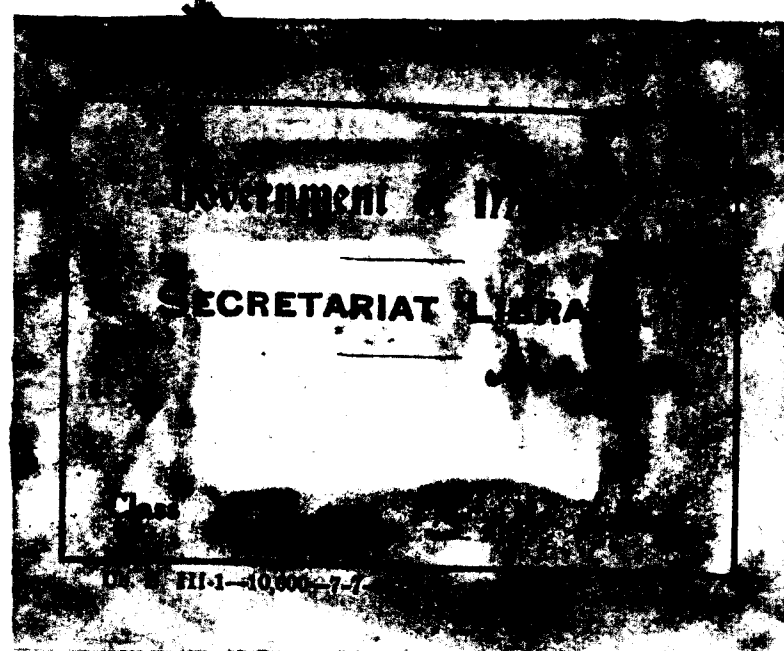

OPINIONS ON INDIAN CONSTITUTIONAL REFORM PROPOSALS.
RECEIVED FROM SELECTED OFFICIALS, UN-OFFICIALS AND
COLLECTIVE BODIES IN THE MADRAS PRESIDENCY.

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OPINIONS ON INDIAN CONSTITUTIONAL REFORM PROPOSALS,
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I

Letter—from Maharaja Sir V. S. RANGA RAO Bahadur, G.C.I.E., C.B.E., Bobbili.
To—the Chief Secretary to Government.
Dated—Madras, the 13th August 1918.

I beg to acknowledge with thanks the receipt of your letter No. 647, Public, dated 25th July 1918. In my opinion the scheme of reforms is rather complicated and I doubt much whether it will work smoothly. However I agree generally with its main principles.

II

Letter—from R. STANES, Esq., Managing Director, Messrs. T. Stanes & Co. (Limited), Highfield, Coonoor.
To—the Chief Secretary to Government.
Dated—the 16th August 1918.

In response to your circular letter No. 647, I have the honour to state that I have especially read those paragraphs in the Report on Indian Constitutional Reforms to which you called my attention and asked my opinion.

The report is certainly a most able and exhaustive document, and, on the whole, meets the call for reform subject to some modifications.

What has struck me forcibly is the fact that the European non-official community is not properly represented and seems to have a very small voice in the proposals for self-government. The European population may be very small as compared with the Indians, but as regards their position, and as practical business-men, and as those who have the welfare of India at heart, I should be very sorry to see India left to the tender mercies of the high caste Hindus, who are numerically in the minority of Indians. It is British capital and brains, coupled with its sense of justice that has made India what it is. British capital has built its extensive railways, started industries and in many ways developed the resources of the country with the generous assistance of British banks.

Amongst others, planters, for whom I plead, have risked capital and health in opening out estates in unhealthy districts, which would possibly otherwise never have come into existence.

I am therefore of opinion that non-official Europeans should be given a much wider representation in the proposed reforms.

This leads me to say that, as far as I can see, communal or class representation is essential, or, at all events, a certain number of seats should be reserved to the different communities. If this is not provided for, I fear the Brahman element will preponderate, and, in my opinion, it would be a sorry day for India if we were to be ruled by them. This is my confirmed opinion after near sixty years in India.

With reference to paragraph 229, I don't think the British Government can be accused of dividing men in India in order to govern them, but Indians are divided amongst themselves, and, in my opinion, the Brahmans would like to maintain that division and would do their level best to keep out all other castes from Government service, as they are persistently doing now in the subordinate appointments.

At the same time, I maintain that the safety of the British in India is due greatly to the division amongst the people of the country in creeds and classes.

I have not felt able to take up and criticise each paragraph, as the details may safely be left to Government, but I have simply dealt with general principles which seem to me of most importance.

III

Letter—from the Hon'ble Sir FRANCIS SPRING, R.C.I.E., Chief Engineer and Chairman, Madras Port Trust.

To—the Chief Secretary to Government.

Dated—Madras, the 18th August 1918.

In compliance with the request contained in your letter No. 647, Public, dated the 25th July 1918, I have the honour to hand you a memorandum containing an expression of my personal views on the recommendations contained in His Excellency the Viceroy's and the Right Hon'ble the Secretary of State's report on Indian Constitutional Reforms.

ENCLOSURE

Indian Constitutional Reforms.

In their letter No. 647, Public, the Government of Madras have invited an expression of my opinion on the recommendations formulated in paragraphs 212 to 295 of the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms. But before attempting to comply with this direction I desire to tender my humble tribute of admiration of that great State paper. I am conscious that the offer of any such commendation of the report may easily be characterized as an impertinence; but in support of the pertinency of my comments I may be permitted to point to a spell of forty-eight years of public service in India of which some nine or ten were spent in the capacity of Under Secretary, Deputy Secretary or Secretary to several Governments—Bengal, Bombay, Madras, and the Supreme Government—and a long spell, perhaps ten or twelve years, as a Fellow of one or other of the Universities, as well as some ten years on the Madras Legislative Council. All this comports, I claim, more experience of the subject under consideration than falls to the lot of the average departmental official. Also it may further illustrate my attitude towards the report if I add that practically all I possess in the world is dependent for its safety and value on a well-governed India.

2. When I say that I tender a tribute of admiration of the report as a great State paper I do not mean thereby to convey the impression that I believe anything of the sort was in the very least necessary. All was going well in India, but in the midst of the preoccupations of a great war, the British Cabinet—who for the most part know little more of the real India than I know of the real Brazil, which is not much and what there is of it is probably all wrong—heard what seemed to them, a quarter way round the world, to be the echoes of an important movement whose object was to secure popular Government for India. All the time the very noisy movement in question was being conducted by a really negligibly small minority not at all representative of the real people of India—a minority composed also, for the most part, of the very class which in the past has been perhaps more contemptuous of anything savouring of democracy or of equality and fraternity than has any similar party in the history of civilization. This noisy party led by an old lady credited by her followers with supreme wisdom because of the facility with which she can roll out words—a facility which, with the minority in question, has always counted for wisdom—managed to get a hearing in spite of, or perhaps because of, the noise of the guns in Europe; and so convinced was the British Cabinet that something on a heretofore unprecedented scale needed to be done in India that the Right Hon'ble the Secretary of State was put up in Parliament to make the fateful announcement of 20th August 1917.

3. And all the time nothing was wrong with the governing of India. Year by year the condition of the average man was being improved. His interests were in sympathetic and able hands—as here and there in the report is acknowledged fully and gracefully. The aid lent by India to the war was a factor in the decision that something had to be done in response to the clamour of the few. All the time the British Cabinet was in supreme ignorance of what we who know India are well aware of, namely, that the very last thing desired by the fighting classes and the money classes and the industrial classes of India is that they should be governed by the kind of man on whom the Constitutional Reforms suggested in the report will, for many years to come, most certainly confer the right of governing the great majority.

4. However, I recognize that it is negligibly unlikely that the British Cabinet will even now face the agitation that would be engendered, amongst the noisy clique by which it was influenced, if it went back on the announcement of 20th August. Also I think that assuming that great changes are inevitable (though not desirable) the changes indicated in the extremely able report are as good—or perhaps after criticism will become as good—as any others that might be devised. Therefore I accept the proposed reforms, or something like them, as now inevitable. I do not believe they were wanted and I believe that during many years to come many and great mistakes will be made. But if it is our mission to raise to a higher stage the intelligence of the congeries of nations forming India, the course of training suggested by the authors of the report may perhaps be accepted as good enough to go on with. But let all precautions be taken that we do not get another Siberia.

5. I have been asked specifically to comment on paragraphs 212—295 of the published report and to this instruction I propose to confine myself after a few brief references to some of the other paragraphs. But before doing so I desire specially to associate myself with the high sentiments voiced in paragraph 5 of the Introduction.

6. I may perhaps be permitted, without accusation of impertinence, to make a few comments on certain parts of the report leading up to the particular paragraphs on which I have been asked to express my views:—

(a) I desire to associate myself with the point of view of the writers of paragraph 45.

(b) Also with the last ten lines of paragraph 50.

(c) As regards chapter III, I desire to express my confidence that with greater experience and greater responsibility much that is so wearisome, so inconsequent, so ineffective and so flatulent in the present council discussions—as for example the ignoring of all argument on the other side, profuseness of essay reading, the habit of mind of the advocate rather than of the seeker after truth—will be found gradually to disappear—perhaps in fifty years.

(d) I associate myself with the last four lines of paragraph 81. But first you have got to find the “real people”.

(e) Paragraphs 83 and 84 must be very suggestive to the English politician who thinks democratically. It will, I think, however be fully half a century before the professional lawyer in Indian politics finds himself relegated in favour of a more wholesome and less unrepresentative class.

(f) The facts offered in paragraph 124 are very suggestive of the grave difficulty that will most certainly be experienced in the near future in the discovery of a representative electorate.

(g) Often when in England, I have experienced much difficulty in conveying to men in business or in public life some conception of the actualities of the Indian Civil Service. Nowhere have I seen these actualities better expressed than in paragraph 126.

(h) The last nine lines of paragraph 128 are, in my opinion, worthy of the respect and attention of all Indian politicians. I feel confident, from my own knowledge of village life, that the masses of India—the 90 odd per cent whom we are trying to benefit—would, if articulate, support the advice offered to the Indian leaders in the lines referred to.

(i) In paragraph 133 the writers of the report have given a very graphic description of the true state of affairs in India as a whole. The question is: Is the lump ever going to be so leavened that it will rise to the electoral responsibilities in which we are urged to vest it—a lump described further on as “an enormous country population for the most part poor, ignorant, non-politically minded and unused to any system of elections—immersed indeed in the struggle for existence.”

(j) Is the lawyer-politician likely to want to give to the ryot the “simple, cheap and certain system of law” which is stated, in the middle of paragraph 138, to be “one of his greatest needs”? I trow not.

(k) And yet, lawyer-politician or not, and though I may doubt if we are going to work on the right lines, I confess to being greatly impressed by the altruism of the last nine lines of paragraph 144.

(l) In illustration of five or six lines in the middle of paragraph 146 I may mention that, once when on leave and in Ireland, talking to a small farmer about their then recently conferred privilege of County Councils, I asked him whether they were not likely to elect the wrong kind of man. He replied: “Well, Sir, we began by electing the wrong kind of man, but that did not last long, and we are now electing the right kind of man. You see, Sir, we had to think of the state of the roads between the farr-ums and the market town”.

(m) Only, recently, speaking to an Indian Port Trustee who is also a Commissioner of the Corporation of Madras, about sanitation and drainage, I expressed myself, not having read them before, in practically the same words as form the last five lines of paragraph 184.

(n) Paragraph 185 of the report might have made some reference to the absence of cheap little vernacular books about the every-day life of the farmer. These are wanted by the million, and for years I have been preaching to individual Indian patriots the need for making and distributing them. They love to call such books “text-books”—a term which I desire to repudiate with loathing.

7. Having now gone quite far enough outside the terms of my reference I propose to offer in regard to paragraphs 212—295 such observations as occur to me, premising that, having said my say in paragraphs 2—4, I now consider it to be my duty honestly to make the best of the situation that has arisen from the British Cabinet's decision.

212.—I agree that, in the provinces, the Government of India must have complete control in certain respects and that outside the controlled subjects the provinces should be able to count on the minimum of legislative interference. Also, for the reasons given, I think it will be better not to demarcate in too great detail the line separating the areas of Imperial and Provincial legislative controls, and that it will be better to leave non-interference to become a matter of constitutional practice rather than of specific rules.

213.—This paragraph suggests a difficulty without solving it. But once the principle of non-interference, except in exceptional matters, is adopted, we may I think assume that things will work smoothly.

214-224. *Provincial Executives*.—The reforms are aiming at "responsible government", or representative government, and it follows that there must not any longer be one-man government. This principle brings us to executive councils, and so we come to consider the best composition of such councils. It is claimed in the report that although all subjects may safely be handled—of course under Government of India control—by executive councils composed as at present with a preponderating trained official element, they cannot any longer—at least for the present—be trusted to deal with all subjects when the councils—as we agree they must be in future—are watered down by an untrained representative element. Therefore it is claimed that the subjects that must be dealt with by the provincial executive must be divided up into "reserved" and "transferred" subjects, the former being dealt with by one section of the executive council and the latter by another.

218. And so it comes about that the provincial executive council must be constituted on a special and novel model, as described in paragraph 218 and more concisely in paragraphs 25 to 30 on page 169. When I say that I think that this somewhat complicated arrangement *ought* to work I quite foresee that sometimes at first it *may not* work. In the new council there will be a larger element than heretofore of untrained talent and of Indians who in numberless matters of every-day common sense are, the very best of them, as little children when compared with the average English public school and university man of the age likely to be found in the councils. I do not say that Indians will not be found with the requisite experience, *savoir faire*, business instinct and give-and-take. Indeed I may be allowed to testify that during the greater part of my fourteen years' work here, the Member of the Executive Council in charge of the portfolio concerned with my affairs has been an Indian and I have at no time had any reason to wish it otherwise. Still, at present at least and for some years to come, it will undoubtedly be difficult to find a sufficient number of Indians of whom it can be predicated that, as practical men of business, apart from eloquence and dialectical skill, they will probably be the equals of any nine out of ten of the English members of the Indian Civil Service. However, since by the now historical announcement of the 20th of August, England has decided to try a great constitutional experiment, we must I think have the courage of our convictions and even if at first—say for fifty years—things do not go as smoothly as we would like to see them go we must let the experiment be tried in the hope that, as years go on, the difficulties and anomalies now inherent in the conditions of it will become fewer until, later, we are able to give India full and real constitutional Government. I quite agree with Mr. Chamberlain who is reported to have said in the discussion in the House of Commons on the report: "I do not pretend that the immediate result of the changes proposed will be to increase the efficiency of the Government of India. Progress in India must be through mistakes." We must take care, however, that mistakes do not lead to anarchy or to the misery of classes.

8. I hope I shall not be thought irrelevant if I illustrate my meaning as follows. I have lately, for the *n*th time, been reading "Burnet's History of His own Times", and have read it with more interest than ever before in the light of the present attempt at Indian constitution making. What impresses me greatly is the apparent utter hopelessness, even so short a time ago as the beginning of a century in which my own grandfather lived for a considerable part of his early manhood, of ever evolving a sane system of Government from the conditions then prevailing, hatred, envy, intolerance, robbery, corruption, lying, intrigue, meanness, arrogance and, all round, such blackguardism as would nowadays not for a moment be tolerated in public life. And yet out of all this, within 120 years, we have evolved a system of Government in England which has enabled our people to pass through the greatest crisis in the history of the world with, so far, comparatively little hurt; and this without guidance from any more highly developed race—guidance such as we now offer to India. I feel confident therefore that, in a generation or two, many of the difficulties of which we now are apprehensive will disappear, and that we shall be right to make the great experiment, even if often at first the teeth of the machine break and the wheels clog—as undoubtedly they will.

9. I may be told that this is not the kind of comment on paragraphs 214-224 which I am expected to make. But my point is this: The authors of the scheme offer us a machine to do certain work, and I know absolutely that certain parts of the machine are liable just now to be made sometimes of common brass and mild steel instead of phosphor-bronze and manganese steel and that there will, most certainly, be less good work done by the machine and more breaks-down. But I know also that more phosphor-bronze is being made in the country and that the time will come when it will be easier to find it for a missing wheel, and that there will be better work done by the machine and fewer breaks-down. So, instead of waiting indefinitely until I am dead and another generation is dead, and perhaps another, by which time the supply of the better kind of metal shall be more plentiful, I prefer to say, since change is inevitable: "In the name of God let us get ahead and have the courage to see, with equanimity, a few breaks-down, but let us at least make a beginning." I do not believe that the human soul inside the Indian body is of a worse, or even of a different, quality than that inside the European body. Differences of character and of the point of view of course grow out of differences of environment and surroundings. But let us guide their surroundings and give them opportunities for development, and I am confident that, *in time*, India will prove equal to the responsibilities which she is now so persistently asking us to impose on her. When I say "she is now asking us", I mean of course the 5 per cent more or less who are not voiceless. We are governing the other 95 per cent

for their own good and we have decided to have some of the 5 per cent in with us in the task. Later we shall see if the 95 per cent are the happier or not for the innovation. If they are not happier, we are always strong enough to change back. Were we not strong enough we should not be here. For these reasons I am quite content to see the Provincial Executives framed on the model suggested in paragraphs 214-224 of the report.

224-259. *Provincial Councils*.—Having dealt with the paragraphs headed Provincial Executives I now pass on to those relating to Provincial Councils. The success or failure of the Executives under the new constitution must depend of course, largely, on the success or failure of our efforts to get good councils. I do not say that always a truly representative council will be a good council. Indeed it may be quite otherwise. But the whole, or chief, aim and object of the reforms is to get representation, perhaps not at once, but sooner or later.

10. Now it is all sheer camouflage and humbug to say that any system of election is going to get the average inhabitant of India represented on the council, as, if he only knew what he was doing, he would wish himself represented. We are told that a committee is to come and to make a tour through India with a view to finding how truly representative bodies of electors may be constituted. But I do not envy such a committee its task, especially if it is a self-respecting and an ingenuous committee. I do not believe for one moment that the average small landholder, who himself, like Boaz, holds the plough handle, will in the very least be able to realize what it is he is being asked to do if he is pressed to vote, whether directly, or indirectly through a district board, for a politician who, on the council, may be trusted faithfully and wisely to see after his interests. Before we can count on any such display of intelligence on his part, that is on the part of perhaps 90 per cent of the population of India, we must have two or more generations of primary education and of such education too as will bring the average cultivator into touch with something outside his own immediate surroundings. At present in regard to any such matter as that over which we are all exciting ourselves, the average cultivator's mind is quite as much of a blank as is that of his own buffalo, and there is no use in the professional politicians telling me otherwise. I do not say that the average good professional Brahman vakil politician will not endeavour to represent the ryot honourably and wisely. Some will, some will not. All I am claiming is that the ryot, in casting his vote, has not an elementary idea what it is that he is voting for. Also I know that there are parts of India where, amongst the cultivators, "Vakil Raj" is held in horror and contempt. All this does not mean that I advocate deferring the experiment until my brass vakil politicians find their elections opposed by the phosphor-bronze men who, with the help of God and of a less unimaginative educational service, we may hope in a couple of generations to breed up. Far from it. I have already expressed myself as willing to begin the great emprise whether the wind be fair or foul, feeling confident that, later on in the voyage, I shall get into the beneficent trades.

11. I think the rejection of communal representation by the authors of the report—except for Muhammadans and Sikhs—is a piece of very daring altruism. Theoretically of course they are quite right to have come to the conclusion that a council composed largely of men elected by communal interests is not truly a representative council in the sense in which it is hoped that such councils shall be representative of India as a whole, apart from considerations of cliques, religion, caste, races, and so on. But what is going to happen in practice? What will happen in South India is that the Brahman politician will continue as now to fill the majority of places on the council, and that the great non-Brahman population will be left out in the cold. All the same, I say, go ahead, make mistakes, cut your teeth, and grow to manhood and to conscious manhood, my dear Indians. At present you are babies in the nursery, and your nurses and governesses are inventing pretty games for you, at which, later, you will I know play very nicely.

12. Have the authors of the scheme considered the probable effect on capital of the omission to give Europeans a right of representation on the councils? Capital is a very tender thing and it does not take much to make its holders ask another half or one per cent from a country where there is any suspicion of worse than the best kind of Government. I do not know how much English capital is invested in India—though I could easily find out—I suppose not short of a thousand million sterling. This capital is very largely in the form of state borrowings for investment in paying public works such as railways and canals. But much of it is private capital in tea, in coffee, in house property in the great cities and so on. We have got all the time to keep a bright look out that we do nothing to make such capital deteriorate unduly. France must have lost by now a good many millions lent to Russia in pre-war days. We must take care that England does not lose much of what she has lent for the development of India and of what her enterprising industrialists have brought out on the faith of good rule and governance.

13. However, it seems about time for me to return to a consideration of the particular paragraphs instead of merely voicing the general considerations which have influenced me.

225.—As I have said, I do not envy the Committee.

226.—There must be direct instead of indirect election. The report perceives the difficulties which, to everybody knowing his India, are only too obvious.

227.—To attempt to govern India through councils elected without resort (except in one or two exceptional cases) to communal representation will be a very bold experiment indeed. It has in it the germs of failure and indeed of disaster, and whether it is to fail or not will depend largely on the degree of selfishness or altruism that will be exhibited by the average elected politician.

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218. And so it comes about that the provincial executive council must be constituted on a special and novel model, as described in paragraph 218 and more concisely in paragraphs 25 to 30 on page 169. When I say that I think that this somewhat complicated arrangement *ought* to work I quite foresee that sometimes at first it *may not* work. In the new council there will be a larger element than heretofore of untrained talent and of Indians who in numberless matters of every-day common sense are, the very best of them, as little children when compared with the average English public school and university man of the age likely to be found in the councils. I do not say that Indians will not be found with the requisite experience, *savoir faire*, business instinct and give-and-take. Indeed I may be allowed to testify that during the greater part of my fourteen years' work here, the Member of the Executive Council in charge of the portfolio concerned with my affairs has been an Indian and I have at no time had any reason to wish it otherwise. Still, at present at least and for some years to come, it will undoubtedly be difficult to find a sufficient number of Indians of whom it can be predicated that, as practical men of business, apart from eloquence and dialectical skill, they will probably be the equals of any nine out of ten of the English members of the Indian Civil Service. However, since by the now historical announcement of the 20th of August, England has decided to try a great constitutional experiment, we must I think have the courage of our convictions and even if at first—say for fifty years—things do not go as smoothly as we would like to see them go we must let the experiment be tried in the hope that, as years go on, the difficulties and anomalies now inherent in the conditions of it will become fewer until, later, we are able to give India full and real constitutional Government. I quite agree with Mr. Chamberlain who is reported to have said in the discussion in the House of Commons on the report: "I do not pretend that the immediate result of the changes proposed will be to increase the efficiency of the Government of India. Progress in India must be through mistakes." We must take care, however, that mistakes do not lead to anarchy or to the misery of classes.

8. I hope I shall not be thought irrelevant if I illustrate my meaning as follows. I have lately, for the *n*th time, been reading "Burnet's History of His own Times", and have read it with more interest than ever before in the light of the present attempt at Indian constitution making. What impresses me greatly is the apparent utter hopelessness, even so short a time ago as the beginning of a century in which my own grandfather lived for a considerable part of his early manhood, of ever evolving a sane system of Government from the conditions then prevailing, hatred, envy, intolerance, robbery, corruption, lying, intrigue, meanness, arrogance and, all round, such blackguardism as would nowadays not for a moment be tolerated in public life. And yet out of all this, within 120 years, we have evolved a system of Government in England which has enabled our people to pass through the greatest crisis in the history of the world with, so far, comparatively little hurt; and this without guidance from any more highly developed race—guidance such as we now offer to India. I feel confident therefore that, in a generation or two, many of the difficulties of which we now are apprehensive will disappear, and that we shall be right to make the great experiment, even if often at first the teeth of the machine break and the wheels clog—as undoubtedly they will.

9. I may be told that this is not the kind of comment on paragraphs 214-224 which I am expected to make. But my point is this: The authors of the scheme offer us a machine to do certain work, and I know absolutely that certain parts of the machine are liable just now to be made sometimes of common brass and mild steel instead of phosphor-bronze and manganese steel and that there will, most certainly, be less good work done by the machine and more breaks-down. But I know also that more phosphor-bronze is being made in the country and that the time will come when it will be easier to find it for a missing wheel, and that there will be better work done by the machine and fewer breaks-down. So, instead of waiting indefinitely until I am dead and another generation is dead, and perhaps another, by which time the supply of the better kind of metal shall be more plentiful, I prefer to say, since change is inevitable: "In the name of God let us get ahead and have the courage to see, with equanimity, a few breaks-down, but let us at least make a beginning." I do not believe that the human soul inside the Indian body is of a worse, or even of a different, quality than that inside the European body. Differences of character and of the point of view of course grow out of differences of environment and surroundings. But let us guide their surroundings and give them opportunities for development, and I am confident that, *in time*, India will prove equal to the responsibilities which she is now so persistently asking us to impose on her. When I say "she is now asking us", I mean of course the 5 per cent more or less who are not voiceless. We are governing the other 95 per cent

for their own good and we have decided to have some of the 5 per cent in with us in the task. Later we shall see if the 95 per cent are the happier or not for the innovation. If they are not happier, we are always strong enough to change back. Were we not strong enough we should not be here. For these reasons I am quite content to see the Provincial Executives framed on the model suggested in paragraphs 214-224 of the report.

224-259. *Provincial Councils*.—Having dealt with the paragraphs headed Provincial Executives I now pass on to those relating to Provincial Councils. The success or failure of the Executives under the new constitution must depend of course, largely, on the success or failure of our efforts to get good councils. I do not say that always a truly representative council will be a good council. Indeed it may be quite otherwise. But the whole, or chief, aim and object of the reforms is to get representation, perhaps not at once, but sooner or later.

10. Now it is all sheer camouflage and humbug to say that any system of election is going to get the average inhabitant of India represented on the council, as, if he only knew what he was doing, he would wish himself represented. We are told that a committee is to come and to make a tour through India with a view to finding how truly representative bodies of electors may be constituted. But I do not envy such a committee its task, especially if it is a self-respecting and an ingenuous committee. I do not believe for one moment that the average small landholder, who himself, like Boaz, holds the plough handle, will in the very least be able to realize what it is he is being asked to do if he is pressed to vote, whether directly, or indirectly through a district board, for a politician who, on the council, may be trusted faithfully and wisely to see after his interests. Before we can count on any such display of intelligence on his part, that is on the part of perhaps 90 per cent of the population of India, we must have two or more generations of primary education and of such education too as will bring the average cultivator into touch with something outside his own immediate surroundings. At present in regard to any such matter as that over which we are all exciting ourselves, the average cultivator's mind is quite as much of a blank as is that of his own buffalo, and there is no use in the professional politicians telling me otherwise. I do not say that the average good professional Brahman vakil politician will not endeavour to represent the ryot honourably and wisely. Some will, some will not. All I am claiming is that the ryot, in casting his vote, has not an elementary idea what it is that he is voting for. Also I know that there are parts of India where, amongst the cultivators, "Vakil Raj" is held in horror and contempt. All this does not mean that I advocate deferring the experiment until my brass vakil politicians find their elections opposed by the phosphor-bronze men who, with the help of God and of a less unimaginative educational service, we may hope in a couple of generations to breed up. Far from it. I have already expressed myself as willing to begin the great emprise whether the wind be fair or foul, feeling confident that, later on in the voyage, I shall get into the beneficent trades.

11. I think the rejection of communal representation by the authors of the report—except for Muhammadans and Sikhs—is a piece of very daring altruism. Theoretically of course they are quite right to have come to the conclusion that a council composed largely of men elected by communal interests is not truly a representative council in the sense in which it is hoped that such councils shall be representative of India as a whole, apart from considerations of cliques, religion, caste, races, and so on. But what is going to happen in practice? What will happen in South India is that the Brahman politician will continue as now to fill the majority of places on the council, and that the great non-Brahman population will be left out in the cold. All the same, I say, go ahead, make mistakes, cut your teeth, and grow to manhood and to conscious manhood, my dear Indians. At present you are babies in the nursery, and your nurses and governesses are inventing pretty games for you, at which, later, you will I know play very nicely.

12. Have the authors of the scheme considered the probable effect on capital of the omission to give Europeans a right of representation on the councils? Capital is a very tender thing and it does not take much to make its holders ask another half or one per cent from a country where there is any suspicion of worse than the best kind of Government. I do not know how much English capital is invested in India—though I could easily find out—I suppose not short of a thousand million sterling. This capital is very largely in the form of state borrowings for investment in paying public works such as railways and canals. But much of it is private capital in tea, in coffee, in house property in the great cities and so on. We have got all the time to keep a bright look out that we do nothing to make such capital deteriorate unduly. France must have lost by now a good many millions lent to Russia in pre-war days. We must take care that England does not lose much of what she has lent for the development of India and of what her enterprising industrialists have brought out on the faith of good rule and governance.

13. However, it seems about time for me to return to a consideration of the particular paragraphs instead of merely voicing the general considerations which have influenced me.

225.—As I have said, I do not envy the Committee.

226.—There must be direct instead of indirect election. The report perceives the difficulties which, to every body knowing his India, are only too obvious.

227.—To attempt to govern India through councils elected without resort (except in one or two exceptional cases) to communal representation will be a very bold experiment indeed. It has in it the germs of failure and indeed of disaster, and whether it is to fail or not will depend largely on the degree of selfishness or altruism that will be exhibited by the average elected politician.

228.—However advisable it may now appear to be to start off with communal representation, I agree with the writers of the report that to do so would be fatal—short of an earthquake later—to the true territorial representation, for India as a whole, at which we are aiming.

229-230.—I agree.

231-232.—I agree about Muhammadans and Sikhs. As regards Europeans, nomination will perhaps do for a while, but as a class they may I think be trusted to know about their own men and their own affairs better than any Government can; so, later, they will probably want communal representation, and if they want it they will get it. However, all these matters are, presumably, for the Committee's consideration.

233-234.—I agree.

235.—I am doubtful. The proposal certainly has educational reasons in its favour, though I doubt if that is the intention. But will it not be a clog on serious practical business? It must always be realized that the habit of mind of the lawyer politician will be not to give a decision but meticulously to weigh both sides of a case, regardless of the consequences of delay. I am myself of those who do things and I do not want my doings to be delayed by people whose main idea of business is to talk about it. In England there is in the average man a virile common-sense which for the most part overrides that sort of thing. But it is otherwise in India—at least in its present state of development.

236-237.—I agree about the rules of business and also about the relaxation suggested in the matter of supplementary questions. Also I agree about resolutions.

238, 239, 240.—And now we come to what will, I fear, prove to be one of the greatest incitements to oratory and squabbling ever flung into the Indian cockpit. I refer to the question of demarcation of subjects. And here I feel myself in firm agreement with the authors of the scheme. We must have demarcation, first as between the provinces and India and next within the provinces. That is, as regards the latter, there must be certain subjects reserved for the Governor in Council, and others—perhaps to increase in number as time goes on, and if all goes well—which is not quite certain—that will be transferred to the ministers nominated from the elected members of the legislative councils. The distribution of subjects will doubtless be found to vary somewhat as between provinces, and will be a fit subject for the second special committee yet to be appointed. But to me it appears sheer lunacy to propose—as I take it some Indian extremists will—to make all subjects transferred subjects. That may come later, in 100 years perhaps, but not yet.

240-244.—I agree with the framers of the report.

244-246.—I agree with the reasons put forward for rejecting the alternative scheme.

247-254.—I agree that neither, in the circumstances referred to, should the Government of India intervene to legislate nor to pass an ordinance. The proposed "certification" is, I think the right solution of the difficulty, combined with the procedure indicated for adoption after certification. I accept the remaining conclusions of these paragraphs of the report.

255-257.—I agree as to procedure for supplies for the reserved as well as for the transferred subjects. Doubtless the procedure will have to stand much criticism and may in the end be a good deal modified; but the recommendations made in the report form, I consider, a good enough basis for later discussion.

258-259.—We may hope that as their education in their own special colleges improves—and it is improving fast—nobles and large landed proprietors will come forward for election and so there will be no need for an upper house.

259.—In the light of long secretarial experience I agree.

260-261. *Future development.*—The gradual transfer of reserved subjects to the category of subjects to be dealt with by popular councils is of course the goal to be aimed at. But we must not be too sanguine about the time that will elapse before the completion of the process. I have watched development for close upon half a century and it has been wonderful development in some of its phases. But I do not find the ryot in the fields much developed. In the Punjab, where I knew him best long ago, I have again knocked up against him at long intervals subsequently, and have been glad to find him very little changed. And he won't change very much whatever scheme-makers may hope or lawyer-politicians may not hope. If I were asked to set a term to the transition period I would put it at three generations, or say 100 years, if, meanwhile, we are not to have Bolshevism and disaster. For the man in the fields does not like great and sudden changes, and he likes to be governed by people he believes in. I could tell stories, but "no matter"! In paragraph 261 the authors of the scheme seem to have some idea that the critical time may arrive at the end perhaps of ten years. I do not mind the appointment of the suggested Committee at the end of ten years, and if the members of the committee happen—as may occur—to be sentimentalists of a well-known order of intellect, they may conceivably hurry up the transfer of reserved subjects unduly. But the result may, in my opinion, mean serious trouble and disorder and the committee will be well advised to "hasten slowly". I am inclined to think that matters will be found to progress fast enough if, instead of being dependent on the recommendations of who knows what sort of Commissioners, transfers were made from time to time by the Government of India in the light of suggestions made by the Local Governments or local councils.

262-264.—I agree about periodical commissions. I accept the conclusions arrived at in paragraph 264 and give them 100 years to mature.

Chapter IX.

265-266.—The authors say here "so long as the people of India were content to leave their Government in official hands". This implies that they are no longer so content. This I deny very strenuously. I believe the "people of India" are still as content as ever they were to leave their Government in official hands, in the hands, that is, of the men to whom, in this paragraph and throughout the report, its authors pay so high a tribute. It is only a minute and non-representative percentage of the people of India who claim now to be not content. But I agree that we must take them into consideration, on the general lines of the recommendations made in the report, in the hope that as time goes on they will grow less unrepresentative of the "people of India". But we must beware of discontent in the intermediate years, and the official element in the Governments and in the councils must sedulously guard what they conceive to be the interests of the "people of India".

267-270.—Large secretarial experience enables me to agree to all that is said in these paragraphs. The complete divorce from district work of the Secretary to Government would, I think, be a calamity, and therefore I would give him an intermediate permanent staff of a higher order than the present clerical staff—like the upper division of the home civil service.

271-272.—I agree entirely with the report in regard to the Government of India's executive control.

273-275.—There are many hard nuts to be cracked!

276-278.—The ingenious device of a Council of State with a view to the preservation of the Government of India's supremacy when endangered, commends itself to my judgment.

279-282.—The emergency procedure indicated at the end of paragraph 279 appears necessary.

284-289.—I do not feel that my limited experience would justify me in criticising the proposals contained in these paragraphs. But as I have been asked to comment on them I need only say that I accept them as wise proposals.

290-295. *The India Office.*—I do not wish to comment on these paragraphs, beyond saying that they appear to me to be the result of wise and thoughtful consideration, and that, so far as my limited experience warrants my doing so, I concur in the conclusions arrived at.

14. In conclusion, I wish to add a few words of personal explanation in reference to the spirit in which the foregoing comments have been written. I am far from looking on India as designed for exploitation for the benefit of England or of the British Empire. She is an integral part, and one of the greatest parts of that Empire and in the spirit which nowadays animates the best men of our British race we have honourably been trying to help her to develop on lines which will enable her, more and more as years go on, and better and better, to govern herself. I do not believe it is the desire of British officials, as a class, to keep India in leading strings a day longer than is for the good of her people. For myself I have always welcomed any indication of the approach of the desired conditions. For example, the development of Native States like Mysore, Gwalior and Baroda have to me always been of the highest interest. But I wish to protest against the belief, held so largely by those whose knowledge of India is superficial, that the small class of educated Indians are representative of the real India. I gladly admit that amongst the small class in question there are men of the highest ability, honour and patriotism. Also I know, from my own experience, that in matters of personal honour and of hatred of corruption and so on, there has been an immense change, during the last half century, in Indian educated opinion, due, largely I consider, to the way in which we have so freely admitted them to high judicial posts.

15. But I claim that the number of those from whom a choice must be made of men fit to govern and to legislate under the new scheme as well as we have been governing and legislating heretofore is too small for the drafts which the proposed constitutional reforms will make on them. Nevertheless this is a fault which will cure itself in time, and we should not be fit to govern India did we not feel equal to trying even so risky an experiment as that now recommended to us and on which I am commenting.

16. Of Indians' own attempts at self-development we have had some unfortunate examples in the failure of their great attempts at banking and at steamship owning. Whether they will prove more successful in managing the complicated business of governing the voiceless millions remains yet to be proved. We have, however, set out to prove this very thing, one way or another, for better for worse, and it is, as I conceive of it, the duty of every Englishman to aid in every possible way to make the experiment a success. On the other hand we may at least demand that educated India shall believe in our sincerity.

17. Since the above paragraphs were written I have been through the somewhat trying experience of the August 1918 session of the Madras Legislative Council and am more strongly than ever confirmed in the opinion that the men who are now elected to the council are not, as a class, fit to govern a country safely and soundly. I may specially illustrate my meaning by reference to the oratory around the question of prehistoric medicine and to the mentality of people who can imagine the practicability of Government interfering with the University authorities in a matter of a grace mark for failed matriculates. There is a childish lack of a sense of proportion, a conviction that fluent verbiage is convincing argument, and an utter refusal to listen to the other side, all of which goes to convince me, more strongly than ever before, that at least the

present system of indirect election fails to produce men fit to deal with the every-day practical affairs of a great country. Altruistically I have assumed that all this will better itself in time and doubtless it will. Meanwhile educationalists, and especially those concerned with the education of the nobility and land-owning classes, may be expected to take note that if these classes are to take the share in the ruling of the country that is due to their position, they will need special training for the correction of the faults which exhibit themselves so prominently in the methods adopted by the lawyer class for carrying on legislative business. What I cannot understand is how High Courts have ever allowed this kind of pointless, windy verbiage to grow up unchecked and uncorrected. But perhaps they do not and that it is reserved as a special treat for the councils. Indeed I cannot imagine it as likely to influence the judgment of any sane Judge. With the men concerned it has now become a habit and in their estimation it is persuasive eloquence. In my estimation, and I feel sure in that of most men of business methods of thinking, most of it is pointless piffle, or in classic phrase "fatuous flapdoodle".

18. I foresee that unless a very strong effort be made by the right kind of men to keep this sort of thing out of the reformed councils, to be framed under the Chelmsford-Montagu scheme, the whole business of governing India will break down into utter ruin within ten or twenty years, and we shall either have to resume autocratic-bureaucratic government or to invent something that will give the electors a better chance of being represented by men who really want to govern well and not merely to hear themselves talk. If anyone is going to tell me that such a reversal of policy is impossible because of the risk of serious internal disorders, my reply is that internal disorders were things to be reckoned with seriously when rioters and we were both equally armed with gas-pipes. But in these modern days, no conceivable display of rioting and of rebellion instigated by persons discontented with our reversal of policy has any chance at all of a life of more than a few days. In the interests of the real people of India we must be strong. To allow India to slip into the present condition of Russia—and I am not at all sure that we are not beginning to drift that way already—would be a renunciation of the "white man's burden" and the greatest crime in history.

IV

Letter—from Sir FREDERICK NICHOLSON, K.C.I.E., Honorary Director of Fisheries Madras.

To—the Chief Secretary to Government.

Dated—Chepauk, the 19th August 1918.

No.—G.R. 38.

In reply to your letter No. 647, Public, dated the 25th July 1918, I have the honour to state that I regret that I am

* Report on Indian Constitutional Reforms. not able to offer any useful opinion in the matter.*

V

Letter—from the Hon'ble the Most Rev. J. AELEN, D.D., Archbishop of Madras

To—the Chief Secretary to Government.

Dated—Madras, the 20th August 1918.

No.—026.

Your circular letter No. 647, Public. I confidently abide by the proposals contained in the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms. They are the outcome of much thought and great earnestness, and, moreover, touch on subject-matter, on which I have had no occasion to form pronounced opinions.

With regard to the question of representation, however, I beg to differ respectfully from the recommendation as formulated in the published report (paragraphs 227—232).

I fully appreciate the academical grounds on which objections against communal representation are raised, but the practical feasibility of this system has been demonstrated by the experience already gained in the matter of Moslem communal representation. I cannot, therefore, but repeat what I have submitted already in my representation to the Right Hon'ble the Secretary of State for India, when I had the privilege of a private interview: "Conditions in India differ fundamentally from those obtaining in other countries and justify the demand put forth on every side for what, in this country, is called communal representation."

VI

Letter—from MUHAMMAD USMAN SAHIB Bahadur, B.A., Honorary Secretary, the Muttialpet Muslim Anjuman, Madras.

To—the Chief Secretary to Government.

Dated—the 26th August 1918.

With reference to your communication No. 647, Public, dated the 25th July 1918, I have the honour to submit the following as my opinion on the recommendations formulated in paragraphs 212 to 295 in the Report of His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms.

I may be allowed to state at the outset that I am not one of those who entirely approve of the announcement of policy made in Parliament by the Secretary of State for India on the 20th August 1917. It, no doubt, speaks volumes for the generous intentions of the British Government towards the Indian people, but the circumstances which led up to the announcement being made were such as to create the impression that the hands of Government were forced. This was an unfortunate impression to create in India. All that public agitators had a right to expect was that a representative or representatives of the British Parliament should come over to India, study the situation and thereafter advise the British Cabinet to make an announcement suitable to the results of investigation. Instead of this the announcement of policy was made before proper inquiry and the Indian people are confronted with a scheme which is more or less an answer to clamour and to which they are driven to say aye or nay. I shall therefore not be understood in giving my opinion about the scheme as expounded in paragraphs 212 to 295 of the Report that I approve of the scheme or the policy either generally or with regard to details.

Provincial Executives.

I am glad that the Ministers proposed to be put in charge of transferred subjects are not to be elected by the Legislative Council but only nominated by the Governor from among the elected members of the Council. It is to be hoped that in the appointment of Ministers the Governor will have due regard to the interests of the Muhammadan community and appoint one of them to the Ministry. I am glad to observe that the Minister will hold office at the pleasure of his constituency and not that of the Legislature, though it is difficult to reconcile this with the statement in paragraph 237 of the Report in which it is predicted that the Minister will become liable to be removed from office by the Legislative Council. This arrangement should not be liable to revision as contemplated in paragraphs 237 and 260. The time is not come and is not likely to come for many generations when we may have Ministers in the parliamentary sense liable to be removed from office by the vote of the Legislature. Muhammadan Ministers who seek to be true to the interests of their community will often find themselves so unpopular with their non-Muhammadan colleagues as to feel their place insecure so long as the Council has the power to stop their supplies or pass a vote of censure on them and thus force their resignation.

I cannot view with satisfaction the reduction of the European element in the Executive Council from two to one. Such reduction together with the proposed unfortunate reduction of Europeans in the Indian Civil Service will not only deter some of the finest intellects of Britain from entering a body which has rendered Yeoman service in the past and is capable of doing so in the future but also weaken the confidence of the people in the justice and efficiency of the administration. The presence of more than one European in the Executive Council is particularly desirable in the major provinces which are presided over by Governors coming fresh from England.

The Indian that is appointed to the Executive Council should not always be of one community. There should be an alternation of Hindu and Muhammadan as is the present practice in appointing Indian members to the Viceroy's Executive Council.

Provincial Legislature.

I entirely approve of the Governor being empowered to dissolve the Legislative Council. It is also a matter of gratification that the resolutions of the Council are to be regarded as mere recommendations.

I do not approve of provision being made for an appeal from the certification by the Provincial Governor to the Government of India either with regard to Government Legislation or the nature of a subject falling within the reserved or the transferred departments. His decision on these subjects should be final; otherwise his independence as the Governor of an autonomous province will be seriously compromised.

I think that the idea of the appointment of Grand Committees is excellent, only I would suggest that the proportion of the different elements in their composition should be the same as that of the Council of State so that they may serve the purpose of steadying public opinion and strengthening the hands of Government better.

I observe that two committees are to be appointed—one for advising on the question of separation of Indian from Provincial functions and the choice of transferred subjects and the other to examine the question of franchise and constituencies. To safeguard Muhammadan interests I would suggest that two Indian non-officials, one of whom should be a Muhammadan, should be appointed both in the All-India and Provincial sections of the respective committees.

The Government of India.

It is a matter of satisfaction that the Government of India will more directly represent the influence of British Parliament in the governance of this country than the Provincial Governments. This is as it should be. The time is not come for the British Parliament to withdraw its responsibility for the administration of this vast country and it is only proper that it should make its influence felt through the Government of India. It is a matter of paramount importance that the British character of the administration should be maintained at all costs. I therefore approve of the establishment of the Council of State and of the Governor-General being vested with the power of dissolving the Legislative Assembly and the Council of State and of resolutions of Councils being regarded as recommendations merely. I would suggest that in the election to the Council of State provision should be made for one Muhammadan being returned from each province by direct election so that the Muslim seats might be rendered secure instead of being made to depend upon chance as proposed in the report.

Another suggestion I would make is that of the two Indian members of the Executive Council, one should always be a Muhammadan.

Safeguards.

The Council of State, the Grand Committees, the power of certification and dissolution contemplated in the scheme, though they are to all outward appearance sufficient safeguards, will in practice prove, I fear, inadequate and ineffective. Sir Valentine Chirol is perfectly right when he questions "whether the safeguards recommended in the Report will be effective if future Viceroys and Governors do not happen to be men of almost superhuman ability and courage." I am therefore decidedly of opinion that more effective safeguards than those provided in the scheme are imperatively necessary considering that the Councils will be enlarged and their powers increased.

Privy Council.

As far as I can see the proposed Privy Council is not likely to serve any useful purpose.

Communal representation.

It is a matter of satisfaction that His Excellency the Viceroy and the Secretary of State have determined not to interfere with the separate electorate granted to the Muhammadans in the Morley-Minto scheme. They are perfectly right in thinking that Muhammadans regard it as a settled fact, and any attempt to go back on it "would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards". At the same time it is a

matter for regret that His Excellency the Viceroy and the Secretary of State should regard this arrangement as a mere concession to Muhammadan opinion and as partaking of a "very serious hindrance to the development of the self-governing principle". It is the grant of communal representation through separate electorates that has stimulated political life in the community, and enabled it, on a footing of equality and self-respecting independence, to co-operate with the Hindus. Far from being a hindrance it has proved helpful to the development of that sense of common citizenship which is the vitalising element in the self-governing principle. In a country like India social and religious differences have to be recognized and the mischief they are likely to create guarded against, before they can be made up and a sense of unity tending to the establishment of real democracy created. Experience has proved that Muhammadans thrive best politically when there is a separate electorate for them. It is a matter of indifference whether in any province they form a minority or not. In either case a separate electorate is essential to their progress. In places where they form a majority they do not invariably exert a political influence commensurate with their numerical strength and economic importance. The Government will be committing a great blunder and undoing the good work they have done during the past ten years, if as hinted in paragraph 262 of the Report they should at any time go back upon their settled policy and withdraw this much valued provision. I observe that the European community is demanding separate communal representation not only for itself but also for all minorities and backward majorities. I would strongly support this not only in order to secure the interests of my community but also from considerations of inter-communal justice.

VII

Letter—from the Hon'ble Mr. Yaqub Hasan and Moulana Abdus Subhan Sahib Bahadur, the Honorary Secretaries, Madras Presidency Muslim League, Madras.

To—the Chief Secretary to Government.

Dated—the 24th August 1918.

With reference to your letter No. 647, Public, dated the 25th July 1918, we beg to state that the Madras Presidency Muslim League at its general meeting held on the 19th instant has given full and careful consideration to the proposals on Indian Constitutional Reforms contained in the Report by His Excellency the Viceroy and the Secretary of State and we are directed to lay before His Excellency the Governor in Council the following as the opinion of the Madras Presidency Muslim League on this momentous subject.

The attainment of self-government within the British Empire was the goal India had set before itself and the two National Assemblies, the Indian National Congress and the Muslim League, have been agitating for years for the recognition of the legitimacy and reasonableness of India's demand in this respect. The announcement of His Imperial Majesty's policy in the Parliament on the 20th August 1917 was therefore hailed with enthusiasm by the Muslim League. This announcement was not suffered to remain merely a pious declaration of policy for fulfilment at some indefinite time in future. The Secretary of State and the Viceroy at whose special request the said announcement was made, took the matter earnestly in hand. It is clear from the Report that the two distinguished authors were actuated by the sincere desire to place India on the road to self-government. They have made an honest attempt to solve the great problem and to overcome the great difficulties that beset the path of constitutional reforms in India and our grateful thanks are due to them for the time and labour devoted to this task.

The Congress and the Muslim League had not asked for the immediate grant of self-government. All that they had urged for was a substantial first step towards that goal. In their opinion the scheme jointly submitted by the Congress and the Muslim League was best calculated to provide a basis on which a liberal constitution might be gradually built up. The distinguished authors have taken pains to examine the Congress-League scheme minutely, but they did not see their way to adopt it. They have however incorporated in their own proposals several of the suggestions that originated from Congress and the League.

The League has no hesitation in acknowledging that the proposals contained in the Report of the Secretary of State and the Viceroy on the Indian Constitutional Reforms are on the whole a considerable advance over the present position and they are therefore welcome. In some respects however they fall short of our expectations and of the needs of the situation and are not altogether consistent with the declaration of the 20th August. It is the purpose of this memorandum to point out the shortcomings mentioned above and to suggest modifications and improvements that will in the opinion of the Muslim League make the proposals more acceptable to the Indian people.

Local Self-government.

The League fully endorses the first formula of the Report that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." The League agrees with the report that the resolution of the Government of India on local self-government issued on the 16th May last "cannot be regarded as constituting a complete scheme of local self-government." It is, however, pleaded that, "if we are sincere in our advocacy of a policy of Provincial autonomy, we must leave the work mainly to local Governments" and it is expected that the reformed provincial Legislative Councils will be able to effect further reforms in the local self-government in accordance with the popular wishes.

Provincial Governments.

It is laid down in the Report as the second formula that "the earlier steps towards the progressive realization of responsible government should be taken in the provinces." "This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." The autonomy proposed to be given to the provincial Government is quite in consonance with the demand of the Muslim League. It was urged in the League scheme (1) that the Government of India shall not ordinarily interfere in the local affairs of a province; (2) that the provincial Government should have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans and to impose and alter taxation; (3) that "except customs, post, telegraph, mint, salt, opium, railways, army and navy and tributes from Indian States, all other sources of revenue should be provincial and (4) that there should be no divided heads of revenue, the Government of India to be provided with fixed contributions from the provincial Governments." There is material agreement between the two schemes on the above points; for, the Report provides for (1) a complete separation to be made between Indian and Provincial heads of revenues; (2) provincial contribution to the Government of India to be the first charge on provincial revenues, and (3) provincial Governments to have certain powers of taxation and borrowing.

Provincial Executive.

It is very satisfactory to note that the suggestion of the Congress and the Muslim League that each province should have a Governor and Executive Council has been accepted. The Executive Government according to Congress-League scheme was to consist of a Governor and Executive Council of whom not less than half the members to be Indians elected by the elected members of the Legislative Council. The Executive Council was to be under the control of the Legislature from which it received supplies and responsible to it for its actions. This part of the Congress-League scheme did not commend itself to the Secretary of State and the Viceroy who propose a different method for the eventual attainment of the object both schemes have in view, i.e., the control of the Executive by the Legislature. They propose that some departments of administration shall be placed under popular control from the beginning while other departments will be retained as reserved subjects under the control of the Governor and the Executive Council. The portfolios for the transferred subjects shall be placed in the hands of the Ministers to be selected by the Governor from amongst the elected members of the Legislative Council. The Executive Council in charge of the reserved subjects shall consist of one European and one Indian Member. The constitution of the Executive Council is

in accordance with the Congress-League scheme and the appointment of Ministers makes the Indian element in the Executive Government preponderate which is quite desirable. The League is not opposed to this dual system of administration as the object claimed to be is to provide opportunity to the popular element of the Government "to acquire experience" and "to learn to discharge its duties efficiently," and not with a view to test its capacity to manage the affairs of the Government. Believing as it does in the inert capacity of the people of India to efficiently carry on the administrative work the Muslim League feels sure that, if the discretion vested in the Governor in the matter of selection of Ministers is properly exercised, the Ministers chosen for the administration of transferred subjects will give good account of themselves to justify further transfer to them of reserved subjects.

Another reason for resorting to the dual system of administration appears to be this. It is perhaps thought that grave risk "to peace, order and good government" will be involved if there was a complete devolution of responsibility to the popular representatives from the start. It is therefore considered more expedient to transfer the responsibility gradually. That being the case the question does not arise as to which departments shall be transferred, but as to how many and what departments it is essential to "reserve" in the interests of the undisturbed continuance of the peace, order and good government in the transitional period.

The Muslim League does not approve of the appointment of additional member or members to the Executive Government for the purposes of consultation and advice only and would wish to urge the deletion of this provision from the scheme.

The League is in favour of the appointment of a limited number of members of the Legislative Council to a position analogous to that of Parliamentary Under Secretaries in Great Britain. The League also accords its support to the proposal that Standing Committees should be attached to each department or to groups of departments consisting of members elected by the Legislative Council, of the heads of the departments concerned and of the Member or Minister in charge of the portfolio who would preside. This will bring the Members of the Legislative Council in closer touch with the actual working of the departments. The members moving resolutions in the Legislative Council concerning any section of public administration will not then be open to the charge of the want of knowledge and experience which is at present often levelled against non-official members of the Council. They will also be in a better position to deal with administrative questions and to undertake the responsibilities of a Minister with better insight into the system of administration.

Provincial Legislature.

It is proposed to establish in each province an enlarged Legislative Council with a substantial elected majority. The League hopes that the majority will really be an effective one and as near the four-fifths proportion that the Congress-League had demanded. It is satisfactory to note that the suggestion of the Congress-League for making the franchise as broad as possible and the election direct has been adopted.

It is unfortunate that Mr. Montagu and His Excellency Lord Chelmsford do not see eye to eye with the Mussalmans on the question of their separate representation. They have however out of consideration of policy and expediency retained the principle of separate representation for Mussalmans on the Legislative Councils and have also extended it to the Sikh community in the Punjab. They have been quite wise in acquiescing in what Mussalmans have regarded as a settled fact ever since Lord Minto pledged the word of the Government in this respect. The principle of the separate representation is to be followed not only in the case of election to the Legislative Council but also in the case of election to all local and other representative bodies and in the matter of appointments in all branches of service. The proportion of Mussalmans in the Legislative Councils as laid down in the Congress-League scheme must be maintained.

The Governor may have the power to dissolve the Legislative Council in certain eventualities, but he should be bound to order new election and call the new council within three months of the date of dissolution.

The League is glad that its suggestion has been accepted that any Member of the Legislative Council will be entitled to ask supplementary questions.

Certain powers are given to the Governor to insure or prevent legislation in respect of transferred subjects. In this case a Grand Committee with a bare nominated majority will be formed to deal with the Bill. The Legislative Council as at present constituted is a standing Grand Committee and is dealing with all measures, official and non-official, in which the will of the Governor in Council always prevails. The reformed council will be a vast improvement on the present Council, where popular wishes will prevail, in all the transferred subjects, and generally in the case of reserved subjects. The expediency of the Grand Committee will no doubt be availed of only in rare cases and that during the transitional period till all subjects are completely transferred to the popular control. The League therefore does not grudge the retention of this safeguard in the hands of the Governor and hopes that it will be sparingly used in cases of urgent necessity. It is feared in some quarters that this safeguard will be frequently resorted to with a view to prove the non-existence of the sense of responsibility in the non-official members of the Council which occasioned the constant use of an instrument originally designed for an occasional and exceptional use.

As regards the supplies it is feared on the one hand that the Legislative Council will not vote sufficient supplies for the reserved departments and on the other that the preference given in the scheme to the reserved subjects over the transferred subjects will have a tendency to the over-financing of the former and the starving of the latter. To meet the first contingency the Governor in Council has been empowered on certifying to restore the whole or any part of the original allotment to a reserved subject; but no provision is made to meet the second contingency. The Muslim League therefore suggests that the supplies for the reserved departments should be regulated on the experience acquired in the past years subject to the usual expansion as is generally the case in other departments and at about the same rate.

Government of India.

In the case of the Government of India no attempt is made in the proposals to give effect to the root principle of "the progressive realization of responsible government" laid down in the Parliamentary announcement of the 20th August. On the other hand it is proposed to preserve for the Government of India "indisputable authority in matters adjudged by it to be essential in the discharge of its responsibilities." This autocratic form of Government at the very top of the administrative and legislative machinery is not in keeping with the spirit of the change sought to be introduced in the Indian constitution. The Reforms cannot be complete if they stop with the provinces and leave the Government of India altogether untouched. It will be considered a serious breach of promise held out in the famous announcement of the 20th August if the constitution of the Central Government is not so altered as to make "progressive realization of responsible government" possible in its case. The Muslim League is not convinced that the popularization of the Central Government should be postponed till all the provinces have attained complete responsible government. The League begs to suggest that some departments of the Central Administration should be transferred to popular control and be placed in charge of Ministers to be appointed by the Governor-General from among the elected Members of the Indian Legislature. The appointment of Ministers will do away with the need of increasing the number of the Members of the Central Executive Council. Half the Members of the Executive Council should be Indians. The present strength being six there should be three Indians instead of two proposed in the scheme. The League approves of the appointment of a number of Members of the Central Legislature to a position analogous to that of Parliamentary Under Secretaries in Great Britain.

The Central Legislature.

The Muslim League does not endorse the necessity of a permanent bi-cameral system of legislature. The authors of the Report have instituted the Council of State in order to make the will of the Government of India prevail in certain matters. But as eventually the Government of India is destined to become responsible to the peoples of India and cease to be responsible to Parliament, the need of the will of the Government to prevail in certain matters in the legislature is only temporary. It is not therefore advisable that a second chamber be permanently imposed on India to remain in existence even when the object for which it is constituted does not exist.

What is wanted is a safeguard in the hand of the Governor-General for use in cases of emergency during the transitional period and in respect of certain reserved subjects. A temporary safeguard can be devised in many ways; for example there might be a Grand Committee for the central legislature as it is proposed for the provinces. If the affirmative power of the Governor-General in Council is to be more decisively and frequently used than would be the case in the provinces, the Grand Committee may take a permanent form for the life-time of the legislature and not to be constituted each time a necessity arises, this Grand Committee to sit whenever necessary. To say that, when the Government of India becomes completely responsible to the Indian electorate and the need for an elaborate machinery by way of a safeguard no longer exists, the second chamber will become a revising chamber is only creating a function for it to justify its continued existence. The establishment of two chambers will create invidious distinction among the members of the supreme legislature. The higher qualification proposed to be fixed for the candidature of the superior body will be artificial, for wealth, position and status do not always go hand in hand with ability and experience. The non-official Members of the State Council returned by the non-official Members of the Provincial Legislative Councils could hardly be of higher status than the non-official Members of the Legislative Assembly. The artificial distinction is to be accentuated by the use of the appellation "Honourable" by the Members of the Council only, the members of the Lower House to be merely M.L.A.

The six seats proposed to be reserved for Mussalmans in the State Council should be filled by non-official Mussalman Members of the Provincial Legislative Councils. The proposal that Mussalmans may take their chance of being elected by the non-official Members of the Provincial Legislative Councils and the deficiency in their number below six to be made good by nomination does not at all commend itself to the Muslim League.

If the State Council is retained in the constitution, there is no longer any need of the presence of officials on the Legislative Assembly. In the case of communities, classes and interests that are considered worthy of representation on the Assembly their representation should be secured by means of election. Nomination should be confined only to officials and experts and casual appointments. So the proportion of the nominated members should be reduced from one-third to one-eighth of the total strength of the Assembly. The number of elected Mussalmans on the Assembly should not be less than one-third of the total elected members and the allotment of members should be made to various provinces in the proportion fixed in the Congress-League Scheme for Mussalman representation in the Provincial Councils.

The appointment of joint Standing Committees attached to the departments of the Central Administration is approved.

Periodical Royal Commissions.

The Commission to be appointed after ten years from the first meeting of the reformed councils should review not only the constitutional position of the provinces but also of the Government of India. On the report and recommendation of the Commission reserved departments of the Government of India should be transferred to the popular control and only such departments, if any, might be retained as reserved for which an overwhelming case has been made out by the Commission. It is expected in the Report itself that it would be possible to establish complete responsible Government in some of the advanced provinces after the visit of the first Commission. It would be desirable that the Government of India should simultaneously become completely responsible to the peoples of India.

Parliament and India Office.

The Muslim League is gratified to note that the salary of the Secretary of State shall be transferred to the British Estimates. The control of Parliament and the Secretary of State should be modified as the responsibility of the Provincial and Indian Governments to the electorates is increased. No power over Provincial Governments and Legislatures now exercised by Parliament and Secretary of State should be transferred to the Government of India until the latter becomes responsible to the electorates.

The Council of India should be abolished and not merely modified and the India Office establishment should be borne on the British Estimates.

The League approves of the proposal to appoint a Select Committee of the House of Commons on Indian affairs.

Fiscal autonomy.

Connected intimately with the matter of industries, trade and commerce in India is the question of the Indian tariff. Exclusion of this subject from the deliberations of the Industrial Commission has given rise to good deal of suspicion in the minds of educated Indians. The Secretary of State and the Viceroy make no proposals about the fiscal position of India in the future. The League is aware of the fact that "it has been decided by Parliament that fiscal relation of all parts of the Empire and the rest of the world would be considered after the war," and it is assumed in the Report that "this consideration will be by an Imperial Conference on which India will be adequately represented". But it is essential that, subject to any revision that the Imperial Conference might make in the matter of international fiscal relations, longer should be granted fiscal autonomy, so that Indian fiscal interests are no Indian subordinated to British interests.

VIII

Letter—from the Raja of Pithapuram.
To—the Chief Secretary to Government.
Dated—the 26th August 1918.
No.—Extra A/C.D.

With reference to your communication No. 647, Public, dated 25th July 1918, asking for my opinion with regard to the recommendations formulated in paragraphs 212 to 295 of the Report on Indian Constitutional Reforms, I have the honour to state that it does not appear that the importance of the vast interests of the zamindars has been fully recognized and that satisfactory provision has been made for the proper representation of that class. In order to safeguard their interests I consider it absolutely necessary that they should be granted adequate representation commensurate with the extent of their stake in the country and not with their numbers.

IX

Letter—from the Secretary, Madras Landholders' Association.
To—the Chief Secretary to Government.
Dated—Madras, the 26th August 1918.
No.—44.

With reference to your letter No. 647, Public, dated 25th July 1918, inviting the opinion of the Madras Landholders' Association on the proposals contained in the Report of His Excellency the Viceroy and the Secretary of State for India on Constitutional Reforms, I am directed to communicate to you the following resolution on the subject adopted at a meeting of the Association held on the 10th instant:—

The Association, while according its general approval to the recommendations made in the Report on Indian Constitutional Reforms drawn up by His Excellency the Viceroy and the Right Honourable the Secretary of State, considers it absolutely necessary that special representation should be provided to the landholders on the Provincial Legislatures, the Indian Legislative Assembly and the Council of State as indicated in paragraphs 232, 273 and 277 of the Report and that such representation should be commensurate with their status, influence and importance.

X

Letter—from F. B. EVANS, Esq., I.C.S., Collector of Malabar.
To—the Chief Secretary to Government.
Dated—Calicut, the 26th August 1918.
No.—D. Dis. 4246.

[Your letter No. 647, dated 25th July 1918. Indian Constitutional Reforms.]

It is difficult for a district officer to find time for any thorough examination of such an intricate scheme and any attempt to make such an examination would

presumably be to a great extent superfluous. I propose therefore only to make a few general remarks on the principal features, and the main foundations on which the proposals rest.

2. The basis of the structure is the pronouncement of the 20th August 1917. It is assumed that such phrases as "responsible government", and "self-governing institutions" can only mean a system of representative government on English lines, the elements of which are so clearly explained in paragraph 131 of the report; and there is a marked absence of any discussion of other actual or possible system of responsible government. Again while it is admitted that the essentials of "business capacity, loyal acceptance of the decision of a majority, an effective sense of the sanctity of other peoples' rights" are not to be found at present in India; there is little attempt to examine the reasons or to discuss the effects of history, or religion, or climate on the political genius of a nation. The authors of the report prefer to yield to the clamours of the politician. But whatever the spiritual affinities of a Haldane and a Subrahmanya Ayyar, the district officer is constantly confronted with the absurdity of arguments such as that the bond of Aryan blood makes the political instinct of the average Indian the same as that of the average Englishman, or that inclusion in the same hemisphere warrants any comparison between India and Japan. It is of course possible that the social ideals of Greece, which are after all both historically and philosophically the origin of the British political system may some day be understood and accepted by the Hindu; but for the present purpose it seems more to the point to remember that Hindu ideals, if not actually anti-social, are at least fundamentally different. The authors of the report admit (paragraph 229) that India generally has not yet "acquired the citizen spirit"; but they hope to engender it by a broad distribution of the vote: and they seem to think it reasonable to expect that after some ten years' exercise of the franchise under safeguards, the country as a whole will be ripe for complete democracy. They are more sanguine even than Macaulay, who allowed thirty years from the date of his education minute to see the death of idolatry: and they seem to forget history. In England at least it is true that extensions of the franchise have always been forced on the Government by the classes which have demanded the extension. It is no less true that the constitution was radically altered in 1911, that it reached a deadlock in 1914, and that it is likely to be essentially different in the future from what it has been in the near past. All this is ignored: and in a time of war the authors of the report avowedly prefer revolution to evolution. They cynically elaborate a system of self-government by vote without troubling to say who the "self-governing voter" is to be or to discover who wants the vote. The district officer can only repeat his experience that few people of any class really want it and fewer still appreciate what it means. Even since the publication of the report a bureaucratic government has had to force on municipalities a far larger dose than either councillors or tax-payers want: and lest it be thought that such an attitude is necessarily "barbarous", it may be remembered that it was Dr. Johnson who said "I would not give half a guinea to live under one form of government rather than another; it is of no moment to the happiness of the individual".

3. If it be argued in reply to such considerations that self-governing institutions exist in India and work not unsatisfactorily, I would venture to suggest that they are hardly "self-governing" in the sense that the authors of the report contemplate. The elected representatives on local bodies are not elected, because they profess a policy or accept a mandate, and they are not responsible to their electorates in any real sense: nor in the procedure of the local bodies is there much evidence of an appreciation of the validity of the decision of a majority. Still less does it seem to me true to say that since the Minto-Morley reforms, or especially since the war, there has been a marked growth in the sense of political responsibility. On the other hand there seems to have been a real increase in the contempt for authority however constituted; and the reception of the report so far hardly encourages the hope of sober development. Politicians, extremists and moderates, have proposed "modifications" which undermine the very foundation of the proposed executive, and landlords and "non-Brahmans" have put forward suggestions which ignore the elementary principles of representative government, and of the maxim "one vote, one value".

4. As to the administrative machine proposed in paragraphs 212 to 224 of the report, I believe that those best competent to judge doubt whether it could possibly work without undue friction; and it is difficult to see that the Ministers would be really more responsible to the people than are Members of Council in the present regime. The analogy of English Ministers responsible to the House of Commons will not hold. Under the scheme the Legislative Assembly may condemn a Minister's proposal, but cannot force him to resign especially if he has the rest of the Government with him. Still more remote is the power of the electorate. If at the next general election all the constituencies were contested on the disputed proposal and a majority of seats were won by those who were against it, the Governor might be morally bound to select his Minister from that majority; but it is difficult to believe that an election would be so fought. At present in practice if the Legislative Council passes a resolution against the Government, the question is reconsidered and the people are consulted *ad hoc*, if necessary, through official channels. To the bureaucratic district officer this seems the best course: he knows how difficult and delicate a task it is to gauge "public opinion": but the authors of the report prefer the machinery of the ballot box. There can be little reasonable doubt that for many years to come (even with communal representation) that will register the wishes of an oligarchy or an intelligentsia. The system is not necessarily to be damned on that account, in spite of Bolshevism; England did well enough under an oligarchy till the middle of the nineteenth century: but the authors of the report would hardly accept such a justification of a scheme intended to be democratic.

5. As to the effect of the proposals on the position of the district officer, or the "services," the authors of the report seem somewhat at a loss. The district officer is to continue to execute the orders of the "Government," whether they emanate from Minister or from Council. [They say that all will be orders of Government (paragraph 259), but some will be orders of the "Governor in Council" (paragraph 218), and others orders of the "Governor's Ministers" (paragraph 219)]: at the same time they contemplate that the European official may "stand aside more from the work of carrying out orders and assume the position of a skilled consultant, a technical adviser, and an inspecting and reporting officer" (paragraph 324), while he is to "take part in political discussion" (paragraph 326) to "train the men who are to relieve him of his burden," "to convince rather than to direct; to prevail in consultation rather than to enforce an order" (paragraph 327). Whether it is more "worthy" to be "Adviser to King Demos" than "protector of the poor," or whether it is a "higher calling" to bear a burden or to train a man to relieve you of it, may perhaps be answered differently by the district officer and the politician; but it suggests ignorance or worse to write as though the district officer since the days of Munro had not been constantly occupied in endeavouring to "train Indian administrators" and in "explaining and consulting"; and "silent, cold, invulnerable" are hardly the epithets that even the caricaturist would select to describe the average civilian of to-day, or of yesterday. In the district and in the opinion of the "ryot" men matter more than measures; and the district officer's duty of administering laws with discretion and applying policies with sympathy will no doubt continue under the new regime; but the more he becomes a consulting expert and an inspector, the less will be his value: and his influence in directing policy must wane to the extent to which elected representatives take his place as the interpreters and advisers both of the Government and the people. The result can hardly fail to be that the official will become more bureaucratic and irresponsible, while the office must become less attractive. If an Englishman has any real faith in western civilization, it is mere hypocrisy to disclaim "superiority" and past experience would seem to show that self-respect is the best basis of true sympathy; but the authors of the report would apparently ask a Collector to sit on a district board as its expert adviser without a vote, and at the same time use the board to advise him in the general administration; they expect him to be content to argue without leading and if "mistakes" are made to murmur "good-government is no substitute for self-government." This is to "add to the repute of the service" and "improve relations with educated Indians." "Men who have grown up in the older tradition" may be excused if they are not attracted by such a prospect; and if they distrust a scheme which seems compounded of shams and safeguards.

XI

Letter—from M.R.By. K. A. VIRARAGHAVA ACHARIYAR AVARGAL, B.A., one of the Honorary Secretaries, Madras Provincial Congress Committee.
To—the Chief Secretary to Government.
Dated—Madras, the 27th August 1918.

I am instructed by the President of the Madras Provincial Congress Committee to submit to you copies of the letter containing the views of this committee on the Montagu-Chelmsford Scheme of Reforms. As the original copy in which the President signed is not printed in good paper, I am sending true copy for the same.

ENCLOSURE

Letter—from M.R.By. Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR AVARGAL, B.A., B.L., President, Madras Provincial Congress Committee.
To—the Chief Secretary to Government.
Dated—Madras, the 24th August 1918.

Adverting to your letter No. 647, Public, dated 25th July 1918, inviting an expression of the opinion of my Committee with regard to the recommendations contained in paragraphs 212 to 295 of the Report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms, I have the honour to state as follows.

As a constituent part of the Indian National Congress, the Madras Provincial Congress Committee adheres to the resolutions of the Congress of 1916 and 1917 and declares that nothing less than self-government within the Empire can satisfy the Indian people, and, by enabling them to take their rightful place as a free and self-governing nation in the British Commonwealth, strengthen the connexion between Great Britain and India.

My Committee acknowledges that the report bears the impression of the earnestness of purpose, the high sense of responsibility and the sincerity of intention with which the investigation into the present political situation of India was undertaken and the proposals consequent thereon have been made. The material relating to the present situation and the conditions of the problem have been set forth with an apparent freedom from prepossessions to which even the most carping critic of the Government and its ways can have no objection. The justification as made out in the report for a change in the existing constitution cannot be improved upon. Wherever it is felt that the British Administration is responsible for the existing defects, that fact is freely admitted though it is to be regretted that there has not been the same readiness and frankness in recognizing the responsibility of the British Administration for the present incapacity of Indians to defend their own country and of the unwisdom of the policy pursued towards them in that connexion.

When one turns however to the proposals embodied in the report one cannot speak with the same enthusiasm and grateful appreciation as of part I of the report. In some respects the proposals will have the effect of increasing the power of the Central and Provincial Governments, and the proposals as a whole do not, in our opinion, constitute that substantial step in the path of responsible government which it is the aim of the momentous policy announced on the 20th August last year, to inaugurate.

The Committee welcomes the proposal to place the salary of the Secretary of State for India on the Home Estimates and have the same voted upon annually, as thereby important questions on Indian Administration will receive that adequate and steady attention which they do not now receive in the House of Commons. Periodical Parliamentary Commissions of Enquiry, and more than this, the appointment of a Parliamentary Select Committee on Indian affairs, are calculated to ensure efficient safeguards against bureaucratic mal-administration and afford that check on bureaucratic vagaries, in the absence of which the bureaucracy is at present practically its own master in the governance of this vast country. The establishment of Council Government in all the provinces, the strengthening of the Indian element in the Executive Government of the provinces and of the Government of India, the broadening of the franchise and direct election on a territorial basis to the enlarged Legislative Councils, and the proposals in regard to the legislative, administrative and financial devolution to the provinces are all so many concessions to the demands of the Indian National Congress, though the limitations imposed in some of these cases are needlessly illiberal and overcautious. The proposed popular control in respect of local bodies has our general approval.

My Committee is of the opinion that the liberalization of the Central and Provincial Governments, in view to responsible government, should proceed simultaneously and that the proposed division of Government into unequal sections and the assignment of lesser departments for the purpose of trying the experiment of the first step of responsible government, is, in its essential nature, unworkable and is bound to prove unsatisfactory. It believes that the assignment to the Legislature of control over portions of the administration or particular departments of Government, under the conditions stated, can give no adequate opportunities for responsible government. My Committee begs leave to question the soundness of the principle that the

Government of India must remain wholly responsible to Parliament, and that on this account even the very beginnings of self-government should not be undertaken at the outset in the Government of India. My Committee feels strongly that leaving the Government of India "virtually irresponsible as it is, is entirely wrong in principle and is bound to lead to rigidity and unprogressiveness at the centre of the body politic, which would re-act on the freedom, elasticity and growth of provincial administration." (Memorandum submitted by Sir D. E. Wacha and others of Bombay.)

"The case for introducing the principle of responsible government in the national as well as the provincial sphere is complete. Without it the scheme would be inconsistent with itself; the spirit of the August declaration will not have been fully vindicated; and England will be unable to claim that she has set India firmly on the road to self-government. For how could it be claimed in the Peace Conference or elsewhere that the principle of self-determination was applied to the case of India while a mere seed thereof was sown in the Provincial fields? The third formula must go. It rests on an unsound reasoning and must fall before a combined assault on the part of the Indian leaders." (The Hon'ble Mr. V. S. Sastri in the *Servant of India*.)

To render the scheme possible even for a short period, as a first step, my Committee submits that the following changes should be incorporated in the Bill to be brought before Parliament:—

Provincial Government.

1. In the provinces all departments of Government shall be placed under the legislative and administrative control of the Legislature except the administration in respect of Police, Law and Justice, which shall vest in the Executive Government only. The same shall also be changed at the end of five years thus rendering responsible government in the provinces complete.
2. There shall be no Grand Committees.
3. The Ministers shall be nominated by the Governor for the first Reformed Council, and shall be irremovable during its life-time; the Governor shall advise, but not control them.
 - (a) There shall be no additional Members of the Government without portfolios, for mere consultation and advice.
4. The Provincial Budget shall be under the control of the Legislature, subject to the contribution to the Government of India, and, during the life-time of the first Reformed Council, to the allocation of a fixed sum for the above subjects, voted annually, calculated on the annual expenditure on the subjects for five years before the war.
5. In the event of the Government requiring more money for the above subjects, they must obtain it by the vote of the Legislature.
6. The proportion of Muhammadans in the Legislatures, laid down in the Congress-League Scheme, must be maintained.
7. That in any scheme of election which may be devised for this Presidency, provision shall be made for the adequate representation of all communities and interests.

Government of India.

1. There should be no Council of State.
2. Half of the Viceroy's Executive Council shall be Indians, and one or more Ministers shall be added, if business require such addition, from the elected members of the Legislative Assembly. These may be nominated by the Governor-General.
3. The Legislature shall have control over all legislation in respect of safety, peace and tranquillity of the country except in so far the same relates to foreign affairs, army and navy, ecclesiastical matters and relations with Indian Ruling Princes.
4. The budget shall be passed in the shape of money bills, put to the vote of the Assembly, except that part of the budget which deals with the above subjects; for these a fixed sum shall be voted annually during the life-time of the first Assembly, calculated on the annual expenditure on these subjects for five years before the war. The Legislature shall have control over customs, tariff and excise.
5. In the event of the Government requiring more money for the above subjects, it must obtain it by the vote of Assembly.
6. The proportion of Muhammadans in the Assembly, laid down in the Congress-League Scheme, must be maintained.

Parliament and the India Office.

1. The control by the Parliament and the Secretary of State must only be modified, as the responsibility of the Provincial and Indian Governments to the electorates is increased. No power over the Provincial Governments and Legislatures, now exercised by the Parliament and the Secretary of State, must be transferred to the Government of India until the latter is responsible to the electorates.

2. The Council of India to be abolished, and the India Office establishment to be borne on the British Estimates.

As already stated my Committee approves of the salary of the Secretary of State for India being transferred to the British Estimates and the House of Commons being asked to appoint a Select Committee on Indian affairs.

My Committee desires to refer also to the question of fiscal policy dealt in paragraph 241 of the report, though it is not included in the portion of the report referred to us for our expression of opinion. This important question having been deliberately excluded from the consideration of the Indian Industrial Commission, the authors of the report would still leave the settlement of India's tariff in the hands of a Government amenable to the Parliament and the Secretary of State. It is disappointing to read in the report that the authors have no immediate proposals to make in this respect. For years, educated opinion in this country has been not only keen, but also sore, over this question of fiscal autonomy. The feeling that Indian interests are sacrificed to propitiate vested interests which are all influential at the Whitehall, has found open and insistent expression. Such a feeling is responsible for a good deal of the unrest in the country for years past. My Committee shares the opinion of the Hon'ble Sir Fazulbhoy Currimbhoy, a great captain of industry and one entitled to speak with authority on Indian industrial difficulties in their fiscal aspect, and he voices the general feeling in the country when he says:—

"I cannot help thinking that if a radical change of policy had been outlined in regard to fiscal matters, the disappointment of the public at certain features of the scheme in the reform should not have been so keenly felt."

My Committee feels that the claim advanced in the report that the real guardians of the masses of India are the bureaucracy and not the natural leaders of the people is responsible for not a little of the unfavourable criticism to which the report has been subjected. More than anything else the chapter in which special powers are recommended for protecting the interests of Europeans, Christian Missionaries and the domiciled communities has given rise to a good deal of just resentment:

"The pride and self-respect of Indians, made almost morbid by the humiliation of generations, are cruelly mortified by the disabilities of one kind or another, under which they labour in their own country. When shall there be real equality between man and man, is the cry of anguish that goes up from many a wounded heart. The one appeal that we would make to all who wield authority over India is to put an end to all privilege, whether it be due to birth or race or religion." (The Hon'ble Mr. V. S. Sastri in the *Servant of India*.)

In stating this my Committee is but echoing the unanimous voice of the country.

There is no use concealing the fact that every self-respecting Indian resents the theory of divided interests. As Mr. Gandhi points out in regard to the nervousness of the authorities to protect what are called special interests:—

"One cannot help noticing an unfortunate suspicion of our intentions regarding the purely British as distinguished from the purely Indian interests. Hence, there is to be seen in the scheme elaborate reservations on behalf of these interests. I think that more than anything else it is necessary to have an honest, frank and straightforward understanding about these interests and for me personally this is of much greater importance than any legislative feat that British talent alone or a combination of British and Indian talent may be capable of performing. I would certainly, in as courteous terms as possible, but equally emphatic, say that these interests will be held subservient to those of India as a whole and that therefore they are certainly in jeopardy in so far as they may be inconsistent with the general advance of India."

Indians very rightly claim that where the interests of India and England conflict the interests of India should not be subordinated to those of England; and Britishers should not forget what John Bright was never tired of repeating that "the good of England must come through the channels of the good of India."

In the past it has been our melancholy experience that many a great scheme nobly planned has been shorn of its beneficence at the hands of the bureaucracy by the narrow and petty-fogging spirit in which it has been interpreted and worked; Parliament cannot be too careful in providing safeguards against "the hazards of bureaucratic jealousy." The pronouncement of 20th August 1917 that the aim of the British policy is the realization of responsible government in India has rightly been welcomed as a pledge binding the Imperial Government in regard to its future relations with India. But the people may be permitted to say that they cannot allow that document to be so interpreted as to permit the Government to indefinitely postpone the early introduction of full responsible government. Hence the insistence by politicians of all classes and creeds that adequate assurance should be given that full responsible government shall be established in India within a reasonable period.

I am also to add on behalf of the Committee that in view of the grave apprehensions raised in the public mind by the references made in the report concerning repressive legislation and in view to the publication at the present time of the entirely mischievous and dangerous recommendations of the Sedition Committee which would place the individual liberties of Indians at the

arbitrary discretion of the bureaucracy, His Majesty's Government will not jeopardize the success of a great step in constitutional reform by any simultaneous pursuit of a repressive policy accompanied by additions to the already unbearable burden of repressive laws in India.

In conclusion, I beg to state that such criticisms of the proposals as are offered in the preceding paragraphs are offered as constructive suggestions for improving the scheme of the distinguished authors in view to satisfy legitimate popular expectations and allay the growing discontent in the country. It is needless to add that in making these suggestions we are actuated by a genuine desire to co-operate with the British Government and the Government of India to secure the peace, contentment and prosperity of all classes of His Majesty's subjects in India and are fully alive to the Government's great responsibility in this respect. We are anxious that the Indian political situation, which is becoming increasingly complex by diverse conditions and circumstances, should be most liberally and sympathetically considered and that the largest measure of true British statesmanship should be brought to bear on framing the proposed Indian constitution.

XII

Letter—from MUHAMMAD USMAN SAHIB Bahadur, B.A., Honorary Secretary, the South Indian Islamia League.
To—the Chief Secretary to Government.
Dated—Madras, the 29th August 1918.

With reference to your letter No. 647, Public, dated the 25th July 1918, I have the honour to communicate to you the following resolutions passed at the meeting of the Council of the South Indian Islamia League held on Wednesday, the 28th August 1918, on the recommendations formulated in paragraphs 212 to 295 in the Report of His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms:—

Provincial Executives.

The Council welcomes the proposal that ministers are not to be elected but nominated by the Governor and that they hold office not at the pleasure of the Legislative Council but that of their constituency.

In the opinion of the Council that at no time as stated in paragraph 237 of the report should the Ministers be made responsible to the Legislature as the position of Muhammadan Ministers who seek to be true to the interests of their community might become insecure.

The Council is strongly of opinion that one of the Ministers nominated should always be a Muhammadan and that, in the appointment of an Indian to the Executive Council, there should be an alternation of Hindu and Muhammadan as is the present practice in appointing Indian Members to the Viceroy's Executive Council.

The Council approves of the proposal of appointing Additional Members without portfolio.

Provincial Legislatures.

The Council approves of the power given to the Governor to dissolve the Legislative Council and its resolutions being treated as mere recommendations.

The Council is strongly of opinion that the certification by the Governor either with regard to Government legislation or the nature of a subject falling within the reserved or transferred departments should be final, as an appeal against this to the Government of India will seriously compromise his independence as the Governor of an autonomous province.

In the opinion of the Council the institution of Grand Committees is excellent in the interests of efficient administration, provided the different elements composing them are in the same proportion as in the Council of State.

The Council urges that in each of the two committees to be appointed—one for advising on the question of separation of Indian from Provincial functions and the choice of transferred subjects and the other to examine the question of franchise and constituencies there should be two Indian non-officials one of whom should be a Muhammadan both in the All-India and Provincial sections.

The Council is strongly of opinion that the transferred departments should comprise of local self-government, sanitation and co-operation only.

The Government of India.

The Council views with satisfaction that the Government of India will more directly represent the influence of British Parliament in the governance of this country than the Provincial Governments and thinks that it is of paramount importance that the British character of the administration should be maintained at all costs. It, therefore, approves of the Governor-General being vested with the power of dissolving the Legislative Assembly or the Council of State, and of their resolutions being regarded as recommendations merely.

The Council approves of the establishment of the Council of State and would urge very strongly that in the election to it provision should be made for one Muhammadan being returned from each province by direct election. The Council would also urge that of the two Indian Members of the Executive Council of the Viceroy, one should always be a Muhammadan.

Privy Council.

The Council is opposed to the institution of a Privy Council for India as it would serve no useful purpose.

Communal representation.

The Council views with satisfaction the decision of His Excellency the Viceroy and the Secretary of State in not interfering with the separate electorate granted to Muhammadans in the Morley-Minto scheme. In its opinion Government will be committing a great blunder and undoing the good work they have done during the past ten years, if, as hinted in paragraph 262 of the report, they should at any time go back upon their settled policy and withdraw this much valued provision. It therefore strongly urges Government not to abolish the separate communal electorate even in provinces where the Mussalmans are in a majority.

The Council gives its hearty support to the European Association in its demand for separate communal representation not only for itself but also for all minorities and backward majorities.

XIII

Letter—from the Hon'ble Lieut.-Col. G. G. GIFFARD, C.S.I., I.M.S., Surgeon-General with the Government of Madras.
To—the Chief Secretary to Government.
Dated—Calicut, the 28th August 1918.

I have the honour, with reference to your No. 647, Public, dated the 25th July 1918, to reply that in giving an expression of my opinion I presume that, as I am still on the active list, the report should be considered by me to be the report of Mr. E. S. Montagu and Lord Chelmsford and not, as stated in your No. 647, as the report of the Secretary of State and the Viceroy.

I have read the whole report once and the paragraphs 212 to 295 three times. I rise from each perusal of the report with a feeling that I have been walking with "Alice in wonderland". The India which the two above-mentioned gentlemen have found is entirely different from the South India with which I have been intimately acquainted for nearly thirty years. The political atmosphere which they have discovered seems to me to differ from reality in much the same way as the "atmosphere" of a spiritualistic seance differs from that of a works-manager's office in a great industrial concern.

The first half of the report is a delightful historical review but the constructive portion seems to me to summarize the arguments with great care and skill and then to come to the wrong—often the demonstrably wrong—conclusions. The report contains a mass of argument adverse to and destructive of the conclusions at which the writers arrive. The judge, as it were, sums up heavily against the prisoner and then proceeds to acquit him.

The very basis of the whole report is democracy, with democratic and Parliamentary forms, whilst all Englishmen, who know India, know that caste and democracy are mutually destructive ideas and that caste is the one unmovable and unremovable factor in Indian political and social life.

A further basic mistake is the idea that in India the minority accept the edicts of a majority, whereas we, who know India, know that such a political convention has no existence in India. The next basic mistake is the idea that the people of this country desire self-government or desire a large measure of self-government whereas what they desire is good, honest, straightforward, uncomplicated British Government.

British Government in South India is, I fear, becoming increasingly unpopular and its unpopularity increases to the same extent and in direct ratio to the increase of the number of Indians in the Government services.

Supposing however that regardless of facts, regardless of the experience of old and tried officials and regardless of the desires of the masses of the people, something like the measures suggested in the report must be introduced the following criticisms of the details may be permitted:—

(1) The report proposes to give enormous powers to the Governor to, in fact, create a Tzar to control an hypothetical democracy.

(2) A huge mass of democratic Government is to be built on the foundations of a non-existent electorate. The electorate is to be found somehow and at some later date in a country that detests elections and is profoundly aristocratic. If two persons of a less exalted position had made this suggestion it would have been at once laughed out of court.

(3) The Reforms propose to set up three Governments in one Government—

- (i) Old style I.C.S.—Members of Council,
- (ii) Elected Ministers with portfolios,
- (iii) " without portfolios,

and yet it is to be one Government. It is difficult for the plain man to believe that anything but jealousy, bitterness and inefficiency can result.

(4) The report considers that communal representations cannot be permitted whereas the experienced Englishman in India knows that communal representation will be essential in India for many years if not for many centuries to come.

(5) The Reforms propose immediately to introduce a very large number of Indians into the Indian Civil Service and other Indian services. The writers must be wilfully shutting their eyes to the fact that, if this is done, large numbers of Indians will be entertained in the services who are totally unfit.

(6) The Reforms propose that the Indian Ministers should be elected and chosen from the Indian Members of the Legislative Councils. It is common knowledge that the Local Government have already found it difficult to find one man at a time, fit to hold the post of Executive Member of Council, how then will many Ministers be found? The membership of the present Legislative Council does not appear to me to offer a promising field for selection.

(7) The report at paragraph 318, page 151, and paragraph 324, page 153, states that it is absolutely necessary for India to secure the very best type of European officers, etc. I do not pretend to see further into the future than others, but this I know, that the report has greatly disturbed the minds of all my European friends and contemporaries in all the services and has finally hardened their previously half-formed opinion that they themselves will leave India as soon as possible and that none of their sons or immediate relations will come to India if they can possibly avoid doing so.

Paragraph 324, page 153, says: "We can see no reason for alarm. Our policy is irrevocably declared and ought to content all sober minds". I regret to say that the report so far from contenting all the sober minds with which I am acquainted, both English and Indian, has filled them with the greatest misgiving if not alarm.

(8) The army and the landed aristocracy are apparently to be entirely ignored. Why and with what result?

(9) Paragraph 327 adumbrates the new position of the Indian Civil Service but nothing is said of the Indian Medical Service and other services.

Medicine will be one of the transferred services and the Surgeon-General will therefore be the professional adviser of an Indian Minister. The first thing that an Indian Minister will do (it has already been openly stated in the Legislative Council)

will be to allocate large sums of money to Ayurvedic and Unani practitioners and schools. No Indian Medical Service officer of my acquaintance could serve as Surgeon-General in such circumstances.

(10) The writers of the report repeatedly state that they have examined many other alternative proposals and have decided that theirs are the best and in fact the only solution of the political problem. I have not as yet met one Indian or one European who agrees with their estimate of their own report.

I regret very much that Government should have asked me to express an opinion.

I yield to no man in my desire to advance the interest of India in every possible way. I hope and believe that my relations with Indians of all classes, throughout a long service in India, have been of a most friendly and intimate nature but I honestly believe that the recommendations of the report, if accepted, are calculated not only to do great harm to the relations between Englishmen and Indians but also to make for inefficiency in all the services combined with helpless discontent amongst the masses of the people.

XIV

Letter—from the Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR AVARGAL,
B.A., B.L., non-official Additional Member of the Madras Legislative Council.

To—the Chief Secretary to Government.

Dated—Cuddalore, the 27th August 1918.

With reference to your letter No. 647, Public, dated 25th July 1918, I beg to submit to His Excellency the Governor in Council a memorandum giving expression to my opinion regarding the proposals contained in the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms.

ENCLOSURE

Memorandum

India must be deeply alive to the debt she owes to the Secretary of State and the Viceroy for the production of this remarkable report. It bristles with the generous intentions towards India of the distinguished authors for the progress of the Indian population. It speaks volumes of their generosity when we are reminded that this document was prepared and published by its distinguished authors at a time when either of them could ill-afford to spare any portion of their time to the reconstruction of the domestic policy of India when their minds were necessarily harassed by the impending needs of the war.

2. We are also deeply in debt to the Secretary of State for India for the announcement he made in the House of Commons on the 20th of August 1917 regarding the policy of His Majesty's Government to be pursued in the administration of India. That announcement ran as follows:—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and Government of India, to consider with the Viceroy the views of Local Governments, and to receive with him the suggestions of representative bodies and others.

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

3. At the same time I may be permitted to state my humble conviction that the announcement of the 20th of August was in no sense an announcement of new policy to be pursued by His Majesty's Government in the administration of Indian affairs. The policy announced on the 20th of August has been the policy of the British Government in India for more than a century. The great Sir Thomas Munro in his sayings and writings gave expression to this policy. If in the early days this policy was not given effect to at once it was due to no lack of intention on the

part of the governing body but due solely to want of material. As the material for the effectuation of this policy was not one to be brought into existence abruptly but one that could be furnished only gradually the Government had to proceed cautiously in associating qualified Indians in administration and in developing self-governing institutions. No greater proof could be had of the benevolent intention of the British Government towards India than the introduction of the Minto-Morley scheme in 1909, just nine years ago. Under it, an Indian member was added to the Executive Council of the Viceroy in spite of the fact that that Council had to deal with military and foreign secrets. Similarly an Indian member was appointed to the Executive Councils of the principal Local Governments which bore ample testimony to the confidence that the British Government had in Indian talent and Indian character. Under it also the Legislative Councils, both of the Viceroy and the Local Governments, were largely extended with distinctly ampler powers. Where then was the justification for the treatment of the policy announced on the 20th of August 1917, as a new policy to be introduced into the Indian administration for the first time "in response to requests from India"?

4. The announcement of the 20th of August further contains the words "I would add that progress in this policy can only be achieved by successive stages." This was also the policy underlying the Minto-Morley scheme of 1909. It is indeed a matter for serious consideration whether sufficient time was given for the experiment of the Minto-Morley scheme. Was nine years enough for the experiment? Or rather was five years enough for the experiment? For, the truth has to be frankly admitted that the agitation about reforms took its real start after the outbreak of the war in 1914. It is true that the distinguished authors of the present reforms state that the war was not the cause of the present proposals for reform. But the truth has also to be admitted that but for the war the Secretary of State should not have been in India meeting the Viceroy about the present proposals. I do not say that the agitation—more or less recent as shown above—was all a farce and has had no legs to stand upon; but I do say that the agitation would not have taken the shape it has taken and the magnitude that it has presented but for the opportunity that some of the agitators had in consequence of the pre-engagement of responsible statesmen over matters more imperious than reforms on Indian constitutions.

5. Coming to the subject of reforms themselves, I am painfully obliged to say that the present agitation has been brought about by the British Government itself. If the British Government had not bestowed most of their thoughts only on higher education but had dealt with the masses more generously if not justly by imparting to them primary education at the same time, we should not have had to-day the vast gulf that separates the masses from those that have received higher education. It stands to reason that the higher resources of the educated generate greater ambition in them and when that ambition finds, in their opinion, no room for free play they feel naturally discontented and take to agitation, all the time forgetting that they or the Government owe a duty to the masses to raise their level and to make them more intelligent. At present it is a fact that only 6 per cent of the people of India are literate, understanding "literate" to mean possessing ability to spell out one's name on a piece of paper, the remaining 94 per cent being illiterate. If the masses had been better educated and able to vote and opine intelligently there should indeed be no difficulty in giving to India a responsible government just this minute. Do the distinguished authors of the present reforms say that it is possible to-day to obtain an enlightened electorate capable of intelligently using the franchise and capable also of a strong public opinion? They themselves admit: "The work of calling into existence an electorate capable of bearing the weight of responsible government is still to be done and, as we shall see, the difficulties are great and is likely to be a work of time." They also admit: "A public opinion which is the opinion of the population as a whole can be developed in India only as education spreads and as the people learn to vote." According to them "The great mass of India's people are illiterate peasants living in mudbuilt houses and cultivating small holdings of lands the produce of which is only too often threatened by draught or deluge. The Hindu caste system with its segregating effect circumscribes the range of public opinion by limiting the range of personal sympathies and tends to perpetuate many customs and usages which the progressive Indians themselves recognize as a grievous impediment to progress." They have also admitted that "There is an enormous country population for the most part poor, ignorant, non-politically minded and unused to any kind of elections, immersed indeed in the struggle for existence. The rural classes have the greatest stake in the country because they contribute most of its revenues. But they are poorly equipped for politics and do not at present wish to take part in them." The report further says that "there runs through Indian society a series of cleavages of religion, race and caste which constantly threaten its solidarity and of which any political scheme must take serious heed." The report further says: "Indian lovers of the country would be the first to admit that India generally has not yet acquired the citizen spirit and if we are really to lead her to self-government we must do all that we can to call it forth in her people." We have thus the admission from the distinguished personages that it is impossible to find or form an electorate or create any public opinion among a population 94 per cent of which are illiterate. Do they seriously think that with little or no materials on hand in this country they can successfully demonstrate the introduction of responsible government in this manner in which they seek to do? Is it not self-contradictory on their part to admit the presence of these difficulties and yet to advocate the introduction of these proposals for form?

6. An inquiring mind is not satisfied that the ambition of these personages is to introduce reforms at any cost. What is the explanation then for this attitude of theirs? Can it be that they entered into the task with a biased mind? My respect for the august personages precludes me from ascribing such a motive to this manifestly self-contradictory conduct. I am inclined to think that, after all, their attitude in connexion with reforms has been determined by the war. Else, powerful as they are, powerful as the British Government has been reputed to be, they should not have aimed at a "calm atmosphere" at the risk of their prestige and the prestige of the Local Governments. It is apparent to my lay mind that nothing short of their expectation of a continue a calm atmosphere in India during the war has been the cause of the production of a document like the one before me. Why should they have aspired for a calm atmosphere? What led them to doubt that the masses were not as loyal as ever? As a matter of fact the masses are against the proposed innovations. The agitation has been at best from a microscopic minority of the population of India, a goodly number of whom have been referred to already by the Rowlatt Committee, irresponsible mostly of the consequences of their agitation. The report of the distinguished personages proceeds mostly upon a wrong hypothesis. The proposed reform of the distinguished personages proceeds mostly upon a wrong hypothesis. To seek when the people are admittedly unfit for it must prove impossible of accomplishment. To seek to give effect to the reforms in the present state of India is to put up a fabric before the foundation is laid. To accept the proposals contained in the report in toto is to introduce in India catastrophic changes in the administration which must at once prove disastrous to the masses. The masses as I said before are loyal to the core and look to the British Government for protection. To introduce these reforms among them before they are given competent education which will enable them to rise to citizenship and exercise their vote intelligently is to ruin them with eyes wide open. As I have been called upon to offer my opinion I offer this as my opinion with the greatest respect to the august personages whose magnificent intentions in behalf of the progress of India I unqualifiedly appreciate.

7. From what I have said above I request that it may not be inferred that I am against all constitutional reforms. The Minto-Morley scheme provided for indirect electorates. By indirect electorates I mean those general electorates consisting of members of municipal councils and of local boards of districts constituting a group. Experience has shown how this system has worked at the various elections since the scheme came into force. It has as a matter of fact given predominance in representation to a forward community in spite of that community forming an infinitesimally small fraction of the population of a province. Such a representation is necessarily partial and imperfect as it shuts out from representation other communities that, owing to lack of education, are styled backward, although their stake in the country is far greater than that of the forward community and therefore requires substantial protection from the council as well as Government. This aspect of affairs was apparently not present to the minds of the framers of the Minto-Morley scheme; else we should not have had a perpetuation of an abnormal representation in a council. The best way to remedy the evil is by introducing direct electorates and restricting them to communal representation. To a westerner such a representation as communal representation may sound harsh and primitive. But to those acquainted with the actual conditions of India like the distinguished authors of the report the subject must be very familiar and acceptable. With the exception of this flaw, what is there in the Minto-Morley scheme that deserves the serious condemnation that it has elicited from the illustrious authors of the proposed scheme. The Minto-Morley scheme has been found wanting only in the view of the discontented agitators since the war began. Since the scheme came into force local self-government has made rapid strides. In fact its pace has been forced evidently to appease the discontented agitators. The municipal and local board institutions have been receiving elective franchises, in a great many instances, long before they deserved them. All this was done probably to preserve a calm atmosphere. But if the treatment that has been given to local self-government institutions is sought to be extended to institutions dealing with other administrations as the proposed reforms seek to do, it will amount to forcing the pace of progress so abnormally that disaster to the scheme will be the sure result. I therefore opine that except with a few modifications which experience warrants it should undergo, the Minto-Morley scheme should be given a longer trial before it is disturbed by the proposed reforms. The Minto-Morley scheme has had vividly before it the development of responsible government in India and with a view to advance it the before it the development of responsible government in India and with a view to advance it the Executive Councils—both Imperial and Local—have been strengthened by the addition of Indian members in the Council, and the strength and powers of both the Imperial and local Legislatures have been largely amplified with the same view. I can certainly have no objection to a further increase of the Indian element in the Executive Councils and to a further amplification of the strength and powers of the Imperial and Local Legislatures to an extent that may be found feasible in the present condition of India. In increasing the strength of the Indian element in the Council I may be permitted to insist upon the right of appointment of the additional Indian Member vesting in the Governor. The Member so appointed will necessarily form part of the governing body and in the Government. The Governor-General as the case may be should be given the right to choose that the Governor or the Governor-General as the case may be should be given the right to choose that the Member whether from inside or outside the Legislative assembly. As regards the Legislative assemblies, I am rather sceptical about the wisdom of increasing the strength of the assembly except for ensuring communal representation. For, a mere increase in the numbers in the present state of ignorance of the masses will certainly not contribute to an increase in the quality of the assemblies.

8. In the view I take of the subject before me I must respectfully dissent from the observations in the report regarding the need for the constitution of a "Grand Committee" "a State Council" and I need scarcely add "a special committee to determine electorates". True one of the proposals is to appoint a Minister from among Members of the Legislative Assembly to be in charge of "transferred subjects". Who is that Minister to be? The present cleavage admittedly existing among various communities is certainly not suitable for the selection of such a dignitary from any community. In my humble view time is not yet ripe for the appointment of a Minister. Nor is it ripe for certain subjects of administration being treated as transferred. I have more to add but I refrain from doing so lest I should take up needless time.

9. My views as above stated are manifestly conservative and the few go-aheaders among us who lead the present agitation which I fear is valued above its worth by the illustrious authors of the proposed scheme will probably characterise me as unamenable to progress. But what I have stated above, I have stated in the full belief that I was right, and that my dear country should wait for the proposed reforms until the British Government with their paternal care for the masses entrusted to them by a kind Providence see fit to make them deserve the reforms by lifting them up from their present level by imparting the necessary education and enriching them materially by introduction of industries among them. For, nothing is more true than what the Secretary of State and the Viceroy have in substance said that the Indian masses are both intellectually and materially poor.

XV

Letter—from the Hon'ble Mr. T. RICHMOND, non-official Additional Member of the Madras Legislative Council.

To—the Chief Secretary to Government.

Dated—the 23rd August 1918.

PROPOSED INDIAN CONSTITUTIONAL REFORMS.

Preliminary remarks.

The generous and unselfish spirit in which the proposed reforms are conceived commands admiration, but I cannot help recording my conviction that the scheme, unless substantially modified, will tend to disastrous results. If it is hoped that the proposed concessions will tend to improve the path of India's progress, that unhealthy agitations will cease, and that the reforms will generate in Political India "love, affection and gratitude", I fear such hopes are doomed to disappointment. The examples of French Canadians and Dutch Africans are but illusory examples. Indian conditions have to be faced as they are. Extremism is on the increase in Political India and especially amongst the younger generation. Every concession instead of generating "affection, love and gratitude" is regarded by extremists as evidence of weakness. It is much to be regretted that true moderates are everywhere in the minority and are fast disappearing and these must again be carefully distinguished from extremists masquerading as moderates when they have a purpose to gain.

2. It is for the British electors to decide for themselves if they wish to retain India. If they wish to follow the modern theory of "self-determination" and its logical corollaries they ought, consistently, to order a retirement of the British from India and leave the people to "self-determine" in the best way they can amongst themselves. It may be asked what right has one country to impose its "connexion" not to say "domination" over another and to this question there can only be one answer if the modern socialist theories are to prevail.

3. If, however, Great Britain desires to preserve India as a part of her Empire, as I imagine she does, the responsibility is on Great Britain to preserve the British character of the administration. She has either to depart or to tell Indian extremists plainly and firmly that she has come to stay here for good. It is for Great Britain to hold and govern India in accordance with the spirit of the enlightened times we are in, on wise and liberal principles, to the best interests of the country and its people, and in accordance with methods best suited to Indian conditions. I assume that England wants India and with these preliminary remarks I propose to examine the reform proposals (paragraphs 214 to 295).

Council Government.

4. I do not think there will be any difference of opinion on the question of Council Government in preference to single-headed administration. This is practically beyond controversy.

Executive Council.

5. It is one of the principles of the new scheme that the Members of the Executive Council and the Ministers should with the Governor form one Government and that they should jointly deliberate over all subjects whether reserved or transferred. The limitations have reference only to exceptional cases. The Indian view on all subjects, reserved or transferred, could therefore be presented to the whole Government by the Indian Minister and as the object of having an Indian Member in the Executive Council is to have a "first-hand acquaintance" with Indian opinion the necessity for an Indian Member in the Executive Council ceases with the presence of an Indian Minister in the Government. The scheme imposes heavy responsibilities on the Governor and it is of the utmost importance that the Governor should continue to have at his disposal advice which he now has from the two European Civilian Members of the Executive Council. The difficulties are to some extent recognized in paragraph 220 of the report and the difficulties might tend to a disastrous situation if a new Governor should be possessed of ultra-radical or socialist tendencies. The proposal to let the Governor appoint, if he so chooses, additional Members without portfolios will not, I think, meet the case. Such Members must of necessity be heads of departments or Members of the Board of Revenue and it may often be that the subjects that require examination are their own proposals or resolutions of their own Board. As these Members are at the same time to hold their substantive appointments I do not see how their being temporarily called Ministers would invest their advice with weight or authority, beyond what it would otherwise carry. The best solution of the difficulty is, I think, to retain the European portion of the Executive Council as hitherto and to have a Minister in the place of the present Indian Member subject, of course, to the tenure of the existing Indian Members.

6. Another source of weakness, I feel almost inclined to say source of danger, in the proposed reforms is the proposed "Instrument of Instructions" to be issued by the Secretary of State to the Governor on his appointment. It is not stated if this "Instrument of Instructions" will vary, from time to time, according to the individual opinion of each Secretary of State and whether it will be published and be subject to the approval of the Parliament and the British nation. If it is published, it will weaken the hands of the Governor, and if it is kept confidential, then there will always be the mystery of an unknown instrument, not open to criticism, guiding the conduct of a Governor. It is easy to imagine the chaotic state Indian administration might be reduced to by such an unknown "Instrument of Instructions" from a Secretary of State of extreme political views, either conservative or radical, to whom Indian conditions may be known only on paper or not known at all, to a new Governor to whom Indian conditions may be equally unknown when appointed. Past history does not warrant the hands of Governors being tied by such "Instruments of Instructions" and the vast majority of Governors have justified their appointments without being controlled by such documents.

Provincial Legislative Councils—Communal Representation.

7. If the Provincial Councils are to be enlarged, and if any responsibility is to be transferred to the Council, the only thing that will satisfy the vast majority of the people of India will be *communal representation*. It is said that if India is not a nation the object should be to make India a nation, and the object would be frustrated by sanctioning communal representation, but all experience however shows that nations cannot be made or unmade by legislative measures. The proposed reform scheme, at the same time, grants communal representation to Sikhs and Muhammadans. Are we then to understand that India is to have three recognized nations? Communal representation is called for only where there is a clear cleavage of interest and this clearly arises in the case of Europeans, Anglo-Indians, Indian Christians, and non-Brahmans. Brahmans and Muhammadans themselves do not dispute this, and in the schemes formulated by several of them, at least in Southern India, provision has always been made for such representation. The idea now generally entertained is that Government yields only to agitators and that they are unmindful of the interests of their "friends," and that if any community is to get anything at all, the best course is to cease to be a "friend" and to agitate or to join agitators. This

idea is beginning to get root, I fear, amongst non-Brahmans in Southern India, and any action in the way of ignoring communal claims to representation in this Presidency will throw the bulk of the non-Brahman intelligentsia into a violent agitation against Government. Instead of the new scheme bringing political peace and political happiness, it will embitter relations between classes, and there will never be any such thing as a calm atmosphere in Indian politics. Tribal principle still holds the field in the East and in that respect it is centuries behind the West. Pure democratic institutions will only thrive in a soil where the territorial principle has vanquished the tribal principle and this can only be done by time and by the spread of education and not by the wand of a legislator.

8. The objection that communal representation perpetuates class division will not, I think, stand examination. The argument is that nothing should be done to organize political camps one against the other and that the electors should be taught to think not as partisans but as citizens. If this is the correct view then the great party organizations in England are inexplicable and they should have been done away with long ago. English voters are organized into political camps one against the other and they are taught to think as partisans and not solely as citizens. Even the elected representatives mostly think according to party views and they are not without influence from political organizations or "political camps."

9. The objection that the communal system stereotypes existing relations is of a similar kind. It cannot be said that the community concerned will always return candidates unopposed. Contested election is the rule in India whether the election is on a communal basis or on a territorial one. It does not therefore follow that all the candidates returned by a certain community will group themselves under one banner. They must of necessity divide and coalesce with others of different communities according to each one's political views.

10. Communal representation must of necessity be circumscribed by territorial limits based more or less on lingual basis. It may so happen that the non-Brahman representative of the Andhra country may share the political views of the representative of the Brahman community from the Tamil country and vice versa. One may be for Home Rule and the other for British Rule. One may be a moderate and the other an extremist. The question, after all, is whether the Legislative Assembly is, as far as possible, truly representative of the people and few deny that now elections based on territorial basis will result largely in the preponderance of one community, through its influence, though it is numerically and in wealth greatly the other's inferior. Could the Government ignore the racial ill-feeling that exists between Brahman and non-Brahman intelligentsia? If it ignores, is it not laying itself open to the charge that, by disallowing communal representation, it is keeping up racial ill-feeling and class hatred? Does not the charge of dividing the people for governing them, which the noble framers of the scheme rightly repudiate, redound against the scheme under another guise?

11. The electorates have to be "created, trained, and exercised" amongst not only the intelligentsia but their uneducated complement. I think the first step should be suited to existing conditions. No one advocates the perpetuity of the communal system but the principle of representation should only change when education changes the country.

Anglo-Indians.

12. As regards Anglo-Indians I fail to see any reason why this community should not be accorded representation as of right and by election. Under no stretch of imagination could it be said that Domiciled Europeans and Anglo-Indians would fuse into a nation with pure Indians. Absolute illiteracy amongst them is rare and, while the community may not possess a large array of University graduates, it is certainly educated enough to be trusted with a vote. Nomination will not meet the just rights and aspirations of the community. One seated in the Legislative Council must have the mandate of his community and be accountable to it. It will generate more interest in communal welfare amongst the community, which is sadly needed, and invest the member with a true sense of his responsibilities and I can find no argument against granting the community this right and none has been advanced so

far. So far as the report goes the only indication I can gather from it is that the community may be accorded representation by nomination. Anglo-Indians have shown during the war that they are far from a negligible asset. There is scarcely a department at the front in Mesopotamia where Anglo-Indians are not in evidence. They have always been in the front whenever there has been a call for volunteers, and this, in every department, where their services were required.

13. No attempt has been made to evade military service and they are the backbone of the Indian Defence Force. War has given them an opportunity to demonstrate their value to the country and they have demonstrated it. The members of the community are not only serving in Mesopotamia but in France, Palestine and East Africa. In this connexion I cannot help regretting how little Government have done in encouraging White settlers in this country. A large numerical strength would have been an invaluable asset to Government. God forbid another war of the present magnitude or any war at all, but in case there should be any internal trouble in the country in the future, this community may be counted upon as a valuable asset. It would be unwise to disappoint the hopes and aspirations of the Anglo-Indian community. I would strongly urge upon Government the importance of recognizing their right to representation by election on the Legislative Bodies both Upper and Lower. The Anglo-Indian Association of Southern India has asked only for 5 per cent of the seats and this I think a very reasonable and modest demand in view of the large non-official extension proposed.

Europeans.

14. The case of Europeans is similar. They can no longer afford to be indifferent to what is passing around them. They have been inactive in the past and are now beginning to get awake. As their case will be voiced by their own organizations I refrain from saying further than that their representation is essential and that it is difficult to see how their claims could be justly ignored or overlooked.

Official Members.

15. I think it would be a salutary change if official members are granted freedom of speech and vote as proposed. I think that the desired convention that official members should abstain from voting on transferred subjects is undesirable. It may be that a narrow majority of non-officials may wish to carry an objectionable measure and all the odium attaching to a Grand Committee, to which I shall refer later on, may be removed by the small number of official members participating in the division. I think it would lead to healthier debates and wiser decisions, if the official members ordinarily, except when Government considers otherwise, take part in the debates and record their votes according to their convictions.

Grand Committees.

16. I am opposed to the proposal regarding Grand Committees. It will always bear the odium of being considered a packed body, more so, as it is to be called into existence, from time to time, according to the exigencies of the occasion. The Governor may himself find the task of constituting Grand Committees frequently an unpleasant function, and many an objectionable measure may thus have a chance of getting passed without the intervention of a Grand Committee. The only remedy in my opinion is the institution of a Second Chamber. The proposed right of appeal to the Government of India against the Governor's certificate is objectionable. It is of the utmost importance in the new constitution that the Governor's certification in all cases should be final.

Under Secretaries.

17. I see no objection to the proposal contained in paragraph 224 in regard to appointments of Under Secretaries. This, I think, will be a distinct advantage to the amateur politicians and statesmen as a training ground.

Standing Committees, etc.

18. I can also see no objection to Standing Committees as proposed in paragraph 235 and to the proposals in paragraphs 236 and 237.

Treatment of Mixed Legislation.

19. I decidedly fail to see any reason why the power to challenge a Bill or any of its parts, on the ground that it impinges on the reserved subjects, should be restricted to the members of the Executive Council. There is no reason to assume that there will be irresponsible obstruction on the part of the other members. It is a serious curtailment of the privileges of the House and strong reasons must, I think, be shown for such a provision. If the objection is unsound, it will be open to the Council or the President to disallow the objection, but I certainly cannot see why the liberty of individual members to express their opinion should be curtailed without any great corresponding advantage to sound deliberations. In other respects the proposals seem to be open to no objection.

Budget Procedure.

20. This is a momentous change. I think the proposal goes too far. I consider that at least the following restriction should be put on the power of the Council. No amount budgeted by Government for transferred subjects should be deleted, diminished, or increased without at least two-thirds of the total strength of the Council voting for it. I think it is positively dangerous to allow the decision on such an important subject as the budget to be carried by a narrow majority. It may be possible hereafter to extend the privilege, but it has always to be borne in mind that privileges once conceded cannot be lightly taken away. It is far easier to give than to take back things once given. The right to refuse supplies, the great power in the hands of Democratic Councils, should not be unreservedly put into the hands of Indian Councils during their transitional stage. I think the provision of a two-thirds majority would be a wise and salutary check against capricious changes in the budget prepared by an experienced executive with every information at its disposal.

A Second Chamber.

21. I think there will be no difficulty in securing a sufficient number of suitable men for an Upper House. I think it will be far easier to constitute a Second Chamber in the provinces than one at the seat of the Government of India, as, if the Chamber is to be representative, the members will have to come from great distances. I fail to see why the Second Chamber should represent mainly landed and moneyed interests. The intervention of a permanent Second Chamber is more likely, I think, to command confidence than a transitory Grand Committee, suffering under the odium of being considered a packed body.

22. The proposal that the Government of India should sit as an appellate court to consider *ad interim* changes is, I think, one of the weakest spots in the whole scheme. Not only the period suggested is unduly small but such provisions will only have the result of keeping up unhealthy agitation in the country and keeping Indian politics in a continual state of tremor. If, however, there should be an appellate tribunal, I would suggest a period of fifteen years, the life of five Councils.

Periodic Commission.

23. For reasons of a similar character I would fix thirty years at present for the next Periodic Commission.

24. As electorates have yet to be "created, trained and exercised," I do not think it will be possible to expect all this gigantic undertaking to be carried out within such a short period as ten years. It has to be remembered that in the West it took centuries to evolve the present forms of democratic Government where such obtain. In some countries in the West, pure democracy, as foreshadowed for India, is still in the making, if not considered as beyond the pale of practical politics.

Government of India.

25. I would suggest that the Government of India be practically left alone till we see the effect of the New Constitution in the Provincial Councils. It is far safer to proceed slow than to precipitate changes which collectively may culminate in disaster. If the Viceroy's Council is to be enlarged I would repeat my suggestion for representation on communal basis and other changes on the lines suggested in regard to Provincial Councils. In the Council of State Europeans and Anglo-Indians should have a fair proportion of the seats as in the Legislative Assembly. Though in a joint session of both the Houses the Council of State will not swamp the Legislative Assembly, the reverse however will be the result for the reasons mentioned in paragraph 277 of the report and I think where the two Houses cannot possibly agree the Government of India should have the right to certify and to adopt the view they think right.

Power of Dissolution and other minor matters.

26. The proposals in paragraphs 283 and 284 are, I think, sound. I see no objection to the proposals in paragraphs 283 and 284.

Standing Committees.

27. The Standing Committees are likely to be of little practical usefulness for the reasons mentioned in paragraph 285 of the report.

Supplementary question and Rules of Procedure.

28. This is a useful improvement of the existing system. The proposals in paragraph 286 of the report seem to be open to no objection.

Privy Council for India.

29. This, I think, will be welcomed on all sides and is a wise measure.

Government of India Periodic Commission.

30. I have nothing to add to my remarks already recorded in paragraphs 22 to 24.

The India Office.

31. I have no considered opinion to offer at present on the proposals in regard to the India Office, but on general principles above indicated, I would deprecate any change in regard to the Secretary of State's control over India, beyond what necessarily follows from the changes to be effected in the Provinces. Further questions, regarding relaxations of control, should be considered, only, after the Provincial Councils have justified the confidence proposed to be reposed in them.

XVI

Letter—from M.B.Ry. Diwan Bahadur C. KARUNAKARA MENON Avargal, Vice-President, Madras Mahajana Sabha.
To—the Chief Secretary to Government.
Dated—Madras, the 28th August 1918.

I have the honour to enclose herewith a copy of the memorandum prepared by the Mahajana Sabha on Montagu-Chelmsford Reforms as required in your communication No. 647, dated 25th July 1918.

ENCLOSURE*Memorandum prepared by the Mahajana Sabha on Montagu-Chelmsford Reforms.*

With reference to your letter No. 647, dated 25th July 1918, inviting an expression of the opinion of the Sabha with regard to the recommendations contained in paragraphs 212 to 295 of the Report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms I have the honour to state as follows.

The Sabha beg to acknowledge their grateful appreciation of the masterly presentation of India's claims, hopes and aspirations, the anxious care and thought bestowed on a difficult and intricate problem and the sympathetic insight into the real difficulties of a struggling people and the generous sentiments finding elegant expression throughout the pages of this

historic document. The ideals presented to the people are their own and the Sabha welcome the proposal to place the salary of the Secretary of State for India on the British Estimates, thus giving additional opportunities for a discussion in the House of Commons of important questions of Indian Administration. The institution of periodical Parliamentary Commissions of enquiry and the appointment of Parliamentary Select Committees on Indian affairs will no doubt effect an improvement in the existing control exercised by the Parliament. The Sabha agree with the proposals for the establishment of Council Government in all the provinces the strengthening of the Indian element in the Executive Government of the provinces and the Council of the Government of India, the broadening of the franchise and the constitution of direct electorates on a territorial basis for the enlarged Councils.

Before the Sabha proceed to state their views regarding the detailed proposals recorded in the paragraphs 212 to 295, they may be permitted to make a few observations regarding the general considerations and principles on which the scheme is based. The Sabha affirm the essential principles of the Congress-League Scheme, namely, the legislative and financial control by the people of India over their domestic concerns.

They are clearly of opinion that a policy of complete trust in the capacity, character, ability and loyalty of the people of India is the only safe policy that can be pursued alike in the interests of India and the Empire under the existing world, as well as Indian conditions. Full self-government in the domestic affairs of the country should be granted before the reconstruction of the Empire is taken in hand and there should be a statutory guarantee that complete responsible self-government such as is enjoyed within the Empire by the self-governing dominions will be granted within a definite period. All measures necessary for reaching that settled goal should be immediately undertaken and pushed forward so that the goal may be reached within the time fixed.

The Sabha regret that undue emphasis has been laid in the report on the inexperience of the electorates which can be formed, and on the difficulty arising out of differences based on religion, caste and race. It has not been adequately realized that the people have behind them centuries of ancient civilisation and in addition contact with Britain and British institutions, ranging for a period of 50 to 150 years, that they are naturally shrewd and intelligent, have a fundamental unity of essential interests and are conscious of the same. (For further detailed observations the Sabha beg to refer to Appendix I to this communication.)

The Sabha urge that there is therefore no warrant for narrowing the basis of the reform proposals on the grounds, that sufficiently large electorates composed of literate and propertied men cannot be formed in the various provinces, that power would pass into the hands of an oligarchy and that there may be danger of certain sections of society being exposed to the tyranny of others. The Sabha will now seek to express their views with regard to the proposals in the report dealing with (1) the Executive Government, (2) the Legislature and (3) the Finances.

Executive Government.

The Sabha are distinctly of opinion that not less than half the number of members of the Executive Council of the Government of India should be Indians. The Viceroy would generally be in charge of foreign affairs, the Commander-in-Chief of matters relating to the army and the Home Member of the departments of law and order including the secret police service. Even from a conservative point of view no inconvenient results need be apprehended from the proposal.

With regard to the Provincial Governments, the report suggests the responsibility of the Minister to his countrymen and not to the house whose representative he really is and in so doing has exposed itself to the attacks it has directed against the Congress Scheme. The idea evidently is to give some stability to the Minister's position in the initial stages, but if the Legislative Council is to be judged by its actions, it is difficult to see how it can be made responsible, when its control over the Minister is so indirect, and the Sabha recommend the adoption of ministerial responsibility to the House, even in the early stages of its existence. It ought to be so made at its request and on a resolution passed by it at any time. The provision of one or more members without a portfolio is less justifiable. The real object seems to be to provide against the Governor being embarrassed in his Council by a majority of Indian element, for it would be difficult in practice to dissociate the discussion of subjects reserved and transferred, assuming that any are to be reserved. But the creation of power without responsibility is a grave danger and the Governor would be more really embarrassed by acting on advice so given. It may be we have had members without portfolio, but not without responsibility. But that it is not the position of the would-be Member of the Executive Government. He would be less useful than a departmental head who can and will generally be consulted and more costly and the Sabha strongly object to this proposal. The proposal to empower the Governor to consult his Members and Ministers jointly or separately according to his pleasure will create mistrust and misunderstanding among the Members of the Government as well as the people, lower the status of the Ministers and would weaken his sense of responsibility. The Sabha would recommend that this proposal should be dropped. The Sabha would urge that there should be no distinction in rank, pay or status between the Members of Council and Ministers, and see no reason why all should not be Ministers, except perhaps one. A suggestion may be made that where the Ministers are more than two, the British Cabinet method should be followed. The Sabha urge that the Indian Member of the Executive Council for the Provinces should be chosen from among the elected

Members of the Legislative Council. The Sabha are of opinion that on the transferred subjects the Governor should occupy the position of a purely constitutional Governor bound to accept the decision of his Ministers.

The Sabha do not agree to the principles enunciated in paragraph 238, on which the departments are to be transferred. The Sabha cannot agree to matters which vitally affect the well-being of the masses not being transferred. The Sabha respectfully, but emphatically, protest against the assumption underlying this direction, namely, that the interests of the masses are not safe in the hands of the classes, who will be strongly represented in the new councils. The Sabha are thankful that the authors have recognized that the number of transferred subjects may vary in each province. The Sabha fully trust that in Madras where the standard of education is comparatively high and where we have been longest under the British Government, practically all the functions of Government will be transferred. If this is done, the unity of the Executive will be secured.

The Sabha consider that the powers of intervention reserved to the Government of India and the Provincial Governments even in the case of matters ordinarily made over to non-official control, as specified in paragraph 240, are unnecessary and will tend to impair considerably even the qualified freedom of the Ministers in respect of the transferred subjects.

Legislative Councils.

Proceeding next to the legislative machinery provided and its functions and powers, the provinces may be taken up first.

Speaking for Madras, the Sabha are of opinion that the forty odd millions living in the Presidency cannot be properly represented by a smaller body than 200 or roughly 5 per million. This would obviate the fear entertained in some quarters that particular communities and interests may not be adequately represented. Not less than four-fifths of the said number should be elected. The legislative authority of the Provincial Legislative Councils over the subjects falling within the jurisdiction of Provincial Governments should be complete but subject of course to the supremacy of the Indian Legislature in the first instance and the ultimate resort to Parliament in all except "transferred" subjects. The Grand Committee procedure should be dropped. The Legislative Council with a non-official majority is supreme at present in its legislative capacity, and the proposal would be a retrograde step. Assuming for a moment that the Grand Committee system would be retained, the power to nominate non-officials specially for the purpose is absolutely unjustifiable. It should be open to a Special Committee to investigate the franchise, the The Sabha welcome the appointment of a Special Committee; the Sabha are anxious that the constituencies, etc. As to the composition of the Committee, the Sabha are anxious that the Indians appointed thereto should command the confidence of the people and hence they would suggest that they be elected by the elected Members of the Indian Legislative Council, either from among themselves or others.

The Sabha agree that the system of indirect elections should be swept away. The Sabha are afraid that considerations based on the strength of the official and non-official agency available for holding and managing the elections have been exaggerated and would earnestly urge that the franchise should be as broad as possible. This is the bedrock of the whole system and the country would gladly stand any extra expenditure needed for creating and developing a wide and popular electorate.

With regard to the Government of India, the legislature may not be competent to reduce the allotment for the military and political services, but in all other respects including the methods and proportions in which the money is to be raised under the various heads of taxation, the legislature should be untrammelled in the exercise of its powers subject of course to the normal safeguard of veto.

The proposal to create a Council of State should be dropped. But if such a Council is to be constituted, its elected strength should be increased and it should be shorn of some of the wide powers proposed to be conferred on it.

Coming next to the legislative power of the Government of India, the Government of India should be supreme only in respect of the army, the navy and foreign affairs. The Sabha can see no reason which can be urged against complete power being given to the people in respect of railways, post, telegraph, customs, opium, salt and income-tax which are the remaining subjects within its exclusive control.

Indian Legislative Assembly.

The Sabha urge that the total strength of the Indian Legislative Assembly should be considerably higher than the hundred members proposed, so as to adequately represent the 240 millions of British India in the highest Legislative Assembly of the land. Four-fifths of this number ought to be elected directly on as broad a franchise as possible. It is not impossible to form constituencies of reasonable size in which candidates will be able to get into direct touch with the electorates. The Sabha are against the Governor-General or the Governors having the power of dissolving the legislatures until complete responsible government is introduced.

The Sabha agree to the institution of Standing Committees, but their powers should be rendered effective and provision should be made for the exercise of real control by them. The Sabha are against the Governor or his nominee, himself an official, presiding over the meetings of the Legislative Councils. The Sabha urge that the Legislative Council should be allowed to elect its own President and frame its own rules of business.

The Sabha suggest that, if a resolution is carried by a special majority of 60 per cent of the non-official members, the resolution should be binding on the Government.

Finances.

Passing on to the budget, subject to the reservation guaranteeing the expenditure incurred in 1917-18 on law, order and justice and any other reserved subject, there seems to be no adequate ground for limiting the financial control of the Legislative Councils in the provinces. The complete making over of education and sanitation to the Provincial Governments is no doubt a welcome measure, but it is almost certain that both education and sanitation will, under the proposed scheme, suffer even more than before for want of funds. The task of educating the people and the task of providing for them sanitary surroundings which are the primary duties of a civilized Government have hitherto been undertaken by the Central Government in India and it cannot be denied that the duty of providing for them has operated as a wholesome though feeble check upon the increase of expenditure under unproductive heads. So far as the Government of India is concerned, this check will disappear. There is also reason for apprehension that the Provincial Executive Governments may starve these among other transferred subjects by unduly large or unnecessary expenditure under the reserved heads. In the name of making the reserved departments more efficient, the Executive Government may make proposals for the increase of the salaries of the servants of those departments and this will drive the Ministers administering transferred departments to the necessity of resorting to additional taxation, a measure which under the present conditions of the country will make them utterly unpopular in no time and bring to grief sooner or later the administration of transferred subjects by them. It is not difficult to imagine that avowed opponents of constitutional reform in India may point with malicious delight to the spectacle of the cause of education and sanitation falling miserably in the hands of Indian Ministers themselves, chosen from among the elected members of the Legislative Council. To avert such a calamity it is absolutely necessary that financial arrangements are to be radically altered in the direction of greater popular control throughout. That failing, the Sabha have no option but to suggest that education, at least, must be ranked equal in importance to defence and must find an adequate earmarked source of revenue charged on the whole combined Imperial resources. With these special observations on the questions of sanitation and education, the Sabha wish to make the following general observations on that part of the report which deals with the separation of Imperial from Provincial finance.

Financial proposals.

One of the most important and far-reaching recommendations in the report is that dealing with the separation of Imperial from Provincial finance and Mr. Montagu and Lord Chelmsford are to be congratulated on the general principles underlying the scheme. The financial proposals are open to the following general observations:—

- The scheme provides for no control by the people in respect of Imperial taxation or expenditure, or over the reserved subjects in the provinces, the aggregate amount thus uncontrolled being by far the greater part of the total expenditure.
- The existing feeble checks on the growth of unproductive expenditure, and the extravagance of the Imperial and Provincial Executive Governments have been removed.
- There is no provision for fiscal autonomy in any form or shape.
- The Imperial revenue has been unduly under-estimated and the expenditure exaggerated and elastic and growing revenues have been reserved for Imperial needs.
- The general increase in the revenues between the years 1914-15 and 1917-18 amounting to about £20 millions or upwards of 43 crores of rupees (gross) is nearly all intended to be absorbed in Imperial expenditure, whereas provision could and should have been made for compulsory primary education out of the same.
- The financing of primary education should have been made a first charge on the revenue equally with defence.
- The provision made for contribution from Provincial revenues is unnecessary, in any event excessive, and the inter-Provincial distribution of burden is not based on correct principles.
- In the absence of the people's control over methods of raising revenue and over expenditure, except what may be deemed to be of an obligatory character, the power of taxation given to the local legislatures for primary education, sanitation, etc., is likely to be ineffective and nugatory in practice and great advance in the desired direction cannot be hoped for.

For further reasons, and details on this subject, the Sabha beg that reference may be made to Appendix II to this representation.

The report seeks to make a case for large contributions from the Provincial revenues to the funds of the Central Government on figures which are misleading. The figures taken as the basis of the calculation made in the report were the result of a mere guess work; for it turned

out that though the budget of 1917-18 estimated the income at £98 millions, the revised figures showed the same to be £110 millions. A reference to the figures worked out in Appendix III to this communication will show that practically no contribution to the Imperial Exchequer needs to be made from out of the revenues set apart for the provinces. Even assuming that a small contribution might be found necessary, a distribution thereof on a population or gross revenue basis will be the only equitable arrangement which will leave to the provinces a fair working balance. The Sabha wish to point out specially that as a result of the arrangement proposed, the Province of Madras will be put to peculiar loss. It may not be irrelevant to remark that adopting the population test, Madras has already contributed more than 80 crores of rupees in the principal alone in excess of her proportion. The Provincial contribution from Madras, suggested at p. 134 of the report, is excessive and not being based on sound principles, requires to be revised.

The Sabha are against the creation of an Indian Privy Council.

The Sabha, in conclusion, venture to express the hope that His Majesty's Government may take into sympathetic consideration the suggestions made by this and other public bodies in India and adopt ultimately a Scheme of Reforms calculated to ensure the reaching of the goal of responsible government by the people of India within a short period of the introduction of the scheme and to thus vindicate the best traditions of the British rule in India.

APPENDIX I.

Extract from a memorandum on the Report on Indian Constitutional Reforms by the Hon'ble Mr. D. N. Sarda, Member, Imperial Legislative Council of India.

Reading carefully through the report, a dispassionate observer cannot fail to perceive that the only substantial argument in favour of the limited scope of the reforms is the inexperience and the varied, composite and sometimes discordant, character of the electorates to which the task of Government would have to be entrusted. Allusion has also been made to the possible lack in sufficient numbers of men versed in administration. Great emphasis has been laid in quarters hostile to reform on the certainty of a narrow oligarchy being the successor of the present bureaucracy. In one place of the report it is stated: "We have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy." What are the facts? The number of adult literates in British India is more than 12 millions, that is, nearly as large as the total adult male population of the United Kingdom. The number of pupils at school in 1916-17 was nearly 8 millions (7·8), a figure somewhat larger than what obtained in the United Kingdom or Japan, or four times as large as in self-governing China with a larger population, the figures for which for 1912 were 1·7 millions, or 17 lakhs. The qualification for an elector in Japan is roughly the payment of a land or other tax of ten yen or Rs. 15, and the number of electors on that basis for the Madras Presidency alone would be more than a million, and together with the other tax-payers of an equal amount, and literates would number not less than 3 millions, and for the whole of India may be easily about 20 millions. Be it remembered that the Japanese elector would have to choose his representative not merely for the administration of the internal affairs of the country but of foreign affairs. Be it also remembered that manhood suffrage is the generally accepted principle in all democratic countries, that illiteracy does not count as a disqualification in many, that it does not obtain at present in India, provision having been made for the election of an illiterate member to the Council of the Government of India, and that Hyderabad even Akbar were not exactly literate. It should not also be forgotten that the Indian has behind him the inherited culture of thousands of years, and that illiteracy does not generally connote ignorance, want of business understanding, or shrewdness. In any view, the number of qualified electors would run into many millions both in the Provinces and for the whole of India, and it is difficult to see, when smaller electorates are governing not only their own kingdoms but vast Empires, the Indian electorates should be characterized as a narrow oligarchy unfit to administer the internal affairs of their own country. May I be permitted to point out that the internal affairs of one-fifth of India are being administered by indigenous agency, though not on a democratic basis, and that the internal and external affairs of the whole of India were so administered for centuries? But an impatient critic might well ask: "But is this huge electorate drawn from all classes?" A cursory reference to any authorized publications would at once convince the most sceptical-minded reader that it would be drawn from all classes, Muhammadans, Christians, Parsis, Kshatriyas, Vaisyas, Sudras and Panchamas, and that all the elements would be better represented than the corresponding classes were in the England of the pre-reform days and even in the early Victorian era, and that the danger or possibility of the creation of an oligarchy, much less of a Brahmins or any other class-oligarchy, has no foundation in fact and is a pure myth. A reference to the census tables shows that, excluding Burma, in the eight provinces covered by the report, if literacy is to be a qualification, the electorate would be more than 12 millions strong, and would be drawn from all communities, castes and races, though in a varying proportion to their total numerical strength. It is noteworthy that the Brahmins form less than one-sixth of the number. It is a well-recognized fact that among the landed proprietors, including ryots, merchants,

themselves or their predecessors on previous occasions excessively inconvenient. An even greater danger lurks in the sudden discovery of weakness in the numbers, equipments, etc., of the police and the reserve police may be made to serve the functions which ought probably to be discharged by a volunteer force and may become a costly addition to the standing army in another disguise. The European officers' emoluments are likely to be determined elsewhere than within the Provincial Government's Council Chambers and the fears entertained under this head need not be unnecessarily exaggerated as likely to be a disturbing feature of the budget of every year but the initiative may proceed from here oftener and with less regard to the totality of effect.

The charge that the Governor in Council or rather the Governor has been made more absolute in the governance of provincial finance than he is at present is one which is difficult to meet. In the name of provincial autonomy the control at present exercised by the Government of India and the Secretary of State is proposed to be relaxed or removed. Through the exercise of his powers on financing reserved subjects he virtually controls the whole field. The only safeguard provided is the Governor's solicitude for his good name not being tarnished when his acts are scrutinized by a Parliamentary Committee when possibly he is no longer in office when it would be open to him to say that he had no chance of meeting any charges against him. It is possible that the Government of India would in the exercise of its general powers reserved to it interfere when it may become absolutely necessary, but it seems to me that the relaxation of control over the expenditure proposed to be incurred by the Government of India and the Provincial Government would be unwise when such control has not been handed over to the people, unless it be in cases where such governments are in agreement with the majority of the legislature.

Against these tendencies must be set the influence which the people would be able to wield through an enlarged representative council, for a Government cannot continue to defy the practically unanimous wish of the people. But the difficulty is that the mischief will have begun to assume a definite form before such forces can be brought to play and sectional costly reform agreeable to the advocates of the village officers to-day, the judiciary to-morrow, would prevent the groups from combining in the interests of economy for the husbanding of resources for really useful national objects.

Divided fiscal responsibility on the lines suggested would I fear operate detrimentally to the cause of progress and I entertain grave fears that the cause of education, sanitation, etc., would make a relatively slower rate of progress than is to be hoped for under a really national system of Government. The Japanese Government undertook the education of its people along with the reforms they introduced into the system of government and the duty cannot in this case be conveniently delegated to the people when the reforms are partial and proceed on the theory that the people are unfit to assume complete control.

After the recent enhancement in taxation and so long as under a divided responsibility people can persuade themselves that retrenchments are possible and revenue could be raised in branches not under their control, the Ministers will have little work to do and the subjects under them would be poorly financed.

It must be remembered that primary education, sanitation, etc., have been under the special care of local bodies for thirty-five years and would have been completely starved if reliance had been solely placed in their raising the needed funds. The power of taxation was then as now in a modified form and the future of education and sanitation is gloomy indeed under the new arrangements.

If the suggested financial arrangements are not to be radically altered in the direction of greater popular control throughout, there seems to be no option but to suggest that education must be ranked equal in importance to defence and find an adequate earmarked source of revenue and should be made a joint first charge on the whole combined Imperial resources.

APPENDIX III.

Extract from a memorandum on the Report on Indian Constitutional Reforms by the Hon'ble Mr. B. N. Sarma, Member, Imperial Legislative Council of India.

I have remarked above that the revenue has been underestimated and the expenditure exaggerated and that the consequence of the procedure followed would be far reaching and detrimental to progress and good government. The report erred gravely in taking the budget figures for 1917-18 which were merely guesses before the new taxes were in full operation, when the revised figures are available, which showed a bad underestimate of the revenue, the revised figures being 110 millions as against the budget 98, a difference of 12 million pounds. It is true that there was an increase in the revised expenditure of 4.4 millions of pounds but that was owing to exceptional non-recurring causes, namely, an increase under gross military charges 3.6 pounds (net 2.9 million pounds), £6 millions under police, etc., £4 millions under miscellaneous cost of goods sunk. It must be borne in mind that the capital expenditure on railway, irrigation and Delhi amounting to £4.5 millions is included in the above. The provision of 1,363 lakhs or 9 million pounds to be contributed by the provinces which proceeded on the footing of the smaller revenue is thus unnecessary even giving full credit to the revised military expenditure which is 8.8 or 9 million pounds in excess of the pre-war figure. It must also be

noted that we may look to an immense increase under customs. The shipping tonnage was in 1913-14, 17.3 millions and 1916-17 it was only 11.9 millions. The table at page 79 of the trade statistics for 1916-17 shows that, under various important heads, rice, wheat, etc., there has been an immense reduction in exports. Even on the pre-war quantities we may reasonably look to an increase of more than £3½ millions. It will be seen that a grave error has been committed in taking the budget figures as revenue for 1917-18 unless it is intended to reduce taxation which the report does not contemplate; and the error has led to indefensible conclusions. It must also be remembered that the pre-war rate of growth of military expenditure was a million pounds in a decennial period of ten years and the normal rate of expansion of Imperial heads of revenue running in millions per annum would more than suffice to meet a normal increase in expenditure due to pension charges, airships and increased pay to the sepoy. It is besides unnecessary to take into account the future growth either in revenue or expenditure for the purpose of the present argument as the arrangement does not proceed on that basis.

Let us look at the same question from another standpoint. Taking the net revenue and the expenditure combined in the revised Imperial heads mentioned in the report, the net Imperial revenue and expenditure stand somewhat as follows:—

1916-17, £27.8 and 27.7 millions; 1917-18, £37.3 and 37 millions.

Taking the gross figures, they would be approximately for 1917-18: revenue 62 millions of pounds, and expenditure 66 millions, of which 3.6 millions of pounds is the expenditure due to abnormal war conditions referred to at page 5 of the Financial Statement of 1918, 19.6 political expenditure, and 4 cost of goods lost in transit and about 4.5 capital expenditure on railways, irrigation and Delhi. The two sides balance one another therefore and in no view is any contribution necessary.

XVII

Letter—from Khan Sahib MUHAMMAD ANWARUDIN SAHIB, Private Secretary to the Prince of Arcot, Madras.

To—the Chief Secretary to Government.

Dated—Madras, the 29th August 1918.

No.—188/P.S.

With reference to your urgent printed circular letter No. 647, Public, dated the 25th July 1918, I am directed in conformity with the wishes of His Excellency the Governor in Council to forward the accompanying note containing an expression of the Prince's opinion on the recommendations formulated in paragraphs 212 to 295 of the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms. As suggested in your letter, the views are arranged as far as possible in the order in which the subjects are dealt with in the report.

ENCLOSURE.

Note on the subjects dealt with in paragraphs 212 to 295 of the Indian Constitutional Reform Report.

I.—Legislative Devolution to Provincial Governments.

The proposal to reserve to the Government of India a general overriding power of Legislature for the discharge of all functions which it will have to perform is necessary and subject to this reservation the sole legislative power should as stated rest with the Provincial Legislature. Absolute relaxation of the control of the Government of India over Provincial Government as demanded in the Congress-League Scheme is by no means wise or workable.

II.—Provincial Executives.

The proposal of granting Council Government to the five provinces which are now administered by a single official head will meet with general approval.

A very strong case has been made out for the creation of two parts of Executive Government in each province, the Governor in Council having charge of reserved subjects and the ministers that of transferred subjects which latter should comprise of local self-government, sanitation and co-operation only. The nomination of ministers is rightly vested in the Governor who should be free to exercise his own discretion in the matter of selection. The ministers, one of whom should always be a Muhammadan, should on no account hold office at the will and pleasure of the Legislature or be made responsible to it, as such a course would greatly minimise their powers of usefulness. In nominating Indian members to the Executive Council the principle of alternation of Hindu and Muhammadan should invariably be kept in view and acted upon.

I approve of the proposal for the appointment of additional members of Government without portfolios for purposes of consultation and advice.

The appointment of some members of the Legislative Council (both Provincial and Imperial) not elected to positions analogous to those of Parliamentary Under Secretaries in England is calculated to afford considerable relief to the already hard-worked members of Government during the heavy Legislative sessions under the new constitution.

III.—Provincial Legislatures.

I have all along been averse to resolutions brought by the Legislative Council members being made binding on Government and am glad that the report supports that view. They should only be treated as recommendations and nothing more.

The power given to the Governor to dissolve the Legislative Council will serve as a very useful instrument in keeping the Legislative machinery in order. The certification by him both as regards Government legislation and the nature of the subjects coming within the purview of reserved or transferred departments should be final and not open to appeal to the Government of India. The proposed extension of power to put supplementary questions to all members is sure to tax the patience of the council and prolong its already lengthy session. In my opinion the privilege ought to be restricted to the members who put the original question.

The appointment of committees, one for advising on the question of separation of Indian from Provincial functions and the choice of transferred subjects and the other for examining the question of franchise and constituencies, will greatly help Government in arriving at a sound decision on these much complicated points. I am strongly of opinion that there should be two non-official Indians on each of these committees and that one of them should be a Muhammadan.

I welcome the proposal for withdrawing the prefix of "Honourable" from the names of the Legislative Council members both Provincial and Imperial and for substituting the affix of "M.L.C." and approve of the present designation being reserved for members of the Council of State only.

The institution of grand committees is a well-thought-out scheme and will serve a very useful purpose. In my opinion its constitution should be on the same basis as that of the Council of State. There should always be an adequate representation of Muhammadan element on such committees.

The rules suggested for the framing and passing of the Provincial budget and the safeguard provided in the matter of supply for transferred subjects are all that could be desired.

The proposals in paragraphs 260—262 regarding modifications by the Government of India after five years and the appointment of a commission after ten years are admirable.

IV.—The Government of India.

The various proposals for a change in the constitution and working of the Government of India and for the increase of Indian element on it are very wholesome. One gratifying feature of the scheme is that the Government of India as reconstructed will more directly represent the influence of Parliament so as to retain the British character of administration which is so essential for the well-being and prosperity of the country. Of the two Indian members of the Viceregal Executive Council one should always be a Muhammadan.

The Governor-General should necessarily be vested with powers to make temporary ordinances for emergent purposes and to dissolve the Legislative Assembly or the Council of State, whenever he thinks it called for.

V.—Council of State.

In view of having a second chamber in provinces I fully approve of the creation of a Council of State at the seat of the Central Government at Delhi as a final Legislative authority and sanguinely trust that in electing its members due regard will be shown for adequate Muhammadan representation therein or to be more plain one Muhammadan should be returned to it from each province by direct election.

The proposed appointment of Standing Committees drawn jointly from the Legislative Assembly and the Council of State will be a great help to Government in the efficient discharge of their functions both legislative and administrative. Here also I would urge the necessity for Muhammadan element being duly and adequately represented.

I am not at all convinced of the necessity for the institution of a Privy Council for India—such a body will be more ornamental than useful. Most of the duties proposed to be assigned to it can well be performed by the Grand Committees and the Council of State.

VI.—Communal Representation.

With all deference to the opinion of the illustrious authors of the report that the system of communal electorate is a very serious hindrance to the development of the principle of self-government, I may venture to state that India will at no time, however distant it may be, reach a stage to dispense with this necessary safeguard for the protection of the interests of the influential minorities. I am glad that the report does not interfere with the separate electorate

of Muhammadans, but the intention indicated in paragraph 262 of the report will conduce to create an alarm in the community. In my opinion not only the present condition should be maintained but that communal representation to the fullest extent possible should be granted to Muhammadans. Without this concession, the community is not likely to rest satisfied—already signs of consternation are visible in its ranks—and the Government would be well advised not to give room for such fears being perpetuated. In my opinion all minorities including non-official Europeans and landed aristocracy should be given separate communal representation. I would urge that this concession be not withheld from the Muhammadans even in provinces where they are in a majority.

A. J. G. MUHAMMAD ALI,
Prince of Arcot.

AMIR MAHAL, MADRAS,
29th August 1918.

XVIII

Letter—from Rao Bahadur N. SUBBA RAO Avargal.
To—the Chief Secretary to Government.
Dated—Mangalore, the 30th August 1918.

With reference to your letter No. 647, Public, dated 25th July 1918, I beg to express my opinion with regard to the recommendations formulated in paragraphs 212 to 295 of the Report on Indian Constitutional Reforms.

At the outset, I must state that the report is a genuine attempt to solve a difficult and complex problem and the reform proposals if carried out in the same liberal spirit and wise statesmanship which actuated the distinguished authors, will prove a real step and a definite advance towards the progressive realization of responsible government in India as an integral part of the British Empire. Much of the success of the scheme will depend upon the hearty co-operation of the European and Indian elements in the Government. It is equally important that the Indian popular representatives in the Councils should proceed with moderation and wisdom, for much will also depend upon their capacity, public spirit, political judgment and sense of justice. We should not be guided by impatient idealists or professional obstructionists and then only we can carry through to a successful and beneficial end, by gradual development, the new chapter of constitutional progress opened for us by the Reforms. The present scheme has provided some safeguards and conventions. They are necessary in a transition period, and it is not fair to say that they are the outcome of mistrust in us. There is no doubt that we should proceed in a spirit of co-operation and mutual trust in the evolution of any scheme of Indian Reform. A spirit of compromise is necessary between the rulers and officials on the one hand and people's representatives on the other if we have a genuine feeling for British connexion.

With these few preliminary observations I will now give my opinion regarding paragraphs 225 to 295.

I am in favour of the proposed enlarged Legislative Council with substantial elected majority elected by direct election on broad franchise with such communal and special representation as may be necessary. I welcome the formation of the special committee proposed in paragraph 225. The only suggestion I have to make is that the Indian co-opted member in each province should be a non-official.

Communal and interest electorates.—I quite agree with the reasons against communal electorates in paragraphs 226 to 232 as well as the suggestions made therein. Laws and the work of the Legislature affect all people alike and we must try to unify all our interests. India is a vast continent full of caste distinction and communal antagonism—which is however disappearing slowly. The communal electorates perpetuate the evil of communal spirit. In the beginning, it may be necessary that the Muhammadans and Sikhs should have separate electorates and a pronouncement may be made that in ten years after the introduction of the Reforms the number of seats thus filled up will be reduced by half and in twenty years the communal electorates will be dropped unless the Royal Commission recommends otherwise. A large body of Indians are for communal representation. The difficulties in introducing the system may not be insuperable. Though I am against communal representation on principle, yet under the present conditions of India and for a harmonious advancement in the beginning, representation in the Legislative Councils may be conceded to such of the minorities who are entitled to it on account of their education, importance, etc. But I am of opinion that there should be a distinct pronouncement that it is allowed

subject to the above reservation. The other alternative is that if at the end of ten years it is found by the Royal Commission that communal representation is a necessary evil in India, it can review the whole situation and make provision for all the important minorities. This will give an impetus to real formation of Indian nationality in the near future. I think interest electorates should be provided for and not entirely left to nomination. As India progresses, agriculture, industry, trade, planting, mine, commerce, etc., will greatly improve and these interests should have separate representation. Though lawyers may represent the constituencies well, as they possess powers of debate, yet I am of opinion that classes and interests should have their exponents from among themselves.

Paragraphs 233, 234, 235 and 236.—It seems to me that the proposals therein are fair. The only suggestion that I have to make is that the Governor be given discretion to choose the vice-president from the official members for the first Reformed Council only. The Governor should afterwards select the vice-president from among the non-official Indian Members.

Paragraph 237.—The only suggestion I have to make is that resolutions on transferred subjects should be binding on the Executive Government unless they affect fiscal or general policy of the Government—the decision of which may rest with the Governor in Council and the Ministers. This right may be given automatically after five years from the date the Reforms are introduced.

Paragraphs 238 to 246.—It seems to me that the proposals for the division of the functions of Government into reserved and transferred subjects is the only best alternative by which the people can be trained to responsible government. The principle is a sound one and could be adopted in the transition period. But I would suggest that some more Provincial subjects may be transferred to the charge of Ministers—reserved subjects to be restricted to Law, Justice, Police, Land Revenue Administration and also subjects Nos. 2 and 4 of Appendix 2. In virtue of that momentous declaration of August last, a scheme giving responsibility to representatives of the people had to be evolved by stages and therefore a bifurcation is necessary at some stage. As to the subjects and the powers of the Ministers, there will be honest difference of opinion. The powers of the Ministers are circumscribed by the veto in the Governor, but I realize that such a deciding voice is necessary in the transitory stages. But I would however suggest that when there is difference between the Ministers and the Governor as to any important matter, an opportunity should be given to the Ministers if they choose to place the matter before the Governor-General for his decision. Leave to place the matter before the Governor-General should ordinarily be given beforehand by the Governor, otherwise there will be no end for appeals. This procedure is similar to the power of the High Court certifying that a case is fit to be heard in appeal by the Privy Council. This restriction on Provincial autonomy is necessary during transition.

Paragraphs 247 to 254.—The formation of Grand Committees will serve as a constitutional safeguard against arbitrary exercise of power both by the Governor in Council and the Ministers or the Legislative Assembly. I have again to submit that this safeguard is necessary during the transitory period. It may be dropped after ten years from the formation of the first Reformed Council unless it is proved to the satisfaction of the Royal Commission that it is undesirable to do so in public interest. I would, however, suggest that if any vital subject—other than Law, Justice, and Police—is to be placed before the Grand Committee, it may be first placed before the Legislative Assembly so that it may be freely discussed and the popular opinion obtained (without the convention of resolutions). If the Governor accepts the sense of the majority, the matter need not be sent to the Grand Committee, but if the Governor disagrees he may certify that the said matter may be placed before the Grand Committee.

The press and some Indian politicians are against Grand Committees. I beg to throw in a suggestion that, instead of a Grand Committee, a Provincial Council of State may be instituted on the same lines as proposed for the Government of India. The other proposals in the aforesaid paragraphs may be also accepted till they are revised by the Royal Commission.

Paragraphs 255 to 257.—I substantially accept the proposals and the safeguards put forward in the above paragraphs as to budget procedure. This is exactly where the Executive and the Ministers have to work in a spirit of compromise and co-operation. It is quite true that the framing of the budget is a crucial question. The Indian opinion is very strong regarding budget procedure. I agree that the reserved subjects require a certain amount of money and a definite and uniform policy to administer them efficiently. It has to be admitted also that the transferred subjects stand in need of more and more funds for their development. The radicals therefore urge that the legislature should have the control of the purse. It is true that in the absence of political training and knowledge and an efficient and broad-based electorate, it would be suicidal to hand at once the control over the purse. The legislature, if the temper of the country at present is judged rightly by me, will create a deadlock and make it difficult for the Executive Government to carry on the administration. At the same time, the people's representatives and the Ministers should have the power of providing a reasonable amount for the development of the transferred subjects. I would suggest therefore the following basis for a harmonious preparation of the budget. The allotment to the reserved departments should be the average for three years of the pre-war expenditure on those departments. Similar procedure should be followed in the matter of transferred subjects. After deducting the contribution to the Government of India as the first charge and allotting the amount to the two subjects as stated above, the balance that remains unallotted should be divided equitably. I would suggest that the Governor shall have the power to appropriate to the extent of half of such balance to be allotted to the reserved subjects and the rest to be allotted to the Ministers for the growing needs of the transferred subjects. This arrangement would give somewhat a fixity in the matter of allotment and the Ministers will be able to know what amount exactly they will get. If more is wanted they must resort to taxation. Mr. Gokhale had said that the country will be prepared to levy an educational cess to inaugurate mass education. I think if the Indian opinion is conciliated in this way that the transferred subjects will be provided with the necessary funds as far as possible, the scheme will be subjected to less of criticism. After all these expedients are provided in the transitory period and if everything works smoothly and efficiently, the Government will be prepared to transfer more and more powers to the legislature.

Paragraphs 260 to 264.—I welcome the proposals formulated in the above paragraphs as to the future development of the new constitution. The power to modify the reserved and transferred list of subjects after five years by the Governor-General subject to the sanction of the Secretary of State is a step in the right direction. Equally beneficial is the provision of a periodic commission after ten years of the first reformed Council. It cannot be denied that we lack in political training and experience as we had not much opportunity in that direction. It is for this reason that gradual steps for development have been provided.

Chapter IX.

This chapter has been subjected to much criticism by the Indian press and Indian political leaders. They state that liberalization of both the Government of India and the Provincial Government is necessary. We have no doubt received the benefits of British rule in matters of education, local self-government for the last over a century, but I am afraid whether the British Institutions *en bloc* are congenial to Indian conditions. Democratic Government even in the West has its own drawbacks and deficiencies. Constitution-making is the result of experience and experiment. I believe India requires a strong central authority for the stability and efficiency of administration in this vast continent full of racial, communal and other differences. Yet I would wish that some advance should be made in the constitution of the Government of India. As we have to grow in political experience and the provinces are waiting to be made more autonomous, till then I would only suggest for the present its popularization to a certain extent as is necessary so that ultimately even the Central Government should be run on popular lines.

Paragraphs 265—271.—It seems to me that the sentiments expressed and suggestions made in these paragraphs are sound.

Paragraph 272.—I would suggest that the Executive Council may consist of nine members including the Viceroy and the Commander-in-Chief, and out of seven, three may be Indians and four Europeans. Till five years the power of nominating the Indians may vest in the Governor-General, after which one of them may be appointed by election by and from among the Indian Members of all the Legislative Councils. The question of appointment of the other two Members may be left to the decision of the Royal Commission which will be formed after ten years. I also suggest that a pronouncement may be made now that after five years some subjects such as education, local self-government, excise, etc., will be transferred to popular control.

Paragraphs 273 to 275.—I have no suggestion to make.

Paragraphs 276 to 283.—The proposals in these paragraphs are necessary in the transitory period. But I would suggest that the continuance of the Council of State after ten years should be left to the decision of the Royal Commission. I prefer the Council of State to the right of veto or promulgating ordinances in the hands of the Viceroy. For preventing deadlock or hasty legislation based on inexperience, a Council of State is necessary for at least ten years. I have no suggestions to make regarding the other proposals.

Paragraph 284.—No remarks.

Paragraph 285.—The proposal of instituting Standing Committees is sound.

Paragraph 286.—No remarks.

Paragraphs 287-288.—I welcome the recommendations of having an Indian Privy Council and the appointment of periodic commission.

The India Office.

Paragraphs 290-295.—It seems to me that the proposals and the recommendations therein are sound. The only suggestion I have to make is to make some provision for a few Indians to be included in the Select Committee of Parliament on Indian affairs. This could be done by throwing open a dozen seats in the House of Commons to Indians. They can be elected by the non-official members of the Provincial and Imperial Legislative Councils. Such members should receive the same emoluments as other members of the Parliament. A third of the Select Committee of Parliament may be chosen and nominated by the Secretary of State from among the Indian Members of the House of Commons. A committee therefore consisting of one-third of the best Indians will satisfy all the more the expectations of the authors as contained in paragraph 295.

Conclusion.

I have no hesitation to say that the proposals made in the scheme are substantial and intended as the first step towards responsible government. I have made a few suggestions for liberalizing the administration in order to ensure the running of the institutions on more popular lines. At the end of five years and at the end of every ten years, every opportunity has been given to make further advance towards the goal of self-government. It is now clear that Indian political opinion is divided and a stage has come (I think it is for the better) where the parties will be arraigned as liberals and radicals. Practically most of the demands made by the Congress leaders for the last thirty years have been embodied in the report. The salary of the Secretary of State has been placed on the British Estimates, (2) periodical enquiry into the administration of India and the formation of a Select Committee on Indian affairs in the House of Commons, (3) the removal of colour bar in all services, (4) admission of an increased element in all the Indian services, (5) recruitment in India of 33 per cent in the Indian Civil Service (I would suggest here that 35 per cent of the appointments be made available for Indians with $1\frac{1}{2}$ per cent annual increase so that in the course of 30 years the proportion of Indians in the Indian Civil Service may be more than 75 per cent), (6) the increase of Indian Members in the Viceroy's Executive Council from one to two (I have recommended three), (7) Legislative Councils are to have substantial elected majorities. (The present proportion of nominated members is necessary as we have not yet progressed to unify all the interests of the various

communities in this ancient land.) In fact the proposals contemplate a real and beneficial change from the present state of affairs, viz., (8) standing committees with two-thirds to be elected by the non-official members will associate in the work of some of the departments, (9) the power of asking supplementary questions by any members, (10) every province will be administered by a Governor and a Council of two Members one of whom will be an Indian and also by a Ministry or Ministers chosen from the elected members, (11) the Ministers to be in charge of some transferred subjects and their decision to be final subject to the Governor's advice and control, (12) that a complete separation is to be made between Indian and Provincial heads of revenue with no divided heads of revenue, (13) Provincial Government to have some powers of taxation and borrowing, (14) that the budget should be passed by the Legislative Council subject to one reservation, i.e., of passing the allotment made for the reserved subjects by the Governor's certifying its necessity for reasons to be stated (this power is necessary in the transitory period and I hope it will be possible at the end of ten years for the Royal Commission either to delete the provision or modify it), (15) local self-government is to be under complete popular control, (16) the preparation of the budget by the Governor in Council and the Ministers, (17) the greater opportunities afforded to the Ministers and the representatives of the people in the deliberations of the Government as a whole—and several other popular and beneficial changes.

The proposals regarding the liberalization of the Government of India, the framing and the ultimate working of the budget and some of the safeguards and conventions provided for in the scheme have been laid down with great caution. Under the present conditions of India, I think they are necessary and in the course of ten years after the reformed Council, I have no doubt sufficient and healthy advance will be made to satisfy the Royal Commission to recommend more powers to the legislature and for the liberalization of the Government of India. I have however pointed out a few suggestions in the above matter which it is hoped will receive favourable consideration. I believe with mutual trust and co-operation between the rulers and the people, we could attain self-government in the course of thirty years which is after all not a long period in a nation's life. Side by side with political training we will be receiving, the new constitution should be able to educate the masses, develop industries in order to make India self-sufficient for both ordinary and military requirements and to create a standing and reserve citizen army ultimately to be officered by Indians themselves. Unless the people are trained to defend their country, any amount of training in the civil administration will be of no avail. I would propose the creation of a sufficient army and navy to repel foreign invasion and thus enable the people to take their right place in the service of the country and the King-Emperor. At the outset, 35 per cent of the officers should be selected from the Indians and every year $1\frac{1}{2}$ per cent to be added. I may also suggest that a period of time may be fixed to make the Government of India a complete responsible government. I am aware that much depends upon ourselves. I would therefore fix the period at twenty years in the case of the Government of India and fifteen years for the Provincial Government unless the Royal Commission decides a further period of ten years or more. If the above two pronouncements, i.e., relating to the army and the two Governments, are made and provision is made in the statute itself to that effect, most of the agitation of the radicals must disappear.

The British Government is inaugurating a new policy. The whole world is growing in democratic spirit and the war aims gave an impetus to it. India naturally took advantage of the situation in consequence of which the momentous announcement of August 20th was made as to the future policy. This was followed by the visit of the Secretary of State to India, to know firsthand the requirements of India and the present report is the outcome of it. The report has been published for criticism. It proposes a tremendous advance over the old state of affairs and it behoves us not to belittle it by condemning and reading motives of distrust, etc., in it. We should gratefully accept it and propose some modifications so that more Indian opinion may prevail in the Councils of State. Every person whether European or Indian should do his duty in the right spirit. Let us acquire more political knowledge and training and try to weld the 315 millions into one nation, let us proceed progressing all along the line on the path of social, industrial and political regeneration. Let us sink our communal differences and unify our varied interests for the better government

of our motherland. No patched-up treaties between the Hindus and Muhammadans and between the varied communities in order to make a show of united front before the British public will be of any avail for a real and lasting good of the land.

If some more elasticity and advance is provided for in the matter of the budget, and in the powers of the legislature, the creation of an Indian army, acquisition of political and military training, social uplift, economic development, we can rest assured that India's salvation is nearer realization under the British rule which I believe to be ordained by Providence. The report itself points out that hitherto progress was slow in all these directions and a solid and distinct step is going to be taken by the British nation and Parliament: I therefore appeal to my countrymen to work harmoniously and not to agitate for virtual rejection of the reforms proposed by Lord Chelmsford and the Right Hon'ble Mr. Montagu, or try to proceed with break-neck speed.

XIX

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1213, dated 30th August 1918.

The Hon'ble Mr. A. BUTTERWORTH, C.S.I., I.C.S.,
Commissioner of Land Revenue.

The Hon'ble Mr. L. E. BUCKLEY, C.S.I., I.C.S.,
Commissioner of Revenue Settlement, Survey, Land Records and Agriculture.

The Hon'ble Mr. C. G. TODHUNTER, I.C.S.,
Commissioner of Salt, Abkari and Separate Revenue.

The Hon'ble Mr. M. E. COUCHMAN, I.C.S.,
Commissioner of Land Revenue and Forests.

READ—the following paper:—

Letter—from the Hon'ble Mr. L. DAVIDSON, C.S.I., I.C.S., Acting Chief Secretary to Government.

To—the Secretary to the Commissioners of Land Revenue.

Dated—the 25th July 1918.

No.—647.

Resolution—Mis. No. 1213, dated 30th August 1918.

The Board has not been asked by the Government for any expression of opinion upon the review of the general position in India appearing in the Report on Indian Constitutional Reforms or upon the conclusions which have been drawn therefrom by the authors of the report. It therefore abstains from remarks on those subjects and accepts, without expressing any opinion thereon, the two propositions that there is pressing need for an alteration in the present methods of governing India and that such alteration should take the form of admitting into the Executive Government persons selected from among the elected members of the Legislative Council and so ultimately representing a body of electors. The Board may, however, be permitted to make one general observation in regard to the second of these propositions. It is obvious that the principle of popular representation by election pre-supposes that it will be possible to find a way of forming an electorate which can be termed in some sense representative of general popular opinion. This is of the essence of the scheme of reform but the consideration of this difficult problem is to be relegated to a special committee though it would appear natural that the question whether a suitable electorate can be discovered or created should be solved in the affirmative before any attempt is made to work out the changes in methods of administration which are necessary to give that electorate a voice in the Government of the country.

2. It being assumed that something of the nature of popular opinion has come into existence in India and that an electorate capable of voicing that opinion can be created, the main question before the Board is whether the scheme sketched out in the report is the best possible way of giving representation to the electorate in the counsels of Government. The Members of the Board are unanimously of opinion that the answer to this question must be in the negative. In their view the report scheme

is open to most serious objection. This scheme contemplates a division of the subjects of administration and a corresponding division of the Government and the results are a noticeable complexity of procedure, an inevitable and fatal breach of the unity of Government and the placing of the Governor in a position at once unduly autocratic and peculiarly difficult.

The Board fears that the hopes expressed in the report that the Ministers will gladly avail themselves of the Governor's trained advice and that the Government will present a united front are inevitably doomed to disappointment not only because the Governor will often be incapable of offering advice based upon Indian experience but because in the very nature of things there will be a continuous struggle on the part of the Ministers to capture subjects from the reserved list, a struggle on the part of the Executive Councillors to keep their power intact and jealousy of the Executive Councillors on the part of the Ministers in consequence of their definite subordination to the Executive Council to which, no doubt necessarily, paragraph 240 assigns ultimate responsibility in emergencies.

3. The complexities and anomalies which result from the division of subjects and consequent cleavage of the Government are sufficiently obvious but may be briefly mentioned. A committee has to be appointed to decide what subjects shall be transferred (paragraph 238) and it may safely be asserted that no arrangement which that committee may make will satisfy all parties. Nor can any such arrangement be satisfactory in its working. The different parts of the administration are inextricably connected and, while these connexions will lead to constant confusion, it will not be possible to say now or at any future time of any particular subject that it is not concerned with the maintenance of peace and good order.

The method of arriving at a decision in case of a difference of opinion among the Members of Government seems also to be open to question. In the case of the transferred subjects the decisions of the Ministers are to be final subject only to the Governor's advice and control. He would not be in a position to refuse assent at discretion but would be expected to refuse it when the consequences of acquiescence would clearly be serious (paragraph 219). There thus appears to be no provision for deciding a difference of opinion between Ministers where the matter is not one sufficiently serious to call for the Governor's intervention. Where such intervention is called for, the risk of trouble following the exercise of that power is recognized and consequently it is proposed to regulate the authority of the Governor in this respect by means of an Instrument of Instructions the satisfactory preparation of which would clearly be a matter of great difficulty. In the case of subjects reserved for the Executive Council, on the other hand, it is proposed that the decision should be arrived at in the manner provided for by the existing statute, that is, by vote of the majority subject to the powers reserved to the Governor by section 50 of the Government of India Act of 1915 which would mean that, if there are two members of Council, the Governor, in spite of his casting vote, will in ordinary cases be powerless against them; a position which has arisen before. As a general rule, the Government is to deliberate as a whole but this means that, while each half is to take part in the discussion of subjects administered by the other half, it is to have no voice in the decision; a position which is both anomalous and extremely likely to lead to friction. Finally in the case of a difference of opinion between the Ministers and the Executive Council on any of the numerous questions in connexion with which the functions of the two parties of the Government overlap, the sole responsibility for the decision rests with the Governor (paragraph 221).

Again, because transferred subjects may be so handled by the Ministers as to prejudice the larger interests of the country, the Executive Council is given power to intervene as against the ministry in certain cases (paragraph 240); a more potent cause of friction could hardly be devised. The Executive Council representing Imperial and official interests is openly and permanently set in direct opposition to the Ministers who may be regarded as representing the interests of the purely Indian and non-official side, thus accentuating differences which are already too acute. The cleavage in the Government necessarily extends into the Legislative Council. The Legislative Council may demand a reference to the Government of India on the question whether a "certified" Bill relates to a reserved subject (paragraph 252). Any

Member of the Executive Council may object to a measure whether (it seems) brought in by a Minister or by a private member on the ground that it trenches on a reserved subject and the Governor has then to decide whether it may be proceeded with (paragraph 254). If such objection were taken to a Bill brought in by a Minister, the two halves of the Government would be brought into sharp conflict. Though the budget is to be framed apparently by the whole Government, the Governor is to have the final voice as to what money is required for reserved subjects and it seems—an extraordinary position—that the Executive Council is to have no voice in the question of imposing additional taxation (paragraph 256), though of all things taxation is the one most likely to affect the peace and prosperity of the country. Neither the Governor nor the Executive Council nor indeed the whole Government has any power to override resolutions of the Council on budget matters in the case of transferred subjects, in regard to which the Council's resolutions are to be final and binding (paragraph 256). To guard against undue parsimony in allotting funds for the transferred subjects, it is found necessary to provide for a periodical commission which will sit in judgment over the Governor and his Executive Council (paragraph 257), though it is difficult to understand how such a commission, being without personal knowledge of local necessities, will be able to decide whether the Governor in Executive Council has been unduly extravagant or parsimonious as regards any subject. This provision itself will create the unfortunate impression that it is the Executive Council which is on its trial, in view of an anticipated unreasonable extravagance in respect of the reserved and parsimony in respect of the transferred subjects. It would have been more in accordance with the existing facts of Indian politics to provide against extravagant demands on the part of the Ministers and the Council on behalf of the transferred subjects. Provision is made that the Government or the Legislative Council may appeal to the Government of India after five years for a revision of the list of reserved subjects and the Government of India are to have power to alter the list with the sanction of the Secretary of State (paragraph 260). It may be questioned whether the Government of India would be willing to face the outcry which would result from the transfer of any subject from the transferred list to the reserved list.

4. At the risk of being diffuse and because the position assigned to the Governor under the report scheme is one of the most serious defects in that scheme, the Board will recapitulate the duties assigned to him :—

- (1) He selects the Ministers from among the elected Members of the Legislative Council.
- (2) He nominates to the Secretary of State the Members of the Executive Council.
- (3) He decides whether to summon to Council meetings the whole Government or half of it.
- (4) He is to give trained advice to his Ministers upon administration and has power to control their actions and in certain circumstances those of the Executive Council also.
- (5) At full Government meetings he decides questions on which the functions of the two parties of the Government overlap if the Ministers and councillors are unable to agree.
- (6) He appoints the official members and presumably certain other Members of the Legislative Council.
- (7) He presides over the Legislative Council.
- (8) He disallows questions and resolutions in the Legislative Council and decides disputes arising therein as to the proper classification of a subject.
- (9) He decides whether a Bill dealing with a reserved subject is an "essential" measure.
- (10) He nominates a majority of the Grand Committee.
- (11) He appoints a time limit for the debate on a certified Bill.
- (12) He decides whether a Bill trenches on a reserved subject and then either (a) declines to allow it to be discussed or (b) suggests an amended Bill or (c) at the request of the Council refers a Bill to a Grand Committee.
- (13) He decides differences of opinion between the two halves of the Government upon their budget.
- (14) He decides with the Ministers on new taxation.

(15) He may insist upon the retention of a budget allotment for a reserved subject.

(16) He has the power to veto a Bill passed by the Council or to return it for amendment.

(17) He can dissolve the Legislative Council.

While recognizing that some of the powers described above are necessary in any case, the Board observes that in many instances the reason for them is to be found in the division of subjects under the two heads "reserved" and "transferred" and it is strongly of opinion that a scheme which is unworkable without provision for the intervention of a "Deus ex Machina" on so many occasions, which brings the Governor into hostile contact with the "popular" party at so many points and which involves the conferring upon him of so many new powers is open to very serious criticism and ought to give way to some plan which is not liable to similar objection and which can operate without so many checks and safeguards most of which are likely to prove illusory in actual practice.

5. To sum up briefly its views on the report scheme, the Board is of opinion that it will fail of its object because it must promote incessant friction within the Government and in the Legislative Council. The reserved subjects will, there is only too much reason to fear, be attacked incessantly simply because they are reserved subjects. The interests of the Ministers as politicians will compel them to keep up their reputation of being implacable critics of every action of Government in regard to these subjects. There will remain to defend such action the Indian Civil Service Member and the Indian Member of the Executive Council, of whom the latter is quite likely to be a politician and whose views, in such an event, are not likely to be in general harmony with those of his colleague. The whole burden of defending what may be termed Imperial interests in the Government and in the Legislative Council will then devolve upon the Governor and the solitary Indian Civil Service Member. A Governor fresh from England will not be in a position to exercise with due knowledge the powers conferred upon him and it is almost inevitable that any instrument of instructions will advise him not to use his powers more freely than can be avoided. The result, it is to be feared, will be that Imperial as opposed to purely Indian interests will be inadequately represented in the reformed Government. Finally the Board cannot but feel that the report scheme is wholly inadequate on the vital subject of taxation. This is left entirely in the hands of the Governor and the Minister or Ministers. The fact that new taxation will be necessary is recognized. It is not in human nature that a minister should cheerfully consent to incur unpopularity by imposing additional taxes and it is only reasonable to suppose that, when the need for funds becomes pressing he will use his strongest efforts to obtain money from the allotments for reserved subjects. In such an event it will be the duty of the Governor to take steps to initiate legislation to secure the new taxation which he regards as necessary but to which the Ministers will not assent. A very difficult position will then result; indeed it is not apparent what course would be open to the Governor in such a case.

6. Having dealt as above with the report scheme, the Board feels it incumbent on it to suggest some plan whereby the main objects in view may be secured with less trouble and less risk of failure. It is not to be expected that the same unity can be secured here as in a Party Government in England but the Board believes that by the following methods as great a degree of unity can be secured as is possible under existing conditions.

The Board would constitute, by a natural process of development out of the existing system of Government, a single Government consisting (for the present) of two officers of the Crown, neither of whom need necessarily be an Indian, and of one or two persons elected for the period of duration of the Legislative Council from among their own number by the non-official members of that body. These latter Members would, in practice, always be Indians and, although nomination of such Members by the Governor (the plan proposed in the report) may have some advantages, the Board is sure that any such advantages are outweighed by the greater popularity of a system of election. Moreover, a benefit not to be underrated follows from election. A person nominated by the Governor is only likely to be the

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object of jealousy and suspicion. He is likely to be regarded as having entered into a pact with the Governor and will soon cease to be viewed as in any way a representative of popular opinion. This tendency is already well marked in regard to the Indian Members of Council now nominated by the Governor. He would also be in a position of extreme difficulty, since to secure renomination he would have to satisfy, on the one hand, his constituents and, on the other, the Governor and the views of these two authorities on some large matter of policy might well be widely divergent. On the other hand it may fairly be expected that an elected member of Government will retain to the end some adherents who will be loath to vote against him. This will be a considerable advantage with a Legislative Council containing a large non-official majority. The three or four members procured as aforesaid would form with the Governor a united Government. As at present, the Governor would distribute the portfolios among them at his discretion. All subjects coming before the Government at a Council meeting would be debated and voted on by all the members without distinction and in case of equality of votes the Governor would decide. It is proposed to limit for the present the number of elected councillors to two. Later it may be thought necessary to increase this number and then a reconsideration of the position will be necessary.

The only objections to such a plan as now suggested which the Board finds in the report are those referred to at the end of paragraph 217 and are based on the presumption that there must be a division of subjects. This, in the Board's opinion, is not only unnecessary but would be a fatal defect in any scheme. In a Council constituted as proposed there would be no "popular control" of a final or dangerous character over those branches of the administration which affect the larger interests of the community and the objection that responsibility for such branches would be shared by councillors responsible to the Secretary of State with those responsible to electorates is of a theoretical character, so long as arrangements are made to secure the ultimate predominance to the former element. Inevitably in any scheme there must be some pulling in opposite ways and, as admitted in paragraph 222 and as the Board has already pointed out, the report scheme is decidedly open to criticism on that ground. The Board believes that under the scheme advocated by itself the "popular" Members of the Government would have a more dignified status than under the report scheme and would feel a much closer community of interest with their official colleagues. The Board's scheme gets rid of many complexities and causes of friction which attach to the report scheme and it secures that representation of official experience and European interests which is so notably deficient in the latter. With a proper representation of Indian opinion by means of elected Members of Government there cannot, in the Board's opinion, be any good ground for insisting upon one of the two Executive Councillors being an Indian with the result that the Governor is left with only one English adviser. The absence of proper official representation in their own scheme is recognized by the authors of the report who, in paragraph 220, propose to remedy this defect by calling into existence certain so-called additional members who will, it is supposed, gain reality and status by means of this name although they are to have no power to vote and are to do the duties and draw the pay of their ordinary posts. The Board can hardly regard these additional members as sources of strength to any Government. Apart from bearing a new name they will be merely what every official now is, for every official can be called upon at present to advise Government on any subject. At this point the Board may observe that, if it is the intention that all the Governors of provinces shall in future be recruited in England, this change, coupled with a reduction in certain provinces in the number of Executive Councillorships, is likely to have an effect upon the recruitment for the Civil Service.

7. The Board will now deal briefly and in order with the paragraphs of the report which were referred to it for remarks.

Paragraphs 212 and 213.—The Board agrees generally but would express a hope that the necessity for removing the causes that have operated in the past to delay necessary legislation both by the Imperial and by the Local Government should be fully recognized.

Paragraph 214.—No remarks are called for.

Paragraphs 215—223.—These are covered by the preceding remarks and it will be observed that the Board does not accept the proposition that there is no way of satisfying the two postulates referred to in paragraph 215 otherwise than by dividing the subjects of administration. The authors of the report themselves, as shown by paragraph 241, admit the force of the objections which may be raised to every scheme which is based on such division. The Board's scheme avoids such division and is a natural development of existing arrangements.

Paragraph 224.—The Board has no comments to make.

Paragraphs 225—231.—It is not without hesitation that the Board accepts election as the most suitable way of ascertaining Indian opinion but it is difficult to suggest any better plan. The Board fully agrees with the report as to the necessity for abolishing indirect election and as to the importance of making the electorate as large as possible. The Board, however, does not concur with it on the subject of abolishing communal representation nor does it find that the conclusion of the report to that effect is supported by the arguments which precede them. In the present condition of the country such representation should, the Board thinks, be retained as the only way of preventing a single class from obtaining practical predominance. It is not safe to ignore the facts that at present only one party is organized and that this party represents a very small percentage of the population. So far as the great bulk of the population of this Presidency has made its voice heard, it is bitterly opposed to any electoral system without communal representation and in the opinion of the Board such opposition is well founded, is based on actual experience and deserves the most serious consideration.

Paragraph 232.—The Board considers that the ancient zamindars should certainly be treated as a distinct class with a separate electorate. They represent interests too great to be ignored and they are not likely to stand along with others for election by a general body of voters.

The Board is opposed to the proposal to reserve to a particular community a certain number of seats in plural constituencies but with a general electoral roll. That would result in the representation of a majority by the one of their numbers who might be selected by the majority and who might not be at all acceptable as a representative to his own class.

Paragraph 233.—The Board welcomes the suggestion to raise official Members to some extent from their present humiliating position in the Legislative Council. It is opposed to formal recognition of a right on the part of Government to demand the votes of officials upon any occasion and would leave officials absolute discretion as to voting. The negation to officials of the ordinary right of speaking and voting has, the Board believes, been a main cause of the coming into being of a party in regular opposition to the Government. There is no risk of complete freedom being abused by officials while it would certainly stimulate an interest in the affairs of the Legislative Council on the part of men whose sole duty at present is to raise their hands at the proper moment.

Paragraph 234.—The Board agrees.

Paragraph 235.—The Board dislikes the scheme of numerous standing committees, each with a quasi-controlling power over a department. It fears that the system would prove a great impediment to business and it has the further disadvantage that, after the concurrence of the Standing Committee has been obtained, there remain the individual Members of the Legislative Council to deal with. The Board is however fully in favour of giving the Legislative Council as much information upon administrative matters as possible. This will become doubly desirable if the Council is to be in future a nursery of administrators. The Government must always have full discretion as to what information to give or withhold but subject to this limitation the Board would prefer to the creation of Standing Committees the inauguration of a practice of communicating to the Legislative Council all proposals of general importance and especially those involving large expenditure. Any Member of the Legislative Council could then communicate his views to Government for consideration or move a resolution or ask a question or the whole body of unofficial Members could privately appoint a committee to consider the proposal in question. If Standing

Committees are decided upon, the Board would not make the head of the department concerned a Member with a right to vote. He would be put into a false position by being required to vote, right or wrong, with the Executive Councillor or Minister presiding.

Paragraph 236.—The Board agrees.

Paragraph 237.—The Board agrees as to the effects of resolutions.

Paragraphs 238 to 246.—These have already been dealt with.

Paragraphs 247 to 253.—The Board cannot think that these elaborate provisions for the establishment of a Grand Committee and for a subsequent debate, which can only be described as a mock debate, in the Legislative Council, are really necessary to secure the object in view. That object, plainly put, is to force through the legislature, against the will of the majority, measures which the Government regard as essential and it seems better to attain that object by direct means than by round-about measures which deceive no one. In view of the contemplated reduction in the proportion of official Members it is certainly necessary to provide for the forcing through of unpopular but necessary measures. The Governor should, then, have power to certify a Bill but he should have power to certify it *either* before it is introduced *or* at any time before it is passed. This being arranged, there is no reason why such a Bill should not be debated and voted on in the full Council, provided that it is laid down that, to secure the passing of a certified Bill, a lower proportion of votes shall be necessary than in the case of an ordinary Bill. That reduced proportion might reasonably correspond with the proportion of official and nominated Members. Thus, if the officials and nominated non-officials formed one-third of the Council, a certified Bill should be declared passed if voted for by one-third of the Members present and voting. An objection to the plan of certifying before introduction and then referring to a packed Grand Committee is that it is often impossible to be assured beforehand that the non-officials will vote against a measure; on the other hand they might accept it with such modifications as the Government might find it possible to agree to. In that case the Government would quite unnecessarily have provoked the hostility of the non-official members by the reference to the Grand Committee and the subsequent mock debate in Council. The mere prolongation of the discussion which the Grand Committee scheme involves is certain to intensify the ill-feeling which the exercise of the Governor's prerogative would cause in any case. During all these long-drawn-out proceedings the press and public meetings might in certain cases inflame public opinion to a dangerous extent. It is obvious that this should be avoided if possible and it would be minimized by the Board's proposal to allow the Governor at any time before the Bill is passed to certify it when, automatically, the reduced proportion of votes would become applicable to it.

Paragraph 254.—The difficulty contemplated here results from the division of subjects, a plan which the Board proposes to discard. If, however, the system of division is adhered to, the natural and simple way of dealing with any objectionable measure or portion of a measure passed by the Council would seem to be for the Governor to exercise his ordinary power of veto in respect of the measure. This will be an easy and effective way of dealing with such matters if, as the Board agrees with the report in recommending, the Governor's power of veto includes power to return a measure for reconsideration. The proposal to confer upon the Governor authority to dissolve the Legislative Council is likely to be unpopular but it may be accepted as necessary if the new scheme is to work. It is however worthy, the Board suggests, of serious consideration whether the payment of salaries to non-official Members should not be recognized and provided for. The Board makes this suggestion frankly as a mode of attaching to dissolution a much heavier penalty than it would otherwise carry with it and with the object therefore of restoring to the Executive some of that power which it loses by the reduction in the number of officials on the Legislative Council. Payment of Members is in force in the British Parliament and, the Board believes, in most of the self-governing colonies of the British Empire as also in the French and American Republics. It may be assumed that experience has proved payment of Members to be a necessary part of popular government, both to enable the Members themselves to serve the State

honestly without the possession of private means and to give the Sovereign or President a more effective control over the popular assembly.

The Board would go further and follow the English practice of granting pensions to Ministers who had held office for a specified period. This would be a further inducement to reasonable behaviour.

Paragraphs 255 to 257.—The subjects herein dealt with are mostly covered by the remarks in the first part of this proceedings but there is one point which may be alluded to. The general rule is that resolutions of the Legislative Council are not binding upon the Government. It appears however that resolutions on the budget are to lie outside this rule and it is not clear why they should do so. The Board considers that resolutions on the budget should not be binding on the Government in which case there would be no necessity to confer upon the Governor special power to certify allotments as necessary and it is obviously not expedient to confer powers upon the Governor unnecessarily.

Paragraph 258.—The Board agrees.

Paragraph 259.—The difficulty arises out of that division of the Government to which the Board is opposed.

Paragraph 260.—The first part is covered by remarks already made. The Board has nothing to say on the last part.

Paragraphs 261 to 264.—The Board agrees that something of the nature of a periodical commission of enquiry may be necessary but would observe that, unless the nature and manner of their enquiry is very rigidly prescribed, the inevitable effect of such an arrangement will be to bring the administration into contempt, a risk which no Government in an Oriental country can afford to run.

Paragraphs 265 to 295.—The Board cannot make any useful comment on this part of the report.

(True extract)

H. R. PATE,
Secretary.

XX

Letter—from the Hon'ble Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU
Garu, Non-official Additional Member of the Madras Legislative Council.
To—the Chief Secretary to Government.
Dated—Cocanada, the 30th August 1918.

With reference to your communication No. 647, Public Department, dated the 25th of July 1918, I have the honour to send herein enclosed a statement of my opinion on the subject of the proposals contained in the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms.

ENCLOSURE.

Opinion of the Hon'ble Diwan Bahadur K. Suryanarayanamurti Nayudu Garu, on the Report on the Indian Constitutional Reforms.

The Report on the Indian Constitutional Reforms is in my opinion conceived in such a liberal view that I do not really feel there is much to comment thereon. At least the scheme is only transitional and when it is also remembered that the support of the whole country will have to be secured to procure a harmonious and steady development. I should think the reforms proposed are progressive, though necessarily cautious.

I propose to give my opinion with reference to the summary of recommendations outlined in Appendix I with special reference to the industrial and educational development which, I consider, is the crying need of the country:—

(1) The recommendations regarding Parliament and the India Office are all that could be desired and conduce really to the progressive development of India towards responsible government sooner or later.

(2) Regarding the Government of India I should think that a separation in the matter of education and tariffs may be possible with full control to the Legislative Council. As admitted in the report the development of policy in these matters is best secured by Indian opinion which is unanimous. In the executive of the Government of India I should think that

Mr. Suryanarayana Murthi Nayudu; Rev. Zumbro

the Indian element may be raised to one-half, considering the system of Cabinet Government that obtains, there need be no difficulty in securing by nomination competent Indians who would feel enough responsibility. The other proposals I agree to.

(3) In the Legislature I am against the establishment of a Council of State. As at present conceived it has the effect of reducing the Legislative Assembly to a nullity, a step which is really no development over the present Legislative Council. If the Council of State is to be there I should propose that the matters should be finally discussed in the Legislative Assembly with the recommendations of the Council of State with a power of veto in the Viceroy. The other proposals I agree to.

(4) In the provinces I think the line of development adumbrated is all that could be desired. I would however insist on communal representation for some years to come in the present state of this Presidency. I suggest that it should be tried for at least three terms of the Legislative Council as a transitional measure to be put an end to in time when there is secured to the country a measure of national union.

(5) In the proposals regarding financial devolution I entirely agree. Regarding provincial budget I suggest that a probable amount needed for the reserved subjects should be earmarked and the rest handed over to the Legislative Council. Fresh demands should be secured only with consent of the Legislative Council.

(6) In the matter of local self-government the proposals are all that could be desired.

(7) Regarding public services I agree to the proposals. I would only suggest that for the first ten years at least a proper proportion of the appointments should be by nomination of non-Brahman communities.

(8) With reference to Appendix II, I suggest that Law and Justice may also be transferred to the Legislative Assembly.

XXI

*Letter—from the Rev. W. M. ZUMBRO, M.A., Principal, the American College, Madras.
To—the Chief Secretary to Government.
Dated—the 30th August 1918.*

With reference to your circular letter No. 647, Public, dated 25th July 1918, inviting my opinion with regard to the recommendations formulated in paragraphs 212 to 295 of the published report on Indian Constitutional Reforms, I have to say that many of the proposals have to deal with questions of such a technical nature that I fear my opinion would be of little worth.

In general the scheme seems to me an admirable one, designed as it avowedly is to meet a transition period, and subject to periodical revision from time to time.

With reference to paragraphs 227—232, I would offer the following suggestions. There is, I believe, a very general desire on the part of the people of South India for communal representation. To their mind it seems to fit in with their scheme of things in which the people are divided by caste and creed into separate units. They do not yet seem ready to think in terms of larger units. If communal representation were given throughout, it would go a long way towards making the scheme popular.

From a theoretical standpoint the idea of the proposals that there should be developed a sense of belonging to and loyalty for the State as a whole rather than to a smaller unit within the State is right. But it is a question whether India is ready for this at present. On the other hand an effort should certainly be made even now to cultivate such a wider outlook.

May I suggest that if in addition to a certain number of seats in the Legislative Councils distributed among the different communities, there were a few other seats to be reserved for what might be called "Councillors at large", these to be elected by the whole body of electors in a province, this would tend to develop a sense of belonging to the State as a whole rather than to a particular community within the State while the provisional arrangement for communal representation would meet the wishes of the people. The number of "Councillors at large" could be increased from time to time until, when the people were ready for it, the principle of communal representation could be given up altogether.

Thanking you for the opportunity of expressing an opinion, and believing that out of the proposed scheme of reform will come that which will mark another splendid advance in the Government of the Indian Empire.

Sir Bernard Hunter

XXII

*Letter—from Sir BERNARD HUNTER, Kt., Secretary and Treasurer, Bank of Madras.
To—the Chief Secretary to Government.
Dated—the 31st August 1918.*

In reply to your letter No. 647, Public, dated 25th ultimo, I have the honour to append my remarks on the proposals contained in sections 212 to 295 of the Report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms.

I desire to preface my criticism with the following statement. Firstly I am not prepared to admit that the pronouncement of the 20th August is binding on any one save the British Government of the day, a Government that may not hold office to-morrow. Secondly I am not prepared to admit that responsible government for India is necessarily the goal we should aim at, and certainly the day when India will be ready for it is so far off as to make it a waste of time and energy to consider it as coming within the bounds of practical politics. As time goes on it may be found that some other form of Government for India is the goal at which we should aim. Responsible government such as we know in England or America may be the best form of Government for countries so advanced, but at present we enjoy in India a Government perhaps second to none in its reputation for purity, a thing not lightly to be given up, whereas most democratic Governments have an unsavoury reputation for graft, and India with responsible government is likely to fall from its high place for purity to a place amongst the most corrupt.

THE PROVINCES.

Devolution to Provincial Governments.

Paragraph 213.—I cannot agree with the argument that "as the Provincial Governments of the future will still remain partly bureaucratic in character, there can be no logical reason for relaxing the control of superior official authority over them" but that the interference of the Government of India "in many matters normally falling within the range of popular bodies in the provinces involves a clash of principle which cannot fail to engender some heat" and should therefore "be kept within very closely defined bounds." It is equivalent to saying that the inexperienced should be given a free hand while a tight hold is kept over the experienced, which is absurd. The trained officials are much more likely to use such discretion as is granted to them in a proper manner than are the inexperienced elected Members of the Provincial Council.

Provincial Executives.

Paragraph 218.—The reasons why in all provinces the head of the Government should be known as Governor are not given, and as it is not proposed to alter the emoluments and status the desirability of the change should have been explained. Is this change contemplated as an easy road to the appointment of an Indian Governor? If so it should be opposed with all possible force.

The proposal to form the Executive Government of one Indian Executive Member of Council and an unknown number of Indian Ministers, as against one European Member of Council only, must reduce the British influence in the Council to a dangerous point. It is essential that the Governor should have round him at least one European full Member of Council for every Indian, whether Minister or Member of Council. Further I strongly protest against the appointment of an Indian qua Indian. The Governor should have the right to select for his Council the men who are in his opinion the most suitable.

Paragraph 219.—The authors state "our hope and intention is that the Ministers will gladly avail themselves of the Governor's trained advice in administrative questions." In what possible manner could a Governor absolutely new to the country be expected to control and advise the Ministers? It is certainly suggested that an instrument of instruction be issued to Governors on appointment. To be of any use such an instrument would have to be especially adapted to each province, as

it is clear that one set of instructions would not be suitable for all provinces. In a later paragraph it is stated that the instrument of instruction will be issued by the India Office. It seems to be very doubtful whether the India Office is qualified to draw up such instructions suitable for all provinces, especially in view of the constantly changing conditions of the country involving new problems and fresh phases of old ones.

Paragraph 220.—The suggestion that if the Governor feels himself unfamiliar with Indian conditions he may “appoint, if he chooses, one or two additional Members of his Government, as Members without portfolio for purposes of consultation and advice” is camouflage. Such additional Members would have no authority or position and their time would be better spent at their proper work.

Paragraph 221.—Further the proposal that the Executive Council shall deliberate and discuss transferred subjects whilst it would have no part in the actual decision is monstrous, especially as it is stated that special attention should be paid to the advice of the Member in charge of the particular subject under discussion. Is it likely that an Executive Councillor would waste his time discussing matters over which he had no control and about which it is practically said his advice would not be listened to unless he is in agreement with the person whose proposal is under consideration. In practice I think it would be found that the proposed Government would drift into two separate Governments each attending only to the matters over which it had definite control.

Paragraph 222.—It is stated that the intention is that all “discussions of the Government should be loyally defended by the entire Government.” This will in many cases necessitate Members supporting measures of the Ministers of which they thoroughly disapprove. To my mind this introduces one of the weakest points of Party Government,—the subjugation of conscience to party. What force would the support and defence of a Minister on a reserved subject have under such circumstances or vice versa?

Provincial Legislatures.

Paragraph 228.—The authors of the report state that they find “responsible government in its earliest beginnings resting on an effective sense of the common interests, a bond compounded of community of race, religion and language . . . and throughout its development in western countries . . . it has rested consistently on the same root principle.”

All these qualities are in India conspicuous by their absence. The inference therefore is that India is at the present time totally unfitted for responsible government in its true sense, and that any attempt to educate the people up to it must be through communal representation. The appointment of one committee to inquire into a franchise means either that the work will be ill-done or that it will take years to accomplish. The whole reform scheme is based on the assumption that a suitable electorate representing the Indian peoples as a whole does exist. This I entirely deny, and the placing of this reform scheme before the British public with such an assumption is little short of dishonest.

Paragraphs 229--231.—The argument that if the British Government perpetuates class division by communal representation it will lay itself open to the charge of being hypocritical or shortsighted is disingenuous. It would appear that the authors of the scheme consider that the survival of the fittest is the only true means of development. The weak must never be protected, only the comparatively strong such as the Muhammadans and Sikhs. This appears to me to be a reversal of the recognized canons of good Government. Why, apart from a pledge which we must honour until we are released from it, we are bound to see that Muhammadans receive proper representations in the new Councils and yet that the claims of a majority community in Madras are turned down, is inconceivable.

The non-Brahman Hindu community in the Madras Presidency is by a long way the most important one from the point of view of numbers, but owing to the backwardness of education and the influence of Brahmans it is certain that they will not dare to exercise any right of vote that may be given to them in the manner most to their advantage.

Paragraph 232.—The authors propose that such European interests as the planter and mining communities and the chambers of commerce, and also the interest of landowners, shall be represented through special electorates. It appears to me that if the above argument regarding the perpetuation of class division is applicable to communal representation, it may be applied with equal force to representation through institutional electorates. There is to my mind little doubt that the Indian politicians will turn the argument in this way with such force that the above interests will be deprived of their special electorates and have to depend on nomination.

Paragraph 233.—While recognizing the difficulty of always allowing nominated officials freedom of speech and vote, the withholding of these powers in the cases of the transferred subjects seem to be entirely unnecessary.

Paragraph 235.—The proposal for Standing Committees contained in this paragraph and the proposals regarding Under Secretaries in paragraph 275 appear to be wholly unnecessary. Any conceivable good result they might occasionally achieve would be far outweighed by the obstruction of business and the waste of the time of heads of departments and their staff.

Paragraph 238.—The illustrative list of transferred subjects indicates that it is contemplated that certain departments will be partly under the control of Ministers and partly under the control of the Executive Council, as for instance the Public Works and the Educational Departments. Such division would appear in practice to be unworkable and a duplication of the departments would probably be necessary.

The handing over of education, medical and sanitary matters as suggested is to be deprecated. Poison the mind and poison the body and what result can be expected? We have seen how the educational institutions have in the past in certain places in India been largely instrumental in spreading seditious ideas and if European control is to be withdrawn from the head, it can easily be understood that before long the chief purpose to which schools will be put will be to teach hatred of British rule. With regard to medicine and sanitation, the resolution at the last Legislative Council proposing to divert funds from western to eastern methods shows what we may expect if this branch of the service is handed over.

Paragraph 252.—The procedure proposed “for the purpose of enabling Provincial Governments to get through their legislation on reserved subjects” is no solution. In the first place the certificate required from the head of the Government is one that could seldom be given. It is one thing for a measure to be “essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects”. It is quite another thing for a measure to be desirable which the head of the Government could not conscientiously classify as essential. In many cases therefore it might be impossible to get very desirable legislation through the Council. Again, even assuming a certificate is given stating that a Government measure is essential, there still seems considerable probability of it being defeated, for the non-official element can almost be looked on as the opposition, and generally speaking it would probably often be found impossible to secure the 6 (out of 7) votes of the nominated non-official Members of the Grand Committee necessary to pass the measure.

Either India is ready to manage her own affairs and take over full control, or she is not ready. In the former case it might be argued that it is our duty to hand over the reins of Government: in the latter case it is nothing short of criminal to run unnecessary risks, such as are entailed by these proposals. If safeguards are necessary, let them be put in boldly and let us avoid all camouflage.

Paragraph 256.—The proposals in this paragraph are perhaps the most important of all because almost without reservation they hand over to the Legislative Council the full control of the purse. It is proposed that the Provincial budget should be framed by the Executive Government as a whole, and there appears to be no provision at this stage for the Governor's certification. Such provision at least is essential. The budget is then to be laid before the Legislative Council, and it is at this point that, if the Council rejects or modifies the original allotment, the Governor has power to insist on the whole or any part of the allotment originally provided if he certifies its

necessity in the terms already suggested. The onus of certifying that a certain "provision is essential to the discharge of his responsibility for the peace or tranquillity of the province, or any part thereof, or for the discharge of his responsibility for the reserved subjects" is thrown on the Governor. It will be almost impossible except in very extreme cases for him conscientiously to give this certificate and it can never be given for desirable—though not essential—subjects. It stands to reason therefore that the administration of the reserved departments will be starved, the pay and prospects of the services (such as the Revenue Tahsildars and Deputy Collectors, Police, etc.) will suffer severely, and in consequence all the best men will clamour for employment in the transferred departments. The staff of the reserved departments must deteriorate, and, in the absence of the grossest mismanagement in the transferred departments, the former may show up badly. If the reserved departments do not show distinct superiority over the transferred, the demand for the transfer of the whole could hardly be resisted. It is essential therefore that, after the first charge on Provincial revenues for the contribution to the Government of India has been met, the second charge should be the supply for the reserved subjects as determined by the Governor in Council, and that no modification of such estimated requirements for the reserved subjects should be permissible in the Legislative Council and that no certificate should be necessary.

The proposals also allow the Legislative Council an absolutely free hand with regard to taxation and expenditure on the transferred subjects. It is inconceivable that such powers could be handed over without check. The Governor in Council is responsible for law and order, and it is essential therefore that he should have the power to check taxation which is likely to result in discontent, even if it did not go so far as to cause riots and disorders. To hand over the full power of the purse without check to a body of inexperienced amateur politicians is little short of madness.

Paragraph 259.—In this paragraph the relations of the services to the Provincial Government are discussed. It is well known that to a great extent Government orders are issued from the Member in charge of the portfolio and not from the Governor in Council, and it is a fiction to suppose that orders coming from a Minister through a Secretary will ever be considered as orders of the Government as a whole.

Future Development.

Paragraph 262.—In this paragraph it is proposed that the periodic commission should examine the apportionment of the financial burden in India with a view to adjusting it more fairly between the provinces. Such an examination would appear to be overdue now and, though it is fully realized that an equitable re-adjustment could not be made by a stroke of the pen, the time seems opportune for an immediate inquiry with a view to the provision of some scheme whereby the present inequalities will be adjusted gradually. Such adjustment might be made by an annual percentage, addition or reduction as the case may be, on the proposed lump sum contribution from the various provinces to the Government of India.

The proposed division of taxes between the Government of India and the provinces would appear to require very careful examination. For example the customs collected in the Bombay Presidency cannot be considered as a contribution by that Presidency, as only a small portion of this taxation is actually paid by the Presidency—the remainder must be credited to the United Provinces, Punjab, etc.

The Government of India.

Paragraphs 265—269.—The arguments in these paragraphs regarding the need for a change in the constitution are most unconvincing. The authors themselves say: "We should keenly regret it if anything we said were taken as failing in the tribute due for good work done." The only fault they find in the present constitutional machine would appear to be delay, and they admit that such clogging of the machine as exists is not the fault of the highly trained engineers, nor do they produce any satisfactory proof that the machine is out of date. The remedy then would appear to be not to dismiss the highly trained engineers and engage unqualified men, nor to scrap the existing machines for those of inferior quality, but to increase the number of the highly trained engineers and give them a free hand with fuller powers, so that the machines may be worked at their full capacity.

Paragraph 272.—As in the case of the similar proposal in connexion with the Provincial Executive Councils a strong protest is necessary against the appointment of Indians qua Indians on the Executive Council of the Governor-General. The Government of the country is in need of the fittest men obtainable, and every endeavour should be made to place the best men at the disposal of the Governor-General.

Paragraph 273.—This section gaily proposes 100 members for the Legislative Assembly of India but leaves unsolved the important question of the electorate. Further the authors do not appear to have considered whether there are 100 men who are both fitted and free to accept such an onerous post. These difficult problems should be solved first. The proposal that of the 100 members, two-thirds should be elected and the remaining one-third nominated, of which again one-third should be non-officials, leaves the official element a negligible quantity. The officials would be of more use at their own work than in debating legislation over which they would in effect have no control and little influence.

Paragraph 276.—The authors again affirm in this paragraph the fundamental proposition that "the capacity of the Government of India to obtain its will in all essential matters must be unimpaired" but again it would appear that their proposals will leave the Government helpless in such measures as may be eminently desirable, but which the Governor-General could not certify as "essential to the interests of peace, or good government."

Paragraph 277.—It is admitted in this paragraph that the conditions of Indian legislation are different from those of provincial, and that the affirmative power must be more decisively used. A Council of State is proposed consisting of 51 members (including the Governor-General), of which 26 at most are to be officials,—but as he will not usually be present it will normally be 50 members. In this Council, therefore, when the Governor-General is present, there will be a bare official majority, but not necessarily a British majority, so that even in the Council of State alone the Government's position is not absolutely secure, and it will not be able to rely on "the passage of the legislation it requires."

Paragraph 279.—With regard to an ordinary Government Bill the proposal is that after being carried through all the usual stages in the Legislative Assembly, it will go in the ordinary course to the Council of State. If it is amended in any way which the Assembly is not willing to accept, it will be submitted to a joint session of both Houses, by whose decision its ultimate fate will be decided. This joint session will comprise at most 40 official members. As however many official members will belong both to the Legislative Assembly and the Council of State (paragraphs 277 and 282), the total official members in the joint session might be 25 only and certainly will not be many more, whereas the non-official element will amount to 103. It will be seen therefore that the official element in the joint session must in all cases be swamped and that, even if all the nominated members sided with them, they could not carry through any measure against opposition of the elected members.

It is only then in the case of essential measures that the Government will have any power of enforcing its legislation, and, as in the case of provincial legislation, the certificate required from the Governor-General is one which he could seldom give. There are few measures that could be described definitely as "essential to the interests of peace and good government" though there are many that are extremely desirable ones.

It is admitted by the authors that the country is not yet fitted for responsible government, with full power of introducing and passing its own legislation, and it seems to be quite inconsistent with this admission for the authors to recommend the granting of such powers of obstruction, both in the Provincial Governments and in the Government of India, as can only result in the continual deadlocks with regard to all legislation except that which can be described as essential, and even will allow of the certain defeat of an essential Government measure in the Grand Committee of a Provincial Legislature if only two of the nominated non-official members give a hostile vote (vide my remarks on paragraph 252). Apart then from the veto and certificate of the Governor-General and Governor there are no safeguards.

Paragraph 284.—In this paragraph, the authors state that the budget will be introduced in the Legislative Assembly but the Assembly will not vote it. This is misleading. The apparent safeguard is nullified by the opening sentence of the paragraph stating that "fiscal legislation will be subject to the procedure recommended for Government Bills". It is true that the budget will not be voted on in the Legislative Assembly and that resolutions on budget matters, whether in the Assembly or the Council of State, will only be advisory, but according to the proposals of the authors "it will be incumbent on Government to oppose resolutions which it regards as prejudicial with all the force and earnestness that it can command" and that if they cannot succeed in "convincing the Assembly of their undesirability", the responsibility of the Governor-General for not taking action upon them will be very heavy. This practically means that he will have to give effect to such resolutions, so that, though the Legislative Assembly will not vote directly on the budget, they will have the power to exercise almost complete control over it. Further it is clear that the power to draw up a budget is useless without the power to enforce it by the necessary fiscal legislation required for the imposition of the taxation needed to meet the expenditure. Such power will not exist except in the case of the portions of the budget which the Governor-General deems essential, e.g., the Commander-in-Chief may be strongly of opinion that increased expenditure on the forces is necessary but the Governor-General may be unable to classify such measures as 'essential', and it is highly probable that such expenditure would be consistently resisted by the Indian element. Thus through a side door the Assembly will vote the budget.

The authors apparently consider that safeguards are necessary and they should therefore be really effective. It is better to give representative government right away than to impose checks which are safeguards in name only and in practice would be nugatory.

Paragraph 285.—As in the case of the Provincial legislation (paragraph 235) I think the setting up of Standing Committees unnecessary and a waste of official time. Although in times of crisis some such advisory bodies may be useful, the setting up of a permanent consultative organization would in ordinary times be a waste of valuable time and would only result in a clogging of the constitutional machine.

India Office.

Paragraphs 290 to 295.—These paragraphs labour the theoretical difficulties in the way of granting much fuller powers to the Government of India on account of the Secretary of State's responsibility to Parliament. It is said that "large powers and responsibilities have always been left by the Secretary of State with the Government of India" but that "at the same time the Secretary of State's responsibility to Parliament has set very practical limits to the extent of the delegation which he can be expected to sanction." It may be true that large powers are delegated, but from my personal knowledge, gained at conferences with the Government of India, I know that it is equally true that many petty matters have to be referred to the Secretary of State before a decision can be arrived at.

In paragraph 292 the authors state "it is not part of our plan to make the official Governments in India less amenable to the control of Parliament than hitherto", but on the other hand they say that "now that His Majesty's Government have declared their policy of developing responsible institutions in India we are satisfied that Parliament must be asked to set certain bounds to its responsibility for the internal administration of that country", and that "in respect of all matters in which responsibility is entrusted to representative bodies in India, Parliament must be prepared to forego the exercise of its own power of control". That is to say that, as in the case of the remarks on paragraph 213, it is proposed that absolutely full powers shall be handed over to the unknown and untried elected element, while the trusted and tried officials shall be firmly bound and unnecessarily hampered by outside control. Anything more unreasonable is inconceivable.

The proposal for an interchange of the personnel of the staff of the India Office and the public services in India has much to commend it, but the less India's affairs are discussed in the British Parliament the better for India. The proposal that the

Secretary of State's salary should be paid from the Home revenues and voted annually is undoubtedly dangerous, and the creation of a select committee of Parliament on Indian affairs will in no way safeguard Indian administration from being treated as a party question.

My criticisms are almost entirely destructive, and if I have made any constructive suggestions it must not be implied that I approve of the propositions as so modified, for I consider the whole scheme as not only unnecessary but entirely dangerous in the conditions now existing in India. The whole scheme rests on the authors' unbounded faith that, even if an intelligent electorate does not exist to-day, nevertheless the supreme virtue that surrounds the ballot-box will immediately create one. I emphatically deny that at the present day any possible electorate can be found to voice the needs of the people or that any number of ballot-boxes will bring them into existence for generations to come. I assert with all the emphasis I can that all that is required is the relaxation of the brakes so ruthlessly applied from above and a little lubrication of the existing Government machine.

I cannot conclude my remarks without a strong protest against the proposal for the recruiting in India of 33 per cent of the superior posts of the civil service with an increase of 1½ per cent annually. It is admitted that it is absolutely necessary for India to secure the very best type of European officers in the future, but the reforms and the above proposals for recruitment cannot but have the very opposite effect.

XXIII

Letter—from M.R. Ry. SOBHANADRI APPA RAO Bahadur, Zamindar of Telaprole.
To—the Chief Secretary to Government.
Dated—Madras, the 31st August 1918.

In compliance with your kind requisition I have the honour to submit my views on certain aspects of the reform proposals embodied in the report of His Excellency the Viceroy and Right Hon'ble the Secretary of State for India.

Before hazarding any definite opinion on some of the proposals themselves, I wish to observe that the point of view from which they should be looked at is mainly the consideration how they would react on the bulk of the population. Anyone who had cared to study the history of India from the time of the British connexion can scarcely have failed to perceive that the principal aim of England has, since the consolidation of her power in this country, been to train up the people of India without distinction of caste, race or religion to the ultimate realization and enjoyment of self-government. When the British people came to this country they came merely for purposes of trade. They never desired to have any territorial possessions in India beyond plots of land which were given to them by local rulers to build factories. In fact they only became rulers at the invitation and with the assistance and help of the Indians themselves. It behoves them therefore to consider how their reforms will tell on the happiness and well-being of those who welcomed them and helped them to get a foothold, extend their territory and establish their sovereignty over this sub-continent; how they affect the loyal section of the people, whether adversely or otherwise; and if the former, is that the proper way of requiting the past services of our ancestors and the loyalty of the present generation? In the famous proclamation of Her Most Gracious Majesty Queen Victoria and in the ratification of it about fifty years later by her son the first King-Emperor of India, the promise is distinctly held out of associating the people of India with the Government of this country according to the measure of their fitness which promise is being carried out both in the letter and in the spirit of those famous pronouncements; and so far as I have been able to judge there has been no reason to complain, all vociferations to the contrary by a small section of the educated few notwithstanding.

Let me consider for a moment the measure of our fitness for self-determination and self-government. In the first place are Indians a nation with common aims, aspirations and interests and with a community of feeling or are they a heterogeneous mass of warring creeds with diverse and even mutually hostile interests? The only possible answer to this question is the touchstone of our fitness for absolute self-government.

Unlike Ireland, in which country mutual antagonism and cleavage of interests is only between two different sections professing the same religion and acknowledging the same Saviour, in India there is no homogeneity in any respect, the population being divided into innumerable sections by difference of race, religion, language, caste and interests. If the efforts of over a hundred years have been unavailing to compose the political antagonism of two sections professing the same religion in Ireland, is the work of unification in India achievable by a wave of the magician's wand? And yet, that seems to be in some measure the hope of the framers of the report. Look at the ignorance and illiteracy of the people. Less than 8 per cent of males and 4 per cent of females alone are literate. Of the educated among these the number must indeed be few. It is altogether a mistake to judge of the average by a few shining lights in the official firmament or by what the indigenous press would make believe. Take the social conditions. Are they such as will pass muster? Are not certain sections, who are numerically the largest, treated worse than beasts by another section of the people who are, in numbers, relatively insignificant? Beasts are allowed to roam on the high ways and drink out of the public tanks and wells but men belonging to the depressed classes are not. Some beasts are even venerated, but these men are hated, degraded, despised and oppressed. I am not referring to the occurrences of a bygone age but of the living present. Does this connote either humanity or capacity for self-government or even the exercise of any large measure of authority? No, sir, unless the schoolmaster is abroad for a very long time to come, unless he covers more extensive areas, unless the oppressed and the down-trodden become sufficiently enlightened to assert their rights as fellow-beings, unless the one has commenced to realize his rights and the other his obligations, the transference of any large measure of power from British hands would mean the relegation of these men to the bonds of slavery and wretchedness. That, I submit, would amount to the betrayal of a solemn trust which those that fought under the British flag for the establishment of British power in India reposed in Englishmen. I feel strongly on the point because I am an eye-witness of the unspeakable social injustice and oppression now obtaining, and knowing as I do the general trend of the feeling of my countrymen, I shudder to think of what the fate of these poor wretches will be under a system of Government which will for all practical purposes be bossed by the bourgeois in India. I am therefore strongly opposed to any large weakening of the power of the British Government in India or of the authority of the British official, in whose general impartiality and integrity I, in common with the vast bulk of the people, have absolute confidence. Not that they have never gone wrong or been unjust. There have been isolated black sheep among them as in every flock, but such men have been exceptions and I do not propose to form my general opinions on exceptions but on what has been the rule.

I do not in the least desire that India should for ever remain under British tutelage. As matters stand now, we want their tuition in almost every kind of human activity in order that we also may become past masters and be able to compete on fair terms with the rest of the civilized world. I want progressive development all round—development not of one section of the people, but of all the peoples inhabiting India. This is the responsibility which Britain has undertaken, and she ought not to fly from it, by laying the flattering unction to her soul that she has discharged that responsibility when she has educated an infinitesimal number of Indians and entrusted to them the task of educating the rest.

If these are the true view points from which the reform proposals ought to be judged, I regret that I cannot honestly commend them as contained in the report under reference. The object sought to be attained is the training of Indian peoples in the proper exercise of political rights and privileges. Do the proposals tend in the direction of achieving this end? I fear not, because, the initial education consists in the right exercise of the franchise for which the proposals do not even pretend to provide. It altogether ignores the real conditions in India, and, on theoretical grounds and false analogies which would not survive the test of examination in the light of living facts and past experience, rejects communal representation in the case of Hindus while, strangely enough, conceding it in the case of Muhammadans and Sikhs. The initial mistake lies in the notion that the Hindus are a community while, in fact, they are only an agglomeration, for purposes of nomenclature, of innumerable warring

creeds and communities with fundamentally differing religious creeds, unbridged socio-religious inequalities, the diversity of aim and interest between the high-caste Hindus and the low-caste Hindu being very much sharper than even between the Hindu and the Moslem. How with any show of justification you can deny to the different Hindu communities as they are called, what you have conceded to the Muhammadans and the Sikhs passes ordinary comprehension. The proposals are, I submit, altogether vitiated by the denial of separate electorates to the various Hindu communities and will prove fatal to the successful working of the scheme because all power and prestige would, in the absence of such electorates, be concentrated in an already powerful and exclusive caste who have, time out of mind, not only never been solicitous of uplifting their less fortunate brethren but have always striven to keep them down, as witness the opposition to the admission of Panchama students to board schools and to the acquisition of house-sites for the depressed classes. It is a mistake to suppose that the opposition to the latter measure proceeds from any infringement of tenurial rights but from the fear that independent homesteads will release them from bondage and slavery of the higher castes. If I have gauged the people's feeling correctly I am certain that they have made up their mind not to tamely accept any proposals which, under the guise of popular reforms, will transfer them to the safe keeping of a few, in whose good-will and impartiality they have no confidence and I submit quite reasonably.

The report does not ignore the need for the representation of minorities, and recommends nomination in preference to the formation of communal electorates. This method of providing for representation does not render the nominee responsible to the community which he is supposed to represent and which for obvious reasons is unable to give him any mandate. Further, it defeats the basic object of the proposed reforms, which, I take it, is the training of the people in the exercise of political privileges in order to train them gradually for the enjoyment of responsible government. The community under the circumstances, having no opportunities of exercising the franchise, will receive no training of any kind, nor will it realize the responsibilities attaching to the vote. The other suggestion to reserve a number of seats for particular communities in plural constituencies with a general electoral roll is still more objectionable and will, while pretending to represent them, really be less representative of the true interests of the particular community, because it will not be by the suffrages of the community that the candidates would be returned but by the aggregate of votes of a mixed electorate which means that that candidate who is the favourite, not of his own community but of the voters of other communities, will win at the polls. Such a candidate will be a representative only in name not in substance of the community for which the seat is reserved.

In this connexion I may observe that, like those of the European community in India, the social and material interests of the proprietors of permanently-settled estates are out of all proportion to their numerical strength, and because the interests of tenantry who form the majority are oftentimes, if not hostile to, not identical at any rate with the interests of the zamindars, there arises a supreme necessity for reserving more seats for them in the various legislatures than their numbers justify, to be filled up by election by special electorates. I desire to press this matter on your attention because until now they have had the British Government and the British officials to hold the scales even between them and their tenants but now that the Councils will practically be swamped by the tenant class with the British official and the British Government emasculated and their power weakened to a considerable extent, the zamindars must be there in numbers to parry the thrusts which are certain to be made at their interests.

Under the proposed scheme of reforms, there is happily no attempt made unduly to weaken the power and authority of the Government of India, provided the Governor-General is a strong man, a statesman with the courage of his convictions and not a sentimentalist and doctrinaire. Otherwise the safeguards provided for ultimately retaining his authority unimpaired is illusory. The question, however, remains whether we shall at all times have the good fortune to secure Viceroys of that stamp. I fear not, because you have only to realize the contrast in this respect between certain of our past Viceroys.

In my judgment, it is extremely unwise in the present circumstances of India to weaken to any large extent the power, authority and prestige of the Provincial Governors and Governments. I am afraid the proposals have done much in this direction, especially as they allow of his being harassed in numerous ways. I am further of opinion that it will be difficult in future to induce English peers or gentlemen of ability and affluence to accept appointments as Governors in an uncongenial climate, with unspeakable worries and harassment thrown in, worries which are sure to occur owing to the political and Parliamentary inexperience of the Indian members of Council and as a result of their peculiar temperament, of their sudden access to power and of their habit of setting more store by the technicalities and letter of the law than by the substance and spirit of it. These evils are, perhaps, inevitable in the experimental stage of political changes, and will in course of time cease to exist, but such a consolation may not serve to stimulate the altruistic instinct of an Englishman to accept the Governorship of a Province and sail in stormy seas.

Perhaps even worse than that is the proposal disproportionately to increase by about one-half in the course of ten years the Indian element in the Indian Civil Service by recruitment in India. The recommendations of the Public Services Commission itself in this respect seem to me to have erred on the side of liberality. Another serious defect in the proposals in this connexion is that no device has been hit upon to prevent the entry into it of one and the same class or caste. It is notorious that all the various Indian communities cannot compete on equal terms. It is therefore necessary to fix the proportion of members of the service to be reserved for each community and to hold the competitive examination among members of the particular communities and then make the selection. This will, while securing communal representation in the service, ensure that the best of the lot in them are selected. There is very strong feeling on the point throughout the country not only with respect to the Indian Civil Service but with regard to all Government appointments carrying salaries of about Rs. 100 and above. People think and ask quite legitimately, why one class should have almost a monopoly of all the appointments and those that contribute to maintain the services no place in them?

Propos, it seems to me that when the proposals under discussion are given effect to, the lot of the district official will by no means be enviable. His prestige will be a thing of the past. He will have to serve a plurality of masters, one perhaps pulling in one direction, another at a tangent if not in the opposite direction and between them his existence will be irksome if not miserable. Whether it will be sound in policy in the present condition of India to relegate them to such a subordinate position is, at all events, a very debatable question. One thing that is almost certain, however, is that the Indian Civil Service will be very much less attractive to the Englishman than now and we may look forward to much deterioration in the personnel of the services.

I note that among the transferred subjects is education. I protest against it with the greatest possible emphasis. If there is one subject on which there has been more nonsense written and spoken in this country recently than another, that is education. Home Rulers and some others too want to reverse the educational policy of the past, take a retrograde step and go back to vernacular education and thus perpetuate the ignorance and superstition of the masses on which the high castes have fattened all along. Transfer therefore what subject you will for the elected members and nominated ministers to sport with, but please have some pity on the masses and keep education a reserved subject.

As a first step in progressive political reforms it would have been in my opinion quite sufficient to release local self-government from all Government control and wait to see how the people manage their local affairs without outside guidance and control. If the result after trial of a few years is satisfactory, you might take another step in advance and then pause to examine how efficiently the people have discharged their responsibilities. To surfeit the people, such as they are, with reforms which will end in hurting their digestion seems to me hazardous and imprudent.

It has sometimes struck me that in the present reform proposals is discernable the undoing of the work of Empire builders such as the Marquis of Wellesley and Lord Dalhousie.

XXIV

Letter—from M.R. By. Raja Vasudeva Raja Avargal, C.I.E., President, Kerala Janmi Sabha.

To—the Chief Secretary to Government.

Dated—Palghat, the 30th August 1918.

At the meeting of the Kerala Janmi Sabha held to-day I have been authorized to send you the following communication with reference to your letter No. 647, dated 25th July 1918, inviting an expression of the Sabha's opinion on the recommendations made in Chapters VIII and IX of the Joint Report on Indian Constitutional Reforms.

The Sabha begs in the first place to enter its respectful protest against the financial burden proposed in paragraph 206 to be put on the province which appears to be quite excessive compared to the contribution which provinces such as Bombay and Bengal will make.

In the second place the Sabha doubts whether the scheme of Provincial Executive Government outlined in paragraphs 218 to 220 is workable.

In the third place the Sabha considers that, whatever may be said on the question of communal or interest representation generally, the janmis of the West Coast constitute a distinct class by themselves, fairly homogeneous, and that the present system of allowing them a special electorate should be continued and, in view of the large increase proposed in the Provincial Legislative Council, the Sabha is of opinion that the janmis should have two members to represent them, one for South Malabar and one for North Malabar besides a member for the landholders of South Kanara.

Fourthly the Sabha considers that the arguments against a bi-cameral system in the provinces stated in paragraph 258 are not convincing. Of the many reasons given against the immediate establishment of that system, the chief one appears to be the apprehension that a second chamber representing mainly landed and monied interests might prove too effective a barrier against legislation affecting those interests. Presumably the framers of the report contemplate that under the new state of things there would be legislation to the detriment of those interests and the Sabha ventures respectfully to protest against the view that the interests concerned should not be in a position to defend themselves. In the opinion of the Sabha the representation of those interests in a single chamber will not afford them adequate protection.

Fifthly and lastly the Sabha considers that the proposals of the two committees which will soon be appointed to report on the franchise and electorates on the one hand and the subjects to be transferred to popular control on the other, should be published for public criticism and the opinion of associations like the Sabha should be obtained and considered before orders are passed on those proposals.

XXV

Letter—from G. F. PADDISON, Esq., M.A., I.C.S., District Magistrate, Madura.

To—the Chief Secretary to Government.

Dated—the 1st September 1918.

With reference to your letter No. 647, Public, dated 25th July 1918, I have the honour to state with regret that I have had owing to other urgent and pressing business little time to study the report and have now still less time to put my views upon paper. I am therefore compelled to restrict my criticisms to a few small details which occur to me, accepting the principles of the scheme as a whole.

Section 218.—The Ministers are to be responsible to their constituents. The Ministers are chiefly to be in charge of spending departments. They will not be responsible jointly to the constituencies but each to the one particular constituency. I submit that the temptation for a Minister, whose constituency is Madura district and who is in charge of the Medical department, to spend money in Madura rather than in, say, Bellary would be almost irresistible.

Section 221.—The Government should deliberate as a whole but not vote when sitting as a whole. When there is a difference between the Ministers and the Council the Governor is to decide. I fail to see how they are to come to a decision without voting; to deliberate without coming to a conclusion seems to be a waste of time. On the other hand, if each time there is to be a difference of opinion, Ministers and

Council are to go into separate rooms and make up their minds and then return and if they still differ leave it to the Governor to decide, would, I submit, make procedure impossibly cumbrous.

Sections 215 to 221.—Throughout it seems to me to throw an almost impossible weight upon the Governor, especially a new Governor, who may have no Indian experience. He will have to decide all manner of questions involving an intricate knowledge of Provincial affairs and I think the burden on a new and possibly inexperienced man might be extreme.

XXVI

Letter—from the Hon'ble Mr. A. R. KNAPP, I.C.S.
To—the Chief Secretary to Government.

Dated—Ootacamund, the 5th September 1918.

I have the honour to reply to your letter No. 647, Public, dated 25th July 1918, inviting an opinion on certain portions of the proposed scheme of Indian Constitutional Reforms.

2. The time which I have had at my disposal for the purpose of forming an opinion has been very limited, considering the largeness of the subject and its complicated details. The general principle on which it is based, however, namely the development of progressive Indian responsibility for the management of their own internal affairs, needs no examination. It has long represented both to the Indian Governments and to the individual Civilian the end towards which they were gradually progressing. The declaration of 20th August 1917, and the reception accorded to the present scheme in both Houses of Parliament, as reported in the newspapers, seem to point to a settled decision that the rate of progress is to be at once accelerated. Nothing therefore remains but to examine the machinery by which this progress is to be achieved.

3. I have endeavoured to bring to bear on the scheme a judgment free from any personal bias, but I must confess that I have not found this an easy task for, apart from the general change which the scheme will admittedly bring about in the future position and prospects of the members of the Civil Service, it so happens that one feature of it threatens at once to touch very closely the personal interests of officers of about my standing. I allude to the fact that as soon as the scheme is introduced there will remain only one seat in the Governor's Executive Council open to the Civilian. It is true, as the authors of the report have been careful to point out (paragraph 214), that the Civil Service has no legal claim to such posts, but the fact remains that ever since the service was created it has always held two seats in the Presidency Council. Even Lord Morley, with his obvious dislike and distrust of the Indian Civilian, preferred to provide for Indian representation in the Council by creating what was probably at the time a superfluous seat, rather than reduce the posts to which the Civil Service had established a claim. Of course if there is no sufficient work for a third Member of Council he must go, but I may be excused if I cannot altogether overlook the personal considerations involved in the proposed changes, and if I regard it as an unhappy augury that the very first effect of the scheme as now drawn will be to rob men who have given the best of their lives to India of just half their chances of attaining the prize of the service.

I may say in passing that I myself doubt whether the proposed reduction will be found feasible. The Councillors will in the future be much more occupied in "lobbying" than in the past. They are hence forward to "convince, rather than direct" and the straightforward, if despotic, methods hitherto followed will cease to be appropriate on serviceable. The Standing Committees over which it is proposed that they should preside will also take up much of their time. They will thus have much less time to devote to the business of every-day administration. The Governor I conceive will find his hands full of the task of keeping his Government together and particularly in the initial stages of the new constitution will certainly enjoy no sinecure. Unless therefore the changes are to be accompanied by a large measure of devolution to heads of departments—which does not seem likely and is not suggested in the report—it seems to me very doubtful if the Council can be reduced in strength.

4. An examination of the proposed machinery of Government is made more difficult not only by the fact that the determination of the "transferred subjects" is left over for future decision, but also by a certain ambiguity in the report as to the exact interrelation of the two sections of the new Government in respect of responsibility for the acts of the Government as a whole. At first sight it would appear that each section of the bipartite structure is to stand independent of the other. The councillors are to attend as spectators at, and may add their contributions to, the discussion between the Governor and his Ministers on important subjects: but they are to have no voice whatever in the decision. The same is the position of Ministers in respect of the decisions of the Governor in Council. It seems hard to conceive that in these circumstances it is proposed to saddle either section with any kind of responsibility for the decision of the other. But there are phrases in the report which would seem to indicate that this is not the view of its authors. They speak in paragraph 221 of the Governor discussing questions "with that part of his Government directly responsible", implying that the other part, which has no share in the decision, takes nevertheless a share in the responsibility. Again they contemplate (paragraph 222) the Government acting together as a whole and they intend that the decision of the Government (i.e., of one part of it) "should be loyally defended by the whole Government". Even allowing for the optimism which in paragraph 323 believes that the present concession to Indian political opinion will effect an almost miraculous *rapprochement* between the views of the bureaucrat and the democrat, one has only to apply these suggestions in the report to one or two questions of recent local interest to see how unlikely of realization is this ideal of joint responsibility and corporate loyalty. The Governor in Council decides—as he has recently in fact done—to improve the position of the Tanjore panchama serf in the face of strong opposition from the Tanjore mirasidar. Can the representative of the latter, if he happens to be a Minister, be expected to defend the decision in which he has had not even a minority voice? On the other hand, Ministers decide to replace to some extent the western system of medicine in public institutions by Unani and Ayurvedic practice: can the councillors be expected to support a decision which is entirely opposed to their views both corporate and individual and for which they have no shred of responsibility? I may mention in passing what seems to me somewhat of an anomaly in this connexion. While the loyalty of Ministers may be tested in the Legislative Council by expecting them to vote in support of a decision of the Governor in Council of which they entirely disapprove, the councillors are happily saved from a similar predicament as they will abstain from voting on all matters relating to a transferred subject (paragraph 233).

5. My general opinion on the scheme of Executive Government (paragraphs 219—223) is that while not actually unworkable, it will place the two sections of Government in a very embarrassing relation and tend to aggravate rather than diminish the friction which the authors of the report are anxious to avoid. They set aside as impossible any duality in the executive (paragraph 216) but the fact remains that the Government proposed is essentially dual, and the mere presence of one section of the bipartite executive at the discussion and decisions of the other will in no way alter the essence of the scheme. In my humble opinion it would be better to face the fact that what is being set up is actually twin Governments, working generally on parallel lines towards a common end but likely to impinge on each other, for the present at least, at numerous points. Where they do impinge a joint decision must of course be taken. A joint session of the two cabinets presided over by the Governor is the obvious course, arrangements being made if necessary for artificially equalising the voting power on both sides in case the numbers of councillors and Ministers are not equal. Such a joint session would give a useful education in the art of political compromise which both sections of the Government for some time to come will badly need. In other respects the two Governments could and should, I think, work quite independently of each other, just as Imperial and Provincial departments now do in the same areas. Lower down the ladder of administration the activities of the two Governments would coalesce in the hands of a common staff of local officials to whom the orders given would be the orders of Government from whatever section they might emanate.

6. I have suggested that the proposed joint deliberation on subjects in which the actual decision rests with one section of the Government is likely to increase rather than diminish friction. Let me explain how. A Minister's proposal is negatived by the Governor after a joint discussion in which the official councillors have disapproved of the proposal: he will inevitably blame his disappointment on what he will regard as the unwarranted interference of the councillors in a subject not in their charge. It would lead to far less discord and I think make it easier for the Governor to manage his somewhat ill-matched team, if his reasons for disapproving a decision of Ministers were derived from behind the scenes and not from public discussion. There would, at any rate for some time to come, be a deference paid to the Governor's decision thus arrived at which it would not enjoy if it were obviously based on the expressed views of the bureaucratic councillors. Were the new organization designed as a permanency, were the bureaucrat and the Indian politician destined to divide for ever the task of Government, it might be politic from the start to insist on these joint deliberations. But as the end arrived at is the eventual disappearance of the official element, which will only remain until it is no longer needed, the advantage seems to me to be rather in eliminating opportunities for friction than in creating by artificial means a semblance of combination. Co-operation and mutual consultation between the two sections of the Government there will, I hope, be, but it will be of much more value, and more consistent with the *amour propre* of both sections, if it arises spontaneously and as a matter of good sense, and not merely as a feature formally imposed by the constitution.

7. The scheme in paragraph 220 for the appointment of extra members of Council without portfolio will certainly arouse opposition and I doubt if it will serve any useful purpose. The Member so appointed will have no part in any decision (paragraph 221). He will have neither power nor definite responsibility and his views will have no greater authority than if he had been consulted as the head of a department. Few officials, I think, would relish appointment to so ineffective a position.

8. Turning next to the Legislative side of the Government, the value from the broader political standpoint of the proposed changes cannot be gauged until the matter of the electorates has been decided and the vexed question of communal representation has been settled. I can only say that any system which, while purporting to represent a move towards popular Government, failed to give a due voice in the Council Chamber to the preponderant interests in the Presidency of the non-Brahman ryots and merchants would in my humble opinion be wholly indefensible. I do not believe that those interests can be adequately represented in the new councils by a member of another community, at least in the present state of political development, and I consider that, if special arrangements are necessary to ensure the presence in the Council of the real representatives of these classes, such arrangements should certainly be made.

9. The proposal in paragraph 235 for Standing Committees to be associated with the Councillors or Ministers in charge of each department is based on its educational value. Few non-official members of the Legislative Council, if we may judge from past experience, will admit that they stand in need of such education, and they will undoubtedly see rather in the proposed committees an opportunity for organized interference in the details of departmental work. The proposal seems to me to be open in an aggravated form to the charge levelled in paragraph 217 of the report against the present councils. The committee's criticisms will be no less irresponsible than those of the councils. To require that the Minister or Councillor should preside over the meetings of such a committee seems to me to be an unprofitable use of time which he could more usefully spend, and also to place him in a false position, for he can hardly with propriety be a member of a committee whose main function will be to criticise his own actions. Still less appropriate does it seem that the head of a department should be a member of such a committee with power, apparently, to use his vote in opposition to his chief. I do not altogether object to the establishment of departmental committee: it may tend to alleviate the insatiable thirst for information on questions of merely parochial interest which has distinguished the proceedings of the present councils. But I hold that such committees should be purely

un-official, and as far as possible informal; their functions must be purely advisory and above all must be so arranged as not to protract the already somewhat deliberate methods of Government work.

10. Regarding the arrangements for the conduct of work in the enlarged councils, I have little to say. The power of the Governor in Council to pass necessary legislation, by means of the Grand Committee, will not differ materially from that which at present exists. The arrangement will be, as the report seems to admit, cumbrous: it does not really conceal the essential fact that there are some directions in which the Governor in Council is to remain autocratic; and it seems a pity that this added complexity could not have been replaced by some more direct method of providing the necessary power.

11. As for the budget, there can be no doubt that on this will be focussed the acute differences in principle between official and un-official, which are recognized in the report itself. I view with some alarm the suggestion in paragraph 255 that it is only the transferred services which will demand expanding expenditure. Major is only the tentative list appended to the report, are likely to call for a greater transfer in the tentative list appended to the report, are likely to call for a greater development than any of the transferred subjects, and to give countenance to the view that these are merely entitled to the money which will "keep their administration efficient" would, I submit, be a fatal error. I should have preferred, for its educative value, a system under which the maintenance of the reserved departments was first provided for, and then the maintenance of the transferred subjects, the balance being divisible by agreement between development projects in both spheres, and the Ministers being left to raise by taxation extra money that they require; but whatever the procedure be, we must be prepared for an annual squabble over the distribution of funds, and it does not, perhaps, much matter exactly how it occurs. I would suggest in connexion with the provincial budget that some special regulation is needed to govern the case in which Ministers intent on popularity may decide to abandon an item of provincial revenue. This is by no means an unlikely contingency, and it might well prove a great embarrassment to the whole administration. I cannot suggest the safeguard, but the matter in my opinion calls for consideration.

12. Paragraph 259 of the report defines the relation of the executive officers in the provinces to the new Government and disclaims any intention of setting up new services to handle the transferred subjects. Without combating the arguments put forward I may point out that if the transferred subjects in the Presidency approximate to the list given in the report, a great many of them will be in the hands of separate specialised services (Agriculture, Veterinary and the Medical and Educational Departments), while others (e.g., Charitable Endowments, Motor Vehicles, etc.), could without difficulty be placed in the hands of the Local or Municipal authorities whose department will also be "transferred". It would greatly reduce friction if the Executive Agency of the transferred subjects were as far as possible separate and self-contained and this, I submit, should certainly be aimed at.

13. On the paragraphs relating to the Government of India and the India Office, I do not intend to comment: I have no experience on which to base any opinion. But I welcome the suggestion in paragraph 293 that there should in the future be a regular interchange of officials between the Indian services and the India Office.

14. Chapter XI which relates to the Public Services is not among those referred for opinion, but the future position of the Civil Service in particular is involved in every paragraph of the report and I feel justified in referring to it here. I have no personal interest in the matter and can therefore the more strongly urge that far more consideration than the report discloses should be given to the position of members of the Civil Service under the new constitution. The immediate changes may not actually make a great difference, but periodic revisions are definitely fore-eligible to retire that he has become the servant of a purely Indian administration. An Englishman who placed his money in a British business would naturally be disturbed if he found the direction of its affairs handed over to a foreign board, and the position is certainly no less disturbing for men who have invested their whole

prospects in life in a service which, without any previous warning to them, is now to undergo an analogous conversion. Leave out the racial question—though it is idle to suppose that the question will disappear for years to come—and the fact still remains that the new system means to a large majority of the Civil Service an upheaval of the basis on which they entered the service. The Civil Service is often accused of regarding itself as a governing rather than a serving corporation: the accusation seems to me true and it is certainly in this guise that the attractions of the service have in the past been advertised. Even in latter years there has remained some element of romance in the prospect of service in India. Young men have faced the well-known disadvantages of life in what is after all not a “white man’s country” and have adopted a career which offers very few material prizes, because they believed that they would reach at an early age positions of responsibility not open to them in England, and would almost from the first share, in their own small sphere, in the Imperial task of “governing” India. For the future they will be servers only. It may be possible to make the new conditions attractive to new entrants who will come to India with their eyes open, and there are doubtless some present members of the service who will be content to take things as they come, and will not worry themselves over changed conditions. But there are many—I believe a majority—to whom the prospect of being tied by circumstances to a life’s occupation so different from that which they believed they were choosing, will be very repugnant. It is, I fear, idle to tell them that the new conditions will represent work of a higher and nobler kind: each man must form his own opinion on that. The fact cannot safely be ignored that as the result of the new arrangements the service will contain many discontented and disappointed men. Such an element would obviously be a serious obstruction to the successful progress of the new experiment. Both in the interests of the scheme itself, and in bare justice to the individual official, I am strongly of opinion that arrangements should be made by which those who do not desire to continue in the service under the new conditions should be given an opportunity of leaving it on reasonable terms. Possibly they can be found service in England or in other parts of the Empire: if not, retirement on a suitably reduced pension is indicated. Such a step will cost money, but so will the experiment as a whole, and if the reforms are worth having, it is worth while for India to pay the price which in this case both justice and expediency seem to me to demand.

XXVII

Letter—from M.R.Ry. Diwan Bahadur T. DESIKA ACHARIYAR AVARGAL, B.A., B.L.,
President, District Board, Trichinopoly.
To—the Chief Secretary to Government.
Dated—2nd September 1918.

With reference to your letter, dated 25th July 1918, inviting an expression of my opinion on the recommendations formulated in paragraphs 212 to 295 of the report of His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms, I have the honour to send herewith a statement of my views arranged in the order in which the subjects have been dealt with in the report.

P.S.—The report is conceived in a liberal and sympathetic spirit. In the provinces a qualified measure of responsible government is sought to be introduced. “Responsibility” in India cannot be created to order. The matter for special consideration in the introduction of responsible government in India is what is set out in paragraph 264 of the report. The approximation to complete or qualified responsibility must depend mainly on the growth of the electorate and on the measure in which they acquit themselves in the active and intelligent use of the franchise. I hope my countrymen will take advantage of the unique opportunity now offered for the realization of responsibility and work from the bottom upwards so that no measure of reform however liberally conceived does not become topheavy.

ENCLOSURE.

Indian Constitutional Reforms.

Paragraph 212—Legislative devolution.—It is no doubt essential to secure the Provincial Government against unnecessary interference by the Government of India in the sphere of the legislative business which falls to the share of the provinces, subject, of course, to the reservation

for the Government of India of an over-riding power of legislation for the discharge of its functions. The powers of the Provincial legislature may, however, be fixed by statute instead of being left to be settled as a matter of constitutional practice. Due provision could easily be made to prevent the validity of any of its acts being questioned as in excess of its powers.

Paragraphs 214 to 218.—The country must be grateful for the declaration that in all the provinces single-headed administration must cease and be replaced by collective administration so as to enable the administration being endowed with a responsible character.

The structure of the executive.—According to the proposals the Governor with two Members, one European and one Indian, will form the Executive Council. This is one part of the Government; the other part is composed of the Governor with one or more Ministers of State chosen and appointed by him from the elected Members of the Legislative Council.

The Ministers would be Members of the Executive Government, but not of the Executive Council.

The Governor in Council will be in charge of certain heads of business “reserved” for official control and the Ministers will be in charge of other heads of business “transferred” for popular control.

The Ministers will practically be under the control of the Governor and will not hold their office at the will of the legislature.

Now having due regard to the governing conditions stated in the beginning of paragraph 215, the creation of two sets of functionaries like Councillors and Ministers is, it is submitted, unnecessary in the transitional stage.

The Indian Members of Council under the Minto-Morley scheme have always been assigned certain subjects—practically most of those in the list of “transferred subjects” in Appendix II. In Madras, all the Indian Members have been so far from among the official or non-official Members of the Legislative Council. There appears to be very little difference between the Members of the Legislative Council and the proposed Minister. The position of the latter, it is present Indian Member of Council and the proposed Minister. His responsibility to admitted, is not that of a person responsible to the Legislative Assembly. His responsibility to his constituents, as I shall presently show, is nebulous and illusory: the duration of his office is that of the Legislative Assembly of which he is a Member and he will practically be not responsible to any body during that period, except to the Governor who will have absolute control over him.

It is not easy to see where and how comes the responsibility of a Minister to his constituents. Now there are no parties among the Indian electorate, representing divergent political views. Even for seats on taluk boards to be filled up by election, it is not easy to have candidates put up for election. In the majority of cases, I have had to fill up such seats by nomination. In the few cases in which candidates are put forward, there is either no contest or a very small percentage of the electors going to the poll. I don’t believe that for some time to come this condition of the electorate will be materially altered. Nor could we manufacture to order an electorate imbued with a political sense.

Bearing this in mind, let us see what the alleged responsibility of a Minister to his constituents is at once bound to be. He is not going to be elected by the Legislative Assembly. He might please the whole Legislative Assembly and the Government; yet, he has to be ordinarily returned only by the constituents in his own district, and till he pleased them, he could have no chance of being returned to the Legislative Assembly from which alone he should be nominated by the Government. The responsibility of the Minister to his constituents seems, therefore, not to the electorate as a whole but to a small fraction of them in his own district. There would be some sort of responsibility to the electorate, such as it is, if he were at least elected by the Legislative Assembly. But he is to be appointed by the Governor. Why then should the choice of the Minister be exclusively from among the Members of the Legislative Assembly? For various reasons, the reality of which is recognized by the august framers of the proposals, the best men do not court election. Why should the choice be restricted to those others who do court election and become Members of the Legislative Assembly and not extended to all who may be fitted for occupying the position of a Minister whether they are Members of the Legislative Assembly or not? In the circumstances above indicated, the alternative proposal discussed and rejected in paragraph 217 seems to be more suited than the one actually proposed in paragraph 218, to the transitional stage in which to give a training to Indians in the ways of responsible government, consistently with the fulfilment in due time of the governing conditions set out in the beginning of paragraph 215. The objections to the former scheme could be with very slight variations applied to both these schemes. But they are not of so insuperable a character as to necessitate the creation of Ministers with no responsibility to the Legislative Assembly, who would be Members of the Executive Government, still not Members of the Executive Council. It will not be impossible to so ordain the function of an Executive Council with four members, two Indian and two European, as to carry out the object of the proposers adumbrated in paragraphs 217 and 218.

Paragraph 220.—The appointment of additional members without portfolios does not appear to be necessary. It is not clear how the additional status and authority attaching to a Member of the Government without a portfolio or enhanced emoluments would make an official be c

greater help than he should be in the capacity of the holder of an office he is paid for. There is also the apprehension entertained that such appointments are bound to neutralize any advantages to be expected from the presence of the Indian element in the Executive Councils of the Provincial Governments.

Paragraphs 221 to 224.—In the transitional arrangement for the working of the proposed executive, the actual decision on a "reserved" subject will be taken by the Governor and the other Members of the Executive Council and that on a "transferred" subject by the Governor and his Ministers: there will be joint deliberation of the Members and the Ministers, but no voting on questions relating to reserved or transferred subjects. On such questions as on which the functions of the two portions of the Government will touch or overlap in case of difference of opinion between the Ministers and the Executive, the Governor will decide. The Governor's responsibility thus becomes needlessly heavy. There is a composite executive the Members of which are all to be chosen by the Governor, will all hold office for determinate periods, but not at the will of the Legislative Assembly, jointly deliberate but separately decide, and present a united front but bear a divided responsibility. In this wise, it is intended to introduce some measure of responsibility in the administration relating to the transferred subjects—that is to say—by training the Ministers above referred to to feel their responsibility to the constituents who returned them to the Legislative Assembly. I have alluded already to the illusory nature of this responsibility. A Member of the Legislative Assembly chosen by the Government who holds office for the life of that Assembly but not at its will, cannot in any sense be held to be one responsible to the constituents who elect the Legislative Council. There is little difference between an Executive Council composed of four Members, two European and two Indian—all Members of the Council—and the composite executive of Councillors and Ministers so far as accountability is considered, for they are all chosen by the Governor and irremovable and the responsibility to the constituents who elect the Executive Council is not much more than it now exists. The very object of Council Government is thus frustrated and the administration tends to become that of one man. If the whole executive should act together, there should be no weakening of the unity of the executive nor any friction between the several parts of the machinery. As a working plan the alternative one set out in paragraph 217 is bound to be better than the one proposed in paragraph 218 and it could also be so worked as to foster capacity for development as well as foster responsibility with the certainty of hearty and efficient co-operation.

The appointment of some Members of the Legislative Council for the purpose of assisting the executive in their departmental duties and of representing them in the Legislative Councils for which power is proposed to be taken in paragraph 224, will not only be useful for relieving the burden on the Members of the Government but also be a useful training ground for Members of the Legislative Assembly in acquiring knowledge of actual administration.

Provincial legislatures—Paragraphs 225 and 226.—There is no doubt that the composition of the councils should be determined only after a careful survey of the materials for forming an electorate, and an electorate which will exercise its franchise is created: likewise the system of indirect elections should be swept away.

Paragraphs 227, 228, 229, 230 and 231.—If responsible government is to become a reality in India, it must be by strengthening the bond created by common hopes and aspirations and a sense of national feeling engendered thereby, and anything calculated to perpetuate class division by the introduction of communal electorates will weaken this bond. The interests of minorities could well be protected by nomination. There is a large body of opinion that even the Muhammadans and Sikhs should not have communal representation and that their needs might be met by reserving for them a certain number of seats in plural constituencies with a general electoral roll.

Paragraph 235.—The election of a Standing Committee attached to each Member of the Executive Government to advise him in the matter appertaining to his portfolio will certainly conduce to make the relations between the executive and legislative more intimate and familiarize the elected Members of the Legislative Assembly with the processes of administration.

Paragraphs 238 to 246.—The proposals for the division of the functions of the Government by reserving some subjects in the hands of one portion of the composite executive and transferring the others to another portion of the same body is the best that could be devised for carrying out the principle of the momentous announcement of the 20th August last. The alternative method of division by the creation of bodies resembling district boards is certainly not likely either to satisfy the country or carry out the spirit of the announcement. The plan of "Provincial States" wants to carry out a redistribution of Provincial areas which, as is pointed out by the authors of the proposals, ought to follow and neither precede nor accompany a scheme of constitutional reform intended to prepare the way for the creation of responsible government. When the electorate is formed and "responsibility" becomes a reality, the popular government should decide about the distribution of provincial areas. The determination of the services to be appointed to the provinces and of the list of the provincial subjects to be "reserved" or "transferred" is to be entrusted to a committee. In the appendix to the report, illustrative lists are given. The majority of those in the list showing the transferred subjects is within the purview of the existing Local Boards and Municipal Acts and the portfolio of the Minister of the

executive for "transferred" subjects will be practically the same as that of the present Indian Member of the Executive Council. The difference, however, will be that while the Governor in Council is responsible for suitably administering the affairs relating to all the provincial subjects, "reserved" and "transferred" alike, sharing with the Indian Member the responsibility of administering the affairs relating also to the subjects in the illustrative list II, the new Minister of the composite executive will have the same burden without sharing it with the Members of the Executive Council. This certainly is not an advantage. The guiding principle in transferring subjects to the Ministers is said to be to include in the list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which may occur though serious will not be irremediable and those which stand most in need of development. This principle is, in the abstract, an excellent one. It is not, however, easy to see how "land revenue administration," "tenant rights," "civil justice" and all departments other than those relating to "law and order" should not also be included in the "transferred" list and why some of the departments which need development, like education, sanitation, not be in the list of "reserved" subjects. Provincial taxation is in the list of transferred subjects. The list is open to the criticism that subjects for which money is available except by raising it by the unpopular method of provincial taxation are not be made available except by raising it by the unpopular method of provincial taxation are transferred for popular control. This is a matter which, however, has to be more fully considered when the committee sits to discuss the list.

Paragraphs 247 to 254.—The creation of an enlarged Legislative Council with a substantial elected majority returned by direct election on a broad franchise and the division of the functions of the Government by the demarcation of the subjects into "reserved" and "transferred" has led the authors to devise a scheme for enabling the Executive Government to secure such legislation or such supplies as it considers absolutely necessary in respect of the reserved services.

This scheme is based on the apprehension of a collision between the executive and the representative body. A power to override the elective majority is, therefore, devised. Though ordinarily the elected Members would be in the majority, the Government could over-power the elective element in order to get through its legislation on reserved subjects by a "certificate" of the Governor that it is necessary to discharge his responsibility for such subjects. This certificate automatically refers "the Bill certified" to what is termed a "Grand Committee" to which the Governor nominates a bare majority exclusive of himself, two-thirds of whom may be officials: thus though normally in the minority in the Council he could transform his appointees into a majority much after the system in vogue in Jamaica. Once the Grand Committee so constituted passed the Bill, it could be debated upon, but not rejected, by the Legislative Assembly and on the expiry of a time limit, it will pass automatically. During the debate, the Council could record a resolution setting out its objection to the principles or details of the Bill and when the Government sends up the Act to the Government of India and the Secretary of State, the resolution will accompany it.

No doubt the certificating power is expected to be rarely and cautiously exercised: but still it will not, when used, differ far from the promulgation of an ordinance. The selection of a Grand Committee is moreover likely to lead to create a class which may become unpopular and lose confidence among the elected Members of the Legislative Assembly. And the proposal is also open to the criticism that with a packed majority in the Grand Committee and with no power to reject the Bill in the Legislative Assembly, after it leaves the Grand Committee, the discussion in the Committee as well as in the Assembly will not be real.

The creation of a committee of this kind may well be avoided and some direct method of overriding the elective majority for achieving the object of the Government in the cases contemplated may be devised, if necessary, to avert a deadlock in the machinery of administration.

The treatment of mixed legislation is open to the same criticism so far as the "certificate" and the reference to the Grand Committee are concerned.

The power to dissolve the Legislative Council is new and is unnecessary. The power of the Government to refuse assent to a Bill or return the measure for consideration of part of it, and the powers of the Governor-General and the Crown must be adequate for securing all the assistance from legislation that a Provincial Government may want in India.

Paragraphs 255 to 257—Budget procedure.—The proposers rightly anticipate that anxiety may be felt as to the supply of transferred subjects and observe that "there must be means of securing that to meet the expanding cost of the transferred services a fair proportion of the total revenue is devoted. For it must be remembered that the transferred services are generally those which stand in greater need of development." The amount to be allotted to the reserved subjects may be fixed on the pre-war basis of expenditure on them: any further amount required may be voted upon and raised by means of Bills passed by the Legislative Councils. The same procedure may be adopted in the case of the transferred subjects. A certificate of necessity by the Governor as a part of the budget procedure may be avoided.

Paragraph 258.—There was some apprehension that the Ministers in charge of transferred subjects may be much in the position of non-official presidents of local boards who have to deal with Government servants who have to discharge the duties of collecting the local fund cess

and do many acts they had been doing under the Collector-Presidents. If all orders proceed from the Government, there need be no cause for this apprehension.

Paragraphs 260 to 264.—To carry out the policy of His Majesty's Government contained in the announcement of 20th August 1917, it is proposed (a) as the popular element of the Government acquires strength and experience, to transfer subjects from the reserved list and place the same on the "transferred" list till the list of reserved subjects disappear and the goal of complete responsibility is attained and (b) to complete in due time the responsibility of the Ministers for the transferred subjects. The provision for the examination by the Government of India of the progress achieved in five years from the first meeting of the reformed Councils and the appointment of a periodic commission to resurvey the political situation and readjusting the machinery according to requirement appear to be sufficient safeguards for the progressive realization of responsible government in India.

Government of India.—If we start with the proposition that pending the development of responsible government in the provinces, the Government of India must be responsible only to Parliament and, saving that responsibility, must retain indisputable powers in matters which it judges to be essential to the fulfilment of its obligations for the maintenance of peace, order and good government; no changes appear to be necessary except that of increasing the Indian element in the Executive Council.

The Legislative Assembly of India is not going to have increased powers in fiscal legislation, nor are their resolutions going to have a legal sanction. Anything gained by an enlarged Legislative Assembly with an elective majority is taken away by the Council of State with an official majority. If at least the non-certificated Bills were left wholly to the Legislative Assembly there would be some point in increasing the strength of the Assembly and granting it an elective majority. The institution of a Privy Council will only provide a body which could be looked up to "with pride and affection" "clothed with attributes which could be respected and admired." It is submitted that this body will be only an ornamental one. The new power of dissolving either the Legislative Assembly or the Council, having regard to the proposition with which we start and the above considerations seems to be unnecessary.

The India Office.—As the result of the policy to develop responsible institutions by the proposals set out in chapters VIII and IX, Parliament must demarcate its responsibility to reserved matters and forego its control over transferred matters. The proposal to have the Secretary of State's salary defrayed from home revenues and voted annually will be accepted as sound in India. This at least, it may be hoped, will enable any live questions of Indian administration to be discussed in the House of Commons in Committee of supply.

XXVIII

Letter—from the Rev. D. G. M. LEITH, Secretary, the Missionary Educational Council of South India, Madras.

To—the Chief Secretary to Government.

Dated—Madras, the 3rd September 1918.

In reply to your letter No. 647, Public, dated 25th July 1918, I have the honour to forward herewith the opinion of this Council with regard to the recommendations formulated in paragraphs 212 to 295 of the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms.

ENCLOSURE.

Reply of the Missionary Educational Council of South India regarding the report on Indian Constitutional Reforms.

The Missionary Educational Council of South India has considered paragraphs 212—295 of the report on Indian Constitutional Reforms, on which the Government of Madras have been pleased to request its opinion. The Council desires to express its hearty appreciation of the policy embodied in the report marking, as it does, so great an advance in the direction of establishing responsible government in India. A detailed discussion of the many important points dealt with in these paragraphs hardly comes within the competence of the Council. It contents itself with a general statement.

2. The Council welcomes the following features of the proposals :—

(1) the granting of the widest possible independence (212) to provincial governments;
(2) the immediate introduction into the provincial governments of a definite amount of responsible government (218), this amount to be increased as experience and efficiency advance (260);

(3) the combination within one executive government of those in charge of matters which, for the time being, are under official control and those in charge of matters under popular control (221);

(4) the granting to Legislative Councils of an increased membership and a clear non-official majority (225) thus giving them a definitely representative character;

(5) the division of heads of business into "reserved" and "transferred" (215) so that the passage from irresponsible to responsible government may be effected with as little dislocation as possible (223);

(6) the provision of means whereby both in the Provincial Governments and in the Government of India legislation of a nature essential to the good and peaceful ordering of the country may be carried through (252, 279).

3. The Council considers the proposals beneficial in respect of what they give to the people of India in the way of a definite and responsible share in their own government, and in respect of their educational value in training electorates and administrators for assuming increased responsibilities.

4. In the paragraphs considered, there are two points that are vitally important to the working of the reforms—(1) the nature of the electorate (226—232) and (2) the division of subjects into reserved and transferred (215—223).

5. As regards the first of these, the report opposes communal electorates (228—230) as being a very serious hindrance to the development of the self-governing principle, but proposes to retain them in the case of the Muhammadans (231) and to introduce them in the case of the Sikhs (232). On this practical compromise there is bound to be difference of opinion, but as a committee is to be appointed which will make an electoral survey of the whole country (225), the Council does not consider that it is called on to express an opinion on the merits of communal representation. It cannot, however, pass from this section of the report without stating that a careful consideration of the proposals contained in the report leaves the Council with the conviction that the adoption of them in their present form will result in the practical exclusion of Christians from representation, and will thus deprive the country of the counsel of those who have a distinct contribution to make to the legislative power of India.

6. As regards the second point, the Council notes that, among the suggested transferred subjects mentioned in the Appendix, "Education: primary, secondary, and technical" is included. The Council would express the opinion that in the Presidency of Madras secondary education and education for women might for the time being be regarded as belonging to the reserved subjects. Its reason for this position with regard to secondary education is not simply the close connexion between secondary and University education (which latter is not included in the transferred list) but more definitely because of the consideration which the Government of Madras are at present giving to primary education. It has been already announced in the Legislative Council that Government are framing a Bill looking towards compulsory elementary education. The preparation of such a measure has become more than ever pressing; the spread of elementary education, for long the crying need of the country, has become imperative if electorates are to have a truly representative character (see 263). Furthermore the type of elementary education required has of late been much discussed, and a Legislative Council in close touch with all sections of the community is the body that will help in no small measure towards a satisfactory settlement of this matter. But a real advance in elementary education will be the work of many years, and that work should not in the meantime be complicated by attention to secondary education, which may fittingly be dealt with by the Educational Department. The reason which leads the Council to urge that the whole of women's education should be on the reserved list is that the education of women occupies a position by itself and stands in need of that special treatment which the Education Department can give to it until it reaches a stage comparable to that which the education of boys has reached. In this position the Council takes its stand with that maintained at the recent Educational Conference to which Government were pleased to invite members of the Council.

7. The Council, agreeing as it does with the report that the real advance of the country can come only through the advance of education, would put on record its belief that an educational test of some kind is an indispensable qualification for the vote.

8. There is one other point that the Council would respectfully submit for the consideration of Government. The Council has been struck with the fact that, while it is proposed to hand over education in large measure to popular control, there is no provision for the representation of bodies which have large interests in the maintenance and advance of education in the various provinces. It seems to the Council that, in connexion with a matter so vital to the well-being of the country, means should be found whereby such bodies should be adequately and constitutionally represented on the Legislative Councils or on the Standing Committee of the Minister of Education.

XIX

Letter—from N. E. MARJORIBANKS, Esq., I.C.S., Collector of Coimbatore.
 to the Secretary to Government.

Letter—from N. E. MARSHALL, to
The Chief Secretary to Government.

Dated—the 6th September 1918.

I have the honour to submit the following remarks in reply to the Hon'ble Mr. Davidson's letter No. 647, Public, dated 25th July 1918. Such leisure as the pressure of the everyday duties of a district officer leaves does not permit of adequate

treatment of the very difficult and complex problems set out and recommendations made in the Report on Indian Constitutional Reforms. All I can venture to attempt is a brief examination of the main features of the proposals.

2. Remarks are invited on the recommendations contained in paragraphs 212 to 295 of the report. These recommendations depend on, and proceed logically from, the analysis of the political condition of India made in the preceding paragraphs. Before dealing with the specific recommendations, therefore, it is necessary to review certain general aspects of the present political situation in order to explain the criticisms that follow. My remarks have of course reference to the Madras Presidency only.

3. The dominating influence in Hindu life, private and public, domestic and political, is the institution of *caste*. Any analogy between caste in India and social exclusiveness in the West is superficial and misleading. At no period in the West, even when aristocracy was most arrogant and powerful, was it a matter of religious faith and practice that an aristocrat was so essentially a superior being to others, that their physical proximity or touch would defile him spiritually. Improvement in the social scale has in the West never been barred by religious belief. The barriers to be surmounted may have been formidable, but they were not immutably fixed by the religious faith of a whole community. The Brahman is, as a matter of Hindu religious faith, in all attributes an essentially superior being to the non-Brahman. Social position in the western sense makes no difference. The poorest, most ignorant, and most immoral Brahman (if not outcasted) is a superior being to the wealthiest, most learned and virtuous of any lower caste. And there is not only one lower caste—the non-Brahman—but a descending series of castes whose number is legion. No amount of wealth or learning or virtue or generations of descent can ever change a man's caste. If he is outcasted he becomes of no caste, a Paraiya,—in which class are also placed all non-Hindus.

4. It is a common place that a Hindu's life and actions are regulated by his religion to a far greater extent than is the case amongst most other people. Caste rules and observances dominate and control his domestic, social and political life. It is obvious that caste unless confined to the sphere of purely intellectual religion is incompatible with democratic institutions of any vitality. No political Government of the country before the British made any serious attempt to introduce institutions of their own that affected the caste system. Nor did the British till comparatively recent times. But the extension of western education has been followed by the introduction of local self-government institutions on a democratic basis which constitute a menace to caste and the religious ideas caste represents. The great mass of the people do not as yet concern themselves much about the matter. They regard municipal councils and rural boards, and the election of members thereto as somewhat unaccountable whims or fancies of the British Government, and merely endeavour to evade as far as they can the payment of local taxes, and (here they are more successful) the operation of rules and laws based on western ideas that interfere with their customary habits of life. The *intelligentsia* have quickly apprehended western ideas, but it is remarkable how little the bulk of them allow those ideas to affect their actual conduct. They will speak and write with the greatest ability and appearance of conviction, of liberty, of self-determination, and of self-government, and yet, at the same time, order their own lives and conduct in accordance with the dictates of caste and in direct contradiction to the principles they outwardly profess in words and on paper. Many do not really desire any political change. Others certainly do. Of these, some may be actuated by a growing feeling of nationality, or love of liberty, or admiration of liberal institutions. But these are the men who have mostly shaken off the shackles of caste and have the least real sympathy or influence with their fellow-countrymen. The majority of those who desire political changes are actuated by alarm at the spread of democratic ideas. The *intelligentsia* of the higher castes are fearful that the system of caste and the privileged positions it secures them in all walks of life will be fatally jeopardized should the lower castes (who vastly outnumber them) learn to exercise the power democratic institutions may give them. The experience of the past has, they consider, proved that the most effectual way to persuade the British Government to

place political power into their hands before it is too late is to profess a zealous belief in, and ardent desire for, those very institutions. The *intelligentsia* that belong to the lower castes see that the higher castes have so far captured control of such measure of self-government as has been conceded and are fearful of the result of further cessions of power. At the same time the influences of caste and their own religious instincts prevent any strong or general opposition to the policy of their caste superiors. They rather strive to protect themselves by demands for communal representation and similar devices which they hope will prevent or check the re-establishment of the caste system with all its old humiliations.

5. I do not include in the above brief and general analysis the extremists and others who more or less frankly desire the complete overthrow of British Government in India. Plotters there have always been against every government that has existed in India. After the mutiny there was a lull in such movements. But of recent years, the unpopularity of western ideas, the relaxation of autocratic authority and the influence of events outside India have encouraged them to grow afresh. As for the Muhammadans and the Indian Christian community, they are mostly in the same case as the lower castes of Hindus, but indications are not wanting that some of the bolder spirits among the former dream of the possibility of the restoration of Muhammadan dominion in the country should it come to pass that the British slacken too far the reins of Government. It need hardly be said that this restoration is not expected to be carried out by peaceful means.

6. The proposals will now be reviewed as briefly as possible.

Provincial Executive Councils.—The recommendations regarding the constitution of the Council and the functions of the Governor tend to place the Governor for practical purposes in a markedly dominant position in relation to his immediate colleagues and advisers; in a position, in fact, resembling that of the present Lieutenant-Governors in relation to their Secretaries and heads of departments, who presumably in practice are their councillors and consultants. There appears to be great danger in these circumstances that a Governor, trained only in English political work and personally ignorant of Indian ways of thought and action, will be unfit to discharge the very heavy and responsible duties of the post, particularly in regard to those branches of the administration that are entrusted to his Indian colleague who are apparently to form the majority of the governing body excluding himself. It is not likely that a single European official member, even if possessed of exceptional ability, force of character and power of persuasion, would be able to make the Governor realize all the factors of a problem that it very probably would not be the policy of the Indian members, or that they might not consider it to be their duty to refer to, or dwell upon. In many cases, the official member would have no opportunity of doing so until after a decision had been reached. The provision that the Governor may call in other advisers *ad hoc* seems a rather illusory safeguard. The man who most needs advice and enlightenment is not infrequently the last to seek it or tolerate it. The chances hence seem to be very strong that the system of Government will develop rather towards the re-establishment of autocratic Hindu ideals than in the direction of representative democratic institutions.

Secondly, having regard to the very great extent and variety of the field of Government administration in this country, it does not seem likely that a body of four or more persons, only one of whom will ordinarily have had local administrative experience, will be able to deal with the work. One of the two Executive Councillors, it is said, would be an Indian. It is not proposed that he should also be an official; and obviously such a proposal could not be justified as it would involve the appointment of perhaps junior and unfit officials merely because they were Indians.

Lastly, it seems impossible to overlook the influence the proposed constitution of the Executive Government will have on the public services in all branches. With Indians, it is well known that personal considerations possess a value and interest scarcely intelligible to a western mind. This characteristic springs perhaps from the caste system that narrows and confines a man's practical sympathies. Anyhow, the result is that the average Indian however well educated and versed in public affairs is peculiarly sensitive to criticism. He is very apt to regard opposition or difference of opinion as a personal attack, and an opponent as a personal enemy. The position,

therefore, of any Government official who finds himself out of harmony with the views or policy of an Indian Member of the Government will become one of great delicacy and danger. I do not refer to opposition to orders duly issued: that would be disobedience. But it is not the oriental way to govern by clear and definite order. The objects aimed at will be anti-democratic and reactionary; but it will be sought to reach them by ostensibly democratic and liberal means. Officers will be expected to read between the lines of written orders, and to do what they are expected rather than what they are told, with the certainty that they will be thrown to the wolves should matters miscarry in any way. Intrigue and tale-bearing will permeate the whole administrative system. It is not suggested that this will offend Indian ideas, or that it will excite public criticism and odium. But it will certainly produce in a very few years a radical change in the personnel of the public services, and in the standards of duty that have so far been current.

7. If, therefore, radical changes in the Government must be made *now*, before we have even the semblance of a representative and responsible legislature, the transferred subjects should consist of those where the administration is, or can be in the near future, carried on by popular bodies, or where the work, though it requires official agents, least affects class or race interests and prejudices so that the official agents will not be exposed to undue influences and be victimized by intrigue. And the non-official element in the Government should consist only of the member or members entrusted with the transferred subjects.

8. To be definite, the transferred subjects might include those in part II appended to the report excluding however item 4, *Education (primary, secondary and technical)* and item 10, *Public Works*. The transferred subjects so defined would require only one Member, who might, as proposed, be at first nominated, and later be elected, from amongst the elected non-official Members of the Legislative Council. There seems no good reason why he should not be a member of the Executive Council so as to voice the opinions of the intelligentsia in that Council on general subjects. The objections taken in paragraph 217 of the report to making the Minister a Member of the Executive Council do not seem to be valid. The Minister, if a Member of the Executive Council, might influence the disposal of reserved subjects but his action would not lessen the responsibility of the official Members and the Governor to the Secretary of State. The Legislative Council is not likely in practice to hold the Minister (if a Member of the Executive Council) responsible for any action they may not like in connexion with the reserved subjects since they know he cannot overrule his colleagues. As regards transferred subjects, the framers of the scheme propose that they should be decided by the Governor and the Minister. Whether the Indian Member is a Member of the Executive Council or a Minister only, the other Members of the Executive Council may record their views or objections but will not be able to vote on transferred subjects. The position that the Legislative Council may pass a vote of censure on the Indian Member because of decisions in which he might really have been overruled by the Governor may therefore occur whether the Indian Member is a Minister only or a Member of the Executive Council. Lastly, the position of Indian Minister, difficult as it will be, will not be made any easier by reason of its comparative inferiority (in oriental eyes at any rate) to a Membership of the Executive Council. The remaining two Members of the Executive Council (other than the Governor) should, if administrative paralysis is to be avoided, continue to be officials as at present. There should be no rule or instruction that one of them should be an Indian, but there should be no bar to either or both being Indians, should Indian officials of the necessary official standing, experience and character be available, with claims as good or better than their European confrères.

9. Next, steps should be taken to develop as soon as possible local bodies such as municipal councils and local boards into really responsible institutions; and, as far as practicable, to extend their activities to the administration of other branches of the public service or to start new public bodies to deal with these. For example, local bodies might, in time, be entrusted in large measure with excise administration; with the administration of the district police as apart from the armed police and the Central Criminal Intelligence Department; and with the administration of Public Works including irrigation works wholly within the limits of their jurisdiction. In regard

to branches of the administration that cannot be so dealt with, it should be considered whether they cannot be administered by officers appointed from individuals belonging to the learned professions under conditions that will not make their tenure of office and prospects subject to the whims and caprices of official superiors, so as to make them mere tools of the Central Executive. Naturally, such officials will be mostly if not wholly Indians. But, a mere substitution of Indians for Europeans in services constituted on the present basis seems to promise no advantage whatsoever: on the contrary, it will constitute a serious menace to the liberties of the people.

10. If the examination by Commission proposed in the report should show that these arrangements are working satisfactorily, it will be practicable to add to the list of transferred departments or subjects and to substitute another non-official Indian elected Member for one of the two official Members of Council. At a still later stage, the transfer of Government to elected non-official hands may be made complete. For the reasons stated in paragraph 6, the changes proposed in the scheme go too far at the first step in the process. They do not give time for the reorganization of the public services on a more popular basis. They straightway place highly trained men who have been working under skilled supervision for high ideals at the mercy and disposal of amateurs subject to a variety of reactionary and illiberal influences.

11. *Provincial Legislative Councils.*—The practical difficulty in the way of the proposed enlargement of these Councils is that there is no large class of sufficiently educated and leisured persons who can afford the time and cost of serving on such enlarged Councils. Members will naturally seek to remunerate themselves by indirect means and this constitutes yet another danger to the integrity of the public service. As for the electorate, if it is small as at present, it is under present conditions not representative: if it is enlarged beyond the circle influenced by western education, it will, under present conditions, fall under the domination of caste which is the negation of responsible government. Communal representation, whether by assignment of seats or constitution of communal electorates, seems the only means of securing a more representative body that may possibly develop a sense of responsibility. The arguments against such electorates in paragraphs 228 and 229 of the report do not seem to have much force. We are told that responsible government in its earliest beginnings in other parts of the world rested on an effective sense of common interests, a bond compounded of community of race, religion and language. There is no community of race, religion and language in India, but there is the all-powerful and pervading institution of caste with its water-tight divisions paralyzing all effective sense of common interest. Unless representatives from all main divisions of the population are chosen to work together politically, there is no chance of healthy political development. The superior castes will inevitably capture the institutions it is proposed to set up. Whether with the rapid weakening of the British element in the administration, they will succeed ultimately in peacefully establishing an accepted political domination over the whole population, including non-Hindus, is doubtful. That they will attempt to carry on and develop responsible government in the western sense, may safely be denied.

12. Were the existing local self-government bodies developed into really responsible institutions (which they by no means are at present), they would prove to be an invaluable educative agency and the difficulties and dangers in constituting an electorate for the Legislative Council of the kind proposed that might be described without absurdity as representative would be much lessened. But if radical changes in the Government may not await such development (a question which scarcely comes under the purview of the reference under reply), but must be made now, the device of communal representation seems the only safe way out. As between assignment of seats to different communities and constitution of separate communal electorates, it is clear that the latter would be more in accord with the caste system, but if it should be thought that communal electorates would handicap political progress, the former alternative may be adopted. The allotment of seats among the various communities will, however, be a matter of no little difficulty, so great is the number and variety of the divisions in the country.

13. *Regulation of relations between the Provincial Legislatures and the Provincial Executives in regard to finance and legislation.*—While the constitution of the Legislative Council and the range of transferred subjects still remain unsettled, it is

difficult to criticise the proposed arrangements for regulating the extent to which the wishes of the Legislative Council are to be binding on the Executive Government. It would seem very necessary however, till actual experience has been gained, not to limit strictly or by any *a priori* instructions the Governor's certifying powers either in respect to legislation or in respect to finance.

14. *The Government of India.*—The burden of work on the Government of India is remarked by the framers of the report. As regards the Executive Council of the Viceroy, one may perhaps venture to observe that the constitution of this Council does not seem to ensure that its Members should have an adequate knowledge of the country they govern or of administrative work in India. Only three Members need have had Indian administrative experience in a Council of eight including the Viceroy. And it is doubtful whether the proposal to abolish such statutory restrictions as now exist in respect of appointments to this Council will not further weaken the Government. It seems to be a matter for consideration whether in these days it is necessary to go to England for experts in law, finance or commerce. In the case of Indian Members if they are not chosen as experts in these subjects it might be a prescribed qualification that they should have served a term on a Provincial Executive Council or had some similar administrative experience.

15. Regarding the proposals concerning the Indian Legislative Council and the India Office, I have no remarks to make.

XXX

Letter—from M.R.Ry. Diwan Bahadur P. RAMARAYANINGAR Garu.
To—the Chief Secretary to Government.
Dated—Madras, the 8th September 1918.

I have the honour to submit herewith my humble opinion on the Report on Indian Constitutional Reforms.

ENCLOSURE

Opinion on the Report on Indian Constitutional Reforms.

The Report on Indian Constitutional Reforms is the outcome of the enquiry carried on by His Excellency the Viceroy and the Right Hon'ble the Secretary of State to ascertain what changes in the system of Government are desirable in India. The report is indeed worthy of its distinguished authors. His Excellency Lord Chelmsford and the Right Hon'ble E. S. Montagu, M.P., spared no pains in viewing the various aspects of the great question they are called upon to face. Within the limited time at their disposal, they strove hard to gather as much information as they could as to the conditions of the people. In the light of this information, they carefully examined the existing system of Government and indicate what they consider to be the root defects of that system. In their eloquent statement of the conditions of the problem they clearly recognize the need for a change in the policy of Government and justify the announcement of the 20th August of last year. They are for root and branch changes in Indian Constitution though they are not prepared to accede to all the Congress-League demands at once. They rightly reject the Congress-League scheme as unworkable in practice and formulate their own scheme of reforms.

That this scheme is conceived in no illiberal spirit it goes without saying. It is a decided step forward. Many of the reforms advocated are salutary and acceptable. Among them may be mentioned the transfer of the salary of the Secretary of State for India to the Home estimates; the elected majority with wider and more effective representations of the provinces in the Imperial Legislative Assembly; the institution of an Imperial Second Chamber—the Council of State; the increase of the Indian element in the Governor-General's Executive Council; provision as far as possible for complete popular control in local bodies and the largest possible independence of outside control; giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities; division of functions of Provincial Governments into the transferred and reserved departments and the devolution of the responsibility in the transferred departments; comparative increase in the proportionate Indian element in the Provincial Executive Councils; the appointment of Ministers to have charge of the transferred departments; the enlargement of the Provincial Legislative Councils with substantial elected majorities; the appointment of Grand Committees as a safeguard to the misfeasance or malfeasance of the Legislative Councils; the broadening of the franchise and the suggested removal of the racial bar in the military service; and the inauguration of a new and liberal policy regarding education, industries and commerce.

Notwithstanding these good features of the scheme it is difficult to say how far the scheme as a whole will be workable in practice, especially when we are in the dark as to the constitution of the electorates. Indeed the scheme is in some respects too forward with sudden advances and timid and halting limitations. Take, for instance, the case of legislation on reserved subjects. The Legislative Councils with substantial elected majority may interfere and throw obstacles in the way of the legislation. No doubt, there is the safeguard of Governor's power to certify that the particular Bill is essential for the discharge of his responsibility for the reserved subject and the exercise of this power cannot be free. It is got it passed by the Grand Committee. But the exercise of this power cannot be free. It is fettered more than one way. First it must conform to the general instructions issued by the India Office; secondly, it is referable to the Government of India which alone is the final authority in deciding the matter. This liability to a reference to the Government of India for final decision really diminishes the value of the safeguard besides its being against the basic principle of provincial autonomy. Take again the case of non-official Bills on transferred subjects and subjects trenching upon reserved field of legislation the chances for misfeasance or malfeasance are greater.

It is proposed to increase the Indian element in the public services to 33 per cent and thence to nearly 50 per cent gradually in about ten years. Undoubtedly the political agitators and place hunters might be mightily pleased with the proposal. But what about the millions of unlettered ryots and others similarly situated, how is their safety safeguarded? His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India declare "but during the period of transition when political experience is young and impulse rather than judgment may characterize leadership, we must maintain the power to defend interests for which past history has made us responsible"? Is the declaration to be a mere pious wish? I am constrained to say, for the present, the proposal is premature.

Reforms are desirable but changes sudden and revolutionary are dangerous. The announcement of the 20th August of last year contemplates progressive realization of responsible government and not sudden devolution of responsibility. The gradual building up of conventions, customs and traditions is a material factor in the realization of responsible government.

In the western countries or in countries where Islam or Buddhism or for the matter of that any non-Hindu creed is the prevailing religion, responsible government is easily possible and people may believe responsible government as the best form of Government. But in India whether responsible government is at all possible remains to be seen. Whatever the so-called nationalists or political fire-eaters may profess, Indian history as yet knows no responsible government. I am afraid that that form of Government is not quite compatible with the Hindu social and religious orthodoxy. For Hinduism is nothing without its caste system. The castes are exclusive divisions of people graded high and low not only for religious but also for secular purposes. The basis of division is for ever rigidly fixed. It is not individual merit nor even property qualification but mere accident of birth. Before real responsible government can find a place in India the Hindu religious and social notions will have to be considerably modified. That is a matter of time. Time alone must prepare the people to bear the strain to which they are exposed. Transition from bureaucracy to democracy must be gradual. Any hasty step taken in the way may lead to disastrous end. The example of Russia cannot be ignored. By this I do not mean that the experiment need not be tried. By all means try it. Only I plead for caution in trying it.

The Grand Committees may be constituted permanently as Provincial Upper Chambers. In the Council of State and the Grand Committees which are to be safeguards against rash legislation there ought to be decent representation of landed interests. In India vested interests are mostly landed interests and they are most liable to be affected by rash legislation.

The appointment of additional members without portfolio is desirable. But in appointing such members care should be taken to exclude the secretaries working under the Ministers. Otherwise a secretary under a Minister will be indirectly controlling the Minister. This will be an absurd anomaly.

The demand of Rs. 428 lakhs as Madras contribution towards Imperial deficit is unfair. Past iniquity is no justification for the present unfairness. On account of the iniquitous exaction Madras has been pinching for want of funds. Other means of fairer distribution of the deficit must be thought of.

Regarding representation of landed classes and the question of communal electorates the scheme is really disappointing. As regards the former the esteemed authors of the report are content with a few good words. That is hardly enough. India is a country mainly of agricultural interests. We have here landholders smaller and greater with vast and distinct vested interests. Provision will have to be made for their separate and adequate representations in all the councils.

As to the question of communal electorates the attitude of the report is altogether unreasonable. The report condemns class electorates for the following alleged reasons:—

- (1) They are opposed to the teaching of history.
- (2) They perpetuate class distinctions.
- (3) They stereotype existing relations.

With due deference to the distinguished authors of the report I must submit that their apprehensions are more imaginary than real. First in the history of the world we have no instance of a caste-ridden country claiming the privilege of representative government. We cannot therefore depend upon history for a ready-made example of caste or class electorates to exercise political franchise. Yet a caste or community sending its representative or representatives to take part in meetings is not a new idea. In India alone we have had instances ancient and modern of meetings of representatives of different castes to settle inter-caste disputes. Minto-Morley Reforms made provision for communal electorates in the case of Muhammadans. Besides we are, after all, trying a new experiment and we cannot help employing new methods.

Secondly, do class electorates perpetuate class divisions? In my humble opinion, they do not. Independent of any class electorates, classes or castes have been existing for a long number of years and for a long number of years they will continue to exist. Because there are exclusive classes already in existence and sure to exist in future we have to make provision for class electorates. By making this provision we only ensure the representation of different classes and not perpetuate class divisions. If anything, different classes frequently meeting on a common platform, the tendency will be more towards unification than towards exclusion. Lord Chelmsford and the Right Hon'ble E. S. Montagu seem to fear that if they allowed communal electorates they would be accused of "divide and rule policy". Indeed they must be weak-hearted. Who will accuse them and why? Are they afraid of ever so many other unwarranted accusations? They must know that by making provision for the constitution of class electorates they will not be dividing the people but only making provision for the representation of existing divisions. If on the other hand they do not do so they would be really liable to the charge of "divide and rule policy" by creating bitterness of feeling between the privileged and less-placed classes by exposing them to unequal competition. Should the privileged classes complain that they would no more have the monopoly of all places the authorities ought to tell them straight "we are on the road to representative government. We must have all classes represented in the country's councils." Ere long in the history of the country a stage will be reached when the shrewd so-called politically-minded class shall realize that as an exclusive caste their chances for handling power in the State are no longer unlimited. And no wonder if at that stage they may be prepared to imitate the example of their compeers in Japan and declare "We do not want castes and caste electorates. Let us as members of one caste have one electorate for all. Let us take our chance in a mixed electorate." The most privileged caste declaring against caste, all caste divisions and with them the necessity for the caste electorates will disappear. That indeed will be the beginning of nationhood among the Hindus and that, the entrance to the royal road leading towards real responsible government in India. Class electorates are therefore more likely to promote unification of classes than perpetuate their division.

Then as to the third objection my reply is that it is as untenable as the former two. Class electorates ensuring class representation will instead of stereotyping the existing relations bring about a better feeling between class and class. The bone of contention, that is, competition on unequal terms being removed, there ought to be less ill-feeling between class and class. Have we not seen this demonstrated in the case of the Hindus and Muhammadans? Frequent meetings in Councils afford opportunities for the exchange of social amenities among members of different classes and make them oblivious to all sense of caste superiority and inferiority. These objections are therefore really no objections.

The question may be asked, cannot the less privileged classes who form the bulk of the people fight their way to the Councils without the help of the class electorates especially when the franchise is broadened? That is impossible now unless they are at once allowed to have in the public services a far greater share than what they have at present. The privileged classes are sure to bring into play all their influence, official and otherwise, to affect the results of the elections. It is hopeless to contend against the odds of this influence. Past experience shows that in our own Presidency we know how non-Brahmans are handicapped in elections. Without communal electorates there cannot be proper representation of the people and the reforms will result in the transfer of power from bureaucracy to oligarchy.

No doubt difficulty will be experienced in constituting electorates. But this cannot be helped. Real statesmanship consists in meeting a difficulty and not in evading it. A way can be found. The Hindu population of the province may be divided into Brahmans, non-Brahmans and depressed classes. The last of them may be represented by nomination and the first two by election through communal electorates. If say in our Presidency 30 seats are available for Brahmans and non-Brahmans, 25 may be allotted to the non-Brahmans and 5 to the Brahmans. Roughly speaking 25 districts may be formed into 25 non-Brahman electorates and 5 groups of 5 contiguous districts into 5 Brahman electorates. Someway the matter has to be arranged. All shades of public opinion in our Presidency appear to be agreed in insisting upon communal representation. It is noteworthy that even the Madras Special Provincial Conference has passed an unanimous resolution urging it. The conditions of the country are sorely in need of communal electorates. The people with one voice pray for them. There is no justification whatsoever to resist the prayer. Resist it, the very object of the reforms will be frustrated.

XXXI

Letter—from Diwan Bahadur P. KRISHNA PILLAI Avargal, President, the Madras Presidency Association, Madras.

To—the Chief Secretary to Government.

Dated—Gooty, the 8th September 1918.

With reference to your letter, dated 25th July, I have the honour to submit the following memorandum of the views of my Association with regard to the recommendations formulated in paragraphs 212 to 295 of the published report of the proposals by His Excellency the Viceroy and the Secretary of State on the Indian Constitutional Reforms.

I regret there has been a few days' delay in submitting the same.

ENCLOSURE.

The views of the Madras Presidency Association on the Reform Proposals.

At a meeting of the Executive Committee of the Madras Presidency Association held on 31st July 1918 the following statement of their views on the reform proposals was adopted.

The Madras Presidency Association has stood for the Congress-League scheme of reforms subject to communal representation in the Madras Presidency. In judging, therefore, the proposals that have been formulated in the report of the Right Hon'ble the Secretary of State and His Excellency the Viceroy, it is their duty to bring them to the test of the fundamental principles which the Congress-League Scheme has endeavoured to embody. The Committee acknowledges that some of these have been accepted in the report. The following points have been conceded in the new scheme:—

- (1) The placing of the salary of the Secretary of State on the British estimates.
- (2) The expansion of the Imperial and the Provincial Legislative Councils with substantial elected majority to be based on a broad and direct franchise.
- (3) The recognition of Council form of Executive Government in all the provinces.
- (4) The complete separation of Imperial and Provincial revenues.
- (5) Power to Legislative councils to modify the present rules and make their own rules of business.
- (6) Increased power of interpellation by supplementary questions.
- (7) As far as possible complete popular control in local bodies and the largest possible independence for them of outside control.
- (8) The progressive Indianization of the higher grades of every service by recruitment in India and by the removal of the racial bar.

The proposals contained in the report, however, fall short of public expectations and require substantial modifications, if they are to satisfy the legitimate aspirations of the Indian people. Most of the recommendations show a needless distrust of the capacity of the Indian people and their leaders to undertake with success the functions of administration to a larger extent and in other spheres than have been conceded in the report. The committee is strongly of opinion that the scheme as formulated is halting and unsatisfactory. In order that the proposed scheme may be taken as the basis for discussion, the committee is of opinion that the following modifications are necessary.

The Council of the Secretary of State.

The proposals of the Congress to abolish it should be given effect to; but, if it should be retained, its composition should be modified as to increase the Indian element to at least one-half of its strength.

2. The expenditure in respect of the India Council and the India Office establishment to be borne by the British Exchequer.

The Government of India.

Under the proposed scheme, the Government of India is allowed to retain supreme and indisputable authority, while it is proposed to relax the control of the Parliament exercisable through the Secretary of State. This would really amount to practical autocracy; and unless along with the devolution of powers to the Government of India, the popular control is not advanced *pari passu*, there cannot be any semblance of responsible government in India:—

- (1) The Executive Government shall consist of the executive councillors and ministers.
- (2) The addition of one more Indian to the Executive Council is inadequate. They should be increased to at least one-half of its strength.
- (3) The beginnings of responsible government should be made in the Government of India simultaneously with the provinces. Except the following, all subjects, including customs, tariff and excise should be under the complete control of the Imperial Legislature:—
 - (i) Army and Navy, (ii) Foreign relations including War and Peace, (iii) Ecclesiastical matters, (iv) Relations with Indian Ruling Chiefs, (v) Matters concerning the peace, safety and tranquillity of the country.

(4) The annual budget shall be voted upon by the Indian Legislature, except as to the above-mentioned subjects, the allotment for which should be fixed at a five-year average based on pre-war expenditure.

For any additional expenditure, the sanction of the Legislature will be necessary.

(5) The proposal to create a Council of State should be abandoned. And if it should be created, half of the members should be elected.

The Provincial Governments.

The proposal to appoint members without portfolio should be dropped.

2. The Provincial Legislative Council should have complete control over all subjects except Law, Justice and Police. These excepted subjects should be placed under the control of the Legislative Council, five years after the passing of the statute.

3. The allotment for the excepted subjects should be fixed at a five-year average based on pre-war expenditure, and for any additional expenditure the Executive must get the sanction of the Legislative Council.

4. There should be no Grand Committee procedure as proposed. The Legislative Council should have the power of electing its own president and vice-president.

5. The principle governing the contribution of the Provincial Governments to the Government of India, as defined in the report, is unjust and should be made more equitable.

Communal representation.

The Committee of the Madras Presidency Association observe with regret that communal representation which has been unanimously demanded by all public bodies of this Presidency has been expressly denied on grounds which are unsatisfactory. The Committee will urge that any scheme that may be finally determined upon must provide for communal representation as far as this Presidency is concerned. The scheme put forward by the Madras Presidency Association before the Right Hon'ble the Secretary of State and His Excellency the Viceroy while in Madras, through a deputation, will be found feasible, and give satisfaction to all concerned. The communal representation will in course of time disappear, as the community in the ascendancy will gradually be overtaken by others, and kept in its proper place. The growth of national unity may appear to be marred by the demand made for communal representation, even in the lines indicated in the memorandum to the Secretary of State and the Viceroy; but in truth the sense of self-reliance and individual responsibility awakened by the operation of communal representation will free the non-Brahman communities from cramping and enervating influences which have prevailed so long.

Miscellaneous.

The Committee strongly deprecate the idea of bringing into existence of any machinery wherein the Indian Ruling Chiefs shall have any voice in the administration of British India. The Committee do not approve of the proposal to establish a Privy Council.

The Indian Civil Service.

In the Indian Civil Service, the percentage should be 50 per cent of the superior posts, increasing annually by 3 per. cent, if the legitimate aspirations and rights of the people to enjoy the privilege of serving in their own country are to be satisfied to a reasonable extent.

XXXII

Letter—from the Kumara Raja of Chellapalli and the Zamindar of Telaprole, Honorary Secretaries to the Madras Zamindars and Landholders' Association, Muttiyalpet, Madras.

To—the Chief Secretary to Government.

Dated—the 12th September 1918.

With reference to your communication No. 647, dated the 25th July 1918, inviting an expression of the opinion of the Madras Zamindars and Landholders' Association on the proposals contained in the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms, we have to submit herewith the statement of opinion of the Association and a copy of the resolution on the reform proposals passed at its extraordinary general meeting held on the 7th September 1918, for the consideration of the Government of Madras.

* * * * *

ENCLOSURES

(1)

Resolution.

The Madras Zamindars and Landholders' Association respectfully submits, for the kind consideration of the Government of Madras, the following resolution passed at an extraordinary general meeting held on Saturday the 7th September 1918 along with a memorandum on constitutional reform proposals:—

"While appreciating the noble and earnest efforts put forth by His Excellency the Viceroy and the Secretary of State for India in framing a constitution capable of leading towards the gradual development of responsible government in India, as embodied in the report presented by them to the British Cabinet, for the purpose of giving effect to the pledges given in the House of Commons on the 20th August last, the Madras Zamindars and Landholders' Association is constrained to observe that it would have been more judicious and also more acceptable to the people if, instead of leaving the question of forming suitable electorates based on interests, classes and communities to be settled hereafter, this question had been primarily tackled with the care and eagerness necessary for raising a firm superstructure on sure foundations.

"While grateful to the esteemed authors of the report for their noble sentiments as expressed in paragraphs 20, 147 and 232, regarding the status and importance of the landed aristocracy in the country, the Association views with disappointment and alarm the fact that their claims to a special electorate and for adequate representation have been overlooked, and urges most respectfully but with all the emphasis it can command that—

"(1) definite directions should be given to the Franchise Committee in regard to special electorates for zamindars and other landholders for the Provincial Legislative and the Indian Legislative Assembly and the Council of State, based on the proportion of revenue contributed by them and the stake which they have in the country as well as their status and importance in India as a whole and in this province in particular;

"(2) a member belonging to the landed aristocracy should be associated with the proposed committee whose chairman should be an Englishman of Indian experience;

"(3) in all the councils provision should be made for the representation of the zamindari and the ryotwari interests separately and distinctly;

"(4) a member belonging to the landed aristocracy should be selected for the Imperial Executive Council and one of the members of the Executive Government in the provinces should be a representative of the landed aristocracy;

"(5) no measure affecting the permanent settlement of estates or the interests of the landholders should be introduced into any council without the previous sanction of the Provincial Government and the Government of India; and

"(6) the creation of second chambers in the provinces.

"The Association generally approves of the outlines of the scheme subject to the above-mentioned proposals and other modifications and criticisms suggested in the accompanying memorandum submitted to the Government of Madras in response to its communication No. 647, dated the 25th July 1918."

V. G. KRISHNA YACHENDRA,
The Raja of Venkatagiri,
President of the Association.

(2)

Memorandum of the Madras Zamindars and Landholders' Association, Muttiyalpet, Madras.

MOST RESPECTFULLY SHOWETH,—The Madras Zamindars and Landholders' Association, while offering its profound thanks for having been called upon to submit its views to Government in its communication No. 647, dated the 25th July 1918, begs to approach Your Excellency with the following expression of its opinion on Indian Constitutional Reforms contained in the report by His Excellency the Viceroy and the Secretary of State and to request that Your Excellency in Council may be pleased to consider it and to adopt such measures as may be deemed necessary under the circumstances.

2. Before proceeding to deal with the main features of the Montagu-Chelmsford scheme of political reforms, the Association takes this opportunity of expressing its thanks to Government for trying to ascertain all shades of opinion in the country. The Association is doubtless impressed with the care and trouble taken in producing a State document whose tone, language and historical presentation of the case are admirable considering the gravity of the task attempted. The Association acknowledges the general correctness of the interesting and instructive description of "the conditions of the problem" given in chapter VI, in which it is pointed out that the country is not fitted for a full measure of self-government, owing to the helpless and

Zamindars and Landholders' interests.

6. In paragraph 232 the report goes on to say : " The large land-owning classes also generally desire representation in an electorate of their own Where the great landowners form a distinct class in any province we think that there will be a case for giving them an electorate of their own " In the same paragraph there is a statement to the effect that special electorates should be minimised as far as possible and that minorities should be represented by nomination. Besides the uncertainty regarding the granting of adequate representation which is conveyed in these statements, it is not quite clear how the proposed committee would be able to decide whether in any province the great landowners form a distinct class or not, seeing that

10. In deciding against bicameral institutions in provinces for the present, one of the reasons given by the authors of the report is: "We apprehend also that a second chamber representing mainly landed and monied interests might prove too effective a barrier against legislation which affected such interests. Again the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorate." The Association deeply regrets prejudiced statements like this finding a place in this report regarding a class which has contributed largely both to the happiness of the people at large and to the stability of the British Government in India, and the Association has therefore every reason to fear that the recommendations of the committee to be appointed for investigating the subject of electorates and the number of seats to be apportioned to various interests will not be favourable to the interests of the landholders, unless proper instructions conceived in a spirit different from the above expression of opinion are given to it beforehand.

11. For reasons set forth in the above paragraphs the Association fully believes that the authors of the report have failed to pay sufficient attention to the representations of the land-owning classes as proved by the utterly inadequate and unsatisfactory representation provided for them in some councils and by the complete silence observed with reference to their representation in the other councils. Under the circumstances, the members of the Association have no alternative left but to make an earnest appeal once again for suitable representation being granted to them in the various councils, commensurate with their status, their importance and the revenue contributed by them to the State—

(1) Definite directions should be given to the Franchise Committee in regard to special electorates for zamindars and other landholders for the Provincial Legislature and the Indian Legislative Assembly and the Council of State, based on the proportion of revenue contributed by them and the stake which they have in the country as well as their status and importance in India as a whole and in this province in particular.

(2) A member belonging to the landed aristocracy should be associated with the proposed committee.

(3) In all the councils provision should be made for the representation of the zamindari and the ryotwari interests separately and distinctly.

(4) A member belonging to the landed aristocracy should be selected for the Imperial Executive Council and one of the members of the Executive Government in the provinces should be a representative of the landed aristocracy.

(5) No measure affecting the permanent settlement of estates or the interests of the landholders should be introduced into any council without the previous sanction of the Provincial Government and the Government of India.

12. The Association begs to offer the following remarks upon other subjects dealt with in the report.

Finance.

13. It is a matter of satisfaction that a genuine attempt has been made to provincialize the revenues without sacrificing Imperial needs. As contribution to the Imperial finance, Madras is asked to pay $4\frac{1}{2}$ crores of its total gross revenue of 7 crores. The earmarking of such a lion's share will prove in the future as it has done in the past disastrous to the well-being and progress of the people of this Presidency. Though this is recognized in the report there are no means suggested for reducing this enormous drain upon the provincial resources. This iniquitous system must be set aside and some other means devised. While concurring generally in the views expressed in paragraph 256 of the report concerning the allotment of charges first to the Imperial revenues, next to reserved heads and then to transferred subjects, the Association fears that this sort of apportionment of the revenues imposes on the ministers the necessity to levy fresh taxation, a responsibility which they may not face for fear of incurring unpopularity and there will be very little provision made for the development of the transferred departments. While realizing the responsibility of the Provincial Government to meet the Imperial charges and also to provide for the reserved subjects, the Association would suggest that provision should be made for setting apart for annual expenditure on the transferred subjects an amount equal to the average calculated for five years plus 8 per cent excess for further development. Or, certain funds may be assigned in the shape of distinct heads of revenue.

With regard to Provincial taxation dealt with in paragraph 210, the Association has already suggested that proposals affecting the rights of landholders of this Presidency under the permanent settlement of estates should obtain the sanction of the Government of Madras and the Government of India.

Provincial executives.

14. For the first time in the administration of British India, a system of dualism in the executive is sought to be introduced, one portion thereof standing in responsibility to the Government and another subject to the control of the Legislative Councils. As admitted in the report, this is a novel system devised for the purpose of combining two different elements in one and the same Government. In clubbing together both the systems, the authors of the report do apprehend a certain amount of friction or pulling in different ways and also some weakening of the unity of the executive, but justify this proposal on the score that no other plan could be devised which is free from any fault, quoting the analogy of members of Parliament sometimes being called upon to choose between their loyalty to Government and to their own constituents. Whatever may be the conditions prevailing in England where members of Parliament are accustomed to speak with a sense of responsibility in offering criticisms, the experience of the Indian Councils does not offer a similar guarantee. The ministers are to be entrusted with certain portfolios for which they will have to be responsible to the Legislative Councils. As these ministers will be guided by the opinion of these legislative assemblies, occasions are sure to arise when they will have to take up a strong attitude against the proposals of the Executive Councils at their combined meetings. On such occasions the Governor is expected to mediate. In spite of this mediation, it is feared that the wheels of Government will not move smoothly hereafter. Further if the Governor should desire to consult each of the sections of the Government separately he has the power to convene the meeting of any section. In the nature of things, the section

other than the one consulted will feel aggrieved for not being taken into confidence. This will prove another cause of estrangement between the two elements. The Association sees, however, no reason why this plan may not be tried for a period of five years, if further safeguards on lines already indicated are provided.

15. The selection of the executive members and the ministers should rest with the Governor, as he is the party held responsible for the whole Government. As for the control of ministers by the Legislative Councils, the powers given to these councils of withholding sanction of the budget amounts and bills for the transferred subjects and of passing a vote of censure are more than enough to hold them responsible to these bodies.

Provincial legislatures.

16. It is gratifying to see that "there shall be an enlarged Legislative Council differing in size and composition from province to province, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary. . . . If a sound beginning is to be made the foundations for the building must be laid deeper. . . ." The report also acknowledges that a careful survey of all the material available in the province should precede the extension of the franchise and the creation of electorates, for the investigation of which a special committee will be appointed. The Association would suggest that the chairman of the committee should be a European having Indian experience though he may not be living at present in India, as one fresh from England and without the necessary knowledge of Indian conditions will not be able to appreciate evidence properly. The Association is strongly of opinion that no Bill embodying reform proposals should be introduced in Parliament before the report of this committee is published and that further instructions should be given to it for the formation of electorates on the basis indicated herein.

Communal electorates.

17. One of the most important subjects which the authors have noticed is the question of communal representation. Their pronounced opposition to the granting of communal representation to classes other than Muhammadans and Sikhs is unaccountable and appears to have been inspired by insular prepossessions or by abstract doctrines of self-government based on conditions prevailing in certain European countries. Accustomed to the rule of the elective majority and possessed of no real insight into existing conditions in this country, they seem to have assumed that mixed electorates are the right channel of genuine representation. They have failed to realize that these electorates have up to now returned representatives belonging to one community in spite of the other communities forming a large majority. It is not quite conceivable how the extension of the franchise will cure this defect, as an increase in the mere number of electors will be of no consequence in view of the unenlightened condition of the voters which makes them an easy prey to the most noisy candidate without any stake in the country. Further the interests of the minority communities will not be safeguarded unless communal representation is vouchsafed to them as has often been done to similar interests in Great Britain. The plea that the creation of a special communal electorate will not only petrify the existing racial differences but also give rise to an increased bitterness of feeling will not hold good in the face of the cordiality which has sprung up between the Hindus and the Muhammadans after the latter have been conceded a separate electorate. It is unfair to grant separate electorates to certain communities while denying the same to other deserving communities.

Official Members.

18. The presence of officials in the Legislative Councils is absolutely necessary "to steady the discussion and to keep it to practical issues." Further their practical experience will be of much use in an assembly mostly composed of politicians devoid of official knowledge or experience of the details of administration. It is not possible for the Association to believe in the criticism that is often unreasonably put forth that their presence does not add to the weight of the deliberations.

Standing Committees.

19. The proposal for the association of standing committees with each department for the education of the members of the Legislative Councils appears premature at this stage of political experience, whatever may be the advantages of such an arrangement in England. It is thought in many quarters that the working of such standing committees in the municipal administration has been on the whole not satisfactory, giving rise to irritation and to unnecessary and irresponsible talk. The liberty accorded to the head of the department to withhold information when it would be inconsistent with the public interest to give such information will increase the irritation. The present finance committees are enough. If any further move is to be made, the head of the province may be given the power of associating members of council with certain departments at his discretion.

20. The Association approves of the recommendation that resolutions dealing with reserved or transferred subjects should not be binding on the Executive Government, as other means of controlling the ministers have been provided in paragraph 237 and as the work of the administration will be hindered by frequent interference in its details.

Division of the functions of Government.

21. In paragraph 238 of the report it is contemplated to appoint another committee for the purpose of selecting the subjects to be transferred for administration by the ministers, and it is stated that this committee should confer with the committee to be appointed to deal with the question of franchise and electorates. As the proper working of the transferred departments will depend upon the material returned to the Legislative Council which would in turn rest upon the quality and intelligence of the electorates, it is highly desirable that the proposed enquiry should be conducted simultaneously by the two committees and that they should issue a single report after consultation. In the matter of the transference of the subjects, the Association is glad to hear that serious and highly important departments like the maintenance of law and order and the matters which vitally affect the well-being of the masses such as the land revenue or tenant rights will not be transferred at present. Of subjects proposed to be transferred as given in illustration II, it is desirable to omit the following from the list :—

- (1) Education secondary,
- (2) Forests,
- (3) Public Works,

- (4) Agriculture,
- (5) Charitable endowments.

It is the opinion of the Association that these subjects will be better administered if left under the control of the Executive Council until the ministers satisfy the public by managing the other transferred subjects. With regard to Agriculture and Charitable endowments the Association has no objection to their being transferred if communal representation is introduced. Otherwise their transference will give rise to much discontent.

Grand Committees.

22. In the absence of second chambers to control and supervise legislation and to enable the Government to carry on their legislation on reserved subjects or to control the non-official Bills on various matters dealing with the budget allotments on reserved subjects, etc., the institution of these grand committees appears desirable. Regarding their composition, it has been stated that the Governor should have power to nominate a bare majority exclusive of himself. Seeing that the main object of these committees is to arm the Government with power to carry the Bills that are considered necessary from their point of view, the Association thinks it desirable that the Governor should have power to nominate not a bare majority but a substantial one. Past experience of these councils justifies the idea that the Government cannot rely upon the support of the nominated non-official members. On this matter the report says in paragraph 95, "these causes have contributed to induce a habit among the non-official members, nominated and elected, of acting together and during the years which have elapsed since the inception of the reforms the tendency to joint action has grown perceptibly stronger." Without a substantial majority the Government, it is feared, will not be able to carry through important measures. As regards certification by the head of the Government, it is desirable it should be vested in the "Governor in Council" instead of its being left to the Governor individually. This change will lessen the chances of the Governor becoming unpopular whenever he has to certify on Bills introduced in the Legislative Council. The provision for referring back the Bill with the amendments of the committee which must be passed, as they are unless the Government proposes modifications, to the Legislative Council for discussion and passing it with resolutions of objections or amendments, appears to be highly complicated, and likely to give rise to unnecessary delay and irritation. Instead of this curious procedure, the formation of a second chamber seems preferable in spite of all its supposed disadvantages.

23. The powers provided in paragraph 256 for the Governor in Council in matters of budget allotment are necessary for him to discharge his responsibilities. Without control of the budget no Government can get on, and this power is retained in all self-governing countries in the world. In paragraph 257, it is stated that fresh taxation proposals for the transferred subjects would be presented to the Legislative Council with the approval of the ministers. It is human nature to wish to be popular, and popularity cannot be secured if the ministers are to come forward with fresh proposals for taxation. Under the circumstances, how are the necessary funds to be raised for the development of the transferred subjects?

Upper Houses.

24. After stating some of the advantages of the bi-cameral system of government as urged by its advocates, the authors of the report say that, for the present, they have decided against bi-cameral institutions for the provinces. The reasons adduced by them are (1) that it would not be possible to secure a sufficient number of suitable members for two houses; (2) a second chamber representing landed and monied interests might prove too effective a barrier against legislation which affected such interests and (3) that the delay involved in passing legislation through two houses would be very great making the system cumbersome. The Association fears that the first objection will not stand the test of inquiry, for it is not possible to share the view that even big provinces cannot supply a sufficient number of suitable members for both houses, seeing that a fairly large number of educated persons are to be found among those with large

stake in the country. If a big province like Madras cannot boast of having a sufficient number of such persons out of a population of 41½ millions, then all the cry for self-government and for popular control over legislation is meaningless. Nor can the contention that the landed and monied classes will form an effective barrier against the passing of popular measures be accepted without hesitation. Judging from the experience of other countries, second chambers, while forming a healthy check upon the radical tendencies of popular chambers, have favoured sober legislation in the end. As for the delay involved, it will not be greater than the delay involved in all the meandering ways proposed for passing legislation through councils after reference to Grand Committees and with certificates and references to the Government of India and so on.

25. In this connexion it is worth while quoting what Dr. Woodrow Wilson says in his book on Constitutions: "The State legislatures have two houses simply for the purpose of deliberateness in legislation, in order, that is, that legislation may be filtered through the debates of two co-ordinate bodies, representing slightly differing constituencies . . . and may thus escape the taint of precipitation too apt to attach to the conclusions of a single all-powerful popular chamber." The double-chambered government is after the fashion of the English legislative organization which has become the prevailing type in all liberalized governments. The American and English nations have adopted this system of government and the ancient Greek and Roman States had this system for a considerable length of time.

26. Before the advent of the British, the system under which the Indian people lived was one of absolute monarchy, but they have since become accustomed to the present bureaucratic centralized system of Government. To people who are accustomed to personal government, a jump into an impersonal and technical form of government is a serious step fraught with evil possibilities. Whatever complaints may be urged against the second chamber the British nation has prospered under the system and England has acquired an Empire on which the sun never sets. As England is training India in self-government, it is not only natural but also legitimate that the conservative elements here should wish for the double chamber government in provinces, whatever objections may be urged against it by the interested few who have not much stake in the country.

Periodic Commissions.

27. The appointment of a commission after ten years is suggested in the report, for investigating how the reforms introduced have been working. The commission is to be appointed by both Houses of Parliament instead of by the King as is the custom now. In a country like India which has long been accustomed to personal rule a commission appointed by the King-Emperor will command more respect than one appointed by Parliament. The commission will after all be appointed on the recommendation of Cabinet Ministers enjoying the confidence of both houses.

The Government of India.

28. Coming now to the changes proposed in the constitution of the Government of India, the Association is strongly of opinion that the time has not yet come to interfere with it, as it would be a bad experiment to place an experimental body to supervise the work of other experimental bodies. Already the changes proposed in the local self-governing bodies and in the Provincial Councils and in the public services have gone further than the conditions prevailing in India warrant. Until the satisfactory working of these numerous and sudden changes is assured by experience and by time, it will not be safe to alter the constitution of the Government of India. The proposed changes in the Government of India, if introduced forthwith, will create confusion in the administration of the country. It appears to be a difficult task to find for the proposed Indian assemblies suitable direct electorates without which the representation will be unsatisfactory, as stated by the authors of the report themselves. Further they have laid down clearly that "pending the development of responsible government in the provinces the Government of India must be responsible only to Parliament." In other words, it must "retain undisputed power" to discharge its responsibilities for good government. So long as this indisputable power is to be retained in the Executive Government, the multiplication of assemblies with the final authority centered in an assembly in which alone the Government commands a majority does not appear to be a sound arrangement. For the present the Association believes that the needs of the country will be sufficiently served and satisfied by enlarging the Imperial Legislative Council so that it may be more representative of all classes and exert greater popular influence over the Government. The time has also come to relieve the executive by lessening the Secretary of State's control over it to some extent and delegating some of its powers to the Provincial Governments. If it be deemed absolutely necessary to make a change in the constitution of the Indian Government as suggested in the report, under the stress of the so-called "rapidly changing environment," the Association begs to offer the following criticism of the proposals.

The Executive Council.

29. The proposal to appoint a second Indian Member to the Council meets with the approval of the Association, but it urges the selection of one Member from the landed aristocracy.

The Indian Legislative Assembly.

30. The Association approves of increasing the strength of the Assembly to 100. This will give scope for fuller representation. The Association would however propose the elected element be raised to three-fifths and the other two-fifths be made up by the nomination to the extent of one-fifth of non-officials and officials respectively. It is gratifying that the claims of the large landlords for separate electorates have been recognized, and as for the proportion of seats to be allotted to them we have already mentioned the considerations which should guide the fixing of the number. Whatever difficulties there may be in creating a direct electorate the Association is of opinion that direct representation is the best kind of representation since under it the representatives will stand in direct responsibility to the voters.

The Council of State.

31. As it is acknowledged that the Government of India should have complete control over Indian affairs and should form the highest Executive and Legislative body in the land, it is highly necessary that it should be provided with the means of enforcing its measures, and so the contemplated institution of a State Council with a Government majority is not only reasonable but necessary. The cry that is raised against this institution is meaningless, if the general principle that the Government of India's authority should at all costs be maintained is accepted. To the inadequacy of the representation of the landed interest in this Council, reference has already been made, and no further remarks are necessary on the subject. The provision empowering the Governor-General in Council to certify the amendments of the Council of State as being essential for good government and giving absolute and unalterable effect to this certificate over the legislation, and enabling the re-introduction in the Council of State of Government measures thrown out by the Legislative Assembly by means of a certificate, and thus getting them enacted, is quite necessary in the circumstances of the country. Without such provision there would be a deadlock in the conduct of affairs.

Standing Committees.

32. The opinion of the Association against associating Standing Committees with the different departments has already been expressed in dealing with the Provincial Councils. But the suggestion to leave the matter to the Government of India for deciding with what departments such committees may be associated is acceptable, and it is hoped that the same discretion will be given to Local Governments with regard to Provincial Standing Committees.

An Indian Privy Council.

33. The Association heartily approves of the institution of an Indian Privy Council for the reasons given in paragraph 287.

The India Office.

34. As the Secretary of State is one of the Members of the Cabinet who are mostly ignorant of Indian conditions and as he has to answer questions in Parliament regarding the administration in India, the presence of a Council is necessary for educating him on matters Indian. But as the work of this Council will be considerably diminished by the proposed devolution of authority, its strength will have to be reduced. Provision should be made for the inclusion in it of an Indian Member selected from the landed aristocracy. The Association is glad to notice that the salary of the Secretary of State is to be placed on the British Estimates.

The Select Committee on Indian Affairs.

35. The Association fails to see the necessity for the appointment of this special Parliamentary Committee as any Member of Parliament can at present interpellate the Secretary of State upon any matter. If this Committee is appointed it is feared that it will be a spoke in the wheel of the India Council. The composition suggested is very unsatisfactory, since none will be appointed from the House of Lords where there are always men of Indian experience. Without Indian experience in the Members, the suggestions of the Committee will prove valueless and, on account of doctrinaire tendencies in some of the Members, even dangerous. Moreover, this Committee of the House of Commons without the presence of Indians in the Parliament will be swayed by British party considerations which should not be allowed to come into play in the management of a vast continent like India with its peculiar conditions and problems.

The Public Service.

36. While realizing the necessity for gradually Indianizing the public services as changing conditions demand, the Association fails to see the reason why this subject has been dealt with in the report now, inasmuch as the authors of the report never made any serious inquiry regarding the subject in the course of their tour through the country. Seeing that no facts were placed before them by any public bodies, it is not quite clear upon what data they have arrived at the proposal to increase the Indian element from the 25 per cent recommended by the Public Services Commission to 33 per cent. It is further proposed that this percentage should be

increased by 1½ per cent annually until the periodic commission is appointed to re-examine this matter also. The reasons given for this arbitrary proposal are that "changed conditions warrant some increase in that proportion" and that the belated publication of the report in 1915 instead of in 1913 has produced disappointment in the public mind. If for these vague reasons the authors have been called upon to increase the percentage of Indians, the Association apprehends that the same flimsy kind of plea will be put forth in the near future for demanding a further raising of the percentage. It is doubtful if even the proposed rate of increase satisfies those who clamour for more and more rapid increase of the percentage of Indians in the Public Service.

37. Whatever might have been the reasons which led the authors to make this proposal, there is no denying the fact that this uncalled-for rapid increase will not only diminish the British character of the administration but also create distrust in the minds of the numerous classes and communities, which know how valuable is the presence of British officials in the country. As there is still much antagonism between races, classes and communities, as admitted in the report, the reduction of the British element in the service is fraught with undesirable consequences, leading to monopoly by certain classes whose knowledge of and sympathy with the rural population is of a very unsatisfactory character, as is also admitted in the report. Further, the carrying out of the proposed reforms will require a large number of British officials who will guide the ignorant and illiterate people on the path to self-government. As the authors of the report themselves say, the maintenance of the British character of the administration is essential under the present conditions in India, and it is not quite clear to the members of the Association how the increase in the percentage has come to be suggested.

Concluding remarks.

38. In the foregoing paragraphs, an attempt has been made to criticise the proposed constitutional reforms from various points of view, chiefly from the standpoint of the big landholders and that of the people at large. The time that has been allotted to deal with these serious problems being very limited and the proposals themselves being very complicated, it has not been possible to enter into the several questions raised with as much thoroughness as the seriousness of the subject would require. The Association, however, hopes that the criticisms offered herein will be considered carefully by the authorities concerned and it hopes to have other opportunities of placing its views before the authorities before these proposals take final shape and are passed into law. Before concluding, one or two points require special mentioning.

39. A perusal of the whole report leads to the irresistible conclusion that the authors have endeavoured all along to meet the wishes of the vociferous few or the political-minded class—a class which can claim neither large stake in the country nor capacity to represent truly the uneducated masses. The gulf which yawns at present between the so-called progressive section of the Indian people and the masses is admittedly very great. In spite of their recognizing this wide separation, the authors of the report have shown, unfortunately, an undue partiality towards the representations of the so-called progressives as if they had the approval of all classes and communities or reflected their interest. At the same time they have coolly ignored the various representations made by the classes with greater stake in the country and by those who are backward in point of education. It is really a matter for deep regret and disappointment to see that the representation proposed for the landed aristocracy is very inadequate and hopelessly insignificant when compared with their vast property and the amount of revenue contributed by them to the State. Apart from the matter of revenue contributions, their unfeigned loyalty and sincere devotion to the throne have not been taken into account. The practical result of this neglect is that the aristocracy who are said to form the pillars of the State, who have been a source of strength to the British Raj, who have poured forth men and money for winning the present war and who have been contributing not a mean proportion to public charities and other substantial benefactions, are to appear in these councils with an insignificant representation like other minorities, without having any chance of making their influence felt. With such limited representation it is not possible to infer how they can successfully contend against measures affecting their interests. For these reasons the Association firmly believes that their interests will not be safe in the hands of the proposed enlarged councils unless, as already urged, a fairly large number of seats are set apart for them. The landed aristocracy are demanding not only their right share in the management of the country but also an opportunity of serving the people as their natural leaders, as the report rightly expects them to do.

40. Another matter which the Association desires to point out is the roundaboutness as well as the weakness of British control involved in the scheme. If the proposals are accepted as they stand, it is feared that much unnecessary talk and irritation will result, for few members of the legislative body will submit quietly to the exercise of the powers of certificate conferred on the Governor whenever he sees the necessity for doing so. In place of the official "bloc" will be substituted the individual powers of a Governor resulting in his becoming unpopular whenever he feels called upon to exercise them. It is not quite plain to the Association whether this change is a desirable one and will lead to smooth working and good understanding in the councils. As for the complexity of procedure involved in these proposals, the authors themselves admit it but they explain it away by saying that there is no self-governing country wherein such complexity does not exist. While confessing the complexity of the scheme and recognizing in unmistakable terms that the country is rendered unfit for self-governing institutions by the

difficulty of constituting intelligent electorates, they start with an idea of trying political experiments in a country wherein the majority of the population are steeped in gross ignorance and separated by differences of caste, colour and creed. Deciding, however, that some attempt should be made towards self-government, they have produced a complicated superstructure too far in advance of the times, without previously laying the foundations by creating electorates.

41. The question of electorates is a serious matter and no end of difficulty will be experienced in their creation as the people are not accustomed to this form of government by representative institutions based on electorates. The Association hopes that the whole scheme will be examined once more in the light of the electorates which it is ultimately decided to form, and it honestly believes that the country is not fit for the meandering processes of houses and legislative bodies. It is of opinion that a less complicated structure should be evolved for starting the people on the road to self-government and the advance should be step by step. The present proposals make one step of two. They provide for the enlarging of the powers of the Provincial Governments; but they also contain an elaborate scheme for a central legislature predominant in all Indian affairs. The best course appears to be to wait and see how these Provincial Councils work and then think of effecting changes in the Central Government. It is feared that the composition and the working of the Provincial Governments will give rise to unnecessary difference of opinion and bad feeling, for it will be manned hereafter by two sets of members representing respectively the Government and the people. A good deal of explanation is given in the report to show how such a combination of incongruous elements could work smoothly. It is however a matter in which the result alone will justify the boldness of the step taken. Reference has already been made to the frequent necessity for the Governor exercising the powers of control vested in him and thus exposing himself to unpopularity.

42. As already indicated, it is not possible to express an opinion either way regarding the formation of councils since the question of electorates remains to be settled. As the scheme stands at present, its complexities and incongruities should be reduced and the popular control over the executive should be gradually extended so that the British character of the administration may not be diminished all of a sudden. All that the Association pleads for is cautiousness in altering the existing machinery which is the result of past experience gained through over 150 years of British Administration conducted by some of the greatest statesmen that the world has ever seen.

For which the Association shall ever pray.

XXXIII

Letter—from M.R.Ry. Rao Bahadur P. TYAGARAYA CHETTI Garu, B.A., President,
the Southern India Chamber of Commerce, Madras.

To—the Chief Secretary to Government.

Dated—the 13th September 1918.

No.—240.

Adverting to your letter No. 647, dated 25th July 1918, on the subject of the proposals contained in the report, by His Excellency the Viceroy and the Secretary of State, on Indian Constitutional Reforms, I have the honour to submit the opinion of this Chamber on the recommendations formulated in the report.

Provincial executives.—We are in favour of extending the principle of Council Government to Provinces which are now under single-headed administration. In the constitution of the executive, the distinction sought to be made between Members of the Executive Council and the Members of the Executive Government should be done away with. In our opinion, the provision made for the appointment of one or two additional Members by the Governor, as Members without portfolio, but with the status and authority of Members of Government for the purpose of consultation and advice, is unnecessary and will by no means tend to the smooth and satisfactory working of the proposed machinery of Government. We consider that the status and salary of the Ministers should be the same as that of the Executive Council. The appointment of some Members of the Legislative Council to positions analogous to that of Parliamentary Under Secretaries is very desirable but such appointments should be confined to the elected Members of the Council.

Provincial legislatures.—We welcome the proposal that there shall be in each province an enlarged Legislative Council, differing in size and composition from province to province, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary. We welcome the proposed electoral survey to measure the number of persons to be entrusted with the duties of citizenship and the proposal in respect of the special committee to deal with this survey. We are glad that the system of indirect elections

is to be swept away and that the limitations of franchise are to be determined with reference to practical conditions. We consider it necessary that minorities should be represented on the Legislative Council and that that representation should be secured by election as far as possible. We agree to the creation of Standing Committees. The President and Vice-President of the Council should be elected by the Council. The Legislative Council shall have the power of making its own rules of business and of modifying them, independent of the sanction of the Governor. While this Chamber is of opinion that the departments of Law, Police and Justice should be among the reserved subjects, it feels strongly that Trade, Industry and Commerce must be among the transferred subjects. In the event of the Governor dissolving the Legislative Council, it should be obligatory on him to order the necessary elections and re-summon the body dissolved within a period of three months from the date of dissolution. Should fresh taxation be necessary, it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects. The apportionment of the Provincial contributions to the Imperial expenditure proceeds on wrong principles, and, in the case of this Presidency, perpetuates a manifest injustice. This contribution is the heaviest for this Presidency, and many an urgent demand on the Provincial revenues has too often been put back in the past by reason of this excessive contribution.

The Government of India.—We are of opinion that a system of reserved and transferred subjects, as in the Provincial Administration, be adopted for the Central Government. The allotments for the reserved subjects should be the first charge on the revenues, and the budget procedure shall be the same as in Provincial Councils. If the Council of State is to be retained, its elective strength should be increased. At least half the number of the Executive Council should be Indians. The strength of the Legislative Assembly should be raised to 150 and the proportion of elected members should be four-fifths. The Legislative Assembly should have the right to elect its own president and vice-president and to make or modify its own rules of business, without the sanction of the Governor-General. Meetings of the Legislative Assembly should be convened at stated intervals or on the requisition of a certain proportion of members. We submit that the Parliamentary Statute to be framed should contain an express provision granting fiscal freedom to India on terms of equality with the colonies. Always consistently with Imperial interests, the Government of this country should have complete freedom in all fiscal matters. The Indian desire for a protective tariff has long been very insistent. We entertain the deep-rooted conviction that, without the right to regulate our own tariffs, we cannot advance industrially. Our attitude is not one of hostility to British interests but of solicitude for our own, in industrial matters. This country will no longer consent to the subordination of its own industrial and commercial matters to those of any others. The Indian political situation has its root in economic forces. We are grateful to the authors of the report for their recognition of the Indian demand in this respect, but they have formulated no proposals.

Parliament and the India Office.—The Council of the Secretary of State shall be abolished, and one of the two permanent Under Secretaries of State shall be an Indian. The India Office charges shall be borne on the British estimates. There should be no administrative or financial devolution of power by the Parliament and the Secretary of State in respect of reserved subjects until the Provincial Governments are made responsible in regard to them to the Provincial electorates.

XXXIV

Letter—from M.R.Ry. K. VENKATAPPAYYA PANTULU Garu, B.A., B.L., Secretary,
the Standing Committee of the Andhra Conference, Guntur.

To—the Chief Secretary to Government.

Dated—the 14th September 1918.

With reference to your letter No. 647, dated 25th July 1918, inviting an expression of the opinion of the Standing Committee, with regard to the recommendations contained in the paragraphs 212 to 295 of the report by His Excellency the Viceroy and the Secretary of State on Indian Constitutional Reforms, I have the honour to state as follows.

The Committee expresses its adherence to the essential principles of Congress-League Scheme which provides for the control of the Executive by the Legislature and secures the power of the purse to the latter. The Committee declares that nothing short of self-government within the Empire can satisfy the aspirations of the people. Both in the interests of India and of the Empire, it is essential that a policy of trust in the capacity and loyalty of the people of India should be freely adopted and the Indian people should be entrusted with the task of full self-government in domestic affairs before the reconstruction of the Empire and a complete measure of responsible government within the Empire should be guaranteed by a statute to be granted within a period of not more than fifteen years.

The Committee is of opinion that efficient electorates on adequately large bases may immediately be formed in the country and that in the report undue emphasis has been laid on the differences arising out of religion, caste and race and on the inexperience of the electorates.

The Committee urges that the introduction of responsible government should proceed simultaneously both in the Central and Provincial Governments. The institution of responsibility in the Government of the provinces without a similar alteration in the Government of India is opposed to sound policy, and is prejudicial to the development of responsible government in the provinces. The division of the functions of the Government and the assignment of some departments to the Legislature under the conditions mentioned in the report do not afford real opportunities for responsible government.

The Committee is of opinion that the proposals do not constitute a first step towards responsible government even for the period of transition unless they are modified as follows.

Provincial Government.

The Committee welcomes the proposal to replace single-headed administration in the provinces by collective administration. The Committee is of opinion that the apprehension that complete responsibility for the Government in the province could be given immediately without inviting a breakdown is not well founded and is therefore opposed to a division of the functions of the Provincial Government into reserved and transferred subjects.

If the division of the functions is to be instituted, Law, Justice and Police should alone be the reserved subjects.

The Executive should consist of a Governor and four other Members, one of whom should be appointed by the Governor and be placed in charge of Law, Justice and Police. The other three Members should be the Ministers selected by the Governor out of the elected Members of the Legislative Council and should be placed in charge of all other subjects. The Committee considers that the proposal that the Ministers should hold office not at the will of the Legislature, but at that of the constituents is entirely a novel one and urges that from the commencement they should be made responsible to the Legislature, their salaries being placed on the estimates. The Ministers should have the same pay as that of the European Member for Law, Justice and Police. The scheme does not really make the Minister responsible to any one, for, his term of office during the life of the Legislative Council is secured to him notwithstanding any conflict that may arise between him and the Council. The Committee also urges that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decision of his Ministers on all transferred subjects.

There should be no additional Members without portfolios, for while official advice is always available to the Government without the appointment of such members, their appointment will tend to unduly strengthen the hands of the bureaucracy against the Ministers.

The reduction of the European element in the Executive Councils does not amount to an increase in the Indian element, for a European majority is still retained.

The Under Secretaries should be appointed out of the elected Members of the Legislative Council as they will bring popular opinion to bear upon the routine of official administration.

The Committee for determining the electorates as well as the division of transferred and reserved subjects should be composed of a majority of non-official Indians chosen from the elected Members of the Indian Legislative Councils or elected by the All-India Congress Committee and the co-opted non-official members for each province should be chosen from among the members of the Provincial Legislative Councils or elected by the Provincial Congress Committees.

The Committee is in agreement with the proposal that the elections should be direct and that they should be based on as broad a franchise as possible and the Committee is of opinion that in any scheme of election which may be devised for the Madras Presidency, provision should be made for the adequate representation of all interests.

The provinces should be redistributed on language basis. The area comprised by the Telugu districts including Madras should at once be made into a separate Andhra Province as there is a strong demand by the people for it.

The Legislative Council of Madras should consist of not less than 250 members calculated at 5 per million, four-fifths of them being elected, women also being competent to vote and represent.

The Committee fully agrees with the proposal to appoint standing committees elected by the Legislative Council from among its own Members.

The Legislative Council should have an elected president and should have power to make rules of business, and not subject to be vetoed by the Governor. The Grand Committee procedure should be dropped. The Legislative Council should legislate in respect of all matters within the jurisdiction of the Provincial Government including Law, Justice and Police but when the Governor is not satisfied with the decision of the Legislative Council in matters relating to Law, Justice and Police, it shall be open to the Government to refer the matter to the Government of India. The Government of India may refer the matter to the Indian Legislature and the ordinary procedure should be adopted. Should the Government of India be dissatisfied with the result, it shall be open to the Governor-General to refer the matter to a Committee of Parliament, for which provision should be made and its decisions shall, subject to their being placed on the table of the Houses of Parliament, be final. Meanwhile it shall be competent to the Governor-General to exercise the power of making ordinances.

Subject to the allocation of a sum equivalent to the amount of expenditure incurred in the administration of Law, Justice and Police during the year 1917 and 1918, the Provincial Legislature should have complete control over the finances including the budget of the province. Should fresh taxation be necessary, it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects.

The Government of India.

The Committee is of opinion that not less than half the Members of the Executive Council should be Indians nominated by the Governor-General from out of the elected Members of the Legislature.

The total strength of about 100 Members proposed for the Legislative Assembly is too inadequate to represent the 240 millions of British India and should be raised at least to 150, four-fifths of the number being elected. The Legislative Assembly should have power to frame rules of business and also to make alterations therein. No sanction of the Governor-General need be required either for making or modifying them.

The Committee agrees with the proposal for the appointment of the functionaries corresponding to the Parliamentary Under Secretaries, provided they are appointed from among the elected Members of the Legislative Councils.

The President and Vice-Presidents should be elected by the Legislative Assembly.

There should be no Council of State and if such a Council is to be constituted, not less than half of its strength should be composed of elected non-official Members.

The Government of India should have supreme legislative control in respect of the army, navy and foreign relations (excepting relations with the British colonies and the dominions) and relations with Indian Ruling Princes.

The Indian Legislature should have supreme control over the finances of the Government of India subject to the obligation to provide the funds needed for the army, navy and foreign affairs, etc., mentioned above and the method of finding the revenue needed for the expenditure of the army and the allied services shall be within the exclusive competence of the Indian Legislature.

To secure powers of affirmative legislation for the Government of India in respect of the matters relating to the army, navy and foreign relations, it may be provided that all Bills relating to those subjects and introduced by the Government may be passed into law, if not less than 40 per cent of the Members of the Legislative Assembly, present at the meeting, vote for the same.

Muhammadan Representation.

The proportion of Muhammadans in the Legislative Councils and the Legislative Assembly should be maintained as laid down by the Congress-League Scheme.

India Office.

The Committee is of opinion that the India Office should be abolished and in the event of its being retained, a majority of the members thereof should be Indians elected by the Indian Legislatures and all charges in respect of the India Office should be placed on the British Estimates. Until full responsible government is introduced into the Government of India, it is not desirable to reduce the parliamentary control over Indian affairs.

The proposal to place the salary of the Secretary of State on the British Estimates is just and is highly gratifying.

XXXV

Letter—from M.R.Ry. Rao Bahadur P. TYAGABAYA CHETTI Garu, B.A., Vice-President of the South Indian Liberal Federation, Madras.
To—the Chief Secretary to Government.
Dated—the 14th September 1918.

I have the honour to enclose herewith five copies of a memorandum on the Report on Constitutional Reforms, embodying the views of the South Indian Liberal Federation, Madras, and to request that you will be pleased to forward copies of the same to His Excellency the Viceroy, the Secretary of State for India and the Prime Minister of England.

ENCLOSURE.

A memorandum on the Report on Indian Constitutional Reform, submitted to the Madras Government by the South Indian Liberal Federation.

The attitude of non-Brahmans.

The non-Brahmans of Southern India have no reason to rejoice over the Chelmsford-Montagu scheme of constitutional reform. They view it with grave concern. It has not come of their seeking. It has been thrust upon them; and they are called upon to say what they think of it.

Scant respect shown to them.

Far from rejoicing, they have reason to complain of their representations, including those of the Audi-Dravidas, having been treated with scant respect. It is true that in stating the conditions of the problem the proposers of the scheme show that they are not ignorant of the great disabilities under which non-Brahman communities suffer. In discussing the Congress-League Scheme they adopt the attitude of the non-Brahmans and use arguments not very different from those urged previously by one of their leaders, Dr. T. M. Nayar, with a force and pertinacity which defied the conspiracy of silence with which Indian politicians chose to meet them. In spite of this indirect compliment to non-Brahmans, there is no attempt made in the proposed reforms to give effect to their views or to comply with their wishes. These proposals might as well have been formulated without giving a hearing to the prayers of the non-Brahman classes.

The real aim of the reform proposals.

It is difficult to understand why their claims should have been thus practically ignored if not contemptuously brushed aside. Could it be that their translation of their loyalty (based on moral conviction) into political ideas making for the stability of the Government and the steady progress of the people had secured them as friends who could afford to wait and look on while the authorities were engaged in pacifying agitation? It certainly looks as if the chief aim of the scheme formulated by the Viceroy and the Secretary of State is to satisfy the aspirations and ambitions of those who have managed by some means or other to press themselves upon their attention. The Secretary of State's reported confidential consultations with Home Rulers while the proposals were being drafted, no such privilege being accorded, so far as is known, to representatives of other political bodies, tends to confirm this view.

Wrong and unfair procedure.

Approaching the question of political reform in this spirit, it is perhaps not to be wondered at that the authors of the proposals have noticed the grievances of ryots, of depressed classes and other non-Brahmans less for redressing them than for purposes of apology to the so-called progressives and political-minded people for not going the whole way with them. If the interests of the masses had been the first consideration in an inquiry into the "conditions of the problem" of the masses had been the first consideration of a policy, and if responsible government were decided would have preceded the announcement of a policy, and if the general principles which ought to guide the formation of on as the ultimate goal of progress, the general principles which ought to guide the formation of the electorates would have been settled as a preliminary essential to the formulation of a scheme which will constitute the first step towards its realization. For, upon the capacity of the electorate to return true and faithful representatives will depend the measure of power which could be safely entrusted to them.

Instead of this course being adopted the policy is announced independently of an investigation of the circumstances of the country, and a complex system of councils and committees proposed, about the smooth working of which there is room for grave doubt, without first settling the principles of election. This procedure the non-Brahmans of Southern India regard as unfair constituting a handicap on the free expression of their wants and desires. If it were wished to force the non-Brahmans to an acceptance of proposals which did not command their approval, no more effective method could have been devised.

Seriousness of proposed change.

However much the non-Brahmans may desire—and they are behind no other section of the population in cherishing the desire—that their country should become a self-governing country and take its place in the commonwealth of self-governing countries in the British Empire, they cannot help viewing, with solemn concern and a sense of the tremendous seriousness of the step, any sudden devolution of power from the representatives of England in India. An increasing association of Indians with the administration of the country is a policy of which they heartily approve, and they have reason to complain that this policy has not till now been carried out in such a way as to benefit and educate for higher responsibilities all sections of the people: but the shifting of the centre of authority from the British Parliament, or the creating of two centres of authority, with two intersecting circles of administration, is a different matter involving and determining once for all the fortune not only of the present but of all future generations and therefore requiring close scrutiny and serious deliberation.

The British character of the administration should be maintained.

The non-Brahmans are very anxious that the popularization of the Government should not affect the British character of the administration. It is their firm conviction that if the people of India were now asked to choose, not in theory, nor yet on sentimental grounds, but with regard for practical consequences in the present and the future, between British rule and what has been called self-rule, their choice would fall unhesitatingly upon the former, not by way of rejection of the latter alternative but as the surest guarantee and means of the eventual attainment thereof. They appreciate the justice, the fairness, the sympathy, the energy and the enlightenment which characterize British rule and would fain see these virtues reproduced in any system of popular government which succeeds even partially the existing system.

The one condition of success of the dual system.

In the practical appreciation of British rule on the part of the bulk of the Indian people lies the hope and promise of reconciling and harmonizing two seemingly incompatible systems of Government. The aim of the Government which derives its authority from the British Parliament is to promote the welfare of the Indian people, and the inmost conviction of the Indian people as a whole is that their welfare and progress is essentially dependent upon the maintenance of that Government. With such good intentions on one side and such keen and grateful appreciation on the other, there is a priori no reason why two systems of Government deriving authority from one party and the other respectively should not work harmoniously together. But will they? That depends upon this mutual regard and esteem being maintained through the

representatives of the British Parliament on one side and the representatives of the Indian people on the other. As for the former, it should be remembered that it is they who have inspired confidence in the people of India most of whom have never heard of the British Parliament and won the high regard which finds expression and appreciation in the phrase "the British character of the administration." They are a known factor in the history of modern India; their value in the future development of the country the people have sufficient data in past experience to judge. The unknown and uncertain factor in the political problem of India is the "representatives" of the people. Will they represent or misrepresent the people's interests?

Misrepresentation of popular interests the cause of recent troubles.

Much of the trouble which has in recent years marred the smooth working of the Government is due to the men returned by Indian electorates or pushed into prominence by the Indian press, but very imperfectly representing the people and failing to interpret in their words and actions the heart of India towards England. One may devise the most elaborate scheme of finely balanced councils and committees: but if the men returned to them do not wish to make the combination of East and West in the constitution a success, nothing will make it so, and the latter state of the country will be worse than the first. One may in that case be content with the existing system of associating Indians with the administration, only taking care hereafter to give to members of all classes an opportunity of acquiring knowledge of administrative work.

If however responsible government is to be introduced, how are true representatives of the Indian people to be got at?

A professional class of representatives.

At present, except for the separate representation of Muhammadans and of landholding and commercial interests, the people are regarded for electoral purposes as one mass and divided into territorial electorates, each electorate being a mixture of several castes and creeds. This has brought to the surface men belonging to a certain class only and one profession mainly, leaving other and larger classes practically unrepresented. These men have exercised their influence on the Government in such a way as to make these other classes yearn for a more real and a more faithful representation. The truth is that there are few men in the country who can represent all classes of people within a mixed electorate at the same time and equally well.

Representation by communities the only real representation.

To talk of representatives of the Indian nation in the present stage of the country's development may serve to soothe patriotic instincts and to bluff the Government. But there is no Indian nation: there are only the Indian people, divided into various classes, creeds and groups, and popular representatives can individually represent at best sections, large or small, a few or many, of the teeming population. At a time when popular leaders had only to criticise the actions and policies of the Government and to bring pressure to bear upon them it was easy for them to get a united following composed of diverse elements in the country. But if popular leaders are to be invested with power in the administration which may easily be used for the benefit of particular communities regardless of the interests of other communities, the different communities with their conflicting interests will have to think a thousand times before they place their interests in the hands of one common representative belonging to any particular community. Political life in India has become too real and too fully changed with the interests and destiny of different communities to allow of any community entrusting its interests in the present and in the future to the seemingly patriotic advocacy of representatives belonging to other communities.

The sooner those who are responsible for the Government of India realize this truth, the better it will be for the country in point of present happiness and future development. The people of different communities may easily accept a man of any community as a leader in opposition, but they may not tolerate him for a moment as a leader in power, the qualities required for leadership in mere opposition being different from those required for responsible and constructive leadership. The union which has hitherto been maintained in Indian political life is an artificial thing, a screen to conceal the many differences existing in the country which public men have felt ashamed of acknowledging in the hearing of those whom they regarded and gloried in describing as outsiders, lest their authority to speak on behalf of the people as a whole should be suspected and questioned, but which they have had no qualms of conscience in perpetuating by their partialities and prejudices in action.

Recognition of differences the only way of settling them.

In these circumstances the one honest way of arriving at popular representation in State Councils and Legislative Assemblies is to realize the potent influence which differences of caste and creed and race exert not only in private life but also in public activities, and to arrange for representatives of different communal groups being brought together as such and helped to work out their differences by working together. To ignore living communal differences is to ignore burning facts and to perpetuate inequalities and social injustices which stand in the way of hearty co-operation and thus to become responsible for the perpetual backwardness of backward classes.

It is only through a candid expression of differences restrained no doubt by mutual regard and tolerance, that a reasonable attitude can be arrived at by the different communities and their representatives. Conclusions reached after such free expression and exchange of views will carry more weight and give rise to less discontent than ill-balanced judgments palmed off as expressions of popular opinion.

It has been proved in the case of Muhammadans that communal representation tends to improve inter-communal relations, besides stimulating public spirit and educational progress.

The citizen spirit can be evoked only through sincere co-operation between different communities regarded as distinct bodies with the rights and privileges of each safeguarded against invasion by other bodies, and not massed together in such a way as to give scope to particular communities to lord it over others under pretensions of higher birth or superior culture.

Unity through social justice.

It may look strange that unity should be reached through a recognition of social and religious differences, but the recognition of these differences is not for perpetuating them but for rectifying them by giving each community an opportunity of asserting its individuality and compelling respect.

When these differences have disappeared through self-exertion and through mutual co-operation on the part of the several communities, induced by the safeguarding of opportunities, a more real and rational unity will arise which will pave the way for a full realization of responsible government. One has often in ascending a hill to go down a valley and toil up again with aching foot and heaving breath if one is to reach the top. It will not do for him to ignore the existence of the valley and to suppose that he could walk up at one stretch. So long as there are age-long social wrongs pressing down the bulk of the people, it is impossible to attain anywhere near responsible government without going down the valley and helping the suffering communities with the political opportunity to assert their rights in the State. To group them with assertive and grasping communities and to treat them as part and parcel thereof is to keep alive their sense of wrong and inferiority, to perpetuate their weakness, and to disable them for ever.

Communal representation.

Increased power bestowed on the people without communal demarcation will lead to greater concentration in the hands of a few and to greater disparity between the condition of the few and the many. This is what has happened in a very pronounced manner in Southern India since the Minto-Morley Reforms and necessitated the starting of the non-Brahman movement.

That there is no precedent for communal representation in the history of self-governing countries does not appear to be true. Sir Valentine Chirol in his recent article in the *London Times* points out that class legislation is not unknown in more democratic countries than India. Granting even that there is no such precedent, it should be remembered that there has been no caste in self-governing countries. It is the presence in India of caste with its immutable distinctions and its offensive assertions of high and low as determined by divine ordinance, which necessitates the protection of weaker communities, small or large, whether constituting a majority or a minority, by means of electoral hedges which will give them the necessary sense of proprietorship in the opportunities they possess.

It is not only the numerical weakness of a community but also political weakness due to social and religious conditions impeding its progress, which creates the necessity for its political protection by means of communal electorates.

The non-Brahmans of Southern India know from experience how by being grouped together with Brahmins whose influence over them as priests, as schoolmasters, as lawyers, as Government servants, as journalists and in various other ways, is enormous and well nigh irresistible, and such as no European, especially if his stay has been of only a few years or a few months' duration, can adequately conceive, they are prevented from making their peculiar contribution to the well-being and the administration of the State. They may not be so quick in ambition as their hereditary gurus: but they know their interests, and in loyal co-operation with Englishmen they hope to work up their way to responsible government; but this they are convinced they cannot do so long as Government, under the influence of hereditary preceptors of caste distinctions interested in their perpetuation, refuse to give them a separate electorate. Justice demands it. Recent and the new policy of preparing the people for responsible government requires it. Recent experience in the case of the Muhammadans and longstanding opinion of a weighty and voluminous character justifies it.

Communal electorates first and then all other things.

No scheme of constitutional reform will therefore be acceptable to non-Brahmins which does not start with and is not founded on communal electorates. The question of communal electorates is not of such secondary importance as to justify its being reserved for later disposal. A decision on this subject is a necessary condition precedent to the proper valuation of any scheme of reform; and an authoritative pronouncement thereon is indispensable for a useful discussion of the Montagu-Chelmsford Scheme. If such a pronouncement cannot be made immediately, nothing will be lost by postponing the consideration of the present imperfect scheme of reforms.

pending a decision one way or the other of the all-important question of communal electorates. In the absence of a clear pronouncement on the subject it is impossible to say whether the proposed reforms are an advance in the path of political evolution or a reversion to type. With communal representation they may constitute an effective training of the people at large in the practice of self-government; without it they are certain, while relaxing British control, to tighten the grip of the so-called higher classes upon the masses and thus create a British-Brahmanical and lawfully constituted Brahman oligarchy pledged to give practical effect to the Brahmanical doctrines of Varnashrama Dharma, against which the non-Brahman classes, when they awaken to a sense of their interests, will have no other alternative than to rise in revolt, holding the British Government responsible for creating the situation.

Direct election and enlargement of the franchise.

As these reform proposals stand, there are a few features in them which non-Brahmans feel tempted to approve. These are the abolition of the system of indirect election to the Provincial Councils and the broadening of the franchise. The representatives in the present Legislative Councils, excepting Muhammadans returned by Muhammadan electorates, do not and cannot represent the people for the simple reason that they have not been returned by them. In the system of indirect election there is so much room for shuffling and strategy that more often than not the successful candidate is not so much a representative of the people as a consummate tactician and negotiator and his representations in Council have less reference to popular interests than to personal prospects. It is also a good thing that the franchise should be made as wide as possible. This will give an opportunity for a larger number of people, including members of backward classes, of interesting themselves in the administration of the country. It is to be hoped that limitations imposed on the franchise will not be such as to exclude any class or community from participating in the elections. But neither direct election nor the extension of the franchise will benefit the non-Brahmans unless they have a separate electorate in which to exercise the franchise. A non-Brahman electorate is desideratum not merely for returning a number of non-Brahmans to the Council but for returning non-Brahmans who are sincerely interested in the welfare of their community. It is no satisfaction for non-Brahmans to see any of their number pledged to Brahman programmes returned to the Council.

Communal v. mixed electorates.

A communal electorate is a school of political education in which a comparatively slow and ill-organized community can best study its interests in relation to the interests of the country and bring itself into line with other communities so as to march side by side with them and not be dragged on by any of them.

A mixed electorate, even with provision for a certain number of a particular community being returned, gives no scope for a less assertive community to realize its own interests and think and act for itself. It has to be content with allowing itself to be dragged behind the wheels of a more aggressive but by no means a more patriotic community. Without communal representation secured through communal electorates, direct election and enlargement of the franchise are calculated to give to Brahmins an opportunity of extending their present influence over non-Brahman classes as priests, as schoolmasters, as lawyers, as Government servants and as journalists and giving themselves the appearance of a popular character which is inconsistent with their notoriously undemocratic beliefs and aims.

Provincial decentralization.

Another feature of the reform scheme which non-Brahmins would gladly hail if they were assured of representation through an electorate of their own is the complete separation of Provincial from Indian heads of revenue and the reserving of a larger portion of Provincial revenue for Provincial purposes. Financial freedom is certainly necessary for placing the Provincial Government on a popular basis. Here again it is a matter of utmost importance whether the Council which is to control Provincial revenue is to represent all classes or one class only and one profession mainly. If the question is answered in favour of all, by the granting of separate communal electorates, the Provincialization of revenues will be hailed by non-Brahmins as a boon inasmuch as they will have the satisfaction of feeling that the increased revenues to be placed under the control of the Provincial Council will be spent impartially for the good of all classes. Otherwise, larger revenue placed in the hands of a Local Government subject to oligarchic influences will be viewed with anxious concern.

Secondary education as a transferred subject.

In the illustrative list of transferred subjects appended to the report is education, primary, secondary and technical. It is a matter of gratification that it is not proposed to place University education in this list. The non-Brahmins are very apprehensive of the results of placing secondary education in charge of a "Minister" appointed from the elected Members of a Legislative Council formed on other than communal basis. Brahman influence is already proving inimical to educational progress among non-Brahmins, and if secondary education is transferred to a "Minister" issuing from a general electorate in which Brahman influence is sure to be irresistible non-Brahman education will undoubtedly suffer.

Uselessness of safeguards without communal representation.

As for the machinery set up in the reform proposals for giving effect to the opinion of Councillors without weakening the Government or injuring the interests of the people, it has already been indicated in this memorandum that the smooth and successful working of the scheme depends upon the representatives reflecting the true and grateful mind of the people with regard to the British Government in India. The more closely connected these representatives are by common experience and fellow-feeling with the ordinary people with all their peculiar characteristics, the more steady they will be in their attachment to the system that is set up and the more sincerely they will work for its success. The more exclusive they are in their sympathies with the ordinary folk, merely studying them as clients of one sort or another, the more irresponsible they will be in their attitude towards the people and more obstructive in their attitude towards the Government; and in their hands no system of administration, however finely balanced with checks and safeguards, will be worked to success. Their aim will be to make any system a stepping-stone to more and more real class supremacy in the country. With communal representation secured through communal electorates the Montagu-Chelmsford Scheme of Reforms is capable of being worked to success; without it, it is foredoomed to failure and disaster.

Until this question of communal representation through communal electorates is settled, the non-Brahmins of Southern India do not feel called upon to interest themselves in further details concerning the reform scheme. When this supreme question is settled, it is hoped the non-Brahmins will have an opportunity of examining the details of a constitutional structure based on an electorate whose character and reliability is known.

XXXVI

Letter—from the Right Rev. E. H. M. WALLER, Bishop in Tinnevely and Madura.
To—the Chief Secretary to Government.
Dated—24th September 1918.

In reply to your No. 647 asking for views on the Indian Constitutional Reform Scheme, I regret that, owing to my being on tour all August, I have delayed sending any reply till the present.

I hardly feel qualified to pronounce an opinion on the scheme, as my acquaintance with the machinery of the Government is so limited.

The scheme depends so largely on the arrangements which are made to form electorates that it is very difficult to realize practically what its working will be, until the Commission have decided what the electorates shall be. Two things however strike me as general considerations.

First, the burden thrown upon the Governor is extremely heavy and it is very difficult to see how he will be able to exercise the control which is required of him by the scheme, unless he has some sort of Cabinet associated with him, which can share the responsibility. The memorandum gives weighty reasons against a second chamber but all the functions of a second chamber are cast upon the Governor. This will render him personally liable to bitter attacks and all the animus which is now directed against the "bureaucracy" will be directed against the Governor personally. I think that some method of associating an advisory committee with him, which shall share the responsibility of exercising his veto, "certifying" measures, etc., will be necessary, if the Governor is not to lose his prestige by continually being made the object of attack.

Secondly, the procedure outlined will necessitate lengthened sessions of the Council and this will have two results. The Members of the Government (Executive Council and Ministers) will have to spend a large proportion of their time in the business of the session and the work of touring, etc., will be curtailed. In fact the whole work of a Member of Council will be completely modified and the departments will have to be reorganized on a new basis.

The other result will be that the Members of the Legislative Council and of the committees (235) will have to be paid. If the introduction of Labour Members in Parliament necessitated the payment of Members, the case for payment of Members in India is much stronger. The choice of Members will be otherwise limited to the rich who can afford to spend months in Madras away from their work and their homes. I have not found this question alluded to in the memorandum but it will prove to be, I think, a very serious difficulty and the problem should be faced before the scheme is inaugurated.

Turning to the scheme itself:—

217. It seems to me a pity that here and in several places the power of the Councils to "withhold supplies" is insisted on. In practice it is impossible because the "reserved subjects" can always be provided for under the scheme and the "transferred subjects" alone will suffer. The only way in which supplies can be withheld is by the Members advising their constituents to "resist passively" and not pay taxes. This being so, it seems to me that one great power of the Legislative Council is gone. I do not regret it because I feel that the Government must be carried on but I do regret the challenge to "withhold supplies" which occurs several times in the memorandum, as I look on it merely as an incitement to resist the Government and not pay taxes.

218. The number of Members of the Executive Council should be enlarged. It is impossible for three men (including the Governor) to deal with all the subjects effectively and the number of Ministers would be enlarged also to correspond.

Is it impossible to make one Executive Council, including Ministers as well as Members and to allow this to deal with all subjects? It seems to increase friction to have the two sets of subjects, reserved and transferred, dealt with by two Cabinets. Why should not there be one Cabinet for both: the fact that some Members were appointed and some elected would make no difference to their business efficiency and it would introduce elected Members to the details of administration of reserved subjects.

232. The ideal of an open election without communal representation is no doubt right but I doubt whether it will satisfy the people. If however some system of proportional representation be adopted it may be effective.

My experience is that Indians like the principle of nomination. The Church of England Christians in my diocese rule themselves by councils with open elections: but in every council there are nominated members and the whole community approve of it. But the different communities should all be represented. I would have a scheme or schedule of the ideal representation in any council prepared. After the elections the result would be compared with the schedule and the Governor in Council should nominate the required members, in consultation with the communities to be represented. This would work practically. Whether, in view of the agitation, it will be accepted is doubtful.

233. I think it a great pity that the official Members should be discouraged from voting. It makes their position intolerable if they only vote to order and it emphasizes a vicious distinction between officials and non-officials. I regard this as a weak concession to popular clamour.

235. The question of the payment of the Members of Standing Committees will have to be carefully considered.

252. The time involved in the suggested procedure will cause a breakdown. In any case there should be a time limit for Grand Committees but the whole system wants simplifying.

256—267. The result of the division of the budget will be that all extra taxation will be levied for transferred subjects and this will be very unpopular and unfair.

There should be a minimum limit of expenditure for the upkeep of the departments under (a) reserved and (b) transferred subjects. This minimum should be automatically assigned. The balance and money raised by new taxation should then be assigned to its objects whether reserved or transferred by the whole Council. It will do no harm for large new expenditure on reserved subjects to be considered by the Council as a whole.

258. I think that in practice a second chamber will be found absolutely necessary. It will relieve the Governor of many of the difficulties I referred to in the opening paragraphs of my letter.

If paragraph 345 is interpreted literally I do not think that mission work will suffer seriously. There must almost inevitably be some adjusting matters in regard to, e.g., education if that is a transferred subject, but if no sudden changes of the existing system are wantonly introduced, and time is given for readjustments, I am not afraid of the result. The last thing mission work needs is to lose the force of Government authority. They only wish for a fair field.

