council.

If it is found that a satisfactory electorate cannot be constituted on the lines suggested above, the best solution of the difficulty will be to allow the elected landholding members of the Provincial Councils to elect one from among their number or from among landholders with necessary qualifications as to income or payment of land revenue.

Muhammadan representation.

I am in hearty agreement with the Government proposal to set apart a fixed number of seats for the Muhammadans, to be filled party by nomination and partly by election. Otherwise, I see no chance of their due representation in the Council. The electorate proposed by the all-India Muhammadan Deputation seems to be suitable, but as regards the class mentioned in clause (*c*) I would reduce the limit as to payment of income-tax to one upon an annual income of Rs. 5,000 or of land revenue of Rs. 500 for this province.

Provincial Legislative Council.

I fully approve of the general principle enunciated in paragraph 20 of the Government letter that the widest representation should be given to classes, races and interests subject to the condition that Government should always command a majority. I do not think that it is necessary to raise the electoral franchise in the Municipalities or the Local or District Boards as this will debar the poor people from having any voice in the administration of the country. There is, however, no objection to the raising of the qualification of the members to be elected to the Provincial Councils. But it should not be raised to such an extent that the people of the middle classes representing well-to-do cultivators should be precluded from sitting in the Council.

As regards the scheme set forth in paragraph 22 of the Government letter, I think the proposals made in clauses (*a*), (*b*), (*c*) are both feasible and desirable. Of the two alternative methods suggested in clause (*c*) from class representation, the one that causes the least trouble in preparing the list of voters may be adopted.

As regards Muhammadan representation in the Provincial Councils, the scheme suggested in paragraph 17 will serve the purpose well. The only difficulty will be as to the permanently-settled area. It may be solved in the way I have suggested in the case of the Imperial Legislative Councils. The cess valuation papers will afford a better indication of income than the amount of land revenue paid. I would fix the amount of income at Rs. 2,500 and of land revenue at Rs. 250 as the necessary qualification for voting under clause (1) in so far as this province is concerned.

Budget discussion.

I accept the proposals made by Government as to budget discussion.

Conclusion.

The last remark I have to make about the Legislative Councils is that there is no proposal to give any new or additional powers to the reformed Councils. It would have afforded me greater pleasure if Government had granted additional powers, such as that of introducing Bills to the new Council. It may be said that Government is perhaps moving very cautiously, and would wait to see how the reorganised Councils will turn out, but I venture to think that a beginning may perhaps be made in the way of granting somewhat larger powers to the Council, along with their reorganisation.

I have the honour to be,

SIR,

Your most obedient servant,

MAULVI MUHIBUDDIN AHMED,

Municipal Commissioner, Dacca.

B

FROM

BABU SARAT CHANDRA CHAKRAVARTY,
COMMISSIONER, DACCA MUNICIPALITY,

TO

THE CHAIRMAN, DACCA MUNICIPALITY.

SIR, *Dated Dacca, the 24th November 1907.*

I quite approve of the Government of India's intention of "giving the people of India wider opportunities for expressing their views on administrative matters." But the scheme as formulated by them is, as it appears, not only not sufficient to meet the requirements of the people, but is, in many respects, objectionable. Except making provisions for a larger representation of the popular views in the Legislative Councils, the scheme does not make any further improvement of the existing state of things, and is not progressive. It does not propose to give any further power to the members of the Councils than what they have already been enjoying. This power consists in simply discussing the budget, making comments on the administrative policies of the Government and making interpellations. With the spread of education and enlightenment and the "indubitable proof which the people have given of their intellectual fitness," the Government may concede to the people the privileges of exercising an effectual control over the finance and substantial voice in the actual work of administration.

The Advisory Councils are not likely to promote the objects for which they are proposed to be constituted. The ruling chiefs and territorial magnates, with rare exceptions, are not in close touch with the people. Their opinion in administrative matters may mislead the Government and injure the public. The ruling chiefs and territorial magnates, under the peculiar condition of the government of the country, are not independent persons, and, in giving their opinion, will look more to the pleasure or displeasure of the Government or Government officials than to the real interest of the country and the people. With the spread of education, the "territorial magnates" have very little influence over the people unless they are themselves men of education and of advanced ideas. People nowadays have little faith and confidence in a man simply because he is wealthy or a big landlord. The other object for having the Advisory Council, *viz.*, "to make the Government measures and motives generally understood and in correcting erroneous and other misleading statements of facts or purpose imputed to them" may be best attained by making declarations in writing or in speech by responsible officers of the Government. If the Government at all intends to have such Councils, the best way to constitute them would be, if possible, by election of their members by electorate bodies constituted for the purpose.

Legislative Councils.

It is not correct to say that the District Boards, as at present constituted, are not represented by landed interests. The barristers and pleaders who are alleged to preponderate in those bodies are generally themselves landed proprietors, and moreover the big landed proprietors generally are not so well educated and enlightened as the lawyers are. Any scheme which seeks to give preference to wealth over education and enlightenment cannot claim to be a progressive one. The big landed proprietors are generally not independent persons. They are to a great extent under the control of the District Officers, and are not likely in most cases to give independent opinion in legislative or administrative matters. The lawyers, on the other hand, are the only class of people in the country who can form an enlightened view in any particular measure of the Government and at the same time afford to give an independent opinion about it. It is no fault of theirs if the big landed proprietors do not seek to enter the Councils by means of election. However, the scheme, so far as it proposes to enable the landed proprietors to elect members to the Legislative Councils, may be given a trial. But their representation in the Provincial Councils ought to be entirely by constituting an electorate for the purpose. Any selection of them by nomination will, I am afraid, defeat the object. The representative of the landholders may be elected to the Imperial Council by the landholding members of the Provincial Council, either from among their own members or from among landholders paying at least a fixed amount of land revenue.

Imperial Legislative Council.

Of the proposed 54 members only 18 members or one-third of the whole are to be elected. Of these two are to be elected by the two Chambers of Commerce. These two are surely to be Europeans. Then, only 16 members out of 54 will represent the Indian public. In order to keep the paramount power of the Government in tact, it is not necessary that the Government should always be able to reckon on a numerical majority of votes in the Legislative Councils. The right of vetoing any particular measure is an adjunct of the Sovereign power. The paramount power of the Government is always safe in the exercise of this privilege. Even if it be thought necessary to retain a numerical majority, the appointment of so large a number of Government officials as mentioned under heads A and B of paragraph 12 is quite inadvisable. It will most surely dislocate public business in requiring the attendance of a large number of responsible officers of Government simply to ensure a majority of votes. Of the total strength of 54, 28 or, including the Viceroy, 29, will be Government officials. It cannot be assumed that all the rest, namely, 25, including a ruling chief, 7 noblemen and great landlords, 4 nominated non-official members and 2 experts would in a body vote against the Government.

The scheme relates to the representation of special interests and the minorities and in particular of the Muhammadan community. The principle of class representation is always objectionable, on the ground that it makes a distinction between the different classes of the community and makes the fusion of their interests impossible. At the same time it ought to be admitted that the Indian commercial classes are entitled to have their special representative in the Councils, like the two Chambers of Commerce. In the province of Eastern Bengal and Assam and the Punjab the Muhammadan population preponderates over the Hindus, and the reason why a comparatively few Muhammadan members have hitherto been elected is that their community is less advanced in Western education, and takes little interest in public matters. If it seems at all desirable to assign a certain number of seats to be filled exclusively by the Muhammadans, they ought not to be given the additional privilege of electing members in the ordinary manner, as that will minimise the chances of other communities.

Provincial Legislative Councils.

The constitution of these Councils are not clearly defined in the scheme. It is objectionable to divide the population by race, caste, etc., and allot seats in the Councils accordingly. It will simply minimise the chances of educated and enlightened persons to get themselves elected. The Government is, I think, not correct in assuming that the interests of the different classes, castes and religions are antagonistic to each other. The past history of the Legislative Councils in this country, under the elective principle, shows that neither the electors nor the elected have shown any bias or prejudice in this respect. The policy, the result whereof is likely to create a cleavage between the different races, castes and religions in the country, is most retrograde and cannot be too strongly objected to. The present constitution of the District Boards and Municipalities have been found fault with on account of the very low franchise which have been framed for these bodies. This defect can very easily be remedied by raising the franchise of both the electors and the elected. There is not a single instance of improper or undesirable election of a member of the Council on account of the low franchise of the District Boards or the Municipalities. The Government will not be justified on any account to curtail the privileges of these bodies which they have so long enjoyed and which they have always exercised with great caution and propriety. The workings of the Bengal District Boards and Municipalities have always been highly spoken of by District Officers, Divisional Commissioners and successive Lieutenant-Governors, as will be seen from the published administration report. Any scheme to change the constitution and system of election of these bodies or to curtail their privileges will be sorely felt. The empowering of the Local Government to introduce into the system of elections and nominations of the District Boards and Municipalities the principle of assigning a fixed population as divided by race, caste or religion and permitting the members of that class to select its own representative is objectionable. Under the present arrangements, these bodies are working very smoothly, and to the satisfaction of all, and no occasion has arisen to introduce changes in their constitutions.

On the whole, the present scheme is not at all a progressive one, and is in many important points, as pointed out above, objectionable.

I have the honour to be,

SIR,

Your most obedient servant,

SARAT CHANDRA CHAKRAVARTY,

Commissioner, Dacca Municipality.

No. 537.

FROM

G. MORGAN, ESQ.,
CHAIRMAN, NARAYANGANJ MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Narayanganj, the 16th November 1907.

SIR,

With reference to your letter no. 11525C., dated the 10th October 1907, forwarding copy of the Circular nos. 2310-17, dated the 24th August 1907, from the Government of India, I have the honour to state that the Municipal Commissioners at a meeting held on the 15th instant, expressed their opinion that they welcome any scheme which will give a larger representation in the Government to the non-official classes.

I have the honour to be,

SIR,

Your most obedient servant,

G. MORGAN,
Chairman, Narayanganj Municipality.

No. 155.

FROM

BABU RAJANIKANTA DAS,
CHAIRMAN, MUNICIPALITY, BARISAL,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Barisal, the 25th November 1907.

SIR,

With reference to your letter no. 11526-C., dated the 10th October 1907, asking to furnish the opinion of the Commissioners on the points raised in the India Government communication regarding the Advisory Councils, etc., I have the honour to state that the Government proposals were carefully considered at a special meeting of the Commissioners held to-day, and beg to enclose herewith a copy of the Resolution passed by them on the respective points.

I have the honour to be,

SIR,

Your most obedient servant,

PRAMOTHO NATH MUKERJEE,
Vice-Chairman,
for *Chairman.*

Proceedings of a Special Meeting of the Municipal Commissioners, Barisal, held on the 25th November 1907.

The Government communication regarding the Advisory Councils, etc., copy of which received with the Eastern Bengal and Assam Government no. 11526-C., dated the 10th October 1907, was laid on the table, and the following Resolutions were passed after due consideration :—

ADVISORY COUNCIL.

1. Unless the Advisory Council is constituted on an elective basis so as to represent the different classes and interests of the community, this Board consider that the Advisory Council, as proposed, will not serve any useful purpose.

ENLARGEMENT OF THE LEGISLATIVE COUNCIL.

2. In the opinion of this Committee the elective basis of the Provincial and Imperial Councils should be broadened so as to make each Commissionership at electorate for the Provincial Council and half of the Commissionerships of each Province an electorate for the Supreme Legislative Council at each election, exclusive of the representation of the special interest as proposed. If under this scheme non-official members constitute the majority in exceptional circumstances, the power of the veto or the acceptance of such principles and provisions of a Bill, as may be desirable, may be reserved by the Governor-General in Council.

No. 262.

FROM

BABU SHAMA CHARAN ROY,
CHAIRMAN, MYMENSINGH MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Mymensingh, the 27th November 1907.

SIR,

With reference to your letter no. 11527-C., dated the 10th October 1907, forwarding a copy of the communication no. 2316 (Public), dated the 24th August 1907, from the Government of India in the Home Department, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Council, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets and requesting to communicate an expression of the opinion of the Commissioners, I have the honour to inform you that the matter was laid before a meeting of the Commissioners held on the 21st instant, and I beg to submit their opinion as follows.

2. The Government of India in paragraph 2 of the aforesaid communication recognises the great educational progress that has been made and the intellectual fitness of the Indian people in the actual administration of the country. In this connection the Commissioners beg most respectfully to submit that the educational advance that has been made has been made mostly by the middle class, and whenever it pleased Government to employ an Indian in the actual administration of the country it was invariably from among educated middle class. Besides, they form the connecting link between the aristocracy and the mass, and they are well acquainted with the affairs of the ruling Chiefs and the territorial magnates. They have better opportunities of knowing the needs and feelings of the people at large, and they are more in touch with them, and it will not be out of place to mention here that the administration of most of the Native States is conducted by men recruited out of the educated class, and His Majesty's Government has recently been graciously pleased to recognise this by appointing two gentlemen in the Indian Council from outside the territorial magnates. For these reasons, the Commissioners are of opinion that in order that the proposed Imperial Advisory Council may really be a useful and helping body to Government, a certain number of representative and educated men should be associated with the ruling Chiefs and the territorial magnates in the formation of the same, and they would suggest that half the number should be from such educated class and they should be selected according to elective system. The question may then arise as to how they are to be elected. The Commissioners beg to suggest that they may be elected by the non-official elected members of the different Provincial Councils or by the Municipalities of Calcutta, Madras, Bombay, Allahabad, Lahore, Rangoon, Nagpur and Dacca, or by both.

3. With regard to paragraph 4 of the India Government communication, the Commissioners beg to state that in their opinion, unless there be some legislative recognition and some initiative powers are vested in the Councillors, their advice and deliberations will not inspire much confidence in the public mind and commend to the public opinion; and the Commissioners further beg to suggest that when, for purposes of deliberations, the Councillors are called together, the whole body, instead of in part, should be called.

4. With regard to clause 6 of paragraph 5 of the proposed scheme, the Commissioners beg to suggest that the proposed Advisory Council should not only be authorised to deal with such matters as might be specifically referred to them by Government, but also with such other important matters on which they desire to express their opinion and invite Government to take action.

5. With regard to clause 7 of the said paragraph, the Commissioners beg to submit that, though the deliberations may be held in private but the subject discussed, the main points of discussion and the conclusion arrived at should be published, so that there may not be any room for surmises and erroneous impressions, as well as for impressing upon the Councillors greater responsibility of their office.

6. As regards the formation of the Provincial Advisory Council, the Commissioners beg to suggest that clear and distinct provision should be made whereby the services of such representative and educated men as are competent to advise Government on important subjects, may be secured, and half the number of the Councillors should be elected by the principal Municipalities and the District Boards of the respective Provinces. The Commissioners beg also to submit that when the Councillors are called together some one from amongst themselves should preside instead of the head of the Government or some high official deputed by Government, so that they may carry on their discussion with greater freedom and interchange their thoughts more freely. The head of the Government or any high official may open the meeting and state on what subjects their advice is sought and then retire, leaving the Councillors to discuss the subjects.

7. With regard to the scheme about the enlargement of the Legislative Council both Imperial and Provincial, the Commissioners feel constrained to observe that it appears to them that if the scheme be carried out as it is, it will not be any improvement of the existing Councils, though the number of the members may increase. In their opinion it will be a retrograde move. The framers of law, they humbly beg to submit, should be men of genius, well-read in the laws of the country and conversant with the jurisprudence of other countries and well acquainted with the needs and requirements of the people, so that any measure that may be before the Council may be efficiently dealt with by them, and the principle of creating special electorates according to caste, creed or race does not commend itself to the Commissioners for in their opinion this will serve to deteriorate the efficiency of the Council on the one hand and create and sustain racial feelings on the other.

8. In connection with this, the Commissioners beg to submit that in the existing Councils the reason why during the last few years the members of the legal profession preponderated over other classes is, that the electors considered them to be better qualified to serve their country than members of any other class and the Commissioners venture to state that these elected members discharged their functions to the satisfaction of their constituents and their country.

9. The Commissioners take the liberty of suggesting that the Government will be pleased to modify the scheme in such a way as to ensure the return of experienced, educated and representative men in both the Councils, irrespective of caste, creed or colour, and that the majority of the members of the Councils may be returned by the electorates.

I have the honour to be,

SIR,

Your most obedient servant,

SHAMA CHARAN ROY,

Chairman, Mymensingh Municipality.

No. 227-M.

FROM

BABU BHUBN MOHON MAITRA,
CHAIRMAN, RAMPUR BOALIA MUNICIPALITY.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Rampur Boalia, the 15th December 1907.

SIR,

With reference to your letter no. 11529-C., dated the 10th October 1907, I have the honour to submit the following report in consultation with the Commissioners of this Municipality. The proposed reforms are no doubt intended to confer a real boon but I am afraid whether the main object will be attained by the mode in which the Council will be constituted. The establishment of an Advisory Council of Notables is a good idea in itself, but it does not go very far, and it is open to objection on the score that these territorial magnates of whom the Council is to consist represent neither the people nor the educated classes of the community, that the selection is restricted to nomination, and not based on elective principles, and, moreover, the opinion of these magnates will receive very little consideration. It is contemplated to enlarge the Legislative Councils, subject to the maintenance of an official majority. This step may be thought to be in the right direction, but the proposals do not appear to be free from objection, inasmuch as the Council is intended to be enlarged by an increase of official members and additional representatives of some community and of landed interest without making adequate provision for representation of many important interests, such as agriculturists, artisans, etc., and of certain other bodies, such as municipalities. The scheme proposes to raise the elective franchises and make the Members of Councils eligible by merely property or money qualification without any regard to educational standard. I respectfully venture to suggest that a condition may be added that an educational qualification of certain standard, along with property or money qualification, is necessary to constitute a member or voter.

I have the honour to be,

SIR,

Your most obedient servant,

BHUBON MOHON MAITRA,
Chairman, Rajshahi Municipality.

Proceedings of a Sub-Committee meeting of the following Commissioners of the Chittagong Municipality, held on 28th November 1907, at 5-30 p.m.

Present :

E. A. W. Hall, Lieutenant-Colonel, I.M.S., Chairman.
Maulvi Aman Ali, Vice-Chairman.
Munshi Mahamad Razimally.
Babu Kamini Kumar Das.

Subject :

1. India Government letter no. 2316 (Public), dated the 24th August 1907, with enclosures, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets.

2. The Sub-Committee consider that the proposed Imperial and Provincial Advisory Councils should prove very useful. That the enlargement of the Legislative Councils, as proposed, is very desirable.

That as regards paragraph 15, the system of nomination be adhered to rather than the other systems mentioned.

That as regards the election of the two Muhammadan members, the mode of election mentioned in paragraph 18 be adopted.

That as regards elections of the Provincial Councils and to District and Local Boards and Municipalities, class representation be adopted.

E. A. W. HALL, *Lieutenant-Colonel, I.M.S.*
Chairman.

MEMO. no. 18-G.

Dated Chittagong, the 10th January 1908.

Copy forwarded to the Under-Secretary to the Government of Eastern Bengal and Assam for information.

AMAN ALI, *Vice-Chairman,*
for *Chairman.*

No. 267-L.

FROM

THE CHAIRMAN OF THE GAUHATI MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Gauhati, the 6th December 1907.

SIR,

Referring to your letter no. 11533-C., dated the 10th October 1907, forwarding a copy of Government of India's letter no. 2316, dated the 24th August 1907, asking for an expression of the opinion of the Municipal Commissioners on the subject of formation and enlargement of Councils, I have the honour to state that the question was fully discussed at a meeting of the Commissioners held on 25th November 1907.

The Commissioners are highly thankful to the Government for giving them an opportunity of expressing their views on so important a matter, and they desire me to submit the following suggestions.

Imperial Advisory Council.

Its proposed constitution.

The Commissioners do not see why only ruling Chiefs and territorial magnates should form this Council, and why they should all be appointed by the Viceroy. They can find no good reason for excluding all other classes from this Council. The high privilege of advising the Imperial Government in the humble opinion of the Commissioners ought not to be the monopoly of the landed aristocracy in exclusion of the representatives of the people and of all classes of the community.

In the opinion of the Commissioners, half of the Imperial Councillors may be chosen from the aristocracy by nomination and the other half from the representatives of all other classes by election. Besides, some provinces, like Assam Proper, where there are no Chiefs or landholders, will go unrepresented to the Council. The Commissioners do not approve of the idea of consulting members of this Council individually or of treating their deliberations as confidential. It is admitted by the Government in paragraph 6 that opinions obtained by collective deliberations are often different from, and frequently more valuable than, that elicited by individual constitution.

Provincial Advisory Council.

The Commissioners are glad to find that the Government desire to make this less aristocratic and less exclusive than the Imperial Council.

The Advisory Council of the Province of Eastern Bengal and Assam may consist of twenty members, four from each Commissioner's Division. Half of the members may be nominated and the other half may be elected.

Imperial Legislative Council.

The Commissioners regret that the reasons given by the Government for considering that the present elective system has failed do not seem to them to be convincing. They do not see why the election of lawyers by the District and Municipal Board shall be considered objectionable. Legislators have very difficult and responsible duties to perform, and without proper education and training one cannot perform those duties satisfactorily. There are no doubt members of the landed aristocracy who exercise considerable influence and are pre-eminently fitted to be members of the Legislative Council, but it is more due to their education and public spirit than to their position as landholders that they are held in esteem by the public. The public have a right to expect that their best men should be selected to act as their legislators and the Commissioners do not think that such men are to be found in large numbers

among landholders alone. While Government do not approve of the idea of any class, specially the legal profession, getting any undue prominence in the Council, the new scheme is framed in such a way that under it the landed aristocracy has been given a prominence which, in the opinion of the Commissioners, it cannot claim. That the landed aristocracy is entitled to a fair share of representation, the Commissioners do not deny, but they see no justification for giving them such prominence which the new scheme proposes. The Commissioners beg to point out that, as the landholders derive their revenues from the poor raiyats, their interests often clash with those of the raiyats, and they cannot be expected to represent the raiyats on such occasions. Our Legislature has on several occasions enacted laws to protect the raiyats from their landlords, notwithstanding their strenuous opposition. The landholders themselves depend on the educated middle class for the management of their own properties. Our educated men have very few opening for them. They either join public service or take up law as their profession. It is only therefore natural that some of our best men can be found among the members of the legal profession, and the choice of the people will fall on them when they require men to represent them in the Council. As pointed out in the *Statesman* newspaper of the 29th August, "in the House of Commons, in the Chamber of Deputies, in the American House of Representatives, the lawyers largely predominates for the simple reason that legislation requires expert criticism, a task which the training of the lawyer enables him to perform more efficiently than the average layman. That the lawyer members of the Council discharge their duties satisfactorily no one denies. They are often chosen by Government to serve in Select Committees, which shows that their services are appreciated by Government. The Commissioners, therefore, think that instead of 7 only 2 seats should be reserved for the landed aristocracy and that the present system of combined election and nomination should be adhered to. If any particular class goes unrepresented, Government can nominate a member of that class to represent it.

The Commissioners think no necessity for creating a special electorate for Muhammadans. Of course, there ought to be effective and thorough Muhammadan representation, but there seems to be no adequate reason for giving them treble representation, as proposed. If sufficient number of Muhammadans cannot enter the Council through election, Government can make up the defficiency by nomination.

Provincial Legislative Council.

The Commissioners are not in a position to give any definite opinion as to the number of members of the Council of this province. They think that, whatever the number may be, the present method of combined election and nomination should be followed. They are opposed to class representation, and they think that it will be a reactionary and unprogressive step to introduce it. There is no reason to take away the privilege of partial election which the people have enjoyed for the last few years.

In this Municipality the present elective system is acting very satisfactorily. All classes are properly represented, and no better results will be achieved by introducing class representation.

It is unfortunate that Assam has not yet been represented in any of the Councils. There should be at least three members from Assam on the Provincial Legislative Councils. One of these should be elected by the Municipalities of the Division, and of the three, provision should be made to enable one of them to go up to the Imperial Legislative Council.

Budget discussion in the Legislative Council.

The Commissioners fully appreciate the privilege which the new scheme will give to the public in the discussion of the annual budget. Though it does not go so far as the Commissioners desire, still they are thankful to the Government for the concessions proposed.

I have the honour to be,

SIR,

Your most obedient servant,

AZAHAR HUSAIN, *Vice-Chairman,*
for *Chairman, Gauhati Municipality*

[Confidential.]

FROM

THE HON'BLE MR. H. SAVAGE, C.S.I. I.C.S.,
FIRST MEMBER, BOARD OF REVENUE, EASTERN BENGAL AND ASSAM,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, November 1907.
(*Received 28th November* 1907.)

SIR,

WITH reference to your letter No. 11501C., dated the 9th October 1907, and enclosure, I have the honour to submit my views on such of the points raised in the communication from the Government of India in the Home Department on the subject of the formation of Advisory Councils and the enlargement of the Legislative Councils, upon which my experience in India affords me justification for arriving at and expressing an opinion.

2. With ruling Chiefs I have come but little into contact, and of the landholding and commercial classes in other provinces than Bengal I have seen nothing; but with these classes in Bengal I can claim a long and more or less intimate acquaintance, and the points on which I feel competent to express an opinion are—

(*a*) the propriety of forming from these classes Provincial Advisory Councils;

(*b*) the propriety of enlarging the Provincial Councils to allow of the inclusion of more representatives of these classes in those Councils.

On these two points I may premise that such remarks as I may make will be applicable mainly to this Province of Eastern Bengal and Assam.

3. (*a*)—The reasons which have led the Government of India to suggest the formation of Advisory Councils for the various provinces are not stated categorically.

From the communication to which you refer it may, however, be inferred that the reasons, or at least the most important of them, are—

(1) that education has spread among the landholding and commercial classes;

(2) that these classes "are anxious to be afforded an opportunity of expressing their views on matters of practical administration";

(3) that Advisory Councils would assist Government in "making their measures and motives generally understood....." and would supply "a means for fee and close consultation."

4. I will take these three reasons in order.

(1)—It may be admitted that "education" (using the word in the meaning which is now-a-days given to it) has spread and has to some extent influenced the landholding and commercial classes; but what in sober truth is that education and its effect? It is something which has raised, or even tended to raise, the classes among whom it has extended to a higher plane of thought or action? Has it made any landholder more mindful of his duties to his tenantry—or has it made any man in commerce more honest in his dealings? My answer—an answer which I feel certain will be echoed by every thinking man who has had personal experience of Bengal—is an emphatic No.

5. What this misnamed education has done has been to weaken or destroy the good and to strengthen the evil in men—to push loyalty, good faith and good manners in the background and to bring to the fore flaunting sedition and blatant bumptiousness. The landholders, as far as it has influenced them at all, it has drawn from their village homes to the towns there to live in idle luxury without a thought for the welfare of their tenantry, and on the commercial classes its influence (fortunately as yet but slight) has tended to throw them into the hands of unscrupulous agitators who seek to use them as a weapon to embarrass and eventually to overthrow the Government.

6. To men under the influence of this education it surely cannot be to the advantage of the community at large that Government should turn for advice.

7. (2)—Not these classes themselves, but those who pretend to represent them and hope to use their weight in their political contest with Government, have put forward claims to political power for them. The claims put forward are, however, far different from that of a wish to express views on matters of practical administration. This power individually, and by their numerous associations, these classes already possess and freely exercise. The claims amount to no less than an exclusive right to govern the country and to such claims there can be but one reply.

8. (3)—Already through the various associations of these classes Government is in a position to consult with them and to make measures and motives understood. It is a mistake to think that any closer consultation with these classes would lead to better understanding of Government measures or motives. The classes which misunderstand are the ignorant masses, who are misled by men who, though they are full well aware of the real measures and motives of Government, deliberately misrepresent them to the masses. It is not by naming a certain number of landholders or traders "Advisory Councillors" that this misrepresentation will be controlled, but by stopping the mouths of those who engineer the misunderstanding.

9. To sum up, in my opinion the reasons given for the institution of Provincial Advisory Councils fall far short of affording a justification for the proposal.

10. Moreover, I may point out that in this province at least the material from which the Advsiory Council could be constituted will be very difficult to find. Leaving out of view non-official Europeans, of whom we have an ample and well-qualified supply, where are we to look for the non-official native Councillors? To fulfil the object of their appointment, they must be not only men "of light and leading," but most essentially "of loyalty" also. Of such men the number is very limited, and Government can easily consult them without conferring on them an empty appellation. Ordinarily the best among them will be on the Provincial Lagislative Council, and it will be simpler to give Government power (if it has it not already) to use that Council or its members as advisors than to frame a separate Council with practically the same members so as to avoid a petty legal quibble.

11. To two Councils, one Advisory and the other Legislative, there will always be this objection that, unless the two agree (in which case one at least will be superfluous), one must prevail over the other. Either Government will follow the advice of the Advisory and override the non-official element in the Legislative Council and the latter Council will be deprived of all real power, or the advice of the Advisory Council will be disregarded, in which case that Council might as well not exist.

12. (*b*)—I have previously given an opinion on this subject and need only repeat here as to the general question that I am of opinion the Legislative Council in this province should be enlarged by giving wider representation to the European communities interested in the tea and jute industries and to the native community which is dependent on agriculture.

13. As to the subordinate question of the manner in which the election of elective members should be conducted, there is much room for difference of opinion. I doubt whether it is possible to frame any scheme which will, while retaining even the semblance of freedom of election, shut out the men who now get in, *i.e.*, if they retain the desire of getting in. I have had opportunities of seeing exactly how the machinery of elections for both Municipalities and Local Boards is worked, and I do not feel the slightest doubt that, as long as there are remains a real elective principle, the men who now engineer the elections will in future continue to do so and will *per fas aut per nefas* secure the election of men who will dance to their music. The fact is that in this province at least there are at the present time two parties only one the enemies of Government—few in number but astute, energetic and capable, the other the inert neutrals—the great mass of the people—who wish for nothing better than to be left alone and who move, if at all, only in obedience to outside impulse.

14. There was a time when there was a third party—that of the friends, real and pretended, of Government, but "rejected both of heaven and hell"—scorned by officials as sycophants boycotted by the "patriots" as "traitors to their country." These have dwindled in number and influence to the vanishing point, and now outside of official circles the only opposition which the first class meets with is the *vis inertiæ* of the second, which, though effective more or less when attempts are made to set the mass in motion, is of no effect in respect to elections in which to win the first class has but to leave the second in quiescence.

15. For these reasons my opinion is that it is useless to change the system under which elections are held. Any change, short of the total abolition of elections, which tends to limit the franchise would practically have no result other than that of offering a handle to hostile criticism.

I have the honour to be,

SIR,

Your most obedient Servant,

H. SAVAGE,

First Member, Board of Revenue,
Eastern Bengal and Assam.

No.

FROM

THE HON'BLE MR. C. R. MARINDIN, I.C.S.,
MEMBER, BOARD OF REVENUE,
EASTERN BENGAL AND ASSAM,

To

THE HON'BLE MR. P. C. LYON, I.C.S.,
CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 21st December 1907.

Sir,

IN reply to the Hon'ble Mr. LeMesurier's letter No. 11502C., dated the 9th October 1907, I have the honour to offer the following expression of my opinion on the subject of the formation of Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils.

Imperial Advisory Council.

1. I agree with the proposal made by the Government of India to form an Imperial Advisory Council. It seems to me, however, a matter for consideration whether the members of this Council should be selected from among the Ruling Chiefs and territorial magnates only, as appears to be contemplated, or should also include representatives of the mercantile and industrial classes. It might be argued on the one hand, that by confining membership to the ruling and territoria class the Government of India are limiting the use which it is desired to make of this advisory body, both in respect to disseminating correct information on public affairs or correcting misrepresentations of the intention of Government and in advising upon measures of Imperial importance. The limitation proposed seems also open to the criticism that the Government of India's scheme for constitutional reform fails at the outset to "meet the real requirements of the present time," as this part of it does not "make adequate provision" for the representing of the important mercantile and industrial classes and the "great body of moderate men" with aspirations for "a political life." It is almost certain that these classes will not be fully content with a measure which begins by excluding them from the Imperial Advisory Council and will not be likely to accept the proposition that, so far as their interests are concerned, the territorial magnates are their hereditary leaders. On the other hand it may, I suppose, be presumed that the Government of India have considered this point and think that to enlarge the constitution of the advisory Council beyond the proposed limits would be to render it unwieldy and that, as they propose to include the commercial, industrial and professional classes in the Provincial Advisory Councils, it is sufficient for the ends it is desired to attain to limit, as they propose the membership of the Imperial Advisory Council. They may also perhaps think that the inclusion of these other classes in that body would detract from the dignity which should attach to it.

After giving this matter careful consideration I am inclined to recommend that the membership should be enlarged so as to include representatives of the commercial and industrial classes and the large body of "Moderates." The latter class is mainly composed of men of the learned and legal professions. My reason for proposing this modification is that it will make the measure more popular and save it from criticism on the score of partiality and also, more particularly that I think the Council will really be of more use to Government if some provision were made for the representation of the great commercial and industrial interests of the country, including the European Chambers of Commerce and the learned and legal professions. If room cannot be found for this wider representation within the limit of sixty members, I suggest that the number might be somewhat increased without causing inconvenience. At the same time, if it is thought that the wider representation I have suggested is likely to endanger the success of the measure by detracting from the dignity of the Council and making a seat on it less acceptable to the Ruling Chiefs and territorial magnates, which I admit is not an inconceivable contingency, then I recommend that the conditions of membership should stay as the Government of India propose.

Provincial Advisory Councils.

3. Accepting the general principles laid down in the letter of the Government of India for the formation of Provincial Advisory Councils, I confine my remarks to the following suggestions.—

I think that it would be a distinct advantage that Provincial Members of the Imperial Advisory Council should form the nucleus of the Provincial Advisory Council of the province to which they belong. I recommend that their consent to be members of the Provincial Advisory Council should be a condition of their being admitted to the Imperial Advisory Council. Presumably Provincial Members of the Imperial Advisory Council will be persons most eminently fitted to advise the Provincial Government on matters concerning the province to which they belong, and it does not seem fit that they should be given the high privilege of assisting the Imperial Government as members of the Imperial Advisory Council unless they agree to render a corresponding assistance to the Government of their own province.

4. I would also suggest that when the Local Government desire to consult a member of the Provincial Council by letter the channel of communication with him should be through the Commissioner and District Officer of the Division and district to which he belongs. This seems necessary in order that the continuity of authority of the local officers should be maintained. A good deal of the consultative work done collectively with the Provincial Advisory Council will doubtless be done by Committees of the Council by meetings of the members resident in the same district or division as the matter may require. The District Officer in the one case and the Commissioner in the other should, I suggest, ordinarily preside over the deliberations of the Committee of his district or division, respectively.

Imperial Legislative Council.

5. The problem before Government as stated in the Government of India's letter, is how to provide for the due representation, within the limits imposed by the necessity of maintaining an official majority in the Council, of the vast diversity of classes, races and interests in the Indian Empire. The constitution proposed for the Legislative Council of the Governor General seems to be a fair one. It provides for 28 officials, 7 nominated and 18 elected members; two seats are reserved for the commercial classes through election by the Chambers of Commerce for Calcutta and Bombay, and seven seats for the landowners, while other members to represent that class may come in under head D (c): four seats are reserved for Muhammadans, and additional representatives of that class have a chance of election under head D (B) and (C). Thus taking the number of native members in classes D (B), (C) and (D) and in class E to be eighteen, the proportion of seats reserved for Muhammadans will be a little over one-fifth and the actual number of seats they obtain may possibly be higher. I agree fully with the view that substantial representation should be given to the great landowners, and this appears to have been sufficiently provided for.

6. With respect to the question of an electorate to return a member for the landowners, I am inclined to say that in this province it would be best to adopt the suggestion made at the end of paragraph 15 of the Government of India's letter and obtain a representative of this class by nomination by the Local Government. If this suggestion is not approved, I think the best alternative would be election by the landholding members of the Provincial Council, either from among their own number or outside it. It would be difficult, however, to define exactly what a land-

holding member means, as a member may own landed property but belong in reality to the commercial, money-lending or professional classes, and his sympathies and interest may not be identical with those of the landed aristocracy.

7. In paragraphs 16, 17 and 18 of their letter the Government of India deal with the question of a Muhammadan electorate. It certainly is most desirable that in any elective system that may be decided upon the Muhammadan community should for that purpose be treated separately from the Hindus and be given a special Muhammadan electorate. With regard, however, to the two seats reserved for Muhammadans under class D. (D) I should prefer to see them filled by nomination by the Local Governments in rotation rather than by election. The electorate described in paragraph 18 has much to recommend it, but I would point out that in this province, owing to the general poverty of the Muhammadan landlords, it would be at some disadvantage in obtaining the return of a member to represent this province.

Provincial Legislative Councils.

8. There is no doubt, as pointed out by the Government of India, that the present qualification both for electors and candidates in the case of Municipalities and District Boards has been fixed too low and that their franchise is a very unsuitable foundation for the election of legislator, on the Provincial Councils. I understand, however, that so far as election to membership of the Municipalities and District is concerned the Government of India do not propose to alter the existing franchise, nor do they propose to withdraw from Municipalities and District Boards the privilege of election to the Provincial Councils. At the same time the Government of India think that a solution might be arrived at by introducing special qualifications for Members of Council, and what is desired is to introduce some system for the representation of classes now liable to be crowded out by any predominant section of the population.

9. So far as the Provincial Legislative Councils are concerned, the simplest way of carrying out these suggestions would be to leave the election to seats on these Councils by the Municipalities and District Boards as it is now and to provide for an additional number of members to represent particular classes and races (Muhammadan and Hindu) in the desired proportion either by nomination or by election by a special electorate. The objection to this plan, however, is that it would leave the Municipalities and District Boards where they are, and it is certainly desirable that on these local Committees there should be a wider and fairer representation of the different classes, occupational groups or races interested.

10. I think the best solution so far as Municipalities and District Boards are concerned is for the Local Government to determine what proportion of seats on either should in each district be filled by the representatives of certain classes of occupational groups or races and to arrange for an electorate for each class, occupational group or race to be composed of members of each. A standard of class or occupation seems to me preferable to one of caste, as in respect to class or occupation castes are very much mixed up. Thus for District Boardst he main classes that suggest themselves are landlords, traders and (in a minority) the professional class. I have not included cultivators, and I think in this province it would be practically impossible to frame any workable electorate for that enormous and, for the most part, illiterate class. Their interests moreover on District Boards are very much identical with those of their zamindars as both are chiefly concerned with the improvement of roads and communications, and so far as sanitary measures, water-supply and education go their interests may safely be left in the hands of the District Officers. In the case of Municipalities, the division might be into occupational groups representing the chief interests of the town concerned, traders, shop-keepers, professional men and owners of house property.

11. For both Municipalities and District Boards there should be assigned a fixed number of seats to Muhammadans. The electorate for both Municipalities and District Boards would then be determined so as to give a special electorate for each class, occupational group of race upon the existing qualification for franchise with which the Government of India does not propose to interfere.

12. Turning now to the system for election to the Provincial Legislative Council, the same number of seats would, as I understand, continue to be allotted to members elected as at present by Municipalities and District Boards, and with the change proposed in the constitution of these Local Committees and Boards, there should be some improvement in the results of their elections. The Councils themselves, however, will be enlarged, and the question is whether the additional number of members should

come in by nomination or by election. It also has to be considered what main classes and races require special representation and in what proportions. To discuss the latter point first, I recommend that the lines indicated in paragraph 12 of the Government of India's letter regarding the constitution of the Governor General's Legislative Council should be followed.

13. In this Province the main classes to be represented are the territorial or landlord class, the tea planters, the commercial or trading class and the professional class, and the main races, Muhammadan and Hindu. Substantial representation should be given to landholders and a larger representation than is the case at present should be given to the tea planters. The Chamber of Commerce of Chittagong should have one membership reserved. I cannot suggest any way of representing the cultivating class, and I think that under existing conditions their best representatives are the Government officials concerned with the land revenue administration.

14. The next question is whether class and race electorates should be formed or if these additional members should be nominated. The tea planters, Port Commissioners and Chambers of Commerce may very well be allowed to elect their respective members; probably the best electorate for the tea planters would be their associations. With respect to the other classes, a certain number of members might be elected and the rest nominated by the Local Government. For the territorial or landed class, I think the best electorate would be the Landlords' Provincial Association. An electorate for the commercial and trading class might be formed from persons whose principal income is derived from trade and who pay income-tax up to a certain amount. The electorate for the members representing the professional class should, I suggest, be formed of graduates of the University of more than four years' standing and professional men paying income-tax up to a certain amount. For the seats reserved for Muhammadans I recommend as the best form of electorate the Provincial Anjuman to which might be added graduates of five years' standing. I think workable electorates might be formed on these lines.

15. I agree generally with what the Government of India say regarding the discussion of the Budget Debates in Council. To some extent the method they propose for removing existing defects in the debate is already followed in the Council of this province, and I do not think that much more can be done than allowing perhaps more time for the discussion of the budget as a whole and taking up the discussion more systematically under the separate main heads of the budget. I would not propose to give any voting power to the Council on the contents of the budget, nor does this appear to be contemplated by the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. R. MARINDIN,

Secretary to the Board of Revenue, Eastern Bengal and Assam.

No.

FROM

THE HON'BLE NAWAB KHWAJA SALIMULLA, BAHADUR, C.S.I.,
OF DACCA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 1st December 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your letter inviting my humble opinion on the Government of India's letter of the 24th August last in the Home Department, on the subject of the formation of the Advisory Councils, the enlargement of the Legislative Councils, and the procedure to be adopted in discussing the budget, and in compliance with your request I beg to offer below my views on the points raised therein.

Imperial and Local Advisory Councils.

I note with delight that Government intend inviting, and have perhaps invited, public opinion on this momentous question because I consider that no definite conclusions can be arrived at on individual opinion, in a matter of such vast magnitude as embraces the interests of all India. The time has indeed arrived when it is imperative that, for the efficient administration of the country, there should exist a closer relation between Government and the people, and it is my conviction that the proposed reform will go a great way to establish it. Very often the masses are led astray by the self styled every-day leaders, who infuse into them a perverted idea as to the motives of Government, tending to create discontent and disloyalty in their minds, and it is high time that such disagreeable growths be utterly discouraged and Government be pleased to point out to the illiterate men, who are always carried away by those of superior intellect, the recognised leaders through whom they should approach Government with their grievances, and I believe the present scheme will answer this purpose admirably. As it is, I think, and many notable persons, both Hindus and Muhammadans, with whom I had occasion to consult, agree with me that the scheme is a decided improvement on the existing regulations. It is not, however, possible to predict with any degree of certainty that the scheme is bound to be a complete success and beneficial to the entire population until and unless it has been given a fair trial and time has discovered and removed its defects.

It suggests to me, and many, I believe, will concur in my view, that the Councillors should have at least the privilege of representing the needs and sentiments of the people of their province at their free will, as otherwise they will fail to command the respect commensurate with their high functions, which will defeat the main object of the scheme.

During my membership of the Imperial and Provincial Legislative Councils I have always experienced considerable difficulty in offering my counsel in matters concerning religion. I assume, and I think I am not far wrong, that the nobility are too deeply immersed in worldly affairs to devote themselves to the study of religion, and are therefore not in a position to advise Government in such matters with any authority. Under the circumstances, I would humbly suggest that some literate men versed in religious and social laws, be also taken in the Council.

If my interpretation of the motives of Government is correct, the scheme appears to me to aim at ascertaining the views of the masses, through the leaders who are recognised by Government, to attain which it is essential that each district should be represented in the Provincial Advisory Council, even if the size is bigger than that of the Imperial Advisory Council, for it will be, in other words, establishing a

private body of informants, as distinct from the official one, to whom Government may refer when occasion arises, and it is only then that Government may be acquainted with the true local conditions of the country.

Enlargement of the Imperial Legislative Council.

I have no suggestion to make regarding the enlargement of the Imperial Legislative Council, only that the land revenue fixed for the eligibility of a person to the membership is extraordinarily high, and should be reduced to Rs. 5,000 only. In other parts of India, for a similar income, the land revenue is far in excess of that of Bengal and Eastern Bengal, where the land-owners enjoy the privileges of the Permanent Settlement, and if Government cannot see their way to accept the aforesaid suggestion, a special provision should be made for these latter provinces.

The scheme also does not specifically provide for representations from the Parsi, and Sikh, and such other recognized sects. To my mind it seems that it will be doing them a little injustice by ignoring them.

Enlargement of the Provincial Legislative Council.

The reform suggested is all that can be desired. Never have the claims of the Muhammadans been so justly recognised, and we are deeply indebted to Lord Minto's Government for this act of kindless. I can assure Goverment that the adoption of the proposed methods will be hailed by the Muhammadans, as it will fill them with noble and high aspirations and with them an intense desire to be deserving, and hence a thirst for knowledge.

Discussion of the Budget.

I have no suggestion to offer regarding the discussion of the Budget.

In conclussion, I congratulate myself and my Indian brethren, specially my own community, on the facilities Government propose to afford us by the introduction of such well-intentioned and highly appreciated reform.

I have the honour to be,

SIR,

Your most obedient servant,

KHWAJA SALIMULLA.

No. 139.

FROM

THE HON'BLE MAHARAJA GIRIJA NATH RAY BAHADUR,
OF DINAJPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dinajpur, the 23rd November 1907.

SIR,

I beg to acknowledge receipt of your letter, with enclosure, No. 11508-C., dated the 10th October 1907, and have the honour to submit my humble views on the proposed formation of the Advisory Councils, enlargement of the Legislative Councils, and the Budget discussions as follows :—

The Imperial Advisory Council.

The primary causes which led the Government of India about 20 years ago to initiate such reforms as the enlargement of Legislative Councils, introduction of elective system, right of interpellation and free discussion of the Budget, were (1) "the spread of English education, (2) increased employment of the natives of India in the actual administration of the country, and (3) the undoubtable proof which they had given of their intellectual fitness for such employment;" since then two decades have passed, and although it is difficult to accurately estimate "the extent of the advance which has since taken place in the development of the educated classes," some idea, however, of the intellectual development of the country can be formed from the number of scholars which nearly doubled since the reforms were first introduced. Moreover, higher education "has penetrated to circles which a generation ago had hardly been affected by its influence." In short, the Government of India are of opinion that the ruling chiefs and the landholding and commercial classes possessing "a material stake in the country and representing the most powerfuland stable element of the Indian society" have now become qualified to take a more prominent part in the public life and to render a larger measure of assistance to the Exeutive Government by representing to them the "real needs and sentiments of the mass of the people" and "their feeling and wishes in respect of administrative and legislative questions and by bringing all classes of people into closer relations with the Government and its officers, and thus removing the difficulty encountered by the Government of India in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imparted to them" for the purpose of being benefited by the advice of the "natural leaders of the people"—the ruling chiefs and the zamindars—the Government have very kindly laid the proposal of forming Imperial Advisory Council consisting of about 60 members to be nominated by the Viceroy including about 20 ruling chiefs and 40 of the landed aristocracy to hold office for five years. These councillors, who may be consulted either individually of collectively or by means of committees appointed from amon gtheir number, should receive no legislative recognition and should not be vested with power of any sort. Their functions should be purely advisory and they are to deal with such matters as might be referred to them from time to time. When called together for collective consultation, their proceedings will be confidential and informal.

It is gratifying to note that these noblemen are recognised by the Government as the fittest persons for holding the post of councillors. But although these chiefs and territorial magnates are to be called Imperial Councillors, their funtions are so circumscribed and limited under the present scheme that they will hardly be able to do much or any good. The present restrictions are enough to bring about a sort of apathy in the councillors to matters referred to them, and they cannot be expected to act earnestly and zealously.

I am, therefore, of opinion that some of the restrictionss over their functions should be removed and some powers given to them which would remind them of the heavy responsibility of their position and prompt them to act with zeal and earnestness.

I would suggest that in any administrative and legislative matter brought before the Council, the opinion of two-thirds of the members should be accepted by the Government, and that when the two-thirds of the members agree between themselves to put up any subject before the Government, they should be allowed to take the initiative.

I would further suggest that in order to make the Advisory Council a practical working body, cultured men of moderate political views and of prove merit and ability should be introduced into the Council; now that the legitimate and hereditary leaders of the people have to a certain extent lost their influence under adverse radical domination.

It appears to me that the number of the British Indian members is not adequate, considering the extent of the population of British India and that of the Native States. The ruling chiefs live isolated from British India, and are not conversant with the aims, requirements and feelings of its residents. They have community of interest only with regard to a very few matters, such as education, famine relief, plague, etc. Their number in Council is rather large, and might conveniently be reduced in favour of the territorial magnates.

The Imperial Advisory Council, as it is proposed to be formed, presents some difficulties. The Councillors speaking different dialects, unless they be all educated and English speaking, will not be able to exchange their thoughts with one another and fail to be of any help to the Government for collective consultation.

It is doubtful whether "confidential communications will secure frank interchange of opinion" because very few persons dare speak frankly to high officials.

Further, the secrecy which Councillors are to maintain is inconsistent with the idea that they should be the channel through which the people and the Government are to exchange their views.

In this connection, I must bring one thing most prominently to the notice of the Government. The landholders are to belong to both the Imperial and the Provincial Advisory Councils, and as they will be required to be consulted either individually or collectively or by means of committees appointed from among their number, they may be called at any moment to the Imperial or Provincial headquarters. As thes magnates have not only a position to maintain, but their very mode of living requires comfortable housings, etc., they will be required to keep houses and separate establishments ready to receive them at the summer and winter headquarters of the Imperial and Provincial Governments. The cost of this and the cost of journey to these places with retinue becoming their rank and position, on several occasions a year, shall prove ruinous to them. The question of expenses alone would compel them to decline the honour. It is therefore desirable that the advisers should be called once or twice a year collectively and their *bonâ fide* travelling expenses paid and free quarters given to them.

Provincial Advisory Council.

The constitution of this Council, as proposed, is based on a wider basis. The inclusion of the representatives of the small landholders, industry, commerce, capital and professional classes as well as of the non-official Europeans, would make a strong and fully representative Advisory Council.

Enlargement of the Legislative Councils.

The scheme of the enlargement of the Legislative Councils is based on these principles—

(1) Enlargement of the Council to the fullest extent compatible with the necessary authority of the Government.

(2) Representation of classes and interests.

(3) Setting up a counterpoise to the excessive influence of the lawyer class and their virtual monopoly of powers exercised in the councils by giving substantial representation to the great landholders.

Much opposition has been raised as to this exclusion of the lawyers. But the claims of the lawyers have not been wholly ignored by the Government. There are many zamindars who are lawyers as well, and the lawyers also come within the representation of the professional classes. I think the landed classes would make the best members of the Council, as their interest are in a large majority of cases identical with that of the Government and the people. But as this is the beginning of their political traning, it is necessary to associate with them cultured men of moderate

political views, of mature age and proved ability, who should be also sincere well-wishers of the Government and the people. This can be done by removing the restriction that a class representative must belong to the class which he represents.

Imperial Legislative Council.

The formation of this Council, as proposed, is objectionable on the following grounds:—

(i) No additional concessions have been given to and no new powers conferred on the Council. The general principle on which the present scheme is based is that the widest representation should be given to all classes, races and interests subject to the condition that an official majority must be maintained. Under the present rules, 16 additional members are taken in the Imperial Council for the purpose of legislation, among whom 6 are officials. The ordinary Council of the Governor General consists of 6 official members, excluding the Commander-in-Chief. So there are more than 12 official members and 10 non-official members. Again, among the non-official members there are European representatives of European commerce. Thus the Anglo-Indian majority is already great. In the scheme proposed an addition of 16 to non-official members is no doubt a liberal concession, but this has been neutralised by an addition of 14 to official members. Thus, the new Council shall contain only 7 members who are not the nominees either of the Government or of some particular class or interest, I therefore fail to see any real improvement in the Council.

(ii) The increase in the number of the councillors without any corresponding increase in their powers and privileges will only tend to lengthen the preceedings of the Council in the way of academic discussion without affording any appreciable public benefit. The Government fully recognise the urgent necessity of enabling the people (their representative members) "under the present scheme to take a more effective part in shaping the action of the Government." The views of the people and of the Government are therefore the same. But the object cannot be gained by a mere increase in the numerical strength of the Council, unless the representatives of the people are armed with the greater powers to exercise a healthy control over the administration and decide the course of legislation by their votes.

(iii) The conferring of the special privileges to the Muhammadans is open to serious objection. Any invidious distinction between class and class is far from desirable, as it is most mischievous in its results and will put the Government in a very embarrassing position. If the Muhammadans are given the special privileges as proposed in the scheme, the members of the other communities will be justified to claim that seats in the Council might be reserved for their representatives too; and if their prayer is not heard, there will be much heart-burning and deep discontent in the country. The reason given for the special concession to the Muhammadans is that on account of their "number and political and historical importance" they are entitled to it. But I think the number of the non-Muhammadan population is twenty times as many as that of the Muhammadan and their political and historical importance do not in any way place them above the Hindus, the Sikhs and others. Hence there cannot be any doubt that the conferring of special privilege to a certain sect is impolitic.

The recognition of the claims of the landed class is very gratifying, but the number of seats open to their representatives appears to be too small and falls far too short of the requirements.

As to how the representatives of the landholders will find their place in the Council, I am of opinion that they should be partly elected by the members of the Provincial Councils and partly appointed by nomination.

Provincial Legislative Council.

Although no definite scheme for the organisation of the Provincial Council has been proposed, the lines on which they are to be constituted are clearly indicated. Representation is to be based on racial, religious, and caste or class distinctions, and the Municipal and the Local Boards forming the electorates are to contain members coming from heterogeneous groups of men; and the constitutions of these bodies have to be considerably modified. *Mudies, banias, artisans* and *cultivators* will become members of the Municipal and Local Boards, and no respectable men, especially the landed class, will ever go there and take their seats with these people. Thus, the very aim of giving "widest representation to all classes" shall be frustrated.

Our cultured men generally are not agitators. These men deserve better treatment. It is, therefore, good for both the public and the Government that the Council should contain a few trained lawyers and journalists of moderate political views besides the representatives of landholders, commerce, industry and capital. Our educated

class is the brain of the community, and is therefore indispensable in all questions, socialor political.

As I have said in connection with the expansion of the Imperial Council, the expansion of the Provincial Councils will confer no boon to the public, unless greater powers be given to the non-official members to exercise a healthy control over the administration.

The Budget Discussion in the Legislative Council.

The discussion of the Budget under separate heads will lead tono good result unless it be found possible to alter the Budget actually under review. The promise that the remarks made in the course of the ampler and more practical discussion would be borne in mind by the Government when making financial arrangements in subsequent years might not be given effect to, owing to the new circumstances that might present themselves in these years.

In my opinion it would better to adopt the mode of discussing the Budget informally some days before its presentation to the council.

To make the Budget discussion really beneficial to the country, it is but proper that the representatives of the people of the country should have a hand or at least some potent voice in regulating the expenditure and the imposition of taxes.

I have the honour to be,

SIR,

Your most obedient Servant,

GIRIJA NATH RAY,

Maharaja Bahadur of Dinajpur.

MEMORANDUM REGARDING IMPERIAL AND PROVINCIAL COUNCILS.

Legislative and Advisory.

The spread of education.—The growing if not always well-directed, interest in politics and the general progress of the people of India indicate that the time is ripe for a material enlargement of the Imperial Council. Looking to the extent of the Empire, and to its vast population of many races and many creeds, the proposals now under consideration would appear to be inadequate, judged by the standards of other countries. But the retention of an official majority necessitates and justifies the proposed limit.

The substantial addition to the Council should materially strengthen the hands of Government by more directly interesting in the responsibilities of Government an influential body of men whose influence would be in favour of stability and order and in opposition to mischievous agitation.

The presence of a single representative of the ruling Chiefs seems somewhat anomalous, and contrasts strangely with their strength on the proposed Advisory Council.

The representations of the non-official European community, to whose enterprise and energy in commercial, industrial and agriculiural pursuits and progress and prosperity of the country is in a great measure due, appears to be inadequately provided for by two members (Chambers of Commerce of Calcutta and Bombay).

It is true that this number might be supplemented (1) by elections by Provincial Councils, but, in these, Native non-official members predominate and the probability is that they would elect ther own countrymen, and (2) by nominations by the Viceroy.

But even then, while the total number of members will have been greatly increased, it seems probable (or possible) that the number of non-official European members will be stationary.

The proposed enlargement of the Council will involve a corresponding and very desirable extension of the at present insufficient opportunities for discussion of financial and other administrative subjects, which should prove useful.

The approval I have expressed generally of the proposals in regard to Imperial Councils extends also to those which refer to Provincial Councils.

While I observe with satisfaction the precautions taken to ensure adequate representation of the Muhammadan community, I would submit that such precautions are still more urgently required in the case of the small European community whose invaluable services on District, Local and Municipal Boards and in Provincial Councils may otherwise be lost.

With regard to Advisory Councils it seems to me that the enlargement of the Legislative Councils, with more frequent and more prolonged meetings, will dispense to some extent with the necessity for such institutions.

In cases of emergency, consultation with Advisory Councils would entail delay and hamper executive action and the value of advice given by a Council not responsible for results and without authority would be considerably discounted.

As the proceedings of the Councils would be private and confidential, members might be supposed to have given advice—when they had never been consulted or when their advice had been opposed to the course adopted by Government—and might reasonably object to being placed in a false position.

ROBERT H. HENDERSON.

Dewan, the 27th December 1907.

No. 723.

FROM

THE HON'BLE RAI DULAL CHANDRA DEB BAHADUR,
GOVERNMENT PLEADER, SYLHET,

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Sylhet, the 3rd December 1907.

SIR,

IN compliance with your letter No. 11510C., dated the 10th October 1907, I have the honour to submit herewith my opinion on the subject of the formation of Advisory Councils, etc. It is to be regretted that owing to my absence from the town to attend the meeting of the Legislative Council at Dacca, the opinion could not have been submitted in time.

I have the honour to be,

SIR,

Your most obedient Servant,

DULAL CHANDRA DEB,

Government Pleader, Sylhet.

FORMATION OF ADVISORY COUNCILS, ETC.

The policy of governing a country in consultation with those who are the governed is no doubt a very liberal policy, and, as such, is highly commendable, but it is a great question to be solved as to how this policy can be carried out. The Government of India proposes to arrive at its solution by constituting some Advisory Councils designated as the Imperial and Provincial Advisory Councils. The function of the Imperial Advisory Council will be to advise the Government of India, and that or the Provincial Councils will be to advise the Local Governments on all important political and administrative matters. It is therefore necessary to see as to how far this object is likely to be attained by the proposed institutions.

Imperial Advisory Council.

2. This Council is to be composed of the ruling chiefs and the territorial magnates, but I fear whether such a Council will serve the purpose the Government, have in view. A Council like this, constituted as it will be exclusively of the ruling chiefs and territorial magnates, will be a mere ornamental body, hardly competent to give sound advice to Government in all important matters. In India it is the mediocrat who have received the light of education, and it is they who can render good advice for the solution of the important political problems that may arise in the administration of this country. But the educated class as a rule are precluded from having a share in the discussion and deliberation of the Council. The exclusion of the educated class seems to be a great defect in the scheme which has been formulated. I admit that education has reached some of the ruling chiefs and the territorial magnates, but this is an exception to the rule, and a Council composed of these members only will hardly be useful to the administration of the country. If the noble birth, high dignity, and splendid wealth as represented by the ruling chiefs and territorial magnates be supplemented by the superior intellectual attainments of the mediocrat, a Council composed of such elements as these will be a very useful body, and so I think the educated natives should be represented in it.

3. It seems to me also that the representation of the mediocrat in the Council is likely to infuse a large amount of energy and strength in it. It is they who have received the light of education in the country. Whatever may be their status in the society, they have by their superior attainments acquired the position of the natural leaders of the Indian societies. In fact, if they move, the people move, if they speak, the people speak, if they are silent, the people are dumb and mute. It is the mediocrat who administer the Native States; the big zamindaris, although they are neither the ruling chiefs nor the big landholders, it is they who supply Judges to the Indian High Courts, and fill up all the appointments in the Subordinate Executive and Judicial Services, and it is they alone whose services are utilized by Government in the Educational, Medical, and Public Works Departments. It is therefore a matter to be inconceivable that, while the mediocrats are so much valued and utilized by the Government in the administration of the country, why should they be held disqualified to advise Government in the very same matters which in another capacity they are thought fit to carry out loyally and successfully. It is true that in any project or scheme the Government may formulate, any opposition that it may meet with is likely to emanate from the mediocrat, but I see that the Government will be in an advantageous position by this opposition. All the administrative projects and schemes which the Government may carry out from time to time appear to have been based on official opinion, and, when finally pronounced, they are hotly criticised by the public. If the mediocrat be taken in the Council, the Government will be in a position to know the opinion of the public and all the reasons for and against a scheme before it is finally settled. It is equally desirable to know all the facts and figures for or against a measure, so that a happy, sound and satisfactory decision may be arrived at after giving due consideration to every point.

Provincial Advisory Council.

4. With regard to the constitution of the Provincial Advisory Council, I am to observe that it is proposed to be constituted on a wider basis than that on which the Imperial Advisory Council is proposed to be. Besides the territorial magnates, the smaller landholders, industries, commerce, capital and professional classes should also hsve a share in the representation in the Council. But the educated class seems to be kept in the background. The legal profession has not been expressly mentionedto have

a share in the representation, and although the expression "professional class" may include it, I do not think that on such a vague expression the members of the legal profession can claim a right to representation.

5. It is said in some quarters that these Advisory Councils will be of no use, as there is no legal obligation on the Government to act on their advice, and therefore these Councillors will be just like the Assessors who sit with the Sessions Judge in the Sessions trials. I do not admit that this contention has no force at all, but whatever may be its ultimate effect there is one advantage in it which I think cannot be overlooked. It is this. If the Council be properly constituted, they will be in a position to represent to Government the honest opinion of the leading communities in India, and so Goverrment may thereby be able to know what is the opinion of the public on important political matters. In these circumstances, I think it is a move in the right direction.

Enlargement of the Legislative Council.

6. The enlargement of the Legislative Council, as proposed, may not, I think, satisfy the aspirations of the public. It is not the strength of the native element but the proportion between the official and non-official elements in the Council which is the subject of hot criticism. The public want that while the Viceroy or the Governor, or the Lieutenant-Governor, as the President of the Council, has a casting vote, the official and non-official elements should be even balanced. If this right be not accorded to them, it is no benefit to them whether the members of the Council be 5 or 500. I think the proposed enlargement is not likely to be hailed by the public unless the right of equal representation be conceded to them.

Constitution of the Imperial Legislative Council.

7. With regard to the constituent elements of the Council, I am to say that the legal profession does not seem to have a share in the representation. In my opinion the members of the legal profession are better qualified to give opinions on matters legislative, and their opinion, I think, ought to be valued by Government. It is true that in the official element law is well represented, but the persons who are connected with the administration of law in this country are in a better position to know the defects in the workings of the existing law than any theoretical lawyer, and so I do not understand the reason as to why this important element, that is, the legal profession in India, should be overlooked in the representation.

8. With regard to the constitution of electorate, I think that an entire province is a heterogeneous area and so election is not likely to be successfully effected if it be taken to be the unit of election. In my opinion each province for the purpose of election should, according to its area and population, be divided into a number of units which should elect members by rotation. The qualification of electors seems to commend itself to reason.

Constitution of the Provincial Legislative Council.

9. The present electorates which return members to the Legislative Council should remain as they are. The Municipilities, District Boards, Local Boards, Universities, Chamber of Commerce, Industries, Port Commissioners, are in my opinion well qualified to elect members. The qualifications of the elector in the Municipalities appears to be very low, and so it should be at least Rs. 3 as municipal tax a year.

10. The Legislative Council of this province is composed of 15 members, of whom 7 are officials and 8 non-officials. If this Council is to be enlarged, I think it should consist of 21 members, of whom 10 should be officials and 11 non-officials. Of the non-official members, 9 should be elected and 2 nominated by Government. The elected members should be returned by the following electorates, *viz.*—

I. Local Board	3
II. Municipalities	2
III. Port Commissioners	1
IV. Industry	1
V. Trade and Commerce	1
VI. Recognized Association of Landholders	1
	9

Discussion of Budget.

11. The suggestion made in the letter seems to be a move in the direction of the improvement in the present system, but in my opinion the important improvement to be effected in the system is the discussion of the draft Budget in the Council before it is finally settled by the Local or Imperial Government. Under the present system all the suggestions are kept in abeyance, but if the budget be discussed before it is finally settled, any practical suggestions made by the members, if accepted by Government, may be given effect to, and therefore this discussion may have a practical effect in the administration of the finances of the country.

Sylhet,
The 3rd December 1907.

DULAL CHANDRA DEB,
Government Pleader.

FROM

THE HON'BLE RAI SITA NATH RAY BAHADUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the December 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your letter No. 11511 C., dated the 10th October, forwarding a copy of the communication (No. 2316 "Public," dated the 24th August last) from the Government of India in the Home Department, on the subject of the formation of Imperial and Provincial Advisory Councils and the enlargement of Imperial and Provincial Legislative Councils, and inviting an expression of my opinion on the several points raised therein.

In reply, after a careful consideration of the important issues involved, I beg to submit the following observations:—

The large and generous measures of reform inaugurated of their own accord by the Government of India, and which were foreshadowed in the last Budget speech of His Excellency the Viceroy, have, I rejoice to say, evoked profound feelings of gratitude in the hearts of the upper classes of the people, especially the propertied classes, who, forming, as observed by the Government, the stable elements of the Indian Society and having a very large and material stake in the country, are henceforth to be entitled, as is justly due to them, to have a much larger share in the administration of the country and in the works of legislation. It is needless to point out that whatever work of administration or of legislation may be taken up in hand, it must necessarily, in some shape or other, directly or indirectly, affect the propertied and moneyed classes, and, as such, I am glad that at last Government have come to recognise the importance and just claims of the upper classes and have been impressed with the necessity and expediency of giving a wider representation than hitherto to these classes. As a very humble representative of the above classes, I beg to assure Government that they will be only too glad to take part in all works of administration and legislation that may be entrusted to them, and what is more, that their loyal support in all emergencies may be safely counted upon.

While we are deeply grateful to Government for, and beg to express our appreciation of, the liberal measures of reform, which the Government propose to introduce, and on which public criticism has been invited, I hope to be pardoned for taking the liberty to point out that there are certain defects in the proposed measures which will go to detract from their usefulness, it is particularly the exclusion of the educated classes from all right of representation, which, I fear, will, to some extent, neutralise their good effects.

In these days of unrest and excitement, Government would do well, to conciliate public opinion (and I humbly beseech Government to do so) by granting rights of representation to classes which are fitted by their intellectual capacity or by virtue of their having a large stake in the country to take a share in all administrative and legislative works and not to introduce invidious distinctions. With these preliminary remarks, I beg to proceed to deal with the several questions in the order in which they have been dealt with in the letter under reply.

Imperial Advisory Council.

The Government of India is to be sincerely congratulated on the happy conception of establishing an Imperial Advisory Council, to be composed of twenty ruling Chiefs and a suitable number of territorial magnates whose functions would be to advise Government on all important measures affecting the people, to diffuse correct information upon the acts, intentions, and objects of the Government, and to correct misstatements and to remove erroneous impressions. These councillors would in fact act as interpreters between the rulers and the ruled. This is indeed a step in the

right direction, for very often acts and objects of the Government are liable to be misunderstood by and misinterpreted to the great masses, which goes to create uneasiness among them, and as such a measure is to be hailed with satisfaction and it would have been more enthusiastically welcomed by all classes if its scope had been a little wider. But I regret to find that the membership of the Imperial Advisory Council is to be strictly confined to ruling Chiefs and territorial magnates alone (the latter being a meaningless and equivocal phrase), none of whom, especially the former, have much intercourse or are in actual touch with the great masses and not being thoroughly conversant with the wants, wishes, and statements of the people at large, would hardly be in a position to speak with authority or to advise Government soundly on matters touching the masses or their requirements.

Moreover, territorial magnates, unless they include Rajas and zamindars, are not as a matter of fact as plentiful as might be supposed, and, excepting in Bengal Proper, the United Provinces and the Madras Presidency, it will be very difficult to find out the so-called territorial magnates of the stamp indicated in the Government letter in Eastern Bengal, in the Central Provinces, the Punjab, and even in the great Bombay Presidency, and the result would be that the latter Provinces will remain unrepresented in the Imperial Advisory Council.

To make the Council a really useful and practically working body, it it is of the utmost importance that men of culture and propertied men with liberal education, of sober views, of mature age and experience, and what is more, of approved loyalty and having a material and hereditary stake in the country and paying to the Government coffers a certain amount in the shape of Government revenue and road and public works cesses or in the shape of income-tax, should be associated with the territorial magnates. It is the fusion of these two elements, the even balancing of intellect and wealth, that will go to strengthen the Council, to add to its dignity and to lend a healthy tone to its deliberations and advice, which will be respected alike by the rulers and the ruled. Otherwise a Council composed of high-sounding names alone will be something like an ornamental but dumb show.

Now as to the functions of the councillors, I do not see any reason why they should deliberate in secret (except on strictly confidential matters of State) and why their proceedings are not to be recorded. In my humble opinion, councillors would be impressed with a sense of a greater responsibility if they come to know that their deliberations would be conducted openly, and their views and opinions on important matters of State would be not only recorded and preserved for the benefit of the present and future generations, but that they would be subject to the light of public criticism. It is the opinion given openly and publicly that is likely to command respect and to inspire confidence. There may be occasions when advice given may be treated as confidential, but there are other occasions when opinions expressed by councillors, if published, may be utilised for allaying popular excitement and for correcting erroneous impressions and prejudices.

It is difficult to make out what the precise functions of the councillors would be. Are they to be consulted, whether severally or collectively, or by means of select committees, at the option of the executive Government as men of light and leading and public bodies are consulted now-a-days but to which no statutory obligation is to be attached, or should not they be consulted as a matter of course on all important measures of State touching legislation, administration, famine, education, agriculture, and a thousand and one other important matters. As a trusted and faithful subject, I humbly beseech the Government to make some substantive concessions to the people which will, when there are so much misconceptions about the acts and motives of the Government, go to restore public confidence, and to make the proposed Council an important factor in the administration of the country and to treat it as a part of the body politic. It must be treated as a living organism and not allowed to lapse into nonentity, into a dead body like the Imperial Councillors of the first Delhi Durbar.

To make the Council really useful and attractive, I would take the liberty to make the following recommendations for the kind consideration of the Government:—

(1) That the Council should be convened to meet in Calcutta at least four times a year, if not more, and the place of the meeting should be the Imperial Secretariat or the Foreign Office.

(2) The Council should be consulted on all important matters, especially those relating to legislation, taxation and administration, and no measure disapproved by three-fourths of the Council should be taken up by Government.

(3) Unless consulted confidentially, all proceedings of the meetings of the Council should be conducted openly and should be recorded, and for the above and other purposes a permanent Secretary on decent pay, with suitable establishment, should be attached to the Council.

To make the membership sufficiently attractive and to invest it with a certain amount of dignity, I would humbly propose that the following privileges should be attached to it:—

That the Imperial Councillors should have the prefix of "Right Hon'ble" before their names, they should have the right of private *entree* to Government House for life, should be exempted from the operations of the Arms Act, and should be exempted from personal appearance in Civil Courts.

My last suggestion is that internal trade and commerce of the country should be represented in the Indian Advisory Council by suitable Indian merchants of position and influence. It is an admitted fact that the internal trade is large enough and of sufficient interest to entitle it to claim representation on such a body. It is a matter of regret that such an important interest should not be deemed worthy of being represented in the Indian Advisory Council. This is an omission which Government would do well to rectify.

Provincial Advisory Council.

I have very few remarks to offer on the Provincial Advisory Council, for the suggestions I have already made with regard to the Indian Advisory Council, may, with advantage, be made applicable so far as possible to the Provincial Advisory Council

I am glad that Government have been good enough to lay down the broad principle that in the case of the Provincial Advisory Council, all the different interests, including commerce, capital, industry and the various professions should be widely represented in it. I only wish that no sharp line had been drawn and no rigid rule laid down, to exclude these important interests from the Indian Advisory Council. I also wish and respectfully pray that the procedure laid down in the case of the Provincial Advisory Council may be followed in the case of the Indian Advisory Council when the members would be called together to meet for giving collective opinion on any important matter. On such an occasion as suggested in the case of the Provincial Advisory Council, the head of the Government should preside over the deliberations of the Indian Councillors and the conclusions arrived at should be recorded by one of the Secretaries to Government, who would attend the meeting for the purpose of furnishing such information as might be required regarding the matters under discussion.

Finally, I beg to suggest that to render the membership of the Provincial Advisory Council sufficiently attractive, the following privileges should be attached to it:—

(1) That the Councillors, so long as they hold office, should be designated "The Hon'ble."

(2) They should have the right of private *entree* to Government House.

(3) They should be exempted from the operations of the Arms Act.

Enlargement of the Imperial Legislative Council.

The proposed enlargement of the imperial Legislative Council will mark an important epoch in the history of constitutional progress and will be hailed with immense satisfaction, particularly by the large landholders and the Muhammandan community. But while this will bring joy to the above two classes, the invidious creed distinctions introduced for the first time and the exclusion of the great Indian mercantile community and the educated classes from all right or representation in the Indian Council will be keenly felt throughout the whole country, and will, I fear, go to accentuate and deepen the present discontent.

I do not know on what principle men like Sir Corrimbhoy, Sir Dinshaw Petit and the other merchant princes of Bombay, and the big merchants in Calcutta and elsewhere, *qua*-merchants and bankers, are to be excluded from seats in the Indian Council while landholders like the representatives of Rajkrishna Banerjee of Howrah (whose estate is in the hands of the Collector of Chittagong), because of their paying Government revenue and cesses amounting to Rs. 50,000, or Rs. 55,000 and the representative of Kumar Jatindra Krishna Deb of the Sobha Bazar family, paying Government revenue and cesses amounting to Rs. 28,000, but in both cases with no margin of profit left and both the estates verging on insolvency, are to be deemed eligible for representation over the heads of the former class.

As observed before, it is the co-mingling of the two elements of wealth and culture, it is the meeting together as colleagues of men like the Maharaja of Durbhanga, Maharaja Bahadur Sir Jatindra Mohan Tagore and Dr. Rash Behary Ghosh and Sir P. Mehta, that will go to strengthen and dignify the Council and make their advice respected by all classes alike. Now, coming to details, I beg to state that the experiment of giving a seat to a ruling chief was tried once before, but it signally failed, and the ruling chiefs themselves would not appreciate it as a great honour, nor would they relish the idea of mixing as colleagues with people below their rank and their high pedestal. Besides, not being acquainted with the manners and customs and requirements of the people in British territory, their advice cannot be of much use; moreover, their long absence from their respective territories would be prejudicial to the management of their State affairs.

On principle, we are opposed to creed representation, it is a matter of regret than so many as four or rather six seats should be exclusively reserved for Muhammadans because they are Muhammadans.

If the principle of creed representation be admitted, then other important sects would clamour for seats being reserved for each and all of them.

In all matters relating to legislation, interests of the different sects of people being identical and not clashing, they could very well be protected and looked after by distinguished and capable men from whatever classes they might be recruited.

Without, however, expressly reserving a number of seats for any particular class, it would be better if Government were in practice to nominate two representatives from the great Muhammadan community, as one representative is generally chosen in the case of the local Council from the Muhammadan community.

The addition of 16 to both nominated and elected Members is undoubtedly a very liberal concession, but this I fear will be neutralised by the addition of about 18 official members. The soundness of the principle that an official majority should be maintained cannot, I admit, in the present constitution of the Government, be questioned, but this I fear will detract to some extent from the value of the concession.

I admit it is too much to ask for equality of votes, but even such a large measure of concession cannot in any way hamper the Government, for in all emergencies, irrespective of the casting vote of His Excellency the Viceroy Government can always command the votes of the European and nominated members and of the minorities.

With reference to the test that the payment of Rs. 10,000 in the shape of Government revenue (including, I believe, road and public works cesses) will give a landholder the right to vote and make him eligible for a seat, is in my humble opinion too high, and it would have the effect of narrowing the electorate to a limited few and its fallacy would be apparent from the following two illustrations :—

There is a small zamindar in the district of Howrah who owns a very large estate in the district of Chittagong, but assessed with a disproportionately high Government revenue for which he has to pay for Government revenue and cesses about Rs. 55,000 a year, but his margin of profit after payment of Government revenue and the establishment charges is very small indeed, amounting to about Rs. 5,000 a year, if not less. While the estate was in his own hands he could hardly realise enough rent to meet the Government revenue, with the result that he soon got involved in debt, he had therefore the good sense to make over the estate to the Court of Wards, in Chittagong, which is able, through the certificate procedure, to realise a much larger amount and thereby gradually to pay the Government revenue every *kist* regularly, besides liquidating his debts.

There is another small zamindar in Calcutta, who has a large estate in the Diamond Harbour subdivision of the 24-Parganas, for which he has to pay Government revenue, including cesses, about Rs. 28,000, but his profit is almost *nil* and at every kist he has to borrow to meet the Government revenue. He was very anxious to get rid of this property and proposed to sell it for Rs 10,000 or Rs. 50,000. Now under the test proposed by Government, while the above two landlords, proprietors, respectively of the above two estates, because of their paying about Rs. 55,000 and Rs. 28,000 respectively, would be quite entitled to vote and be members of the Indian Legislative Council, the proprietor of Aula Fuljuri, a very large estate in Bakarganj, the Government revenue of which is only about Rs. 300, but which yields a net profit of about 1½ or 2 lakhs of rupees a year, would, if he had no other estate, be debarred from the right of voting, and would be deemed ineligible for a seat.

The above illustrations will, I humbly submit, satisfy the authorities that the mere payment of a certain amount of Government revenue is not a proper test, and is no criterion of one's wealth, income, or position.

I therefore respectfully beg to propose that the payment of Rs. 2,000 for Government revenue and cesses, or a net income of Rs. 25,000 from landed property or payment of income-tax on an income of Rs. 25,000 should entitle a person to vote or become a member of the Imperial Legislative Council.

In conclusion, I beg to submit the following recommendations that the right of election be conceded to Indian commerce, that is, to the Bengal National Chamber of Commerce and to any Association or Chamber in Bombay representing Indian commerce there; and, secondly, that four seats be allotted to the Calcutta, Bombay, Madras and Allahabad Universities, one each.

Provincial Legislative Council.

I regret to state that, no definite scheme having been formulated for the reorganisation of the Provincial Legislative Council, I am not in a position to offer due remarks on the same.

All that the Government letter sets forth is that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained. With the above object in view, as the Municipalities and the District Boards are the principal electorates for electing members to the Provincial Legislative Council, it is suggested that the constitutions of these bodies should be so changed and modified as to admit of voters recruited from heterogeneous groups of men, such as landholders, traders, capitalists, professional men, cultivators and other occupational classes.

I may state at the outset that in a conservative country like India, where sentiment plays such an important part in shaping its affairs, the effect of such a radical change in the constitutions of the Local Council and of Local Municipalities and District Boards would be to keep out a large number of the prominent men of our society from taking part in these institutions, for zamindars and bankers and merchants would hardly like to associate as colleagues with their own ryots and cultivators and artisans. For a long time yet the best persons to represent the latter classes would be the natural and hereditary leaders and the cultured men of our society, all of whom, being in daily contact with them, would be in a position to speak with authority on their behalf.

It is no use destroying the dignity and homogeneity of the Provincial Legislative Councils and of the various local bodies by introducing discordant and undesirable elements into them. I strongly deprecate the idea of representation based on religious and caste or class distinctions and the attempt to reduce the number of seats now enjoyed by the cultured men of our society, most of whom are men of wealth and property, possessing a good deal of influence. I respectfully beg to submit that it would be the great mistake to keep out the educated men of the country from all share in the administration, which will only go to deepen their discontent.

Budget Reforms.

The mere discussion of the budget by separate heads, to be explained by the members in administrative charge, cannot be of practical value, its only effect would be to prolong the debate.

Unless members are allowed to move amendments and to raise debate on matters relating to the budget, and to alter any of its items, the academical review of the financial arrangements by a single speech cannot be of much use.

In my humble opinion, with a view to allow the representatives of the people a substantive voice in the administration of the finance, it would be well to refer the settlement of the budget a month before the budget debate takes place to a Select Committee of the Council, consisting of an even number of official and elected members. The budget items being fixed according to their recommendations which would finally be laid before the Council for discussion.

These criticisms I have made in no carping or fault-finding spirit, but with the utmost honesty of purpose according to the light in me to apprise the Government of the light in which the proposed reforms are viewed by the majority of my countrymen of sober views—men who are firmly attached to Government, and whose loyalty cannot be questioned.

The reforms proposed to be introduced by the Government of their own initiative are indeed large and generous, but not sufficient enough to satisfy the growing aspirations of the people, especially of the educated classes.

I have the honour to be

SIR,

Your most obedient Servant,

SITA NATH RAY.

COUNCIL REFORMS.

NOTE BY SYED NAWAB ALI, DATED THE 27TH NOVEMBER 1907.

For more reasons than one, the reform of the system under which the Government up to now is accustomed to ascertain the trend of public opinion is, far and away, the most important of the multifarious questions, that, from time to time, confront the Government on the one hand and engross the public on the other. The grafting, step by step, if not *en bloc* of Western or more correctly, English institutions and principles of franchise has been a consequence of the policy of Lord William Bentick, which did away with a sudden stroke of pen Persian and Urdu as the court language in this country, and introduced the gradual adoption of English instead. With the advance of English education there has gone up on the part of Indians an increasing demand for the political institutions of the West. With a beneficience, worthy of a mighty power like England, there has been a gradual and consistent concession to the demands of the educated classes. Unhappily these concessions had little or no regard to the diversity of interests differently affected. When the Local Self-Government Act was passed, and even when under Lord Lansdowne's Government a modified form of franchise for election to the Legislative Councils was introduced, it seemed to have been scarcely realised that the social and political conditions in India were far different from those in England or on the Continent. Congeries of disconnected atoms, such as those that people this vast continent of India, were regarded as a homogeneous mass. The result has been disastrous, so far as the Indian Mussalmans were concerned. A clanish monopoly had edged them out from every branch of the public service and from every order of public bodies. The District Boards and Municipalities form a living illustration.

There the followers of Islam are conspicuous by their absence ; and the present system has given to the legal profession a new class in society, a prominence to which it is not entitled. In the Council Chamber the Muhammadan influence is *nil*. Territorial representation, irrespective of the claims of the various community, has proved an utter failure. The anticipations in 1892 of the then Secretary of State for India, the Earl of Kimberly, have been thoroughly falsified, particularly in the matter of representation of the Muhammadans in the Provincial Councils. The result has been that the voting power has centred itself in a single community , and the Mussalmans felt themselves driven to the walls with a growing impression that their importance as a body politic was lightly or inappreciably estimated. The inevitable consequence was discontent, which, if it did not, with an undemonstrative community as the Muhammadans, find articulate expression, was nevertheless keen and intense.

The whole system has proved to be thoroughly unsuitable and, indeed, it could not be otherwise in a form of representation which practically ignored the essential, ethical and economic peculiarities in India.

The reforms now proposed to give through Advisory Councils and new method of representation in the District Boards and Municipalities and in the Legislative Council due and adequate weight to the voice of all classes and creeds that constitute the population of this vast empire form, therefore, a distinct advance. It marks a decided improvement on the Councils Act of 1902, and it is, I am sure hailed by all sections of the Mahomedan community, who believe that the proposed system will bring the various classes of His Majesty's Indian subjects and the Government together.

I approve of the proposal for the formation of Advisory Councils, both for the Imperial and Provincial Councils. Up to now the ruling Chiefs particularly, and the territorial magnates generally, have stood in relation to the Government in an attitude more or less of isolation. The formation of the proposed Advisory Councils would create in this important constituent of the Indian Empire a sense of co-partnership in the onerous and responsible guardianship of the common interests of India , while the frank and the frequent interchange of thought, such as would be possible under the proposed scheme of Advisory Councils, would effectually serve the purpose of checking the dissemination of inaccurate information and mischevous gossip regarding the motives and measures of Government.

I would like, however, to make a few suggestions in respect of the selection of members for the Imperial Advisory Councils. While it is important that a certain property qualification should form, more largely than anything else, the basis of eligibility for appointment to the Advisory Council, I have very grave doubts if that qualification alone would embrace adequate representation of all interests. As the members of the Advisory Council would, I am persuaded to think, form the instrument for gauging the feelings and opinions of by far a larger body of the public than has been hitherto represented or reached by the members of the Legislative Council, it is of the utmost importance that the fullest possible advantage should be taken of the system. Indeed, if the system is worked properly, I have very great hopes that the Advisory Councils would form real power behind the Government. The participation of these Councillors though of a mere consultative character, in the counsels and cares of the Government, would in directly enlist their sympathy with the usually onerous task of administration, and ultimately render them stable forces of the State. The scheme however totally ignores the almost invaluable importance of a class of men who wielded great influence under Native Government–both Hindu and Mahammadan and for whom up to now there has been no place in the administrative organization of to-day. These are men of exceptional learning and piety—*pirs* (priest) and maulanas who live on the tithes of the people, whose following is legion and who have tremendous influence with the communities. In Indian polity, questions affecting religion form a very important feature, and we cannot certainly find a more accurate class of exponents of such questions than the great *pirs* and mutwallis of *khanqahs* and mahunts of shrines. The Councillors—Imperial and Provincial—it has been suggested should receive no legislative recognition and should not, as a matter of course, be invested with formal powers, and should have no power of interpellation. Having regard, however, to the peculiar position of the Government in a country such as India, I might here take leave to suggest that, as a further way to utilise the knowledge and influence of the Councillors, power be given to them to make representation to His Excellency the Viceroy or the Governor or the Lieutenant-Governor, as the case may be, on subjects other than those on which their opinion is formally asked.

It appears that the scheme set forth proposes that the Provincial Advisory Council would be of smaller size than that of the Imperial Advisory Council. I am inclined to think however that the Provincial Advisory Council, to be of real good, should not be smaller but larger in size than that of the Imperial Advisory Council. Not only for the purposes of analogy or symmetry, but also for securing adequate representation, I think that if the Imperial Advisory Council is to represent the provinces, the Provincial Advisory Council should represent the districts. I would suggest that every district should send two members, one Muhammadan and the other a Hindu, to the Provincial Advisory Councils. I feel that the representation in the way I suggest would render the Provincial Advisory Council, really useful institutions to aid the Local Government in not only ascertaining the direction of the feeling of the province, but in acquiring accurate information in the practical work of administration.

In conclusion, I beg to advert on only one point. It is not clear, however, as to whether they should have no distinguishing mark other than that of being simply styled "Imperial Councilors," or "Provincial Councilors," a title which obviously cannot be regarded in popular comprehension as anything more than a mere explanatory pharse. It might, therefore, be well to consider as to whether they should not retain, if nothing higher, at least the distinction of being addressed as "Honourable" as in the case of members of the Legislative Councils. The immunity of exemption from the operations of the Arms Act might also be accorded to them. Abstruse ideas of dignity attached to the office itself are relatively rarer in the East than in the West; and I think it would not be difficult to perceive that in conditions of life, such as those that prevail in India, where a conception of Western political altruism is comparatively still in the stage of development, there ought to be some incantive.

The Imperial Council.

I approve in the main of the proposed scheme for the expansion and remodelling of the Council. I trust that I would not be construed as at all unduly forward to give importance to the representation of the Muhammadan community in that august Council if I said that the number of seats reserved for them was not fairly proportionate. The number reserved for Muhammadans by election and nomination added to the one or two that has been supposed as possible to come in by election by non-official members

of the Provincial Council is not, I beg to submit, commensurate with either the total strength of the Moslem population in India or their historical or political importance I would, therefore, take the liberty to suggest that the maximum strength of the Council should be 58, instead of 53, or 54 including His Excellency the Viceroy. I would have them distributed as follows:—

(A)	*Ex-officio* the Lieutenant-Governor of Bengal (or of the Punjab when the Council sits at Simla), the Commander-in-Chief and the members of the Executive Council	8
(B)	Additional officials to be nominated not exceeding	22
(C)	A Ruling Chief to be nominated by the Viceroy	1
(D)	Elected members—	
	(*a*) by the Chambers of Commerce of Calcutta and Bombay ...	2
	(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma and Eastern Bengal and Assam	7
	(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma and Eastern Bengal and Assam	7
	(*d*) by the Mahomedans	4
(E)	Non-officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans	4
(F)	Experts to be nominated by the Viceroy when necessary for special purposes	2

It will be seen that the above distribution gives by (D) and (E) six seats for the Mahomedans. If we take one more Mahomedan seat, the possible though not probable number of Mahomedan members would be seven. I think this would be a fair number. Any arrangement that would be likely to reduce this number would not, I fear, secure effective representation of Mahomedan interests. The figure would be about $\frac{1}{4}$ of the total non-officials. In any case, I crave leave to suggest the Mahomedan representatives should not be an ineffective minority. It might be remembered here that the total population of Mahomedans is between $\frac{1}{4}$ and $\frac{1}{5}$th of the total population of India. If we exclude the animists and nondescripts who are wrongly classed as Hindus, their precise ratio to the Hindu population would be something like $\frac{1}{3}$rd.

Again, despite the figures as to the respective population in India of the Hindus and the Mussalmans, it might be noted that, for various reasons, the most important and by far the most prominent communities of India are the Hindus and the Mussalmans, and I trust, therefore, that it might not be unbecoming to raise the ratio of the Mahomedan members to seven against almost double the number of Hindus.

The representation of the zamindars.

It has been very justly regarded as a very important point in the scheme set forth. Indeed one of the most important points for consideration seems to me to be the proper and adequate representation of the landed interests. The nobles and the great landholders of the various provinces constituting, as has been very justly remarked, "the aristocratic and stable elements in Indian society," have, more than any other class of people, a real stake in the land and their power for good and evil and the influence they exercise with the mass is immense. They therefore deserve a far wider and more liberal representation than has hitherto been accorded to them. I have, however, great apprehension that the system of election by means of provincial electorates as set forth in paragraph 14 will secure an adequate voice of that class of nobles and landholders in the Councils of the empire. I am afraid that the representation of the very class for whose interests the Government of India has very properly evinced so much care will, in a rigid system of franchise, be thrown in the back ground. The great body of ancient and historic zamindars in Bengal and in this province are those who enjoy the boon conferred by the Permanent Settlement, and consequently the land revenue paid by them is, oftener than not, inconsiderable in comparison with their annual income. If the minimum amount of land revenue which would give the right to vote were fixed at Rs. 10,000 a year, I am disposed to think that the really aristocratic and respectable families that have existed from before and since the Permanent Settlement will practically be barred out. In all likelihood they will be swamped or supplanted by a class of landholders who have come into importance in quite recent times, the bulk of whom belong to the legal profession and trade.

Three different methods of representation have been suggested. The first is (1) that all the voters be massed together into one electorate, the second is (2) that the landholding members of the Provincial Councils select their representatives, and the third is (3) that it should be by nomination. I beg to submit that the first and the second will fail to secure the purpose of proper and adequate representation of all interests. I have, indeed, very great doubts as to whether it should be practical to mass all the voters into one electorate. I am, therefore, of opinion that the safest and most effective representation of the interests of this important and stable element of Indian society would be by nomination.

If it is thought that nomination entirely by Government would be against the spirit of the recent reforms, I would suggest that, in order to secure the representation of the interests of all classes and creeds, the appointment of the landholding members for each province may be in rotation for one year by the land-owning members of the Provincial Council, and in another by the Government. This would, for all purposes, be the most practical and sound system.

Mahomedan representation.

As I have already indicated, I am in thorough agreement with the proposal enunciated in the scheme under consideration for the representation of Mahomedan interests. In a continent like India, with varying grades of wealth, influence and culture, and with diverse creeds and classes, not infrequently with conflicting interests, any electoral representations would be doomed to mischievous failure, which purported to give personal franchise, regardless of the multifarious beliefs and traditions of the various communities that compose the population. I have no doubt, therefore, that the suggestion in paragraph 17 for the purpose of filling up the Mahomedan seats or a portion (I hope the greater portion) of them would command the most cordial and hearty acceptance of the Mahomedan community generally. And though I think I am not required now to go into details as to what should be the basis of a Mahomedan electorate for the purpose in question (a subject which would, I understand, have to be discussed with the Provincial Government), I might here add that I thoroughly approve of the constituency proposed for the Mussalman electoral body. I would support the suggestion embodied in paragraph 18 of the note, and I think that the electorate suggested by the Mahomedan Deputation which waited upon His Excellency the Viceroy in October 1906 may be adopted. There may be some difficulty in compiling a list of voters under (*c*), but I feel confident that an electorate determined under sub-heads (*a*), (*b*), (*c*) would not only be popular but ensure fair representation.

Provincial Legislative Councils and Boards.

I note with gratification that regard is had to the fact that it is not likely that "any one scheme would prove to be equally adapted to all provinces," and it is left ultimately to the Provincial Government to suggest modifications called for by the discrepancy of Provincial conditions and that whatever be the form or method of representation, the broad principle will be always kept regard to, that it secures the widest possible representation of all classes, races and interests, subject to the necessary and all-important proviso that an official majority is maintained.

Under the practice in vogue, the Municipalities and Boards supply the electorate for the majority of the non-official members of the Provincial Councils, and it has been contended—and very justly—that the qualification required both for electors and candidates is very low. I am disposed to think that the present qualification is but a necessary consequence of making the Local Self-Government popular among all classes of the people. Having regard to the fact that under the new reforms the Councils will be considerably expanded and the franchise necessarily widened and extended, I am not for disturbing the existing qualification for voters, which it is essential should remain as it is if the new scheme should provide for the widest possible representation of all classes and creeds. I would, however, have no objection to the raising of the qualification for the candidates, which under the present system is identical with that of the voters. I am glad that the spirit of the suggestion of the Government of India is at one with this. The existing method of election for the Municipalities, District and Local Boards, has, however, as I have observed at the outset, and as it is admitted in the scheme under review, resulted in "crowding out" important communities from having any voice whatever in the direction and control of affairs in which they have equal and not unoften greater stake than those who, for reasons not necessary to dwell upon here, have managed to monopolise the entire voting power.

The proposal in paragraph 22 is to my mind a very sound and fair one, and I beg to signify my thorough approval of the suggestions embodied therein regarding the reconstitution of the Provincial Councils and Boards.

I would here take the liberty to observe that at present the members of the Municipalities are more frequently than not of almost entirely of one community. The remaining population, for obvious reasons, is mainly Hindu; and the Muhammadan electors within municipal jurisdiction would of necessity be always in comparison with others inconsiderable. Even the possibility of an official majority is rare, if not *nil*. I would therefore, suggest that, as in the District Boards, half instead of one-third of the members be appointed by Government nomination. I cannot conclude my remarks without once again laying stress on the all-importance of the representation in the Municipalities and Boards being according to the scale of the population of each class and creed. Particular and pointed attention was drawn to this subject by the All-India Muhammadan Deputation to His Excellency the Viceroy paragraph 11 of their memorial. The Municipalities and Boards would of necessity form the hinge on which the success of the extended and enlarged franchise would depend. The superstructure of the whole of the new reforms regarding the Imperial and Provincial Council would, indeed, depend, in a very great measure, on the constitution of the Municipalities and District and Local Boards. I am, therefore, of opinion that, far and away the most useful of the reforms would be accomplished if the representation on the Municipalities and District Boards is effected, as the scheme very properly suggests, on "the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative."

FROM

THE HON'BLE KHWAJA MUHAMMAD ASGHAR,

MEMBER OF THE LEGISLATIVE COUNCIL OF
EASTERN BENGAL AND ASSAM,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,

OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 1st November 1907.

SIR,

In reply to your letter No. 11515C., dated the 10th October 1907, I have the honour to submit herewith an expression of my humble opinion on the formation of Advisory Councils, the enlargement of Legislative Councils, and the procedure to be adopted in discussing the budget estimates,

I have the honour to be,

SIR,

Your most obedient Servant,

KHWAJA MUHAMMAD ASGHAR,

Member of the Legislative Council of Estern Bengal and Assam.

The formation of Advisory Councils.

1. It is perfectly true that in many instances of Legislative enactment is is difficult for the Government of India or for Provincial Governments to make their motives generally known to the people. This misconception gives rise to many erroneous and mischievous statements, and many a time motives are ascribed to Government which would be found to be entirely false or baseless, if the people could get an opportunity of their motives being explained to them by a third party. To remedy this evil, *i.e.*, the misconception or misunderstanding arising between the rulers and the ruled, a better means could not have been devised than the formation of Imperial and Provincial Advisory Councils.

The formation of the Provincial Advisory Councils might be carried out on the same lines and on the same principle as the Imperial Advisory Council, the principal object being to avoid misconception or misunderstanding between the rulers and the ruled.

The enlargement of Legislative Councils.

2. The enlargement of the Legislative Councils as outlined and foreshadowed in the Government Resolution will certainly give fuller and more substantive representation to all the important classes and communities of His Majesty's subjects in the Indian Empire. The interests of the landholders and of monied men will also be particularly attended to. Such a representation will certainly give Government a better knowledge of the requirements and aspirations of the people of this country and will, therefore, enable them to frame Laws and Regulations more in accordance with the conditions and local circumstances of each province.

The Budget discussion.

3. The present mode of the budget discussion, both in the Imperial and Provincial Councils, is defective. The proposal of the Government, as outlined in the Resolution, that, in the first instance, the budget should be discussed by separate heads or groups of heads, "which would be explained severally by the member in administrative charge," is decidedly a great improvement on the mode prevailing at present. The above procedure will enable each member to understand the estimates better and to discuss on each item with greater precision and knowledge.

No. 10487.

FROM

THE HON'BLE MR. V. WOODS,

AGENT, ASSAM-BENGAL RAILWAY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Dated Chittagong, the 9th December 1907.

SIR,

IN reply to your letter No. 11514C., dated the 10th October 1907, inviting an opinion on the proposals contained in letter No. 2310-2317, from the Officiating Secretary to the Government of India, I have the honour to offer the following few remarks.

2. With the general principle of forming Advisory Councils for the discussion of Indian affairs and measures, I am entirely in accord, but I have some doubt as to the suitability of the Imperial Advisory Council, as proposed.

3. It appears to me that the Provincial Advisory Councils properly formed will constitute convenient groups for the obtaining and transmission of the views of all classes and interests to be collectively weighed by the Imperial Government, and that any extension of the advisory principle should rather be in the downward direction, that is, for the assistance of Commissioners of districts.

Imperial Advisory Councils.

4. The object of this Council is explained as the desire "to in some degree associate the great ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests," and with this object I agree. But it appears to me that the proposals extend beyond this to an attempt to make the Advisory Council representative of all classes and interests in India.

5. For this full purpose, I consider the number proposed too small, while an increase in the total number would tend to make the Council unwieldy in size and impossible for collective consultative purposes.

6. Again, it is suggested that Imperial Advisory Councils shall consist largely of members who are to "form the nucleus" of the Provincial Councils, but I see little advantage in consulting twice over such members; the second time in conjunction with the ruling Chiefs, and a number (necessarily limited) of members who would probably be far less in touch with the wants and interests of the community than the remaining members of Provincial Councils.

7. For these reasons I should prefer to see the Imperial Advisory Council, while "maintaining sufficient size and weight to represent the views of the hereditary leaders of the people," composed only of those leaders whom the Governor General may consider by their standing and status to have the right to be taken into the full confidence of the Imperial Government for consultation in framing legislative measures in accordance with and guided by the views and feelings gathered from the more fully representative Provincial Advisory Councils.

8. The occasions—probably not frequent—on which the full Council is called together for collective debate might I think be public.

Provincial Advisory Councils.

9. It is laid down as essential that in the formation of these Councils, all classes, including smaller landholders, industry, commerce, capital and the professional classes

should be represented, and in this, I fully agree. To ensure such complete representation without making the size unwieldy, I think, not less than 20 members would be requisite at first, and these might be apportioned somewhat as follows:—

Territorial magnates	
Zamindars and landed proprieters, of which a portion should be Muhammadans in proportion to the numbers in ths province	6
Chamber of Commerce	0
Special Industries and trade	3
Railways	8
Professional classes	2
Port Trust or other corporate bodies, large Municipalities, etc	3
Influential Muhammadans or other races entitled to special representation in the province	2
Total	20

The conditions in various provinces must however necessarily vary and a considerably larger number of representatives might be desirable in some of them, with some additions as found desirable in all.

Enlargement of Legislative Council.

10. Any increase in the numbers of un-official members on the Imperial Legislative Council, already very large, has the disadvantage that in order to maintain the Government majority there must be a corresponding increase of official members. Nevertheless, it appears to me that in the composition of the Legislative Council proposed, commercial and industrial interests are quite inadequately provided for. The representation of the Chambers of Commerce of two large ports by no means guarantees the proper representation of the local views held as regards great industries which are of the highest importance to the prosperity and revenues of the country and those interest, I consider, should be more specially, and for each province, provided for.

Enlargement of Provincial Legislative Councils.

11. In these also some enlargement seems advisable to provide for the fuller representation of local trades and industries of high importance to the province. As regards the undue proportion of professional representatives of the Pleader class elected by Local Boards or Municipalities (often of unimportant standing or position) it appears to me that without seriously curtailing the elective principle, this might be met by raising the standard to ensure that elected members shall in addition to their professional qualifications be men of substance and property, having some real interests and stake in the country.

Discussion of the Budgets.

12. On this point I have no remarks to make, except that the confinement of discussions to certain definite heads at one time seems a step in the right direction to facilitate business.

I have the honour to be,

SIR,

Your most obedient Servant,

V. WOODS,

Agent, Assam Bengal Railway.

No. 21.

FROM

THE HON'BLE MR. W. TEUNON, I. C. S.,
OFFG. LEGAL REMEMBRANCER, EASTERN BENGAL AND ASSAM,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

SIR, *Dacca, the 3rd January 1908.*

With reference to your letter No. 11506C, dated the 10th October 1907, regarding the points raised in the Government of India's No. 2310-2317 of the 24th August 1907, I have the honour to say that I propose to take the several matters dealt with in that letter practically in inverse order and to submit my opinion as follows.

2. In order to the sufficient representation of all classes and interests it is not in my opinion necessary or expedient that the Provincial Legislative Council should be enlarged to the extent that seems to be indicated in the Government of India's letter. Moreover the exigencies of administration and the necessity of maintaining an official majority makes a certain limitation of numbers imperative.

In the larger province of Bengal the maximum strength of the Council is at present fixed at 20, or, including His Honour the Lieutenant-Governor, at 21. I am of opinion that to this extent the Council of this Province might usefully be enlarged, and that of the 20 Councillors, on the accepted principle 10 should be officials.

3. Presumably the 10 official members would ordinarily be—

(1) the 2 Members of the Board of Revenue,

(2) the 4 Secretaries to Government,

(3) the Legal Remembrancer,

(4) 3 experts, *e. g.*, the Commissioners of the Divisions or the Heads of the Departments more immediately affected by contemplated legislation, or when judicial experience is desirable, a senior District Judge.

4. The 10 non-official members might then be composed as follows :—

(*a*) elected members, *viz.*,—

a representative of the Tea Industry	1
,, of the Jute Industry	1
,, of the Commercial interests of Chittagong	1
,, of the Municipalities	1
,, of the District Boards	1
,, of the land-owners	1
,, of the Muhammadans	1
(*b*) Non-officials nominated by His Honour the Lieutenant-Governor as experts or to represent minorities or special interests, or the Divisions more immediately affected by contemplated legislation	3

In the case of the elected members, the privilege of nomination may be exercised practically as now with the exception that the Tea and Jute industries, the Eastern Bengal Landholders' Association, and the Provincial Muhammadan Association would each have continuous representation. In the case of Muhammadans, doubtless an electorate on the lines indicated in paragraph 17 of the Government of India's

letter could be formed, and for the purpose of election or nomination the several Commissioners' Divisions might be grouped in accordance with the ascertained number of electors. But every Muhammadan who takes a sufficiently active and intelligent interest in public affairs and is sufficiently well known to command the votes of his community should be a member of the Provincial Muhammadan Association, and the result arrived at by this comparatively simple method should be equally-satisfactory.

5. No doubt, in making its nominations to Municipal and Local Boards Government even now seeks to secure an adequate representation of all classes, but the existing law, Bengal Act, III of 1884 (*vide* section15), and the Bengal Local Self-Government Act, 1885, *vide* sections 7, 13 and 138 (*a*), does not appear to provide for introduction of this principle of class or occupational group representation into the system of election. Moreover, with the constitution of the Council as I have suggested it, I do not think it necessary to introduce this system or any special qualification for election to Council, and I should strongly deprecate anything that might tend to strengthen the system of caste.

6. Of the 3 nominated non-officials, one in my opinion might fittingly be taken from the tenant (not necessarily the cultivating) class as opposed to the landowner or zamindar class. In paragraph 4 (*b*) I have sufficiently indicated what other considerations should influence selection. In some cases it might be possible to arrange that the selection should be preceded by some process of nomination.

7. It is no doubt highly desirable that the discussion of the budget should be of a more fruitful and practical character. It is possible that the proposals made in paragraph 23 might effect this end, but it is for consideration whether the proposed preliminary discussion should not be in a number of select committees.

8. Turning now to the Imperial Legislative Council, I should say that I am strongly of opinion that the proposed enlargement of the Council is unnecessary, and will but protract debate and discussion with no corresponding beneficial results.

With the strength of the Council fixed at 31 (*i.e.*, including the Viceroy, 32) it should be possible, I am of opinion, to secure a due representation of the several classes, races and territorial divisions, and in that view the Council, I may suggest, may be constituted as follows:—

A. *Ex-officio* members.	8
B. Official members, to be nominated, one from each of the 7 great provinces and one from the Central Provinces or from the North-West Frontier Provinces as at the time may seem expedient ...	8
C. Elected members—	
(*a*) By the Chambers of Commerce of Calcutta and Bombay	2
(*b*) By the Chambers of Commerce— (1) Karachi and Cawnpur } alternately (2) Rangoon, Madras and Chittagong } ...	1
(*c* By the non-official members of the 7 Provincial Councils	7
(*d*) Non-officials nominated by the Viceroy as experts, or to represent minorities and special interests	5

9. The representatives of the Provincial Council will generally be found to be representatives of the great nobles and landowners. This class is always in a position to make itself heard, and their further representation is, in my opinion, neither necessary nor very desirable. In this same connection I may point out that hitherto the interests of the tenant as opposed to the zaminder class have been voiced in the Imperial and Provincial Councils practically only by the officials, and it is desirable that of the five nominated non-official members at least one, and at times two should be selected as representatives of the vast body of tenantry.

10. Of the remaining nominated members under this scheme two would generally doubtless be Muhammadans, and others would be selected with reference to the legislative business to be brought before Council. In some cases it would doubtless be possible to act on nominations or recommendations made by those interested in the

industry in question, for instance, if the registration in contemplation affected the tea industry the several Tea Association might be requested to recommend to the Viceroy one of their members as their representative in Council.

11. Should it be decided that on the Council as enlarged there should sit special representatives of the landowners and also Muhammadan members elected by Muhammadans, then, having regard to the special circumstances of Eastern Bengal and Assam, I should suggest that the representative landowner from this Province should be nominated on the recommendation of His Honour the Lieuteuant-Governor, and that the representative Muhammadan when taken from this Province should be the member of the Provincial Council nominated by the Provincial Muhammadan Association.

12. I am not of opinion that a Ruling Chief should be called in to assist in legislation for British India.

13. I do not view with favour the proposed formation of Imperial and Provincial Advisory Councils. Such Councils would tend to overshadow the Legislative Councils. Individuals qualified to sit on either are now in practice consulted and should collective deliberation be found necessary or desirable, conferences may be held with the members of the Legislative Councils when those Councils are called together for legislative business.

I have the honour to be,

SIR,

Your most obedient Servant,

W. TEUNON,

Legal Remembrancer, Bengal and Assam.

No. 5999-D.

FROM

THE HON'BLE MR. W. T. CATHCART,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Amraicherra Tea Estate, the 20th November 1907.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 11513C., of the 10th ultimo, enclosing a copy of the communication No. 2316 (Public), dated the 24th August 1907, from the Government of India, Home Department, on the subject of the formation of an Imperial Advisory Council, the formation of a Provincial Advisory Council, the enlargement of the Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and also requesting an expression of my opinion on the points raised therein.

2. In reply I have the honour to submit the following opinions :—

Imperial Advisory Council—	I am of opinion that the proposal to create an Imperial Advisory Council, on the lines suggested in the speech quoted as addressed by His Excellency the Viceroy to the Legislative Council on the 27th March last, is in the best interests of the country.
As regards the proposed lines for the above suggested by the Government of India, Nos. (1), (2), (4), (5), (6), (7).	Appear in every way desirable.
No. (3). That the Council should consist of about 60 Members for the whole of India, including about 20 Ruling Chiefs and a suitable number of territorial magnates of every province, where landholders of sufficient dignity and status are to be found.	Does not make the composition of the Council clear and I trust that it is intended to grant a substantial representation to non-official Europeans, representing the great industries of the country, and in this connection the Tea Industry of Eastern Bengal and Assam has an especial claim to consideration both as being a very great landholder and as being the chief cause of the property of a great part of the province. There are also few large landholders of long standing in Eastern Bengal and Assam. So it appears especially suitable that the Tea Industry should be allowed a representation in the Agricultural interest.

Provincial Advisory Councils.

	The suggestions for them are practically on the same lines as those for the Imperial Council, and so the same remarks will apply.

Suggestions for the enlargement of the Imperial Legislative Council.

Paragraph No. 12 ...	As in the case of the Imperial Advisory Council, the actual composition of the Imperial Legislative Council is not clear and what proportion of representation it is intended to grant to non-official Europeans, representing the great industries of the country, and I trust the great stake which they have throughout India will receive recognition. As representing the greatest industry and a very large agricultural and landholders' interest in Eastern Bengal and Assam, the Tea Industry has a great claim to a share of that province's representation on the Imperial Legislative Council.
Paragraph No. 14 ...	This suggestion will certainly be beneficial, but in a Province like Eastern Bengal and Assam, it will be difficult to obtain a sufficient electorate, if the qualification be retained at so high a figure as Rs. 10,000 of yearly land revenue, and for this province it might be advisable to reduce this figure to Rs. 5,000 yearly land revenue.

Paragraph No. 15 ... It would be practically impossible to mass together the entire body of landholders in a province for the purpose of voting, and the result would certainly be that a few wire-pullers would exercise the entire control.

The alternative solution that the representation of the landholders to the Imperial Council should be elected by the landholding members of the Provincial Council, is in every way better and is likely to work satisfactorily.

Paragraphs Nos. 16, 17, 18 ... I fully concur with the remarks in No. 16, but consider that in place of the suggestion for election contained in No. 17 that it would be more advisable to grant the power of election to the Anjumans of the various districts, as being more workable in practice and also likely to secure the service of Indian gentlemen of position who would be unwilling to canvas or even offer themselves as candidates at a general election.

Provincial Legislative Councils.

Nos. 20, 21, 22 ... It would, I consider, be advisable not to leave the election of any members of the Provincial Legislative Council in Eastern Bengal and Assam to the District Boards; in other provinces it may be desirable, but in this it would mean the importing of party-feeling into the working of the District Boards, which would be highly prejudicial to their usefulness. In this province it would, I think, be advisable, after the Local Government has allotted the number of seats to be held by each class, to allow the representative to be elected by—

(1) Landholders—If Hindu, by the Landholders' Association; if Muhammadan, by the Anjuman.
(2) Industries—By their representative Associations.
(3) All other classes—By direct voting by those in possession of the required qualification.

Discussion of the Budget.

This proposal, although perhaps of no great practical value, certainly removes what appears to be considered as somewhat of a grievance by a section of the non-official members of the Councils.

I have the honour to be,
SIR,
Your most obedient servant,
W. T. CATHCART.

No. 280.

FROM

BABU JOGINDRA CHANDRA CHAKRAVARTI, M.A., B.L.,

VICE-CHAIRMAN, MUNICIPALITY, DINAJPUR,

TO

THE OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN-BENGAL AND ASSAM.

Dinajpur, the 4th February 1908.

SIR,

WITH reference to your No. 11530C, dated the 10th October last, on the subject of the formation of Advisory Councils and the enlargement of the Legislative Councils, I have the honour most respectfully to state that, as the communication was received during the absence of the Chairman and myself on leave, there was some delay in circulating the correspondence amongst the Commissioners of this Municipality, and it is in consequence of this that I was not able to submit the views of the Municipal Commissioners on the subject in due time, for which I beg to express my deep regret. As however, the subject is of great importance, I beg to submit the opinions of the majority of the Municipal Commissioners of this place, although I am late in doing so.

Imperial and Provincial Advisory Councils.

The Municipal Commissioners consider that these Councils to be of real practical use ought to be so constituted that they may command the confidence of the public, and their function ought to be of such a nature that the members sitting on these Councils may feel that they have a real and substantial voice in all matters concerning the welfare of the people. If the members feel that the advice given by them is not followed by the Government, it is hardly likely that persons of real talents and ability will care to sit in these Councils. In the humble opinion of the Municipal Commissioners, therefore, the most important fact to be kept in view with regard to these Councils is that the members should know that the advice given by them will be given effect to in case such advice happens to be that of an absolute majority of the Councillors.

With regard to the formation of these Councils, the Municipal Commissioners would submit that they do not consider it justifiable that the Imperial Councillors should consist entirely of the territorial magnates of the various provinces. While admitting that the Ruling Chiefs and the great body of landholders of the country of sufficient dignity and status are the hereditary leaders of the people in a certain sense, the Commissioners would venture to suggest that in order that the Government might know the views and opinions of the middle classes and the vast mass of the population of the country, the Councils constituted to give advice to the Government ought by all means, to include such men as are considered to be the leaders of public opinion in the country. The question of "Indian unrest" is often discussed in the House of Commons and reference to the same is often found in the speeches of the Hon'ble the Secretary of State for India as well as His Excellency the Viceroy. The Municipal Commissioners humbly think that the question can hardly be solved if the Government is not prepared to take inio its confidence persons who represent the popular views on all important matters affecting the welfare of the country, and who do really exercise a great influence in moulding the views of the people on all public questions. His Excellency the Viceroy in his speech on the occasion of the passing of the Seditious Meetings Act referred to the new spirit which is manifesting itself in the country, and inasmuch as this new spirit is a factor which cannot be ignored, the Municipal Commissioners would submit that the object which the Government of India has in view in making the proposal of the formation of Advisory

Councils can be scarcely attained unless the exponents of this new spirit are considered fit to advise the Government on all important measures of administration. With regard to the deliberations of the Advisory Councillors, the Municipal Commissioners would think that such deliberations, in order that they may elicit the free and independent opinion of the Councillors, should be presided over not by the head of the Government or some high official, but by one of their own number. One of the important points in connection with the formation of these Councils on which the Commissioners wish to express their views is that the Councillors should be selected partly by nomination and partly by election, and they should be allowed to express their views on all matters of public importance whether their opinions are asked for by the Government or not.

Enlargement of Legislative Councils.

With due deference to the views of the Government of India, the Commissioners strongly object to the principle of election based upon race, caste, or religion that is sought to be introduced both in the elections to the Provincial Councils as well as in those of the Municipalities and District and Local Boards. While fully admitting the necessity of securing an adequate representation of the various interests in the country, they would respectfully submit that an attempt to secure such representation on the basis of race, caste, or religion is likely to lead to unnecessary frictions and misunderstandings between the various races, castes, and religions. Past experience shows that persons who have been elected to serve as Municipal Commissioners or as members of the Boards or as Legislative Councillors have been so elected, not in consideration of their being members of any particular race or caste or of their following any particular religious belief, but entirely in consideration of their fitness to represent the people, no matter what their caste or creed may be. It is a matter of ordinary experience that under the system of election hitherto in force, Muhamadans have been returned by Hindus and Hindus by Muhamadans without any distinction, whenever the candidates have been considered fit by virtue of their education, culture, and ability. The Municipal Commissioners, therefore, are inclined to think that any change in the principle of election in the manner suggested would lead to undesirable dissensions amongst the various sections of the community. The different interests in the country can, however, be represented, without making race, caste, or religion as the basis of the representation.

As regards the prominence of the legal profession in the provincial Councils, to which the Government of India have referred, the Commissioners beg leave to submit that gentlemen who have had seats in those Councils have generally been persons who, in addition to their being members of the legal profession, have had substantial interest in the country as landholders. In the humble opinion of the Municipal Commissioners, therefore, the interests of the landholders do not appear to have been in any way prejudiced by the prominence of the legal profession in the Councils. The Municipal Commissioners do not object to the adequate representation of the landed interests in the Councils, but they venture to urge that considerations of money should by no means preponderate over considerations of fitness in other respects as education, general culture, and independence.

As regards election by electoral groups on the basis of the four classes specified in the Resolution, the Commissioners would respectfully, submit that the necessity of asking electors to elect from among their own groups does not seem to be required. On the contrary, having regard to the present condition of education amongst the cultivators, artisans, and traders generally, it would be more convenient and beneficial to these classes if no such restrictions like the above were put upon their freedom of choice.

With regard to the proposal of reserving a certain number of seats exclusively for Muhammadans, there is hardly anything to be submitted, as the Government of India appear to have determined that that course should be adopted in order to secure adequate representation to the Muhammadans, and in the opinion of the Municipal Commissioners, any representation based upon caste or religion is likely to foster racial animosities.

The Municipal Commissioners beg further to add that they object to the proposal of reserving a certain number of non-official seats in the Councils to be filled up by nomination. The non-official seats ought to be filled up entirely by election and no portion of them ought to be filled up by nomination.

Discussion of the Budget in the Legislative Council.

With great respect for the views expressed in the Resolution on this subject, the Municipal Commissioners venture to submit that they are not convinced that the discussions on the budget heads are likely in any way to be of any substantial gain to the people. They are disposed to think that, unless the non-official members of the Councils are allowed to have their votes on the numerous budget heads, and unless some system is introduced by which the people may feel that they have some control over the finances of the country, any changes in the form the budget discussions may take in the Councils are not likely to command the approval of the people of the country.

I have the honour to be,

SIR,

Your most obedient Servant,

JOGINDRA CHANDRA CHAKRAVARTI,

Vice-Chairman of the Dinajpur Municipality.

No. 190—1908.

FROM

THE SECRETARY, BENGAL CHAMBER OF COMMERCE,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Calcutta, the 12th February 1908.

SIR,

THE Committee of the Bengal Chamber of Commerce have been favoured with a copy of communication* made to you by the Indian Tea Association with reference to the proposals for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

*Letter No. 26—0, dated the 10th January 1908, from the Indian Tea Association to the Government of Eastern Bengal and Assam.

2. The views of this Chamber upon the proposals generally have been already submitted to the Government of Bengal, and it is not, therefore, necessary to repeat them here. So far as regards the Provincial Councils, they have reference to Bengal only. But as Indian tea proprietors are largely interested in the Eastern Bengal Councils, the constitution of those bodies has naturally engaged the attention of the Indian Tea Association. The suggestions which the Association has made in this connection are that on both the Provincial Advisory Council and on the Provincial Legislative Council, the industry should have two representatives—one for Calcutta, and one for the producing districts.

3. These proposals meet with the approval of the Committee of the Chamber, who, in commending them to the attention of His Honour the Lieutenant-Governor, venture to express a hope that they will be favourably considered. The importance of the tea industry to the new province can hardly be over-estimated, and the need for its proper representation is, therefore, apparent. But as is shown by the Association, it is not the producing districts only which require to be represented. The industry is controlled so largely from Calcutta as to make it particularly necessary that the tea agency houses here should have the previlege of appointing one member to each of the two Councils. This aspect of the question will not, the Committee feel sure, be overlooked by Government when determining the constitution of the Councils.

4. A copy of the Committee's letter to the Government of Bengal on the proposals generally is attached hereto for information.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,

Secretary, Bengal Chamber of Commerce.

No. 27—1908.

FROM

THE SECRETARY, BENGAL CHAMBER OF COMMERCE,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, APPOINTMENT DEPARTMENT.

Calcutta, the 11th January 1908.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1982A.D., dated the 18th September 1907, in which you ask for the views, of the Bengal Chamber of Commerce upon the proposals which have been recently made by the Government of India for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

Letter No. 2310-17, dated the 24th August 1907, from the Government of India, Home Department, to the Local Governments and Adminstrations.

2. Before proceeding to consider these proposals in detail, the Committee of the Chamber wish to record their sense of satisfaction at the step which has thus been taken by the Government. For years past they have been impressed with the need which exists for bringing all classes of the people into closer relationship with Government and its officers, and any measures designed to achieve this end are bound to be supported by the commercial community. The legisiation of 1892 undoutedly marked a great advance. The free discussion of the annual financial proposals of the Government, which was then permitted for the first time, was in itself an inovation of no small consequence. And the enlargement of the Councils, the introduction of the elective principal, and the other changes which were also then made have rendered possible the further scheme of reform which is now under discussion.

General.

3. But while the Committee thus welcome the measure as evidencing the desire of the Government of India to move forward in the path of constitutional reform, they do not hesitate to criticise certain of its principal details. They offer their criticism the more freely, because they observe that the scheme is, in its main features, entirely provisional and suggestive. It is not their wish to enter into political questions, nor do they propose to offer any opinion as to what classes of the Indian population should be represented, or upon what principle the representatives should be elected or nominated. They are concerned more particularly whih the position to be accorded to the commercial community in the Councils; and they say at once that they consider the proposals to be in this respect altogether inadequate. As the scheme stands at present, the commercial element is to be entirely excluded from the Imperial Advisory Council. With regard to the Provincial Advisory Councils, it is stated in the letter from the Government of India that "the association of non-official Europeans standing for these important interests (industry, commerce, capital, etc.), with the natural leaders of Indian society in common consultation on matters of public importance, would tend to promote a better understanding and to clear away on both sides injurious prejudices and misconception." This somewhat indefinite statement is the only reference to the point so far as these Councils are concerned, and it gives no idea of the extent to which the interests in question will be represented. Coming next to the Imperial Legislative Council, the Committee find that, of the fifty-four members, two only are presumably to be non-official Europeans, although it is possible that one more may be nominated by His Excellency the Viceroy. The representation of the community on the Provincial Legislative Councils is not defined, but in paragraph 11 of the letter it is mentioned.

Representation of Commerce.

4. The Committee of the Chamber are not unmindful of the fact that, in framing their proposals, the Government of India had, of course, to consider the country as a whole. But even so, they cannot help feeling that the interests for which the non-official Europeans stand have been to a large extent overlooked. The fact that these interests vary in size

Extent of commercial interest.

and importance in the different provinces no doubt contributes to the difficulty of providing for their adequate representation. For, while in some parts of the country they are of small extent, in others, and notably in North-East India, they are of great magnitude. In Eastern Bengal and Assam they are concerned chiefly with planting; but in Bengal proper both manufacturing, industrial, and mining enterprises have made remarkable progress under European direction. The value of the jute manufactured goods exported from Calcutta amounted to more than Rs. 15½ crores in 1906-1907; while upwards of 8 million tons of coal were raised from the Bengal mines. The general commercial interests of the province are also of far greater consequence than those of any other province, and they are rapidly expanding. How rapid the expansion has been is shown by the fact that during the last fifteen years the shipping entered at the port of Calcutta has increased from rather more than 2½ million tons to close upon 6¼ million tons yearly. And at the present time Calcutta is responsible for about 42 per cent. of the total value of the import and export trade of India. For while the trade of the whole country (excluding treasure) aggregated Rs. 284 crores during the last official year, that of Calcutta amounted to Rs. 120 crores. It is an admitted fact that the bulk of this trade may be correctly termed European; and the figures lend much support to the claim that those who are so largely concerned with the commerce and industry of the province are entitled to adequate representation in both the Imperial and Provincial Advisory and Legislative Councils.

Imperial Advisory Council.

5. The existence of the official majority makes the provision of an adequate representation of European interests on the Legislative Councils a matter of difficulty. But this difficulty will not be experienced in the case of Advisory Councils; for as they are to be consultative bodies only, the question of an official majority will not arise. Upon the Advisory Councils, therefore, the European element may expect to be fully represented; and the Committee of the Chamber would venture respectfully to express a hope that the Government of India, in considering their scheme, will be able to provide for this. The function and duties of the Imperial Advosory Council are not defined in detail in the papers, but agricultural, commercial, and industrial questions can hardly be excluded from its discussions. If this assumption be correct, it will not be unreasonable for the Committee to suggest that two seats on this Council should be allotted to Europeans. One of these might be given to a nominee of those of the community who are engaged in commerce and industry in the great towns; and the other to a nominee of the planting and zamindari interest in the mofussil.

Provincial Advisory Councils.

6. Coming next to the Provincial Advisory Councils, the Committee restrict their suggestions to the Council for Bengal, in which there should be, they consider, not fewer than seven European members. The general commercial, industrial, and shipping interests of the province are, as has been already shown, of quite sufficient consequence to be given one seat; and the mining, tea, and jute industries may justly claim to be entitled to separate representation. The European zamindari and planting interests of the province should also not be overlooked, and in that behalf, the Behar Planters' Association might be permitted to nominate one representative, while a second could be chosen from the lower parts of the province. The growing importance of the interests centred in the Calcutta Trades' Association should likewise be borne in mind; and the Committee suggest that that body should be permitted to nominate a member.

Imperial Legislative Council.

7. The Committee now turn to the other and, as they think, equally important branch of the present proposals, namely, the enlargement of the Imperial and Provincial Legislative Councils. Dealing first with the Imperial Council, they notice that the scheme outlined in paragraph 12 of the letter is tentative only. They are glad that this so, because they do not hesitate to say that in their opinion mercantile interests would be most inadequately represented in a Council constituted on the lines suggested. They recognise and admit the limitations which are imposed upon the Government by their determination to maintain an official majority. But a full examination of the whole scheme raises the question whether this principle is not being carried somewhat beyond what is absolutely necessary. The Committee are inclined to think that it is, but they do not seek to emphasise this opinion on the present occasion; for the object which they have in view can be attained without any real encroachment being made on the official majority.

8. The scheme defined in the Government letter provides for a Council of fifty-four members, including His Excellency the Viceroy. Excluding His Excellency,

twenty-eight of these members are to be officials, and twenty-five are to be non-officials. Of the official members, eight will be the members of the Executive Council, and the remaining twenty are to be appointed for the purpose of maintaining the official majority. The proposal which the Committee of the Chamber venture to make is that, of the non-official members, the two experts who may be nominated when necessary by His Excellency for special purposes should either not be permitted to vote at all, or should vote only under such restrictions as may, in the opinion of Government, be advisable. If this were done, it would be possible to limit the number of additional officials to eighteen, and to increase the number of non-official Europeans by two. The Council would then consist of twenty-seven official members, including His Excellency, and of the same number of non-official members. But as two of the latter would only be appointed for short periods in special circumstances, and would only vote, if they voted at all, under restrictions, there would still remain a permanent official majority of two members.

9. It may be urged that the Indian representation might be curtailed to such an extent as to permit of the appointment of two additional European non-officials. But the Committee of the Chamber do not support this view, firstly, because they recognise the importance of an adequate representation of Indian interests, and, secondly, because as they understand the matter, the Government do not suggest that so many additional official members are necessary, except for the purpose of maintaining the majority. If the majority can be maintained, as the Committee think it can, with fewer officials, there would appear to be no objection to the adoption of their proposal. Should the Government be inclined to consider it favourably, they would recommend that the two additional non-officials should represent respectively the planting and the manufacturing industries of Northern India. The nominee of the planting interest might be selected alternately by the Indian Tea Association and by the Behar Planters Association. And as the principal manufactories under European management are situated in Bengal and the United Provinces, the Bengal Chamber of Commerce and the Upper India Chamber might be entrusted alternately with the selection of the representatives of this interest. In order that the European community of Southern India may be provided for, the Committee suggest that one of the four members who are to be nominated by His Excellency in behalf of minorities should always be a European non-official from the Madras Presidency.

Provincial Legislative Council.

10. The Provincial Legislative Councils still remain for consideration. The Committee are unacquainted with the views entertained by the Government of Bengal in regard to the composition of the Bengal Council. But they have observed that His Honour Sir John Hewett is of opinion that the Council for the United Provinces might consist of thirty-five or thirty-six members of whom about seventeen would be non-officials. Assuming that the Bengal Council would not be of smaller dimensions, the Committee would recommend that there should be at least five non-official European members. Two of these might be appointed by the Chamber of Commerce, one on behalf of the general commercial interest, and the second as representative of the jute and other manufacturing industries, while the third could be nominated by the Indian Tea Association. The Calcutta Trades' Association would of course continue to appoint a member; and the fifth seat could be filled by a representative—to be nominated by His Honour the Lieutenant-Governor—of the European zamindars and landholders of the province.

The budget.

11. Reference has been already made to the valuable change which was introduced fifteen years ago in regard to the budget. The further advance which is now proposed will be no less highly appreciated by all concerned in commerce and finance; but the Committee of the Chamber venture to think that it does not go quite far enough. It is stated in the letter that, although the remarks offered in the course of the discussion may perhaps occasionally result in the alteration of the budget under review, they will usually be borne in mind by the Government of India or the Local Governments, when making financial arrangements in subsequent years. But this is surely the principal defect of the existing system, and so long as it is maintained, the Committee question if the debate will be divested of the unreality which is admitted to be one of its characteristics at present. They hold the view that the budget should be submitted to the Council in the form of financial proposals, in regard to which the Government would be prepared to consider any criticism which might be offered. If this were done, and if the Government accepted and acted upon such of the suggestions as might meet with their approval, the debate would almost certainly become less discursive, and much more real and practical than it is now. For the speakers would be in

much closer relation with the policy and aims of Government than they can possibly be under a system whereby their ideas and proposals cannot ordinarily be considered until the financia l arrangements for subsequent years are being formulated.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,
Secretary, Bengal Chamber of Commerce.

No. 877J.

FROM

J. E. WEBSTER, ESQ., I.C.S.,
SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM, JUDICIAL DEPARTMENT,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Shillong, the 15th February 1908.

SIR,

I HAVE the honour to submit my views on the Advisory Councils scheme, as desired in your telegram No. 886T. S., dated the 12th instant.

I was not aware that my opinion would be required and have, therefore, not been able to give the subject the detailed examination that it deserves, and the views expressed in this letter are in the main based on *a priori* considerations and on arguments gleaned from the public press. It seems convenient to treat the proposals in a more or less inverse order to that followed in Sir Harold Stuart's letter of the 24th August last.

2. The most important feature of the scheme appears to be the substitution of class for territorial representation. It has often been said that territorial representation and Government by majorities are ideas totally foreign to Indian sentiment, and that the persons who under existing systems secure election to local Councils and Boards are not the natural leaders or spokesmen of the people. Admitting the correctness of this generalisation, I doubt whether it is practicable to secure complete class representation on a Council of workable size, or whether there is any need to attempt to secure it. My impression is that in commercial negotiations and for the management of their estates, as in the law courts, landowners and merchants do not, or certainly used not to, show marked preference for persons of their own caste, class, or religion, but rather employ the most capable persons they can find, who in this province belong generally to the higer Hindu castes. I fancy that, on the whole, the persons who are elected to District boards and municipal committees are the most capable administrators available, and that all literate classes can obtain the representation of their interests through some member, and I would not advocate any material change in the present system of election. Government should of course continue to supplement by nomination the representation of classes crowded out by a predominant section of the people.

3. Turning from the general question to the particular question of the constitution of Provincial Legislative Councils, I venture to think that the same arguments apply. The Council primarily exists to assist the Lieutenant-Governor in framing laws and regulations. Theoretically every member is free to initiate legislation and to give his vote according to his personal opinion; practically legislation is initiated only by government, and on large questions of principle the majority of the councillors are bound to vote in accordance with the opinion of Government.

Before any Bill is introduced in Council, its principles have almost invariably been the subject of discussion and the opinions of leading members of the communities affected have already been laid before Government. The functions of the Council are therefore little more than advisory on all larger questions, and their effective powers are confined to points of form and detail, and to deal with these it is more important to have highly educated men capable of appreciating the real effect of a measure than to have Councillors who profess to represent all and every separate class of the people. Still I think a small extension of the council would in this province be useful in order to secure continuous representation to communities who at present return members only in rotation with others. I would add at least two to the number of elected councillors, so as to provide separate representation for the tea and jute industries, and for the landholders and Muhammadans. The members for these last two interests might be nominated by the Eastern Bengal Landholders' Association and by the Provincial Muhammadan Association respectively. To the 8 elected members the Lieutenant-Governor might add 3 more non-officials to represent minorities or special interests or local areas. The total number of non-official councillors would thus be 11, and it would be necessary to appoint 3 more official members. There is, no doubt, some waste of energy in this increase in the number of Councillors, but it would probability

not be necessary to insist on the regular attendance of all the official members except when a division is to be made on an important and contentious Bill. If the Council is to be enlarged beyond this limit, I should be inclined to give the President votes to the number of one-third of the total number of Councillors, rather than add to the list of official members.

4. It has been suggested that, in addition to the Legislative Councils, Provincial Governments should be furnished with a selected body of advisers chosen on a wider basis, who would be consulted on all matters of importance. It would be open to the Lieutenant-Governor to consult the members of this Advisory Council individually by letter, or collectively in a meeting. This proposal, I believe, is intended partly as a concession to the demand of the educated classes for a larger share in the Government of the country, but more particularly to bring the Government into closer communication with the large landowners and other natural leaders of the people, who are not professed politicians and will not stand for election. As a concession to the demand for a larger measure of Self-Government the scheme, I fear is doomed to failure; indeed, I doubt whether any reform of the Councils that does not provide for the abolition of the official majority would be acceptable. In so far as the purpose is to increase the facilities for obtaining the advice of the local leaders and information as to the views held by different classes, I think that the measure is unnecessary, and that there is some risk lest the formation of a second Council with a wider sphere of action lessen the popularity of the Legislative Council and thus impair the usefulness it now has. It is of course desirable that the opinions of all classes should be obtained on measures that affect them; but this can be, and is, done both by enquiry through District Officers, and also by directly consulting those persons or bodies who, in the opinion of Government, are likely to give valuable advice or to represent correctly the views of large masses. For this purpose no Council need be formed, and the existence of a Council would probably rather fetter than aid the Government, as sometimes it would be incumbent on the Lieutenant-Governor to consult all his Councillors on matters affecting only a section of the communlty, and at other times persons not on the Council might be better qualified to advise.

5. It is, however, said that the Governor General in Council attaches much value to collective expression of opinion. I would suggest that, in order to obtain such an expression of opinion, an informal meeting of Council should be summoned early in each session, say in the middle of December, and that some 15 or 20 non-officials representing different classes in thh province should be invited to attend, and that in this meeting a rough programme of the coming year's legislation and a forecast of all important reforms that Government proposes to introduce should be laid on the table—copies having of course been circulated previously—and that criticisms and suggestions should be invited. There would in December still be time for Government to modify its proposals for legislation or the coming year's budget in the light of the opinions then presented to it. Possibly at other times during the year conferences might be held for the discussion of important schemes, but generally I think it is preferable to obtain the expression of the views of the non-official cummunity through the association to which most of the articulate portion of the people belong, and through local officers.

For these reasons, though strongly impressed with the necessity for freely consulting all classes of the community through all channels available, and of taking the people into the confidence of Government more fully than is now the practice, I would not favour the creation of a Provincial Advisory Council.

6. I find it difficult to formulate an opinion on the proposals for the reform of the Imperial Council, but (1) there seems to be a stronger case for the formation of an Imperial Advisory Council, as the central Government has but few opportunities of direct communication with the public;

(2) if such a Council be formed, the proposals made in paragraph 5 of Sir Harold Stuart's letter would be suitable;

(3) a Legislative Council of 54 would be unwieldy and very expensive; and

(4) a Ruling Chief has *primâ facie*, no right to legislate for British subjects.

I have the honour to be,

SIR,

Your most obedient Servant,

J. E. WEBSTER,
Secretary to the Government of Eastern Bengal and Assam,
Judicial Department.

No. 2273J.

FROM

L. O. CLARKE, ESQ., I.C.S.,
MAGISTRATE OF MYMENSINGH,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Mymensingh, the 26th-27th November 1907.

SIR,

WITH reference to your memorandum No. 1346J., dated the 9th November 1907, asking for an expression of my opinion on the proposed Advisory Councils and the enlargement of the Provincial Councils, I have the honour to state as follows.

2. The proposals to give clearer definition and continuity to existing practice by the formation of Imperial and Provincial Advisory Councils seems to me an excellent thing and to require no further comments. I do not think there is any force in the suggestions that have been thrown out in some quarters that the Advisory Councils will consist only of landholders. Commerce and professions have many other ways of bringing their views to the notice of Government.

3. As regards the enlargement of the Legislative Councils, the argument has been advanced that to enlarge the Councils without increasing the power of the elected members will merely mean an increase in the number of speeches. Under the terms of the scheme some enlargement is unavoidable. but I think the number should be increased as little as possible.

4. As regards the Imperial Council the proper representation of the landed interest of the country as proposed seems most desirable. Ther eservation of 4 seats for Muhammadans is, if anything, too small, as it will perhaps be seldom that a Muhammadan will obtain one of the unreserved seats. As regards the method of selecting the landholding member, a provincial electorate consisting of zamindars who pay not less than Rs. 10,000 a year land revenue seems to be preferable to election by the landholding members of the Provincial Council. Nomination would probably be desirable in some cases. The Muhammadan member might be elected in the way suggested. I think a list of Muhammadans having an annual income of Rs. 25,000 could be found in this province without difficulty.

5. As regards the Provincial Councils, the chief innovation proposed is the representation of different classes of the population by members of each class elected by that class. I suggested yesterday to the District Board a rough outline for a scheme of this sort which has been partially embodied in the Board's resolution on the subject.

To begin at the bottom the population might be divided into 5 classes according to occupation, namely, zamindars, taluqdars, and small tenure-holders, professional men, traders, artisans, and cultivators. Elections for Local Boards would be held as at present at every thana, and there, each class would choose its electoral representative. The representatives of each thana in a subdivision would combine according to their classes to elect their several members for the Local Board.

There should be two members for each class—one a Hindu and one a Muhammadan, except perhaps in the case of the cultivators, both members of which should be Muhammadans.

This will give 10 elected members to each Local Board and there should be 5 nominated members, thus retaining the present proportion between nominated and elected members? The two members of each class in the several Local Boards of the district would combine to elect the class members for the District Board and in addition each Local Board would elect one member to represent its local interests.

The class members of the District Board would be members of the class they represent except in the case of cultivators, who might choose any representatives they wished, but they need not necessarily be members of the Local Board. There will

thus be 12 to 15 elected members on each District Board, and there should be the same number of nominated members. The present system of municipal elections might continue. For the Provincial Council members might be elected as follows:—

By the Commissioners of the port of Chittagong	1
„ Tea Association	1
„ Jute merchants	1
„ Hindu zamindars paying land revenue over Rs. 10,000	1
„ Muhammadan „ „ „ „ „ 5,000	1
„ District Boards of Eastern Bengal (one Hindu, one Muhammadan) ...	2
„ Assam Boards...	1
„ Municipalities	1
„ Mercantile members of the District Boards...	1
„ Professional	1
„ Cultivating	1
Total ...	12

The number of nominated members would of course be also proportionately increased.

6. With regard to the proposed alteration in the method of discussing the budget, I am of opinion that it will be beneficial.

7. You have asked me (in your D. O. No. 6265 of 3rd November) to forward with this reply the opinions of certain gentlemen. Of these gentlemen so far only one Maulvi Muhammad Ismail has sent his answer, and I enclose a copy herewith. As you have asked for a reply by November 20th, I am not waiting for the replies from the other gentlemen. They will be forwarded as soon as received.

I have the honour to be,

SIR,

Your most obedient Servant,

L. O. CLARKE,

Magistrate of Mymensingh.

No. 137 J.

FROM

H. LEMESURIER, ESQ., C.I.E., I.C.S.,
COMMISSIONER OF THE DACCA DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the 3rd February 1908.

SIR,

I HAVE the honour to submit the report called for in Government letter No. 11487-91C, dated the 9th October 1907, on the proposals of the Government of India for the formation of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Local Legislative Councils. In so doing, I must express my regret for the delay which has taken place. Several of the reports now forwarded were not received by me until the end of last month, and the period since then has, as Government are aware, been one of exceptional stress. Attached to this report are copies of the opinions enumerated in the annexed list, which have been submitted on my requisition by various officers, associations, and private gentlemen in the province, and I have also been favoured with copies of the notes submitted direct to Government by those persons and bodies in the division whom it consulted direct. I have also had the honour of submitting my own opinion regarding the formation and functions of I the Councils to the Lieutenant-Governor while serving in another capacity, and propose in the present letter to confine myself to a brief examination of the suggestions which have since been made to me.

2. It is, I think, unnecessary to discuss at length those objections which imply a demand that the Government of India should substitute a form, more or less developed, of Parliamentary or Representative Government for the present system of adminstration; that a majority or even a moiety of the Councillors should be chosen by direct election, or that Government should expose itself to the risk of defeat by sanctioning the moving of amendments or additions to the Budget. All such proposals appear to me to be excluded by the terms of the reference which the Government of India have made, and in any case I should not recommend Government to consider so tremendous a leap forward as these propositions would involve except on much stronger grounds than the vague generalities on which those who support them have based their suggestions. I confine myself to such criticisms as, while accepting the principle of the proposed reforms, see something to alter or amend in the proposed methods, and it appears to me that even of these, many are based upon a misunderstanding of the Government of India's proposals. Thus, those proposals,—while providing that the proceedings of the Advisory Council should, as a rule, be private, informal, and confidential,—expressly contemplate public conferences, especially on occasions when Government desires to make its motives and intentions better known. Again, the compositiou of the Imperial Advisory Council, while including Ruling Chiefs and territorial magnates, does not exclude other classes, and there is no prohibilion to prevent any member from suggesting topics for the consideration of Government or for discussion in the next generel meeting which he may consider to require ventilation or specific action. More especially when we come to the fact dealt with under the Legislative Councils, of the excessive proportion of legal practitioners among the members elected to Legislative Councils under the present system, it is painfully evident that the Government of India's proposals have not been accorded even a fair consideration, and that the outcry against them is tainted by those vested interests which appear to be in danger.

3. The following suggestions appear to me to deserve consideration:—

1*st*.—That it should be made abundantly clear that other classes besides the two specifically mentioned are eligible for the Advisory Councils, and in particular that retired Judges of the High Court or members of the Civil Service, Vice-Chancellors of Universities, and prominent merchants or traders such as the Parsee millionaires of Bombay are also amongst those whose advice and assistance the Government of India is anxious to secure.

2*nd*.—There might, I think, be a distinct provision for members of the Council, whether Imperial or Provincial, to table subjects for discussion whether in a public or private meeting or by correspondence, whenever such subjects appear to them to require attention.

3*rd*.—There seems also to be considerable importance attached to distinctive titles and to the conferment upon the members of various honorary distinctions during their term of office.

The suggestion, however, that the Advisory Councils should appoint their own Chairman seems to me to be altogether unsound. They are intended as bodies to advise the Viceroy or Lieutenant-Governor, and not as debating societies to pass resolutions possibly designed to embarrass him.

4*th*.—With regard to the Imperial Legislative Council, the most practial objections I have seen are to the omission of any provision for the representation of such great industries as tea and jute on the one hand or of the Universities on the other. It is possible that provision for these is contemplated under heads E and F of the scheme sketched in paragraph 12 of the Government of India's letter. If not, I should be inclined to recommend that additional provision be made. Both these concessions would evidently be much valued, and the electorate in both cases would be important and deserving of special representation.

4. There can be no doubt that considerable opposition have been excited by the proposal to give special representation to Muhammadans. I think, however, the reasons for giving it are overwhelming. They need not be elaborated here, but the conspicuous satisfaction with which they have been received by the Muhammadan community throughout India sets upon them the seal of an absolutely necessary reform. It will, however, be difficult to meet the claims based on analogous grounds of some important communities such as the Sikhs and Buddhists, if not of the Indian Christians, and it is for this amongst other reasons that I am disposed to think that provision under heads E and F may have to be slightly increased. Subject to these remarks, the general composition of the Council as proposed by the Government of India appears to be accepted as suitable.

5. The next question is that of the electorate. There can be no doubt that the amount of land revenue paid by a zamindar in the province is not always a test of his importance or wealth. Some interesting instances on this point have been furnished to Government by the Hon'ble Rai Sita Nath Ray Bahadur. It is probable that the road cess returns give a better idea of the zamindar's wealth and property, but many of the chief Landholders have property in different districts and cannot therefore be assessed on the payments in a single area. Subject to these remarks there does not appear to be any difficulty in forming an electorate of the principal landholders of each province to elect representatives for the Imperial Council, but the limit of income qualifying for such electorate will vary from province to province and must, I think, be fixed for each so as to admit approximately the number of persons whom the Government of India may allot to the province as voters, having regard to its relative importance among the provinces of India. Somewhat similar remarks apply to the Mahammadan electorate, and in many districts of this province, notably in Bakarganj, a very much lower standard must be fixed for the franchise than the Government of India contemplate if the community in general is to express its voice. Until it is known how many electoral units are to be allotted to this province, it will, I fear, be impossible to fix the standard of the income qualifying the voters.

6. Coming to the Provincial Councils, I venture to recommend that the enlarged Council should consist of 30, of whom the official members should be two Members of the Board of Revenue, 4 Secretaries to Government, 5 Commissioners of the Divisions, the Legal Remembrancer, and the Director of Public Instruction. Three more should be appointed by the Lieutenant-Governor from non-officials at his own discretion. This would leave 14 non-official members. Of these I propose 1 to be elected by the Chittagong Port Commissioners, 1 by the Chambers of Commerce, Chittagong and Narayanganj, as representing the jute industry, 1 by the Muhammadan Association, 1 by the Landlords' Association, 2 by Municipalities, 2 by the District Boards of Eastern Bengal, and 1 by the Local Boards of Assam. Another should be chosen to represent the interests of the Assamese and 2 more selected by the Lieutenant-Governor to represent special interests or to obtain expert opinion.

7. I find a pretty general belief that the system of representation by caste will be difficult to work in this province. On the whole, I am disposed to recommend that for District Boards, where half the members are nominated by Government, it will be better to adhere to the present system of direct election, merely raising the voting

standard from the present very low figure up to the maximum allowed by the Act (in view of the fact that 90 per cent. of the electors never vote, I do not think such a measure can be justly called reactionary or uncalled for). I think the standard for those seeking election as members of Local or District Boards should be higher than that of the voters. The exact amount might be determined by an examination of the qualification of the existing members, but it is not too much, I think, to require that those who stand for election as representatives of a body intended primarily to represent the landed interests of the district should be men themselves having a considerable stake therein. Lastly, I would again raise the qualification of those members of District or Local Boards or other gentlemen who seek to be elected to the Provincial and Imperial Councils as representatives of those bodies. In their case I think the qualification required should be a substantial one, and in addition that genuine residence within the electoral area should be obligatory, at least within that Commissioner's Division whose turn it is to send a representative to the Provincial Council. I have myself known a case when the districts in this Division were canvassed by and eventually elected a gentleman who, though his talents and personal character made him in every respect extremely desirable, had not even visited the Division for 20 years before his election and never had any intention of returning to reside there.

8. With regard to Municipalities the case is somewhat peculiar. The Narayanganj Chamber of Commerce have brought to the notice of Government a very gross and flagrant instance of the unfairness of the present state of election. In Municipalities two-thirds of the Commissioners are elected,—where the whole are not nominated, and here I think a compromise might be effected by adhering to the present system of direct voting by the rate-payers for one-half of the total number of Commissioners and for the election of the remainder of the members who are not nominated by a system such as the Government of India suggest in paragraph 22, that is, that, supposing 20 members are to be elected, 15 should be chosen by the direct vote, the franchise having been raised to the maximum laid down by the Act and that the remaining 5 should be chosen by rate-payers from among landholders, cultivators, traders, and professional men, each community to return its own member from its own number. The qualification might be determined in each case according to the standard of municipal assessment per head of the rate-payers.

9. The provisions for the discussion of the budget appear to me to be likely to do much to increase the interest taken in the subject and will probably be of considerable use to the Financial Member of Government if the other members will really join with a view of helping and not of hindering.

OPINIONS SENT TO THE COMMISSIONER OF THE DACCA DIVISION.

(*a*) *Officials.*

1. R. B. Hughes-Buller, Esq.
2. B. C. Allen, Esq.
3. L. O. Clarke, Esq.
4. J. Donald, Esq.
5. Babu Suresh Chandra Sinha, Sub-divisional Officer of Munshiganj.

(*b*) *Public Bodies and Associations.*

6. Faridpur Municipalty.

(*c*) *Bar Associations and Non-official Gentlemen.*

7. Dacca Bar Library.
8. Rai Jogendra Kishore Ray Chaudhuri Bahadur.
9. Maulvi Hemayut-Uddin, pleader, Barisal.
10. Babu Jagat Kishore Acharjee Chaudhuri.
11. Babu Anath Bandhu Guha, B. L.
12. Rai Parvatisankar Chaudhuri of Teota, Dacca.
13. Maulvi Muhammad Ismail, B. L., Mymensingh.

I have the honour to be,
Sir,
Your most obedient Servant,
H. LEMESURIER,
Commissioner of the Dacca Division.

No. 1878J.

FROM

R. B. HUGHES-BULLER, ESQ., I.C.S.
DISTRICT MAGISTRATE OF BAKARGANJ,

To

THE COMMISSIONER OF THE DACCA DIVISION,

Barisal, the 21st December 1907.

SIR,

I HAVE the honour to submit the following reply to the proposals of the Government of India about the formation of an Imperial Advisory and other Councils, contained in their No. 2310—2317, dated the 24th August 1907, and received with your endorsement No. 1346J., dated the 2nd November 1907. I must express regret for the delay which has occurred in sending my reply, but pressure of work has been very heavy in this district recently, and in addition I have had to deal with the questions of the Decentralisation Commission. The ordinary work in this district leaves little time to the District Officer for dealing with questions of the magnitude and importance which are dealt with in the Government of India's letter.

2. The present report has been drawn up after consultation with my more experienced Deputy Collectors and Sub-divisional Officers and the more we consider the question the more does it appear that the proposals put forward bristle with difficulties when their practical application is attempted.

3. Before proceeding further, I may remark that it seems to me that the Government of India's letter makes three assumptions, which cannot be supported so far as my experience of Eastern Bengal and Assam goes. It is assumed—

(*a*) that there is a general desire for the elective principle and that society has been permeated by education:

(*b*) that the interests of the landlord and cultivator are identical:

(*c*) that the population is divided into occupational caste groups—a thing which is certainly not the case in this part of the country. Probably the writer of the letter was thinking of the caste groups of Madras, which I understand to be quite different from anything existing in Eastern Bengal.

With regard to (*a*), it must be borne in mind that the great mass of the people are still uneducated or barely educated and have no desire for the elective principle. This is indicated by the fact that at the time of the last election for the Local Boards in this district three elections failed. It is well-known, moreover, that enough electors are only brought together by personal motives, and that no one takes much interest in the matter.

With regard to (*b*), much is said in the letter about the opinions of the territorial magnates and the great landlord, but the interests of these men are generally entirely, or in a large measure, opposed to those of the cultivators, and, as one of my most experienced officers suggested, it is the official (the Settlement Officer, the Deputy Collector, and the Assistant Settlement Officer) who has lived for years among the people and knows their wants and the difficulties to which they are exposed, who alone is competent to speak on their behalf. For it is to be remembered that the cultivator cannot be heard through his own class: when a cultivator rises in the world to be of sufficient importance to make himself felt, he becomes a landlord.

4. With these preliminary remarks, I now turn to the scheme as formulated by the Government of India. That the general principle of an Advisory Council is sound, no one who has the interest of the people at heart will for a moment deny. I note in connection with the scheme that nothing has been said about the number of times the Advisory Council is to meet. I think that it should be laid down that it should meet at least twice a year.

5. With regard to the suggestions contained in paragraph 5 (3), I consider that some provision should be made for the representation of other classes than territorial magnates and landlords. Among others I should like to see represented on the

Imperial Council that large class of officials of experience represented by the Provincial Civil Service. There are many Deputy Collectors and Sub-Judges whose opinion and experience would be of the greatest value to such a Council. I presume, too, that Councillors will be selected from among the industrial capitalist, and professional classes.

6. The local Government in sending this letter for report has not indicated the number of councillors it is proposed to select for the Provincial Advisory Council, and this being so, it is difficult to judge how it should be constituted. But here again, I hope, that the Provincial Civil Service, both active and retired, will be represented. The Provincial Advisory Council should meet a specified number of times every year.

7. I now come to the question of the Legislative Council, and with regard to the principle of representation indicated in paragraph 12, I consider that there will be great difficulty in forming a satisfactory constituency by massing together for voting purposes the entire body of landholders in an entire province. I refer to 12 (2) D (*c*). As to the amount of land revenue giving the right to vote, I note that there are only 12 Hindus and 2 Muhammadans who pay revenue of over Rs. 10,000 in this district. Of the Hindus 2 are women. For further reference I give below a statement showing the numbers of proprietors in this District paying land revenue of more than Rs. 1,000.

Sect.	Number of proprietors paying land revenue.									
	Rs. 1,000 to 2,500.		Rs. 2,500 to 5,000.		Rs. 5,000 to 10,000.		Rs. 10,000 and upwards.		Total.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Hindus ...	35	4-39	22	2-24	6	6-12	10	2-12	73	14-87
Muhammadans ...	8	4-12	5	-5	2	5-7	2	0-2	17	9-26

It will be seen that the number is small. It may also be remarked that this test is not a true one, for it is possible that a landlord in Bakarganj may only pay Rs. 500 as revenue but he may pay several thousand rupees in another district.

8. The inclusion of Muhammadans only in 12 (2) D (*d*) appears to me to be rightly to create invidious feelings among other religious denominations. At the same time it is absolutely necessary that the Muhammadan community should be adequately represented, and this might be done by raising the number of non-official Muhammadans in 12 (2) E to 4 instead of 2.

9. In paragraph 7 the Government of India has made certain suggestions about a Muhammadan electorate. The statement which I have given above shows the number of Muhammadans in the District paying more than Rs. 1,000 on land revenue, and I append a statement herewith showing the number of Muhammadans and Hindus who pay income-tax above Rs. 50.

	Muhammadans	Hindus.	Others.
Above Rs. 1,000	0	4	0
500	0	9	1
100	4	99	1
50	11	168	1
Total	15	280	3

It will be observed that the number of Muhammadans is insignificant. I doubt therefore, whether an electorate can be formed on this basis.

10. In paragraph 20 the Government of India has laid it down that the widest representation is to be given to classes, races, and interests, but the overwhelming majority of all races and classes and interest belong to the agricultural interest, and it is here that the great difficulty of working out the scheme occurs. I have had statements prepared showing the classes represented on the Local Boards and the Barisal Municipality during the last 10 years, and I enclose copies herewith. It will be seen that the legal profession has been better represented on the District Board than the landholding class and that it has, in fact, had an undue proportion of influence. On

the Barisal Municipality, Pleaders and Mukhetars have been represented to the extent of 60 per cent., during 3 years out of the 10 and the percentage is now 54. This confirms much of what is said in paragraph 21 of the Government of India's letter. But it must be remembered that the pleader class is practically the only non-official class of weight and "push." Moreover, in a town like Barisal, the pleaders compose the most important part of society.

11. It is easy to pick holes in the various schemes formulated in paragraph 22 of the Government of India's letter, and it is equally difficult to formulate, alternative suggestions. As I have pointed out above, the caste classification cannot be taken as a working basis in Eastern Bengal. The Muhammadans who number 1½ millions should be regarded as a homogenous body; the Hindus who number ¾ milions are composed of a number of caste groups, the most important of which numerically is the Nama Sudra caste, which is as yet the most lacking in education; probably the best educated is the Baidya caste which numbers only 13,000. Again it is assumed in the example in paragraph 22 (c) that the Muhammadans are divided into occupational groups consisting of land-holders, traders, cultivators and artisans. As a matter of fact, the number of Muhammadan traders is insignificant and the number of Muhammadan artisans is equally small. Similarly with the Hindus: I find that if the cast principle is applied, the fourth numerically strongest group is the Napit or barbar caste. The traders belong largely to another caste, which is little respected, to say the least of it, and that is the Sudra caste.

12. It will be seen from the above how easy it is to criticise. It seems to me that if representative electorates are to be formed we must begin from the bottom and work upwards. Villages might be formed into groups each of which might be authorised to select an elector. These electors might be chosen in an informal meeting under the presidency of a Government officer. The electors might then assemble on a given day and choose representatives to fill a definite number of seats on the Local Boards, the seats on the Boards to be allotted proportionately to the religions in the electoral area. But this system would have to be supplemented by the nomination of representatives of minorities and small groups and occupations, a seat being previously assigned to each such group or occupation. The Local Boards might be used as an electorate for the District Boards and the District Boards for the Legislative Councils, but in each case minorities and occupational groups must be adequately represented.

13. The proposal with regard to the discussion of the Budget in the Legislative Council appears to be suitable.

I have the honour to be,

SIR,

Your most obedient servant,

R. B. HUGHES-BULLER,

District Magistrate of Bakarganj.

No. 3525.

FROM

B. C. ALLEN, ESQ., I.C.S.,
MAGISTRATE OF DACCA,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Dacca, the 16th/18th November 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your No. 1346J., dated the 2nd instant, with which you forwarded a copy of letter No. 2310-2317, dated the 24th August 1907, from the Officiating Secretary in the Home Department on the subject of the establishment of Advisory and the enlargement of Provincial Councils. I have discussed the matter with Rai Bahadur Kali Prosanna Ghose, and Khan Bahadur Muhammad Yousuff. Babu Anandi Chandra Roy whom I should have liked to consult is away from Dacca and is not likely to return for some time. Babu Preosankar Roy of Teota is also away from home, but he has promised to favour me with his criticisms in writing, which will be forwarded when received. As the mass of correspondence which will be accumulated in connection with these proposals will be very great, I shall endeavour to be as brief as possible.

2. I propose to deal with the four Councils referred to in this letter seriatim. Turning first to the two classes into which the Councils fall, I presume that the Advisory Councils are intended to fulfil in some degree the functions of a Cabinet, all of whose members belong to one political party, while the Legislative Councils like the House of Commons include an opposition in addition to the ministry and its supporters. If this is so, the Advisory Council must be composed entirely of persons who will be thoroughly loyal to Government, and who far from being ready to take advantage of every slip made by the Executive will be anxious to assist Government with sound advice and will endeavour to minimize rather than to emphasize the blunders that must occasionally be made by every administrative agency. These Advisory Councils will therefore, I imagine, contain no representatives of the Moderate Party; the Councillors will be Indians who have no sympathy with the Congress. These gentlemen will be more appropriately represented on the Legislative Councils. To the constitution of the Imperial Advisory Council I can see no special drawback, but it has been pointed out to me that there are several objections to anything resembling a Parliament of Ruling Chiefs. I presume, however, that the sittings of the Advisory Councils would be few. If, however, it is intended that the Advisory Council shall carry weight with that section of the Indian public which is most concerned with politics, I fear that this desideratum will hardly be obtained from a body constituted on such strictly Government lines. But appeals to the good sense of the editors of Bengali papers or the orators of Beadon Square seem of questionable utility, and it is doubtful whether they would be satisfied with anything short of our complete withdrawal from the country.

3. *The Provincial Advisory Council.*—We considered that a Council formed of the following elements might prove of some assistance to the Local Government:—

(1) The landed interest which would be represented by zamindars of education and intelligence or of solid commonsense, and occasionally by the managers of large estates, when such managers are persons of exceptional capacity and are natives of the country.
(2) The professional classes who would be represented by pleaders, doctors, or professors of proved loyalty.
(3) The educated classes generally, including therein a considerable number of educated gentlemen who hold some land, but whose interests are not very closely connected with the soil.
(4) The mercantile element as represented by Europeans and by native merchants of conspicuous position.
(5) The Muhammadans.
(6) One or more educated but conservative Brahmans who would be able to speak for the orthodox Hindu.
(7) One or more representatives of the Assamese, whose interests are not in all respects identical with those of the Bengalis.

4. *The Imperial Legislative Council.*—The only point which seemed to us to call for any consideration was the system under which persons were to be elected by the great landholders and by the Muhammadans. It is suggested that the provincial electorate for landholders should be composed of from 100 to 150 persons, the amount of land revenue qualifying to vote being not less than Rs. 10,000 per annum. We were of opinion that this electorate was far too wide. It would be difficult to attach too much weight to the objections entertained by Indian gentlemen of position to submitting themselves to the indignity of soliciting the suffrages of those whom they regard as their inferiors. Even in Eastern Bengal respectable gentlemen are loth to stand for seats on the Municipalities and the Local Boards, and the present system of election cannot, I fear, be regarded as being anything but radically unsound. As a rule, only a small proportion of the electors cast a vote (at the recent Local Board elections in the sadar subdivision 90 per cent, abstained from voting) and the electors vote not in support of any principle, but at the request of an individual who can bring some special influence to bear upon them. The territorial system of election is one that is foreign to the country, and it has not thriven in a strange soil and climate. Khan Bahadur Muhammad Yousuff has had much experience of it both as Chairman of the Municipality and Vice Chairman of the District Board, and he condemns it in no uncertain tones. A large electorate would, moreover, be almost certain to pass under the control of wire-pullers and their chosen representatives would be the mouth-piece of the agitating rather than the landholding class. We would accordingly propose that the electorate should be composed of resident zamindars of conspicuous position in society. Every Magistrate could name the three or four principal zamindars of his district and the total number should not exceed 50 for the province. The qualifications for a vote can easily be fixed after it has been ascertained who the voters are. In the permanently-settled tracts road cess, and not land revenue, should be the measure of importance as the land revenue on some estates is out of all relation to their size. This is conspicuously the case in the Goalpara district. The system proposed for the election of Muhammadan voters seems suitable. There does not appear to be any reason why lists of persons paying income-tax on incomes exceeding Rs. 25,000 should not be prepared.

5. *The Provincial Legislative Council.*—The first thing to be determined is the number of seats which can be thrown open to election. The present Council consists of 15 persons, of whom 7 may be officials, 6 are elected, and 2 nominated. In order to enlarge the number of elected members, we must stretch to their utmost possible limits the number of official members, and in appointing extra members we should choose rather those whose work will be least impeded by attendance at the Council Board than those whose opinions might be most mature, for it is as voters rather than councillors that the extra members are required. The official members might, I would suggest, include the following :—

Members of the Board of Revenue	2
Commissioners	2
Secretaries	4
Legal Remembrancer	1
Heads of Departments	5
Collector of district where Council sits	1
Total	15

This would allow of 16 non-official members, 12 of whom would be elected. The elected members I would distribute as follows :—

The tea interest	1
The jute interest	1
The Commissioner of the Port of Chittagong	1
Landholders	3
Traders	2
Professional classes...	2
Muhammadans	2
Total	12

It will be seen that I have thrown over the District Boards and Municipalities as a basis of election. In my opinion, there is no special virtue inherent in either of these bodies, which would justify the retention of the privileges that they now

enjoy. The members are neither representatives of the people, nor even in my experience of the class to which they themselves belong, as in Dacca, the principal pleaders do not care to stand. If, however, this is thought too sweeping a measure, one seat might be taken from the landholders and handed over to the District Boards and Municipalities in rotation.

6. The landholders representatives must be landholders paying more than a fixed sum as road cess. The electorate should be wider than that for the Imperial Council and might include about 50 persons in each division. It would probably be convenient if three seats are assigned to allot one to the Rajshahi Division, one to the Dacca Division and Goalpara, and one to the Chittagong Division and the Surma Valley. Some allowance should, I think, be made to education, and in the case of graduates a smaller amount of road cess should suffice to secure a vote. If only two seats are allowed, the seats should be allotted to the three electorates in rotation.

7. *Traders.*—I would propose to elect through the caste organization. The principal trading castes in this district are the Shahas, Telis and Basakas. I would allot a seat not to the trading community, but to trading caste. For instance to the first Council I would allow the Shahas to elect one member and the Telis another. At the next Council the Shahas and the Basakas should elect, then the Basakas and Telis, and so on. The caste would elect through its own *samitis*. It might be desirable that the seats should be allotted to divisions in rotation, or it might be expedient for each division to choose an elector who should assist in the selection of the Provincial representative. These are details which would have to be settled in consultation with the caste. But the problem would not, I believe, present much difficulty.

The castes have natural leaders and would readily respond to the call to appoint a representative.

8. The representatives of the professional classes might be elected by graduates, persons enrolled as pleaders, and doctors with recognized diplomas not below that of an Assistant Surgeon. A representative should, I think, be elected by each division in rotation, except the Assam Valley. The number of professional men in that division is small and the majority of them are Bengalis. The Muhammadans would be similarly elected by their *Anjumans*.

9. I do not propose that there should be any direct representative of the artizan or the cultivating classes. The labour member is a new and still somewhat uncouth production even in England, and any attempt to introduce direct representation of the lower order would merely bring the Council into contempt. The Assamese should, I consider, have a seat at their disposal, but this seat should be filled by nomination, no suitable system of election being feasible. This would still leave three seats at the disposal of the Lieutenant-Governor.

10. A Council such as that outlined above would be really fairly representative of the people, but I fear that it might not be very acceptable to the Bengali politician. Only two seats are reserved directly for the professional classes, but the senior pleaders are also included in the category of landholders and might be able to secure election in that capacity. It would be regrettable if what is intended to be a progressive measure were to be stigmatized as retrograde, but after all the professional agitation is not the only nor indeed the most important element in the population and there would be little harm in Government openly and publicly announcing that it is not content to accept the professional politician as the sole mouth-piece of the people.

I have the honour to be,

Sir

Your most obedient servant,

B. C. ALLEN,

Magistrate of Dacca.

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FROM

No. 101J.

J. DONALD, ESQ., I.C.S.,

COLLECTOR OF FARIDPUR,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Camp Goalundo, the 1st December 1907.

SIR,

I HAVE the honour to submit the following opinion on the proposals of the Government of India in regard to Imperial and Advisory Councils, and the enlargement of the Imperial and Provincial Legislative Councils, copy of which was forwarded with your memorandum No. 1346G., dated the 2nd November.

2. It is proposed to create an Imperial Advisory Council for purely consultative purposes, to consist of Ruling Chiefs and territorial magnates of dignity and status. The advice of such a body on questions of common and imperial interest would no doubt be of great value, and for this reason alone the creation of such a Council is to be welcomed as a step towards allowing the natives of India wider apportunities of expressing their views. But I am not sure that such a Council will prove an efficient agency for the diffusion of information on Government measures. Territorial magnate, in this part of the country, at any rate, are not I think very closely in touch with the masses of the people and other agencies must be looked for to disseminate information on the aims of Government. Nevertheless the scheme will bring a larger number of leading gentlemen into closer touch with the Imperial Government who may prove of valuable assistance. It will be necessary, however, to secure men who will maintain a sustained interest in the work of the Government of India.

3. The proposed Provincial Advisory Councils will in my opinion be of still greater value. The opinion of representatives of different interests is generally taken by Government in all measures affecting their interests. The creation of Provincial Councils will tend to the selection of representatives who will speak with more authority on the matters affecting their special interests and furnish Government with a more weighty opinion on the various measures that come before them. The members of a Provincial Advisory Council being largely class representatives will also be a more efficient means of disseminating information as to Government measures than the members of the Imperial Advisory Council.

4. In dealing with the enlargement of the Legislative Councils the Government of India have drawn attention to the failure of District Boards and Municipalities to represent the landed interest, and to the number of lawyers who have been elected to the Legislative Councils. It may be urged that the lawyers who have been elected to these Councils are themselves landholders and possess greater knowledge of the welfare of the people than the landlords who so far as this corner of the province is concerned are generally absentee. That they are landholders may be admitted, but I cannot agree in the contention that they (and particularly those in the larger towns) are in close touch with the people. In my opinion few beyond the District Officer and his staff are really conversant with the actual welfare of the masses. We cannot, I think, expect any improvement in District Boards, and consequently in their elected representatives on Councils until we can get members who do not seek election for the purpose of securing some benefit to themselves or for the distinction it affords. Few of the residents of the mufassil have reached the stage of subordinating self to the public interest and we cannot expect an improvement until we get an improved tone in this respect. I do not expect at present any decided difference in the class of representatives from District Boards and Municipalities and we shall still find a large proportion of the legal profesion elected to the various Councils. Educated natives are mainly either in Government service or members of the Legal or Medical profession—the lawyer being in the majority.

5. In regard to the Legislative Council of the Governor General, it has been represented to me that the proposed constitution will result in Hindu representatives being practically *nil*. I do not think this is likely to be the case. But should there be any possibility that in several provinces other than the Punjab and Eastern

Bengal and Assam, who are mentioned as likely to return Muhammadan members, representatives will be elected who are not Hindus, a modification might be made under sub-head D (*d*) or E of the proposed scheme. The experiment might, at any rate, be tried at first of excluding election by Muhammadans under sub-head D (*d*), and leaving any minority of representation to be filled by nomination under head E Muhammadans are likely to secure greater representation under D (*b*) by the alteration in the system under which non-official members will be elected to the provincial Councils. There should be no difficulty in the system of election proposed for representation to the Governor-General's Council and it might be adopted.

6. The proposals of the Government of India do not enter in detail in regard to the constitution of the Provincial Legislative Councils. No detailed scheme has been put forward by the Government of Eastern Bengal and Assam ast o the number of elected representatives required for the Council of His Honour the Lieutenant Governor. I presume that opinion in details is not required at present. Representation according to caste would not, I think, be a very sound plan, it would lead to petty jealousies and at the same time necessitate rotation of representation which would not be an altogether satisfactory state of affairs. The system of election to District Boards and Municipalities should be modified in the matter suggested in concluding portion of para. 22 (*c*) of the letter of the Government of India. Class representation combined with the principle, which should be enforced, that electors must elect from their own group, will provide Boards with members, who although of no special ability from the educational point of view, will nevertheless be of great practical use and assistance in the working of the bodies to which they have been elected. With this modification in the system of election, nominations for District Boards and Municipalities should be restricted to provide for the representation of special interests and minorities which otherwise would not secure representation. This of course would vary in different districts.

7. The extended discussion in the Budget debates which is proposed should prove of great value in enabling Government to ascertain, to a greater extent than hitherto, representative public opinion on administrative questions, but it would be premature at present to allow, as has been suggested, a division on any particular question arising during the debate. Important Government questions brought to light in the Budget debate will be the result of official opinion combined with views of the Advisory Councils and however much they may be criticised by members of the Legislative Councils they should not form subjects on which the Legislative Councils should be divided in considering the Budget.

8. I have asked the District Board, the Municipality of Faridpur and Babu Ambica Charan Majumdar to favour me with their opinion on the scheme. Their replies I have not yet received, but I shall forward them immediately on receipt.

I have the honour to be,

SIR,

Your most Obedient Servant,

J. DONALD,

Collector of Faridpur.

No. 639.

FROM

BABU SURESH CHANDRA SINGHA,
SUBDIVISIONAL OFFICER OF MUNSHIGANJ,

To

THE MAGISTRATE OF DACCA.

Munshiganj, the 1st-2nd December 1908.

SIR,

I HAVE the honour to submit the following notes about Imperial Advisory Council.

2. It has been proposed that all the members should be appointed by the Viceroy himself and that the Council should consist of 60 members.

3. The object of the Government in forming the Council is to be either individually or collectively enlightened about the views of hereditary leaders of the people; but if the appointment is confined exclusively to nomination it is doubtful how far the scheme will prove a success. Of course, the Government's aim will always be to get the services of the most competent men and there will be found among them persons who will have the courage of conviction to independently express their opinion, even if that goes counter to the wishes of the Government; but the majority of the Councillors will, both from lack of proper education and courage of conviction, not be able to take any intelligent part in the discussions or supply the Government with an independent opinion. So in my humble opinion, it seems that at least $\frac{1}{3}$rd of the membership should be thrown open to election; and as the members of the Council will have no practical power, except supplying the Government with their views, there seems to be no harm of having a certain proportion of them elected by the Ruling Chief, and another proportion by the territorial magnates—the total not exceeding half the number of members of the Council.

4. Regarding the scheme for the enlargement of the Provincial Legislative Council I have already given my views in the discussion that took place at the last District Board meeting.

5. I have to add to it the following remarks :—

The powers of the District Board and the Municipalities to elect a member to the Council should not in any way be curtailed. The voter's qualifications may also remain the same, but a more stringent condition should be imposed on the qualification for membership to the Council. In clause C, section 22, it is proposed to assign a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of each class to select its own representatives. It is very desirable that the interest of every class are represented in the Boards and Municipalities. Theoretically there can be taken no exception to the proposal but although literacy is put to a test to entitle one to give a vote in the electoral group, as far as can be judged from the present state of the society, we would have to wait for many a long year to come before the cultivators, the artisans and even the traders are sufficiently educated to send from among their own communities members who would be able to take an intelligent part in the discussion of public questions. The census figures cannot be an unerring guide, as those who can hardly read and write have also been classed there under head "literate." The standard of qualifications proposed for giving to each group the franchise to vote may be adopted, but the voters should be given free choice to elect from any class they like

Discussion of the Budget in the Legislative Council.—The proposal to have the Budget discussed in the first instance by separate heads or groups of heads which would be explained severally by the member in the administrative charge is very good one. But practically it will not mean much unless the members engaged in the discussion have power to move amendments and the Committee to make the necessary alterations and revisions before the Budget is finally put before the full Council for general debate : so in my humble opinion something might be done to effect this.

I have the honour to be,

SIR,

Your most obedient Servant,

SURESH CHANDRA SINGHA,
Subdivisional Officer, Munshiganj.

Proceedings of a Meeting of the Faridpur Municipality held on the 30th November 1907.

At an adjourned special meeting of the Commissioners held on the above-mentioned date there were—

Present :

Babu Amcica Charan Mazumdar, M.A., B.L., Chairmam.
,, Purna Chandra Maitra, B.L., Vice-Chairman.
,, Joges Chandra Chakravarti, B.L.,
,, Satish Chandra Mazumdar B.L.,
,, Nalini Kanta Sen, B.L., } Commissioners.
Maulvi Muhammad Ekram,
Babu Dina Nath Das,

The India Government letter No. 2310-2317, dated the 24th August 1907 on the subject of the Imperial Advisory and Imperial and Local Legislative Councils was laid before the meeting. The Vice-Chairman read out the various clauses of the letter of the Government, which were discussed. And the following opinions were unanimously arrived at by the Commissioners present, *viz.* :—

(1) That in the opinion of the Commissioners, the proposed "Imperial Advisory Councils" and the "Provincial Advisory Councils" were unnecessary and might in some cases hamper the administration instead of helping it.

(2) That, as regards the constitution of the proposed Imperial Legislative Council, the Commissioners regret to find that, while much has been done for the representation of the great landed interest in the country, the great middle class including minor zamindars and other landholders in general and the large educated classes and professions in particular, have all been practically ignored. That the Hindus and Muhammadans should have equal representation by election and that the non-official nominations by the Viceroy for the representation of minor and special interest should be restricted only to minorities, and no portion of this representation ought to be reserved either for Hindus or for Muhammadans. The Commissioners would, therefore humbly suggest the following alterations and modifications in the proposed scheme :—

Under head D.—Elected members—
After clause (*d*) there should be another clause—
(*f*) By Hindus 2
E.—Non-officials nominated by the Viceroy to represent minorities 2

3. That, as regards the Provincial Legislative Councils, the Government of India have not directly formulated any scheme, and it is not possible to anticipate the constitution which the Local Governments might propose for their respective Legislative assemblies. The Commissioners would, however, observe that representation of caste would be a very serious experiment in this country not at all likly to conduce either to the welfare of the people or to the best interests of the administration.

That, as regards the discussion of the budget both in the Imperial and the Provincial Legislative Councils, the members should, in the opinion of the Commissioners, have the power of bringing motions and to divide the Council on such motions. Without this substantial power in the non-official members, the discussion on the budget, however minute or elaborate, is bound to possess no more than a mere academic interest as at present.

That the Chairman be requested to forward the above views of the Commissioners to the Magistrate in compliance with the latter's request.

FROM

THE SECRETARY, BAR LIBRARY, DACCA,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Dacca, the 23rd December 1907.

SIR,

THE members of the Dacca Bar having been asked to express their opinion regarding the proposed formation of Advisory Councils and enlargement of Legislative Councils, I have the honour most respectfully to submit their opinion as follows, regretting the delay that has occurred.

Adisory Councils.—These Councils as proposed to be formed are not likely to be of any value as consultative bodies. The Ruling Chiefs and the territorial magnates in this country are, with rare exceptions, not likely to give independent opinion regarding the administrative measures of Government, if they once come to know the views of high Government officials regarding the same. They have for many reasons to look up to these officials for favour and would in offering their opinion consider the light in which it would be received by the officials through whom they are in most cases to seek the good-will of Government. There may also be cases in which the officers of the Government may, contrary to its intention, exercise an influence over the members of the Advisory Councils to express their views in a particular way. Moreover, the Ruling Chiefs and the territorial magnates are not likely to appreciate the scheme, as it does not propose to confer on them a real hand in the administration of the country. The election of the members of these Councils by nomination and the provision about high Government officials presiding in their deliberations are calculated to frustrate the object in view. As a means for making known to the people the motives of the Government and for correcting erroneous and misleading statements of facts, these Councils are not likely to be of much value on the same grounds.

Legislative Councils.—The scheme appears to propose to further strengthen the majority of Government votes, and keep the elected representatives in a hopeless minority without conferring on them any additional power. The members of this Bar are of opinion that the Government ought to concede half of the seats in the Imperial, as well as in the Provincial, Legislative Councils to the elected members, retaining the right vetoing in the President. There ought to be Executive Councils attached to the provincial Governments like that of the Imperial Government and those of Bombay and Madras, and half of their members ought to be selected out of the elected members of the Legislative Councils. This would give the people of the country a substantial and real control over the finance and the administration of the country. A little increase in the number of elected members, who will always be in a minority without any control over the finance and the administration policy of Government is no concession to the people. Their position will be no better than consultative persons like the members of the proposed Advisory Councils, whose opinion may either be accepted or rejected. The principle of forming electorate on the basis of religions, castes, and classes as proposed in the scheme seems to the members of the Bar as the most objectionable part of the scheme. It will create disunion and antagonism where there is none. The Government is mistaken if they are of opinion that the political, administrative, and even social interests of the different classes, castes, and religions are antagonistic to each other. The Hindus and Muhammadans are equally affected by the legislative measures of Government. It is the interest of both the communities either to support or oppose any particular measure because both are equally affected by it. In the past only fitness of the respective candidates was taken into consideration in their selection without the consideration of race, religion, caste, or class to which they belonged. Instances are not rare in which electorate bodies like the District Boards and Municipalities where the members of the Hindu community preponderated have given votes for Muhammadan candidates to the Legislative Councils ignoring the claims of Hindu candidates of equal capacity and fitness. Members of the Hindu community belonging to castes other than the superior ones

or to classes other than lawyers have been elected without racial or social considerations whenever their fitness and qualifications were sufficient. The elected members too on their part have represented the views of the people without any consideration of religion, castes and classes. The proposal of the Government of India if carried into effect, will operate most harmfully by creating a cleavage amongst the people. It will operate as a bar to the fusion of interest of the different communities and create disunion amongst the different members of the same community.

The policy of supplying a counterpoise to the growing influence of the professional classes and specially of the lawyers by creating an additional electorate recruited from the "landed" and "monied" classes in this country do not, as a general rule, represent enlightenment and education. The "landed classes" as pointed out above are not so independent as to enable them to be in a position to criticise the measures of Government. Those educated men of this country who do not seek or are unable to enter Government service generally follow the profession of law. Those who enter Government service are debarred from independently expressing their views regarding the measures of Government. So it is the lawyers alone who are really in a position to give independent and at the same time intelligent opinions regarding such measures. They, as a class, are growing into influence not because of their profession, but because of their education, intelligence, and enlightened public spirit. It would be a great mistake on the part of the Government to set up a class of people whose importance lies in their wealth, as a counterpoise to another whose importance lies in their education and enlightened public spirit. The representations of the District Boards and Municipalities in the Legislative Councils by lawyers have never, to the knowledge of the members of the Bar, been resented by the landed classes. The members of the Bar are aware of the instance in which one of the biggest zamindars of the province had willingly withdrawn his candidature to the Legislative Council in favour of a rival who was a lawyer. The letter of the Government of India under consideration refers to the low percentage of the landed interest in the members of the District Board. This only shows that with rare exceptions the big landed proprietors do take very little interest in the affairs of the District Boards. The cause must either be the lack of public spirit or want of sufficient education. It is not true that they do not like to enter the list to compete with rival candidates who do not belong to their own class. In the opinion of the members of the Bar, the present conditions of the District Boards and Municipalities are not at all faulty, and that these bodies are the best and the most suitable electorate for the election of members to the provincial Legislative Councils. The usefulness of the District Boards may be further increased, by making them altogether non-official bodies and by raising their franchise. These Boards, if allowed to be presided over by non-official gentlemen, would also attract the landed proprietors, who do not generally feel at ease in the presence of the District Magistrates and Collectors.

Elected members of the Legislative Councils, if they are desired to be of any use, ought to have good knowledge of the law and its workings. It is therefore a matter of surprise that the Government of India does not only fail to see the usefulness of the lawyers in these Councils, but in a way deprecates their presence therein.

In conclusion, the members of the Dacca Bar are of opinion that the scheme of the Government of India, if carried out as proposed, will be most injurious to the country.

I have the honour to be,

SIR,

Your most obedient Servant,

M. K. GHOSH,

Secretary, Dacca Bar Library.

From

MOULVI HEMAYET-UD-DIN AHMED,

PLEADER, BARISAL,

To

THE COLLECTOR OF BAKARGANJ.

Barisal, the 29th November 1907.

SIR,

I AM sorry I could not reply to your confidential letter No. 344 P.C., dated the 13th November, earlier, as I was in trouble for many of my family members being ill. I hope you will kindly excuse me. I humbly beg to give my opinion as follows :—

Properly speaking, India is not a country, but a continent. It is peopled by various races, speaking various languages and following numerous religions. The real base of classification here, as in all countries in Asia, is religion, and not trade and profession as may be in Europe. The followers of one religion are not better acquainted with the social condition of the followers of another religion than a foreigner ; consequently leading men of one religious persuasion have very little influence over, and sympathy with, the people of another religion. Such being the condition of India, elective system of Government cannot be carried on here just on the same principle as in Europe. Territorial representation is no representation at all ; it may sound well in theory, but practically the voting power is directly or indirectly concentrated in the hands of a single section of the community, and the various people of one locality having diverse and often antagonistic interest are represented by a member who is virtually elected by a single section of the community. It is neither fair nor just. If any kind of representative Government is possible in a country like India, in my humble opinion, it should be based on "class representation," and not on "territorial representation." It is very much gratifying to see that this principle of class representation has been admitted in sub-section (*c*) of para graph 22 of the scheme. I do heartily support the principle enunciated therein.

An Imperial Advisory Council.—Nowadays we see that self-constituted representative person or body often try to thrust upon the Government or British public his or their own views upon political question of importance as the views of the people, which is misleading, so there can be no question as to the necessity of "an Advisory Council" consisting of men who are really the spokesmen of the various classes of Indian people.

As regards the function and the procedure of work of the "Advisory Council" as set forth in sub-sections (6) and (7) of paragraph 5, I do fully support them, but as regards its constitution I beg to submit that only the "Ruling Chiefs" and the "territorial magnates" will not satisfy the object of the Council. Besides them, there are other classes of men such as spiritual guides like His Highness Aga Khan, intellectual leaders like Nawab Imad-ud-daula, who have no less influence over the people and who will prove better Councillors and exponents of Government views to the people. Moreover, in this constitution no consideration has been made to "class representation." In my humble opinion, the object of the Advisory Council will be better served if a portion of the body be elected by different *classes* of the people, or if the whole body be appointed by the Viceroy ; appointment should be made ont he principle of "class representation," and "intellectual aristocracy" should also be included into the category of Councillors.

Enlargement of the Legislative Councils.—In my humble opinion the principles discussed and the views expressed in the scheme under this head are sound and correct, and I do therefore heartily support them.

The Imperial Legislative Council.—I fully agree in the general principle upon which the Imperial Legislative Council is proposed to be enlarged. It is gratifying to see that the scheme has been prepared with a solicitude to have the vast diversity of *classes, races,* and *interests* represented in the Council. It would be mischievous to allow one community to have the monopoly of representation only because of its superior speech-making educational qualification.

Paragraphs 12 and 16.—Grateful thanks of the Muhammadan community are due to Government for recognising their just claims, and while giving my hearty support to the principle, I would beg most respectfully to point out that the four

seats reserved for the Muhammadans will not give the community adequate representation on the Council. I beg to suggest that the number be increased to seven, so that the Muhammadans of each province may surely get one representative on the Council.

Paragraph 14.—It is quite just and proper that the great landholders should have adequate representation in the Council, but it is also equally necessary that the great number of raiyats, who are real producers of wealth in India, should have some spokesman in the Council to look after their interest and represent their views to the Government. I would therefore beg to suggest that at least two seats be given to that important body. For the purpose of securing adequate representation of this class a list of electors may be prepared in each province and that literacy to a certain degree and a certain amount of rent, say Rs. 100 a year, may be made a condition for giving right to vote. This right of election may be exercised by all the provinces in rotation.

Paragraphs 17 and 18.—In my humble opinion, the Government scheme as set forth in paragraph 17 is preferable to what was suggested by the Muhammadan deputation as set forth in paragraph 18. I would only beg to point out that in the Government scheme, while the right to vote has been very justly extended to the registered graduates of an Indian University of certain years' standing, it may with advantage be also extended to the oriental scholars bearing the title of Shams-ul-ulama. I would therefore suggest that the words 'and oriental scholars bearing the title of Shams-ul-ulama' be added at the end of sub-section 3 of paragraph 17.

It is essentially necessary that all the seats should not be thrown open to election, as men of position and culture often feel delicacy to run the risk of election for the reasons the Government has very rightly given.

Paragraph 19.—It is very doubtful that in the present condition of things and circumstances even in Eastern Bengal and Assam, any Muhammadan will be returned to the Council under sub-head (*b*) of head (D).

The provincial Legislative Councils.—I beg to support heartily the views expressed under this head regarding the representation of *classes, races,* and *interests.*

In my humble opinion, as I have said before that this sort of class representation is the only way in which the principle of self-government may be safely and successfully introduced in this country. The distribution of seats as set down in sub-sections (*a*), (*b*) and (*c*) of paragraph 22 seems to be just and fair. The restriction, *viz.*, that the electors will be required to elect from among their own group, is most essential, otherwise a weak group may be unfairly influenced to elect from among the strong group of the same locality, thereby defeating the very sound principle of distribution of seats among the various *classes, races,* and *interests* in the country.

Discussion of the budget in the Legislative Councils.—The procedure laid down in paragraph 23 appears to me more practical and better than what obtains at present.

I have the honour to be,

SIR,

Your most obedient Servant,

HEMAYET-UD-DIN AHMED,

Pleder, Barisal.

No. 157.

FROM

RAI JOGENDRA KISHORE RAY CHADHURI BAHADUR.

TO

L. O. CLARKE, ESQ., I. C. S.,
MAGISTRATE OF MYMENSINGH.

Ramgopalpur, 20th December 1907.

SIR,

I AM in receipt of your letter No. 2189J., dated the 11th November 1907, forwarding to me a copy of the communication No. 2310-2317, dated the 24th August 1907, of the Government of India in the Home Department, on the subject of the formation of an Imperial Advisory Council and the formation of Provincial Advisory Councils and the enlargement of Imperial and Provincial Legislative Councils and other matters. With my heartfelt thanks to the Government for the honour it has done me in permitting the free expression of my independent personal opinion about the same, I beg most respectfully to state as follows:—

I quite appreciate the spirit and the good intentions by which the Government has been actuated in starting the proposal for the formation of the Imperial and the Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, and am fervently of opinion that if the scheme be carried into effect with a few modifications, immense good is sure to result.

As the Government recognises in paragraph 2 of the communication the rapid progress made in the country as far as education is concerned and the fitness of the educated people of the country for administrative affairs, it is much to be desired that the educated men who come mostly from the middle classes and who are midway between the big landholders on the one side and the agricultural masses on the other be allowed to have and adequate representation in the Advisory and the Legislative Councils.

Therefore my humble prayer regarding the formation of the Imperial Advisory Council, which is proposed to be composed principally of the Ruling Chiefs and landholders, is that, in order to ensure efficiency of the Council and enhance the value of their advice, a sufficient proportion of men of education who are qualified to give advice on administrative matters be associated with them, and the members of the Council should be given some powers to initiate measures, and it should also be provided that the members meet together and give their collective and independent opinion on matters referred to them; otherwise the beneficial results intended by the benevolent Government may not follow to the desired extent.

As to the scheme for the enlargement of the Legislative Council, I beg leave to state that, although there may be sufficient provisions for representation of the landholder classes in the Councils to be formed with increased numbers, their constitution does not appear to me to be an improvement on the constitution given by the Act of 1892, for the educated people will lose much of the privileges they have been hitherto enjoying, though in a limited scale. The principle on which the representatives to the Councils are to be appointed or elected may introduce racial distinctions, which have never been the policy of Government to encourage. Besides, it may, to some extent, frustrate the very object with which the system of election was introduced by the Local Self-Government Act.

I therefore crave leave to pray that the scheme be so modified and altered as may render it useful to the Government and beneficial to all the communities concerned.

In conclusion, I beg to state that whatever measures the generous Government may deem proper to introduce for the benefit and the good administration of the people will be cordially accepted by me.

I have the honour to be,

SIR,

Your most obedient Servant,

JOGENDRA KISHORE RAY CHAUDHURI.

No. 585.

FROM

BABU JAGAT KISHORE ACHARJEE CHAUDHURI,
ZAMINDAR, MUKTAGACHA,

To

THE MAGISTRATE OF MYMENSINGH.

Muktagacha, the 27th November 1907.

SIR,

WITH reference to your letter No. 2189J., dated the 11th—15th November 1907, I have the honour to state that I fully agree with the views of the Government of India with respect to the New Councils scheme, subject to the following suggestions:—

"That, for the purpose of securing the adequate representation of the landholders of Eastern Bengal and Assam, the size of the Provincial electorates should be more enlarged than what has been aimed at in the scheme; and that the amount of the land revenue giving the right to vote should be Rs. 5,000 a year. Because, the majority of the talented members are expected to come out from the minor landholders. And that, in my opinion, the number of seats should be equal between the Hindus and the Muhammadans in the Provincial Council."

I have the honour to be,

SIR,

Your most obedient servant,

JAGAT KISHORE ACHARJEE CHAUDHURI,
Zamindar, Muktagacha.

FROM

BABU ANATH BANDHU GUHA, B.L.,

TO

THE MAGISTRATE OF MYMENSINGH.

Mymensingh, the 28th November 1907.

SIR,

WITH reference to your letter No. 2189J., dated the 15th November 1907, forwarding a letter from the Government of India on the New Councils schemes, I have the honour to state that I quite appreciate the spirit and good intention of Government in starting the schemes. But I very much regret that the country has not been able to accord its support to the schemes as proposed by Government. Two matters, namely, the formation of Advisory Councils and the enlargement of the Legislative Councils, both Imperial and Provincial, have been proposed by Government as reforms of the present system and as steps towards the wider representation of all classes of the people. But the proposed schemes will not fulfil this object; on the contrary, the scheme for the enlargement of the Legislative Councils is regarded by the whole country as a retrograde measure and calculated to create class prejudices.

In order to make the Advisory Councils a really useful institution, it is desirable that these bodies should be vested with powers of initiative in certain matters which may be defined by Government, and instead of taking individual opinion in all cases their collective opinion should be taken. Government always takes individual opinion on all important matters connected with the administration of the country. I submit that it would not be any reform at all if the same course be continued. It is desirable that the Advisory Councils should be authorised to offer their opinion on important legislative and administrative matters on which they might like to offer advice to Government.

The success of the scheme will mainly depend upon the formation of the Councils. Experience has unmistakeably shown that most of the territorial magnates and zamindars are reluctant to frankly express their opinion before the authorities, and they always consider it safe to agree with them. I am afraid, unless a considerable number of leading educated men be associated with the Ruling Chiefs and territorial magnates, the Advisory Councils will neither inspire confidence, nor command the respect of the country. I beg to suggest that at least half the number of the proposed Councillors should be taken from the educated classes, and that they be elected by the District Boards and principal Municipalities.

I submit that complete liberty should be given to the Councillors when they might meet for the discussion of any subject. If the head of the Government or a high official be deputed either to take part in the proceedings or preside over the meetings of the Councillors, they will simply echo the opinion of the officials as has been proved in numerous instances in the District Board and other meetings. The Councillors should be authorised to elect some one from among themselves as their President.

With regard to the enlargement of the Legislative Councils, I submit that the present scheme, instead of being a reform of the constitution that was adopted in 1892, is a retrograde step and is in no way an improvement of the existing constitution. In no civilized country in the world education is excluded from all elements of such constitutions. India may be peculiarly situated to a certain extent, but the Secretary of State has partially recognized the force of education in the recent appointments that he has made in his Council from India. The test of education is free from class prejudices and gradually raises the country, both morally and intellectually. Legislation is an exceedingly difficult duty and requires in the members capacity, experience and thorough education to enable them to be of any use in the Council Chamber. I cannot persuade myself to believe that Government simply

wants an increase of non-official members with a corresponding increase of officials and does not want to take in men who are likely to render useful help to Government in the difficult task of legislation. I venture to take the liberty also to point out that the present scheme might nullify its object by creating class feeling in the country.

I, therefore, crave leave to suggest that the schemes may be so modified and altered as may be of use to Government and acceptable to the country.

I have the honour to be,

SIR,

Your most obedient Servant,

ANATH BANDHU GUHA.

Observations and suggestions on the scheme for the enlargement of the Provincial and Imperial Councils by Rai Parvati Sankar Chaudhuri of Teota, district Dacca.

AN IMPERIAL ADVISORY COUNCIL.

Page 3, paragraph 4 of the printed Circular.—The Council will be a useful institution. The Ruling Chiefs and the territorial magnates of India pay yearly visits to the Viceroy at Simla or Calcutta, they shall not have to incur additional expenses in attending the sittings of the Advisory Councils. They shall have to study carefully questions submitted to them for opinion, they will thus advance both in statesmanship and in true conception of their individual administrative duties. The Ruling Chiefs will be brought under closer bonds of friendship by their being appointed as Councillors of the Empire.

The proceedings of the Council ought to be public, except when confidential matters are submitted to them for opinion. The general nature of the subjects that should be put before the Imperial Councillors ought to be clearly set forth with the inauguration of the scheme.

THE PROVINCIAL ADVISORY COUNCIL.

Page 4, paragraph 6 of the printed Circular.—In my humble opinion, there seems to be no necessity for Provincial Advisory Councils in case the Provincial Legislative Councils are enlarged. The Provincial Advisory Council will be composed of nominated members, and they will practically represent none but themselves, and having no constituency at their back, the general public is not likely to be in touch with their opinions. The chief matters with which the people are concerned are the legislation and the budget. As the Government is anxious to secure proper representation of all calsses of interest in the Legislative Councils by election and nomination, and as it further proposes to allow the discussions to be prolonged, the discussions in the enlarged Councils will be necessarily advisory and suggestive, the existence of the Advisory Councils will be a superfluity. The Government may invite, as at present, criticisms on its measures from political associations and private individuals to make up for any apprehended deficiency in the information and light thrown by the elected and nominated members in the proposed enlarged Councils. After the creation of the Advisory Councils it will not be possible for Government to act according to the advice of the Councillors on any occasion. This will create disappointment, the Councillors will lose interest in their work, and ultimately the institution will lose importance in the eyes of the general public. Therefore, instead of the proposed Provincial Advisory Councils, the present practice of securing opinion from public associations and prominent persons in each province seems to be more desirable.

Instead of the Provincial Advisory Councils, I humbly suggest that Divisional Councils be established to advise and help each Commissioner in his administration of the Division. The Councillors should be elected by the different interests in the Division, a definite number of them being allotted to each district according to its population and different interests; the District Magistrates, the District Judges, the Superintentent of Police, etc., to be the *ex officio* members, with the Commissioner as President. The function of the Council will be advisory and suggestive, so there will be no necessity for appointing further official members to secure a Government majority. The Commissioner to call Council at least twice during each official year, once before the yearly report of the Commissioner is sent to the Provincial Government and again after the allotment of funds for expenditure in the Division. In the first meeting the Commissioner shall have to place that portion of the draft yearly report which is not confidential but of general interest before the Council, and hear what the Councillors have to advise or suggest. In the second meeting the members are to be consulted how to employ the funds alloted by the Provincial Government under different heads.

When any new Bill is proposed for enactment in the Provincial Legislative Council, the Bill may be sent for criticism in the Divisional Council. The Commissioner shall have thus an opportunity to explain the tmoives of the Government for introducing the Bill. One of the "difficulty encountered by the Government of India in making their measures and motives generally understood by the people, and in correcting erroneous and often mischievous statement of fact or purpose

imputed to them" will be thus greatly solved. The members of the Divisional Councils having a large number of constituents at their back, and to whom they are responsible, will be better able to diffuse their information amongst the general public than can be done by, or expected from, the limited number of the elected Councillors. The Commissioner of the Division will be thus in touch with all people in his Division and would better secure their co-operation in his work.

The Commissioner of the Division will thus be in a position, after his association with the Councillors for some time, to know who are fittest persons in his Division, and the Imperial and Provincial Governments will be able to make a good selection of nominated members in the expanded Councils through the Commissioner (*vide* page 8, paragraph 15 of the Government circular). The members of the Divisional Council shall thus obtain a good training in the local administration, they will realize and appreciate the responsibilities and difficulties of the administration, and their views will be filtered down to the masses dispelling discontent and ignorant criticism. There are many possibilities of the usefulness of the Divisional Councils when the proposed decentralization scheme is carried out.

QUALIFICATION OF A VOTER.

Page 7, paragraph 14, the concluding portion.—In fixing the amount of land revenue giving a right to vote for a member to the Imperial or Provincial Council, the Government ought to take into consideration the case of Hindu joint families and owner of joint estates; to the head of the family or one of the owners of the joint estate should be given the right to vote, provided the joint income satisfies the limit prescribed.

Page 11, paragraph 9, the concluding sentences.—The Government of India suggest that—"In each case the electors ought to be literate and they should be required to elect from amongst their own group." The education amongst the cultivating and labouring classes in many districts has not made much progress, so it will be difficult to carry out practically the suggestion at present. The qualification in their case should be monitory or otherwise and not literary. They should be allowed, in case a proper representative is not found in their class, to elect any one from their communities whom they think fit.

FROM

MAULVI MUHAMMAD ISMAIL, B.L.,

To

THE DISTRICT MAGISTRATE OF MYMENSINGH.

Mymensingh, the 19th November 1907.

SIR,

WITH reference to your office memorandum no. 2189 J., dated the 11th—15th November 1907, asking my opinion as to the Government of India's Circular no. 2317, dated the 24th August 1907, regarding the reformation of the Councils, I have the honour to submit the following observations for your favourable consideration :—

The subject requires very little comment from me, and I think the proposal has been made with much sympathetic consideration for the Muhammadan community and the Muhammadans are grateful to the benign Government. The proposed reformation is a very sound one, and I hope and trust it will be productive of beneficial results.

The formation of Advisory Council will, I think, be a means of establishing good feeling and mutual trust between the ruler and the ruled.

The Imperial Advisory Council is proposed to consist of members all to be selected from amongst the great landholders of the country besides 20 Ruling Chiefs. As to this proposal, I beg to suggest that the members may be taken from all the communities, so that there may be the facility of referring the matters concerning one particular community to a member of that community. I would not suggest any numerical limitation, as that would be practically of no importance.

As to the Provincial Advisory Council, I venture to suggest that the members of this body should be selected from all the communities with a view to represent the interest of all.

I beg leave to add here that in several matters the interest of the landlords and tenants are at variance and tenants constitute the vast number of the population of the country. They being an uneducated and helpless mass are mostly in need of the special protection of the ruling power. The ruling power has a solemn duty to perform in saving them from the powerful clutches of the landlords and money-lenders. This country being pre-eminently an agricultural country, all the other classes thrive at their cost. With a view to safeguard their interests, the Government should make some provision to ascertain their grievances besides those got through the official sources. I therefore venture to suggest that some members be taken at least in the Provincial Advisory Council who may be able to enlighten the authorities in this matter.

Then as regards the enlargement of the Imperial Legislative Council, I think the proposals have been made having due regard to the interest of all the people concerned. In paragraph 12D(C) seven members have been proposed to be elected by the landholders, one member being elected by each province. The qualification of the voter being payment of ₹10,000 as Government revenue. Having regard to the low rate of revenue paid in the permanently-settled areas, specially in the case of old respectable families, having also regard to the unwillingness of the respectable zamindars to canvass for securing votes and to the sense of humiliation with which failure is likely to be regarded by that class, I am afraid the very class whose election is intended will be excluded. It is also a matter of careful consideration that great landholders being almost invariably guided by their advisers, their election is likely to be influenced by the agitators, and I apprehend the very object of the proposed privilege will be frustrated. I would therefore suggest that either the members be elected by the landholding members of the Provincial Council or the members be taken purely by a system of nomination.

As to the Provincial Legislative Council, I venture to suggest that, in determining the seats, the numerical strength of each community should be taken into consideration.

The District Boards and Municipalities enjoy the privilege of sending members to the Provincial Council. So the constitution of the Council much depends upon the formation of these bodies. It is a well-known fact that various sorts of influences are brought about for the purpose of securing election and independent election rarely takes place.

The reservation of seats in those bodies proportionate to the population of each class will have a salutary effect and each community should elect its representatives from among its own members. That would necessitate the amendment of the Local Self-Government Act and some alterations of the rules thereunder. In nominating members of those bodies the same principle should be adopted.

Under the existing system two-thirds of the members of the Municipalities are elected and one-third nominated. With a view to strengthen the hands of Government and also to safeguard the interests of the different classes, it is desirable that the proportion of elected and nominated members of these bodies should be half and half as in the case of District Boards.

As to the budget debates, I venture to remark that the present system of debate is altogether useless and productive of no political results. In case the debates be confined to the separate heads of the budget, it will lead to useful results and likely to bring about material alterations in the system of administration where deemed necessary.

Subject to what to the benign Government may seem proper for the welfare of the multitude entrusted by the Almighty to its care, I conclude my observations.

I have the honour to be,

SIR,

Your most obedient Servant,

MUHAMMAD ISMAIL.

FROM

BABU HARENDRA CHANDRA SINHA,
SECRETARY TO THE DISTRICT BAR LIBRARY, SYLHET,

To

THE SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL ASSAM.

SIR,

I AM directed by the members of the Bar Library to acknowledge receipt of your letter no. 11494C., dated the 9th October 1907, and your subsequent telegram no. 15A., dated the 16th instant, inviting the opinion of the Sylhet Bar on the proposed reform of the Imperial and Provincial Legislative Councils and the formation of Advisory Councils. I regret I could not collect the opinions of the members of the Bar within the time specified in your letter no. 11494C. I have since been directed, however, to submit the following suggestions as embodying the consensus of opinions.

1. The members of the Bar appreciate the laudable desire of the Government to afford certain classes, described as the stable element of society, wider opportunities of expressing their views on administrative matters, but they deem it their bounden duty to point out at the outset, that no mere opportunities of expressing their views without any adequate provision for those views to have any effect in the actual shaping of the administrative policy, can satisfy the popular aspirations which have been largely stimulated by the spread of English education to which reference has been made in the second paragraph of the present letter of the Government of India. The great bulk of educated communities have always looked forward to the day when India will be one of the self-governing limbs of the British Empire, and recently these feelings and aspirations have also permeated the masses. The Government itself, in the past, have fostered the growth of these aspirations, and to a certain extent the administrative policy was moulded with that happy consummation in view. It would be a matter of regret if the Government were to change its policy now and neglect to avail of the present opportunity in taking further steps to hasten the establishment of representative institutions in India.

2. The time is perhaps not yet come when popular government can be all at once established in this country with safety or advantage. But the members of this Bar are of opinion that the merit or demerit of any particular scheme of reforms which involves the introduction of the elective principle or the establishment of representative constituencies must be judged by this single test, namely, whether the proposed scheme is likely to promote or hamper the growth and the future working of representative institutions and popular government in India, in other words, whether the particular reform is a step in advance, or whether instead of smoothing the difficulties in the way, it will create further complication for the harmonious and orderly working of the self-governing institutions in future.

3. The members of this Bar are the more solicitous to urge these considerations to the government because they fear that certain proposals, if given effect to, will retard the growth of the unity of the different classes, so essential for self-government, by creating and perpetuating conflicting interest and making the classes to regard their interests as necessarily antagonistic. The members of the Bar will explain their objections when they come to consider these proposals in detail and express their views thereon, but before they do so, they wish to address the Government with due submission on certain general considerations and certain sentiments that have found expression in the letter of the Government of India.

4. It is rightly observed that for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those who are acquainted with their daily life, and are qualified to speak with authority on their behalf. The object would be best secured if the middle class in India be adequately represented in the various councils. The Government is anxious that the landed aristocracy of India

the mercantile and industrial classes should be provided with more adequate opportunities of representation, but it cannot be admitted that these classes represent the whole or even a substantial part of the more influential sections of the higher and middle classes in this country. So far as the native population is concerned, commercial and industrial life is yet in its infancy, while the landed aristocracy is the merest fringe of the native society in India. It is the middle class landowners, and not the landed aristocracy, which is the most important factor in the composition of sociey, and from this class came, in great measure, the high Government servants and the members of the Bar and of other learned professions, and this middle class constitutes the great bulk of the modern educated community. The members, however, regret that, while no definite scheme has been framed for the separate repersentation of the commercial and industrial classes who are the most powerful factors after the landowners, too much importance has been attached to the landed aristocracy, and the interests of the middle class landowners have been neglected. The wealth or the rent-roll of the big landowners is no measure of their real position in society or their influence among the people. The small landowners manage their own property, mix freely with the people, and have consequently greater influence among them than the big landowners who are generally absentees, who have no personal knowledge of the people, and no opportunities of mixing with them, and who manage their estates by agents, who are themselves members of the middle class, and share the feelings, sentiments, and aspirations of that class.

5. The Government of India's letter also refers to the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life. It is very unfortunate that the Government of India should, in this present time of tension of popular feeling, express itself in a way casting such reflection on the representative men of the country, in fact, the flower of Indian society, who have hitherto sought elections in the various Legislative Councils, as if they were not moderate or were inclined to violence. Equally unfortunate is the reference to the lawyers. The distinction made between lawyers and landowners is unwarranted by facts, and the only impression created by this observation is that, in the opinion of the Government, the influence that the lawyers have acquired is undesirable. It would be wrong to suppose that the lawyers as a class are distinct from the landowners. In fact, almost all the successful lawyers are big landowners. The landowning class supply the largest quota of legal practitioners, and as land is the most valuable of all properties, successful lawyers generally invest their earnings in lands. The lawyers are the most educated, the most intelligent, and the most independent among the landowners, and they are, therefore, the best representatives of the landed interests.

6. In fact, it is essentially wrong to divide the people into different classes, such as the landowners, the commercial and industrial classes and the professionl classes. The wealthy landowners devote themselves to commerce, commercial and other moneyed classes invest their savings in lands, while the professional classes arise out of the other classes. Really there is no antagonism of interests that may call for separate representation. If territorial constituencies be created in sufficiently large numbers constituted of all these various classes, there is no reason to apprehend that any particular class will monopolise all political powers. It is more likely that in a popular assembly, the different constituencies will return members from different classes and grades in society according to their varying composition. If such result has not been obtained in the past it is because the representative system has not been given a fair trial in this country and the number of elected members has been too few to admit of more variety in representation. The system of giving separate representation to the different classes will prove detrimental to the future well-being of this country by keeping up antagonism between the classes and loosening the bonds of union between them. The members of this Bar therefore suggest that the system of local representation by a uniform franchise sufficiently broad to include all classes be introduced, and the power of nomination reserved for the Government be utilised in supplementing the system of popular representation. For the present it is not necessary to introduce any complicated procedure of election for the representation of minorities.

7. The members of this Bar cannot approve of the proposed constitution of the Imperial Advisory Council. They think even a consultative body like the proposed Council may prove very useful in rendering assistance to the Government, but its success will depend upon the spirit in which it is worked. It is essential for this purpose that really independent men be selected as councillors who can give their opinions authoritatively without fear or favour. To make this Council entirely

composed of Ruling Chiefs and territorial magnates would be to defeat this end and make it a purely ornamental body, devoid of any influence in the country. It should be a real council possessing a strong corporate character and not a mere list of councillors or advisers. Deliberation and expression of corporate views should be its chief function, and it is therefore essential that whenever the council is asked to deliberate, all the members should be summoned. The Government has always the power to consult any individual on any matter, and it is not necessary to institute a council for that purpose. It is very desirable that the Government should more often consult the council in its corporate character than the individual members separately. The council should be so composed that it may form the nucleus of a Senate or a second Chamber of Life Peers. Not only territorial magnates, but eminent persons of rank in every walk of life should find a place in it. Eminent jurists, retired judges, and other high public functionaries, those who have attained success in the learned professions, as well as big capitalists, bankers, and merchants, should be nominated to this Council. The non-official members of the Legislative Council may fittingly nominate certain councillors. It is not desirable that the Ruling Chiefs should be invited to this council which is likely to deal largely with the affairs of British India. The Chiefs themselves might grow unpopular with their own subjects on account of such association. The members of this Bar are alive to the community of interests between the Native States and British India, but the limited purposes mentioned in the letter of the Government of India may be fulfilled by summoning occasional conferences to which Ruling Chiefs, as well as provincial Governors, might be invited. There would be, however, no harm in inviting prominent citizens of the Native States to the Advisory Councils. It is not the opinion of the rulers, but the opinions of ruled, that are to be focussed in these councils. The dignity of the Crowned Princes of India is sure to be impaired if they are called upon to sit in the council along with British subjects. The deliberations of the council should be open and made public. Otherwise it will not be able to command confidence and respect. The Provincial Advisory Councils also should be similarly constituted.

8. Coming to the scheme of enlarging the Imperial Legislative Council, the members of this Bar are confronted with the difficulty mentioned in paragraph 11 of the letter of the Government of India. The scheme is incomplete, inasmuch as the elective representation in the Imperial Council is based on the system of representation in the Provincial Councils and the merits of the scheme suggested for the Imperial Council cannot be adequately considered unless and until the constitution of the Provincial Councils has been first formulated. The two important features of the scheme as regards the Imperial Council is the direct special representation of Muhammadans and the landed aristocracy. The scheme does not provide for direct representation of the middle class Hindus. It is perhaps thought that the middle class Hindus will predominate in the Provincial Councils, and that they will be adequately represented by the members elected by the non-official members of the Provincial Councils. This, however, cannot be ascertained unless the constitution of the Provincial Councils be first settled.

9. The members of this Bar are, however, of opinion that too great importance has been attached to the big landowners and too little to the popular representatives as represented by the members elected by the non-official members of the Provincial Council. It would be wrong to say that the great landowners represent the interests of all landowners, great and small. The members of this Bar therefore suggest that the number of representatives of landowners be reduced from 7 to 2 to be selected in rotation from the different provinces, and the number to be elected by the non-official members of the Provincial Council be raised from 7 to 14, allotting two members to each province. This will afford greater opportunity for the representation of minorities. Two representatives should also be assigned to the Central Provinces, where there is no Legislative Council.

10. The members of this Bar cannot, however, approve of the scheme of class representation suggested in paragraph 22 of the letter of the Government of India. It is retrograde in character and, if carried into effect, will in all probability injuriously affect the national development. No case has been made out for such an innovation of a questionable kind. The Hindu community as a whole is opposed to any representation by castes. So far as the Municipalities, District Boards, and Local Boards are concerned, there is no justification for even the limited scheme of class representation by occupational groups. These local bodies are concerned with purely local matters, such as village sanitation, the digging of tanks, the opening of dispensaries, the construction of roads, the maintenance of schools, with regard to

which there is no diversity of interest between a Hindu and Muhammadan, a Brahmin or a Sudra, a landholder or a fisherman. The scheme of local representation whereby the subdivision is divided into small areas for returning a single member is best calculated to promote the object of the representative system so far as the Local Boards are concerned. The artisans or the cultivators scattered over a big subdivisional area would not get any special benefit by being allotted a single member to represent them. Such a member could not benefit anybody except the locality in which he himself lives. A Hindu would prefer a local Muhammadan over a Hindu of a different pargana, the cultivators of one pargana would derive no benefit by having a cultivator elected, even if suitable candidates be forthcoming from a different pargana. A local man is always preferable, inasmuch as he will naturally try to secure the greatest benefits for the locality to which he himself belongs. More retrograde in character is the principle to insist that Hindus should elect none but Hindus, Muhammadans should elect none but Muhammadans, landowners should elect none but landowners, cultivators should elect none but cultivators, and traders should elect none but traders, or Brahmins should elect none but Brahmins. Such unnecessary limitation of the field of choice is not desirable. When an intelligent constituency, on whatever principle formed, has been constituted, it should be left free to make its own selection. The proposed scheme is unprecedented in character. It has not been adopted in any place where representative institutions have been worked with any degree of success. Certain property qualifications may be insisted on in the case of electors, but no corresponding limitation is necessary in the case of candidates and should not be insisted upon if representative system is to be given a fair trial in this country.

11. Even as regards Imperial matters that usually come before the Legislative Councils, there can be hardly anything that concerns religious beliefs or caste prejudices. In fact, too much importance is proposed to be attached to beliefs and traditions. There is more permanent opposition of interest between landlords and tenants, between capitalists and labourers, and if it be considered necessary to create special constituencies, these should be on the basis of occupational groups in which the community of interests is large and growing, and not on the basis of sects and castes, which are dwindling in importance and losing their characteristic features. The constitution of the local bodies, however, should not be interfered with, and if a different kind of representation be determined upon in the case of Legislative Councils, there should be local constituencies, district by district, in which the voters in each group of electors should directly elect a member for the Legislative Council.

12. The members of the Bar, however, cannot disregard the fact that the great bulk of educated Muhammadan opinion in India is in favour of separate representation. Their sentiments are very strong on this point, and it would perhaps be unwise to disregard them altogether. It is, however, well to remember that the political interests of all Muhammadans are not identical, and the educated Muhammadans themselves represent a narrow class among their community. It would be no gain to create a single constituency composed of Muhammadans of all grades; in fact, the scheme of disintegration shall have to be carried further and it would be necessary to create at least separate constituencies of Muhammadan landowners and Muhammadan traders. So far, however, as this province is concerned, there is no need for special representation of Muhammadans, who are in the majority in this province. It is the Hindus who will require special protection if such protection be at all necessary. It would be an anomaly indeed if Muhammadans were to have special representation while at the same time exercising the privilege conjointly with the Hindus. In that case there should be special seats for the Hindus as well. The best scheme would be to supplement the scheme of local representation by giving the power of election to occupational groups both among Hindus and Muhammadans separately. It is, however, necessary that in every province the franchise for the Hindus and Muhammadans should be alike. It is necessary to point out in this connection that the scheme of direct representation suggested for the Imperial Council violates this principle. Muhammadan landholders of moderate income will exercise the privilege of directly electing a member to the Imperial Council, while a Hindu possessing the same or superior qualification will find no such opportunity to exercise that right.

13. One or two seats should be allotted to each district according to the numbers of voters in each. Thinly populated districts may be combined for the purpose if necessary. Separate seats should be allotted to the important municipalities. In this province one representative may be allotted to the planters in the Surma Valley

one in the Brahmaputra Valley, and one to the planters in Jalpaiguri. One representative may be allotted to the jute industry. The Calcutta University should be allowed to nominate one member to the Council of Eastern Bengal and Assam.

14. The members of this Bar are of opinion that more extended power of interpellation should be given to the members, and the members should be allowed to follow up their questions by putting further questions on the same point as is the practice in the British Parliament.

15. In conclusion, the members of our Bar hope that the present opportunity will be availed of by making the system of election real and effective. The result of the election should be final, and no further sanction or approval of the executive Government should be considered necessary.

I have the honour to be,

SIR,

Your must obedient Servant,

HARENDRA CHANDRA SINHA,

Secretary to the District Bar Library, Sylhet.

(I)

STATEMENT SHOWING THE NUMBER AND CLASSES OF THE MUNICIPAL COMMISSIONERS OF BARISAL MUNICIPALITY.

—	Professions.	Barisal Municipality.									Remarks.
		1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	
1	Government servants	1 *7*	1 *7*	1 *7*	1 *7*	1 *7*	1 *7*	2 *13*	2 *13*	2 *13*	1 *7*	1 *7*	The figures in italics show the percentage.
2	Zamindars, etc., and subordinates	4 *27*	4 *27*	4 *27*	5 *33*	5 *33*	5 *33*	6 *40*	6 *40*	6 *40*	5 *33*	5 *33*	
3	Pleaders and mukhtears	9 *60*	9 *60*	9 *60*	8 *54*	8 *54*	8 *54*	6 *40*	6 *40*	6 *40*	8 *54*	8 *54*	
4	Planters	...	...	...	...	...	...	...	...	...	...	...	
5	Missionaries	...	...	..	...	...	...	...	...	...	...	...	
6	Government pensioners	...	...	...	...	...	...	...	...	...	...	...	
7	Others	1 *6*	1 *6*	1 *6*	1 *6*	1 *6*	1 *6*	1 *7*	1 *7*	1 *7*	1 *6*	1 *6*	Medical.
	Total	15	15	15	15	15	15	15	15	15	15	15	

R. B. HUGHES BULLER,
District Magistrate.

STATEMENT SHOWING THE RATIO PER CENT. OF THE PROFESSION REPRESENTED IN THE DISTRICT AND LOCAL BOARDS.

	Profession.	District Board.														Local Board, Sadar.														Local Board, Pirojpur.														Local Board, Patuakhali.														Local Board, Bhola.													
		1896-1897.	1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	1896-1897.	1897-1898.	1895-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	1896-1897.	1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	1896-1897.	1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	1896-1897.	1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.
1	Government servants	44	44	44	44	44	44	40	44	44	36	36	32	...	6	6	6	5·5	5·5	5·6	11	11	11	5·5	5·5	37	37	37	37	26·6	26·6	37·5	50	50	50	43·7	31·2	50	50	50	50	40	40	50	40	40	40	40	40	40	40	40	40	50	50	50	50	50	50	50	30
2	Zamindars, taluqdars, and their servants	16	16	16	16	20	20	24	24	24	16	16	32	55	55	55	55	44·4	44·4	44·3	33·4	33·4	33·4	61·2	61·2	50	50	50	50	46·6	46·6	37·5	43·8	43·8	43·8	43·7	37·6	20	20	20	20	30	30	20	30	30	30	30	40	20	20	20	10	...	...	...	10	10	10	10	10
3	Pleaders and mukhtears	24	24	24	24	28	28	32	28	28	28	28	20	27·8	33	33	33	38·9	38·9	38·9	50	50	50	27·8	27·8	13	13	13	13	20	20	25	6·2	6·2	6·2	6·2	6·2	20	20	30	30	30	30	30	30	30	30	30	20	50	30	30	30	30	30	30	30	30	30	30	30
4	Planters	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5	Missionary	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6·6	6·6	...	...	...	...	6·2	6·2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6	Government pensioners	...	...	...	...	...	...	...	4	4	4	4	4	5·5	...	..	...	5·5	5·5	5·6	5·6	5·6	5·6	5·5	5·5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7	Others	16	16	16	16	8	8	4	...	...	16	16	12	11·1	6	6	6	5·5	5·5	5·6	...	. .	...	...	...	...	...	..	...	...	...	...	...	...	...	...	18·8	10	10	...	...	...	...	...	...	...	...	...	10	10	10	10	20	20	20	20	10	10	10	10	30

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R. B. HUGHES-BULLER,

District Magistrate.

XXIII.

No. 1285 / I—15-2.

CENTRAL PROVINCES ADMINISTRATION.

Appointments Department.

FROM

F. S. A. SLOCOCK, ESQ., I. C. S.,

CHIEF SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

Nagpur, the 18th June 1908.

SIR,

I am directed to make the following reply to Sir Harold Stuart's letter No. 2317, dated the 24th August 1907.

2. The proposals of the Government of India were forwarded for opinion to Rao Bahadur R. N. Mudholkar, who was President of the last Central Provinces and Berar Provincial Conference, to the Presidents of the Malguzari Sabhas, Nagpur and Jubbulpore, and the Presidents of the Anjuman Islamia at each of those two places. They were also forwarded to all Commissioners of Divisions, who were asked to consult such officers, private persons or bodies as they might consider advisable.

3. The Chief Commissioner did not see his way to attempt to place before those consulted any scheme on behalf of the Administration whether for putting into effect the Government of India's proposals or for modifying them. As the Provinces have no Legislative Council and the idea of an Advisory Council was a complete novelty, he much preferred to await the result of the reference before committing himself, however tentatively, to any approval or disapproval of the scheme as expounded by the Government of India, or to any alternative paper constitution for the proposed Councils, or any alternative method for securing to the people at large, or particular classes of them, an increased representation or voice in the management of public affairs.

4. The replies to the reference, of which I am to forward copies, include an interesting memorandum from Rao Bahadur R. N. Mudholkar, letters from the two Anjuman Islamia of Nagpur and Jubbulpore, and from the Malguzari Sabha, Jubbulpore. The replies from the Commissioners of Divisions have embodied the more important suggestions made to them. To the letter from the Commissioner of the Nagpur Division is attached a letter from the Deputy Commissioner of Nagpur, summarising suggestions and remarks of Sir Bipin

Bose, the Hon'ble Mr. G. M. Chitnavis and Khan Bahadur Bezonji Dadabhoy, who is a leading representative of the commercial classes. The Chief Commissioner has decided to forward these replies because it seems desirable both that those consulted should feel that their views as expressed by themselves, have been considered, and that the Government should be in a position to judge of the weight attaching to the various opinions by reference to their full text.

5. On a consideration of these papers the Chief Commissioner feels that, while some of the criticism offered goes to the root of the subject, in a good many cases the suggestions made have really begged the larger questions at issue and have been confined to matters of detail almost trivial in their importance, on the supposition that the main lines of the scheme as sketched are settled facts, and that details alone were open to criticism and consideration. He has thought it best to submit his own opinion to the Government of India in the form of a Note which affords him somewhat greater latitude for expressing his personal views than the more conventional form of an official letter.

6. In forwarding a copy of this note for the consideration of the Government of India, I am to express regret that it was not found possible to reply sooner to your letter of August 1907.

I have the honour to be,

Sir,

Your most obedient Servant,

F. S. A. SLOCOCK,

Chief Secretary.

Note on the Government of India's proposals regarding Legislative and Advisory Councils.

I.—General Principles.

The statement of the case for an advance in the direction of satisfying the constitutional requirements of the Indian Empire contained in the first three paragraphs of Sir Harold Stuart's letter is one which must meet with general acceptance. It is recognized on all sides that the people of India should be given wider opportunities of expressing their views on administrative matters. It is also expedient that correct information on public affairs should be more widely diffused. So far all is concord. The Government recognize the essentia justice of the claim that is put forward by the articulate section of the people that they should be given a more effective voice in shaping public policy.

2. When it comes, however, to determining the precise step forward in the desired direction that should be taken, there has arisen a great diversity in opinion. But amongst those who have proceeded beyond the mere criticism of minor details in the scheme sketched by the Government of India there stands revealed a strong feeling against the inclusion of the Rulers of Native States in a general Imperial Council, a doubt whether the aristocracy represented by territorial magnates will command the confidence of the people, and a very strong feeling that the proposals are intended to check the predominance and the rising aspirations of the educated classes; while a strong preference has been expressed for the extension of elective principles. The doctrine of counterpoise, and the introduction of a machinery to secure class representation, are condemned, and the whole scheme of the Government of India is unjustly held up as a piece of political eye-wash, intended, while it proffers the substance, to give only the shadow, and designed to rally to the cause of autocratic government those aristocratic elements of society which may best assist in combating the democratic tendencies of the educated classes. These views are expressed in many different tones and with many variations according to the sobriety or intemperance of the writer, but whether they are clothed in a covering of respectful language, or are asseverated in all their bare nakedness, they are present.

3. Before the proposals and the opinions regarding them are examined in any detail, it seems worth while to probe below the surface with intent to see why current opinions have followed the line that they have taken. In countries where the people have gradually attained to a state of constitutional government by their own efforts, and by acquiring that sense of responsibility which is essential to all good government, the advance has been made by very slow and well-marked stages. These stages which may have taken centuries to develop, have always come from within, and by evolution. Each new stratum of society which has begun to take a part in the work of government has done so as a natural consequence of its increasing inherent fitness to essay the task. Revolutionary movements started in one country have been imitated by others, particularly in more modern times, but in the absence of inherent fitness in the people the movement has been still-born.

4. In the British Indian Empire of to-day the natural evolutionary process has been entirely upset by the introduction of an exotic government. The peoples of India had themselves not yet emerged from the early stage in which absolute despotism was only kept in check by the action of individuals, whether powerful nobles, or usurping favourites, or military commanders; they had not even reached the stage at which the nobles as a body combine to wring concessions from the authority of a too absolute monarchy. If in any part, or at any time, some advance was ever made towards the evolutionary process of government by the people, such embryo movements were always swept away and obliterated by the intervention of a more powerful potentate, so that no form of constitutional government was ever able to take root. What would

have happened amidst the conflict of States in India if the British Government had not intervened and no European Power had taken its place it is idle to speculate ; but at any rate the intervention of the British Government stayed all evolution that might have occurred on indigenous lines, and, introducing a new civilization of its own, started fresh processes at work which took their shape from British and not from indigenous inspiration. Education began to supplant birth as the basis of authority. The great landed nobility, their powers held in check by British law, instead of rising in the scale ahead of the middle class, lagged behind ; while the literate section of the middle classes, at first seizing upon education as a means of earning a livelihood for which they had formerly depended solely upon patronage, began to be infused with democratic ideas. The result has been that the Indian literate classes have jumped a whole grade in the process of evolution over the heads of the upper classes, who had not the incentive to seek education as a means of livelihood, and have only just begun, to a limited extent, to seek it for its own sake.

5. The problem with which the Government is now confronted is how to reconcile the growing claims of the educated minority with the backward condition of the upper classes in any scheme of enlarged consultation with the people that it desires to introduce. Can it now stay the purely educationary evolution which it has started by an attempt artificially to restore the aristocracy to the position in the scale which they should occupy, but which actually they do not fill? Can it hope to satisfy the claims of the educated section of the people for enlarged powers in affairs of administration by attempting to give more weight and power in the land to a class which have never put forward such a demand ? A common criticism of the Government of India's scheme that appears in the public press, and is also stated in the papers which accompany this Note, is that the Government, who have by a long course of legislation endeavoured to check the arbitrary exercise of power by the landlords, great and small, of the country, is now seeking to invest these same classes with an importance and an authority of which their own legislation has pronounced them to be unworthy. It is not easy for the Government to escape entirely from these questions and from this criticism in so far as the idea of the aristocracy as such being set to check the literate classes as such can be read into the intentions of the Government scheme. It does not, however, in Sir H. Stuart's letter confess to the accuracy of this statement of the case, for in the second paragraph of that letter the claim of the Rulers of Native States and of the territorial magnates to have the most important share in the new scheme is based specifically upon the statement that these classes have as a matter of fact begun to take advantage of education, and have fitted themselves to take a more active part in the conduct of public affairs. It is upon education that the whole case for extended Councils is based. Were it not so, the case for giving enlarged influence to the landed classes would be no stronger now than it was twenty years ago, indeed it would be weaker, since those classes have admittedly lost some of their former hereditary predominance.

6. The contention, so far as it is true, that the landed aristocracy have begun to acquire education, and thus to fit themselves for making their opinion valuable, must, as things are now, constitute their chief claim to representation. If in any Province or part of India the aristocratic class continue to be so backward that they do not command public confidence, or are incapable of giving an opinion of value outside their own purely local interests, the policy should be to encourage them to educate themselves, and not to confer upon them duties or dignities for which they are unfitted. All that should be done in the direction of securing representation is to provide for the representation of local areas, local bodies, or any other form of constituency, on which the members of these classes will, *if they are fit*, stand every chance of being selected, and not to force into the Councils men who are not fit simply in order to secure class representation. It is claimed by the critics of the Government of India's proposal that many great landholders have been among those elected to the Legislative Councils, and that nothing has occurred in the past to warrant the opinion that educated members of these classes will not be chosen by an educated electorate. In the Central Provinces we have had very little opportunity of testing this assertion, but the

only instance on record supports it. In the only instance in which the local bodies of the Province were given an opportunity of selecting a member for the Imperial Legislative Council, two Divisions put forward landholders, one a member of the commercial classes who was also a large holder of land, and only one a lawyer, and this was a Division in which there was absolutely no suitable candidate of the landholding classes proper. The large landowners still carry great weight and influence in their local areas, and those of them who add a fair education to their qualifications should certainly be able to hold their own with the professional classes.

7. I must confess that I fail to see any danger in creating constituencies partly on the basis of territorial distinctions, and such elective powers as are given should be free and unhampered by class restrictions. In all constituencies in which the electorate are composed of Local Board members the landed interests are certain to be strongly represented, and even in Municipal constituencies, wherever landed proprietors are prominent members of Municipal bodies, they will stand a good chance of election. Where local non-political bodies or influential associations exist they may be given representation on Councils, but I do not think it advisable to create constituencies made of artificial electorates with no common tie but that of creed or occupation, corresponding to no local area and belonging to no organized association already in existence. It would in my judgment be better to leave such elective powers as may be thought suitable, to be exercised according to the inclination of the elective bodies, *e.g.*, Local Boards, Municipalities, Associations, etc., and not to anticipate that lawyers and schoolmasters will oust the landholding classes, or that constituencies which are mainly Hindu will not return Muhammadans. If any classes are found not to be adequately represented among the elected members, the deficiency can be made good by nomination. Whatever kind of Council is decided upon, at least half, and probably more than half, the seats should be filled up by nomination. This expedient is absolutely necessary in India for various reasons, first because important minorities should be represented if election should fail to include representatives of these minorities; secondly, because there are, and will for long continue to be, many excellent men among the community who would shrink from the worry and trouble of canvassing, and from the disgrace of possible defeat ; and, thirdly, because the number of likely and fit representatives are often concentrated in local areas which would not be entitled under any elective system to return more than one or two out of a large number of qualified men. In every Council, then, there should be certain *ex-officio* members, and the balance should be made up of nominated and elected members in such proportion as is necessary to secure the authority of the Government.

8. On the general question, then, the recommendations I would make are :—

(i) To allow the educated classes their full share of representation, and not to limit the choice of such electorates by restrictions of class, creed, or profession.

(ii) Not to create electorates *ad hoc*, but to recognize influential bodies or associations which have been formed for non-political purposes and are sufficiently important to warrant recognition.

(iii) To make up deficiencies in class representations by nomination with reference to the actual results of election and not in anticipation of them.

9. Under these recommendations, if there exist important representative associations of landholders, or Muhammadans, or of commerce, they would be able to return members. If there were none such, it would be an indication that these classes were not sufficiently advanced or sufficiently important to take concerted action in their own interest ; and the classes concerned would then, if not adequately represented among the elected members of local bodies, be given representation by the selection and nomination by Government of individuals who were fitted to serve on a Council, if any such were available.

10. I pass next to consider the detailed proposals of the Government of India, and would only add here that all persons, elected or nominated to a Council, should be sworn in before taking their seats, and should take an oath of allegiance in whatsoever form might seem appropriate, to His Majesty the King-Emperor, and of obedience to His Majesty's Indian Government as established by law in British India.

II. The general proposals of the Government of India for Advisory Councils in India.

(*a*).—*Imperial Advisory Council.*

11. It is not without some hesitation that I approach the general proposals for India, when my own experience is limited to the Central Provinces; but besides the criticisms received locally, I have had an opportunity of seeing the representation of the Bombay Presidency Association, as well as various comments and representations which have appeared from time to time in the Public Press. The memorandum submitted by the Bombay Presidency Association, and the note by Rao Bahadur R. N. Mudholkar, which purports to represent the views of the leading members of the Central Provinces Provincial Conferences, afford, I consider, a very fair and temperately worded criticism of the proposals as they strike the advanced but sober section of the educated classes.

12. The first point taken is that an Imperial Council to consist partly of Ruling Chiefs and partly of territorial magnates is an unequal combination and will not truly represent the interests of British India. I feel myself that there is much weight in this contention. There is absolutely no reason why the Viceroy should not summon for consultation those among the enlightened rulers of Native States whose advice he desires; but the advice tendered should relate, not to questions of domestic policy affecting British India, but to large questions of imperial policy affecting the Empire at large, or to questions touching the interests of particular Rulers, or Rulers as a class. At any rate the sitting together in a single Council of the great Feudatories with landholders who are merely subjects would not in my opinion be conducive of good. There could be no logic or sense in allowing those of the Council who are Ruling Chiefs to give their opinion about domestic affairs in British India, while refusing to allow the rest of the Council to advise upon matters relating to the Feudatories. There should be reciprocity in this matter if a single Imperial Council is thus composed. But who can doubt that the Rulers of the Native States would resent the intrusion of the rest of the Council in affairs affecting the States? Let there be an Imperial Council by all means, but let it be a Council of Chiefs and confined to Chiefs.

13. For the rest, I find it difficult to see exactly what functions would be discharged by the Imperial Advisory Council as sketched in the Government of India's letter. What purpose would it serve which could not equally be served by a Legislative Council enlarged and remodelled? If the object desired is to consult the better mind of India, then the measures to be taken are to see that the better mind is represented in the Legislative Council. What is the good of enlarging and remodelling the Legislative Councils, if in the end the enlarged and remodelled Councils do not contain the better mind of India? Surely in the Council that is to assist in making the laws of India the better mind of India should be an essential component? If the better mind of India is capable of being represented at all, it is as capable of being represented in a Legislative Council as in an Advisory Council. It is not possible to judge from the correspondence exactly what use would be made of the proposed Imperial Council, what questions would be referred to it as a whole or to its members singly. But it would have no powers of initiative, no power to pass resolutions, its opinions could be published or not published, its proceedings would be confidential and its advice could be taken or ignored. It would have no power and consequently could feel no responsibility; it meets no demand that has been made by the classes who would have seats upon it, while it does not satisfy the claims, just or unjust, of the educated classes who at present make their voices heard. Moreover, matters submitted for the decision of the Government of India, when they relate to questions of policy, will always have been examined by the Local Governments, aided as they are or will be by their own Legislative or Advisory Councils; they can be submitted if necessary by the Government of India to the Imperial Legislative Council, and it does not appear to be clear what remaining opinions of value the Government of India will expect to find from their Imperial Advisory Council to enable them to decide to support or override to opinions they have obtained from all these other sources open to them.

14. It seems to my judgment to be far better that Government should ask the desired advisory help from an enlarged Legislative Council than that it should create for this purpose a new and anomalous body which has no connection with, and is in no sense an offshoot of, existing institutions. If the infrequency of meetings, and defects in the system of interpellations, or in the form of discussion of the Budget have caused the present Legislative Councils to fall short of the objects which they were intended to serve, there would seem to be no guarantee that the proposed Imperial Council will fulfil these objects any better. Are their members likely to explain to the people the objects and motives of Government any more effectively than the additional members of Councils now do? The dissemination among the masses of the people of the true scope and objects of Government measures is not to be sought from Imperial conclaves. The forty odd members of the Imperial Council would be lost over the length and breadth of the Indian continent. The correction of misstatements and the removal of erroneous impressions, if they are to reach the masses of the people, must reach them through those who can make their voices heard at street corners and market places, the very same places where lies and calumnies are now disseminated by ignorant fanatics or by evil mischief-mongers. If lies and slanders of this kind are to be counteracted, it will be by the humbler agency of District and Local Board members, by the influence of trusted district officers and loyal Indian officials, and, last but not least, by the innate worth of the measures themselves.

15. If the Government are so minded, let them confer the title of Imperial Councillor upon prominent men in the Imperial and Provincial Legislative Councils who have shown themselves men of ability, loyalty and unswerving rectitude and public spirit. The title would be an honorific one retained for life, but the men who attained the honour would be available to be called together in an emergency. Such a title should not be bestowed as a mere mark of social distinction, but as an acknowledgment of true and faithful service to the country rendered by the individual as a member of Council or in the service of the State. In this way there would be a body of men in the country of tried worth and experience; not a body to be called together for desultory consultation, or representing only a single class or interest in the State, but capable of being summoned if required, and representing all Provinces, creeds and interests.

(*b*) *Provincial Advisory Councils.*

16. In Provinces where a Legislative Council already exists it seems to me that the arguments against creating a second and differently constituted Council apply with equal force. If it is expedient that the Provincial Government should have a Council to consult at other times than at Budget discussions or when legislation is on the anvil, it is better to enlarge or remodel the Legislative Council than to frame a new one without any powers or authority. If infrequency of meetings has marred the usefulness of the Legislative Council, this can surely be better remedied by extending to it advisory functions and bringing it together more often, than by constituting a new body which may never meet as a body at all. If the existing Legislative Council is not fully representative of all the interests that it should represent, it should be widened to include those interests. In Provinces where there is no Legislative Council, the case for an Advisory Council stands on quite a different footing, and I shall discuss this presently when I come to discuss the way in which the Central Provinces are affected by the Government of India's scheme.

III.—Legislative Councils.

17. I now turn to the constitution of Legislative Councils, and this part of the subject I shall pass over more quickly, as in this Province our experience of Legislative Councils is confined to what we read in Gazettes and newspapers of the proceedings of such bodies in other parts of India.

18. In the first place the proposal to withdraw twenty officials from their duties to serve on the Imperial Council must be viewed with much concern by the various Local Governments. The withdrawal of senior officers cannot but be embarrassing. Retirements after twenty-five years' service have become more common of recent years, and officers of seniority are frequently compelled to take long leave on the ground of ill-health. If to these vacancies in the senior ranks be added vacancies caused by the appointment of senior officers to serve on Councils, there will certainly be serious difficulty experinced in filling the higher appointments.

19. The selection of a Ruling Chief is thought inexpedient by some but there is obviously not the same objection to a single Ruling Chief finding a place on the Council of the Governor-General as there is to a Council of Chiefs giving advice on the domestic policy of British India.

20. Under elected members, head D (*a*), it seems probable that other Chambers of Commerce may put forward a claim to a representative, and possibly this might be secured by rotation. Under D (*b*) I would add a member for the Central Provinces and Berar, regarding whose election I will refer later on in this Note.

21. Under D (*c*) there arises a crux as to the method of election. A scattered electorate is difficult to devise, and it is on all sides urged that a revenue test is a bad one. The electorate in the Central Provinces on the basis of qualification by the payment of, or assessment to, a revenue of Rs. 5,000 and over would consist of about 150 persons. This electorate would in these Provinces include many money-lenders and persons of non-agricultural origin who had amassed landed property in scattered villages or scattered properties by means of money-lending, and would exclude many ancient families. It would include numbers of backward proprietors unfit to manage their own estates, and exclude some promising men of smaller means but greater intelligence. If a method of election is to be followed in respect of these classes, it is suggested that the various District Darbaris should constitute the electorate. The admission to a seat in Darbar is prized, and the privilege is conferred in consideration of birth and status combined, and in my opinion there could be no better means of welding the old with the new than of making the Darbar lists the foundation of selection, election or nomination, as the case might be, for the land-holding class. It is true that persons of other classes find a place on the Darbar lists. But it would be possible to insist upon the holding of land as a qualification for election by these bodies, or on the other hand if they felt that none of this class proper was so fit to exert himself for their interests as some one else of another class, this limitation might be waived. In several cases, for instance, sons of old landed proprietors have adopted the law as a profession, while on the other hand not a few lawyers have invested in landed property, not as an incident of money-lending merely, but as a means of dignity and profit. Such men have also acquired a stake in the country, and need not necessarily be excluded merely because they have adopted the law as a profession. On the whole, however, I am of opinion that, as a beginning at all events, it would be preferable for the representative to be nominated by the Head of the Administration out of candidates selected from the various District or Divisional Darbaris.

22. Under D (*d*) I would not create any electorate, a matter of much difficulty over a Province at large. The chief representative associations of Muhammadans might be invited to select candidates for the Council, out of which the Viceroy would nominate on the advice of the Local Governments concerned.

23. Under E the number of nominations must depend upon the decision in regard to the number of officials nominated under B. The inconvenience of taking away from their duties so many as twenty officers of Government has already been pointed out. There are three alternatives :—

(i) To reduce the non-official representation so as to preserve the official majority without withdrawing officers from their duties to any inconvenient extent.

(ii) To reduce the number of official members, give up the idea of a permanent Government majority, and trust to the good sense of the new non-official council to accord to the Government all the reasonable support that it requires.

(iii) To maintain the supremacy of Government in the enlarged council by introducing into its constitution a device by which something more than a simple numerical majority will be required to defeat the Government, or render it impotent to carry out measures which it considers to be of vital importance.

Of these alternatives the first may be dismissed at once. It defeats the object with which the original proposals were framed; namely, to give extended representation to Indians in the Indian Councils.

24. The second and third alternatives may fitly be considered together. Is it necessary, or is it not, to ensure the supremacy of the Government ? There are some who contend that if the Councils have been filled by representative men of the right kind it may be safely assumed that they will support the Government in all emergencies and upon all matters of vital importance ; and that if they are unanimously against the Government on any measure, that measure has most probably very little to be said in its favour, and should certainly be dropped. I am not of this opinion Though I feel no doubt that there will be matters upon which the Government should be guided by, and should yield to, a solid non-official vote, I am equally convinced that there are also many matters in which the surrender of the power of Government even to a solid non-official majority would be unsafe. Though, as my proposals will show, I would concede to the non-officials on the Council extended opportunities for discussion, increased facility for ascertaining from the Government the grounds of its actions, and even a limited power of moving resolutions, I do not propose to hand over to the Council with a non-official majority the control over the Government or the power to dictate its policy. It may be that the time will come when the control of the Government can be limited to the power of veto of the Viceroy so rarely exercised that its existence may be almost forgotten, but that time has not yet come, and there are no signs that it is at hand. In fact the indications of recent years point more to the likelihood of the formation of a non-official opposition than to a greater desire to comprehend and support the Government. The new councils will be to a large extent on probation; it is impossible to assert with assurance to which side they will incline. But as long as the British Government undertakes to rule the Indian continent it cannot risk being in a permanent minority on its own councils. I turn then to the third alternative, the constitutional device by which something more than a bare numerical majority will be required to defeat the Government. In the constitution of the United States it is provided that the veto of the President can be overborne only by a majority of two-thirds of both Houses; and this precedent suggests a possible method for adoption in the case of the proposed councils. It might be provided that a measure or motion opposed by the Government should not be carried except by a majority of two-thirds of the Council. This is in itself a reasonable enough suggestion, but in effect it will only confer on the Government a power of veto upon proposed legislation or other measures of which it strongly disapproves. It will not enable it to carry through any positive legislation, and it might therefore paralyse its authority and result in a deadlock. Though the non-official majority would be unable to compel Government to adopt a measure against its will, the Government would similarly be unable to carry through a measure which it considered of great importance. It is evident therefore that this suggestion will not meet the case. I have therefore been compelled to fall back upon another (suggested to me by the Commissioner of Jubbulpore), that each official vote should carry a double value, and this is the device that I recommend for adoption. I am well aware that this device will evoke much adverse criticism. It is invidious, it is opposed to liberal principles, it is derogatory to the non-official members. All these are phrases which are concessions to sentiment, the sentiment of those who shut their eyes to the meaning of British rule in India. It is idle to seek for precedents in the constitutions of self-governing countries. India is not a self-governing

country, India is governed by the British, and the British must have the supremacy in the Councils. It is for the Indian members to advise, to persuade. to discuss, to point out difficulties and objections, but the decision must rest with the Government. Once this is insisted upon, surely the Indians themselves will prefer a numerical majority and an extended representation to a numerical inferiority and contracted representation. It may be that the Government of India can provide as many as twenty official members without detriment to the general administration. But it would be poor statesmanship not to look ahead. Perhaps twenty or thirty years hence, when the landed classes have absorbed education, when industries have developed, when the students of our universities have increased to tenfold their present numbers, there will be a demand for further and more extensive representation; and it may be as necessary then, possibly even more necessary, to maintain the supremacy of the Government in its councils. The twenty official members now required may have increased to forty, and from whence will these be drawn? It will then be far more difficult to introduce into the constitution such a device as I now recommend. If, on the other hand, this provision for maintaining the supeme authority of the Government has been proved by actual experience to be unnecessary, what could be easier than to drop it? Nor can it be said that there is anything grotesque in assigning a greater value to the opinion of tried administrators of long service and proved ability, trained in the principles and practice of Government. If the Indian representatives are as a body equally fit, equally experienced, equally resourceful, then the case for the continuance of the British Government disappears. And surely, again, it is more dignified to confine the official membership of the Council to officers of long service and tried capacity rather than to pack it with a number of officials who must be markedly junior in status and service to the officers selected to be the Executive Councillors of the Indian Government, and whose dependence for their future promotion will always be thrown in their teeth as the true cause for the votes they will record. The official additional members of council should be men of a status as near as possible to that of their official colleagues of the Executive Council, and they must necessarily be few in number. To give them even a double vote is more in consonance with the dignity of the Council and the influence which rightly belongs to its members, than to fill up the ranks of the Government members with men of inferior experience. shorter service, and untried capacity. It is for these reasons that I strongly oppose the filling up of the Councils with a large number of Government officers, and that I recommend that the supremacy of the Government in its councils should be secured by conferring a double value to each official vote. While, however, I think that this device is essential to the scheme of enlarged councils, I would include with it a recommendation that the Viceroy should be given the power to suspend, whenever he thought fit, the double vote rule. In this device conjoined with the power to suspend the rule I discern a method of giving administrative responsibility to the non-officials on the Council which can be secured in no other way. There may often be occasions on which the Government will feel that the non-official and particularly the Indian vote is of special value, and in all such cases the suspension of the rule will place the decision of a measure within the power of the non-official members. Again, if experience shows that the non-official representatives are not determining their attitude towards Government measures on the lines of an opposition pledged to oppose every proposal made by the Government, the exercise of this power to suspend the double vote rule would become of more frequent occurrence, until the rule itself fell into desuetude. I can think of no better method by which the constitution could be almost automatically adjusted so as to give increasing responsibility and power to the Indian representatives on the Council according as they displayed in an increasing degree qualities of reasonableness, sobriety of character and judgment, and statesmanlike breadth of view. The relaxation of official control would be in their own hands; and the conferral of greater powers and responsibilities could be achieved without any resort to Act of Parliament, without any protracted discussion over the length and breadth of the country, without any dangerous innovation in the constitution of the Empire, but slowly and by degrees and in gradual response to the increased fitness of the country's own representatives to bear the burden of Government; so that if the day came in which India had qualified herself to

become a self-governing member of the British Empire, she would glide into that position almost imperceptibly; new birth without the pains of labour.

25. The following would then be the constitution of the new Council according as the official supremacy was ensured by numerical superiority or by giving two values to each official vote:—

	Under numerical superiority scheme.	Under double-vote scheme.
A.—*Ex-officio*	8	8
B.—Additional officials	20	8
C.—A Ruling Chief	1	1
D.—(1) Elected by—		
(*a*) Chambers of Commerce ...	3	3
(*b*) Non-official members of Councils, including electors from the Central Provinces and Berar	8	8
(2) Nominated from selections made by—		
(*a*) Nobles and great land-holders...	7	7
(*b*) Muhammadan Associations ...	2	2
E.—Nominated from selections made by Local Governments or recognized associations	3	6
F.—Experts	2	2
Total ...	54	45

Under the first of these proposals there would be 28 official to 26 non-official members; under the second scheme there would be 16 to 29, the majority on a division being 32 to 29, or if one official member were absent 30 to 29. There is, however, no real risk in these narrow majorities, for the circumstances must be very rare in which the Government would be opposed in any vital matter both by all three members representing Chambers of Commerce as well as by the experts. However novel, however invidious may appear the second method of the double vote, it contains in it, I earnestly represent, the germs of the solution of a problem which is probably the most difficult one that the Empire has had and will have to face.

26. I do not think it necessary to attempt any suggestions regarding Provincial Legislative Councils, but *mutatis mutandis* I think that the considerations which have been urged above apply with equal force to them also.

IV.—The proposals as they relate to the Central Provinces and Berar.

27. I now turn to the consideration of the proposals as affecting the Central Provinces and Berar. Advanced opinion in the Central Provinces has for some time advocated the elevation of the Central Provinces and Berar into a Lieutenant-Governorship, with the concomitant dignities of a Provincial Legislative Council and a Chief Court. How far the advocates of these measures desire the first step merely as a means to which the two latter steps are an end I am not prepared to say. There has undoubtedly begun to spring up among the people a sort of Provincial patriotism and a desire to claim importance for the Local Government under which they live. But I should say that the two latter steps are the matters on which they would lay most stress, the first because it would open a field of activity to the non-officials interested in public affairs, and the second because the lawyers would very naturally and reasonably desire to see a possible dignity oponed to them in the shape of elevation to the Bench of a Chief Court. Bearing in mind the fact that the Provinces are still much poorer than their neighbours, and that even if their revenues increase there are many more urgent and important matters of public advantage to which funds could be devoted, I am of opinion that the time is yet distant at which the elevation of the Administration into a Local Government, with the attendant increased expenditure involved, can be regarded as a matter of pressing importance. Similarly, the creation of a Chief Court is not an urgent

reform. A Second Additional Judicial Commissioner has only just been sanctioned, and until the increase of work has proved as least five judges to be necessary, the constitution of a Chief Court may be put out of consideration. Nor, as far as I can see, need there be any connection between the elevation of the Administration to the rank of a Local Government and the creation of a Chief Court. It cannot matter to the Chief Court whether the local head of the Executive Government is called a Chief Commissioner or a Lieutenant-Governor. Again, there is no absolute bar to legislation enabling an Administration to be assisted by a Legislative Council, if the latter were considered to be expedient. But for the present I think that none of these three requests of the Provincial Conferences require to be granted. Let the resources of the Provinces increase yet more; let its educational institutions grow in importance until it can support its own university; let its industrial and commercial progress continue for a little until it can afford its own Chief Courts, and point to its own Chamber of Commerce; let railways, irrigation, the improvement of its agriculture and the exploitation of its mineral resources raise its gross revenue to at least 3½ crores of rupees per annum, and then all these things may be added to it. At present they would be costly luxuries.

28. But while I think that the Province can progress with tolerable satisfaction until it qualifies for the dignity of elevation, I fully realize that the Head of the Administration will need, and the people of the Province may claim to give, the assistant and support of public expression of views on public affairs in a manner which, if not so complete or defined as in the larger and more important Provinces, will approach as nearly to that standard as the lower status of the Province may justify. While therefore I regard a Provincial Advisory Council as an unnecessary duplication, and something of an anachronism in the case of the senior Provinces which enjoy the advantages of Legislative Councils of their own, I regard it in the Central Provinces as a possible valuable aid to the Administration, and a most convenient and important stepping stone to the ultimate elevation of the Province and its provision with the ampler dignities that attach to a Local Government. Such a Council, though not established under the statutes which govern Legislative Councils, should in my opinion conform as nearly as possible to the legislative model, so that when in due course the time came for a change the transition would be a simple one.

29. In conformity with the general principles which I have endeavoured to formulate in this Note, I would not attempt to form artificial electorates, but would make full use of the local bodies now in existence. It would be in my opinion unwise to start on any other basis. local self-government may not have been the success that was expected when it was instituted; but the success of a new institution of this kind can never be judged on the experience of a single generation. The space of twenty-five years is a mere nothing compared with centuries of despotic rule, and though even under the most despotic rule local affairs were left to the people to manage (not from any special design, but simply because they did not interest the powers above), the training thus afforded never extended beyond village affairs, the village well or tank, or whatever represents in India the equivalent of the parish pump. There was no training outside the village unit, and even where there were hereditary pargana officers, these were concerned with revenue and police administration rather than local self-government. The attempt at administration through Boards and Municipalities has had but a limited time in which to show its possibilities. That it has not succeeded better has not been entirely and in every case due to the failure of the people concerned; want of funds to supply an efficient executive staff has been an important factor in this comparative want of success. Even so, the system has brought to the front a few individual members who have shown capacity and public spirit. This is all that can be expected in a single generation. As the work to be done increases in interest in response to enlarged resources and a better paid and bette qualified executive staff, the number of men who will evince more energy and interest in public affairs is bound to increase also. It would therefore be a great mistake in building the superstructure to abandon the foundation already laid. It is on the foundation of local self-government that the superstructure of an

Advisory Council should be raised; but just as in the local bodies themselves nomination must be combined with election if some of the best men are not to be excluded, so in the case of an Advisory Council it would not be well to depend for support only on elective pillars. Having obtained by election representatives of Local Boards and large Municipalities as well as of recognized associations, such as Anjumans and Sabhas, if any should be found to merit the distinction, it would be necessary for the Administration to decide, what important interests were left without representation among the elected members and to make good the deficiencies by nomination.

30. If these proposals meet with the approval of the Government of India, the constitution of the Advisory Council would be worked out in detail, but it might be approximately as follows:—

(i) By election.

The District Councils or Boards of each Division should elect one representative each, Berar being given two.	6
Towns over 50,000 should elect one representative each . .	2
Total elected members .	8

(ii) By nomination.

To represent the commercial classes including interests such as the mills, mining industry, and general trade and banking.	2
To represent classes not adequately represented by two elected members.	4
Total nominated members .	6

(iii) Ex-officio members.

Chief Commissioners	1
Financial Commissioner	1
Two Commissioners of Divisions	2
Two Secretaries	2
Director of Public Instruction	1
Government Advocate	1
Two Heads of Departments to be selected from time to time .	2
One member of the Provincial service	1
Total .	11

The total Council would thus consist of 25 members, including the Chief Commissioner. As the functions of the Council would be advisory only, there would be no instant need for a procedure to secure an official majority, but inasmuch as some day or other it would most probably be converted into a Legislative Council, and as there would be many occasions on which matters could usefully be put to the vote it would be as well to lay down at the outset that each official vote should count as two on a division. The Council would consider the Budget, be given the right of interpellation, be permitted to examine all projected legislation relating to the Central Provinces and Berar, and be consulted both as a body and by means of special committees on any questions of importance upon which the Administration might desire their advice.

31. But there is one very important matter to be considered, *i.e.*, whether a limited power of calling attention to specific evils and of moving a resolution thereon, or of proposing amendments to Government proposals should not be conceded. I am of opinion that if sufficient notice was given, and permission was required which could be refused if considered proper by the Head of the Administration, no harm could result from occasional discussions of this kind enabling the Government to explain its policy. I am aware of course that this concession cannot very well be made to an Advisory Council in the Central Provinces if it is denied to Councils in other parts of India; but I am of opinion that such a power under due restrictions would be of great advantage. It would considerably relieve the pressure of Budget debates by spreading over other seasons of the year discussions on current questions of interest; and it would be regarded

as a real concession by the classes interested in public affairs, who complain that they are allowed no initiative of any kind in the Council's proceedings. Such resolutions would not of course bind the Government to action any more than resolutions in the House of Commons bind the Government of the day to give immediate effect to them. But the privilege would be appreciated and I should be prepared to try the experiment in the Central Provinces.

32. The Council might meet three times a year, preferably in February or March in connection with the Budget, and in July and November, special meetings being called if legislative proposals affecting the Provinces were under consideration, or for other reasons. The Council would have no legislative powers, but could consider and make proposals to amend proposed legislation which the Administration was submitting to the Government of India, and the fact that these Bills had been considered by the Advisory Council would tend to reduce the labour required on them when they come before the Government of India.

33. I now turn to the representation of the Central Provinces in the Imperial Legislative Council which was referred to in paragraph 20. Having no legislative powers of its own, the Central Provinces and Berar should have two representatives on the Imperial Legislative Council, one elected by the elected members of the Advisory Council, and one nominated by the Chief Commissioner on behalf of the landed interests of the Province, if the elected member did not represent them. The member elected need not be an elected member of the Advisory Council himself. There is a very strong body of opinion in the Provinces that they should enjoy the right to elect one member to the Imperial Council, and since the amalgamation of Berar, the combined Provinces represent a proportional interest with reference to the whole of British India which cannot be exactly measured by the population test alone. Although they do not equal in importance the larger Provinces returning two members, yet the fact that they have no Legislative Council of their own should turn the scale in favour of a second a representative. I earnestly trust that this proposal will be favourably considered by the Government of India.

34. There remains the question of the legislation required if these proposals for an Advisory Council for the Central Provinces and Berar meet with approval. If there is any necessity for legislation at all it should be confined to legislation empowering the Governor-General in Council to make regulations for the establishment of such a Council and its constitution, and empowering the Administration to make rules and regulations, subject to the approval of the Governor-General in Council, for the conduct of its business. But I see no great harm in allowing the Council and its functions to be decided by executive instructions. As the Council would have no legislative powers and would merely be a consultative assembly, its proceedings could not come into conflict with any existing law, and the matter being such a novel one it would be best to proceed on flexible lines. If in course of years the province were to be given a Legislative Council of its own, the need for special legislation would disappear.

V.—Summary and General Remarks.

35. To sum up the recommendations contained in this note, I have urged :—

(i) That if Ruling Chiefs are summoned into an Imperial Council, it should be a Council of Chiefs only.

(ii) That an Imperial Advisory Council is not required, but that the title of Imperial Councillor might be conferred for life in recognition of very special merit or for meritorious public work whether rendered by an official in the public service or by a non-official on Imperial or Provincial Councils. The men so distinguished would have no corporate existence as a body, but could be summoned together in an emergency.

(iii) That no Provincial Advisory Councils are required in Provinces which have a Legislative Council, but that in the Central Provinces and Berar such a Council should be formed, being modelled on the same plan as Legislative Councils elsewhere but possessing only advisory powers.

(iv) That the supremacy of the Government must be secured either by the nomination of sufficient officials, or, preferably, by giving double value to an official vote for the purpose of a division, so as to avoid the administrative inconvenience of removing too many officers from their duties without at the same time curtailing the numerical strength of the non-official representation.

(v) That the structure of the Council should be built upon the foundations of local self-government already laid, and that the representation of special interests should be attained either through the selection of nominees of important representative associations or through Darbaris, or by direct nomination.

(vi) That the prescription of artificial class electorates created *ad hoc* would not only be beset with much difficulty in execution but would be inexpedient ;

(vii) That election within the limits conceded should be unhampered by restrictions, and should be allowed to be exercised freely by those educationally fitted ;

(viii) That nomination should be used to make good deficient representation as the result of the elections and not in anticipation of the probable class of representatives returned ;

(ix) That members of Council should be allowed, with previous permission in each case, to move resolutions on important subjects ;

(x) That all members of Council should be sworn in, by taking an oath of allegiance to the King-Emperor, and of obedience to His Majesty's Government in India as constituted by law ;

(xi) That the Central Provinces and Berar should be allowed two members on the Imperial Legislative Council—one elected and one nominated ;

(xii) That the Advisory Council for the Central Provinces and Berar should be constituted, and its business regulated, by executive instructions and rules.

36. I am aware that these proposals are open to two kinds of criticism. The first is that they are not a fair modification of the Government of India's scheme, but merely set up a totally different alternative, and are out of order on the present reference. To this I would reply that though they differ materially in method they arrive at the same conclusion and are designed to secure the same objects and to recognize the same principles that are laid down in the first three paragraphs of the Governmet of India's letter. There can be no doubt that the proposals of the Government have been subjected to much destructive criticism in the public press, and that owing to the form in which they have been explained they have aroused the suspicion that they are intended to cover, or will have the effect of covering, under the guise of concessions, an extension of the policy of divide and rule. That this imputation is unjust, and that the eminent authorities who launched the scheme are incapable of such sinister and disingenuous designs, does not carry the weight it deserves with many critics. What is required, then, is not a mere statement of objections to the Government of India's proposals, or a mere dissection of the *pros* and *cons*, but a substantive constructive scheme, if one be possible, which while meeting most of the critical objections, will yet serve to secure the ends that the Government of India have in view. In the scheme put forward in this Note I have endeavoured, though doubtless very imperfectly, to comply with those requirements.

It will be urged, however, against these proposals that they put in far too prominent a position the interests of those limited classes who make their voices heard, and accord far too little weight to the interests of those millions who are voiceless. It will be contended that the proposals of the Government of India were designed not only to give these unrepresented classes a chance of placing their views and their grievances before the Government, but also to give the Government the benefit and advantage of their advice; that it is most essential that these people should feel that the Government have their interests at heart and that they have their chance of expressing an opinion upon the measures or policy which affect their well-being; and that the Government should know how their measures will effect the people before they are introduced. The desirability of these aims is beyond question. It is the best means of attaining them that causes so much controversy. The opinions of the unlettered classes who make up the great majority of our subjects can only be ascertained in two ways, through educated representatives in the Council Chamber and by direct consultation in the district officer's camp. In the scheme which I have put forward one-third of the total members will be nominated, and one-fourth elected; and if the elected members do not represent the various interests concerned then it will surely be possible to remedy the deficiencies by nomination. If a Council so constituted cannot be made to represent the required interests, it will be because it is not possible to represent them in any Imperial conclave. If the masses are to be consulted, the scene of consultation must be shifted to the district, where the preliminary spade work of ascertaining the views and feelings of the people has always to be carried out. A large measure viewed as a whole is always beyond the comprehension of the man in the country, but he is able to discuss particular provisions of a new law which most affect his interests, and often to give a shrewd opinion upon their bearing on his daily life. Persons of the required class will be found among the members of the Local Boards, but they are altogether out of place in Imperial or even Provincial Councils. No matter how these Councils are constituted, this consultation with the people, whether formally through Local Boards or informally in the village and the camp, must be an essential feature of our system of Government if we are to appreciate fully the effect of our measures or our policy upon the people at large. If we are extending our Councils, it is to satisfy the aspirations of the people we have educated, and not with the object of increasing our touch with the uneducated masses. Or if this be the object it will fail in its purpose.

37. The second class of criticism would be that the powers which it is suggested should be exercised by the Councils, and the numerical ascendency in the Councils that it is proposed to give the non-official element, might in the present circumstances of India be a danger to the supremacy of the Government, a supremacy which must on all grounds be maintained. To this I would reply that if the educated representatives of the people are so untrustworthy and irresponsible that they cannot be allowed full powers of discussion both in respect of choice of subject and in respect of opportunity for discussion, there is no case at all for enlargement of Councils or for increased representation. It must be remembered that the Government, even if it be absolute, autocratic or bureaucratic as the public press like to term it, has during the past 50 years endeavoured to create round itself a constitutional environment, framed not on Eastern but on Western lines. The progress obtained during that period has again been progress on Western lines. Any step forward must similarly be on Western lines in order to satisfy public opinion, which itself has been formed not from Eastern but from Western sources of inspiration. A step forward which can be described as a reversion to Oriental methods will be apt to be regarded as a step backward by the very class who are calling for progress. If any landholders have been found to clamour for more representation, it has not been because they were landholders, but because they have imbibed Western education. If any Muhammedans have pressed for adequate representation, it is not because they were Muhammedans but because they were educated Muhammadans. The orators who make eloquent speeches at Congress meetings, or the writers who pen violent articles in the newspapers, are not restrained by any of that feeling of responsibility that must serve to restrain a member of Council; they are not face to face with the high officers of the State in the unemotional atmosphere

of a Council Chamber. Let the most capable men among them find an increased opportunity of making their opinions heard, and their opinions will assume a more sober tinge. Ganted that there may be some who will play to the gallery, their play will not be so unlicensed as it would be outside. Perhaps it is only those who have been behind the scenes in the existing Councils and who have seen the men themselves, and their work, and not only the printed record of their eloquence, who can speak with confidence on such a subject; but for my own part, I do not believe that the class of men who are likely to be returned to the Councils under the kind of proposals which I have ventured to sketch would be likely there to comport themselves in a manner dangerous to the interests of the State. While therefore it must be recognized that the Government must be supreme in its own Council Chamber, that the interests of the millions entrusted to our charge require that elective powers exercised by a numerically minute section should be tempered by the inclusion of representatives of interests which the elected members do not sufficiently represent, I am strongly in favour of allowing those who are, whether by election or selection, called to our Councils a greater liberty of expressing their views, a greater opportunity of influencing the policy of the Government, and greater facility for participating in its inner counsels. When a man knows that nothing that he says is likely to be put into effect, he lets his tongue or pen run away with him, but the risk that what he urges might have serious consequences is apt to check a reckless flow, and to induce more sober expression.

38. One cannot now take up a newspaper without finding some reference to that state of dissatisfaction which is expressed by the term "unrest." Some of the outward manifestations of unrest are the mere fruits of intemperate ranting and scurrilous writing upon the undisciplined minds of young and impressionable students. In other cases some would-be demagogue, anxious to enjoy some of the excitement of being acclaimed as a leader of a revolution with none of its more* serious risks, has attempted to excite the passions of a mob. With persons of this type, who if they are sincere can only be monomaniacs, the present proposals have no concern. These are merely the noxious weeds that have become mingled with our educational crop, and the present is not the place for discussing what should be done with them. But there are many intelligent men, thoroughly well disposed to the Government, whose welfare is bound up with its maintenance, who entertain feelings of dissatisfaction that they are not in the full confidence of the Government. The suitor who is only heard summarily has a feeling of dissatisfaction even if his case is a very weak one; the suitor who is given a patient hearing feels if he loses that what he had to say was at all events considered. The feelings of the educated classes are somewhat akin to those of the suitor who is summarily heard, and we should not allay his dissatisfaction by telling him that we are going to hear some one else in his place who has not asked to be heard. On the other hand, I think that confidence reposed in, and responsibility imposed on, the best men of the educated classes, of whatever occupation or profession, will not be abused, will be a valuable training to them, and may even in time cause the oratorical flowers of irresponsible agitators to languish for want of listeners. Whether this be the case or not, I desire to place before the Government of India a respectful opinion that their proposals as framed will not fully meet the requirements of the case, and that the risks attaching to a bold step forward are much less than those entailed by an advance too small, or to one which deviates too far from the direct road, to remove all that is reasonable in the present discontent among those sections of the educated community whose interests are clearly bound up with the maintenance of law and order, but who wish to be released from a state of pupilage and to demonstrate their own adolescence.

39. There is also a considerable body of opinion that the beginning in these matters should be made from the bottom and not at the top. In other words, that Advisory Councils should start in the district. On this subject I have

* Since this was written the public have been startled by the news of bomb outrages and the existence of an anarchist conspiracy in Calcutta. These manifestations indicate the need for more drastic extirpation of poisonous weeds; but they do not affect the expediency of encouraging the healthy growth of public opinion.

already touched (paragraph 36 above). There are in our midst many more persons competent to give useful advice on local questions than on large questions of Imperial or Provincial policy. In the existing District Councils there is afforded a training ground. There is much force in this contention. These bodies certainly require to be given greater responsibilities if they are to be expected to acquire greater fitness, and there is absolutely no bar to their being more consulted by the District Officer than is now the case on matters of district administration. Some greater degree of formality might be conferred upon such consultations than has yet been done, and the opportunity thus given would afford valuable local training to men of ability and ambition to show their fitness in a smaller sphere for wide responsibilities in a larger one. In a note which I laid before the Royal Commission on Decentralization I indicated my views as to the lines on which local self-government should be made more interesting to those concerned, and more useful to the public, and the desirability of welding it on to the indigenous system of village elders at the bottom and joining it up with Legislative or Advisory Councils at the top. The present reference is concerned more with the last than with the first, but the better development of local self-government from the bottom would be precisely one of those questions of internal administration on which the Provincial Advisory Council which I have recommended for the Central Provinces and Berar might be expected to render valuable assistance.

40. India is not ripe for a democratic constitution, and if it were it would still be impossible to provide it with one ready-made. But it is not impossible, and it is most desirable, to devise and lay down for its guidance a path along which its progress may extend by orderly evolution, the pace being determined by its own fitness, so that the reply to the question '*quo vadis?*' should not be entirely shrouded in mystery.

R. H. CRADDOCK,

Chief Commissioner.

8th June 1908.

No. 810, dated Jubbulpore, the 6th January 1908.

From—Mr. Bakht Bahadur Verma, B.A., Manager, Anjuman Islamia, Jubbulpore,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

With reference to your letter No. 1928—I-15-24, dated the 13th September 1907, I have the honour to state that the proposals contained in the Government of India letter received with your above letter were placed before the meeting of the Anjuman Islamia, Jubbulpore, and that the following reply has been directed to be communicated.

Proposals contained in paragraph 6 of the Government of India letter are, it is believed, consistent with the practice usually followed by all Local Governments and their important officers of consulting leading gentlemen on all important measures. The constitution of the Provincial Advisory Council will, however, give a form to the usual practice.

The Anjuman Islamia suggest that the Provincial Advisory Council be constituted on the following lines:—

The maximum strength of the Council might be 20, including the Honourable the Chief Commissioner 28.

This number should be made up thus:—

Feudatory Chief	1
Landholders, two, from each division	10
Representatives of the mercantile, industrial communities and of liberal professions (one to be non-official European).	4
Government official to be nominated by Government	1
Experts to be nominated by Government on special occasions	1
Representatives of minorities, two to be Muhammadans	3
Total	20

As regards the election of a Central Provinces member for the Governor-General's Legislative Council, it is suggested that an electorate consisting of 150 members be constituted—

		Total.
Every District Council, sending	3	66
All District Municipalities, sending	3	66
Mercantile and industrial communities sending	20	20
Feudatory Chiefs, sending	8	8
		150

Member to be elected should be from the electorate. An annual income of Rs. 5,000 should be the qualification to give the right to vote.

As regards the method of election, it would be quite possible to call together the whole of the electorate.

No. 184, dated Jubbulpore, the 7th January 1908.

From—M. W. Fox-Strangways, Esq., I. C. S., Commissioner, Jubbulpore Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

I have the honour to submit my reply to your letter No. 1929—I-15-24, dated the 13th September 1907, on the subject of the proposals circulated by the Government of India regarding the formation of Advisory Councils and the enlargement of the Legislative Councils. My predecessor consulted the Deputy Commissioners of Jubbulpore and Saugor, Rai Bahadur Ballabhdass and Mr. D. Ghose. I have received and considered their replies, but, as directed, do not forward them. I have to offer the following remarks on the three questions offered for opinion in your letter:—

(1) *The scheme is general, more specially from a Central Provinces and Berar point of view.*

2. Taking first that part of the scheme which deals with the Imperial Legislative Council, I observe that the Central Provinces will gain nothing under it. They will have instead of a member nominated by the Chief Commissioner to represent all classes, a landholder representative elected by landholders. It has been pointed out by Mr. Ghose that

the non-agricultural community of the Central Provinces will thus be deprived of a vested right. When a province has only a single member, it is impossible to give simultaneous representation to all the various interests, but it seems to be a mistake to restrict representation to a single one, even the most important. If the Central Provinces cannot be allowed more than one member, that member should continue to be nominated by the Chief Commissioner from among all classes of the population. But I think that we should be allowed two members, one nominated as before, and one elected by the new constituency.

3. The second point that strikes me about the proposals regarding the Legislative Council is that the nomination of 20 officials simply in order to secure the necessary majority is a very cumbrous and expensive way of solving the difficulty. These officials would, I presume, be, as heretofore, senior members of the Civil Service, though, indeed, I think it would be a good thing if seats on the Legislative Council were occasionally given to officials of other departments. The removal of senior officers for Council work must often, even under present circumstances, be very inconvenient to Local Governments; if the members are largely increased, it seems to me that the work of administration is likely to suffer seriously, and that we shall be strengthening the pernicious tendencies which the Decentralization Commission is intended to correct. The Government majority must no doubt be maintained, but I see no insuperable objection to its being maintained by the device of allowing one official vote to count for two others.

4. The principle of Advisory Councils must, I think, command general acceptance, though opinions will differ, as do those of my correspondents, as to their practical value. Rai Bahadur Ballabhdass emphasises the importance of *joint* deliberation, and of the right of the members to *offer* suggestions. It is in these respects that the Councils will be an advance on our present practice, recognised in the Home Secretary's letter, of consulting individually in all important matters the very class of persons who will form the Councils.

5. In respect of the constitution of the Councils, the scheme aims at making the Imperial Council a purely aristocratic body, consisting of "the hereditary leaders of the people," namely, Ruling Chiefs and territorial magnates, leaving the other interests to be representated in the Provincial Councils. I think that the prevailing tone of the Imperial Council must certainly be aristocratic. But the time is quickly coming when the hereditary leaders of the people will not be the most influential leaders, and a Council consisting solely of Ruling Chiefs and territorial magnates will not be the best possible instrument for interpreting the Government to the people or the people to the Government. I do not think that it is necessary to provide for the representation on the Imperial Council of every interest, but I think that it might be made more useful, without changing its essential character, by the inclusion of a few representative men from other walks of life.

6. The Central Provinces possess few territorial magnates, and very few who are fitted by ability and education to become useful members of an Imperial Council. The number of seats to be allotted to the Central Provinces is not indicated, but on the analogy of the Legislative Council it would probably not exceed two. One of these seats would presumably be filled by a Feudatory Chief, and the other by the member of the Legislative Council elected by the enlarged constituency of landholders. As far as this Province is concerned, the non-representation on the Imperial Council of the merchantile, industrial, and professional classes would, I think, be a matter of no importance.

(2) *The formation of an Advisory Council for the Central Provinces and Berar.*

7. I think that the Provincial Advisory Council might be constituted somewhat as follows:—

Imperial Advisory Councillors	2
Feudatery Chief	1
Landholders (2 for each Division)	10
Mercantile and Industrial classes (1 for each Division)	5
Professional men (lawyers, schoolmasters, etc.)	5
Retired Government servants	2
European non-officials	2
Muhammadans	2
	29

Five years is perhaps rather a long term. It is desirable that as many as possible of the prominent men of the Province should have their turn in the Council. I think that the term should be three years, that half the Council should retire (probably by lot) at the end of the first term, and that no one should serve more than two terms continuously.

(3) *The election of a Central Provinces and Berar member on the Viceroy's Legislative Council, the basis for qualification for vote and membership, and the method of election.*

8. In the Jubbulpore district there are 15 landlords paying over Rs. 5,000 in land revenue, but only two of them pay over Rs. 10,000. No doubt the members are greater in Nagpur and Berar; on the other hand they are almost certainly less in Chhattisgarh. A constituency based on the limit of Rs. 10,000 would be too small. Rs. 5,000 would be more suitable, though even this would I think admit very few voters in Chhattisgarh. Moreover I do not think that the franchise should depend solely on the amount of revenue paid. I should prefer to base it on the Durbar lists. The landholders on these lists might be called for the purpose of electing delegates to a Divisional convention. The delegates would nominate a divisional candidate and the Chief Commissioner would made his selection for the Legislative Council from among the five names submitted to him by the conventions. As far as possible the selection should not be made twice running from the same Division. With such a constituency I do not think that it would be necessary to lay down any qualification for membership, but if necessary the limit of Rs. 5,000 land revenue might be fixed.

No. 202, dated Hoshangabad, the 15th January 1908.

From—H. A. CRUMP, Esq., I.C.S., Commissioner, Nerbudda Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

I have the honour to acknowledge the receipt of your letter No. 1929—I-15-24, dated the 12th September 1907, and its enclosures, regarding the formation of Advisory Councils and the enlargement of the Imperial Legislative Council and to submit my opinion on the proposals.

2. In this Division the spread of English education has been confined almost entirely to members of the legal profession, many of whom, it is true, are also landholders. It has been therefore difficult to obtain any very definite opinions on the proposals from the landed classes, whose inclusion in the Advisory Councils is more particularly advocated and desirable. In almost every case the written opinions submitted to me by the Deputy Commissioners whom I have consulted have been furnished by Barristers and Pleaders, and it has been possible to obtain only verbal opinions from the leaders of the landed classes to whom the proposals have been explained in conversation. It is therefore perhaps not surprising that I have received more destructive criticisms of the proposals than suggestions for their improvement.

3. The proposals for the formation of an Imperial Advisory Council are regarded favourably, but objections have been taken to some of the details of the scheme as framed. Thus Rai Saheb Mathura Prasad of Chhindwara urges that the Council should be enlarged to 150 members in order to secure a more thorough representation of the interests of each province and that the members should form not merely a consultative body, but be given powers of initiating proposals and of putting questions to the Government. Mr. Gupta, the leader of the Hoshangabad Bar, urges that ruling Chiefs should be excluded on the ground that they do not represent any interest in British India, and that their inclusion would be objectionable as any approval, which they might give to an unpopular measure, however valueless that approval might be, is likely to be relied on by the Government of India in support of such measure. The same gentleman further urges that the members of this Advisory Council should be elected by the popular vote and not nominated, as no system of nomination will satisfy the very people for whose benefit the scheme is devised, but on the contrary is likely to create an amount of dissatisfaction, which is undesirable. He also suggests that it is desirable that the Advisory Council should include not only representatives of the landed aristocracy, but also members of the industrial and mercantile classes, because an assembly of landowners could not, for instance, deal with questions affecting factories and their management. Others, while making similar criticisms, recognise that the present scheme is a first step towards the grant of a share in the administration of the country to themselves, and that any great extension of power to the proposed Council could only be given after a careful trial of the scheme as now put forward.

4. The advantages to be derived from the proposed Imperial Advisory Council appear to me to be that proposals framed on western lines of thought will be subjected to criticisms by enlightened men, well versed in the feelings of the country, before they are published for general criticism by the public. Thus, what may appear to Englishmen not only desirable but essential to the good of India, will be carefully examined from an eastern point of view before any attempt is made to place it before the people. In order to secure this object, the Imperial Advisory Council should be a small body of men of position and standing in the country, and it is not essential that every province and every class should be represented on it. What is essential is that the members should be men well acquainted with the feelings of their fellow countrymen, and this will be secured by the selection as proposed of ruling Chiefs and territorial magnates of every province where landholders of sufficient dignity and status are to be found. There is no doubt that such a system is fully in accord with the principles that have always governed administration in India, and the present proposals are merely the introduction of the Durbar of the Native States into the administration of the British Government.

5. The proposal for the formation of an Advisory Council for the Central Provinces has been favourably received, subject to the same criticisms as to details which I have mentioned in connection with the proposed Imperial Advisory Council. It is however urged that in the absence of any Provincial Legislative Council, it is still more important that a large proportion of the members should be elected and that the members should have power of initiating measures and of questioning the Head of the Administration and the Heads of Departments. It has been suggested that a suitable body would be formed by adding to the Provincial members of the Imperial Advisory Council five representatives elected by the malguzars of the province, five by the tenants, two by members of the industrial classes, two by bankers and two by members of the professions with four members to be nominated to represent minorities. There would thus be 20 local members.

It appears to me that in putting forward this suggestion the fact that election is entirely foreign to Indian ideas, has been overlooked, and I consider that in the present state of Indian society any system of election of members for the Provincial Advisory Council is impossible. It has also been suggested that in the case of members of the Provincial Advisory Council, a knowledge of English should not be a necessary qualification, and though no doubt in the absence of such knowledge it would be more difficult to consult the members on many questions, I am inclined to agree that if the Council be formed for the Central Provinces, it would be impossible to exclude men who knew no English without losing the services of many of the real leaders of the Society. I am however very doubtful whether a Council of the kind described is necessary in the Central Provinces, as an Advisory Body. So far as I am able to judge, the Hon'ble the Chief Commissioner of the Central Provinces appears to be in far closer touch with the people of the territories of which he is in charge than is the case with the Heads of Local Governments, and it has been argued that for this reason, it would be an advantage to reduce the size of other provinces in order to secure the closer administration which a Chief Commissioner could give. The Hon'ble the Chief Commissioner is thus able at first hand to gather the opinions of people on any measures which he is desirous of initiating and can also learn from them their views on questions of importance. It has always been the practice of the provinces to discuss questions freely with the people, and those who are thought most fitted to give an opinion on any question, have been consulted informally in the past.

In the case of the Imperial Government the questions to be considered are almost always questions of general principles on which the members of the proposed Imperial Advisory Council would be qualified as a rule to give an opinion, but the Provincial Governments are concerned more with the details of administration, and the questions arising are generally of a technical character on which the opinion of special interests and men who have made a special study of the subject is essential. It would be impossible to include all the classes whose opinion might be required, among the members of the Provincial Advisory Council, and I should deprecate the formation of such a body if its creation tended to lessen the close intercourse that has existed hitherto between the people and the officers of Government from the Hon'ble the Chief Commissioner downwards. ws Rai Saheb Mathura Prasad remarks, the formation of these Councils will be no improvement over the present state of things, under which Government and its officers are perfectly at liberty to invite gentlemen of position and social standing to express their opinion on important measures of Government, and as a matter of fact people have gladly given and are now giving their opinions on matters referred to them. It is true that he goes on to advocate the formation of Councils and the grant to them of powers to bring forward notions and proposals to pass resolutions by a majority of votes for the consideration of the Local Administration. The time however has not come for this large extension of power, and it is impossible to accept this proposal.

6. Though however the formation of an Advisory Council in the Central Provinces is thus not assential to better administration, and cannot replace the present system of close intercourse between officers of all ranks and the people, its formation may prove useful as a recognised medium to bring matters of importance requiring attention before the Administration. The fact that a gentleman had been appointed a member of the Provincial Advisory Council, would entitle his views to respect, and in his individual capacity he would be able and should be encouraged to bring to notice any important matters which he thought deserving of notice. Apart therefore from their position as a member of the Consultative Body, the members in their individual capacities would form a most useful aid to the Administration and I am in favour of the formation of such a body.

7. A Council of twenty members would probably suffice, and it would not be necessary that every district should be represented, or that the selection of members should be fettered by artificial boundaries. What is required is that all interests of importance should be represented and especially that the Hon'ble the Chief Commissioner should be able to command the advice and the influence of the leaders of different religions. At any rate therefore until further experience has been gained, I would merely fix the numbers of Councillors and their term of office and lay down no rules regarding their selection.

8. I now turn to the question of the enlargement of the Governor-General's Legislative Council and the proposals to allow the great landholders of the Central Provinces to elect a

member. During the first few years after the Legislative Council was last reconstituted, an attempt was made to select the member of the Central Provinces by nomination from among candidates elected by local bodies. This plan proved unsuitable, and although it has been suggested to me by some of those whom I have consulted, that recourse should be had to that system, I am not in favour of the proposal. The franchise framed for the election of these bodies is, as the Government of India points out, unsuited to the purpose and such a system gives undue weight to the votes of the professional classes, who form the majority of the members of Municipal Committees. Agriculture is by far the most important industry in the Central Provinces, and it is the agricultural and landholding classes who are most entitled to representation on the Council. I therefore agree with the proposal that the members should be elected by the great landholders from among themselves, and the only question is the qualification that should be required for inclusion in the body of electors.

It has been pointed out to me by the people, who accept the principle, that the number of landholders paying Rs. 10,000 a year land revenue in the Central Provinces is very small, and they have suggested the reduction of this limit to as low a figure as Rs. 1,000 only. The conditions of different districts of the province vary so much that it appears to me almost impossible to adopt any money limit which would be suitable for the richer and the poorer parts. A landholder paying Rs. 2,500 a year land revenue in his own right would be one of the leading men in the Betul district, while such a man would not be of marked importance, say, in Nagpur. While, therefore, I agree that a reduction in the money qualification is necessary in these provinces in order to form a suitable electorate, I consider that some further qualification is required that the status of the elector may not be too low and may be equalised for the provinces as a whole. This can, I think, be best secured by adding to the money qualification a condition that the landholder shall be a member of the District darbar. The electorate would then consist of all landholders being darbaris and paying a land revenue in their own right of Rs. 2,500 or holding an estate on which, but for privileged tenure, such a sum would be payable. This last condition is required in order to include the leading Jagirdars, Zamindars and Maufidars who in many cases pay much less than this sum, although their estates are some of the largest in the province.

9. As regards the system of election, I would suggest that any candidate for election should be required to submit his name, with the names of three members of the electorate of his district who support him, before a fixed date to the Deputy Commissioner of his district. The name of candidates would be communicated to the Secretary to the Hon'ble the Chief Commissioner who would draw up a list of the candidates thus nominated. A day would then be fixed for the election, the list being communicated to each elector through the Deputy Commissioner of his district and the votes recorded at each District head-quarters at a darbar to be held by the Deputy Commissioner. The votes so recorded for each name would be reported to the Secretariats and the result for the provinces as a whole compiled there.

No. 22, dated Nagpur, the 28th January 1908.

From— KHAN SAHEB MUHAMMAD AMIR KHAN, President, Anjuman-e Hami-e Islam, Nagpur,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointment Department.

With reference to your letter No. 1928—I-15-24, dated the 13th September last, on the subject of the formation of an Advisory Council, I am directed by the Anjuman-e Hami-e Islam to reply as follows.

2. The letter under reply has asked for an expression of opinion on two points, *viz.*, the formation of a Provincial Advisory Council for these Provinces, and, secondly, the election of a Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership and method of election.

3. The Anjuman consider that in principle the proposal about an Advisory Council is very salutary and if it remains only a consultative body may prove beneficial. But in a country peopled by men of various creeds and castes, institutions of a representative character are difficult and prejudicial to the interests of the minorities. The Anjuman are very grateful to the Government for safeguarding the interests of the Muhammadan community by reserving four seats for them. Looking to the large population of Musalmans in this country, and in view of the fact that in the ordinary course the other communities are not likely to elect Muhammadan members, the number of seats reserved for them is small. Nevertheless, the Muhammadan community is grateful that their claims as a separate community have been recognized. But if any executive powers or legislative functions are in the future delegated to the Advisory Council it will be highly prejudicial to the interests of the Muhammadan community at least, and they advocate the formation of an Advisory Council on the understanding that it will always remain only an Advisory body. These observations are uncalled for, but the principle they embody has been the basis of Muhammadan thought in this country.

4. So far as the question of a Provincial Advisory Council is concerned, the Anjuman consider that executive measures which require opinion of the general public are very few in these Provinces, and the practice hitherto followed of taking opinions of prominent bodies in all important matters has been sufficient. Besides, these Provinces have no Legislative Council of their own. Hence the Advisory Council, which will be an auxiliary bod y to the Legislative Council, does not seem to be necessary. If, however, this view is erron^{e}ous and an Advisory Council for these Provinces is necessary it may consist of about 20 members :—

The Honourable the Chief Commissioner	1
Feudatory Chief	1
Landholders—two from each Division	10
From mercantile communities	3
Government official	1
Non-official European	1
Representatives of minorities at least two to be Muhammadans	3

5. As regards the election of a member for the Imperial Advisory Council, an electorate of 150 may be formed. If the payment of Rs. 10,000 land revenue be fixed as the qualification giving a right to vote, it is doubtful if the requisite number will be forthcoming, which should be representative of landholders and others of all the principal castes and creeds. The Administrations will easily find out the number of such men in the Provinces. The Anjuman beg to suggest that the electorate may consist of the following :—

One non-official member named by each District Council	22
One non-official member named by Municipalities of each district	22
Feudatory Chiefs	10
Mercantile professions with an income of Rs. 5,000 a year	30
Landholdrs paying Rs. 5,000 land revenue	66

6. The Anjuman are unable to make a correct estimate as to the number of men who either have got an income of Rs. 15,000 or who pay land revenue of Rs. 5,000 a year. Should their number be large the figure may be raised accordingly until the necessary number is forthcoming, and, if possible, title-holders may also be given this privilege without any conditions as to their income.

7. As to the method of election the Anjuman think that it will be convenient to call together the voters of a Division at some place in that Division.

Amraoti, the 5th February 1908.

From—Rao Bahadur R. N. MUDHOLKAR, B.A., LL.B., Advocate, Amraoti, and President, The Third Central Provinces and Berar Conference,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

With reference to your letter no. 1928, dated the 13th September last, asking me for an expression of the opinion of the Committee of the Central Provinces and Berar Conference on the proposals for the establishment of Advisory Councils and enlargement of Legislative Councils, contained in the letter of the Secretary to the Govevernment of India, dated the 24th August last, I have the honour to submit the accompanying Note drawn up by me and circulated among the members of the Executive Committee of the Nagpur Provincial Congress Committee, the members of the Committee of the Berar Association, the members of the Committee at Raipur, where the last Conference was held, and to a number of other leading non-official gentlemen in Central Provinces and Berar who have taken prominent part in the Conference. There being, according to the existing constitution of the Conference, no Committee appointed between any two of its sessions to which such questions can be referred, and the date of the Fourth Conference which will be held at Hoshangabad being some months off, I have, after consulting some leading gentlemen in Berar and Nagpur, adopted the above course as being the one whereby I could substantially comply with the desire of the Honourable the Chief Commissioner to obtain an expression of opinion of leading Conference men. A large number of the gentlemen consulted express their agreement with the views and the suggestions made in the Note. Nobody has expressed disagreement. I have yet to hear from some of the persons consulted. In the meantime I submit the Note as I received a telegraphic reminder yesterday.

Note by Rao Bahadur R. N. MUDHOLKAR, dated the 20th January 1908, on proposals for the establishment of Advisory Councils and the enlargement of Legislative Councils contained in the letter of the Government of India, dated the 24th of August 1907.

It must be frankly stated that the educated community of India feels as a whole keenly disappointed with the unsuitableness and inadequacy of the reform proposals formulated in the letter under consideration. The assurance given by the Right Honourable the Secretary of State for India in his speech, delivered in the House of Commons in presenting the Indian budget in 1906, and the declarations made by His Excellency the Viceroy in his speech of the 27th of March last, in the Supreme Legislative Council, had led the people to believe that His Majesty's Government and the Government of India were at last satisfied that the time had now come when a substantial "advance" should be made in associating the people of this country in the task of Government, and that "a marked step" would be taken "in constitutional progress." It was generally expected that a real beginning would now be made in making the people participators in the higher and more responsible functions of administration, for had not the Viceroy stated in his speech that he recognized that "new and just aspirations were springing up amongst the people which the ruling power must be prepared not only to meet but to assist?" Now that the scheme has come out the general opinion among Indians, qualified to give one, is that it makes no solid concessions, but, on the contrary, some of its provisions are of a retrograde character. Great dissatisfaction and pain has also been caused by the language used towards the educated community and the remarks made about lawyers and schoolmasters. This is all the more regrettable as the sentiments expressed in the introductory paragraphs are unexceptionable.

2. The Right Honourable the Secretary of State and His Excellency the Viceroy having, after the general disapproval with which the proposals were received by the Indian Press, as also—though to a less degree—by the Anglo-Indian Press, stated explicitly that they were only provisional and tentative and that nither of these great authorities regarded themselves as bound to the particular features of the scheme set out in the letter under reference, all that is necessry to do now is to examine critically only the actual and constructive proposals, and if they are found to be based on wrong principles or any wise unworkable, to suggest modifications or changes.

3. The letter opens with the declaration that "the question of giving the people of India wider opportunities of expressing their views on administrative matters," is taken up "with the object of satisfying the constitutional requirements of the Indian Empire," and proceeds to state that in view of the great intellectual progress which has taken place and the extent to which higher education has penetrated, the proposals under consideration have been framed as "a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions." The Government contemplate that the classes who would be affected by the scheme would be able to take an effective part in shaping the action of Government and would necessarily get a larger share in the actual work of administration and more extensive employment in the higher offices of the State. They recognise "the essential justice of the claim that is put forward" and their desire is "to move gradually forward towards the fulfilment, in no grudging spirit, of a pledge which the people of India are entitled to regard as inviolable."

4. Another object which the Government wish to secure is to make "their measures and motives generally understood, and to correct erroneous and often mischievous statements." It is most desirable, the document says, that there should be greater opportunities than what exist at present

for "confidential and intimate consultation between Government and its subjects." With the double object therefore (1) of obtaining from "competent advisers" and "the best minds of the people" that "advice and opinion" which is the "indispensable foundation upon which good administration is built up" and (2) for the diffusion of correct information upon the acts, intentions and objects of Government, the scheme proposes the establishment of an Imperial Advisory Council to deal with the affairs of the Indian Empire and of Provincial Advisory Councils to deal with Provincial questions.

5. This rather detailed resumé of what might be called the "Preamble" of the "Scheme" is given because after the most careful thought and consideration given to the substantive proposals these appear to be not in harmony with the object set out, and further are unsuitable and impracticable in themselves.

An Imperial Advisory Council.

6. To deal first with the proposed Imperial Advisory Council. The objections to the proposals in regard to it are :—

I. That its composition or constitution is not proper; and

II. The indefiniteness of its functions, powers and responsibilities deprives it of much of the utility which such a body is likely to possess.

7. The defects in the constitution or composition of the body arise from (1) the inclusion of Ruling Indian Chiefs, (2) making it to consist only of such Chiefs and territorial magnates of British India, and (3) the exclusion of the principle of election.

8. (1) I am not behind any one in my respect for the Indian Ruling Chiefs as a class and appreciation of the enlightenment, administrative capacity and public spirit which several members of them display. And yet I deem it my duty to emphatically deprecate their inclusion in an Imperial Council dealing with the *domestic* affairs of British India—

(*a*) I do not think that it would be either in accordance with treaty rights, or in consonance with what is due to their high position and dignity as independent Ruling Chiefs to make them members of a Council in which British Indian subjects are included and occupy a position of equality with them. It might be that, owing to circumstances, which need not be gone into, they may not freely and frankly confess their objection to the proposal, but it is exceedingly unlikely that they would regard the innovation with approval or complacency.

(*b*) Apart from the foregoing consideration, there is one conclusive reason why they should not have a place in this Council. The majority of them can hardly be regarded as the equal in ability, education or experience of those whom the British Indian Government have been in the habit of consulting in regard to important legislative and administrative questions. Even those of them who have exceptional capacities which they have strengthened by culture, close study of administrative matters and foreign travel are hardly in touch with the people of the British Indian Provinces, and are not sufficiently cognisant of their wants, wishes and aspirations. Such of them as possess the inclination for study and work find sufficient scope for their energies in the direction of the affairs of their States. They have little time and fewer opportunities for studying the conditions of British Indian Provinces: nor is it certain that if they wished to do so, and tried to mix freely with the people, there might not be valid political objections raised. These eminent personages can hardly be considered as the representatives of the residents of British Indian Provinces.

(*c*) Another fear is that political complications or at any rate misunderstandings might arise from the creation of such a mixed council. In these days when democratic ideas are spreading it is not at all improbable that British Indian subjects, who are councillors, might raise delicate questions about Native States when they find that the Ruling Chiefs of these interfere with their concerns.

(*d*) One more fatal objection is that, as things stand at present, and are likely to do for some years to come, there would be very few Indian Princes who would show the requisite moral courage and strength of character to speak unreservedly about the contemplated measures or action of the paramount power and give it their candid advice. Several of them are treated as though they were in a State pupilage. The very object therefore of an Advisory Council would thus be frustrated.

9. I am very clearly of opinion that neither in the interests of the British Government, of the Rulers of the Native States, or of the people of British India, is it desirable that these Ruling Chiefs should be members of a Council dealing with the domestic affairs of British India. But though they ought not to be included in the Council dealt with in paragraphs 4 and 5 of the Government of India's letter, there is no reason why a separate Council might not be created for dealing with inter-State matters and with the questions which arise between the paramount power and the Feudatory Ruling Chiefs.

10. (2) As to the "landed aristocracy" of British India, they have certainly a claim to be given their due and legitimate share in the proposed Council. But it would not further the interests of good Government, or promote the advancement of the country, if undue prominence is given to this class, and the claims of the aristocracy of intellect, and the aristocracy of commerce, industry and wealth are disregarded and set aside. Such a procedure is not just or equitable and entirely militates against the very object of the scheme. The territorial magnates do not represent "the best mind of the people." Though education has penetrated among them to a greater extent than 20 years ago, they have not as a class shown any noticeable talents, industry, culture or enterprise. How many of these are consulted by Government now ? In India, as elsewhere, the middle class represents the vitality, strength and progressive power of the country ; and a scheme which excludes them would harm the cause of good administration more than the persons left out. Why it is that all these years Government have, of their own accord, been seeking their opinions ? It may be that they are at times outspoken in their criticism of the measures and proposals of Government, but it will have to be admitted that the advice, unpalatable though it may be, is dictated by the best of motives and is in the majority of cases wise and called for. It is infinitely preferable to have unsparing criticism from qualified persons than panegyrics from unqualified men incapable of discriminating between what is good and what is bad in high matters of State.

11. It has also to be remembered that there are important parts of India where there are no "territorial magnates," if that term signifies as I take it to do, owners of large landed estates which have come to the present holders by a fairly long course of descent. In the Bombay Presidency, for instance, there are no "territorial magnates," if the Ruling Chiefs are not taken into consideration, as they cannot be. Similarly in that part of the Madras Presidency, where land is held on the ryotwari tenure and there are no zamindaries, there are no persons who can be called "territorial magnates." It could hardly be the intention of Government to regard as members of the landed aristocracy, the mony-lenders and capitalists, who have, by mortgages and purchases, obtained possession of vast estates. The ousting by these people of the old landed peasantry and gentry has always been characterised by Government as a serious evil. And it is unlikely that they could ever have been intended to be included among "territorial magnates" own though they might tens of thousands or hundreds of thousands of acres.

12. While not wishing to detract in the least from the real position and weight of the territorial aristocracy, i t is very necessary to point out that their position and influence is now nothing like what it was fifty years ago. The breaking up or encumberment of the estates of a great number of them, the life pursuits, habits and capacities of the bulk of them, have materially diminished the respect which was at one time felt for them. They have far less hold on the masses than the members of the middle classes, who have obtained remarkable influence over the community as a whole by the intelligence, character, energy and enterprise they have shown. The middle classes, which include the commercial and professional classes, have as much stake in the country as the "territorial magnates," and they are, and would always be, the most powerful and stable elements of Indian society.

13. It is difficult to reconcile the proposals about the composition of the Imperial Advisory Council with the weighty and just pronouncement made in the second paragraph that "no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence."

14. If the object aimed at in creating an Imperial Advisory Council is to supply Government with a body of "competent advisers," whom it is necessary to consult because they represent the best mind of the people, then the proposal formulated in clause (3) of paragraph 5 of Government's letter will have to be given up, and appointment to the Council determined by considerations of ability, proved merit, high character and trustworthiness. Neither birth nor rank should be of itself a determining factor.

15. (5) Clause (2) is objectionable on the same grounds on which purely nominated Legislative Councils were pronounced unsatisfactory. It is not election pure and simple by the mass of the people that is advocated. What might be laid down is that half will be appointed by the Viceroy according to his own choice and discretion, and the other half on nominations made by the non-official members of the different Provincial Advisory Councils, the Viceroy having however the power to refuse to accept the nomination of a particular person or persons, if in his opinion it would be unsafe to public interest to do so. In view of the fact, that its something of a new departure which would be inaugurated, I have, in drawing up the scheme given below, suggested a further qualification. The principle, however, which has to be emphasised is that at least half of the members of the Council should be appointed on the recommendation of a non-official body.

16. The provisions contained in clauses (5), (6) and (7) are open to the grave objection that unless a body like the proposed Advisory Council has an existence granted and guaranteed by law, has definite functions and is clothed with specific powers and responsibilities, its existence is precarious and usefulness uncertain. The success or failure of the new Councils will depend more upon the stand taken up in these clauses being modified in a very material degree than upon anything else.

17. Even now the Government of India and the Local Governments consult whom they like and in regard to matters they like. The new "reform" is thus no "marked set in advance." I would confidently say to Government "Trust the great body of the people. Take counsel of the best men of the nation. And never will there be cause for regret or dissatisfaction." The following suggestions are submitted in regard to the constitution of the Imperial and Provincial Councils, their powers and functions.

18 (1) There should be two Imperial Advisory Councils.

(A) One composed of 30 Ruling Chiefs, 15 of whom like His Highness the Nizam, the Maharajah of Mysore, the Maharajah Chhatrapati of Kolhapur, the Maharajah Gaikwar, the Maharajah Scindia, the Maharajah of Holkar, the Maharajah of Kashmir, the Maharajah of Travancore, the Maharajahs of Jeypur, Jodhpur, Bikanir, the Maharana of Udaipur, the Maharajahs of Kapurthala, Patiala and Nabha should have places by name and the other 15 should be elected by the other Ruling Chiefs.

This Council should deal with questions which arise between the British Government and the Feudatory States and deal with all inter-State affairs.

19. (B) The other Council should be for British Indian affairs and should consist of 60 members, 30 of whom should be nominated by the Viceroy and 30 be the representatives of the 8 provinces alloted in this wise—

Bengal 6 (West Bengal and Behar 3, East Bengal and Assam 3).

Madras 4.

Bombay 4.

The United Provinces 4.

The Punjab and North-West Frontier Provinces 4.

The Central Provinces and Berar 4.

Burma 4.

These Provincial representatives, who should be non-officials, should be appointed by the Viceroy on the recommendation of the non-official members of the Provincial Advisory Councils, each making recommendation for its own province only. The proper procedure would be, for each of these sets, to elect as many persons from among themselves or other qualified residents of the province as there are representatives to be appointed. But if there are grave objections felt against the introduction of the elective principle in its unadulterated form from now, what might be done is that the different elective bodies mentioned above should recommend the names of double the number of representatives that have to be appointed and the Viceroy should make a selection out of these.

20. The Provincial Advisory Councils should consist of 48 to 60 members, half of whom should be nominated and half elected. Each province should be divided into certain electoral divisions in which (*a*) the Municipalities, (*b*) the District Boards, (*c*) the large landholders, and (*d*) the literate, professional and propertied classes should be given the power to return one member each. Thus for the Central Provinces the number of members should be 48 (exclusive of the Head of the Administration). Out of these 24 will be elected, 16 by the districts forming the Central Provinces proper, and 8 by Berar :—

Nagpur Division 4.

Chhattisgarh Division 4.

Jubbulpore Division 4.

Nerbudda Division 4.

East Berar 4.

West Berar 4.

These two sub-divisions of Berar should be given four members each, as their land revenue is almost equal to that of the four other divisions, while in

regard to trade, commerce and education their advance is greater than that of all parts save of the City of Nagpur.

The four members of each electoral division should be elected: one by the non-official members of the Municipalities in that division, one by the non-official members of the District Boards, one by landowners holding in zamindari tracts land paying Rs. 1,000 as Government revenue and in ryotwari tracts land paying Rs. 200 as Government revenue or rent-free land zamindari or ryotwari which, had it been fully assessed, would have paid like revenue; one by graduates and under-graduates of an Indian, English, Scotch or Irish University who own land paying Rs. 500 as Government revenue in zamindari tracts, Rs. 100 in ryotwari tracts, or rent-free land which would have been assessable to an equal amount or who are assessed to and pay the income-tax.

21. The composition of Advisory Councils in other provinces will, to to some extent, have to be on a slightly different footing. Thus for the Presidency of Bombay the number of members should be 60, out of whom 30 should be elected. The four divisions should elect 4 each in the manner indicated above. Besides this the Corporation of the City of Bombay, the University, the Chamber of Commerce, the Millowners' Association should each be allowed to elect one. The cities of Karachi and Hyderabad, Ahmedabad and Surat, Poona and Sholapur, Belgaon and Dharwar, electing one each, either jointly or by rotation.

22. The powers and functions of these Councils should be defined. In paragraph 6, the Government of India say with reference to the Provincial Councils that "it should be understood" that the Provincial Governments would consult these bodies upon all measures of importance affecting the population committed to their charge. This would certainly seem to include all questions of domestic administration, such as land revenue settlements, famine relief, plague measures, suspension and remission of revenue in time of famine or scarcity, education, sanitation, public works, the development of trade, commerce and industry, etc. The settlement of the budget should form an important function of the body. The same should be the scope of the powers and duties of the Imperial Council. In regard to all these matters the bodies should be consulted.

They should ordinarily be summoned twice in the year, but may be called oftener if public interests demand this being done. As pointed in the letter of the Government of India collective deliberation is of the highest importance and individual consultation should, as far as possible, be avoided.

The functions of these Councils should be advisory and ordinarily they should deal with such matters as might be specially referred to them. But there should be a provision empowering them to place any particular matter before the Council for its deliberation, if a requisition to that effect is made and is signed by one-fourth the number of members, provided further that it does not refer to the military defence of the country or to peace or war with any power or to the relations of the Government with any Foreign or Feudatory State.

The proceedings may be informal, and, whenever the Government deems it desirable, private and confidential. But though the proceedings might be informal, in the sense that they would not be governed by the strict rules followed in Parliament or Legislative Councils, a record of them should be kept to show what matters came up before the Council and what views were expressed in regard thereto. The views of the majority of the Council should, generally speaking, weigh with the Government in determining the course of action to be followed, but they might, differing from the Council, act otherwise.

Enlargement of Legislative Councils.

23. The proposal about the enlargement of the Legislative Councils, which have caused greater pain and elicited stronger animadversions than those about the Advisory Councils, stand in need of complete revision. Some

of the principles enunciated and courses suggested obviously militate against the fundamental policy of the British rule. Sectarian preferences and class and caste distinctions are foreign to its genius. Any attempt to give legislative recognition to them, and to perpetuate and extend them, will seriously alter its character, and nullify the great mission of England as a power devoted to the enlightenment, unification and uplifting of the races which have come under her rule. It is hoped that, after the views which have been expressed by the Press, the suggestion made in paragraph 22 of the Government's letter will be all dropped. It will be a serious menace to the cause of peace, order and good Government if class and sectional jealousies and antagonisms, which had been lain to rest by the principle of equality before law of all equal justice to all and equal opportunities to all should be revived by measures intended to promote the political advancement of the country and its people.

24. If facts are actually examined it will be found that several of the statements contained in paragraph 9 are not accurate and the inferences not supportable. Thus about the supposed neglect of the claims of the Mahomedan community, it deserves to be noted that, out of the 4 elected members generally there has been one Mahomedan. In the elections held immediately after the coming into operation of the amended Indian Councils Act, Sir Mir Humayun Jah was elected to the Viceregal Council. The late Honourable Mr. Rahimtulla Mahomed Sayani represented for some years the non-official members of the Bombay Council. For two years the North-West Provinces were represented by the Honourable Nawab Faiyaz Alikhan and the Honourable Nawab Saiyad Mahomed of Madras has been in the Viceregal Council since 1903. Individual Mahomedan candidates were at times opposed in the same way that individual Hindu aspirants were. It is to be trusted that the misapprehensions about Hindu opposition to the legitimate claims of Mahomedans will be corrected.

25. The observations about the undue prominence of lawyers and schoolmasters and disregard of the landed interest cannot be allowed to pass unanswered. The comparative preponderance of lawyers in the Legislative Councils in this country is not singular. It has always been so even in the British Parliament, and the other legislative bodies in Europe, notwithstanding Burke's strictures of nearly 120 years ago. In the present cabinet more than one-third are lawyers, not counting Mr. John Morley who is a Barrister-at-law though a non-practising one. The reason why in India there are so many lawyers in the Legislative Councils is obvious. Outside Government service the men who have received liberal education take, for the most part, to the study and practice of law. Further, many—I may say the majority—of these lawyer members of Councils are also owners of landed estates or are engaged in commerce or industry. It cannot be due to "wire-pulling" that year after year constituencies, consisting of men of education, position, knowledge and experience of the world, have been showing preference to lawyers. The business which is transacted in these Councils requires, in addition to high general culture, considerable knowledge of law, or at least of the principles of legislation, and the electors, naturally and very properly, give importance to this consideration and to the fact that members of the legal profession possess, as a rule, greater debating power, greater resourcefulness in argument, and above all greater independence of character than landlords or millionaire capitalists.

26. But it might respectfully be inquired whether the lawyers and schoolmasters have not discharged their duties as legislators and critics of the administration far more satisfactorily than the scions of ruling families, the representatives of the landed aristocracy or of the great capitalist. On all important occasions whenever the legitimate interests of the landed classes or the propertied classes were threatened, it is the lawyers and the schoolmasters who unselfishly and sturdily fought for their protection, and who were called upon by the classes in danger to espouse their cause. Only last week when the Madras Land Estates Bill was under discussion, it was the lawyer members who appealed to the Government to allow the landholders, whose rights were

proposed to be seriously curtailed by the measure, to be represented by an additional member or to be heard through counsel. No antagonism exists between the educated section of the community and the landed and the capitalist interests. No: not even so much as want of complete confidence and cordiality. The relations are most friendly. It is earnestly trusted that no scheme will be sanctioned which is likely to create distrust or disunion among the different classes, castes or creeds where none exists at present. The doctrine of counterpoise is one which does not deserve the countenance of the Government of India.

27. It is difficult to understand how it can be justly said that under the present system the landed interest is not represented, or is very inadequately represented, when we find in the Viceregal Council scions of historic families and holders of great landed estates like the Likasaheb of Nabha, Sir Rameshwar Singh, Maharajah of Darbhanga, the Honourable Nawab Saiyid Mahomed Saheb Bahadur, the Honourable Munshi Madho Lal, the Honourable Mr. Gangadhar Madho Chitnavis and the Nawab of Dacca. Out of the four members whom the Provincial Legislative Councils are privileged to elect three, the Maharajah of Darbhanga, Nawab Saiyid Mahomed and the Honourable Munshi Madho Lal, are proprietors of large landed estates. The District Boards which are empowered to elect members to the Provincial Legislative Council represent the agricultural interest. If instead of choosing an insufficiently educated ill-informed landlord, they prefer to repose confidence in an acute, cultered, energetic lawyer, no objection can in fairness be taken to their action, nor can any fault be found with the lawyer. To require that agriculturists should elect an agriculturist, and Jain traders a Jain traders would not only land the Administration into an utterly unworkable position, but would frustrate the great object of bringing to the King's Council the most competent advisers. A valuable and instructive object lesson is afforded by the situation, which exists in the Madras Presidency in regard to the Estates Land Bill now under consideration. An elaborate complicated measure comprising nearly two hundred sections and dealing with the relations between the zamindars and their subordinate holders and tenants has been introduced by Government with the object of, it is stated, granting protection to the latter. The zamindars regard its provisions as a serious innovation upon and curtailment of their long existing rights, and have time after time denounced them. The Rajah of Kurupam, himself a big zamindar, represents the interests of his class in the Council. The other Indian members occupy a position of neutrality and are as anxious of protecting the just rights of the zamindars as those of the inferior holders and tenants. The Rajah of Kurupan, though a man of more than average abilities and one of the best educated men of the landed aristocracy, felt with the help and co-operation of a lawyer necessary in order effectively to present his case and press his points.

In the Bombay Presidency the educated community and especially the lawyer members of the Legislative Councils fought for the landholding classes when the amendments seriously curtailing dispository rights over land were introduced in 1901 in the Bombay Land Revenue Code.

In regard to the Courts of Wards measures also all the Indian members, even though they were not holders of big estates, strove energetically to protect the rights and interest of the holders of such estates.

28. As to the proposal to give to the holders of big landed estates the right to elect seven members to the Viceregal Legislative Council, it must be borne in mind that the big landlords do not represent the interests of the entire landholding and cultivating community or even of the bulk of it. From 1859 legislation had to be undertaken over and over again for rescuing from the encroachments and exactions of the landlords, the subordinate tenure-holders and present cultivators. The landed interest in India undoubtedly demands the first consideration. But the members of the landed aristocracy cannot claim, or be allowed to, exclusively or largely represent it, because they and the subordinate tenure-holders are often in opposition; and even as regards the special interests of their class they are not as well able to guard

and defend them as the members of the educated community who have made a study of law and politics. To what extent they are entitled to have a separate representation and how it should be granted will be shown presently.

29. With reference to the claim advanced on behalf of the Mahomedan community for a distinct and separate representation, there is no desire to oppose it, though it is permissible to point out that the principle underlying it has little basis in justice or equity. There are large tracts in the country where the Mahomedan element preponderates and it would be quite in the power of the Mahomedan gentry of those portions, to send their representatives to the Council. The demand for differential treatment was all the more uncalled for, as there has hardly been any year in which there was not sufficient representation of the Mahomedan community. It would be curious to know how or in what respects such men as Budruddin Tyaji, Rahimtullah Mahomed Sayani, Nawab Saiyid Mahomed, Fazulbhoy Visram can be considered as not proper representatives of the Mahomedan community. It is open to question whether those who have been pressing for differential treatment of this important community are not asking for the inauguration of a system which will do them more harm than good. It is only in the free bracing atmosphere of open competition and equal struggle that the mental and moral sinews of that community would be strengthened. Since, however, Government have thought it desirable to grant (for evidently political reasons) special concessions and privileges to the community, the Hindus do not wish to oppose it, so long as this privileged special treatment does not deprive the other communities of their just rights and influence.

30. The scheme formulated in the letter under reference, in addition to being open to the objections urged above, is further open to this grave drawback that it makes very little extension of the elective principles so far as the bulk of the Indian people are concerned. All that is done is, in addition to the four Provincial Legislative Councils of Madras, Bombay, Bengal and the United Provinces electing each one non-official representative, power is given to the Councils of the Punjab, East Bengal, and Burma to do the same. It is felt by all the sections of the community who are capable of understanding these subjects—and their number is very large, for now lakhs eagerly read not only the vernacular papers but also those conducted in English—that absolutely no concession has been made to the educated classes, the mercantile and the trading community, and the enterprising workers in the field of industry. They also feel that the interests of the majority of landholders have not received the consideration that was due to them and that instead of a Council representing the best faculties, capacities and achievements of the nation, the new Councils would keep only a narrow door to admit a few alone of the deserving men. The general feeling is that no adequate scope would be afforded by the new scheme for the expression of the wishes, wants and aspirations of the people. And it thus fails to give effect to the high object Government had set before themselves as is stated in paragraph 2 of Sir Harold Stuart's letter.

31. While unreservedly admitting that the executive authority of the Government is to be maintained in undiminished strength, it is submitted that a far more real and substantial advance on the path of reform than is suggested in the scheme under consideration is urgently needed to stem the tide of the unrest which has begun to flow over the land. This unrest as yet represents merely the disappointment caused by the non-fulfilment of promises and pledges and the non-satisfaction of legitimate aspirations. His Excellency the Viceroy in his speech of the 27th March last recognises that the Government "cannot afford to dally." Placing confidence in the proved loyalty of the people as a whole, and appraising at their due worth the few dissident notes which have been raised by a very small minority, the Government should unhesitatingly take a marked step in advance, not only so far as the Mahomedan community or the landed aristocracy are concerned, but as well in regard to all the other important interests, and above all to that of the most capable, energetic, influential and efficient sections. Action along the lines indicated below would, it is believed, carry out this object.

I

32. There should be the Imperial Legislative Council for the whole of India including therein not only British India proper as defined by Statute 52 and 53 Victoria, Ch. 63, but all those territories, tracts and places which are administered by the Governor General in Council though they may not be held by the Crown in full sovereignty ; and

II

Provincial Legislative Councils for each of the provinces of (1) Madras, (2) Bombay, (3) Bengal and Behar, (4) Eastern Bengal and Assam, (5) United Provinces of Agra and Oudh, (6) Punjab, (7) the Central Provinces and Berar, (8) Burma.

The seventh province should be raised to the status of a Lieutenant-Governor's charge. The change is demanded as much for executive and judicial purposes as for legislative needs.

If it be permissible to suggest here a re-grouping of the provinces the following changes deserve consideration as claculated to remove several grievances and difficulties. (*a*) To re-unite the two Bengals and place them under a Governor in Council as was contemplated when Statute 16 and 17 Victoria, Ch. 95, Section 16, was enacted. (*b*) To separate Behar from Bengal and joining it to the United Provinces, raise this province to the status of a Presidency like Madras and Bombay with a Governor at the head. (*c*) To restore the North-West Frontier Provinces to the Punjab. (*d*) Sambalpur and other parts of Orissa proper and Chhota Nagpur should form part of the Central Provinces Administration and the whole territory along with Berar to be placed under a Lieutenant-Governor.

The Imperial Legislative Council.

33. The Imperial Legislative Council should consist of 66 members exclusive of the Viceroy, of whom 32 should be elected by non-official members and 34 ex-officio, official and nominated. The elected non-official members should be elected as follows :—

Three by each of the eight provinces of—

(1) Bengal and Behar.

(2) Eastern Bengal and Assam.

(3) Madras.

(4) Bombay.

(5) United Provinces.

(6) Punjab.

(7) Central Provinces and Berar.

(8) Burma.

(*a*) By the non-official members of the municipalities which are empowered to elect a portion of their members ... 1

(*b*) By the non-official members of District Boards ... 1

(*c*) By all registered graduates of an Indian, English, Scotch or Irish University of five years' standing and paying the income-tax on an income of Rs. 5,000 a year or holding land paying Rs. 500 as

land revenue in the ryotwari tracts, or Rs. 2,000 in zamindari tracts, or holding rent-free lands yielding an annual income of Rs. 5,000 a year ... ...

NOTE.—(*a*) Will represent the interests of commerce, trade and industry, (*b*) the agricultural interest, and (*c*) the members of the educated community who hold property also.

By landowners holding assessed land paying Rs. 20,000 as land revenue in zamindari tracts, Rs. 3,000 in ryotwari tracts or rent-free land yielding an annual income of Rs. 20,000 2

By Mahomedans 2

By the Chambers of Commerce of Calcutta and Bombay ... 2

By the Bengal National Chamber of Commerce and by the Bombay Millowners' Association 2

The Mahomedan community will get two members by special election. More than this it would be unfair to give. It is difficult to understand the propriety of that feature of the scheme which gives to the Mahomedans two seats by special election, two by special nomination, with the further probability of getting three or even four more out of the general seats. As the Mahomedans are in the majority in the provinces of Eastern Bengal and Punjab they can under the scheme suggested here safely count upon getting at least four out of the six assignable to these two provinces. There is great probability of their getting at least two more. So there can be no ground left to any one to urge that the interest of this community are overlooked or inadequately provided.

Provincial Legislative Councils.

34. In what has been submitted above it is assumed that there would be a provincial Legislative Council created for the Central Provinces and Berar. It is, however, necessary to clear up this point more. The position of the territories under the Central Provinces Administration is anomalous and unsatisfactory—that of Berar being peculiarly hard. There is no Provincial Legislative Council, no certain and sufficient representation on the Viceregal Legislative Council, no right of electing a non-official member, no opportunity to discuss the provincial budget. In regard to the administration of justice likewise the machinery is greatly behind that of the seven other provinces. The Provincial Conferences held in 1905, 1906 and 1907 by representative non-official men of the province have urged it upon the Government (1) to establish a Legislative Council for the Province; (2) to place the administration under the headship of a Lieutenant-Governor; (3) to establish a Chief Court like that of Punjab or Burma.

If it is difficult to give effect to the second recommendation there is no reason why the first—the establishment of the local legislative body—should not be carried out.

The establishment of the local Legislative Council for these provinces would seem to be a condition precedent to the appointment of Lieutenant-Governor (24 and 25 Vict., Ch. 67, Sections 46—49). But reading these provisions of 24 and 25 Vict., Ch. 67 with 55 and 56 Vict., Ch. 14, Section 6, it does not seem to be necessary to create a Lieutenant-Governorship for establishing a local legislature. Such a legislature can be created not only for a province but for a division. With the strong claims the people of the province have for equal treatment with the people of the other provinces, it is earnestly hoped, that the Government of India and His Majesty's Government would see their way to establish a local legislature for the Central Provinces.

35. It is necessary to make a special reference to the case of Berar, as it is peculiarly hard. For the last half a century that province has been as completely under the control of the British Government as any territory held in full sovereignty. Since November 1902 the tenure on which it is held has become permanent. There is no accountability to His Highness the Nizam nor has that Prince any right of direction, supervision, control or even advice. The districts constituting Berar are, for all practical purposes, as much a part of the dominions of His Majesty the King-Emperor as any part of what is called British India. The people of these districts have thus the same claims upon the British Government as their British Indian subjects. For several years past they have been praying Government to remove the utterly anomalous and unsatisfactory system under which laws and regulations for the province are promulgated by executive orders issued by the Governor General without, in the majority of cases, any public discussion, previous announcement or opportunity to the people to express their views. The Central Provinces and Berar Conferences have submitted resolutions upon the subject to the Government of India and the Local Government, and the Note dealing with the General and legal aspects of the question has also been before them from 1905. The Government will, it is hoped, do justice to these districts and place them in all administrative, legislative and judicial matters on a level with the rest of India administered by the British Government.

36. A local Legislative Council for the Central Provinces and Berar may be established on some such lines as follows:—

There should be 36 members exclusive of the head of the provincial administration, of whom 18 should be nominated—officials or non-officials—and 18 elected non-officials.

The elected members should be elected by—

Nagpore Division	...	...	...	3
Chhattisgarh Division	...	...	...	3
Jubbulpore Division	...	...	...	3
Nerbudda Division	...	...	...	3
East Berar	...	...	...	3
West Berar	...	...	...	3

The three members should be elected—

(*A*) By the non-official members of the District Boards ... 1

(*B*) By the non-official members of the Municipalities ... 1

(C) (*a*) all persons paying income-tax on an income of Rs. 2,000

(*b*) all land holders who in zamindari tracts pay Rs. 2,000 as Government revenue.

(*c*) in ryotwari tracts pay Rs. 250 as land revenue.

(*d*) or hold rent-free land yielding an annual income of Rs. 2,000.

(*e*) graduates of 10 years' standing.

37. The Provincial Legislative Councils for the Presidencies of Bombay and Madras and for the 5 other provinces will have to be larger; and in addition to the representation given to the District Boards, mofussil Municipalities, large land-owners and the literary classes, special representation will have to be given to the Municipal Corporations of the Presidency Towns, the Universities, the European Chambers of Commerce, the Indian Mercantile community, as also to big cities like Ahmedabad, Karachi, Poona, etc.

Discussion of the Budget.

38. The powers and functions of these Councils, both Imperial and Provincial, should, in regard to interpellation and the discussion of the Budget, be wider than those existing now or proposed to be granted by the scheme under consideration. In regard to interpellation there should be the same power to ask further questions arising out of replies as is enjoyed by the Members of the House of Common. In regard to the discussion of the Budget, it is true that the new proposals would give greater facilities for real and useful discussion that at present. But this will not be sufficient to meet the needs of the situation. There must be the power to move amendments and there should be something more than a mere formal discussion having as little potency as the deliberations of a debating society. On all contested points votes should be taken, the Governor-General or the head of the provincial administration having the power to overrule and set aside the vote of the majority and to pass such order in regard thereto as might appear to him proper. One more safeguard to preserve the dignity of the head of the Government might be provided by laying down that it shall not be permissible to any member to move any amendment or to call for any vote in regard to the salary or allowances of the Governor-General or of the head of the provincial administration.

Executive Councils and Boards of Revenue.

In regard to the Council reforms there is one matter which is of very great importance, but which is not touched by the proposals under consideration, and that is about the representation of Indian opinion on the Executive Councils of the Governor-General and the Governors of Madras and Bombay and on the Boards of Revenue of Bengal and the United Provinces. It is submitted that it is as necessary to deal with this question as with the expansion of the Legislative Councils and with the appointment of Indians to the Council of the Secretary of State. For reasons urged above an advance in this direction also is loudly called for. It is not an impossible demand which is made. Nor is it in anywise hinted that the discretionary power of Government to make selection should be fettered. Out of the 6 seats on the Executive Council of the Governor-General, 2 should be given to natives of India. And one Indian should be appointed to the Councils of the Governors of Madras and Bombay and on the Boards of Revenue of Bengal and the United Provinces. In those provinces in which there are neither Executive Councils, nor Boards of Revenue, one of the Secretaries should be a native of India. There can be no question that there are Indians of proved merit, ability and loyalty who can be safely placed on these Councils or Boards or appointed to secretaryships. The cause of good government will, by this arrangement, be even more effectively served than by the present system, where many a serious mistake has been unconsciously committed owing to lack of knowledge of the Indian view. There will not, it is trusted, be any hesitation on ungrounded fears and vague doubts.

SUMMARY OF RECOMMENDATIONS.

Advisory Councils.

1. There should be a Council of Ruling Chiefs for dealing with inter-State matters and questions which arise between the Paramount Power and Ruling Chiefs. It should consist of 30 members, 15 of whom shall be appointed by name, being the principal Chiefs, and 15 elected by the rest of the Chiefs.

2. There should be another Imperial Advisory Council for British Indian affairs to represent not only the landed aristocracy, but also commerce, industry, progressive spirit and culture in the country. It should consist of 60 members, 30 to be nominated direct by the Viceroy, and 30 on the recommendation of Provincial Advisory Councils.

3. The Provincial Advisory Councils should consist of 48 to 60 members, half of whom should be nominated, and half elected, the electors being Municipalities, District Boards, large landholders, and literate professional and propertied classes.

4. The Provincial Advisory Council for the Central Provinces and Berar should consist of 48 members, out of whom 16 should be elected by the constituencies named in 3 above in the Central Provinces, and 8 by those in Berar.

5. The powers and functions of Advisory Councils, both Imperial and Provincial, should be defined, and all questions of domestic administration, including the settlement of the Budget, should be referred to them. They should ordinarily be summoned to meet twice in the year. The Councils should ordinarily deal with such matters as might be specially referred to them, but there should be a provision empowering them to place any particular matter before the Council for its deliberations, if a requisition to that effect is made by one-fourth of the members. Though the proceedings of the Councils might be informal, the views of the majority should, generally speaking, weigh with the Government in determining the course to be followed.

Legislative Councils.

6. Barring the permission to Mahomedans to elect two members of the Imperial Legislative Council, racial and caste distinctions ought not to be recognised in the constitution of the Legislative Councils or District Boards and Municipalities.

7. The Imperial Legislative Council should consist of 67 members, of whom 32 should be elected non-official Twenty-four of these should be elected by the District Boards, Municipalities, and the literate, professional and propertied classes, on a restricted franchise, of the eight provinces of British India; two by Mahomedans, two by zamindars, two by the Bengal and Bombay Chambers of Commerce, and two by the Bengal National Chamber of Commerce and the Bombay Millowners' Association.

8. Berar should, in regard to legislation and administration, be placed on the same footing as territories comprising British India.

9. A Provincial Legislative Council should be established in the Central Provinces and Berar, the provinces being placed under a Lieutenant-Governor, if possible.

10. This Council should consist of 37 members, 18 of these being elected—12 for the Central Provinces and 6 for Berar—by non-official members of the District Boards and Municipalities, and by the literate, prefessional and propertied classes on a restricted franchise.

11. Non-official members should have power to move amendments to and divide the Council on the Budget.

12. As regards the right of interpellation, they should have the right of putting supplementary questions arising out of answers at the same meeting of the Council.

13. There should be two Indian members on the Governor-General's Executive Council.

14. Where there are Provincial Executive Councils, one of the members should be an Indian.

15. Where there are no Executive Councils, one of the members of the Board of Revenue should be an Indian.

16. Where there are no Boards of Revenue either, one of the Secretaries to Government should be Indian.

Dated Jubbulpore, the 7th February 1908.

From—Raja Bahadur SETH BALLABHDASS, President of the Malguzari Sabha, Jubbulpore,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

I am desired by the Malguzari Sabha to acknowledge receipt of your letter No. 1928, dated the 13th September 1907, forwarding copy of a letter No. 2317, dated the 24th August last, from the Government of India, Home Department, regarding the formation of Imperial and Provincial Advisory Councils, and the enlargement of Imperial and Provincial Legislative Councils, and in reply beg to state as follows.

2. Before expressing their opinion on the proposals for reform outlined in the Government letter, the Malguzari Sabha beg to thank the Government for their kind intentions underlying these proposals and for their anxious desire to provide increased facilities in the direction of bringing all classes of the people into closer relations with the Government and its officers and thereby increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions, but the Sabha beg leave to state that this aim can only be achieved by associating with the rulers, representatives of not only landed interests, as proposed, but also those of industry, commerce, capital and the educated and professional classes. This will facilitate consultation in all the branches of administration, and the body so constituted will be really helpful to the Government in advising it as to the different interests involved.

3. So much for the constitution of the Councils, now as to their functions. It is observed in paragraph 5 (6) that these will be purely advisory. The Sabha have no objection to the Council being for purely consultative purposes as a first step in genuine political progress, but it will not be too much to suggest that an Advisory Council of all the classes of the community should be invested with the powers of tendering occasional addresses to the Viceroy and the Governor on the wants and grievances of the people, that they should be called upon to meet at some definite time in the year, and that Government should take the opportunity to make such statements of general policy and particular measures as, for instance, is done on the occasion of opening and the prorogation of the Parliament in England. These notables should also be given the powers of meeting at their own motion on any serious occasion to tender proper advice to the Government and assure them of the real state of the country under a given set of circumstances. Besides, if some measure of the Government were criticized, nay opposed, by a three-fourths majority of the Council, it should be dropped.

4. With regard to the question of the expansion of Legislative Councils, the Sabha have absolutely no objection if a larger number of land-holders, bankers and others are given entrance to the portals of the Council chamber, but the presence of the members of the Bar in that august assembly is as much necessary as that of these representatives of various interests in the country. The Councils are legislative ones, their functions are to pass bills into laws. The Sabha therefore think that no opinion can be more valuable and of greater use in these matters than that implied in the practical views of gentlemen competent by their education, learning and legal accumen to speak authoritatively on the subject. Their expert opinions should be valued and greater room should be made for them in these Councils.

5. The Sabha now beg leave to consider some of the other aspects of the proposed reforms. A conscientious regard for the minorities constitutes a predominant note in the Government letter. Class representation which is so much insisted upon is always pregnant with controversies and will tend to create ill-feeling among the numerous races inhabiting the country. Where so much difference already exists among a heterogenous people as in the Central Provinces, it is the highest statesmanship to try to make them bury their petty quarrels and become a homogeneous whole. But the Sabha find that if this class representation is allowed, matters instead of mending will go from bad to worse. Besides if such representations are allowed every minor class will come forward to claim the same privileges as those granted to a few. To give a few instances, what is there to prevent the Christians and the Parsees to clamour for their representations? What can check the Buddhist, the Jains and the Sikhs and others from putting forward similar claims? And if all these are allowed separate seats, if every minor class sends one or two of their number to the Councils to watch over their interests, the Councils will become simply confused bodies of an unwieldy character. Under these circumstances the Sabha respectfully submit that class representations should not be allowed and the election of the Council should take place on a general basis. The formation of electorates on the basis of caste, class, community and religion should, however, never be allowed, for it will only accentuate the social and religious differences which it is the aim of our benign Government to minimise.

No. C-36, dated Amraoti Camp, the 16th February 1908.

From—B. ROBERTSON, Esq., C.I.E., I. C.S., Commissioner, Berar,

To—The Chief Secretary to the Chief Commissioner, Central Provinces.

I have the honour to reply to your letter of September last, asking for an opinion on the proposals set forth in the letter from the Government of India in the Home Department, No. 2310-7, dated the 24th August, on the subject of Advisory and Legislative Councils. I regret that in the press of other work connected with my taking over this Division, I have been unable to find time for full consideration of the various questions that are raised, and that a reply to your reference has been so much delayed.

2. On receipt of your letter my predecessor consulted the Deputy Commissioners of Amraoti, Akola and Buldana, as also Rao Bahadur R. N. Mudholkar and Rao Bahadur D. V. Bhagwat. Major Horsbrugh and Colonel Colomb have offered brief opinions on the proposals, both being in favour of the creation of an Advisory Council for the Central Provinces and Berar, although they give no very definite opinion as to how it should be brought into being or as to the lines on which it should be worked. Rao Bahadur D. V. Bhagwat regrets his inability to discuss the schemes for the formation of an Imperial Advisory Council and for the enlargement of the Legislative Councils. He puts forward proposals for the formation of an Advisory Council for the Central Provinces and Berar, this to be done partly by election and partly by nomination by the Local Administration. To the Advisory Council as thus created he would give the right to elect a member of the Imperial Legislative Council. Rao Bahadur R. N. Mudholkar has recorded a lengthy note on the whole of the Government of India's scheme, and I forward it in original in accordance with what has been said at the close of paragraph 3 of your letter.

3. Opinion has been asked for on—

(*a*) The scheme in general more especially from a Central Provinces and Berar point of view.

(*b*) The formation of an Advisory Council for the Central Provinces and Berar.

(*c*) The election of a Central Provinces and Berar member on the Viceroy's Council.

(A) The scheme in general.

4. On the scheme in general I do not propose to say further than that I approve of the suggestion of an Imperial Advisory Council and of similar Councils for Local Governments, but I question whether the method of out-and-out nomination to such Councils will satisfy the asperations which have been raised and will be the most suitable method of forming the Councils. Again, the proposal that one-third of the number of the Imperial Advisory Council should consist of Ruling Chiefs and that the remainder should comprise the territorial magnates of every Province, where landholders of sufficient dignity and status are to be found will have the appearance, if it has not the effect, of closing the Advisory Council to the leaders of industry, commerce, capital and of the professional classes. It is proposed that the latter should be represented on the Provincial Advisory Councils, and the case is surely all the stronger for their being prominently associated with the Imperial Government in considering subjects of the most multifarious nature deeply affecting the progress of the country.

5. I am of opinion that the scheme of the Imperial Advisory Council should be revised. I would limit the number of the Council to 40, which would probably be sufficiently large a body for the purpose. 24 members might be nominated by the Viceroy direct and 16 selected by the Viceroy from members of the Provincial Advisory Councils nominated in that behalf by the Advisory Councils. Of the direct nominations, at least one-third should be representative of commercial, industrial and professional interests. In the case of nominations by Provincial Advisory Councils, of which there will be 8, it would be possible for each council to nominate four representatives. As the intention is to give the landed interest special weight in the Advisory Council, 2 of the nominations should be of persons of that class, one should be a business man and one a professional man. From the names thus sent up, selection would be made of one representative of the landed interest from each Province, and from the 16 nominees of the commercial and professional classes 8 would be selected, say 4 of each class, each Province obtaining a representative of one or the other. I note that in Burma a representative of the landed classes would probably not be forthcoming; in that case a different choice could be made. The Central Provinces and Berar in this scheme are ranged with the larger Provinces. If objection is taken to this, which I trust would not be the case, the Province might nominate only one member, the difference being made up by adding to the direct nominations on His Excellency the Viceroy, making the latter 25 instead of 24.

6. One point which may give rise to criticism remains, namely, the invidiousness of the task of making selections from the names sent up. The non-official members who have been consulted in Berar are prepared to accept the principle of section, and I have adopted it, but it seems to me that there need be little risk in accepting nomination of a single representative of the landed interest, and in the case of the commercial and professional classes telling the Advisory Council the class of which it is its turn to nominate a representative. In this way the question of selection could be eliminated.

7. The enlargement of Imperial Legislative Council is coupled with the maintenance of a standing official majority on the Council. This being conceded, I incline to the opinion that the suggestion for enlarging the Council has, as a matter of practical politics, been carried somewhat far. It is proposed to bring 20 officials of high standing from the different Provinces each year to Calcutta for the Session of the Council. The loss to the different Administrations of the services of such a number of officers of standing and experience is no light matter, and the growth of representation may be too dearly bought if Government work in the Provinces is dislocated to this extent. I would therefore reduce the numbers of the non-official members, however unpopular and apparently backward such a suggestion may be. The reduction I would suggest in the different classes given in paragraph 12 of the Government of India's letter is as follows: —

D.—Elected members—	
(*a*) and (*b*) as proposed	9
(*c*) a representative of the nobles and great land-owners of the following Provinces to be elected in rotation :—	
Group I.—Bengal and Eastern Bengal and Assam	
Group II.—The United Provinces and the Punjab	
Group III.—Madras and Bombay	3
(*d*) by Muhammadans	1
E.—Non-officials nominated by the Viceroy to represent minorities or special interests (to include a representative of the Central Provinces subject to the reservation made in paragraph 15 below), not less than one to be a Muhammadan	4
F.—Experts to be nominated by the Viceroy, where necessary	1

This reduces the representatives of classes D, E and F by 6, and the number of additional nominated officials (class B) could be similarly reduced to 14. Considering that the expert number of Council (class F) will presumably be ordinarily a Government official, and taking also into account the reduction in the size of the Council, the number of additional official members might probably be 13. This would give a Council of 40 members not including His Excellency the Viceroy, and I am of opinion that, with the stipulation as to an official majority, the Council should not exceed this number.

8. On the other details of the proposals I do not propose to offer any remarks, as they are not intimately connected with the circumstances of the Central Provinces and Berar.

(B) The formation of an Advisory Council for the Central Provinces and Berar.

9. I have already stated that I am in favour of a Provincial Advisory Council being formed. The question is not easy of satisfactory solution, but I think the time has come when some method of associating the non-official element with the deliberations of Government must be devised. In the Central Provinces and Berar the formation of an Advisory Council would be a stepping-stone to a local Legislative Council, the establishment of which cannot be very long deffered. And to satisfy the aspirations which have been formed I would admit the principle of nomination to the Advisory Council by District Boards and Municipalities as the only representative institutions which we have ready to hand.

10. My suggestion would be to form an Advisory Council of not more than 25 members, 13 to be nominated by the Chief Commissioner and 12 to be appointed as follows :—

One member to be nominated by the Municipalities of Nagpur and Jubbulpore, the two chief cities in the Province, by rotation.

Five members to be chosen by the Municipalities of each Division. (In the case of Nagpur and Jubbulpore, the Municipality would not take part in the nomination, when its turn for a nomination on its own account came round.)

Four members to be chosen by the District Councils of each Division in the Central Provinces.

Two members to be chosen by the District Boards of (*a*) Amraoti and Yeotmal, (*b*) Akola and Buldana.

11. I do not consider that we need introduce the complication of asking the local bodies to nominate more than one representative, from whom the Chief Commissioner could make selection, although in deference to the Government of India's views as to selection for the Imperial Advisory Council, I have admitted the principle in the proposals I have put forward in paragragh 5, while at the same time pointing out in paragraph 6 that the principle might safely be abandoned. I would therefore let local bodies nominate their representatives without any question of subsequent selection. To insure due representation of the different classes, I would confine nominations of representatives of the commercial and professional classes to the Municipalities, and of the landed interest to the District Boards. It should not be difficult to arrange that three repesentatives of the commercial and three of the professional classes should be nominated in turn by the different municipal bodies. One year it would be the turn of a commercial representative to be nominated for the Division; another year of a professional representative. The District Boards which stand for the agricultural classes should nominate only representatives of the latter. In Berar, in consideration of the agricultural wealth and advancement of the Province, I think it would be fair to allow two representatives of this class.

12. The above is admittedly a very rough and ready suggestion, and it is no doubt open to criticism, but as a beginning it might, I consider, be given a trial. I am certainly not in favour of starting an electorate, and the whole idea of informal Advisory Councils is quite apart from such a foundation, but I hold that some system of nomination such as I have outlined would be a step in advance, and might be introduced as an experimental measure with the materials which are already in existence.

(C) The election of a Central Provinces and Berar member of the Viceroy's Council.

13. The third point is one on which there has been discussion in the past, and it has generally, I believe, been admitted that a system of election would be difficult to devise in the present position of these Provinces. Although the Provinces are admittedly advancing rapidly, I do not consider that the principle of election should be introduced until the time comes for providing them with a Legislative Council of their own. The proposal of the Government of India that the Province should select one of its "nobles or great landowners" to a seat on the Viceroy's Council is not one which in my opinion can be considered feasible. It would not meet with the approval of the great bulk of the educated classes, and an electorate would be almost impossible to devise. Colonel Colomb has pointed out that if a high standard of revenue-paying status is laid down, the chief electors in his district would be land-grabbing Banias, and the same would no doubt be the case elsewhere in Berar. In the Central Provinces the position to some extent different, but an electorate, of which some of the most important members would be disqualified because their estates are chronically under the Court of Wards, would not make for influence or respect, I would abandon the Government of India's proposal as impracticable.

14. In its place there is nothing that could reasonably be put forward, failing one suggestion which has been made. To abandon the elective principle will cause disappointment in certain quarters, but I do not think that this can be helped. The alternative, to which I have above referred, is to accept a nomination by the Advisory Council for a seat on the Imperial Council. There are admitted difficulties in the way of this suggestion. The Advisory Council, instead of being an informal and purely advisory body, is given a definite function of a very important nature, which would not be possessed by the Advisory Councils in other Provinces. The measure would hardly be a concession to the elective principle, since, if anything like the scheme for an Advisory Council which I have outlined were adopted, the elected members would be in a minority. I do not myself think that any right of nomination could properly be given to a body like an Advisory Council. But I put foward the suggestion as it has been made.

15. The appointment of a member of the Imperial Legislative Council is no doubt a matter in which the Chief Commissioner would consult his Advisory Council, and it might be possible to give weight to the views of its members by confining slection to a list of, say, not less than three persons which it might propose. Some arrangement of this nature might possibly prove feasible; it is, so far as I can see, the most that could be done.

No. 1615, dated Raipur, the 19th February 1908.

From—F. A. T. PHILLIPS, Esq., I. C. S., Commissioner, Chhattisgarh Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

With reference to your letter No. 1929—I-15-24 of 13th September 1907, forwarding a copy of letter No. 2317 of 24th August 1907, from the Goverment of India (Home Department), regarding the formation of an Imperial Advisory Council, the formation of

Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets and asking for an expression of opinion on the following points:—

(1) The scheme in general, more especially from a Central Provinces and Berar point of view.

(2) The formation of an Advisory Council for the Central Provinces and Berar.

(3) The election of a Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership, and method of election.

I have the honour to submit the following remarks :—

2. All the Deputy Commissioners of my Division were consulted on the subject, and it was left to them to consult in turn such individuals and bodies as they might think fit. Replies have been received from Messrs. Mayes and Mahdi Hasan.

3. With regard to the scheme in general, I find it difficult to say much, especially from a Central Provinces and Berar point of view. I am of opinion that the formation of an Imperial Advisory Council would probably be beneficial from the point of view both of the rulers and of the ruled; and it cannot now be said, I think, that the time is not yet ripe for such a measure so far as India, as a whole, is concerned. But it seems to me very doubtful whether the Central Provinces and Berar could at present contribute much, if at all, towards the formation of such a Council. Mr. Mahdi Hasan apparently is of a different opinion. He says :—" The proposals for constitution of the Imperial and Provincial Advisory Councils described in the Resolution leave nothing to improve upon. There is, in my opinion, sufficient material available in the Central Provinces and Berar to recruit members for these Councils." The proposal is to appoint as members of the Imperial Council some of the Ruling Chiefs and some of the territorial magnates of British India, who are hereditary leaders of the people. It seems to me that in the Central Provinces and Berar suitable candidates would with difficulty be found in either class at the present time. With regard to the formation of a Provincial Advisory Council for the Central Provinces and Berar, I shall say more below. With regard to the enlargement of the Imperial Legislative Council it is not proposed to have more than one elected member for the Central Provinces and Berar; and about the method of electing him I shall say more below. The enlargement of the Provincial Legislative Councils does not concern the Central Provinces and Berar, nor does the new method proposed for the discussion of the budgets. I may remark, however, that I think this would probably be an improvement.

4. I turn now to a consideration of the formation of an Advisory Council for the Central Provinces and Berar. I am very doubtful whether such a body could at present be usefully created. Mr. Mahdi Hasan thinks that a Provincial Advisory Council could easily be formed from the Feudatory Chiefs, zamindars, great malguzars, bankers, merchants, Government officials, and members of the legal and teaching professions. To me it seems that the task would be very difficult. All the more responsible officers of Government in the Central Provinces have for a long time past been in the habit of consulting the representatives of the people with respect to administrative measures contemplated or legislation proposed. But the persons selected for this consultation are by no means always the same. They vary according to the particular subject under consideration or the particular class or interest concerned; and they include persons of many creeds, castes and classes. The appointment of an Advisory Council would be a gain, therefore, only if the members composing it were comparatively few in number and could at the same time give advice or information on every subject on which such advice or information might ordinarily be sought. I very much doubt whether such a body could be got together under existing conditions. To take the first two classes mentioned by Mr. Mahdi Hasan, the Feudatory Chiefs and zamindars, I fear that at present it would be difficult to select from them even one individual whose presence on an Advisory Council would be of much use. Doubtless useful advisors could be found in the other classes. But probably the most experienced, widely-informed, and intelligent of them would have little time to spare from their own business, while the knowledge and experience of the rest would probably be limited in range, so that it would be necessary to have a very large body of them in order that some one or more of them might be qualified to give advice on any subject on which it might ordinarily be sought; and then there would be great danger that the Advisory Council would become a somewhat unwieldy body. In this connection I may quote the following remarks made by Mr. Mayes :—" At present local officers make their own selection of the gentlemen who are consulted on matters of public interest, and endeavour to get the opinions of those best qualified to express them; and so long as this procedure is left untouched, there appears to be no objection to adding to the *izzat* of a few gentlemen whose opinion will be worth hearing on certain subjects, but on others will hardly command confidence."

5. With regard to the election of a member for the Central Provinces and Berar to the Imperial Legislative Council, Mr. Mahdi Hasan is of opinion that one member is not sufficient. He says:—"All other provinces except the Central Provinces are allowed two members, one of whom is to be elected by the non-official members of the Local Provincial Councils. That the Central Provinces have no Council of their own is an additional reason why they should have two members on the Imperial Legislative Council and the fact that Berar has recently been added to them makes the case stronger." It does not, however, seem to me quite necessary to make definite provision for a second member for the Central Provinces. Assuming that the Imperial Legislative Council will be constituted in the manner sketched in paragraph 12 of the letter from the Government of India, I suppose that, as a rule, at least one of the officials, referred to against (2) B, would belong to the Central Provinces; and it is possible that one of the non-officials, referred to against (2) E, would also be from the Central Provinces, sometimes if not always. If, however, two non-official members from the Central Provinces were definitely provided for, Mr. Mahdi Hasan thinks that only one of them should be elected, the other being nominated.

6. On the assumption that only one place among the non-official members will be definitely assigned to the Central Provinces and Berar, it is necessary to consider how he should be appointed. Mr. Mayes thinks he should be elected, and Mr. Mahdi Hasan is apparently of like opinion. But neither of them has said anything about the method of election. It seems to me that this is the most difficult question of all. I venture to think that an electorate constituted in the manner proposed in paragraph 14 of the letter from the Government of India would certainly be open to the very objections specified in paragraph 15. Nor am I able to suggest an electorate which would not be open to those or similar objections. I cannot help thinking that for the present the member should be nominated, not elected. I believe myself that the Central Proviness and Berar are likely to make great and rapid progress in almost every way during the next few years; and the time is probably not very far distant, when the province should have its own Legislative Council. When that time arrives, it is probable that questions regarding elections and electorates will be very much easier to deal with. But for the present it appears to me that the appointment of a suitable member for the Central Provinces on the Imperial Legislative Council is far more likely to be secured by nomination than by election. At the same time I am strongly of opinion that the province ought certainly to be represented on the Imperial Council.

7. I have now dealt with the points that I have been asked specially to deal with. But it seems advisable to mention some suggestions made by Mr. Mahdi Hasan with regard to the enlargement of the Imperial Legislative Council. He would add five non-official members to the Council as sketched in paragraph 12 of the letter from the Government of India, of whom 2 would come under D (*c*) (one being elected in Sindh and the other in the North-West Frontier Province), 2 would come under D (*d*) (so that 6 Muhammadans would be elected altogether), and one under E (a member nominated specially for the Central Provinces and Berar). To counterbalance these additions to the non-official members he would add 5 to the additional officials nominated by the Viceroy under B. I have already said that I do not consider it necessary to provide definitely for a second non-official member for the Central Provinces. With regard to the special needs of Sindh and the North-West Frontier Province I am not in a position to say anything. And regarding the proposed increase in the number of elected Muhammadan members I am inclined to think that sufficient provision has been made for Muhammadans in the draft constitution sketched by the Government of India. The following are the remarks made by Mr. Mahd Hasan on the subject of the Muhammadans:—

"The total number of elected members proposed by the Resolution is 18, out of which 2 are reserved for Muhammadans. They feel that it is really very inadequate. It falls short of the ratio which they bear to the population of other communities, not to speak of their political and historical importance: and their case for a larger enfranchisement becomes much stronger when due weight is given to their political and historical worth."

No. 1502, dated Nagpur, the 6th March 1908.

From—J. WALKER, ESQ., C.I.E., I.C.S., Officiating Commissioner, Nagpur Division,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

With reference to your No. 1929, dated the 13th September 1907, forwarding a copy of the Government of India, Home Department, letter regarding the functions of Imperial and Advisory Councils and other matters, I have the honour to say that I addressed the Deputy Commissioners of Nagpur, Wardha, and Balaghat on the reference and asked for their opinion after consulting the Chairmen of the District Councils and the Presidents of the Head-quarter Municipalities

and any other members of these bodies whom they considered best qualified to give an opinion. The above I thought represented the best available material for obtaining well thought out and expressed opinion on this somewhat far-reaching subject. The Deputy Commissioners' replies were belated, the last not reaching me till after the middle of February.

2. The opinions given are lengthy and difficult to summarise, especially those of Messrs. Khare and Kelkar of Wardha and of Mr. Mulna of Balaghat. There seems to be a general feeling that in any Advisory Councils that may be formed, the hereditary leaders of the people as represented by the territorial magnates would not command the confidence of the people and that membership should not be confined to them; that in order to give a feeling of real responsibility of their position, members of Advisory Councils should meet regularly and should have the power to bring forward subjects for discussion; that in the proposed expanded Imperial Legislative Council these provinces would not be adequately represented, especially in the absence of any Provincial Legislative Council, and that any hard and fast prescription as to the representation in the Imperial Legislative Council of special interests would be unnecessary and apt to cause heartburnings. I enclose a copy of the Deputy Commissioner, Nagpur's letter as it contains in a comparatively small compass a summary of the opinions of several gentlemen whose opinions carry much weight.

3. As regards my own opinion on the measures proposed, I would first say that the proposals do not seem to me to even aim at any real satisfaction of the aspirations of that portion of the people of India who hanker after a larger part in the administration. The formation of fresh bodies whose functions are purely advisory and who can deal only with such matters as may be specifically referred to them, would, I am sure, be regarded by the educated minority as a mere piece of political eyewash and by the rest of the people as a matter of indifference. The Deputy Commissioner of Wardha has said of the proposed Councils that they are not a necessity and that they will only still further complicate legislation by multiplying opinions which would probably be of no very great value. I agree with this view in so far as to hold that for purely consultative purposes our existing machinery is adequate. Our local bodies are duly consulted and leading private citizens have full access to executive officers, while our darbari system may easily be more fully utilized for the purpose of making the measures and motives of Government more fully understood.. The defunct or dormant Indian National Congress owed its support amongst a large number of moderate-minded and influential men largely to this desire to possess some public organisation which could discuss administrative measures without the necessity of any previous reference by Government.

Advisory Councils of the type suggested will not meet this wish, and if we are forming new Councils I think we should make some tangible concession to the wishes of a large body of well-disposed and responsible Indians. If proper rules as to the notice to be given of subjects for discussion and as to the forms of procedure to be followed at meetings are framed, *fiascos* like those that attended the meetings of the self-elected and inchoate Congress need not be apprehended. I consider that if Provincial Advisory Councils were possessed of a power of initiative in respect of the selection of subjects for discussion and were empowered, under restrictions, to ask for information from Government, the measure would be appreciated as a genuine concession towards a growing want. Purely consultative Councils without power of initiative are not necessary, and as they represent no real concession I consider that their formation would be politically unwise. I would therefore abandon the proposals in their present form.

4. As the formation of Councils with any power of initiative is quite beyond the present proposals, I will indicate only generally the lines on which I think ultimately any action might be taken. I would not attempt to form Imperial Advisory Councils at all. The Government of India is too remote and impersonal to attempt confidential and intimate consultation with its subjects except through Local Governments and Local Councils. The benefit of direct consultation with, say, two non-official members of such a Council from the Central Provinces would

be slight, and assuming that there has been full and free consultation between the Local Government and its Council which has been duly recorded for the information of the Government of India, it does not seem right that any two members of the Local Council should intervene between the views of the Local Government and Council and the Government of India.

5. As regards any Provincial Advisory Council, with some power of initiative, I would form this half by nomination by the Chief Commissioner from the ranks of district darbaris and half by election by District Councils and Municipalities. I have said before that our system of darbaris is capable of being more fully utilized. The position of a darbari is a traditional one and is valued as an honour, and, though of late years it has been rather an empty honour, it is still generally understood that the holder is theoretically a counsellor of the ruler. I would make this position more real by holding district darbars annually, the subjects of address to be laid down by the Local Government, and by holding divisional darbars frequently by the Local Government. I think it is essential to graft the idea of Advisory Councils at least in part on to that of darbars. I think it is clear that local bodies should elect to a substantial number of seats in the Provincial Council. These local bodies represent the germs of representative Government and it is desirable to stimulate their interest in the administration by all possible means. As half the Council would be nominated from darbar lists there would be no risk that the elections by local bodies would result in either a preponderance of lawyers in the Provincial Council or in insufficient representation of the greater landlords.

6. As regards the proposed expansion of the Imperial Legislative Council, in paragraph 11 of Sir H. Stuart's letter it is stated that "the constitution of the Imperial Council is in fact so closely bound up with that of the Provincial Councils, by which a certain proportion of its members are elected, that it is almost impossible to formulate final proposals for the one without having first determined the character of the other." Again, in paragraph 20, it is stated "the foregoing scheme for the Imperial Legislative Council necessarily omits several elements which may form part of the Provincial Councils." It is therefore difficult to criticise the proposals from the point of view of a large and fairly advanced province not possessed of a Legislative Council at all, as they seem to be inconsistent with such a condition. If the single non-official member returnable by the Central Provinces and Berar is to be elected, it is preferable that he be elected by local bodies rather than by great land-holders. This is the view of all consulted, and enlightened large proprietors are too few in number to return the sole representative of the Province. But with only a single membership available I think that the system of nomination by the Chief Commissioner should continue so that the choice be not restricted to any class. Indeed I am inclined to think that the whole proposals for the expansion of the Imperial Legislative Council might be deferred till some definite scheme of Advisory Councils was worked out. If a Council, such as I have sketched above in paragraph 5 were constituted, I think it might be permitted to elect two members of the Imperial Legislative Council, *viz.*, one to be elected by darbari nominated members of the Advisory Council, and one by the Local Body representative members of that Council.

No. 719, dated Nagpur, the 15th February 1908.

From—A. B. NAPIER, Esq., I. C. S., Deputy Commissioner, Nagpur,

To—The Commissioner, Nagpur Division.

I have the honour to forward the report asked for in your letter No. 6218, dated the 4th October 1907. I regret the delay which has resulted from the papers being sent to one gentleman for opinion and from his for getting all about them.

2. I have consulted upon this question of Advisory and Legislative Councils Sir B. K. Bose, the Hon'ble Mr. Chitnavis, C. I. E., and Khan Bahadur Bezonji Dadabhoy.

3. In the matter of the Imperial Advisory Council the criticisms which were advanced were as follow :—

(*a*) It was thought that the ruling Chiefs would not improbably consider it derogatory to their dignity to sit on the same Council with mere land-owners whatever might be the status of the latter in their particular province. Perhaps the formation of two sections of the Council might obviate this objection.

(*b*) In certain provinces, especially where the ryotwari system prevails, it would seem that considerable difficulty would be found in obtaining persons representative of a large tract of country.

(*c*) If the Council is to command the full confidence of the country, members from other professions should also be added as they represent the true intellect of the country. It was suggested that not only non-officials of other classes but also pensioned Government officials would make useful members of such a body.

(*d*) Sir B. K. Bose and Mr. Chitnavis were strongly of opinion that if the Council was to be a really useful body it would be necessary that it should have the power to meet of its own accord to discuss matters which seemed to it of importance, and in such cases should be able to ask Government for papers, which request might or might not be acceded to. They considered that without such power the members would take but a languid interest in their position. Khan Bahadur Bezonji considered that such a proposal clearly went beyond the scope of the proposals, and such power if granted might prove an embarrassment to Government even if it the deliberations were confidential.

4. It will be seen that the views of these gentlemen are far more democratic than those of the proposal. They do not seem to consider that the "hereditary leaders" of the people as represented by the territorial magnates would command the confidence of the country. No doubt this would be felt far more in this Province, where there are few if any persons of the description referred to in the proposal. The position in Northern India is no doubt vastly different, but I am afraid that whatever their influence may be in the north they would not carry much weight among the people of the country.

I also consider that there is much sound sense in what has been said as regards the position of Council unable to meet and discuss of its own motion. It would seem that there is some danger that it would not be taken seriously by the people, may, that it could hardly take itself seriously. At the same time the proposal that it should have any such powers goes far beyond the scope of the reference.

5. The proposed constitution of the Provincial Advisory Councils is on much more democratic lines and did not call for criticism. It was suggested that as an aid towards selection that District Councils, Municipal Committees, the Bar and other recognised bodies might submit names to the Hon'ble the Chief Commissioner as an aid to selection. It was thought that several names might be submitted to avoid the invidiousness of a possible rejection of the only person whose name was submitted.

It was generally considered that Provincial Advisory Council would in some ways prove more useful than the present custom of taking the counsel of individuals, inasmuch as in such a Council members would have the advantage of hearing arguments from persons in different professions from their own: they would be enabled to see how any proposal before them might affect interests differing from theirs and would be able to deliver more considered opinions.

It was, however, thought that in order that members should take a real interest in their position and feel a real sense of responsibility, the Provincial Council should meet at least twice a year and if possible four times and should have the power of bringing forward at such times subjects which they considered required discussion.

6. If such a Council is to be truly useful I feel that there is much force in what has been said. I think that no great embarrassment would be caused if members were required to give full notice of any matter which they would like to hear discussed. It would be easy for Government to choose from such subjects papers for the Agenda and to intimate that others were not in a stage at which discussion would be opportune.

7. In regard to the question of the enlargement of the Legislative Council I must first set down that Sir B. K. Bose and Mr. Chitnavis were of opinion that the time had come when the Central Provinces and Berar should have a Legislative Council of their

own. Khan Bahadur Bezonji stated that it was a subject to which he had not devoted sufficient thought, though he said that it was a question which he had heard advocated by many people.

This is relevant to the subject in so far as it is a basis for a view further expressed that the Central Provinces and Berar should have two elected members on the Governor-General's Legislative Council instead of one. Such a concession would require a similar concession to Burma and would add two members to the Council, bringing the non-officials to the number of 27 against 28 officials.

I cannot quite agree that the population or importance of the Province does demand an equal representation to that given to the older Provinces, and to me the formation of a Central Provinces and Berar Legislative Council need only remove the Central Provinces representative from class D (*c*) to D (*b*), where it would be on an equality with Burma. Such a course would indeed be preferable to an attempt to form an electorate from the general mass of the land-holders. I have tried to find a solution to this last problem but without success.

8. In regard to the proposed section E of the Viceroy's Council, the gentlemen whom I have consulted consider that the proviso is unnecessary and lively to cause needless friction between the races of which the Empire is made up. They say that no one would question a nomination of a greater proportion of Muhammadans if the Council as otherwise constituted did not contain a sufficient proportion to present their interests in the Empire, but that Muhammadans may and do come to the Council as elected members, that under class D (*d*) they are to have two specially elected members and that to provide that there must be at least two members under class E, whatever their previous strength on the Council, would appear to show them so much preference as to be regarded by other classes as unfair.

This is a question on which I think it is unnecessary that I should express my personal opinion.

XXIV.

No. 139

Dated the 25th February 1908.

From—The Honorary Secretaries of the Mahajanasabha, Madras,

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

We have the honour to submit the following representations for the consideration of His Excellency the Governor-General in Council, in regard to the reform proposals.

The Mahajanasabha has been usually consulted on all matters of public importance, and it is a matter for regret that the local Government did not think fit to consult the Sabha on the reform proposals, and no reason has been vouchsafed or is known to the Sabha for this departure from the usual practice.

1. In the letter under reference the object of the proposed administrative reforms is said to be to bring all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions. This object is sought to be attained by the formation of Advisory Councils, imperial as well as provincial, and by the expansion of Legislative Councils on certain lines suggested therein. The whole scheme is spoken of as a scheme of constitutional reform devised for the purpose of making adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have, it is admitted, no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence.

2. Towards the realisation of the objects above stated, the first step proposed is the establishment of Advisory Councils. It is said that the Advisory Councils will be instrumental in correcting, "erroneous and often mischievous statements of fact or purpose" imputed to the Governments in India. It is further claimed for them that when established, they will serve not only as a means for free and close consultation between Government and its subjects but also as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

3. We are decidedly of opinion that Advisory Councils constituted in the manner suggested by the Government of India will not be calculated to fulfil any of the objects of which they are to be called into existence. According to the proposal now made the Advisory Councils are to be composed solely of Ruling Chiefs and territorial magnates. They are to be purely consultative bodies whose business it will be to give advice to the Government, whenever the Government may seek their advice. Regard being had to the main purpose which the Advisory Councils are intended to serve, it is obvious that they must be so constituted that the members thereof will be in a position to speak with authority on behalf of the people and represent to the Government the real sentiments and wishes of the community in regard to any proposed administrative or legislative measure. The Government of India take care to point out that the needs and sentiments of the masses of the people must for the present find expression through those officials or non-officials who are acquainted with their daily life and are qualified to speak with authority on their behalf. But it cannot be said, for a moment, that the Ruling Chiefs and the territorial magnates who alone are privileged to be the members of the proposed Advisory Councils are acquainted with the daily life of the people and are qualified to speak with authority on their behalf. The habits of the Chiefs and magnates are not such as to bring them into anything like close contact with the people at large. They have always been accustomed to a life of comparative seclusion. They have scarcely been known, as a class, to identify themselves with any cause affecting the welfare of large sections of the people or to inaugurate measures for ameliorating their condition. Even granting that these notables may be prepared to exert themselves to ascertain

the requirements and feelings of the people, it cannot be expected that the people at large and the lower classes speak more freely and with greater confidence to them than they will do to the educated men of the middle class, whom they recognise as of themselves and are familiar with and who, they know, are in sympathy with them and are working for them. Moreover Ruling Chiefs as well as territorial magnates are so much under the control of the Government and its officers that it seems most unlikely that they will give free and independent advice, fearless of consequences. The chances are that they will prefer to echo merely the views of the Government and signify their approval of whatever the authority presiding over the deliberations of the Advisory Council may give out.

4. The suggested members of the Advisory Councils are not persons whose daily life brings them in contact with the people, nor do they enjoy, even occasionally, special opportunities of studying their needs and their sentiments. In these circumstances, any view which they may express on proposed administrative or legislative measures can be regarded neither as the opinion of the acredited representatives of the people nor as the deliberately expressed opinion of persons who could and would approach any given question from a thoroughly independent and impartial standpoint. The body of Imperial Councillors—such is the name by which the members of these Councils are to be known—is to have no statutory recognition. That is to say, no Viceroy would be bound to recognise the existence of the Advisory Councils and consult them at regular intervals or for stated purposes. At his option he might take the opinion of the Councillors collectively or individually or might not take it at all.

5. The further disabilities of the Imperial Councillors—for privileges they have none except that of being called by that imposing name—are that they shall enjoy no power of initiative and they shall not let others know what advice they give to the Government on any matter on which they may be consulted. These two conditions will lead to the level of utility of these advisory bodies being always maintained at its minimum. If these bodies enjoy, at least to some extent, the power of initiative, it may be hoped that the members may occasionally come forward with proposals of their own. Under the scheme proposed, no scope is allowed for any member rendering any such useful piece of service. They have *in camera* to impart to the Government their advice on such measures as the Government may think fit to place before them. Again if the members have at any rate to give their advice openly, the proceedings being public, they may be expected to do so with a due sense of their responsibility to the Government as well as to the people. The secrecy of their proceedings would take away all incentive to independent, responsible thinking and would afford the less conscientious members an opportunity of pleasing the Government at the expense of the people, saving themselves from that public odium which an open expression of an unreasonable or an unjust opinion upon some measure of vital importance would expose them to.

6. The formation of the proposed Advisory Councils will, however, undoubtedly serve one object. Since Lord Curzon inaugurated his reactionary policy, repressive measures have followed one after another. The great body of "moderate men" of India referred to in the second paragraph of the Government of India's communication have strongly protested against such measures, and have brought home to impartial and right-minded public men in England the unwisdom of such measures. The Council of notables may easily lend its support to the measures which the Government may introduce from time to time, and whenever the Government may desire to stultify the educated classes, they will be able to do so by pitting against their opinion, the opinion of the august assembly of Imperial Councillors. That the Government should have at their command such means of belittling the opinion of the educated classes seems to be of importance, the democratic party in England, as observed by Mr. John Morley, having been brought face to face with Indian problems and influential sections of Parliamentary members such as Labourites and Nationalists having begun to examine critically into the methods of Government in vogue in the greatest dependency of the British Empire containing no less than a sixth of the population of the globe. If the Advisory Councils are intended for the purpose of stultifying the educated classes, they are eminently fitted to serve that purpose.

7. The most objectionable feature of the constitution sketched out for these Advisory Councils is that Ruling Chiefs shall be included among the members of these bodies. The inclusion of Ruling Chiefs among the members of these bodies is undesirable from every point of view. *In the first place*, they cannot but suffer from a sense of wounded dignity, if they are compelled to sit as Councillors along with the other proposed members of these bodies—by far their inferiors in status and power. *Secondly*, there are no considerations of public goods or expediency justifying the Government of India in insisting upon these personages—who have no direct connection and concern with it—serving on a Council, the function of which is to assist the Government in shaping its policy towards its own subjects. *Thirdly*, that Ruling Chiefs should be reduced to the level of Councillors—under the Government—might lower them in the estimation of their subjects and lead to a weakening of their influence with them. *Fourthly*, the adoption by the Government, at the suggestion of a majority of the Imperial Councillors, of a line of policy or a measure disapproved by one of the Ruling Chiefs would unnecessarily hamper his action in regard to that particular line of policy or measure in his own territory, and might even affect injuriously his relations with his subjects or bring about other unpleasant consequences. *Fifthly and lastly*, there is something inherently repugnant in the notion that Chiefs who in their own dominion would never have to act as Councillors should be made to serve as such under the Government, by reason it must be, of the paramountcy of the British power. It is not however meant that the Government should not in cases that may appear to them appropriate consult any Ruling Chief on any matter of importance to the Government and to the State of which he is the Ruling Chief.

8. If the Imperial Advisory Council, as has been suggested, is to serve as a House of Lords for India, we welcome the measure notwithstanding that there is no House of Commons for us yet. But in order that it may constitute a true House of Lords or an Upper Chamber, the Imperial Advisory Council must not only have statutory recognition, but its constitution, its functions, its place in the framework of the Indian Government, must all be defined by legislation. And its deliberations must be carried on publicly. If these conditions are accepted, the establishment of such a body may be approved of, the membership being confined to territorial magnates within the territories directly under the British rule, as the Ruling Chiefs ought not to be members of even such a body. The formation of such a Council might with more or less propriety be described as a step in constitutional progress, but not of a Council on the lines suggested by the Government of India in the communication under reference.

9. If the Government does not propose to give to India any regularly constituted House of Lords and yet insists on the formation of an Imperial Advisory Council which is to have no legislative sanction and which is to be subjected to all the disabilities above enumerated, the Government must at least modify the constitution thereof by excluding Ruling Chiefs and throwing open the membership not only to territorial magnates, but also to the educated classes. It stands to reason that on this Council must be represented not only territorial magnates who, admittedly, are among "the hereditary leaders of the people," but the present actual leaders who are doing such service to the country as non-official members in the Viceroy's Legislative Council and who belong to that great body of moderate men who, it is admitted in the Government of India's despatch, are at present kept out of their legitimate influence. In fact, instead of resolving to form a rigid body with a roll of registered members, if the Government declared its intention of occasionally inviting selected conferences of non-officials to discuss affairs privately with them, the scheme might be more useful, and as the Council would then be a flexible body, the membership might be added to, reduced or altered according to the needs and requirements of the occasion, and the Government would have an opportunity of consulting privately and informally the representatives of that particular class of people or section of the community whom any proposed measure would affect peculiarly or more closely than the other sections of the subjects.

10. In the scheme of reform under consideration, the Government next deals with the enlargement of Legislative Councils. Two considerations have

mainly guided the Government in suggesting improvements under this head. One is that when the Councils were expanded and the elective principle was introduced in 1892 it was recognised that territorial representation was unsuited to India. The other is that the working of the Indian Councils' Act of 1892 has proved disappointing inasmuch as the non-official members sent up to the Councils (Imperial and Provincial) by election have mostly belonged to the legal profession and have scarcely represented landholders—a defect which the Government points out has been but partially remedied by nomination. Bearing in mind these two considerations, the Government proceeds to draw up a scheme, the immediate result of which will be that the educated classes—the real representatives of the people—will be shut out practically from the confidence and deliberations of the rulers. The ultimate evils that any expansion of the Legislative Councils on the lines suggested is sure to entail are that class will be set against class, sectarian differences will assert themselves again with all their wonted vehemence, and those race and class hatreds which it ought to be the aim of every enlightened Government to obliterate will, under the fostering care of the State, revive again with a force which will baulk all attempts in the future to root them out.

11. As regards the first consideration adverted to above, it is difficult to see who it was that recognised that territorial representation was unsuited to India. All that Lord Lansdowne, who, as the then Viceroy of India, had to carry out the provisions of the Indian Councils Act and frame regulations for the appointment of additional members, said was "I am bound to admit that, to the best of my belief, even those who are credited with opinions of the most advanced type upon Indian political questions have carefully guarded themselves against being supposed to claim for the people of India any system of representation closely imitating the Parliamentary system of Western Europe." It will be remembered that His Lordship made this observation only after adverting to the impossibility of allowing the handful of seats at his disposal in such a manner as to secure representation for the whole country either in respect of geographical areas or in respect of the different communities inhabiting it. Also, a careful perusal of the speeches made and the discussions carried on when the Bill which afterwards become law under the name of the Indian Councils Act passed first through the House of Lords and then through the House of Commons shows that the members of the two Chambers that took part in the deliberations that led up to the passing of the Act assumed that the system of Parliamentary Government such as obtained in England was unsuited to India and that the recognition of the principle that some seats on the Legislative Council should be filled by election did not mean and could not be understood to sanction the introduction of Parliamentary institutions into India. This is all that is suggested in the utterances of the statesmen who pushed the measure through the two Houses. Beyond this, there is no indication that territorial representation was unsuited to India and that all proposals to be made ever after for the reconstitution of Legislative Councils on a wider basis should proceed on the assumption that Indian soil was uncongenial for territorial representation. On the other hand, several of the eminent statesmen that then spoke evinced their utmost solicitude that whatever measures were ultimately resolved upon to have Indian opinion represented on the Legislative Councils must be such as to enable the Government 'to get at the real heart and mind—at the most upright sentiment and the most enlightened thought of the people of India.' Mr. Gladstone, from whose speech this passage is taken and who felt himself justified in looking forwards, as a result of the measure then under consideration, not merely to a *nominal but to a real* living representation of the people of India, also said on that occasion:—"The Indian Government wants men who will give a fair and independent expression of opinion, who will be backed in their opinion by the knowledge that they represent the feelings of hundreds of thousands of their fellow-subjects and truly represent their ignorance and prejudices." If such are the men that are required to convey to the rulers the wishes and sentiments of the Indian people, where is there any part in India where such men are not now available? When introducing the Indian Councils Bill into the House of Commons 15 years ago, Mr. Curzon (then the Under Secretary of State for India) spoke as follows:—"The object of this Bill which it is my duty to explain to the house is to widen the basis and to expand the

function of Government in India; to give further opportunities than at present exist to the non-official and native elements in Indian society to take part in the work of Government and *in this way to lend official recognition to that remarkable development both of political interest and of political capacity which has been visible among the higher classes of Indian society* since the Government of India was taken over by the Crown in 1858. *Every year the number of native gentlemen in India who are both qualified and willing to take part in the work of Government is increasing and every year the advantage of their co-operation increases in the same ratio.*" These were words spoken in the year 1892. In the despatch under reference the Government of India itself bears testimony to the vast improvement in this direction that the country has made during the fifteen years that have elapsed since. The despatch says:—"The extent of the advance that has since taken place in the developement of the educated classes can hardly be judged by statistical test. But it may be mentioned that, within the last twenty years, the number of scholars studying English has risen from 296,000 to 505,000 whilst the number of students passing the annual Matriculation Examination of the Indian Universities has increased from 4,286 in 1886 to 8,211 in 1905 and the number of Bachelors of Arts from 808 in the former year to 1,570 in the latter. *During this period, higher education has penetrated to circles which a generation ago had hardly been affected by its influence.*

12. Such being the case, there can be no reasonable doubt that territorial representation is not unsuited to India and that the non-officials to be sent up by election to the Legislative Councils may represent territorial divisions of British India, and not particular sections or classes or interests. Of course, the representatives elected may come from the educated classes or may come from the landholding and commercial classes who "possessing a material stake in the country and representing the most powerful and stable elements of Indian society—have now become qualified to take a more prominent part in public life." It is the material and not sectarian interests of the people that will largely need the deliberation of the Legislative Councils, and there is, therefore, no reason at all for consisting the Councils on sectarian or caste basis. Seeing, however, that Mohammadan subjects of His Majesty are anxious that thay should have special representatives of their own it is not proposed to raise any objection to such special representatives being nominated or elected to the Council.

13. The second consideration which has guided the Government in making its proposals *re* the expansion of the Legislative Councils is that lawyers have crowded out, from the Councils, landholders. In the opinion of the Government the elective system inaugurated under the Act of 1892 has proved a failure inasmuch as it has given to the legal profession a prominence in the Provincial Councils to which the Government thinks it is not entitled. Throughout the communication, the lawyers are spoken of as belonging to a professional class, and it is stated that they ought not to have more than their legitimate share of representation as belonging to that class? During all these years, what have the Barristers or Pleaders—the representatives of a "professional class"—done to advance the interests of their own profession? Has any Pleader ever introduced a measure the object of which was to aggrandise his own class? Again can it be said that they have done anything, from their place in the Council, to prejudice the interests of landholders? How have the interests of the landholders suffered by reason of the fact that Barristers and Pleaders have succeeded in carrying away most of the elective seats. The truth seems to be - the Government cannot but be alive to it—that Barristers and Pleaders are returned to these Legislative Councils because the work that has to be done by these Councils is legal work. They are, besides, the best educated and the most independent class of people in this country; and having a grasp of legal principles and being acquainted with the practical working of laws, they enjoy special facilities for grappling with the sort of questions that come up for discussion before the Legislative Councils. That the legal element should be somewhat prominent in representative assemblies is not the peculiar feature of the Legislative Councils in India Nay, at the present moment, in England, the most reponsible Ministers of the Crown

are lawyers. It is, moreover, an established fact that in the House of Commons, in the Chamber of Deputies, in the American House of Representatives, the lawyers are in a majority. Nor should it be forgotten that many lawyers in this country are themselves landholders or ryots, and there is no justification at all for a landowning Pleader who may be on the Council being looked upon merely as a lawyer. Again they are in touch with all grades of society and can afford to be independent in the expression of their views.

14. The scheme of reform does not, however, merely content itself with the denunciation of the influx of Barrister and Pleaders in to the Councils in unduly large numbers. It lays down the principle on which the Legislative Councils are to be re-organized so far as they are elective,—principles the formal recognition of which by the Imperial Government is fraught with the utmost danger to the political well-being and even social advancement of the Indian people. In the proposed scheme it is openly declared that the Councils should be so constitued in respect of non-official members as to givedue and ample representation to the different *classes* and creeds and even castes. It is not desired that such distinctions as really exist should be altogether ignored and that no provision should be made for them, but what is strongly insisted on is that such a policy should not be adopted as will serve to perpetuate and intensify the differences that may exist. Of the evil of such a policy whom need we quote but Mr. John Morely himself? The right Honourable gentleman said the other day when Mr. Laidlaw moved that the statute 21 and 22 Victoria, C. 106, should be so amended as to make it incumbent on the Secretary of State for India to always provide two seats for the natives of India on his Council that his objection to this course was "that the amendment proposed to do the very thing that all wise statesmanship forbade them to do, namely, set up a racial standard. If he accepted his honourable friend's amendment it would be putting into a statute a recognition of fundamental difference of race, whereas all our civilising processes depend upon softening away those differences so far as they could do. On that ground he was unwilling to recognise in a statute such a word as racial."

15. There is, however, hope that the Government may change their policy, because in the despatch we are assured that "the scheme set forth for the enlargement of the Legislative Council is intended to be entirely provisional and suggestive, that it indicates only the main lines upon which, in the unaided judgment of the Government of India, the extension of the Council might be effected and that they reserve to themselves the fullest discretion to modify their proposals in the light of comments and criticisms which those proposals may elicit from the local Governments and the public." Even the main lines are objectionable as pointed out above, and we do hope that the Government will see fit to alter them. In the light of the above remarks, it seems to us, that the Legislative Council of the Governor-General may, in future, be constituted on the following lines.

16. Taking the maximum strength of the Council at 54, one half of the members should be non-officials. Out of the 27 non-official members, 22 may be elected and the rest nominated by the Government. Out of the 22 elected members 2 would represent the Chambers of Commerce of Calcutta and Bombay, and 15 would represent the Provinces of Madras, Bombay, Bengal and Assam, the United Provinces, the Punjab, the Central Provinces, and Burma. Out of these 15 members, only one would represent the Central Provinces, all the other Provinces having two members each. If the Central Provinces be given a Legislative Council, the number of its representatives may be raised to two and that of Burma reduced to one. The other five non-official members are to represent the landholding classes and the Mohammadan community, and they are to be elected by recognised landholding and Mohammadan Associations in different parts of India, the landholding classes being allowed to elect three representatives and the Moham madan community two. Out of the five non-official members to be nominated by the Government, two may be experts to be chosen by the Viceroy and the other three may also be chosen by the Viceroy to represent minorities to special interests and any special sections of the population or communities which, in the opinion of the Government, require to be specially represented.

XXV

No. 140.

Suggestions on the Councils Reform Scheme of the Government by the All India Muslim League.

The scheme for the creation of Imperial and Provincial Councils as propounded in the Government of India letter no. 2310—2317, dated 24th August 1907, has been under consideration by the All India Muslim League in their session at Aligarh, on the 18th and 19th March 1908, and they beg leave to bring to the notice of the Government their great gratification with the principles on which the scheme is based. The principle of class representation in the Legislative Councils is entirely in accord with the sentiments of the Musalman community in this respect, and its definite recognition and enunciation by the Imperial Government will be hailed with satisfaction by Muhammadans throughout the length and breadth of the Indian Empire. In respectfully offering to Government their sincerest thanks for the new proposals, the League is fully persuaded that they will conduce to the best interests alike of the Government and of the people.

I. Imperial Advisory Councils.

The reasons set forth in the Government of India letter under notice, as to the desirability of establishing an Imperial Advisory Council, are cogent to a degree, and appeal strongly to the Muhammadan community. The League is firmly convinced that the establishment of such a Council will be a step in advance in the political development of the country.

While subscribing freely to the doctrine that appointment to this Council should be by nomination alone, the League regrets that it finds itself unable to agree entirely with the constitution proposed for the Council or with the procedure sketched out for the conduct of its business. The modifications in this respect which the League would venture to suggest are as follows:—

1. The membership of the Council should not be limited to the Ruling Chiefs of the Native States and the territorial magnates of British India, but should be extended to the influential and recognised representatives of important interests in the country such as industry, commerce, the learned professions, etc., which the Government of India have themselves considered of sufficient weight to be entitled to representation on the Provincial Advisory Councils. In this respect the League can find no cogent reason why a distinction of a radical character should be drawn between the Imperial Council and the Provincial Councils; in fact, so far as this aspect of the constitution is concerned, instead of working down from the Imperial to the Provincial Councils, the League would work up to the former from the latter, so as to include in the Imperial Advisory Council the representatives, however small in number, of all the interests which, in view of their relative importance in the country, can legitimately claim representation on the Provincial Councils. In the opinion of the League, the Imperial Advisory Council should be, as the Imperial Legislative Council generally is, in its relation to local Legislative Councils, an epitome of all the interests represented on the Provincial Advisory Councils in the country, for it is then and then only that it will be fit to discharge the great functions, for the performance of which it is proposed to establish it, namely, to act as a faithful exponent of the views and wishes of all races and nationalities, both in British India and in the principal Native States, and to serve as a reliable "agency for the diffusion of correct information upon the acts, intentions, and objects of Government."

2. Whatever decision may ultimately be arrived at as to the strength of the Imperial Advisory Council, the League would respectfully submit that the number of the Ruling Chiefs on it should be one-fourth of the total instead of about one-third, as proposed in the scheme—room being thus made for the representation of the interests advocated in the last paragraph, in addition to those of the territorial magnates.

The League begs further most respectfully to solicit that the Muhammadan community may be granted their due share of representation on the Imperial

Advisory Council and that representation should be "commensurate not merely with their numerical strength, but also with their political importance" and other circumstances.

Paragraph 4 of the Government of India letter recognises in the Imperial Advisory Council a body of advisors "who, while requiring no legislative recognition, and possessing in themselves no formal powers of initiative, would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people." The League does not see its way fully to endorse this proposal, but thinks on the contrary that the Imperial Councillors should have the power of laying their views, of their own initiative, before the Governor-General on any question which may in their opinion be of sufficient importance to call for such action on their part, and should also possess the right, under proper safe-guards, of eliciting information on any particular subject from the Imperial Government. Unless this power is given the sphere of usefulness of the Imperial Councillors would be greatly limited, and the interest in their work proportionately small. The League would even go a step further in this matter and would suggest that if an Imperial Councillor, while submitting his views to the Government, should express a wish that it may be communicated to the other members of the Advisory Council, Government should circulate them to such members. The All India Muslim League is further of opinion that meetings of the Imperial Advisory Council for collective deliberation should be held at least every other year, and that when so held the proceedings of the Council should not be confidential, but should be made public. This suggestion will not interfere in any way with the right of individual Councillors to communicate their views confidentially to Government.

II.—Provincial Advisory Council.

The League unreservedly accepts the principle of the formation of Provincial Advisory Councils and is firmly convinced that they will be useful institutions, helpful both to the Provincial Administrations and those over whom they have to rule.

III.—Imperial Legislative Council.

The League thoroughly approves of the proposed enlargement of the Imperial Legislative Council, and in this connection endorses the two following principles laid down by the Government of India :—

(*a*) That the Government should always have in the Council a standing official majority, independent of the minor fluctuations that may be caused by the occasional absence of an official member.

(*b*) That the Legislative Council should be so constituted in respect to non-official members as to give due and ample representation to the different classes and interests of the community.

The question of setting apart a fixed number of seats on the Council for the Muhammadan community is one of great importance, and the League believes that it only voices the real feeling of the Muhammadan in all parts of India when it states that the proposed reform in the constitution of the Council according to which a number of seats will be specially reserved for the Muhammadans, is viewed with great satisfaction by the community. This reform will not only serve to remove one of the grievances which have been long and sorely felt by Muhammadans in the past, but will also mean the timely recognition by the supreme Government of the sound principle of separate racial representation on the Councils of the Indian Empire, which when fully carried out will tend to solve many of the administrative difficulties of the Government The League, therefore, strongly supports the proposal to allot a fixed number of seats to Muhammadans on the Imperial Legislative Council, though at the same time the League cannot approve of the suggestion to limit this number to four. After making due allowance for the possible return of, say, two Muhammadans (the return of more than two being exceedingly improbable) under

sub-heads (*b*) and (*c*) of head D of the Scheme sketched out in paragraph 12 of the Government of India letter, it is not too much to say that the six Muhammadan members elected and nominated under heads D and E out of her total of fifty-three would scarcely suffice for the adequate representation of the vastly diversified interests of the Indian Muhammadans on the Viceroy's Council. The Government of India having recognised the justice of the Muhammadan claim to a separate representation on the Legislative Councils of the country in the generous reply given by His Excellency the Viceroy to the address presented to him by the Muhammadan Deputation at Simla on the 1st October 1906 (referred to in paragraph 16 of the Government of India letter), the League submits that the representation so conceded should be made adequate. If this is not done, the Government of India will, on the one hand, be accused of partiality to the Muhammadans and will incur the displeasure of those who pin their faith in the wholesale application of Western methods of Government, pure and unadulterated, as the panacea for all the ills to which this country is heir ; on the other hand, it will fail to satisfy the just demands of the educated Muhammadans for an adequate representation of their special interests on the enlarged Council Boards.

The League would therefore beg leave to suggest that each of the Indian Provinces should be represented on the Imperial Legislative Council by one elected Muhammadan member, and that the Central Provinces, the North West-Frontier Province and Burma should be included in the list of such Provinces. It need not be pointed out that the Muhammadans constitute a distinct community, not only in the country as a whole, but also in each Province, and those inhabiting the various Provinces have, in addition to their common national requirements, special local interests to safeguard, which are peculiar to themselves and dependant on their geographical situation and other conditions. The country is so large, the various Provinces are so far apart and present such a wide variety of special conditions and needs that for the due and proper representation of each a special and through knowledge of local circumstances would be essential such as a member from a distant Province is not likely to possess or easily acquire—Madras, for instance, would be very inadequately represented from the Punjab or Eastern Bengal and Assam. In Burma, again, although the Musalman population is small, very large and important commercial interests of that community require representation.

It will be noted that the League has suggested the representation of Provinces by elected members. This is in consonance with the views and wishes of the whole community and of each Province. According to the Government scheme two of the six members to be nominated by His Excellency the Viceroy will be Muhammadans, but to have one Province represented by an elected member and another by a nominated one will not be desirable. Taking everything into consideration, therefore, the League fully endorses the view advocated in the address of the Muhammadan Deputation to His Excellency the Viceroy that Muhammadans be granted the right of returning by election their representatives on the Council.

Finally, the League wishes most earnestly to pray that the Trustees of the Muhammadan Anglo-Oriental College at Aligarh may be granted the right of electing a Trustee as their representative on the Imperial Legislative Council. The college is not merely a Musalman National Centre of Education for the whole of India, but is also the centre of that socio-political movement which has long been known as the "Aligarh movement," which represents the more conservative element in Indian politics, and has a moderating influence on the general tendency to force the pace too much of the political and administrative machinery of the country. Its Trustees are men of light and leading from all parts of India and include among their number both territorial magnates, ministers of Native States, representatives of the learned professions, of the old learning of their race, and of other interests. In fact the college is a microcosmic representation of the Indian Musalman world. Again among its patrons the college counts, on the one hand, many Ruling Princes and territorial magnates, besides the Heads of Departments and high officials of the Government, with whom the Trustees are in constant touch ; on the other hand, through the instrumentality

of the Annual Educational Conference, at various important centres, they come in constant and direct contact with all sections and classes of the Musalman community in widely distant parts of the country, and become thoroughl cognisant of their views and sentiments on the problems of the day.

With regard to the electorate for the Imperial Council, the League would make the following additions to those proposed in the scheme :—

(1) Graduates of the Indian Universities of not less than ten years' standing.

(2) The Trustees of the Muhammadan Anglo-Oriental College, Aligarh for the member representing that college.

With reference to the qualifications for electors under head (*c*) of the scheme, the League is in favour of greatly reducing the figures on which income-tax or land revenue must be paid, in order to qualify as an elector, and would suggest the sum of Rs. 5,000 as the annual income for this purpose.

IV.—Provincial Legislative Councils.

With regard to the Provincial Legislative Councils, the League would respectfully suggest that for each Province a definite number of seats should be assigned as the fixed minimum for Muhammadan members, and that the election of these members should be made exclusively by Muhammadan electors. After a careful consideration of their special needs, the League is of opinion that the Muhammadan inhabitants of each Division should be given the right to return one Muhammadan non-official member to the Provincial Legislative Council.

The League is further of opinion that in each Municipality and District Board the number of Muhammadan members should be fixed, and that they should be returned by the Muhammadan electors residing in any particular Municipality, or within the limits of a District Board.

The League would suggest that the qualifications for electors should remain the same as at present and that a rental or income of ten rupees a month should be required as a qualification for a candidate for membership of a Municipal Board. In the case of District Boards, payment of a hundred rupees as land revenue or income-tax should be necessary as qualification for the membership of the District Boards.

Thus the electorate for non-official Muhammadan members of the Provincial Councils would consist of the following :—

1. Muhammadan members of Municipal and District Boards.
2. Muhammadan Fellows of local Universities.
3. Muhammadan graduates of local Universities of five years' standing residing in the Province concerned.
4. Muhammadan landholders paying land revenue on Rs. 3,000 per annum.
5. Muhammadans paying income-tax on Rs. 3,000 per annum.

(Sd.) M. MUSHTAQ HUSAIN (VIKAR-UL-MULK),
Retired Honorary Secretary, All India Muslim League.

(Sd.) H. M. MUSA KHAN,
for SYED HASAN BILGRAMI,
Major, I.M.S., Honorary Secretary,
All India Muslim League.

ALIGARH ;
24th March 1908.

(Sd.) HAJI MUHAMMAD MUSA KHAN,
Honorary Joint Secretary, All India Muslim League.

XXVI.

No. 141.

Dated Patiala, the 15th May 1908.

Demi-official from—ABDUL MAJID KHAN, COLONEL, K.B.,K.-i-H., Honorary General Secretary, Anjuman-i-Islah-i-Rajputan-i-Hind, *i.e.*, All-India Rajput Conference, (Trustee, M. A. O. College, Aligarh), (Member of the Nabwatul-Ulama, the representative body of the Maulvies of India) (Member of the All-India Muslim League),

T—LIEUTENANT-COLONEL J. R. DUNLOP SMITH, C.I.E., Private Secretary to His Excellency the Viceroy.

As the Government of India have been pleased to take into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters, by the creation of an Imperial Advisory Council, I beg leave to say few words about the Anjuman-i-Islah-i-Rajputan-i-Hind, the representative Anjuman of the most important and heroic nation of India, the Rajputs.

2. The Anjuman-i Islah-i-Rajputan-i-Hind (All-India Rajput Conference) is the only Anjuman in India in which all classes of the nation, the rich, the poor, the soldier, the civilian, the learned barrister, the untutored peasant, all take equal interest and claim equal connection.

3. At present the Anjuman has members in the Punjab, the United Provinces, Sindh, Rajputana, Quetta, etc., and the number is rapidly increasing.

4. The following are Patrons of the Anjuman : Of our own nation the Hon'ble Nawab Sir Mohammad Fayyaz Ali Khan, K.C.I.E., C.S.I. of Pahasu, Aligarh District. And the Anjuman is proud of the patronage of—

(1) His Honour the Lieutenant-Governor, Punjab,
(2) His Excellency the Commander-in-Chief,
(3) His Honour the Lieutenant-Governor of the United Porvinces of Agra and Oudh, and
(4) Sir H. H. Risley, K.C.I.E., C.S.I., C.I.E., Secretary to the Government of India, Home Department.

5 According to the Census of 1901, the number of Rajputs is 9,712,154 of which 1,875,387 are Musalmans, 6,813,622, are Hindus, and the rest are Christians, Sikhs, Budhists, Jains, etc.

6. Every Rajput, without distinction of sect or religion, can be a member of the Anjuman, and in fact it has among its members men of diffrent religions—Mohammadans, Hindus, Sikhs, etc. Therefore, it is a fact that this Anjuman is working as a true representative of the whole Rajput nation.

7. The Anjuman not only aims at the good of the nation, but one of its foremost and cherished object is to prepare Rajput youths for loyal devotion and self-sacrifice in the Military service of the King-Emperor.

Along with its endeavours to spread education, the Anjuman keeps fresh in the minds of the nation the feelings of gratitude for the benign blessings of the British rule, which it considers one of its best objects.

The Anjuman has been unusually successful in the realisation of the above two objects.

It has on its registers the names of nearly 1,200 Rajput youths, who are ready to sacrifice their lives in the Military service of the Government.

It has distributed gratis, in various parts of the country, many thousands of English and Vernacular copies of articles inculcating loyalty and devotion to the Government, the perusal of which has never failed to convince the reader of his being bound to be faithful to the Government. These articles were appreciated all over the country and were considered models of teaching.

8. Having given above a short account of the Anjuman, I beg leave to state that in order to make the Anjuman more useful and serviceable a little benign attention on the part of the Government is needed, and that is, that one of the Office-holders of the Anjuman may be nominated a member of the Imperial Advisory Council,—which will not only evoke deep feeling of gratitude in the hearts of the nation towards the Government, but will also be the cause of great success in the achievement of the Anjuman's objects.

9. I most respectfully beg to annex herewith a copy of resolution No. 10 passed in the second Anual Meeting of the Anjuman held on the 16th and 17th March 1908.

10. It would have been quite easy to submit this request in the shape of a memorial ending with a long roll of signatures and seals, but the Anjuman has decided to adopt a course of approaching the Government that may never result in any sort of agitation. They have decided to make all their representations through their Secretary only, because if their requests are granted it will be a matter of gratitude of the nation towards the Government, but if otherwise, the result will remain with the representative of the nation, who will not publish it as doing so might dishearten the nation.

11. The Rajput nation, besides being born soldiers, are proud of the fact that almost every one of them is a land-owner, although unfortunately some of the land has passed out of their hands owing to adverse circumstance. To better their circumstances and to make themselves more serviceable to the Government, they will have representations and suggestions to lay before the Government, which they cannot do properly unless they are represented on the Advisory Council.

12. The Rajput nation is scattered over all parts of India, and the only place for them to approach is the gracious door of the Government of India. Therefore, I beg to lay this application on the part of the nation before you with the hope that you may be good enough to move in the matter, and oblige the greatful nation of the Rajputs.

Apologizing for the trouble.

Resolution No. 10 passed at the Annual Meeting of the Anjuman-i-Islah-i-Rajputan-i-Hind (the All-India Rajput Conference), held on the 16th and 17th March 1908.

Proposed by Mr. Fazl Husain, B.A., Bar-at-Law, Fellow of the Punjab University, and seconded by Munshi Siraj-ud-Din Ahmad, Zamindar of Karmabad (District Wazirabad), Editor and Proprietor *The Zamindar*, and by Mian Husain Bakhsh, Pensioned District Judge, passed unanimously :—

"This meeting expresses, on behalf of the nation, their sincere thanks to Colonel Mohammad Abdul Majid Khan, K.B., K.-i-H., the Founder and Honorary General Secretary to the Anjuman, for his deep sympathy with, and devotion to, the nation, and for his labours in founding the Ajuman, and for the great trouble and expenses borne by him for the progress and stability of the Anjuman. And all present here who have come to represent the nation from different parts of India declare Colonel Mohammad Abdul Majid Khan on their own part and on the part of those absent to be the representative of the nation. They all assure him that the nation is exceedingly grateful to him and has full confidence in him, and believes that all his actions will be for the good of the nation.

XXVII

RESOLUTIONS. No. 142.

PASSED AT THE SECOND UNITED PROVINCES CONFERENCE HELD AT LUCKNOW ON THE 2ND MARCH 1908.

RESOLUTION 1.

Laid down certain rules for the conduct of business.

II.—PANDIT BISHAMBHAR NATH.

That this Conference places on record its sense of profound sorrow at the death of Pandit Bishambhar Nath, whose high character and many public services endeared him to, and earned for him the respect and gratitude of, the people of the United Provinces.

Pandit Bishambhar Nath.

III.—'REFORM' PROPOSALS.

(*a*) That in the opinion of this Conference, the reform proposals outlined in the Government of India's letter of the 24th August, 1907, entirely fail to meet the requirements of the country, and, while they do not mark any real advance in the direction of associating the representatives of the people with the Government and giving them an effective voice in the administration, the proposals are retrograde in many respects, and stand in need of considerable modification before they can at all satisfy the legitimate aspirations of the people.

Reform proposals.

(*b*) That this conference deeply regrets that the Government should have thought fit to introduce into their letter certain statements which betray a prejudice against the professional classes, and that it emphatically protests against the theory of 'counterpoise' to their influence as being utterly uncalled for and harmful.

(*c*) That in the opinion of this Conference the association of Ruling Chiefs with the Councils of British India is wrong in principle and attended with several disadvantages in practice, and the proposals of the Government of India in this behalf should therefore be abandoned.

(*d*) That this Conference is of opinion that the real need of the country is not the creation of purely consultative bodies endowed with no power and no responsibility, such as the Advisory Councils proposed by the Government will be, but the admission of Indians into the Executive Councils, Imperial and Provincial—these being established in all large provinces,—and the enlargements of the functions of the Legislative Councils so that any matter relating to internal administration may be referred to them.

(*e*) That in case the Government should decide to establish Advisory Councils, this Conference is of opinion that they should be constituted on the lines stated below :—

1. they should receive legislative recognition ;
2. they should include representatives of the middle and professional classes besides territorial magnates, the former being at least one-half of the total strength of the Council ;
3. not less than one-half of these members should be elected ;
4. the Councils should be convened by the Government at least once a year as well as on the requisition of a specified number of members ;
5. the members should have the power to advise the Government on any question of public interest on their own initiative ;

6. in every case in which two-thirds of the Members of the Council should vote against a measure, it should be postponed for a year for reconsideration, unless the Governor-General in Council should declare that the matter is emergent:

7. the proceedings of the Councils should be formal and public except when for reasons of State this is considered inexpedient;

8. a non-official member should be the President of the Advisory Councils as that will encourage a free and frank expression of opinion.

(*f*) That in the opinion of this Conference, territorial representation has not proved a failure, is not unsuited to India, and ought not to be abandoned in favour of race and class representation as proposed by the Government.

(*g*) That this Conference urges that the assignment of seats should be made, not as proposed by the Government by creating separate constituencies based on race, caste or religion, but by fixing the number of members of each class which the general electorate must return to the Council.

(*h*) That in the opinion of this Conference the principle of a standing official majority is not essential for the maintenance of the necessary authority of Government, and is calculated to affect injuriously the power and usefulness of the enlarged Legislative Councils whether as proposed by the Government of India or as desired by the country.

(*i*) That in the opinion of this Conference the Imperial Legislative Council should be constituted as follows:—

1. The Governor-General and members of the Executive Council	8
2. The Lieutenant-Governor of Bengal or the Punjab	1
3. One official from each of the eight Provinces—Bombay, Madras, Bengal, the United Provinces, the Punjab, Burma, Eastern Bengal and Assam, and the Central Provinces and Berar	8
4. Heads of Imperial Departments	10
5. The Advocate-General of Bengal	1
Total officials	28
6. Representatives of European trade and commerce to be elected	2
7. Representatives of Indian trade and industry to be elected	2
8. Representatives of Zamindars to be returned by the general electorate	8
9. Mahomedan representatives to be returned by the general electorate	2
10. Representatives of non-official members of the Municipalities of the eight Provinces named in (3) to be elected by voting delegates	8
11. Ditto of District Boards, ditto	8
12. To be elected by the non-official Fellows of the five Indian Universities, one for each University	5
13. Non-officials to be nominated	4
Total non-officials	39
Grand Total	67

(*j*) That this Conference is emphatically of opinion that to give an adequate representation to the people, the United Provinces Legislative Council should

be constituted on the lines laid down in resolution I* of the First United Provinces Conference, held at Allahabad in March 1907. But if the Government are not prepared at present to give effect to that proposal, the Council should be constituted as follows:—

1. The Lieutenant-Governor	1
2. Members of the Board of Revenue	2
3. Secretaries to Government	5
4. The Legal Remembrancer and the Government Advocate	2
5. Heads of Departments	8
6. Commissioners of Divisions	9
Total officials	27
7. To be elected directly by the people on a restricted franchise at the rate of two members for each Division	18
8. To be elected by the Municipal Boards of cities with a population of 100,000 or more, at the rate of one each	7
9. To be elected by the land-holders of Agra (2) by the land-holders of Oudh (1), by the British Indian Association of Oudh (1), and by the Land-holders' Association of Agra (1)	5
10. Mahomedan representatives to be returned by the general electorate	2
11. To be elected by the University of Allahabad	1
12. To be elected by representatives of European trade, commerce, industry and capital	2
13. To be elected by representatives of Indian trade, commerce, industry and capital	2
14. Non-officials to be nominated by Government	4
Total Non-officials	41
GRAND TOTAL	69

(*k*) That the electorate for returning representatives of division to the Provincial Legislative Council should consist of—

1. all who pay land revenue of ₹1,000 or more;
2. all payers of income-tax;
3. all graduates of five years' standing;
4. all members of Municipalities and District Boards, Honorary Magistrates and Honorary Munsiffs.

(*l*) That this Conference is of opinion that no 'proprietary qualification' should be required from candidates for election as is proposed in the local Government's letter of the 7th October.

(*m*) That this Conference, while it appreciates the desire of the Government to improve the character of the Budget debates in the Imperial and Provincial Legislative Councils, is strongly of opinion that the Budgets should be laid before the Councils in the form of financial proposals and non-official members given the right to move amendments to and advise the Councils on them.

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*That in the opinion of this Conference the time has arrived for a further expansion and reform of the United Provinces Legislative Council, so as to make it more representative of the people; due provision being made for making up any deficiency in the representation of minorities when necessary. This Conference urges (1) that the number of the elected members of the Council be increased so as to give one representative to each district, and that (2) power be given to them to move amendments to the financial proposals of the Government and divide the Council on the Budget. This Conference is further of opinion that the Council should meet at least once in three months.

(*n*) That this Conference is of opinion that non-official members of Legislative Councils should be empowered to put supplementary questions arising out of answers to their interpellations at the same meeting of Council.

(*o*) That the Provincial Legislative Councils should meet at least once in three months; and further, that meetings of the Imperial as well as the Provincial Legislative Councils should be convened on the requisition of a stated proportion of the members for the discussion of a definite matter of urgent public importance which comes within the purview of the Councils.

(*p*) That this Conference is opposed to raising the property qualification of voters or members in the case of Municipal Boards as is proposed in paragraph 21 of the Government of India's letter.

Proposed by Pandit Bishan Narayan Dar, Lucknow.

Seconded by Shaikh Yusuf Husain Khan, Lucknow.

Supported by Nawab Sadiq Ali Khan, Lucknow.

Babu Ram Chandra, Lucknow.

Mr. Ali Mahomed, Gorakhpur.

Babu Narayan Prasad Ashthana, Agra.

Dr. Tej Bahadur Sapru, Allahabad.

IV.—Decentralization.

That this Conference is of opinion that in order to make the system of Government 'better adapted both to meet the requirements and promote the welfare of the different provinces and to bring the executive power into closer touch with local conditions,' it is essential—

Decentralization.

(1) that there should be two Indian members on the Executive Council of His Excellency the Viceroy and Governor-General of India;

(2) that Indian members should also be appointed in the Executive Councils of the Governors of Madras and Bombay;

(3) that Executive Councils should be appointed to help the Lieutenant-Governor in provinces under the administration of Lieutenant-Governors and provision should be made for the appointment of Indian members in such Councils;

(4) that the system of election of members to the District Boards now prevailing in the United Provinces should be modified so as to extend the franchise to every person paying Government revenue in the sum of Rs00 or income-tax;

(5) that District and Municipal Boards should be invested with larger financial and administrative powers and the existing official control over them relaxed;

(6) that District Administrative or Advisory Councils should be created with elected and nominated members and with specific functions and powers; and

(7) that village *panchayets* should be revived and 'given some powers in the disposal of local affairs relating to revenue, police, sanitary, educational and other matters such as the disposal of petty criminal and civil cases.'

Proposed by Pandit Govind Sahai Sharma, Agra.

Seconded by Shaikh Faiyas Ali, Shahabad.

V.—Famine.

(*a*) That this Conference expresses its appreciation of the action of the Government in distributing *takavi* and organising relief measures with promptitude and liberality.

Famine.

(*b*) That in the opinion of this Conference it is highly desirable that timely and adequate remissions of land revenue should be granted in the areas affected by drought.

(*c*) That a view of the frequent occurrence of famine in these Provinces and the utility of irrigation works as affording permanent protection to the people, this Conference is of opinion that there should be a greater outlay of the public revenues on them.

(*d*) That with a view to effect a material improvement in the condition of the agricultural classes, this Conference earnestly urges the extension of a Permanent Settlement of the land revenue demand to these Provinces.

(*e*) That in view of the hardships imposed on the lower middle classes and the masses by the general rise in the prices of the necessaries of life, this Conference urges the appointment of a Commission to investigate into its causes and to recommend remedial measures.

(*f*) That his Conference desires to draw the attention of the public to the advantages of co-operative grain stores as palliatives of the evils of famine, and hopes that earnest efforts will be made to promote the growth of Co-operative Societies and to develop them particularly in the direction suggested above.

Proposed by Pandit Gokaran Nath Misra, Lucknow.

Seconded by Pandit Ikbal Narain Masaldan, Lucknow.

Supported by Babu Ganga Prashad Varma, Lucknow.

VI.—Public Health.

(*a*) That while noting with satisfaction the proposals to organize a Sanitary Service for the whole country, this Conference desires respectively to impress on the Government the supreme necessity of expending a much larger proportion of the State revenues on the sanitation of both urban and rural areas, the construction of large sanitary works of permanent value for water-supply and drainage, the opening up of congested areas and the improvement of the housing of the people, and the more adequate provision of medical relief, as the only certain means of reducing the appalling mortality from epidemic and other diseases and of generally improving the public health.

Public Health.

(*b*) That while this Conference appreciates the action of Government in relieving District and Municipal Boards of direct plague charges and otherwise improving their financial position, it re-affirms the resolution passed by the last Conference that large special grants should be made to them for expenditure on sanitation and medical relief as their normal resources are utterly inadequate for the efficient performance of these duties.

Proposed by Babu Ganga Prasad Varma, Lucknow.

Seconded by Dr. H. D. Pant, Lucknow.

VII.—Education.

(*a*) That this Conference urges that the privilege of electing a certain number of Fellows of the Allahabad University should be conferred on graduates who should be registered under the University Act.

Education.

(*b*) That this Conference urges that the recommendations of the Female Education Committee of 1904 should be carried out without further delay.

(*c*) That this Conference is of opinion that a much larger proportion of the State revenues should be spent on education in all its branches.

(*d*) That this Conference hopes that the proposal of the Government of India to make primary education free will be carried out soon, and, further, that it will be made compulsory in selected areas by way of a beginning.

(*e*) That while agreeing in the main with the reforms proposed to be introduced in Secondary Education, this Conference is strongly of opinion that in view of the exceptional backwardness of these Provinces in education, the Government should make a substantial increase in grants to strengthen existing aided English Secondary Schools and encourage the establishment of new ones; further, that the Government should not be content with maintaining one high school in every district (Naini Tal not excluded), but should establish and maintain such schools at other important centres of population wherever needed.

(*f*) That this Conference strongly supports the protest lodged by the Secondary Education Committee against the declaration of the government of India that the whole cost of improving Secondary Education must fall upon Provincial revenues, and it earnestly appeals to them to make a substantial grant-in-aid of the same.

(*g*) That this Conference thanks the Government for the proposal to provide for practical instruction in science, manual training, and commercial and technical courses in Secondary Schools.

(*h*) And, lastly, that having regard to the fact that education lies at the root of all national progress and to the magnitude of the work which has to be done to secure its blessings to the vast mass of the people, this Conference earnestly exhorts the nation to strengthen existing institutions of their own and to establish independent new ones for imparting instruction in all branches of learning, on lines best calculated to develop the intellect, the physique and the character of Indian youth and to train them for the practical requirements of the country.

Proposed by Babu Iswar Saran, Allahabad.

Seconded by Babu Brahmanand Singh, Lucknow.

Supported by Dr. Tej Bahadur Sapru, Allahabad.

Shaikh Nasir-ud-din, Benares.

VIII.—Justice.

(*a*) That this Conference strongly urges that the separation of Judicial from Executive functions should be effected without any more delay, and, should it be decided to introduce the reform in certain selected areas by way of a beginning, that some districts in these Provinces should be so chosen.

Justice.

(*b*) That this Conference notes with satisfaction the appointment by the Government of a Committee to enquire into and to report about the redistribution of Judical work in these Provinces, and earnestly urges upon the Government that in view of the state of heavy work prevailing in the Civil Courts of many districts a substantial increase should be effected in the cadre of the Provincial Judical Service of these Provinces and their prospects put on a better basis.

(*c*) That in the opinion of this Conference the time has come for throwing open a larger number of District Jugeships to members of the Provincial Judicial Service and for appointing them to the four posts already reserved for them; and that some of the Judgeships should be filled up by direct appointment from the members of the legal profession.

(*d*) That this Conference expresses its sense of satisfaction at the appointment of a second Indian Judge on the bench of the High Court at Allahabad, and earnestly hopes that an Indian Judge will be appointed in the Court of the Judicial Commissioner at Lucknow at the earliest opportunity that may occur.

Proposed by Hon'ble Pandit Sundar Lall, C.I.E., Allahabad.

Seconded by S. Sinha, Esq., Allahabad.

Supported by Babu Bisheshar Nath Sirivastava, Lucknow.

" Babu Purushottam Das Tandan, Allahabad.

XI.—The Swadeshi Movement.

That this Conference looks with great satisfaction on the steady progress of the Swadeshi movement and calls upon the people earnestly to labour for its success by stimulating the production and consumption of Indian goods by using them in preference to foreign goods even at some sacrifice.

The Swadeshi movement.

Proposed by Mr. A. P. Sen, Lucknow.

Seconded by Babu Lal Behari Singh, Fyzabad.

Supported by Mr. Fazul Husain, Aligarh.

IX.—Kumaun Affairs.

(*a*) That this Conference is thankful to Government for the prompt consideration it has given to the prayer of the people of Kumaun, for the extension of the jurisdiction of the Allahabad High Court to civil matters in Kumaun, and earnestly hopes that it would be pleased to take early steps to grant that request.

Kumaun affairs.

(*b*) That while this Conference places on record its sense of appreciation of the action taken by certain District officers of Kumaun to mitigate the suffering of the people of Kumaun in the matter of *kuli-utar*, *begar* and *burdaish*, it feels convinced that abuses of a serious character will continue and a crying grievance remain unremedied, until Government takes action in the terms of the Government Order of 19th October 1816, and entirely abolishes this pernicious system.

(*c*) That the present forest policy of Government in the matter of the management and control of civil forests (and waste lands) of Kumaun subjects, the people to serious hardships and this Conference requests the Government to make liberal modifications in that policy to ensure to the people a continued enjoyment of their immemorial rights.

Proposed by Pandit Badri Dutt Joshhi, Almora.

Seconded by Pandit Lakshmi Dutt Pande, Almora.

XI.—Recruitment of Deputy Superintendents of Police.

That this Conference notes with regret that the rules permitting the direct appointment of graduates in certain proportion to the post of Deputy Superintendents of Police in the United Provinces have been cancelled, and that in lieu thereof, any person whom the Government may consider fit has been made eligible for appointment. The Conference earnestly requests the Government to restore the old rule.

Recruitment of Deputy Superintendents of Police.

XII.—Pilgrim Tax.

That this Conference enters its protest against the imposition of a pilgrim tax on pilgrims coming to Ajudhia and Hardwar as unjust and wrong in principle

Pilgrim tax.

and urges that it should be abolished at once, and hopes that the proposal to impose a similar tax at Benares will not be sanctioned.

(*Put from the Chair.*)

XIII.—Re-affirmation of Old Resolutions.

That this Conference re-affirms the Resolutions passed by the last Conference in support of the restoration of the limited competitive test for the Provincial Civil Service and the larger employment of Indians in the superior offices of the public service (VIII); the abolition of the *Begar* and *Rasad* systems (XI); the better treatment of pilgrims and other third class passengers (XII); and the introduction of some much needed reforms in Excise administration.

Re-affirmation of old Resolutions.

(*Put from the Chair.*)

XIV.—Meeting Place of the next Conference.

That the Third United Provinces Conference be held at Agra at such time in the year 1909 as the Executive Committee of the United Provinces Association may decide.

The next Conference.

Proposed by Babu Narayan Prasad Ashthana, Agra.

MADAN MOHAN MALAVIYA,
President of the Conference.

XXVIII.

No. 143.

Demi-official, dated Calcutta, the 18th March 1908.

From—Lieutenant-Colonel J. R. Dunlop-Smith, C.I.E., Private Secretary to His Excellency the Viceroy,

To—Sir Herbert Risley, K.C.I.E., C.S.I., Secretary to the Government of India, Home Department.

I am directed to forward to you a copy of a letter from Mr. R. C. Dutt and its enclosure in original. I have told Mr. Dutt that he may have a chance of discussing his scheme with you in Simla.

Demi-official, dated the 11th March 1908.

From—R. C. Dutt. Esq., Member of the Royal Commission on Decentralization,

To—Lieutenant-Colonel J. R. Dunlop-Smith, C.I.E., Private Secretary to His Excellency the Viceroy.

Accept my thanks for your kind letter of the 2nd March. On receipt of it I noted down, very briefly and hastily, my ideas about Provincial Legislative Councils, and I take the liberty of enclosing a few copies herewith in print. I shall be greatly obliged if you will, with His Excellency's kind permission, place them in the hands of the officer who may be chosen to deal with the question, so that the scheme may receive such consideration as it may deserve. I venture to hope that, in a general way, it will receive His Excellency's approval.

According to our latest plan we come up to Simla on the 1st and 2nd April, and I hope to have an opportunity of personally explaining my scheme, as the written notes do not, and cannot, fully convey all my reasons and ideas.

I have seen much of the different Provinces of India within the last four months, and met the leading men in each Province. Apart from my scheme of Provincial Councils there are one or two other matters of a general nature, regarding the present situation, which I would like to lay before His Excellency the Viceroy, if he can kindly spare half an hour any day during the time I shall be at Simla.

Demi-official, dated Camp Peshawar, the 26th March 1908.

From—R. C. Dutt, Esq., Member of the Royal Commission on Decentralization,

To—Sir Herbert Risley, K.C.I. E., C.S.I., Secretary to the Government of India, Home Department.

Colonel Dunlop-Smith informs me that he has kindly sent on to you a copy of the rough scheme which I submitted to him about the proposed expansion of Provincial Legislative Councils. And I hope you will be able to give me half an hour some day during the first week of April at Simla, so that I may have a chance of talking over the matter with you.

My scheme is only a suggestion, like many other suggestions which the Indian Government has invited and received from many quarters. I have, therefore, not entered into any details, but have only tried to make myself clear on one principal point.

The inadequate representation of the Mahomedan community on District Boards, Municipalities, Provincial Councils, etc., has received the attention of the Indian Government; and the Mahomedans have, very rightly, asked for a proper representation. This can be effected in two ways.

Firstly by class representation. Voters in villages, towns, District Boards, etc., may be asked to vote by class or sect, each class returning the number of representatives which it may be considered entitled to elect. This method will have the effect of importing our social differences into civic and political life, and will accentuate and embitter our differences. And as classes and sects

are numerous in India, the special privilege of voting by class, which may now be conceded to the Mahomedans, will undoubtedly be claimed hereafter by Christians and Brahmos,—by the Vaisyas of North India and the Arya Samajists of the Punjab, by Parsis and Jains in Bombay, by the Sudras of Madras and even by Kaibartas and Nama Sudras in Bengal. Once the Government admits the principle of representation by class and sect, it will foment vague and dangerous aspirations in all sects and castes, it will accentuate social differences, and will launch into complications the end of which no man can foresee.

The *second* possible method is territorial representation (as at present) supplemented by appointment of members (by election or nomination) to secure proper representation of inadequately represented classes. This will leave the entire power in the hands of the Government which may be trusted to hold the balance evenly, to help minorities, and to adjust inequalities.

You, Sir Herbert, know more about classes and castes and sects than any other man in India ; and at this critical time in our history you have the proud privilege of indicating how a system of larger representation can be devised. I sincerely trust that the country will have reason to be grateful to you for a system which will work smoothly and harmoniously for years and generations to come.

We come to Simla on the 1st April and I shall be stopping at the Grand Hotel.

S. G. P. J.—No. 1421 P. W. D.—8-12-1908.—C. T.—60.

SCHEME FOR THE EXPANSION OF PROVINCIAL LEGISLATIVE COUNCILS.

RULE 1.—Each District, except in the backward and sparsely populated tracts, should elect one Member, the election being made, as at present, by the elected Members of the District Board and the Municipalities in the District.

Illustration.—East Bengal and Assam has 27 Districts; but excluding Hills and Hill Tracts there are only 22. Out of these, the six Districts of the Assam Valley Division are sparsely populated, having a total population which is less than that of Dacca District. These six Districts, therefore, should elect one Member only. Similarly the two Districts of the Surma Valley Division (excluding Hills) have a total population about equal to that of Dacca District. These two Districts should therefore return one Member. The total number of Members elected in East Bengal and Assam will therefore be: four for Dacca Division, seven for Rajshahi Division, three for Chittagong Division, one for Assam Valley Division and one for Surma Valley Division—total *sixteen* Members elected to represent a population of over *thirty millions*.

RULE 2.—If, as a result of this election, any classes of the community are inadequately represented, Government shall have the power to appoint Members from such communities, either by selection, or in accordance with the opinions of such communities obtained in such manner as Government may think fit.

Illustration.—Supposing out of the sixteen Members elected under Rule 1, twelve are Hindus and only four are Mahomedans, Government shall have the power to appoint, say, eight Mahomedan Members, either by selection, or in accordance with opinions obtained from the Anjumans of the different districts.

Supposing, again, that no Europeans are returned under Rule 1, Government shall have the power to appoint, say, two European Members, either by selection, or in accordance with opinions obtained from the tea-planters of Assam and the merchants of Chittagong.

RULE 3.—Government shall also have the power to appoint officials as Members of the Council. Members appointed under Rules 2 and 3 shall form a clear majority over the Members elected under Rule 1.

Illustration.—Supposing 16 members are elected under Rule 1, and 10 Members are appointed under Rule 2, Government shall have the power of appointing, say, 10 official members, so that the total number appointed under Rules 2 and 3 shall be 20 as against 16 elected under Rule 1. The total number of Members will thus be 36, besides the Lieutenant-Governor, who will be *ex-officio* President.

RULE 4.—Besides Legislative work the Council shall also have the power to discuss and settle the annual Provincial Budget, taking the separate heads of income and expenditure separately, and Members shall have the right of demanding a division whenever there is difference of opinion.

Note.—The Provincial Government shall have the power at any time to modify the Budget thus settled by the Council, if such modification be called for by the rules or orders of the Imperial Government, or by grave administrative necessity. An intimation of such modification shall be given to the Council at the earliest possible opportunity.

RULE 5.—Important administrative measures or acts may be brought up in the Council, either for elucidation of objects and reasons, or for explanation of facts, or for discussion, either at the instance of the President himself, or on a requisition signed by not less than a fourth of the Members of the Council. The President shall have the power to reject such requisition if, in his opinion, the debate asked for is likely to be attended with grave political or administrative inconvenience.

Illustration.—When public feeling is excited by orders passed by Government for the prevention of plague, it will be open to the President of the Council to introduce a full debate on the subject, both for the purpose of explaining the objects and reasons of such orders, and for the purpose of enlisting the co-operation of the people. Similarly, when the conduct of the police in regard to a public gathering has caused general indignation or alarm, it will be open

to the Members of the Council, numbering not less than a fourth of their total number, to submit a joint requisition to the President to permit an early debate, both for the elucidation of facts and for the removal of any just grievance.

Explanatory Notes.

The five Rules given above are merely intended to indicate the lines on which Provincial Legislative Councils may be enlarged and expanded to suit present requirements; they are not intended by any means to be a complete or comprehensive scheme.

The idea of creating electorates and holding elections on the basis of castes, creeds and ranks has been abandoned. England has ruled India for over a century on principles of absolute neutrality and impartiality in regard to castes and creeds. Those principles cannot now be discarded.

It is under British Rule, and in British schools and colleges, that we have slowly learnt to disregard caste and creed distinctions in our civic life. Hindu, Mahomedan and Christian have been educated in the same institutions, worked in the same offices, sought the votes of the same constituencies, and stood by each other on the same platform and in the same Council Chamber. Remaining apart socially, we have learnt to ignore caste and creed distinctions in civic and political work. It is not for the British Government now to undo its past work and to accentuate, and perhaps embitter, our social differences by making them the basis of political distinctions.

European Governments in the present day do not form separate electorates for Protestants and Roman Catholics; they wisely ignore religious distinctions in shaping their political and civic institutions. To create electorates or hold elections in India according to caste and creed would be attended with greater danger in the future than in any European country. It would be fanning the embers to a flame which might, under unforeseen and unfortunate conditions, leap to a conflagration. It would be creating jealousies, hatreds and evil passions in every village and in our every-day life. It would be teaching us to disunite, to vote according to religion, to nurse sectional differences, and to rekindle dying hatreds and jealousies. It would assuredly lead to an increase of religious riots and disturbances in the future, and would thus weaken, and not strengthen, British administration.

It has been proposed in some Provincial schemes that men of different castes and religions should choose members from among their own communities for the Provincial Council. To me such a plan appears unjust, impolitic and unwise. Christians and Musalmans often choose a Brahman advocate to fight their case in a court of justice: and Brahmans as often choose a Musalman or an Englishman to plead for them. To compel members of a caste or religion to choose a member of their own community for the Legislative Council would be to restrict their choice and would thus render the Council itself a less efficient instrument for representing the wishes of the people, and watching over their interests.

For these reasons I have carefully avoided the use of any word indicating special castes and creeds in the five rules set forth above. But in Rule 2 I have provided ample safeguards for the rights of minorities; and I have even suggested that the members of the communities forming the minority might be consulted before adequate representation is secured for them. In this way I have virtually conceded all that is asked for—without, however, making any invidicus distinctions in the body of the Rules between class and class and creed and creed. Such distinctions, if recognized by law, are likely to be disastrous in India.

I have provided that each District in advanced tracts of country should return a Member, and my reasons would appeal to every experienced Indian administrator. The division of Provinces into Districts or Zillas is old in India; each District has its peculiar features, its traditions and its history; and the special conditions of a District are often different from those of a neighbouring District.. No system of representation would, in any way, answer its purpose unless each District has its own spokesman; and it is not too much to ask that a population of a million or two millions may have the privilege of sending up one Member. From enquiries I have recently made I am greatly impressed with the necessity of each District being represented; it is a scheme which will gratify the people.

The *Note* to rule 4 reserves to Provincial Governments the right of modifying budgets passed by the Council, should necessity arise. The reasons for this provision in a country like India—where unforeseen calamities like plague, famine, earthquakes or inundations might occur at any time—are obvious.

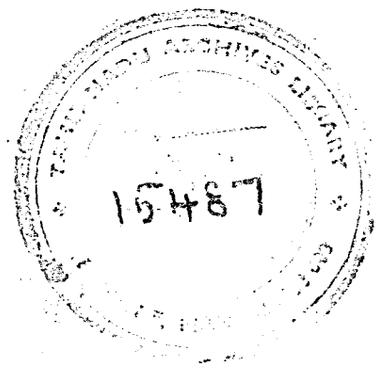
In Rule 5 I have tried to provide for a need which the Provincial Governments themselves have often felt,—the need for exposing misrepresentation explaining true facts, allaying unfounded alarms, and enlisting the co-operation of the people in measures which are ultimately for the good of the people The same rule also enable the people themselves to bring forward their grievances in a constitutional way before the Government in times of excitement. I anticipate the proper working of this Rule will clear away many misapprehensions, remove many difficulties, and bring the Government in closer touch with the people.

DECENTRALIZATION COMMISSION CAMP,

March 10th, 1908.

R. C. DUTT.

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XXIX.

No. 144.

MEMORANDUM BY THE HONOURABLE MR. G. K. GOKHALE, C.I.E.

The Indian Councils Act of 1892 has been amply justified by the high average level of work done by elected Additional Members in the Supreme and Provincial Councils during the last twelve years, and I think the time has come when another step forward should be taken in reforming these Councils, so as to increase their usefulness. The instalment of reform, which has now clearly become over due, is (1) a further expansion of these Councils, with a larger proportion of elected members, and (2) empowering the members to divide the Councils on the Budget proposals of the Government which should be carried out only after they have been passed by the Councils.

2. As regards expansion. Taking first the Supreme Legislative Council, I would, in the first place, propose that the number of Additional Members should be a fixed one, and not fluctuating, as at present. And I would fix the total number of members of this Council for the present at, say, 30, including the Viceroy, the Lieutenant-Governor, the Commander-in-Chief, and the Ordinary Members of the Government. This would mean that the number of Additional Members would be 21, and of this, I would throw 14 seats open to election as follows, -2 to Madras, Bombay, Bengal, and United Provinces, each; 1 to Punjab, Eastern Bengal and Assam, Central Provinces, and Burma, each; 1 to the different Chambers of Commerce; and one to the different Industries. The remaining 7 seats should be at the free disposal of the Government. The representative of the Chambers of Commerce will always be a European, and the representative of industries will generally be so. And these men will, as a rule, vote with the Government. On the other hand, there are reasons to believe that the elected member for Burma will not always vote with other elected provincial members. Assuming, however, that all the elected provincial members vote together on any question, they will be 12 or at the most 13 in a Council of 30. The Government is thus assured of a standing majority behind it, and, in addition to this, the power of vetoing any proposal passed by the Council should be vested in the Viceroy. This should make the proposed reform quite safe, even from the official standpoint; its great advantage will be that it will make the majority a respectable one, instead of the negligible quantity that it at present is and the moral result of such an improvement in the position of elected members will be considerable. This is as regards the Viceregal Legislative Council. As regards the Provincial Councils, a larger measure of expansion is necessary. I think every district in a province should now be empowered to send a member to the Legislative Council of that province. Thus, taking Bombay, which has 22 districts, I would have 22 elected members of the 22 districts and 3 men for the Bombay City, 1 elected by the Corporation, 1 by the Chamber of Commerce, and 1 by the University. This will raise the number of elected members to 25. If the total strength of the Council is raised to 55, including the Governor and the two Ordinary Members, it will mean 27 seats at the disposal of the Government; and as the representative of the Chamber of Commerce will always be a European, ordinarily even when the elected members vote together, they will be 24 in a body of 55—a minority, but a respectable minority. Here, too, the power of veto may be vested in the Governor, so that the expansion may be safe even from the official standpoint for all practical purposes. The proposal, if accepted, will raise the level of public life throughout the Presidency by making it better informed and more responsible. It will bring at least one prominent man from each district into direct contact with the highest officers of the Government, and this will enable the Government far more effectively than at present to understand the trend of thought and feeling in the different districts.

3. These expanded Councils must further be empowered to record their votes on the Budget proposals of the Government, the members being permitted to move amendments within such limits as may be thought desirable at present to impose. I think the best plan will be to submit the whole

Budget to the judgment of a Council, the number of amendments which a member may move being determined by the necessity of bringing the discussion to a close within certain specified time-limits. Thus, the Budget Debate in the Viceregal Legislative Council may, for the present, be limited to seven days, and that, in the Provincial Councils, to a fortnight. To begin with, a large measure of discretion may be let to the Presidents in regard to the number of amendments which different members may move, and the order in which they may be moved. In a short time, it will be possible to lay down definite rules on the subject, so as to reduce the area of such discretion. Thus in the Viceroy's Council, a member may be allowed to make one general speech on the whole Budget, and then move at least one amendment. If he wants to move more amendments than one, he should do so, if only the President grants permission. At the close of a week in the Viceroy's Council and of a fortnight in the Provincial Councils, the discussion should be automatically brought to a close, and the Budgets, with whatever amendments may have been accepted, should be put to the vote and passed.

4. I think it is of the utmost importance that these two reforms should be effected simultaneously. A more increase in numbers and even in the proportion of elected members will be of but little use, unless it is accompanied by a larger voice to the representatives of the people in financial administration. On the other hand, if such voice is given to elected members, when their number, especially in the Supreme Legislative Council, is so insignificant, the advance, though no doubt important, will fail to meet the requirements of the situation.

5. I now come to the proposals briefly outlined to me by Mr. Baker last month. They are:—(1) Dividing the Budget into two parts, one of which is not to be open to discussion in the Council, and the second of which is to be discussed and voted upon, members being free to move what amendments they pleased in regard to it. (2) And the formation of a Budget Committee, composed, in the case of the Supreme Legislative Council, of seven members (the 4 civilian Ordinary Members of the Government, the representative of the Chamber of Commerce of Bengal, and 2 other members of the Council elected by the Additional Members from among themselves). Of these 2, as regards the first proposal, I will at once admit that there is much to be said in its favour; and though the inclusion of military expenditure in the first or consolidated part of the Budget will remove it from the sphere of legitimate and necessary criticism, still, if members will be allowed to make general observations on the Budget before they come to their amendments, and if the expenditure on the Army will not be excluded from the scope of such general observations, I am prepared to welcome the finance Members' proposal in a cordial spirit. As regards the Budget Committee, that is a more difficult matter in certain respects. There is no doubt, however, that, if adequate representation is secured to the elected members of the Council on it, it will be a most valuable and important step forward. Mr. Baker proposes that the Additional Members of the Council should elect two out of themselves to work on the Committee. I may state at once that, as the Council is constituted at present this will mean no real representation to elected members, who are only 4 out of 15 Additional Members (the Chamber of Commerce member being excluded, as he is always to have a seat on the Committee). Unless, therefore, the Council is expanded and the proportion of elected members increased, as I have suggested above, there is every probability of the more prominent representatives of the people in the Council being kept out of the Budget Committee, and in that case, I would prefer that no members were elected by the Additional Members, and the Government itself accepted the responsibility for inviting to sit on the Committee such members as it deemed best qualified for the purpose. The formation of this Budget Committee and the framing by it of the second part of the Budget will, of course, be a great improvement on existing arrangements, but the full object, which Mr. Baker no doubt has in view, will not be attained, unless the Council is expanded as I have suggested above, and the elected element placed in a position to return its 2 representatives to the Budget Committee.