

Appendix No. 6 to the Report of the Reforms Enquiry Committee 1924

Oral Evidence (In two Volumes)

Volume II

SIMLA
GOVERNMENT OF INDIA PRESS
1924.

H.B

R
V2:2 N24 t
N24·2

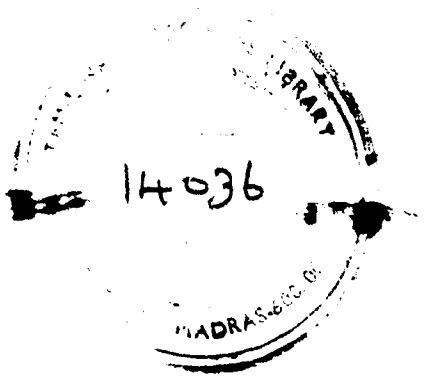


TABLE OF CONTENTS.

(VOLUME II.)

		Page
1.	Mrs. Dip Narain Singh on behalf of ladies of Simla	1—3
2.	The Hon'ble Syed Raza Ali, Member of the Council of State	3—38
3.	Mr. Chitale on behalf of the Bombay Presidency Association, Bombay ..	39—73
4.	Mr. Shaffat Ahmad Khan, M.L.C., United Provinces	74—98, 122—125
5.	Sir Frederic Gauntlett, Auditor General, Government of India ..	99—121
6.	Messrs. N. M. Joshi and Dalvi, on behalf of the Bombay Presidency Association, Bombay	126—144
7.	Sir Provash Chunder Mitter, *ex*-Minister, Bengal	145—205
8.	Sir Purshotamdas Thakurdas, M.L.A.	206—248
9.	Mr. Fazlul Haq, *ex*-Minister, Bengal	249—283
10.	The Hon'ble Sir John Maynard, Member of the Executive Council, Punjab	284—348
11.	Sir Chimanlal Setalvad, *ex*-Member of the Executive Council, Bombay ..	349—380
12.	Mr. Kabir-ud-Din Ahmed, M.L.A., on behalf of the Parliamentary Muslim Party of the Legislative Assembly	381—401
13.	The Hon'ble Sir Abdur Rahim, Member of the Executive Council, Bengal	401—444
14.	Mr. A. Marr, Financial Secretary to the Government of Bengal	445—471
15.	Mr. J. E. C. Jukes, C.I.E., I.C.S., Officer on Special Duty, Finance Department, Government of India	472—482
16.	Mr. G. H. Spence, Deputy Secretary to the Government of India, Legislative Department	483—501

L538HD

REFORMS ENQUIRY COMMITTEE.

Tuesday, the 26th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mrs. Dip Narain Singh on behalf of ladies of Simla.

EXAMINED BY THE CHAIRMAN.

Q.—You appear on behalf of the ladies here ?

A.—Yes Sir.

Q.—The point of your memorial, as I understand it, is this, that in those provinces where ladies are entitled to vote, you would desire that they should also be entitled to be candidates ?

A.—Yes. We consider it an absolute injustice and an anomaly that where we have the right to vote, we should not have right to be elected as candidates.

Q.—You know the right to vote depends on the local Legislative bodies?

A.—That was recommended, I understand, by the Joint Committee and that has been embodied in the rules. But we wish the rules to be so amended that the right to vote should automatically carry with it the right to sit as candidates, because we consider that the position is certainly anomalous and very unjust to us.

Q.—I see that at present, in Madras and in Bombay and in the United Provinces and in Burma also ladies can vote ?

A.—Yes, and they also have exercised their right at the last election — quite a considerable number considering the very short time that the reforms have come in.

Q.—You have got the figures there ?

A.—Yes.

Q.—I see that the vote has been exercised pretty freely in Non-Muhammadan urban constituencies, to a certain extent in Muhammadan urban constituencies and to a very considerable extent by Indian Christians, but in rural areas it has been very sparsely exercised. I think you will accept that as correct ?

A.—I certainly accept the figures as quite correct. I think the reason for that is palpable. After all, the reforms came in a very short time and to make women realise their responsibilities and their power requires a certain amount of training and education which in the first instance we could have hardly expected to have taken place.

Q.—Which is your own province ?

A.—I am a Bengalee by birth, but I have married in the province of Bihar.

Q.—In neither of these provinces, I think have you the right to vote ?

A.—We hope in time to be able to convince them that this is quite a reasonable thing. In fact, I believe that in Bihar a Resolution is very shortly to be put forward bringing up this question.

Q.—I take it, your Association proposes to endeavour to educate the various legislatures to the extent of granting the vote ?

A.—Certainly.

Q.—Are you taking steps to do that ?

A.—Yes, certainly.

Q.—Could you tell the Committee what exactly this meeting was ? Was it just convened by the ladies of Simla or was it convened in response to any request from the provinces ?

A.—It was convened by the ladies of Simla because it struck certain ladies who were here that this was a very favourable opportunity to present our case. We had no time really to consult the organisations that already exist in the provinces, but we communicated with them and we have got whole-hearted support from not only the Associations with regard to woman suffrage and woman representation but from various individuals who are largely concerned with these matters and who are interested in them. We have had practically support from all over the country in this matter. In fact, we have not had any note of dissent.

Q.—You would hardly expect a note of dissent, could you ?

A.—I do not know. I am afraid there are still a few conservative members who are afraid of any kind of innovation.

Q.—I take it that the Committee may conclude that the ladies who attended this meeting in Simla are probably a more educated and advanced section than you find anywhere in India ?

A.—I think so.

Q.—I would suggest that if you have got any other organisation of ladies, you should advise them to send in their memorandum to us. We shall not be able to examine any more witness but you can strengthen your case by getting a good many other Ladies' Associations to send in their memoranda. Are there any other Ladies' Associations in India ?

A.—Yes, I think there is a very large Association in Madras. It has already, I believe, communicated direct with the Reforms Committee and submitted a memorandum. So also in Bombay. There are also smaller Associations in different parts of India. We shall certainly ask them to send in memoranda if we will strength our case thereby.

Q.—You don't see any difficulty in ladies obtaining this ?

A.—No. Why should there be ?

Q.—Supposing, for example, purdah ladies were desirous of standing as candidates. Would it not be rather difficult ?

A.—I do not know whether this contingency is likely to arise very soon, but if it did arise, I think probably special provision could be made for it. Purdah ladies do conduct work in various spheres of life. I will

refer to the notable incident of the Begum of Bhopal. And there are various other institutions which are carried on by purdah ladies, and I think, that if a purdah lady was elected by a constituency, if necessary, she would appear in the Assembly in a *burqa*.

Q.—I was thinking rather of the difficulty of canvassing—of the constituency ?

A.—We take it that the majority of people who are likely to attempt to enter the Council would not be purdah. They would probably be non-purdah.

The President then thanked the witness who then withdrew.

Tuesday, the 26th August 1924.

Witness :—The Hon'ble Syed Raza Ali, Member of the Council of State.

EXAMINED BY THE CHAIRMAN.

Q.—I think you are a Member of the Council of State ?

A.—Yes.

Q.—I shall take judicial notice of the fact. You have been a Member of the Council of State since its commencement ?

A.—Yes.

Q.—And you come from the United Provinces ?

A.—Yes.

Q.—In fact, you are practising in the High Court of Allahabad ?

A.—Yes.

Q.—I have read your memorandum. There are one or two points which I should like you to elucidate for the benefit of the Committee. The first point is this. About half way through the first paragraph of your printed memorandum you say : " It is not free from doubt whether on a strict construction of section 36 of the Government of India Act the Commander in Chief ought to be a member of the Executive Council." I do not quite understand your point. Would you explain it.?

A.—Sections 36 and 37, as they stand, do not say that the Commander-in-Chief shall be a Member of the Executive Council.

Q.—They do not say that he shall be. But there is nothing to prevent him being a Member ?

A.—No.

Q.—That is all what you mean ?

A.—Yes. I just wanted to explain the point that the Commander-in-Chief being the only Member of the Executive Council as at present constituted, who would not be in the Cabinet, not many difficulties would arise if effect were given to this system.

Q.—You advocate the extension of the franchise to all people who pay taxes of any kind ?

A.—I attach great importance to it.

Q.—You do not think that will lower the standard of the electorate ?

A.—I do not think so, having regard to the fact that after all the real criterion is that you should give a vote to the man who will feel the incidence of taxation. Having regard to that principle, I think he will exercise his vote on the whole satisfactorily.

Q.—You would not take it further ? You would not give a man who had no stake in the country a vote ?

A.—Not at present.

Q.—Whatever his educational qualification was ?

A.—It is rather a big question. If this plan were adopted, every educated man would be included. That is my idea.

Q.—I suppose your point will be that every member practically pays tax ?

A.—Every educated man pays some sort of tax or other.

Q.—And if he does not, he is so useless as not to be given a vote ?

A.—I won't attach very much importance to his being included.

Q.—You think that on the whole, the Indian agriculturist is a pretty shrewd fellow ?

A.—Yes.

Q.—You say so from your experience of the United Provinces ?

A.—Yes.

Q.—Do you think that the tenants as a whole have made good there against the landlords ?

A.—You mean during the past four years ?

Q.—Yes. During the past 10 years or 20 years if you like. Speaking generally, do you think the tenant will look after his own interests ?

A.—I think the tenant on the whole is quite capable of taking care of himself.

Q.—Would I be correctly representing you if I suggest that your point is this, that although the rural elector cannot be expected to pronounce much of a judgment on big things, he is sufficiently intelligent to know the man he wants to be represented by, to decide that A or B is the sort of fellow he would like to be represented by in the Council or in the Assembly or in the Legislative Council ?

A.—Yes. I would go a little further and say that not only is he quite capable of making his choice out of two or more candidates but I think on the whole he is capable of forming a sound judgment on broad questions affecting the political welfare of the country. I do not propose to go into detail. Take a broad question. I think he is quite capable of forming a judgment.

Q.—I take it they will have to be explained to him first ?

A.—Yes, I think so.

Q.—The education, then, of the constituency is a thing to which you attach importance ?

A.—Great importance.

Q.—I will take two or three points raised of a minor character. I think you think the President of the Council of State should be elected ?

A.—Yes.

Q.—Is that based on your experience of the last President ?

A.—Well, I think that within eighteen months or two years of the first meeting of the Council the Council was in a position to have its own President and no difficulty would have arisen if we had an elected President.

Q.—That is to say, you think that the procedure had been sufficiently settled.

A.—Yes, I mean to say that points of order had been settled, rulings had been given and case law so to say had been laid down and therefore there ought not to have been any difficulty.

(*Mr. Jinnah*).—*Q.*—Laid down by the last President ?

A.—Yes.

Q.—May I take it that your idea of giving a larger representation to the European Community and the Anglo-Indian Community is based on the idea that though numerically they may not be important, they are owing to their large interests ? Is that your point ?

A.—Yes, that is one, and secondly, if you will excuse my saying so, they seem to be rather in a distracted frame of mind.

Q.—You would pacify them ?

A.—I would rather pacify them by adopting this course.

Q.—You are a great believer in pacification ?

A.—I believe every one has to be who is working a political system especially if it is newly introduced into the country.

Q.—Then, will you accept the view that was given expression to by a witness the other day that good-will is essential to the working of a constitution ?

A.—I believe every man would. I certainly do.

Q.—Your reason for urging the claims of the depressed classes is the same ? You urge the claims of the depressed classes ?

A.—Yes. As a matter of fact, the case of the depressed classes stands on a somewhat different footing. They are very large in population and yet they go without any representation in the Assembly. It is hardly fair.

Q.—Have you got any depressed classes in the United Provinces ?

A.—Very few.

Q.—What is that due to ? To the general prosperity in the country, or to the absence of any very strong caste distinction ?

A.—I think the caste distinction is strong enough. Except Madras I believe United Provinces is more orthodox so far as that goes than any other province. But it seems that the total population is not very large.

Q.—Will you look at paragraph 6 of your memorandum ? You state, "A certain province, which used to be known for its sturdy loyalty, has the singular fortune of possessing an Indian Finance Member."

A.—Yes.

Q.—Is it the result of the appointment of the Indian Finance Member that it is no longer known for its sturdy loyalty ?

A.—Sturdy loyalty used to be a myth and that myth has been discorded and nobody believes in it and all the provinces are more or less loyal to the same extent.

Q.—What is that province ?

A.—Bihar and Orissa,—your province.

Q.—The fact of its having an Indian Finance Member—I suppose it had nothing to do with losing its loyalty ?

A.—No. The province lost its claim before the advent of the Indian Finance Member.

Q.—It might have been read like that ?

A.—I do not mean that.

Q.—I am sure you do not mean that. Would you mind coming to paragraph 9 ? You say, " Practical objections may be urged against the transfer of Law and Justice and conceivably of Land Revenue to popular control in certain provinces." I should like to know what exactly you mean by the next sentence. " I would meet them by giving to the Governor in relation to these subjects the power to veto and to affirm which power is vested in him in relation to reserved subjects under section 50." What exactly does that connote ?

A.—My idea is that section 50 gives power to the Governor not only to vote but to affirm, namely, to impose his will on the majority of the Executive Council if he differs from them. Having regard to the special importance of these two subjects,—strictly speaking they are three in number but I look upon them as two—if that right of veto and affirmation is given to the Governor, then I think future contingencies can be provided for.

Q.—That is, you maintain very considerable powers in the hands of the Governor ?

A.—So far as the administrative side is concerned.

Q.—Paragraph 10. In that paragraph I take it you are referring to the All-India Services, are you not ?

A.—Yes.

Q.—And you feel that their interests ought to be safeguarded in the manner in which you propose ?

A.—Yes. In fact I find that there is considerable sense of insecurity in their minds which may be justified or which may not be justified—that is not the point—but the point is that a sense of insecurity is there. As was illustrated the other day when a certain member of the Committee pointed out that under those circumstances he would not care to be a High Court Judge, I think the same remarks may be applied to the case of the Imperial services, and therefore I think.....

Q.—You are in favour of giving some safeguard to the services,—not only giving that, but making it effective in the sense that it should not be taken away ? You would not like your High Court Judge have his salary voted ?

A.—No.

Q.—You would extend that possibly to other services ?

A.—For the present.

(*Dr. Paranjpye*).—(To Chairman). You were absent and the witness (Mr. Kamat) withdrew the remark that the High Court Judge's salary should be votable.

Q.—On communal representation—Mr. Raza Ali, you attach great importance to it ?

A.—Yes.

Q.—You consider that in the present state of thing out here it is essential ?

A.—Yes.

Q.—I see you mention that the Committee have been causing a lot of trouble by suggesting that it should be taken away ?

A.—Some of the proposals made by certain.....

Q.—Not suggested by the Committee ?

A.—The evidence of some of the witnesses I mean here. I think it has caused unnecessary alarm. But it has caused alarm, there is no doubt about that.

Q.—These communal troubles—are they particularly active in the United Provinces ?

A.—Not very particularly so.

Q.—There is however tension ?

A.—At present there is, but we are much better off than we were last year. Last year was the worst year we have had for some years. Now, the feeling has improved.

Q.—I take it you choose communal representation not as an ideal but as a practical necessity ?

A.—That is exactly so. In fact, I pointed out as far back as 1916 that on the whole it is a wicked system, but in the absence of anything better, that is the only system we can fall back upon.

Q.—Don't you think that if you continued to have elections on those lines you would find it very difficult to form a cabinet—a cabinet acting together, inspired by one aim, prepared to go out on any question of general policy ?

A.—No. That is not what I anticipate. As a matter of fact, I was a member of the pre-reform United Provinces Council for eight years, or a little more than that. Since 1912 I have been a member of some Council or other. My experience is that after the grant of separate representation to the Moslems, which was in 1909 as the Committee knows, the effect of the Moslems was to advance the general cause of the country without very much caring as to how every step in advance in its details would affect them. There was that broad will to co-operate and that was an essential feature of communal representation. I have had experience of its working for eight years or a little more and I can bear testimony to it.

Q.—You have got that representation in your local boards in the United Provinces ?

A.—In the district boards, municipal boards, everywhere.

Q.—It runs through the whole of the administrative machinery in that province ?

A.—Yes.

Q.—And to withdraw it would cause great alarm ?

A.—Yes. It might even cause trouble.

Q.—That is to say, the Muhammadans in the United Provinces look upon it as their safeguard ?

A.—Yes.

Q.—Their *sine qua non* ?

A.—That is so. That is the view they take at present.

Maharaja of Burdwan.—*Q.*—Kindly turn to page 2 of your memorandum. You say, " To improve our relations with the Indian States it is desirable that 2 or 3 Ruling Princes and Chiefs should be nominated as members of the Central Legislature." You are no doubt aware that in the olden days, the pre-reform days, there used to be one or two Chiefs appointed not only to the Central Legislature but also to the provincial councils ?

A.—In my own province we had two Chiefs.

Q.—The Nawab of Rampur and the Maharaja or Maharaja Kumar of Benares ?

A.—Yes.

Q.—Do you think that it is really an advantage to have an Indian Prince working with the constitution of British India ?

A.—As a matter of fact, the reason why I have made this suggestion is that I want to establish some channel of communication between British India and the Indian States. I really do not see what that channel can be. Here there is a provision in the Act itself and I believe we can utilise it.

Q.—You know the Chamber of Princes which has been brought into existence to discuss matters arising between different States. But there of course you have matters relating to these States discussed by their rulers, but it is a very different thing to have rulers of feudatory states or independent states mixing with politicians of British India. What I want to get at is what is the particular advantage you have in mind by associating them with your Central Legislature ?

A.—To bring them in a line with the political thought in British India if possible.

Q.—In other words, you think that they might be converted to give more freedom of the press and give what you call legislative councils to their own states or in their *elakas* if they came into contact with British India ? Is that what you have in mind ?

A.—Yes. Further, I contemplate that they will be pleased not to oppose any measure of further advance when it is contemplated.

Q.—Have yo ever visualised in your mind an independent India *vis-a-vis* the Indian States ?

A.—I wish I did it, I wish I could do it. It is a very big question and I just want to lay some foundation for working out that plan so as to bring the Indian states within the pale so to say.

Q.—Have you, for instance, visualised Mr. C. R. Das, Prime Minister of India, and the Nizam of Hyderabad coming to pay his respects to him ?

A.—I do not think.....

Q.—Have you ever visualised. I do not see how you can really consider this question of having two or three Indian Princes on the Indian Legislature ? It is true you had it in the pre-reform days, but the pre-reformed council is a very different thing from the Council of the reform days. I only ask you because it is a very difficult question as you yourself know, and that is why I put to you, have you visualised the position of an Indian Prince on the Indian Legislature—how he is going to vote and what he is going to vote on ?

A.—I can tell you a very safe place to which they can be sent, namely, the Council of State.

(*Dr. Paranjpye*).—*Q.*—Most harmless ?

A.—Yes. And the atmosphere is supposed to be dignified and there is not much excitement there.

Q.—Will you kindly turn to paragraph 9. You have already explained to the Chairman what you mean " by giving to the Governor in relation to these subjects the power to veto and to affirm which power is vested in him in relation to reserved subjects under section 50." I see you say " conceivably of land revenue ". When you say that, am I to understand that you have in view certain vested rights not only of landlords but of tenants also in the different provinces ?

A.—That is so.

Q.—In Bengal, for instance, you have the permanent settlement ?

A.—I had especially Bengal in mind.

Q.—And in Madras you have the ryotwari system which brings in a very large revenue to the Madras Government, where probably the tenants there, or a large body of them would like to see most of the tracts permanently settled and thereby reduce the land revenue or fix it. Therefore you had these things in mind ?

A.—Yes.

Q.—Namely, that you reserve in the hands of the Governor not only certain powers relating to Law and Order and also regarding these vested interests or rights that had accrued with regard to land revenue ?

A.—Exactly so. I will just illustrate. On the whole that is the position. In some provinces the position to-day is that the landlords either are in a majority or are supposed to be in a majority. Now, take my own province, the United Provinces where the landlords are in a majority. That is not a very effective majority but still they are the majority party. We are going to have the Agra Tenancy Bill. Assuming that full provincial autonomy is in full swing in the province, I do not want to place it in the power of the Ministers, if they belong to the landlord class, to encroach upon the rights of the tenants. On the other hand, take the converse case. Suppose 5 years hence there is a Ministry composed of men who have identified themselves with the tenants. Then I do not in that case want, for instance, to take away the permanent settlement and other things. I want to safeguard the rights of both.

Q.—There is one more question on this point. We had a witness up here from Bombay who wanted to have the Police reserved and he wanted to reduce the reserved side to the ridiculous position of just one member with one reserved subject, the Police. Your idea, I take

it, Mr. Raza Ali, will be to transfer all subjects, but you would give the Governor certain more executive powers well defined to control these subjects or certain aspects of these subjects which are now at present reserved but which you would like to transfer largely to the Ministers ?

A.—As a matter of fact, I want to transfer everything to the Ministers.

Q.—Because you want to transfer everything, you want to give certain more executive powers to the Governor ?

A.—Yes.

Q.—When you do that, do you think the Governor can exercise those powers as the Lieutenant Governor in your own province in the old days used to do or in Bengal, for instance, with a Secretary or a Chief Secretary ? There is no need to have a member of the Executive Council for the powers you would leave to the Governor ?

A.—No, of course not. That is a contradiction in terms.

Q.—That is, whatever power may be left to the Governor he could exercise either with a Secretary or himself, whatever the case may be ?

A.—What I contemplate is that Law and Order will be in charge of a Minister and in order to avoid possible deadlock—which I do not think will really occur very often—I want to vest the Governor with certain powers.

Q.—I have only one other question and that in a way relates to the question of communal representation. I have already put that question to several witnesses. You think that in communal representation at the present moment there is the minimum amount of risk and friction between Hindus and Muhammadans. You do think that for the present it is a great asset ?

A.—Exactly ; that is what I say.

Sir Henry Moncrieff Smith.—*Q.*—Mr. Raza Ali, if communal representation is done away with altogether, would you have any advance ?

A.—Raza Ali would, but his community would not.

Q.—You think the Muhammadan community would be against any advance ?

A.—Yes.

Q.—With regard to your suggestion that Indian Princes and Chiefs should be included in the Legislature, would you throw Indian State affairs open to discussion in the Legislature ?

A.—Simply by asking them to serve on one of the two Chambers of the Indian Legislature ?

Q.—Would you, as a matter of fact, advocate that Indian State affairs should be thrown open to discussion ?

A.—At the present stage or at a future stage ?

Q.—At any time ; now or whenever any advance is made ?

A.—I do not think it is possible to throw them open now, so far as I can see.

Q.—You would not throw them open ?

A.—Not at present, unless the Ruling Chiefs themselves are willing.

Q.—Don't you think that the presence of Chiefs in the Legislature would stimulate the demand to have their affairs thrown open to discussion ?

A.—I do not think I am quite competent to express an opinion, not being a Ruling Chief or Prince myself, but I would welcome.....

Q.—I am asking you as a member of the Legislature. You know there is a tendency in certain sections of the Legislature at present to assert a right to discuss Indian State affairs ?

A.—Yes. If we could carry the Ruling Chiefs and Princes with us, then that would be a very desirable state of affairs, but surely I would not advocate that against their consent.

Q.—You say at the end of paragraph 1 of your memorandum (top of second page) that the electorate rather the agriculturist knows what is good for him and generally speaking for his country and which way their interests lie. If you expand the franchise to the extent you suggest, you think it would still be safe to say that every voter would be able to discriminate between his own interest and the interest of his country ?

A.—I think perhaps you cannot say that there is any country in the world where you can say the same of every voter. But I think on the whole.... (Mr. Chairman : The Majority) the majority understand things.

Q.—Suppose you went to a member of your constituency and told him "you will not have to pay any taxes", he would understand that. Would he believe you ?

A.—I do not think he will.

Q.—Don't you think that misrepresentations of that class have been believed in the past at all events—not in the very remote past ?

A.—No, no. I do not think the voter would exercise his power of vote by being misled by any class of people. He never exercised the power of vote under delusion.

Q.—I put it to you plainly, Mr. Raza Ali. Did it ever come to your ears that at the last election, canvassing took the following line. "If you vote for Gandhi, you will pay no more taxes ?"

A.—No. It has not come to my ears. I think it is very important that I should make it quite clear, if you will allow me, that if canvassing had gone on these lines in all likelihood I would have known it, since I was myself involved in an election. I had a good deal to do with canvassing for the Assembly election and had a thing like that occurred, I think I would have known it.

Q.—What was the party cry at the last election, Mr. Raza Ali ? You were not a candidate at the last general election ?

A.—I was not a candidate in the sense I was not nominated. Three days before the nomination I withdrew. But still I had toured in my constituency and I had made my preparations.

Q.—The elections took place for the Assembly at the end of last year. Did you see anything of the working of the suffrage ?

A.—As a matter of fact I was working for a friend of mine. I was actively involved in the elections.

Q.—There were party considerations which were put before the voters ?

A.—Yes.

Q.—What were the party cries ?

A.—Well, I believe, broadly speaking, since it is rather difficult to go into details having regard to the time at our disposal, the main cry was that the Liberal Party should not be returned to power, because, as a matter of fact, it was they who were the real cause of the downfall of the national movement. That was the charge brought against them, namely, that if they had joined the Non-co-operators in 1921, the country would surely have got something. It is they who really stood in the way of the country's progress.

Q.—Was there any justification for that allegation put before the electorate ?

A.—Certainly ; the justification was that united we stand and divided we fall. If the country spoke with one voice the Government could not possibly have withstood the demand.

Q.—And it was that statement laid before the electorate which influenced the result of the election ?

A.—I think it did, and I think it did to a very large extent.

Sir Siwaswamy Aiyer.—Q.—Mr. Raza Ail, I am not quite able to follow some of the remarks in paragraph 1 of your memorandum. You say " There is a large volume of Indian opinion—opinion entitled to the greatest consideration—which seeks to solve the problem by putting the Ministers in charge of all subjects except foreign and political relations and Defence. There is such a consensus of Indian opinion on the question that at times I begin to entertain serious doubts whether it is right for me to differ from it." Am I to understand that that large volume of Indian opinion includes yourself ?

A.—Subject to what I have said further on. Will you please read on ?

Q.—I do not quite follow. Do you share that opinion or not ?

A.—I do, subject to what I have said further on.

Q.—You say " I begin to entertain serious doubts whether it is right for me to differ from it." That rather suggests that your inclination is perhaps to differ from it, but you have resolved.....

(*Mr. Chairman*).—The word suggests that he does not differ.

A.—Not exactly, Sir. I have two schemes. If you accept the first, it would be good luck to this country and everybody concerned. If unfortunately that does not commend itself to this Committee, in the alternative I have put forward another proposal. That is all.

Q.—I want to make it clear to myself as to exactly what you mean. This sentence rather reads as if you were inclined to differ from that large

volume of Indian opinion. Is that the correct interpretation of that sentence ?

A.—Under certain contingencies, I would differ.

Q.—Then, you say " Be that as it may, it is conceded by the exponents of the scheme that a fixed sum of money not to be put to the Assembly's vote is to be earmarked for the purposes of defence which would greatly reduce the chances of friction." What is the scheme that you refer to ?

A.—The transfer of everything except Defence and Political and Foreign Departments.

Q.—The transfer of all departments—the introduction of responsibility except in military matters ?

A.—Exactly. That would be a happier expression.

Q.—You say " The main reason why I do not urge its acceptance ". That is the acceptance of this scheme, which involves the introduction of responsibility in all except two departments. Is it not ?

A.—Yes.

Q.—You say that you do not urge its acceptance ?

A.—Yes.

Q.—And therefore it means that you are not in favour of the introduction of responsibility in the Central Government except in regard to foreign and political relations and Defence. Is that your idea ?

A.—I have tried to discuss the merits of both—the generally prevalent view of my countrymen and the alternative proposal that I have made.....

Q.—I wish to know what your own view is. This sentence in your memorandum means that you are not in favour of accepting the introduction of responsibility except in regard to Defence and political relations. Is that correct ?

A.—It is rather difficult at times to formulate your answer in either ' yes ' or ' no ', as we members of the legal profession know. But if you will allow me to frame my reply, I will say this. There are very considerable advantages that I see in the scheme which has been put forward by almost unanimous Indian opinion. I also realise that the alternative scheme that I have been driven to formulate is open to certain disadvantages from which the other scheme is free. Now, having realised these facts, there are certain other considerations which have weighed with me. These considerations are that this scheme is more workable than my alternative proposal. I must admit that. Subject to all that, I do realise that it will be safer, if certain members of the Committee will excuse my making use of that expression, to have provincial autonomy first and then to transfer these subjects in the Central Government.

(*Mr. Chairman to Sir Sivaswamy Iyer*).—I think Syed Raza Ali's memorandum makes this point quite clear.

A.—If you will please turn to page 4 of my memorandum you will see.....

Q.—I wish to know what is your alternative scheme with regard to the Central Government ?

A.—My scheme is to place a number of departments in charge of a Minister.

Q.—You say that you wish to place certain departments of the Central Government in charge of Ministers ?

A.—I have used the word Minister in singular, not in the plural. If you convert it into plural, I do not think I can have a very serious objection.

Q.—Then you wish to place certain departments in charge of a Minister ?

A.—Yes.

Q.—What exactly do you understand by a Minister ? Is he not one who is responsible to the Legislature ?

A.—Yes.

Q.—What are the departments which you will place in charge of a Minister ?

A.—My off-hand answer will be that you should place in charge of a Minister, Revenue, Agriculture and Education. If you give me the list of the Government of India Departments, I will be in a position to tell you the number of the departments that I wish the Minister to have.

Q.—At any rate, you know the Members of the Executive Council of the Government of India. Which of their departments would you place under a Minister ?

A.—I am not concerned with the Indian Members or European Members. That is not the consideration that has weighed with me. You should put a number of departments in charge of a Minister, who should be responsible to the Assembly.

Q.—Now I wish to know which of these departments would you place under a responsible Minister ?

A.—I have already mentioned three, namely, Revenue, Agriculture and Education.

Q.—That is practically Sir B. N. Sarma's department ?

A.—Take Sir Muhammad Shafi's department and also Mr. Chatterjee's. That does not matter.

Q.—Then you would like to put in charge of the responsible Minister Sir B. N. Sarma's department and Sir Muhammad Shafi's department. Which other departments would you give him ?.

A.—I say give him Revenue, Agriculture and Education.

Q.—That is all Sir B. N. Sarma's department ?

A.—I am very sorry if that is so.

Q.—Then you want to give to the responsible Minister only these three departments ?

A.—Yes. And you can add to these some more.

Q.—It is not a question of pleasing myself. I want to know what will please you ?

A.—If you want to know what will please me as an Indian, I believe you already know that.

Q.—I want to know what will please Mr. Raza Ali as a public man ?

A.—The thing that will please me is the transfer of a number of departments in the Central Government to be in charge of a Minister

who ought to be responsible to the Central Legislature, namely the Assembly.

Q.—Then you will transfer to him some departments but not all. Do I understand you to lay stress upon the fact that you will transfer to the Minister only some departments but not others ?

A.—To have a start, yes.

Q.—Do I understand that the difference between your scheme and the more popular scheme, as you call it, is that you would like to have fewer departments under responsible Ministers ?

A.—Yes, that is so. Mine is a diluted scheme. The other is a comprehensive scheme.

Q.—Have you any special preference as to which departments you would still keep under irresponsible Members and which you would transfer to responsible Ministers ?

A.—I believe that follows from the trend of my memorandum. But I will not attach very much importance to that. The line is indicated by what I have said there. It is very strongly indicated there.

Q.—With regard to your suggestion about the Ruling Princes. Let us not talk about the distant future. Do you think that the Nizam of Hyderabad will care to sit in that safe place ?

A.—My information is that the Nizam of Hyderabad has not cared even to attend the Chamber of Princes. But surely there are others who will care to come and who will welcome this idea.

Q.—Take the Maharaja of Mysore. He also does not attend the meetings of the Chamber of Princes. Do you think he will sit in the Council of State ?

A.—Perhaps not.

Q.—Then you are thinking of the minor fry ?

A.—I contemplate Princes who are neither too big nor too small.

Q.—Do you think that the Maharaja of Gwalior will care to sit ?

A.—He is one of the biggest Maharajas. He comes perhaps third on the list.

Q.—You want to assign to them that safe place ?

A.—That is my proposal.

Q.—Are you quite happy about your position in that safe place. Are you enamoured of it ?

A.—I do not know what else it can be. That is the difficulty. It was designed to be what it is and it is performing the functions which it was expected to perform.

Q.—I only want to know whether the Ruling Princes would agree to be members of that safe body ?

A.—Very much.

(*Mr. Chairman*).—I do not think Mr. Raza Ali can be expected to say that. He has only made a proposal.

A.—My idea is that they would much rather be members of the Council of State than of the stormy Assembly.

Q.—They would rather not sit with the plebeians ?

A.—I do not know. There are other factors to be taken into consideration.

Q.—You expect two advantages : They would be able to broaden their outlook and you would prevent them from opposing broad and liberal measures ?

A.—If I can induce them to do so.

Q.—Is there not more danger by their throwing weight on the side of stagnation and non-progress ?

A.—So far as the Council of State is concerned, I do not think you can make it worse than it is.

Q.—So you think that their influence may be expected to be quite harmless ?

A.—Absolutely.

Q.—Then what good is it going to do to anybody, either to them or to us ?

A.—As I said in reply to a question put by another Member, the real reason why I have almost gone out of my way to mention this is that this country will realise in course of time that unless it can pacify the Ruling Princes there will be tremendous difficulties in the way of a further political advance and real self-government. I mean to say that it is one of the dangerous points.

Q.—Are you talking of self-government in British India ?

A.—I am talking of self-government in British India.

Q.—Don't you think we had better leave them alone ?

A.—If you can secure my good will, Sir Sivaswamy Iyer, why should you antagonise me. That is the line on which I have proceeded. I do not know whether I will succeed.

Q.—You say in paragraph 5 that the depressed classes should be given representation. Are you particular about their being given representation by one method or the other—by nomination or by election ?

A.—Personally I would prefer election, because nomination, after all, is a very unsatisfactory method of securing representation.

Q.—Do you think it is practicable to secure suitable representatives by election ?

A.—The greatest repository of the depressed classes is Madras of which I have no personal knowledge. I do not know whether the machinery will work well there or not. If it will work, I would rather have election than nomination.

Q.—You say there are various things involved. You must have a suitable electorate. You must lower the franchise to a particularly low point. Would you have special electorates for them ?

A.—In order to let them get on I would not mind giving them special electorates.

Q.—I suppose you regard the system of communal representation as not an ideal system ?

A.—No.

Q.—It is an evil to be tolerated within limits ?

A.—That is so.

Q.—Would you extend the application of the principle of communal representation beyond its present limits or would you keep it as it is, without extending it any further ?

A.—You never know what the proper limits are. That is the real difficulty. As I have pointed out in another connection, separate and communal representation started with the Mussalmans, and now there are so many more communities to which it has been extended.

Q.—I want to ask you whether you would be bound by considerations of logic to extend the application of the communal principle to every community in India ? You know that India is divided into a vast number of communities ?

A.—I suppose I do.

Q.—And do you think it is expedient to extend the principle of communal representation beyond the limits to which it has already gone ?

A.—I do not think I will lay down any hard and fast rule. I will not say that in any case henceforward it is not to be extended to any class or community. But surely I would try to keep it within as narrow limits as possible.

Q.—Would you not rather prevent its further extension ?

A.—Certainly. As a matter of fact I will go so far as to say that one of the greatest achievements that can stand to your credit will be to induce the Musalmans to do away with the communal representation.

Q.—I should be very glad if you would join forces.

(*Mr. Chairman*).—*Q.*—You feel that is not practically possible ?

A.—I said, Sir, if you can induce the Mussalmans, there is absolutely no difficulty.

(*Mr. Jinnah*).—*Q.*—No difficulty in inducing them ?

A.—I believe the President of the All-India League should know better than myself, but if you can induce them, that will be one of the best achievements.

(*Mr. Jinnah*).—*Q.*—What is your opinion ? Is there any difficulty in inducing them to give up separate electorates ?

A.—A great many at present.

Q.—Let us turn to paragraph 6. You say in paragraph 6 you sigh for the time when the Finance Department of the Government of India will be under an Indian Finance Member ?

A.—Yes.

Q.—And would you like to see that time hastened ?

A.—Oh, very much.

Q.—You would have the Finance Department under an Indian ?

A.—The Finance Department ought to have been under an Indian in 1909 when Mr. Gokhale was living.

Q.—Do you draw a distinction between a Finance Member and a Finance Minister ?

A.—One deals with principles and the other with men.

Q.—You would have the Finance Department under an Indian Member rather than an Indian Minister, is that your view ?

A.—No, that is not what I contemplate. I say that, assuming you must have a number of men to serve on your Executive Council and you have these two portfolios, namely, the Home Department and the Finance Department, then try as soon as you can, to put Indians in charge of these two Departments.

Q.—I do not want to assume anything ; I only want to know your wishes and your opinions.

A.—I am telling you my wishes.

Q.—That you want an Indian as a Member or a Minister ?

A.—As a Member.

Q.—You say in paragraph 7, " If the Assembly generally extended its wholehearted support to the Government, the latter responded by consenting to the repeal of certain repressive laws including the Press Act and to a modification of the privileges of European British subjects in criminal trials. The spirit of give-and-take was there in abundance but the system did not work because it is unworkable." That is you think the present system, that is the Central Legislature is unworkable ?

A.—It is unworkable because you put a premium on dead-locks.

Q.—If the present system is unworkable, what is your remedy for it ?

A.—I say give the Assembly something to do. If there is nothing important to do.....

Q.—Somebody will find work for its hands ?

A.—Yes.

Q.—Your solution of the present situation, which you say is bound to lead to dead-locks, am I to understand is the partial introduction of responsibility, confined to departments which can be administered by a single Minister, not two ?

A.—I have no objection to two Ministers, but I have recommended one.

Q.—You do not want two Ministers ; you will be quite satisfied with one ?

A.—I do not think that is putting my position quite correctly. I say that to make a start I would be contented with one Minister being installed at Delhi and Simla—at the Central Government.

Q.—You will be content with that ?

A.—To make a beginning.

Q.—And you would not ask for more ?

A.—No, not for the present.

Q.—You were asked about the question of party cries, and you said the party cry was that the Liberals were the cause of the downfall of the National movement, the party cry was " down with the Liberals " ?

A.—Because of what they had done.

Q.—Do you really think that there are any live political issues now excepting the one of more popular control over the administration or less popular control ? Is there any other question now except the question of transferring more power to the people ?

A.—No, that is the question on which all the Indian political parties are agreed.

Q.—And therefore there is no issue as among Indians themselves ?

A.—Not at present.

Q.—But if there was full responsibility, if the goal is achieved, that would stimulate the growth of parties and party cleavages and party organisations ?

A.—I think so.

Q.—You wanted to enlarge the power of the Government in certain departments with regard to the subject of land revenue to which your attention was drawn by the Maharaja of Burdwan ?

A.—Did you say enlarge ? No, that is not so.

Q.—Will you refer to paragraph 9 ; you would like to transfer Law and Justice and Police and Land Revenue to popular control, and the Maharaja asked you whether you would suggest any safeguards against any misuse or vagaries ?

A.—Against any possible difficulties or contingencies arising in the future.

Q.—And you said that the power which the Governor has should be enlarged ?

A.—No, that power is there under section 50 to-day ; I want to keep it as regards these two departments ; there is no question of enlarging it.

Q.—You mean the power of veto or restoration or certification ?

A.—The power of veto and affirmation, these two things.

Q.—And what I want to know is whether you would increase or provide any greater safeguards with regard to these two departments you propose to transfer, or leave these two departments under existing safeguards ?

A.—I would leave them as they are. What greater safeguards could you have ? They are not necessary because the safeguards provided by the Act at present are left intact. I say, constitutionally speaking, no greater safeguards are required.

(At this stage the Maharaja of Burdwan took the Chair.)

Sir Arthur Froom.—*Q.*—You made a reply to Sir Sivaswamy Aiyer that you could not make the Council of State worse than it is. I do not want to lay any particular emphasis on that remark, but you would not propose to do away with the Council of State ?

A.—If you have taken the remark seriously, I think I must explain. I made the remark in a light-hearted manner. What I meant was this ; in the Council of State, constituted as it is, there is a standing majority in favour of Government. I am not dealing with policy ; I am taking facts as they are. It is therefore immaterial whether A. B. and C. vote for Government, or you replace A. B. and C. by X. Y. Z. The majority vote for Government ; if you replace them by others it makes no difference.

Q.—Resolutions have been carried against the Government in the Council of State ?

A.—Yes.

Q.—The Members of the Council of State are not blindly *pro* Government ; they have carried resolutions against Government ?

A.—Oh, yes.

Q.—I think you might admit that all second chambers in any constitution are generally rather dull ? I fancy the House of Lords is rather dull at times ?

A.—I think it is duller perhaps than we are.

Q.—The Council of State is sometimes compared with the House of Lords, very incorrectly, because the Council of State is an elected body ?

A.—Yes, one should not forget that. To be quite frank, if I thought the Council of State was no good, I would not be a Member of that body to-day.

Q.—I read your memorandum with very great interest, and I formed the conclusion that, on the whole, you were not quite satisfied that any drastic change at the present time in the existing constitution might prove an unqualified success. Am I correct in arriving at that conclusion ?

A.—No, that is not correct. If you want my view in a nut-shell, I would say my position is this. I would ask my countrymen to be a little less impatient, and I would ask the Government to be a little more courageous. As was put by a distinguished administrator, a civilian to the core of his being, Reform should not be afraid of itself. This is just the time, we are at the parting of ways, for Government to take its courage in both hands and to give a really liberal measure of reforms with proper safeguards for important interests. That is what I recommend.

Q.—That is why I arrive at the impression I had formed from your memorandum, because in various places you do quite apparently see that safeguards are necessary ?

A.—If you will allow me to put it in my way, India, so far as I have been able to judge, is in the position in which England was in the year 1832, and I find the arguments which were used against the adoption of the Reform Bill of 1832 are mostly the arguments which have been put forward by a certain section for the consideration of this Committee. Having regard to the number of electors too, I think the analogy is a very close one.

Q.—I was referring to the last few lines in paragraph 2 where you said you would provide for the administration of the Ministers' departments being taken over by a member of the Executive Council in case of emergency ?

A.—What I meant was, I hope it will never happen, supposing the Central Provinces experience is repeated at the Central Government, there must be some safeguard to enable the Government to carry on with these departments.

Q.—Still under the present Reforms you admit a certain amount of progress has been made in the past three years ?

A.—Certainly.

Q.—And you agree that progress is of an educative nature ?

A.—Yes.

Q.—Members who came up to the Assembly did not know very much about political work and legislative work before and they have learnt a good deal. We in the Council of State have perhaps learnt something ?

A.—I think they have.

Q.—Then do you think that the present constitution, from the point of view of the fair-minded man you are, has had a reasonable trial from its very start ?

A.—Perhaps you will please look at what I have said there. I think in fact that the experiment in itself carried the germs of failure in it. I mean to say after all we have got dyarchy, and I do not base my opposition to dyarchy on the evidence given before this Committee.

Q.—We will leave your answer at that—that the experiment carried the germs of failure in it ?

A.—Yes.

Q.—What I am trying to get at is that when this reforms constitution was started, a certain group of politicians would not have anything to do with it—they would not even give it a trial ?

A.—That is a fact—a stern fact.

Q.—That is not the sort of attitude you would adopt ?

A.—Oh, no.

Q.—Then after the first three years these same politicians or a certain section of them turned round and entered the councils as a Swarajist Party ?

A.—Yes.

Q.—And then having entered the councils, they continued in the councils their obstructive policy ?

A.—They did.

Q.—With that in your mind, do you think that is giving this reform constitution a fair trial ? You would not have adopted such an attitude ?

A.—Of course not. As a matter of fact if you will please see, in expressing my opinion about the working of the Assembly I have entirely based it on the first three years' working of the Assembly by the Liberal Party. I confine myself absolutely to that ; and so far as the provinces are concerned I am not altogether guided by the evidence given here. I say the system was faulty as it was introduced.

Q.—And do you think it would be altogether reasonable—supposing this Committee or supposing anybody was examining this scheme would you consider it to be altogether reasonable to adopt the view that further powers may be given now—three years is a very short time ?

A.—I know it is a short time. If you will excuse me I would say that your starting point is wrong. We should not start with the year 1921. I would rather start with the year 1892. British policy in this country has been too slow and too cautious. My own feeling is that this country should have got in 1892 what it got in 1909 ; and what we got in 1920 we should have got in 1909. I know what you mean when you say that three years' working is not enough ; but I would take the starting point from the year 1892—which means more than 30 years now.

Q.—You would have introduced the present reforms in 1892 ?

A.—No ; in 1909.

Q.—Anyway you think it has been slow all along ?

A.—Very slow. Government have been too cautious.

Q.—And on the other hand, you say that you would like your people not to be impatient ?

A.—Exactly.

Dr. Paranjpye.—*Q.*—Mr. Raza Al, I see about the middle of the first page you say " I realise that all the subjects in the provinces must be

transferred to popular control before a substantial element of responsibility is introduced in the Central Government." Don't you think that would lead to a great deal of disputes, to put it very mildly, between the Central Legislature and the provincial legislatures ?

A.—I can see there are a number of questions on which differences may arise.

Q.—There will be differences then, and when such differences arise, a responsible provincial legislature would be in a far stronger position generally than an irresponsible Central Legislature ?

A.—Yes, that is so.

Q.—It will have popular support behind it ; and consequently the position of the Central Government will be very much weaker ; they will not be able to have their own way in a legal way ?

A.—In fact, the pressure of public opinion will be felt by them more acutely than it is now.

Q.—And it will be on the side of the provincial government ?

A.—Yes.

Q.—So that do you still adhere to this proposal that there should be complete provincial autonomy before any popular control is given in the Central Government ?

A.—Have I said "before *any* popular control" ?

Q.—Well you say "before a substantial element of responsibility."

A.—That is it. I don't minimise the importance of a substantial measure of responsibility in the Central Government.

Q.—My point was whether you agree that that requires a little modification. Along with provincial autonomy there ought to be simultaneously responsibility in the Central Government, otherwise it would lead to practical inconvenience.

A.—The greatest exponent of that view lately has been Mr. Lionel Curtis, but I don't agree with that view.

Q.—You think these two things should be done simultaneously ?

A.—Should not be done simultaneously, or rather may not be done simultaneously. I would have provincial autonomy first. With the introduction of a substantial measure of responsibility in the Central Government, the growth of responsibility in the Central Government will come.

Q.—What is your remedy in the case of disputes between the Central Government and a provincial government ?

A.—Differences there will be but not of such an acute character as to lead to deadlock. As you know—none knows better than yourself having worked the system—there are differences and differences but these differences will be of a kind which can always be compromised and accommodated.

Q.—Well, take the case of a repressive measure. The provincial government is opposed to take such a measure, while an irresponsible Central Government wants it to do so. What will happen ?

A.—If you confine yourself to my scheme I make certain suggestions by which your responsible Government in the provinces will be liable to be voted by the Governor. I do contemplate that contingency to tell you the truth, and I have provided for it.

Q.—But after all it is to be administered by a Minister.

A.—But I provide for certain safeguards in the working of the system, namely, I would retain the present section 50 of the Government of India Act.

Q.—Suppose the Ministers of the provinces refuse to have anything to do with such a repressive policy ?

A.—It will be open to them to do so ; then the responsibility will be that of the Governor.

Q.—You will leave the Governor to administer all these departments ?

A.—Take the case of A who is going to visit a certain province. The Government of India think that A should be arrested for certain reasons ; he is an agitator and so on. Well, they ask the Local Government to do so. X being a Minister refuses to take action. Then if the Governor is prepared to take the responsibility, let him overrule the Minister and let him arrest A.

Q.—That is a single individual action. Take a wider case. For instance, the Government of India wants to introduce a Bill something like Dora—some measure like the Defence of the Realm Act during war-time. They want to stop a particular movement—shall we say a particular political movement in a particular province. The Legislature of that province and the Ministers who are responsible to that Legislature are opposed to it.

A.—You contemplate a provincial measure ?

Q.—After all the measures have to be taken by the provincial governments.

A.—Quite. You contemplate a certain piece of legislation is before a certain provincial Legislature of an awkward nature ?

Q.—Yes. The Legislative Council and the Ministers responsible to it say they will have nothing to do with it, and the Government of India wants the measure to be carried out. The Ministers naturally will resign. Will the Government of India be in a strong position in carrying out their policy in the teeth of this provincial opposition ?

A.—Excuse me ; in this case the Ministers need not resign. The Ministers and the Council being in agreement the Governor can have recourse only to the power of certification. Why should the Ministers go out ?

Q.—I think the Ministers will go out because they are opposed to the policy which is to be carried out by their departments.

A.—Excuse me, that is not the interpretation I put on the Government of India Act and the Joint Parliamentary Committee's report at all.

Q.—So you want to have the Ministers only as glorified heads of departments which are to carry out the orders of the Government.

A.—Not a bit of it. Under the Act, it will not be the Ministers who will carry out those orders. It will be the Governor who will enforce the orders and the responsibility will be the Governor's.

Q.—But the departments are being administered by the Ministers, so that the departments will have to carry out orders to which they are opposed.

A.—No, the Governor will be doing it. I don't quite see the constitutional point.

Q.—Very well, we will leave that subject. You next mention that all people who are paying any kind of tax should get the vote. I can understand the position as to manhood suffrage, but what relation is there between a man who pays a tax in a municipal area for keeping a vehicle for hire—what particular claim can he urge for having a vote against a man who is not paying any taxes ?

A.—Because that tax has been levied either in pursuance of an Act passed by the Legislature or in pursuance of the rules made under the Act. Therefore that man, though he pays a very small amount, is greatly interested in the question of having the right type of persons in power. That is the test recognised in all countries.

Q.—Not municipal taxes.

A.—No, but I carry that further in the case of India. He will be a man who will have some stake in the country.

Q.—But his stake amounts to the possessing or hiring of a certain conveyance.

A.—Which again gives him a certain position which is not enjoyed by the man who pays no municipal tax.

Q.—Now as regards your proposal to bring in the Ruling Chiefs and Princes—don't you think that the elected members of Council, seeing that outside people are taking part in the administration of their own affairs, will claim a voice in the administration of Ruling Princes ?

A.—If you claim a voice with the consent of the Ruling Princes I would welcome that consummation. In fact, that is what I aim at.

Q.—But obviously you cannot allow anybody to interfere in your affairs who is not actually concerned with them ?

A.—May I take it that by that you mean that we should not allow Ruling Princes to sit on that body ?

Q.—That *prima facie* appears to be right.

A.—Yes, it is ; I don't deny that ; but I think that if the scheme is successful, which is very doubtful, perhaps something like a *rapprochement* might be effected between British India and the Indian States.

Q.—Well, I come now to your paragraph 9. You wish to give Governors very large powers in connection with certain subjects. You want nominally to transfer them to the Ministers, but you wish to reserve large powers to the Governor. I suppose you have been in touch with the evidence given before this Committee ?

A.—Yes, I have gone through the bulk of it. It is not right to say that I propose to give very large powers to the Governor. As a matter of fact I want to improve the conditions as they exist to-day under section 52, sub-section (3), under which he can overrule a Minister on every point.

Q.—But you cannot do it under the present Act. If you intend to do away with the whole of the Executive Council, you will have to amend the Act.

A.—I would do away with the Executive Council.

Q.—So you would amend the Act in any case ?

A.—I take it for granted that it will be amended. What I meant was that it will be a considerable improvement on the present constitution. At present the position of the Ministers is hopeless.

Q.—You are making it more hopeless in other Departments,.....

A.—No, excuse me.

Q.—When you give the Governor wide powers of over-ruling the Ministers in those Departments ?

A.—Only as regards two—Law and Order and Land Revenue. I am not quite sure about Land Revenue, but to be on the safer side, I have included it. Conceivably, as I say, in certain provinces, that might be necessary.

Q.—Look at the last but one sentence in that paragraph. You say : " As regards the administration of the other subjects he may be empowered to refer a question to be considered at a meeting of all the Ministers but may not overrule a unanimous Cabinet. " I suppose you know that even if in a Cabinet a decision may not have been arrived at unanimously, still whatever decisions are arrived at are to be loyally carried out by the whole Cabinet ?

A.—Yes. I do not contemplate that in the case of these departments. I quite see that.

Q.—Whatever internal difference there may have been before a decision was arrived at, the decision when arrived at should be regarded as unanimous and should be loyally carried out by all the colleagues.

A.—Yes.

Q.—But by your proposal, when you say that the Governor may not overrule a unanimous Cabinet but may overrule a Cabinet in which the opinion was divided, would you not be giving large powers to the Governor—just to appoint one Minister out of five who will generally agree with him and therefore will give him frequent opportunities to overrule a non-unanimous Cabinet ?

A.—The scheme is not free from a certain amount of risk, but the risk is so small as to be almost negligible, and therefore, I would take it.

Q.—How would you constitute such a Cabinet ? Would you appoint the Chief Minister in the beginning and ask him to select his colleagues ?

A.—Unless there are parties on clear cut lines I do not see how you can have a Chief Minister and ask him to select the others.

Q.—He will select such as would ordinarily support him in all the proposals that he wishes to make within his regime. They may not necessarily agree on all subjects under the Sun but they may agree on subjects which are likely immediately to come forward and that is possible in several countries where there are groups.

A.—I believe you are assuming the case of a Legislature where one party has an absolute majority.

Q.—No, no. With two or three groups, forming a working arrangement, so as to carry on the Government satisfactorily to the groups.

A.—You mean a coalition ?

Q.—Yes. One of them will be Chief Minister and he will select his colleagues from the various groups.

A.—The only difference is, that instead of giving that power to the Governor, you give it to the Chief Minister.

Q.—This Cabinet will be always unanimous and the Governor will never have an opportunity of vetoing that Cabinet according to your supposition.

Q.—Is that quite so ?

A.—No, that is not my view. I was just trying to understand your position. I think my scheme will work perhaps a little better than the one suggested by you.

Q.—The Ministers are to be appointed by the Governor as particular Ministers and not as Members of a Cabinet. Is that your view ?

A.—I contemplate the case of the Ministers for some time to come being appointed by the Governor.

Q.—Separately, irrespective of their colleagues ?

A.—Irrespective of their colleagues, unless there is a clear majority of one party in the Legislative Council.

Q.—Presumably, according to your scheme, you would allow these Ministers to speak against each other, if they don't think alike.

A.—If they don't think alike, I believe they will be defeated soon, and the sooner they go the better. They will come to grief very early.

Q.—That is the logical result of your proposal ?

A.—I don't see that. I do not look upon it in that way.

Q.—Let us come to the next paragraph (paragraph 10). You say that "the ultimate object of every province should be to constitute its own services from the lowest to the highest." Have you formed any ideas about the constitution of these services ? We had some talk about patronage. What is your idea with reference to the patronage, whether it should be in the hands of the Ministers or not ?

A.—It is rather a difficult matter. That is one of those petty difficulties with which the path is beset.

(*Mr. Chairman*).—*Q.*—The question put to you is this. Would you give the Ministers the power of making appointments by way of patronage in support of their own party or would you not ?

A.—I do not see how on the whole you can deny that.

Q.—You know that some sections in the Government of India Act relate to the Public Services Commission ?

A.—Yes.

Q.—By means of which a good deal of the patronage would be taken out of the hands of the Ministers.

A.—Yes.

Q.—Would you support such a scheme of all appointments being made by the Public Services Commission subject possibly to certain broad rules—I do not mind even if there is communal representation, in the services, but subject to the rules—by open competition ?

A.—I am not at present for having a Public Services Commission. I am opposed to that. As a matter of fact, my position is this. The services should be under the Government of India and they should be responsible to the Government of India and not to the Secretary of State.

Q.—But you say here that each province should have its own services from the lowest to the highest. You don't contemplate any more responsibility to the Government of India.

A.—If you will please read three lines on you will find it. That is the ultimate goal.

Q.—I am talking about the ultimate goal. I am not talking about the present position.

A.—I cannot conceive of any provincial autonomy unless the provincial Government controls its services.

Q.—Do you want to have any safeguards against the abuse of this patronage—against, for instance, the introduction of a spoil system as it has arisen in several very advanced countries ?

A.—No.

Q.—Would you have any safeguards against the spoil system ?

A.—Well, I think, to make a start, I would give the patronage to the Ministers and see how it works. If there are any abuses, it will be always open to the Legislature to rectify.

Q.—You have read of the spoil system in, say, the United States of America ?

A.—Good God ! That is intolerable. I do not think we will ever come to that. I hope not. I hope never.

(*Mr. Jinnah*).—*Q.*—We are more advanced than the United States ?

A.—Most certainly, in many directions we are.

Q.—You speak a good deal about communal representation. I believe you have agreed theoretically at least with some of my colleagues that this communal representation is an evil to be only tolerated and to be done away with as soon as possible ?

A.—In theory I am with you.

Q.—Have you formed any ideas about the gradual steps by which this evil can be eradicated ? Or is there only one step, namely, communal representation exists to-day, the whole of it goes to-morrow ? Have you formed any ideas about the gradual steps by means of which this communal representation should in time disappear ?

A.—Oh, yes, I have been considering this question since the year 1914—that is, for the last ten years.

Q.—What are the gradual steps ?

A.—Well, the Mussalmans are so touchy about it that I do not think it will be proper to go into the question. Surely a scheme can be formulated later.

Q.—I will suggest a scheme. Would you say whether you agree to it ?

A.—I would rather not, if you will excuse me.

Q.—Suppose I put to you the skeleton of a scheme like this.

A.—If I don't want to disclose my own scheme I do not think you will expect me to express any opinion on yours.

(*Mr. Chairman*).—*Q.*—You are not willing to answer the question ?

A.—That is what it comes to.

Q.—At the last election the cry was practically "Down with the Liberal Party." Was not also the cry at that time this, that the Liberal

Party expected a good deal out of these reforms, but that their expectations and their good-will have not been reciprocated by the Government, and that is why their policy failed ?

A.—That was the Liberal cry, I believe. If I mistake not, that was the Liberal cry.

Q.—And it is on account of the cry against the Liberal Party that they did not succeed in the last election ?

A.—Of course, there were so many contributory causes, but the real cause I have given to Sir Henry Moncrieff Smith.

Q.—That the Liberals were traitors ?

A.—I won't use that expression. It is offensive. But it comes to that unfortunately.

Mr. Jinnah.—*Q.*—Will you look at your first paragraph ? You say that a large volume of opinion is in favour of this proposal, that all the subjects must be handed over to the Ministers in the Central Government responsible to the Legislature except Foreign and Political relations and Defence ?

A.—Yes.

Q.—Then in paragraph 2 you say that political life is a series of compromises between alternatives, and you suggest that some departments only should be transferred. Is that not so ?

A.—Yes.

Q.—You are not opposed to the first demand which is universally supported ?

A.—No, I am far from opposing it.

Q.—Then, you suggest that this alternative is by way of compromise ?

A.—Yes, that is what I have pointed out.

Q.—I can quite understand the wisdom of your alternative. If you cannot get what you want, take a little less. That is the idea, I suppose ?

A.—Exactly.

Q.—But supposing that alternative was brought into being or established, I suppose you are aware that it will be nothing less than dyarchy ?

A.—A diluted form of dyarchy.

Q.—It will be a full form—the fullest form of dyarchy.

A.—I do not think so. It will be somewhat different.

Q.—The alternative that you suggest is transfer of one or two departments.

A.—Yes, I contemplate two or three. The number is not very material.

Q.—A substantial portion transferred and a substantial portion reserved.

A.—I should think most of the departments not transferred and some departments transferred. That would be strictly the position I have in mind.

Q.—Supposing only say Post and Telegraph was transferred. Will that satisfy you ?

A.—Well, I believe if there was.....

Q.—Let me make it clear to you. What you really mean is this, that there must be not necessarily half actually—we won't take the actual proportion—but that a substantial portion should be transferred and a substantial portion should be reserved.

A.—Yes.

Q.—That is dyarchy.

A.—In fact, I have used the expression " it would be something like dyarchy. "

Q.—No. It is full dyarchy.

A.—I do not know.

Q.—What is dyarchy otherwise ?

A.—Dyarchy is this. I believe the real difficulty arises, so far as I have been able to study the question though I have had no opportunity.....

Q.—Surely, Mr. Raza Ali, you know what is dyarchy.

A.—I suppose so.

Q.—Will it not be dyarchy in its fullest form as it prevails in the provinces ?

A.—I do not think it will be in the fullest form.

Q.—How do you distinguish between the two ?

A.—The evidence that has been given before you.....

Q.—I am not concerned with the evidence. I am concerned with the constitution. How do you distinguish your scheme in the Central Government which you just now stated was different from the dyarchy which prevails in the provinces now ?

A.—I do not say it will be materially different. I never claimed that. It will be somewhat different, and if you want me to explain that. I believe I can do it.

Q.—There is no material difference ?

A.—It won't be material difference. That is true.

Q.—Now, we get on to the next point. I see that so far as the provinces are concerned, you advocate provincial autonomy.

A.—Oh, yes, I do. In fact, dyarchy is political bigamy, which I can never tolerate.

(*Dr. Paranjpye*).—*Q.*—But you support it in the Central Government ?

Q.—If you want provincial autonomy in the provinces would you not have your Governor as a constitutional Governor ?

A.—Not to begin with.

Q.—What kind of Governor would you like to have ?

A.—Well, he will be a Governor suited to the peculiar conditions of India. That is how I can define the position.

Q.—Not bigamy ?

A.—No, nothing of the sort.

Q.—You see when you say provincial autonomy it means a Government in this sense that the Ministers will form the cabinet and they will be responsible to the Legislature ?

A.—It will save time if I point out at once.....

Q.—I want to understand what is your meaning of provincial autonomy ?

A.—I have never used that word in the whole of my written statement because I know that at this stage it is not possible to have what is known as constitutional provincial autonomy. Subject to certain limitations I will have provincial autonomy.

Q.—When you say provincial autonomy subject to certain limitations, do I understand that the fundamental principle—let us get to some principle of constitution.....

A.—That is what I am trying to.

Q.—That is what I am trying to understand. Do you mean that the Executive will be responsible to the Legislature in your provincial autonomy or not ?

A.—On most of the questions, not on all.

Q.—On what questions the Executive will not be responsible to the Legislature ?

A.—That you will find in one of the paragraphs here where I mention—paragraph 9—Law and Order, and conceivably Land Revenue—it may not be Land Revenue in all the provinces.

Q.—Then the Executive will not be responsible to the Legislature with regard to Law and Order, Land Revenue, and what else ?

A.—No. These are the only two I have suggested.

Q.—To whom will they be responsible ?

A.—Of course, they will be responsible to the Legislature but subject to that responsibility the Governor will have the power of overruling the Ministers in certain contingencies.

Q.—And the Legislature ?

A.—Of course, if he overrules the Ministers he overrules the Legislature. It follows.

(*Sir Sivaswamy Aiyer*).—*Q.*—You mean tempered responsibility ?

A.—Put it that way if you like.

Q.—You know that a constitutional Governor has got a veto ?

A.—Yes.

Q.—Any measure which is passed by the Legislature can be vetoed by the Governor ?

A.—Excuse me. I am talking of administrative measures. I am not talking of the legislative functions.

Q.—You are not talking of the legislative ?

A.—Not in this connection.

Q.—So far as Legislature is concerned, even with regard to Law and Order and Land Revenue, the Ministers should be responsible to the Legislature ?

A.—Subject to that right of veto which is there already. You have got the right of veto in three-quarters at present.

Q.—Have you carefully considered this question ?

A.—Rather I should think so though I have not worked on any committee.

Q.—Then you say that the Minister in charge of Law and Order and Land Revenue will be responsible to the Legislature, but in administrative matters he will be responsible to the Government, is it not ?

A.—No, no. My position is this. If you will give me an opportunity of expressing my opinion on the question I will do so.

Q.—My question is a very simple one.

A.—In the beginning I thought so, but now I have changed my opinion.

Q.—I put to you again, to whom would the Minister in charge of Law and Order and in charge of Land Revenue be responsible ?

A.—He will be responsible to the Legislature as he ought to be in every system of representative government, but I will explain myself once for all to avoid any trouble. I divide the functions of the Legislature and the Ministers into two groups. First there comes the administrative sphere, then there comes the legislative sphere. In the administrative sphere, if the conditions were normal in India, the Minister would be absolutely responsible, and it ought not to be open to the Governor to veto him on any administrative question. But since the conditions are peculiar unfortunately in this country, therefore for some time I would give that right of veto as regards administrative questions to the Governor. So far as the legislative activities are concerned, the veto at present resides in three authorities, in the Governor, in the Governor General and in His Majesty. That is the position.

Q.—Then you would give the power to the Governor to override the Minister in any action that he proposes to take of an administrative character ?

A.—Yes, if he thinks fit to do so.

Q.—You are giving the power to the Governor to override the Minister if he thinks fit to do so, in any action that the Minister may propose to take of an administrative character ?

A.—Yes, subject to this condition that the Governor's action must be based on considerations of safety and tranquillity obtaining in the country.

Q.—Before he does that would you provide for any meeting ?

A.—No, not necessarily in these two cases.

Q.—You do not provide for any meeting of the Cabinet with the Governor ?

A.—Because I assume.....

Q.—I want first of all an answer yes or no ?

A.—It is very difficult to answer yes or no.

Q.—Surely you can say yes or no and then you can give your because ?

A.—There are many questions as regards which I cannot do that. As a matter of fact I contemplate that the Governor will explore every avenue of coming to satisfactory settlement with the Minister or Ministers.

Q.—Is he to give that decision after consulting the Cabinet or not ?

A.—I expect he will do that after consultation.

Q.—Then you will provide for this that when the Governor decides to override the Minister in any administrative action that the Minister takes or proposes to take, he would have a meeting of the Cabinet ?

A.—I should think so. I do not say that clearly, but that is what I contemplate.

Q.—Then would you have the matter voted upon by the Cabinet or not ?

A.—I think if it comes to the Cabinet it cannot help being voted upon.

Q.—And if the majority or if the Cabinet unanimously disagrees with the Governor ?

A.—On these two questions even if the Cabinet unanimously disagrees with the Governor it will be open to the Governor to interfere.

Q.—On these two points ?

A.—Yes.

Q.—On matters administrative ?

A.—Relating to the administration of these two departments.

Q.—That is your scheme ?

A.—That is my suggestion. Scheme is a grandiloquent word. I would say that that is my suggestion.

Q.—However, that is your scheme in short ?

A.—That is what I suggest.

Q.—When you talk of section 50 in paragraph 9 you mean that the principle of section 50 ought to be applied ?

A.—Yes, it comes to that. I mean the power contemplated by section 50. I say, " which power is vested in him in relation to reserved subjects under section 50."

Q—So far as the Council of State is concerned, I suppose it is perfect, there is no imperfection except that you want your elected President ?

A.—Nothing is perfect in this world, but so far as it is given to poor mortals to be perfect.....

Q.—So far as human institutions go ?

A.—I believe the Council of State is not full of imperfections.

Q.—I do not suggest that it is full of imperfections. The reference to us is to find out imperfections. I wanted therefore to know whether there are imperfections so far as the Council of State is concerned besides the two that you have mentioned, one that you want to elect your own president, and the other that you feel much to your disgust I suppose that there is a standing majority which Government can command ?

A.—I won't put it like that. Yes, you will please go on.

Q.—I will omit the words if you will like ' much to your disgust.' Shall I say much to your dislike ? Do you like a standing Government majority ?

A.—At times really we feel that the Government ought not to be in a position to command that majority always.

Q.—How would you remedy that ?

A.—Do you want me.....

(*Mr. Chairman*).—*Q.*—Is there a Government majority in the Council ?

A.—Practically there is.

(*Mr. Chairman*).—If all the members attended that would not be so.

A.—(To Mr. Jinnah) : If you want to go into this question I will certainly give my views.

Q.—If you make a complaint about a thing I think you will admit that I am justified in asking you how you would remedy it ?

A.—The Council of State was founded, as all second chambers are, to perform certain functions. Whether it has performed those functions or not during the short time that it has been in existence it is perhaps a little premature to say.

Q.—You have not had enough experience after nearly four years ?

A.—Looking at the nature of the questions with which we generally deal I think that four years is a little too short to pronounce judgment on the success or otherwise of.....

Q.—May I take it that it is perfect, that there is nothing to find fault with ?

A.—No. Excuse me. Since you have asked me I will go into this question. Non-officials ought to be in a majority on that Council. I do not think that ever since the constitution of the Council, the Government have exercised their right of nomination in quite a sound manner. I do not know on what considerations the nominations are based, but surely the nominations that have been made by Government to that body tend to bring about this result that those gentlemen who are nominated, as a rule, vote with Government. That has been the practice.

(*Mr. Chairman*).—*Q.*—Then you would prefer that Government should nominate members who would vote against them ?

A.—No. That would be the other extreme. In nominating a man I won't make it a condition that he should vote with Government or that he would be expected to vote with Government.

(*Mr. Chairman*).—*Q.*—Is that a condition ?

A.—I also said, expected to vote with Government. So far as the actual arrangement is concerned, I know nothing about it.

Q.—Do you suggest that when members are nominated they are expected by Government to vote in their favour ?

A.—I do not know whether they expect them to do so, but they do always vote with Government. That much I can say.

(*Sir Henry Moncrieff Smith*).—*Q.*—Always ?

A.—Almost always.

Q.—Except when the Government is not particular or keen on a point ?

A.—If Government are not very keen.....

Q.—Then they get their freedom to vote as they like ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—I hope you confine your remarks to the nominated members of the Council of State ?

A.—Yes, I am talking of the nominated members.

Q.—Is there anything else about the Council of State ?

A.—That is a question by itself, namely, whether you should have the Council or not. At present—speaking quite frankly before this Committee—I am inclined to take the view that we should retain the Second Chamber. That is my frank opinion at present.

Q.—For how long ?

A.—Say for another 3 or 4 years.

Q.—But, I am now concerned with improvements. Is there any other improvement that you can suggest ?

A.—My difficulty is this, I could suggest many improvements, but they might lead to bring the Council of State into conflict with the Assembly, which would be a most undesirable thing so far as the political future of India is concerned. It is not that I have not got any schemes to propose, but having regard to this most important consideration, I have purposely abstained from making any proposals.

(*Sir Arthur Froom*).—*Q.*—Can you tell this Committee the number of elected members and the number of nominated members of the Council of State ?

A.—Nominated members are not more than 8 or 10, elected members are about 25.

(*Sir Arthur Froom*).—*Q.*—No. I will give you the figures—33 elected members, 27 members nominated by Government of whom not more than 20 should be officials, so that we have 7 nominated members ?

A.—No. Technically speaking Mr. Khaparde is a nominated member and that makes 8.

(*Sir Arthur Froom*).—*Q.*—The elected members are in a majority ?

A.—Yes, they are in a majority.

Q.—You know how the elected members of the Council of State are now elected. Don't you ?

A.—Yes.

Q.—Because you were elected yourself ?

A.—Yes.

Q.—It is really more on the territorial franchise. Is it not ?

A.—It is very high franchise and it has been intentionally made high, so that the representatives should serve the purpose which they are wanted to serve.

Q.—As a revising, correcting chamber ?

A.—You may use that expression. That was the whole policy underlying the constitution.

Q.—Do you prefer that the members of the Council of State should be elected by the provincial councils ? Would that be better ?

A.—I have too much of that ancient Greek spirit in me. I am for direct elections. I would not have the voters twice removed from the representatives.

Q.—Would you suggest that the electorate should be enlarged ?

A.—A little, yes ; not much, if you want the Council of State to serve the same purpose as it is serving—as a second chamber.

Q.—As a correcting chamber. There is one thing more, and that is about the Secretary of State's Council. You say that ought to be done away with ?

A.—That is what I say.

Q.—To whom would you assign the functions of the Council of the Secretary of State for India ?

A.—I think that many of those powers should be transferred to the Governor General in Council. There will be no justification for keeping the financial control with the Secretary of State. I suggest that you should transfer most of these powers to the Governor General in Council.

Q.—All the functions that are now performed by the Council of the Secretary of State for India should be assigned to the Governor General in Council ?

A.—Most of them, yes.

Q.—What will you do with the rest ?

A.—There are some unimportant ones.

Q.—What will you do with them ?

A.—Give them to the Secretary of State. It does not matter. I do not think it makes any difference whether you give them to one individual.....

Q.—Without his Council ?

A.—Of course, without.

Q.—What will be the position of the Secretary of State ? What position would you give him then ?

A.—I believe it will be as it is. He is more or less an autocrat and he will continue to be so.

Q.—I am not trying to get into the constitutional position. He may be an autocrat or he may not be. If you do away with one thing, then you have got to provide for that somewhere else ?

A.—I am telling you—give those powers mostly to the Government of India.

Q.—You said that most of those functions should be assigned to the Governor General in Council and the other minor matters should be assigned to the Secretary of State without his Council. We got so far ?

A.—Yes.

Q.—What will be the position of the Secretary of State for India *vis a vis* the Government of India then ? Have you considered that ?

A.—You mean those matters in which the Secretary of State himself retains the financial control ?

Q.—If you transfer all the functions of the Council of the Secretary of State for India, to the Governor General in Council here, then don't you see that all the revenue will be in their hands and various other things will be in the hands of the Government of India. Then what would be the position of the Secretary of State for India ?

A.—The Secretary of State will retain the position which he has to-day. Take for instance the budget.

Q.—I will put it to you straight in order to save time. Will you reduce him to the same position as the Secretary of State for the Colonies ?

A.—Ultimately yes.

The Chairman thanked the witness, who afterwards withdrew.

Wednesday, the 27th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Chitale on behalf of the Bombay Presidency Association.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Chitale, you desire to give evidence on behalf of the Bombay Presidency Association ?

A.—Yes.

Q.—Will you tell the Committee something about this Association ?

A.—We have got 450 to 500 members. It is the oldest political association in Western India.

Q.—Where are its headquarters ?

A.—In Bombay.

Q.—What are your qualifications for membership ?

A.—There are two kinds of members—resident members and mufassil members. Originally it was a liberal organisation but now it is mixed up.

Q.—Is it mainly composed of Hindus ?

A.—No. We have Hindus, Christians, Parsees and Muhammadans. In fact, all the castes are represented.

Q.—What is the proportion of Muhammadans ?

A.—I am afraid they are few. I think they number about 30 to 35. They are about one-tenth of the whole membership.

Q.—Do you have any subscriptions ?

A.—Yes, we have.

Q.—Have you got a balance sheet ?

A.—Yes. It is published in our report.

Q.—Are you registered under the Companies Act ?

A.—There is no registration. The Companies Act does not apply to political associations.

Q.—Why not ?

A.—I do not know. But our Association has not been registered.

Q.—Have you ever tried to register your Association ?

A.—Our senior people have not registered our Association.

Q.—Who is your head or President ?

A.—Sir Dinshaw Maneckji Petit.

Q.—What is your position in the Association ?

A.—I am a Mufassil member for over 20 years.

Q.—Do you hold any office ?

A.—No.

Q.—Have you been deputed by the Association to give evidence before this Committee ?

A.—They desired me to write out the memorandum.

Q.—And you circulated it to members and they approved of it ?

A.—It was discussed and adopted by the Council.

Q.—What is the Council composed of ? How many members has it got ?

A.—The Council is composed of elected members.

Q.—Is Mr. Jinnah a member of the Council ?

A.—He is the Vice-President.

(*Dr. Paranjpye*).—I am a Member of the Council.

(*Mr. Jinnah*).—Anybody who is worth anything in Bombay is a member of the Council.

Q.—Have you got your memorandum. Is it a printed one ?

A.—No, it is type-written one.

Q.—Then here is a printed copy. In paragraph 3 your Association says that before the Reforms were introduced there was a surplus of about 5 crores and you think that one of the difficulties was the financial stringency. You further say that it was largely consumed, half of it was consumed, in giving increments to the services. First to the All-India Services and then, as a result of agitation in the Local Council, to the Subordinate Services. Can you tell the Committee roughly what proportion is given to the All-India Services ?

A.—May I explain it a little more.

Q.—You should answer my question also at the same time. Could you tell me what proportion went to the All-India Services and what proportion to the Subordinate Services ?

A.—So far as the Subordinate Services are concerned, the proportion varied from 30 to 100 per cent.

Q.—I do not mean the increase. I want to know the proportion of the money which was divided between the two services and not the actual increment. You say 2½ crores was spent on giving increments to the services. How much of it went to the All-India Services ?

A.—I should think about 60 lakhs.

Q.—And the balance one crore and 90 lakhs went to the Subordinate Services ?

A.—That is so.

Q.—You say that in support of this grant to the Subordinate Services there was an agitation in the Legislative Council. Therefore, I presume, you approved of that ?

A.—That is not quite so. The fact is this. When the Reforms were to be introduced, the Government of Bombay was asked what amount it would require for the increment of the services in view of the possible reforms. If my impression is correct, they calculated that about 48 lakhs will be sufficient. It was because of this that the Meston settlement was arrived at at that particular figure.

Q.—What I want to get at is this. You say that it was the Legislative Council that insisted on the money being paid to the Subordinate Services. Is that quite correct ?

A.—Not quite correct in this sense that the Provincial Services were already given increments by the authorities. My impression is that when the reforms were first introduced, it was not contemplated that the Provincial Services will be given any increase in their pay inasmuch as the provision that was made was only 48 lakhs.

Q.—What I want to know is this : Did you consider that the grant to the Subordinate Services was justified or not ?

A.—I am bound to say " yes."

Q.—Do you say that it was the waste of money ?

A.—It upset the balance on the right side. That is true.

Q.—Please see paragraph 5 of your memorandum. I take it that your Association is in favour of the promotion of mass education ?

A.—Yes ; we are very strongly of this view.

Q.—You regard the education of the masses as a most important thing ?

A.—Yes.

Q.—Would you say that education is very backward in Bombay ?

A.—Compared to other provinces, I am not prepared to support that statement. But speaking generally it is backward.

Q.—Could you say why Mr. Patel's Compulsory Education Act proved unworkable ?

A.—Because it was based on a voluntary basis. It was, no doubt, a Compulsory Education Act, but the public bodies were given the option of introducing it ; and therefore everybody on account of finance did not like the measure.

Q.—Do you think if they had money, they would have put it into force ?

A.—The Act was defective in many ways. It would not have worked well.

Q.—So it was not your fault that the Act was not worked, but it was merely the fault of the Act itself ?

A.—Yes.

Q.—You say that Dr. Paranjpye's Act is being probably strangled on the pretext of inadequacy of funds. Could you explain that ?

A.—I will explain it fully. It is in this way. I was a member of the Primary Education Committee on whose report the Act was mainly based. The Primary Education Committee then made it quite clear that the responsibilities of the local Government as far as the finance was concerned would come up to about a crore and a half. In the Select Committee, when this Bill was being considered, we thought that the local bodies and the local Government should bear the burden in the proportion of one to three.

(*Sir Sivaswamy Iyer*).—*Q.*—Who should bear three ?

A.—The Government should bear three, and the local bodies one. However, partly on account of persuasion and partly on account of our anxiety to get the Bill through, we accepted a compromise by which Government bore the share in the proportion of one to two. That is to say, one-third was to be borne by the local bodies and two-thirds by the local Government. But there was a concession, to be quite fair to the local Government. It was in this way that the present grants-in-aid to primary education, which varied from 85 per cent. to 91 per cent. of the present expenditure on primary education, were kept in tact. The future expenditure for the expansion of the primary education either by compulsion or by extension was to be shared by the local bodies and the local Government in the proportion of one to two. As a result of this, and as I was a keen supporter of this scheme I iniated it at

Board (Ahmednagar district), of which I was the President. I found my quota of one-third. I put on the taxation. I put it through with the unanimous consent of the people. I was hoping that at least as far as my district was concerned where I had already found my quota, Government would do its best to give me at least their share. But to my great surprise, I found that this was not to be. I must say quite frankly that we had a conference only last month and the Secretary of the Education Department told me to my face that the Act is a badly drafted Act, that it is unworkable, and that the financial portion of it puts such a large burden on Government that they will have to revise the whole thing.

Q.—You said that you got it through your own Local Board. Did you collect your one-third ?

A.—We did. In fact, I have invested Rs. 60,000 out of that fund already.

Q.—You got this 60,000 out of the people ?

A.—Yes.

Q.—Where have you invested it ?

A.—We have invested it in the New Loan.

Q.—Would you get along with this paragraph. I take it that your Association is against communal representation ?

A.—Yes.

(*Sir Sivaswamy Iyer*).—*Q.*—May I put one question ?

(*Mr. Chairman*).—Yes.

(*Sir Sivaswamy Iyer*).—*Q.*—With regard to the plea of inadequacy of funds, I should like to ask you whether this plea of inadequacy of funds was well-founded or was only a pretext ?

A.—In my opinion it is a pretext. If Government is inclined to give, it can find funds.

(*Sir Sivaswamy Iyer*).—*Q.*—Not that it had funds and refused to give them ?

A.—No. But if it wants to give money, it can find funds.

Q.—I was asking you whether your Association is against communal representation ?

A.—Yes ; it is emphatically against it.

Q.—You say that it is destroying the unity and utility of the local Council and therefore you regard its removal as one of the most important measures.

A.—Yes.

Q.—Then you say that there is no satisfactory literary test for the Members of the Council. What kind of test would you prefer for the council ?

A.—I must admit it is a very difficult question to answer, but when I find Members in the Council from 20 to 30 per cent. cannot intelligently follow the proceedings in the Council, that is in my opinion a very serious defect. They may give any opinion they like, but we have the right to expect that they will follow the proceedings.

Q.—It is rather a serious statement, if you have 20 to 30 per cent. of your Council in a Presidency like Bombay who cannot follow the proceedings, what would be the percentage of electors who could follow the issues ?

A.—The percentage would be about 6 per cent.

Q.—Then you do feel it is a very serious difficulty in attacking the bureaucratic Government that so many members of the Council are not qualified to follow the proceedings ?

A.—I do not know how the bureaucracy comes in there.

Q.—You mention it yourself. You say in your memorandum :—" ....20 to 30 per cent. of members who are unable to follow the Council proceedings intelligently with the inevitable result that all these factors are proving the inefficacy of the Council vote and thus the present Councils are unable to change the bureaucratic nature of Government."

A.—Yes, that is my view.

Q.—Is this in the present Council or the last Council ?

A.—The last Council.

Q.—What would you say about the present Council ?

A.—I am not there ; I was chucked out.

Q.—A large proportion of your memorandum is devoted to questions relating to the Ministers in Bombay ?

A.—Yes.

Q.—I am not going to ask you any questions on that because we have an ex-Minister on our Committee, and I imagine his information is likely to be more up-to-date than yours ?

A.—Quite.

Q.—Who was the Minister for Excise and Forests ?

A.—The Honourable Mr. Mehta.

Q.—Is he still a Minister ?

A.—No, he is an Executive Councillor.

Q.—He is still assisting the Government in another capacity ?

A.—Yes.

Q.—I see in paragraph 9 (talking about joint deliberation) you say, " It was therefore suggested that as a general rule, it should deliberate as a whole, but in our Province this was an exception and not the rule." What do you base that statement on ?

A.—I am prepared to modify that statement. As a looker on at the game I claim that I saw the most of it, and I am quite prepared to be frank, the complaint of the Ministers was that all the necessary papers on which the deliberate opinion had to be formed, were not put before them.

Q.—They made that complaint to you personally, did they ?

A.—Certainly not to me, but in our private conversation.

Q.—That was the impression you got ?

A.—Yes.

Q.—Who was the Governor at that time ?

A.—Sir George Lloyd.

(*Sir Sivaswamy Aiyer*).—*Q.*—The Ministers did not suffer in silence ?

A.—I think so ; they had to suffer in silence because they did not resign.

Q.—Will you look at paragraph 11 of your memorandum ? You find not only the communal constituency a great obstacle, but you find the

Council deals with matters of policy on communal lines. You do not desire to modify that ?

A.—On some matters.

Q.—Generally ?

A.—Not generally.

Q.—Half way down paragraph 11 you say : " This result is partly due to the fact that the Councils are so constituted that communal considerations take precedence in the discussion of important matters of policy." Would you desire to modify that ?

A.—I would not modify it, but I would try to explain it. We have a Muhammadan Minister, and in a non-Brahmin Minister, and in matters of every day administration, when they feel that the vote is likely to go against the particular Minister, in spite of the reasonableness or otherwise of the proposition that may be before the Council, the voting is on communal lines, which is, from my point of view, a very radical defect.

Q.—If that was to prevail, would you find it difficult to constitute a Cabinet on English lines, that is to say that the policy of the Cabinet must be defended by all its members ?

A.—No, supposing it was a decision of a Cabinet and not of the Ministers ostracised from the whole Government, which is in my opinion a very important defect, the opinion being of one unitary Government, perhaps the opinion which would be expressed by the Councillors would be more emphatic and more reasonable.

Q.—You would hope there would be some change ? You hope to break down this communal feeling by a Cabinet form of Government ?

A.—Yes. From that point of view, unitary government is better than having these Ministers.

Q.—In paragraph 12 you say :—" ....some Indian leaders looked forward to producing deadlocks as a means of bringing the Executive under the control of Legislature." Is that a policy you approve of ?

A.—No ; my Association also does not.

Q.—Would you agree with the point of view put forward by another witness, that if there is a constitution, there must be a will to work it ?

A.—As the last resort of hopelessness and great disappointment deadlock would be the only remedy.

Q.—You are not personally in favour of it ?

A.—No, I would keep it as the last weapon.

(*Mr. Jinnah*).—Q.—There is a limit to good-will ?

A.—Certainly.

Q.—Still you must have some ?

A.—Oh yes.

Q.—At the top of page 8 you say :—" Section 80C virtually leaves the power of initiation of financial proposals to Government." Don't you think that every executive should have the right of initiating proposals for financial outlay ?

A.—I agree.

Q.—Then you accept that proposition ?

A.—Generally I accept it.

Q.—I cannot understand that next sentence of yours :—" Under this

power, even a resolution for discussing payment for an adequate grant to secondary schools was stifled;" is that correct ?

A.—That happened and therefore I mentioned it.

Q.—It was ruled out from the Chair ?

A.—Yes. The position was this : there was a discussion in the Council about the inadequacy of grants to education, namely secondary education and for high schools, and the proposition was discussed as to whether Rs.60,000 or Rs. 70,000 was needed to bring up the amount to one-third, that is the usual grant in aid, should or should not be paid. The Government opposed it on the ground that it was an additional financial burden and therefore under that particular clause, we could not have it.

(*Sir Henry Moncrieff Smith*).—*Q.*—Was this an ordinary resolution or did this take place during the budget discussion ?

A.—No, it was an ordinary resolution.

(*Sir Sivaswamy Aiyer*).—*Q.*—When you say stifled, you mean disallowed ?

A.—Yes, it was discussed for about a day, and when this objection was pressed, the President ruled that it was adding to the financial burdens and therefore it must go out.

(*Dr. Paranjpye*).—*Q.*—But later on it was put in in an altered form ?

A.—That was afterwards.

Q.—With regard to your paragraph 15, you consider that the Ministers were greatly hampered by their lack of authority over the services ?

A.—Yes.

Q.—Supposing the services were placed under the Ministers, would that meet your point ?

A.—Certainly not. But my difficulty is this, in the administration itself there is not this clear-cut division of the administrative officers. For instance the Collector, or whoever the head is who has to look after and be consulted in the matter, that is the average routine in local board or educational matters.

Q.—Whatever system you have, you would have to have some authority or local official ?

A.—But in the unitary form of Government this will disappear because he will be the officer under the Government.

Q.—It is not that you object to him being consulted ?

A.—Let wisdom come from all hands.

Q.—What I am asking you is, supposing the services were placed under the Ministers, would that be more satisfactory from your point of view ?

A.—I am speaking of unitary government and I say it is essential.

Q.—But supposing you do not get unitary government, it would not be satisfactory ?

A.—No.

Q.—The mere placing of the services under the Ministers would not meet your point ?

A.—No.

Q.—Would you desire to see the services protected in any way ?

A.—Certainly, I have said there should be adequate safeguards.

(*Sir Henry Moncrieff Smith*).—*Q.*—Could you indicate to the Committee what are the suitable and ample safeguards you refer to in paragraph 18, your second suggestion ; would you regard handing over of the control of the services to the Ministers as a suitable and ample safeguard to the services ?

A.—I think human ingenuity can find safeguards.

(*Sir Henry Moncrieff Smith*).—*Q.*—You have not anything definite in your mind ?

A.—Adequate in this sense that the Ministers must have the power of passing final orders, and where the prospects of members of the services are concerned they must have a right of appeal.

(*Sir Henry Moncrieff Smith*).—*Q.*—That is safeguarding the Ministers rather than safeguarding the services ?

A.—I cannot agree there ; it is a safeguard to the services. Suppose a particular servant is found fault with by the Minister, if he is to have the decision in regard to punishment, it means he must have the power of passing a final order. So far as the servant is concerned, in case the Government has not yet grown to responsibility, it is absolutely necessary for the first few years that the servant whose prospects have been impaired by that final order should be given the power of appeal to higher authority.

(*Sir Henry Moncrieff Smith*).—*Q.*—An independent authority ?

A.—Yes and in that case the independent authority is the Governor and no one else ; let him decide.

Q.—On page 10 of your memorandum you summarise your various recommendations. Am I to understand that in Bombay there were no standing advisory committees ?

A.—No Sir.

Q.—And no Council Secretaries ?

A.—No.

Q.—And you find that the Indian element in the Secretariat has been ignored ?

A.—Absolutely.

Q.—You would like to see a larger number of Indians in the Secretariat ?

A.—Certainly.

Q.—Wouldn't you say there has been a considerable increase of Indians in the Government.

A.—Oh yes.

Q.—How many Indians have you at present among the Members and Ministers ?

A.—Five Indians and two Europeans—3 Ministers and two Executive Councillors being Indians.

Q.—That is a considerable proportion—isn't it ?

A.—True, if they had the same powers.

Q.—Don't you think it more important to have them at the top than at the bottom ?

A.—No, my view is that whatever the policy of Government may be, it has to be carried out by executive officers.

Q.—I am merely putting it to you that you have a very considerable addition to the number of Indians in high places since pre-reform days ?

A.—Oh yes, certainly ; but my complaint is that they have not been given the same powers.

Q.—I will take your complaint but I was merely putting it to you that the position has improved considerably ?

A.—Yes.

Q.—I want to ask you one question which is not in the memorandum ; if you don't wish to answer it, don't, as it is outside the general reference. In Bombay you have got two distinct tracts. Would you accept the view that Sind was entirely different to Bombay ?

A.—I will never accept it ; our financial commitments are so large....

Q.—I did not ask you anything more than this—Is Sind entirely different to Bombay or not ?

A.—Oh no.

Q.—The conditions are the same ?

A.—I should think they have assimilated themselves....

Q.—I am not asking you what has been done. I am merely asking you as an inhabitant of Bombay whether you think that Sind is differently constituted from Bombay ?

A.—Oh no, I don't admit that for a moment.

Mr. Jinnah.—*Q.*—Supposing the question of redistribution of provinces arises, and if Sind wants to be a separate entity, would you object to that ?

A.—No; if on a linguistic basis all the territories are to be redistributed.

(*Mr. Chairman*).—*Q.*—To me you said there was no distinction ?

Q.—He did not understand your question. He was thinking whether there was.....

A.—Any antagonistic administrative problems.

Q.—There is no antagonism concerning the administrative problems of the Presidency as a whole ?

A.—No.

Q.—Well, to go back to the first point on which you were examined. You remember the first Council under the Government of India Act of 1919 ?

A.—Yes.

Q.—You said a good many members were illiterate ?

A.—Yes.

Q.—Am I right in assuming that at the first election the large body of politically-minded people were non-co-operating as regards Council entry ?

A.—You are right.

Q.—If that Non-co-operation movement had not come in you would not have been able to get a whole lot of illiterate members ?

A.—I don't agree.

Q.—Would the number not have been much less ?

A.—On account of this communal basis it would not have been much less. You see there is not only this communal electorate for Muhammadans, but we have also communal electorates for non-Brahmins. Though they

are in the majority they also have reserved seats, which gives them a majority in the Council.

(*Mr. Chairman*).—*Q.*—By the way, Mr. Chitale, are you a Brahmin ?

A.—Yes.

Q.—When you say illiterate, you mean they don't know English ?

A.—I have said that I used the word in as large a sense as possible.

Q.—Can you give me an instance of a member of the present Bombay Council who is absolutely illiterate—who cannot read or write ?

A.—I shall have to scan the list, but I think not.

Q.—Then almost everybody is literate in the present Council. When I use the word "literate" I take it he must be sufficiently equipped to follow the proceedings ?

A.—That is a difficult question to answer ; what is "sufficiently equipped" ? You understand it and I understand it too.

Q.—I frankly tell you, Mr. Chitale, I don't. A man may not know the English language well and yet be a very capable representative ?

A.—I quite agree with you.

Q.—If you are going to lay down the test to be the English language.....

A.—But the whole of your papers are printed and published in English ; the whole discussion goes on in English.

Q.—Quite right ; your point comes to this, that there is a fairly good portion of the members of the Bombay Council who are not able to understand the English language sufficiently.

A.—All that I say is, who are not able to follow the proceedings.

Q.—Quite right ; I agree with you there.

A.—He must be able to follow the proceedings.

(*Mr. Chairman*).—*Q.*—Haven't you got a rule that members can address the Council in the vernacular ?

A.—What is the good of addressing the Council on a subject which they themselves do not understand ?

Q.—Well now, you think that that position will not improve in course of time.

A.—Not until the primary education and the general education basis is taken into hand and handled in such a serious way that education spreads in the next ten years.

Q.—Recognising that factor, you think that factor is a serious obstacle in the way of establishing responsible government in the provinces ?

A.—Oh no, I do not consider it an obstacle at all.

Q.—You think the electorates, as they are at present constituted, are intelligent enough to send capable representatives ?

A.—I should think so, if they are approached properly.

Q.—You think they are capable of understanding broad issues ?

A.—Certainly.

Q.—Of course, Mr. Chitale, I quite understand your point that you would rather do away with communal representation.

A.—Certainly.

Q.—But is it a serious obstacle in establishng responsible Government in the provinces ?

A.—I think it is.

Q.—If it is, you will not have responsible government until.....

A.—I won't go to that extent but if you will allow me.... (Mr. Jinnah stopped him). A half answer is sometimes misleading.

(*Mr. Chairman*).—Go on, Mr. Chitale, let us have your full answer.

Q.—My point is this. I quite recognise, that if we could do away with separate electorates it will be much better. I quite recognise that, but you will also recognise that the Muhammadan feeling on this point is so strong that supposing we cannot do away with separate electorates.....

A.—I beg to differ from you, about the Muhammadan feeling in the Bombay Presidency. Of course, I am confining myself to the Bombay Presidency only ; I do not wish to speak on behalf of other provinces about which I do not know anything.

Q.—But suppose the Muhammadans do not wish to do away with separate electorates, nobody is going to force them. On the other hand, if the Muhammadans in the Bombay Presidency are willing to do away with separate electorates, nobody is forcing them. Is that so or not ?

A.—After having once got a right it is very difficult to allow it to let it go ; you have given them the right and you want to snatch it from them—nobody would like that. That is one defect ; and if you now want to snatch it in Bombay where this communal feeling among Muhammadan as a class is not so very pronounced, then the next best is a mixed electorate system such as has been tried so far as my municipality is concerned successfully. I mean, by the reservation of seats.

Q.—But I put it to you, suppose it is not possible ?

A.—I am not going to suppose it, having regard to the feelings of the Muhammadans in the Bombay Presidency excluding perhaps Sind.

Q.—Mr Chitale, that is very dogmatic.

A.—I have to be dogmatic.

Q.—Now suppose that the Muhammadans do not agree to that, do you think you cannot have responsible government with separate electorates ?

A.—Well I must say that the personnel, the calibre and the character of the Council on a communal basis would be much less than would be the case under the other system.

Q.—It would not be as good as you desire. You want the best ?

A.—If we have provincial autonomy, I want the Council to be the best.

Q.—You think that would be a drawback ?

A.—Certainly.

Q.—Now look at paragraph 18 of your memorandum, and the conclusions in that paragraph 1, 2, 3 and 4. Then you give a synopsis of Part A. I don't quite follow you. I take it you think that the only panacea for all these defects which you have pointed out is a unitary form of Government responsible to the Legislature.

A.—Are you taking only this part or the other part also ?

Q.—I take the whole lot of your complaints.

A.—This present representation is advisedly divided up into two parts. I am only speaking of the Bombay Council. My Presidency Association asked for responsibility also in the Central Government.

Q.—I am confining myself to provincial governments. You have made so many complaints ; you say this is wrong and that is wrong. I want to ask you a general question—do you suggest that the only

panacea to meet all this is to establish a unitary form of Government responsible to the Legislature, so far as the provinces are concerned ?

A.—And a constitutional Governor.

Q.—Supposing it was put to you that some of these defects which you have pointed out were put right, would you agree to dyarchy continuing ? If some of these defects were removed—take, for instance, I will give you an example. Supposing the services were recruited as you suggest, supposing that there were more joint deliberations as you say the Joint Committee recommended, supposing the financial difficulties which you have pointed out were removed, and so on and so forth—I won't go into them in detail. Supposing some of these things which you know can be done under the present Act or the rule-making powers under the Act, supposing they were all put right, would you continue to work dyarchy ?

A.—No.

Q.—Do you think that it will work ?

A.—It will not work.

Q.—You recommend that the constitution must be changed ?

A.—It must be.

Q.—And amended ?

A.—Yes.

Q.—Let us take your synopsis at page 10. You say. "Control of finance is the root principle of real provincial autonomy. Owing to miscalculation in estimating the needs of the Province after the reforms, and prodigal increase in the services pay, the reforms have broken down at the very commencement owing to the fact that no money was available for developing nation-building services." Is that the fault of the constitution, or is it due to the fact that under the Meston settlement against which I suppose you complain it has been possible to deprive the Bombay Presidency of its resources ?

A.—Not quite that. My impression of it is,—of course I speak subject to correction—that if there was a unitary form of government from the very beginning , the Ministers being equal, having equal powers and responsibilities, I believe that the allocation of funds would have been more in their power and perhaps the defects that I have pointed out would not have arisen.

Q.—That is to say, if there was a unitary government, the Cabinet being jointly responsible to the Legislature would have devoted more money to the nation-building departments ?

A.—Certainly. Otherwise they would not be able to keep their places.

Q.—Then you say this, " The sharing with the Government of India the receipts under income-tax in exchange for those under land revenue has severely handicapped this province, which is predominantly a commercial and industrial province, as the income-tax has proved very much more expensive than the land revenue." That is due to the Meston settlement ?

A.—Certainly.

Q.—And you complain against that settlement ?

A.—Certainly. I am quite at one with the Local Government in that respect.

Q.—You agree with the Local Government ?

A.—Yes.

Q.—Take the next one. I think it will be covered by the answers which you have already given. Then you say, "Dyarchy has failed because the Governor has not acted in the constitutional manner by confining himself in transferred departments merely to advising, and accepting as a rule Ministers' proposals." On this I want to ask you this. You were a member of the first Council ?

A.—Yes.

Q.—And I take it that a large body of the members had all the good-will that you could command to make the reforms a success ?

A.—They were known for their sanity !

Q.—And they had all the good-will ?

A.—They gave all the good-will that was possible to be given.

Q.—And did all that good-will make the constitution workable ?

A.—It came to nothing.

Q.—And why ?

A.—As I have said, we were in high hopes when we went in and we thought as we had read the Act rather cursorily then.

Q.—May I put it this way, because the Government were bureaucratic in its personnel and autocratic in its powers ?

A.—You might put it that way.

(*Mr. Chairman*).—*Q.*—Do you accept that ?

A.—I would not be so emphatic like that.

Q.—But very near it ?

A.—Yes.

Q.—You say that several instances have happened in which the Minister's advice had been disregarded. Can you point out one or two instances without disclosing any confidential matter ?

A.—Absolutely there is no breach of confidence. I consider the Minister to be a part of the Government, and as far as we could see, even if in trivial matters—such as the appointment of a professor to the Law School which is only for a term of years—his recommendation was not accepted, we'l, I conclude and logically conclude what must be the state of things as regards more serious matters.

(*Mr. Chairman*).—*Q.*—How did you know that his advice was not accepted ?

A.—We knew the candidates that had applied for it, and we knew the result because the man who was already in for three years and who under the ordinary rule should have vacated was kept on for a year more.

(*Mr. Chairman*).—*Q.*—How did you know that the Minister's advice was not accepted ?

A.—It was the Minister's department.

(*Mr. Chairman*).—*Q.*—How did you know that the Minister did not give advice to that effect ?

A.—That I do not know, but from the result we have to arrive at our own conclusions.

(*Mr. Chairman*).—*Q.*—You say that a certain appointment was made and you conclude that it was made against the advice of the Minister ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—How do you conclude that ?

A.—I reason like this. Even if in such a small matter.....

Q.—Look here. First of all, in making the appointments of these law professors to Government Law School in the Bombay Presidency the procedure is this. There is a Committee in the first instance of Judges and many prominent barristers ?

A.—And pleaders too.

Q.—Who sit and consider the claims of the various candidates ?

A.—Yes.

Q.—And then they send up their recommendations ?

A.—Send up names.

Q.—And it becomes a matter of common knowledge ? There is no confidence about it ?

A.—No.

Q.—And then the Minister selects and makes the appointment ?

A.—Yes.

Q.—That also becomes known ?

A.—Yes.

Q.—And you say that that became known ?

A.—Yes.

Q.—And he was overruled ?

A.—Because the same man was appointed against the ordinary rules

(*Mr. Chairman*).—*Q.*—That was your reason ?

A.—Yes.

Q.—From that you conclude that the Minister had more or less the glorified name of Minister without any real powers ?

A.—Oh, yes. I agree.

(*Sir Henry Moncrieff Smith*).—*Q.*—Then the Ministers achieved nothing ?

A.—They did achieve two things. They did achieve this improvement of Local Boards Act and Compulsory Primary Education Act. That is all. These are the two measures which stand to their credit and to that of the Council too.

Q.—You can always achieve something even by placing before the Governor ?

A.—Yes.

Q.—All their achievements were due merely to the approval of the Governor ? If the Governor approved of their policy, then, of course, you could achieve a great deal ?

A.—Yes.

Q.—Now we go on to the next one. You say that the progress in Indianising the services is extremely disappointing. What would you suggest should be done ? Is that due to the present constitution or not ?

A.—It is due to the present constitution.

Q.—What do you suggest should be done ?

A.—I suggest that recruitment should be stopped at once and Indianisation should be taken in hand in a more serious manner.

(*Mr. Chairman*).—*Q.*—Do you suggest the stoppage of European recruitment ?

A.—Yes, because the present vested interests are numerous enough and sufficient enough.

(*Mr. Chairman*).—*Q.*—Do you think it will be a good thing in Bombay that European recruitment should be stopped ?

A.—In Bombay the feelings between Europeans and us Indians are far better than in any other presidency.

(*Mr. Chairman*).—*Q.*—And therefore you suggest that the recruitment should be stopped ?

A.—Absolutely.

Q.—It is not a question of feeling. The feeling may be the best or may be the worst, but what I want to ask you is.....

A.—That is necessary because they won't misundertand us when we make that claim.

(*Mr. Chairman*).—*Q.*—We cannot pass over this quite so lightly. I wish your opinion quite definitely as to whether you consider that the Bombay Presidency does or does not require any more European recruitment ?

A.—We want their best talents.

(*Mr. Chairman*).—*Q.*—I am not asking you about the best talents. My question is, is it your considered opinion that for the administration of the Bombay Presidency it is not necessary to recruit any more Europeans in any of the Services ?

A.—For the present it is not necessary.

(*Mr. Chairman*).—*Q.*—I am not asking you for the present. I am asking you for the future.

A.—Let the local Government when it becomes a reformed government decide.

(*Mr. Chairman*).—*Q.*—I am asking you, whatever the government might be,—this is not a question of government—is it in your opinion necessary for the administration of the Bombay Presidency to recruit any more Europeans or not ?

A.—This is my present opinion. At present the existing services and their personnel are sufficient enough to last us for the next 15 or 20 years.

(*Mr. Chairman*).—*Q.*—And therefore you would stop recruitment ?

A.—Yes, and give every chance to the local Government that might succeed to recruit their best services in the best manner possible.

(*Mr. Chairman*).—*Q.*—For the future ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—You wish to stop recruitment for the present ?

A.—Yes, because at present the vested interests are numerous enough.

Q.—Supposing you were to establish whatever form of government it may be—we will assume, we will establish provincial autonomy—if any recruitment of Europeans is necessary, or to put it in another way, if foreign skill is necessary, you would leave it to them ?

A.—To the local Governments.

Q.—Even immediately after the provincial autonomy is established ?

A.—Oh, yes.

Q.—What you mean is this that recruitment on the present system should be stopped ?

A.—Yes.

Q.—You mean that this present system ought to be stopped ?

A.—Yes. The local Government should be given power, a large power to recruit their services.

Q.—In such manner as they think proper and recruit such foreign skill as is necessary ?

A.—Yes, as absolutely necessary.

Q.—We get to the next one. You say, " Local bodies have not been freed from official control, in spite of the very great stress laid on the point in the Montagu-Chelmsford Report." You put that also to the present constitution ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—I have practically nothing to ask you. I think you said in your reply to the Chairman that your association is against communal representation ? Am I right ?

A.—Yes.

Q.—That being so, how is it that in your association you have people who are for communal representation ? Do not their views clash with those of the Association ?

A.—They are in a minority as I have said. When the Association forms its own opinion, of course, it is in accordance with the majority view.

Q.—You said my friend opposite (Mr. Jinnah) is the Vice-President ?

A.—Yes.

Q.—Is he against communal representation ?

A.—He can argue and argue. That is all.

Q.—In paragraph 4 you mention about the land revenue head. What is it you are actually aiming at in that paragraph ?

A.—In our Presidency unlike the other presidencies of United Provinces, Bengal, and Madras, we have the ryotwari system as a whole. Almost the whole of the land.

Sir Sivaswamy Aiyer.—*Q.*—Why do you say unlike Madras ?

A.—We have got the Land Revenue Code and we have periodical revision settlements.

Q.—How often ?

A.—30 years mostly. With the result that under the present rules made under the Land Revenue Code for revision of assessments, the revision could only be to a certain extent irrespective of the fact that the land values have gone up or not. I will give you an instance later on. The increase works out—I am giving you the figure which has been arrived at by Government officers themselves as they told me in the Finance Committee—it works out at 8 per cent.

Q.—What are you aiming at in this paragraph ?

A.—We want to share the income-tax.

Q.—In other words, your land revenue income being inelastic you want additional revenue and therefore you want to share in the income-tax ? Is that so ?

A.—No. My point is this that in the Bombay Presidency which is more industrial, the income-tax that we pay being more elastic, we must have a larger share of it as our revenue rather than that of land revenue which was a divided head at first and in which the present increase works out at 8 per cent.

Q.—That is to say, your land revenue income is not very elastic and therefore you want a larger share and you want to share the income-tax revenue of your province ?

A.—Yes.

Q.—In other words, this paragraph is more or less against the Meston settlement ?

A.—Yes.

Q.—You have already explained, I think, in answer to the Chairman on paragraph 8. You say, " On several occasions the advice of Ministers for filling of posts in transferred departments was set at naught even to the extent of a minor appointment of a lecturer of a law school." Apart from any inference, you were not taken into confidence by the Ministers that they were being overruled excepting this particular case of a lecturer of a law school ?

A.—You mean in our private conversations ?

Q.—Your Ministers did not go to the length of saying that their policy was being overruled.....

A.—You mean openly in Council ?

Q.—Yes.

A.—We never expected them to say so in open Council.

Q.—I am asking you this because in Allahabad an instance took place where we were told by a witness the Minister and member in charge charged each other in open Council. There is no instance of that kind in your council ?

A.—No.

Q.—What is your view regarding the services ? Do you think that the services after they are transferred to the local Governments—the control of the services—and their salaries fixed, they should be kept separate, that is to say, if they are once fixed the legislative council should not interfere with them ?

A.—Beg your pardon.

Q.—The strength of the services, the pay of the services and so forth. Very often we had a complaint, and we had several witnesses who have said that in their view the services once fixed should be kept outside the purview of the annual attacks and annual revision of the legislative councils. I want to know what your view is on that point.

A.—My view is that that should be so as regards certain places.

Dr. Paranjpye.—*Q.*—Temporary or permanent ?

A.—Certain permanent appointments or high placed officers. But as regards the rest, if I were to tell you that in our view the services pay of the provincial officers has not been adequate,—that has been the view of the provincial Council for a very long time, and the Retrenchment Committee of which I was a member very strongly recommended a re-arrangement of their pays. I am afraid that if that power is transferred to the legislative councils they will give.....

Q.—Do you think that it is a desirable power for the Legislative Council ? It is a desirable power for the Government to have control of their own services. But do you consider it a desirable power for the Legislative Council to be constantly interfering with either the cadre or the pay ?

A.—No. If once the cadre is fixed with the consent of the Council I have no further complaint to make. It must first be fixed with the consent of the Council. It has not been fixed. At present, the Government fixes a particular cadre and its pay whatever our own views may be, and then they say these services should be paid on such and such a scale. I say that should not be. Take the Council into your confidence first, limit and make rules and give effect to them.

(*Mr. Jinnah*).—*Q.*—In giving the Council power to do so, would you not agree that those who are already in the services should have complete security ?

A.—I am emphatically of opinion that there should be no breach of promise at all. As far as the existing services are concerned there should absolutely be no breach of promise.

(*Mr. Chairman*).—*Q.*—If you give the Legislative Council power to do that, they will also have power to change it ?

A.—Only for future entrants.

(*Mr. Chairman*).—*Q.*—If you give power to the Legislative Council to fixe the cadre of the services, the cadre cannot be fixed once for all. If you give the Council that power, they should have power to amend it. If the Council passes an Act, it should have power to amend that Act. You accept that ?

A.—I have to accept that. One Parliament cannot bind another.

(*Mr. Jinnah*).—*Q.*—You trust to the honour of the House that they will not be guilty of a breach of promise ?

A.—I trust to their reasonableness.

(*Maharaja of Burdwan*).—*Q.*—In head 11 you talk about local bodies not being free from official control. Am I to understand that in the Bombay Presidency there are still quite a number of official Chairmen of district councils or district boards, or whatever you call them there ?

A.—Now ? They are at present nominated. They are not elected still. It is only after the passing of the new Act which will come into force very probably next year that we will have elected presidents. That is not my point. My complaint is that the Government gives us so much grant-in-aid by one hand and by another hand we have to write a cheque or as we call it, letter of credit, and hand it over to the departments for being administered. That is bad.

(*Maharaja of Burdwan*).—*Q.*—Surely these departments are transferred departments and you are having your representatives in the Legislative Council and you can bring pressure on your Ministers to vote the amount that is required for your local purposes ?

A.—In the last Council when I was a member these local bodies were over represented and even then we were unable to bring the requisite pressure to give us more powers or free us from this bondage.

Q.—When you mention to us the increase in the pay of Subordinate Services, do you not think that during the war and after before the reforms came into operation the revision of pay of these Subordinate Services

was long overdue ? On account of the high prices the Subordinate Services in particular were feeling the pinch very much because their scales of pay were not increased ? Do you agree with that ?

A.—Even if their scales of pay were not increased there were provisional allowances introduced and if they were liberal, there was no necessity of a permanent increase in their pays.

Q.—You did not want the increase to be made permanent ?

A.—In the first place, when the stress came it was between 1915 and 1919 when you gave them a miserable bit by way of provisional allowance. When the stress was over in 1920-21 you gave them liberal salaries. The proper way in my opinion, and therefore I term it heedless, would be to give them very adequate and liberal provisional allowance rather than that meagre pay which everybody understood was not sufficient to make both ends meet.

Q.—At any rate you agree that a drastic revision of the pay of these Subordinate Services was necessary, whether it was a permanent revision or a temporary revision ?

A.—As a permanent revision I do not agree.

Q.—As a temporary revision at least it was necessary ?

A.—When Government says it is temporary it is always permanent. That is exactly my fear.

Q.—You said about the Primary Education Act. I do not wish to ask you all about it. But when you say that the Government had enough funds if they willed it, you know, of course, as you are a member of the Committee, that the Committee recommended progressive additional taxation in order to carry out the scheme of ten years ?

A.—Yes.

Q.—And that is what I suppose you mean when you say that you had ample funds ?

A.—In fact we passed those taxation proposals simply with that view.

Q.—And those taxation proposals would have sufficed for the first two years ?

A.—Yes.

Q.—Later on the Council you think would have been prepared to pass further taxation proposals to meet the increased cost of primary education ?

A.—Yes. I have not the least doubt about that.

Q.—The Act you say has been strangled ?

A.—Yes.

Q.—At any rate it is now 20 months after the passing of the Act and it has not been brought into force ?

A.—Yes. And I shrewdly guess that it is not going to be brought into force at all.

Q.—I cannot say about that.

A.—When I find that no provision is made in the budget and some lakhs was provided for Bombay only to silence the Bombay members and give them larger grants-in-aid.

(*Mr. Jinnah*).—*Q.*—Why is the Government so anxious to strangle this measure ?

A.—I won't attribute motives, I cannot. Reading the history of it from 1911 since the late Mr. Gokhale moved it, the Government has never been very serious about this compulsion of primary education.

Q.—You talk about the absence of any satisfactory literary tests for the membership of councils. You agree that there are 4 or 5 vernacular languages current in the Bombay Presidency ?

A.—Yes.

Q.—And therefore in that Presidency if any member has to follow the proceedings of the Council it is essentially necessary for members to understand one common language, English ?

A.—Yes, may be English. I do not say.....

Q.—There is no other possible common language ?

A.—You may put it like that.

Q.—You must as a general rule be conversant with English in order to follow the proceedings of the Council properly ?

A.—Yes.

Q.—And I suppose your main complaint is that in the last Council there were a considerable number of members—I do not agree that they are 30 or 40 per cent.—there were at least 20 members who could not understand English ?

A.—I can name the members if you like.

Q.—About 20 people at least could not understand a word of English ?

A.—Were unable to follow the proceedings.....

Q.—Because they could not understand the language and the proceedings were always in English ?

A.—I won't go to that extent. They might have employed their secretaries. I am only mentioning a fact All that could be done was not done with the result that they were unable to follow the proceedings.

Q.—And in reply to the Chairman you agreed that there is a clause in the Regulations that members could address the Council in the vernacular ?

A.—Yes.

Q.—You remember some cases in which the members did address the Council in the vernacular ?

A.—Yes. I do not attach the slightest importance to this. If a member is not able to know what the other people have said and if he wants to intelligently follow the proceedings, what is the use of his speech ? That speech might have been written for him by another man.

Q.—That speech could not be understood by a great many of his colleagues ?

A.—It could not be.

Q.—Would you agree to a clause in the Rules requiring a certain amount of literary qualification, especially for members of the Bombay Council ?

A.—I insist upon it. If you want provincial autonomy, I want the best Council.

Q.—I understand that general principle. The question is how to give effect to it. Would you agree to have a rule at least in the Bombay

Council that candidates who stand for election to the Council should have a literary qualification, should be able to follow the proceedings in English properly ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Who will examine them ?

A.—I do not care about it.

Q.—You know that in certain cases, for instance before pleaders are allowed to practise in certain places, they are required to produce a certificate from a District Judge or a Principal of a College or from a responsible man that they sufficiently know the vernacular, to follow the proceedings, and read, speak and write properly the vernacular ?

A.—Yes.

Q.—You spoke about the services under the Ministers ; I understand that you do not like the present position where the number of officers in the services, their appointments and other things are made over the heads of the Ministers and to a certain extent over the heads of the Government also by an outside authority ?

A.—Yes.

Q.—But if the Legislative Council and the Ministers who are responsible to them had perfect control of these matters, then you yourself agreed that you would give them ample and adequate safeguards ?

A.—Yes.

Q.—Would you be prepared, for instance, to give each man a legal contract at the time of appointment ?

A.—I have not made up my mind. I have not thought about it. Do it in the best possible manner. I want that those people must be protected absolutely.

Q.—When a person is appointed he would know what to expect in the course of his service and if that understanding is not carried out, he should have adequate and easy means of redress ?

A.—Yes. But I do not understand myself the difficulty. In all other countries this is done. I do not know why it should be very difficult out here.

Q.—When you say that the pay and number of people in the services should be votable every year by the Legislative Council, some people, at any rate, consider that that would not be sufficiently safeguarding their interests. Therefore would you agree, for instance, to this, that there should be a consolidated fund every year which should not be votable, because that money is to be paid every year to the permanent servants of Government ?

A.—Putting it frankly, I have not thought about it. Do it in the best possible manner. All that I want is that their interests should be fully protected.

Q.—When a man is appointed, he must have adequate safeguards ?

A.—Yes.

Q.—Only you would give the Legislative Council power to make or change the rules according to the circumstances of any particular case ?

A.—Yes.

Q.—If it wants, for instance, to reduce the number of Assistant Deputy Education Inspectors ?

A.—In my opinion these are small matters. Government do not take serious notice about the smaller fry.

(*Sir Henry Moncrieff Smith*).—*Q.*—You say it is a small matter. Is it a small matter for an Assistant Deputy Inspector to be turned out ?

A.—I have already said that the present people are entitled to their vested interests being carried out fully, wholly and most liberally.

Q.—You do not want to turn out existing men in the service ?

A.—No.

Q.—But when a vacancy occurs and it is considered that that place should not be filled up again, you would leave it to the Council to decide, after it falls vacant ?

A.—Yes. My proposals must be distinctly understood to be confined only to future entrants, not to the present ones.

Q.—In answer to a question about Sind, you said that the interests of Sind are not materially different from the interests of the presidency ?

A.—Yes.

Q.—Is it due to the fact that Sind has been associated with Bombay for a number of years and people have come to know each other to a certain extent ?

A.—Associations grow always.

Q.—Have you found that it is the decided desire of the Sindhi Members of the Council at least to remain associated with the Bombay Presidency ?

A.—Absolutely they do not want to go to the Punjab, which they consider to be very backward.

Q.—Except of course if there is a proposal to form a linguistic province ; then it takes a different colour altogether ?

A.—Yes.

Q.—As regards communal electorates, you have expressed a decided opinion that communal electorates are antagonistic to national progress ?

A.—As far as the Bombay Presidency is concerned.

Q.—But I believe you agree that in a Legislative Council, which is to administer the affairs of a large province, it would be practically a negation of self-government if any important interests are not represented ?

A.—Yes.

Q.—So you would, at any rate, use means to see that all legitimate and important interests are adequately represented in the council ?

A.—I have no objection to even their being over-represented by mixed electorate, not by the back door or one door.

Q.—At any rate you agree with that main principle that all interests should be adequately represented ?

A.—Absolutely.

Q.—And to a certain extent there are various kinds of interests in the Bombay Presidency ?

A.—Yes.

Q.—Therefore you would like to have these representatives by means of elections and not by means of nominations ?

A.—No. Nomination must be done away with altogether by reservation of seats and mixed electorates and giving them, if they like, half a dozen more seats.

(*Mr. Jinnah*).—*Q.*—Even the official bloc ?

A.—The official bloc must go. It is no good.

Q.—At the bottom of paragraph 5, page 3, you say " As regards resolutions, non-official members of the Council were considerably handicapped owing to an unequal division, arbitrarily made, of the time of Council, between official and non-official work." Is it your complaint that the non-official had not sufficient time for consideration ?

A.—I have given vent to what the people thought.

Q.—Your complaint also is that the number of days assigned for non-official business was very few ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Are you aware that the non-officials in Indian Legislative Assembly have far more opportunities for bringing forward non-official business, as they do in the House of Commons ?

A.—I do not know.

(*Mr. Chairman*).—*Q.*—You may take it from me that they have.

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—You know that the Governor allots the time ?

A.—He does.

(*Sir Henry Moncrieff Smith*).—*Q.*—Would you make any alteration in regard to that or would you merely try to persuade the Governor to be a little more liberal ?

A.—I should think that the President should have the power.

(*Sir Henry Moncrieff Smith*).—*Q.*—Is it your experience that a very great deal of time was wasted in the Local Council on discussion of resolutions ?

A.—I agree. But that must happen in all democratic assemblies.

Q.—I shall not ask many questions about various instances referred to in paragraph 8. But your complaint is that in the Secretariat there are not sufficient Indian Secretaries or Deputy Secretaries ?

A.—Yes, I have said so.

Q.—As regards the Chairman's question about non-official members having many more days for discussion of private business, is it not a fact that Councils in India sit only for a very short time and that therefore there are no immediate opportunities of raising any important questions, while Parliament sits for about 6 or 8 months ?

A.—That is absolutely true.

(*Mr. Chairman*).—*Q.*—Is it not a fact that though Parliament sits for 6 or 8 months, practically a non-official member never has any chance of bringing forward any non-official business ?

Dr. Paranjpye.—He can ask questions and move adjournments. They may get one day every week for private members to have a fling.

(*Mr. Jinnah*).—*Q.*—Is there any such thing in Parliament as non-official members, as the term is understood here ?

(*Mr. Chairman*).—No.

(*Mr. Jinnah*).—*Q.*—Government represent the people there ?

(*Mr. Chairman*).—Yes.

Q.—You mention in paragraph 11 " The result is partly due to the act that the Councils are so constituted that communal considerations take precedence in the discussion of important matters of policy." You adhere to that statement ?

A.—I do.

Q.—On certain questions several members have decided by the effect it will have upon their special communal interest rather than upon the public interest ?

A.—Yes.

Q.—Can you give any instance ?

A.—Of the last council ?

Q.—Yes.

A.—If you want an instance, I will give you one, but I should rather be spared.

Q.—Only if it is a general question. I do not want to go into the personal question ?

A.—It is not quite a general question. I would rather like to avoid it.

Q.—In paragraph 13 you talk about the sanction of the Government of India ; " for instance, the rule about all legislative measures requiring the sanction of the Government of India has the effect of retarding provincial legislation and sometimes the sanction takes too long a time in coming and in the meanwhile necessary legislation is being delayed and unnecessary hardship has to be suffered by the people." Can you give me any example of that ?

A.—I have mentioned the most eminent and that is about the Deccan Agriculturists Relief Act. The Deccan Agriculturists Relief Act was a unique measure intended only for four Districts in the Bombay Presidency. There was a Committee appointed by the Local Government and in the light of the Report of that Committee a small Act was framed. That Act had to be sent up to the Government of India, where it was lying for a couple of years ; and when it came back, it came back in such a mutilated form that when amendments were tried to be moved, the Government said that the result would be that they would have again to refer to the Government of India, with the result that the Act was voted against. So the Deccan Agriculturists Relief Act still continues in spite of the clamour of the general public and the other interests.

(*Mr. Chairman*).—*Q.*—Is it not a fact that the Deccan Agriculturists Relief Act also affected the Usurious Loans Act ?

A.—No.

(*Sir Henry Moncrieff Smith*).—*Q.*—Did not the measure which the Local Government tried to introduce in Bombay affect the Usurious Loans Act ?

A.—As far as that measure is concerned, it did not, because it was a special measure for the relief of the Deccan Agriculturists. Every document, promissary note and everything which an agriculturist has to perform must be registered. It must be written by a particular officer and then it must have an extended period of limitation and then the

question whether a deed was a sale deed or a mortgage deed could be gone into. It is not a measure which is wanted now. It is doing a lot of mischief.

Q.—In paragraph 14 you talk about the powers of the Legislative Council over finance, over appropriation. You remember before the reforms in the Legislative Council any member can bring forward a resolution that such and such amount be omitted from one head and be spent on another head for such and such a purpose ?

A.—Yes.

Q.—Would you have that power given to a member of the Legislative Council ?

A.—There is no harm in giving it.

Q.—You said in reply to the Chairman that you would like to have all proposals of appropriation to be made by the Executive ?

A.—I qualified it by saying ' generally '.

Q.—You consider however that such a proposition might be capable of being moved by a private member ?

A.—Yes.

Q.—Would not there be a very undesirable state of things occasionally among the members of the Council ? There might be negotiations by which you may accept my proposal and I may accept yours ?

A.—I do not think so. Government is too strong always.

Q.—What do you think of Council Secretaries ? In the Bombay Presidency there have been no Council Secretaries. Do you advocate the appointment of Council Secretaries ?

A.—Certainly. In fact I have found that the Ministers or, for the matter of that, the Executive Councillors, if you would allow me to say so, have received very little help from the nominated members who were their Secretaries. In fact, if I may say so frankly, they never took the House along with them. Sometimes it struck me that they were antagonistic to the views either held by the Ministers or the Executive Councillors themselves.

(*Mr. Chairman*).—*Q.*—Did you speak against them in the Council ?

A.—Speaking is not the chief thing.

Q.—They were very cold towards their proposals ?

A.—Not very enthusiastic. They did not think it proper to study the subject and came in such an unprepared way that they were absolutely unable to make any impression on the House.

Q.—You mean permanent officials ?

A.—Yes.

Q.—You refer in paragraph 17 of your memorandum to Earl Winterton's speech about the position of the depressed classes and that their present position constitutes an insuperable bar to the granting of provincial autonomy. What do you think has been the attitude of the reformed Council of which you have had experience for three years towards the depressed classes ?

A.—To our great credit, the Brahmins came out best and passed Resolutions to ameliorate their lot to the fullest possible extent.

Q.—Do you think the Government did a good deal to ameliorate their position ?

A.—As far as I am concerned I can say that in the previous Councils these very Resolutions were outvoted by the official bloc.

(*Mr. Chairman*).—*Q.*—On what ground ?

A.—They thought that they might lead to breaches of peace.

(*Mr. Chairman*).—*Q.*—Not to any caste feeling.

A.—They had no caste feeling.

Q.—You have not the least apprehension about the position of the depressed classes even if provincial autonomy is fully established ?

A.—I am absolutely afraid of nothing.

Q.—I wish to ask you a few general questions. You are a President of the Ahmednagar District Board and have been holding that position for several years ?

A.—I have been holding that position for the last 7 years.

Q.—You know your district through and through ?

A.—I know it too well. I know almost every village in my district.

Q.—You have made several proposals and taken certain measures for improving the lot of your district at any rate ?

A.—Of course, with my limited powers.

Q.—Have you received sufficient help from the officials ?

A.—No.

Q.—You did not receive such help from the officials of your district as you would have wished to ?

A.—No.

Q.—Were you hampered in your proposals at any time ?

A.—I had no powers at all, because every department was run by its departmental head. As I said, I only signed the cheques and handed them over.

(*Mr. Chairman*).—*Q.*—You complain that the President had no powers ?

A.—He had absolutely no powers. Now that the Local Board Act of 1923 has been passed, certain powers are given and in the course of time, say, 20 years hence, we might get some powers.

Q.—As regards education, for instance ; the administration of education was entirely in the hands of the Education Department ?

A.—Certainly.

Q.—They appointed their own headmasters and the Local Board only paid 4 pies in the rupee. However, under the new Act this is going to be altered ?

A.—I am not quite sure because the rules are not yet made. The Act was passed two years ago. The Act consists of a few sections only but I think the rules may run into centuries.

Q.—It was intended, according to the understanding given in the Legislative Council, that the full autonomy was to be given ?

A.—I am absolutely disappointed with the progress of the local self-government ever since I have been there for the last 20 or 23 years.

Q.—You are a nominated President ?

A.—Yes ; and I have been holding that post for the last 7 years.

Q.—You also have experience of the Ahmednagar Municipality ?

A.—Yes. I have the experience of the Ahmednagar Municipality for about 12 years as its President too. It has autonomy. It has also got power. In fact, all municipal governments have got some autonomy.

Sir Henry Moncrieff Smith.—*Q.*—Could you tell us what is the practice in the House of Commons where you say more liberal provisions for the introduction of private Bills exist ?

A.—I will not pit my knowledge against yours or anybody else's. What I want is more power. Give it in the best way and the best manner possible. I do not care whether you be the judge or anybody else.

(*Mr. Jinnah*).—*Q.*—In England, when a Government comes into power, it comes into power with a definite programme from the people. Therefore, there is no such thing as official programme and the non-official programme ?

A—That is so. But that definite programme is not always adhered to.

(*Mr. Jinnah*).—*Q.*—But they go in with a definite mandate ?

A.—Yes. There is no question of officials and non-officials there.

(*Mr. Jinnah*).—*Q.*—Therefore, a private member in England has got the same facilities ?

A.—Yes.

Q.—But the private member in England may belong to the Government party or he may belong to the opposition party ?

A.—He may.

Q.—You say that provincial services are being recruited more on communal considerations than merit alone. Can you explain that ?

A.—I can give you an instance. I remember there was a competitive examination for an All-India Police Service. There were some competitors and 5 men were selected. In reply to a question in the Council the Honourable the Home Member told us in the first year of the Council that not even one was found to be fully qualified for being recruited. To my greater surprise, I found that the same people crept in a year later.

Q.—But that does not show that they were appointed on communal considerations ?

A.—One of them was a Muhammadan, another was a Mahratta, the third was a Christian and the fourth was a Parsee. If these are not the comunal considerations, then I do not know what comunal considerations are.

Q.—Do you mean to say that they were appointed on that ground ?

A.—That is the result, as I read it.

Q.—Is that due to dyarchy ?

A.—Recruitment to the Imperial Police Department is not under dyarchical form of Government.

Q.—If you get full provincial autonomy, do you think it would be any better ?

A.—It will be certainly much better.

Q.—You won't get a Muhammadan appointed ?

A.—Muhammadans may come in shoals, but they would come in by reason of merit.

Q.—On what grounds do you base your opinion that it will be so ? You say that at present recruitment is on communal lines and that it will not be so in future. What are your grounds for saying so ?

A.—My position is this. It is a common knowledge and is commonly talked about that the present Ministers and others, are selecting candidates from communal motives at least so far as the lower services are concerned. That is what the people talk about it and I do think along with them.

(*Mr. Jinnah*).—*Q.*—How will you avoid this under your responsible government ?

A.—There will be one Cabinet and this Cabinet will be responsible for the appointments.

(*Mr. Jinnah*).—*Q.*—You mean to say that the present authorities are employing inefficient Muhammadans ?

A.—I do not say that they are inefficient. What I mean to say is that they are not as efficient as they should be.

(*Mr. Jinnah*).—*Q.*—You mean to say that the Cabinet will be more fortunate in their selection than the present authorities ?

A.—When they are responsible, they will see that the candidates are appointed after proper examinations. They will have the proper tests.

Q.—In paragraph 15 you say that the provision for the appointment of Joint Financial Secretary was not brought into operation. We have been told by several Ministers that Joint Financial Secretaries were not appointed because the Ministers themselves realised that they would be no good. Their appointment wuold simply lead to friction. What is your conception of the function of the Joint Financial Secretary ?

A.—My conception is this. The Ministers, when they are selected, have got no administrative experience. This will usually happen. This thing happened at least as far as the first Council is concerned. Naturally, therefore, being men brought out from several professions which they were occupying, they had not the requisite knowledge of the administrative machinery. Neither will they, if my friend would pardon me to say so, get into the grip of details for some time more. As we sat at the Finance Committee meetings, even ordinary questions of finance and other matters appeared to us to be rather very unsatisfactory. That is my view of it. Therefore, so far as the Ministers are concerned, I think they control an expenditure of about 5 crores of rupees out of a total expenditure of about 15 crores. Now, if there was a Financial Secretary given to them simply to look at the several administrative details from their point of view, he would be able to find out whether anything could or could not be saved from the reserved department and could be made available for them. It will be the pre-eminent duty of the Financial Secretary to find out how far the proportion of the reserved and the transferred departments can be modified.

Q.—You suggest, although I am not quite sure if I am correct in so assuming that the appointment of an additional Financial Secretary will possibly save the Ministers from putting up imperfect administrative schemes ?

A.—I should think so.

Q.—In fact, we are told by other witnesses that the Finance Department exercised too much control over the Ministers ?

(*Dr. Paranjpye*).—*Q.*—Is it your point that such a Financial Secretary will closely scrutinise new proposals of expenditure in the reserved departments from the point of view of the Ministers ?

A.—Yes.

Q.—From the point of view of policy and from the point of view of Ministers ?

A.—Yes. In my opinion they are not two different things.

(*Mr. Chairman*).—*Q.*—What is your own conception of the Finance Department ? Is it an expert advisory committee or is it a body who is going to put his finger in the shaping of the policy ?

A.—My conception of the Finance Department is that it is an adviser of the local Government.

Q.—In this very paragraph 15 you talk about section 49 of the Act which provides for the limitation of control by the Governor General over transferred subjects. You suggest there that the control, though nominal, is however effective and irksome. You know what the extent of the control of the Governor General in Council is ? What are the statutory limitations under section 49 ?

A.—They are given here. I do not know how far they operate in practice. That is if the Governor General in Council likes, he might put a stop to it.

Q.—See rule 49 of the Devolution Rules. You say there is a control provided by rule, which though nominal, is however effective. Could you cite to the Committee any instance in which the Governor General in Council exercised control over a transferred subject which should not have been exercised ?

A.—I will not claim knowledge on that head.

Q.—Your Association here is just making a vague allegation ?

A.—It is not a vague allegation and therefore I will try to explain it. For instance the Council insists on a cut of Rs. 60 lakhs. I take it the Minister would be very reluctant to forego even two or three lakhs of rupees from expenditure in education, etc. If he is made to forego that, it must have been done under pressure.

Q.—If the Council makes a cut, you think it should be all on the reserved side ?

A.—No, it need not be mathematically proportionate.

Q.—But I do not see what that has to do with the control of the Governor General in Council ?

A.—Then I will not claim knowledge.

Q.—In paragraph 16 of your memorandum you say :—" ....immediate and complete responsibility, in local affairs, so far as possible, was intended to be given." What do you mean by local affairs ? District board affairs ?

A.—No, provincial affairs.

Q.—What do you understand by the meaning of the word " progressive ? " You say the first principle laid down in the Act was the progressive realisation of responsible government. What does progressive mean to your mind, does it mean immediate ?

A.—All stages are progressive, it may mean immediate.

Q.—Progressive realisation of responsible government you say is equivalent to immediate and complete responsibility in provincial affairs ?

A.—No. What I say is, progressive so far as the Montagu-Chelmsford Report or that of the Joint Committee is concerned. They say as far as the Local Council is concerned in all their provincial affairs they ought to be given as much freedom as possible.

(*Mr. Chairman*).—*Q.*—You mean in the transferred departments ?

A.—As far as the Government is concerned, all departments. Progressive realisation whether the control of the Government of India or the Secretary of State should be relaxed or not, that was progressive. I read it in that sense.

Q.—You are not talking of relaxation of control here ; you are talking of an entire removal of control ?

A.—Within that unit immediate and complete responsibility in local affairs was intended to be given.

Q.—Was intended by these words " progressive realisation ? "

A.—Yes, I think so.

Q.—You draw no distinction between progressive and immediate ?

A.—So far as local affairs are concerned I do not.

Sir Sivaswamy Aiyer.—*Q.*—In paragraph 4 of your memorandum you say Land Revenue has not proved a growing source of revenue. May I know what is the percentage to which the land revenue is raised at each settlement ?

A.—It is 33 per cent. in 30 years.

Q.—And you still say it is insufficient, that it does not grow fast enough ?

A.—It is 33 per cent. in 30 years.

(*Dr. Paranjpye*).—*Q.*—And it need be raised to that percentage that is the maximum ?

A.—That is the maximum.

(*Sir Arthur Froom*).—*Q.*—What was it raised to in the last settlement ?

A.—The several talukas come in for revision settlements at different periods.

Q.—In paragraph 5 you speak of literary tests. What literary tests would you prescribe ?

A.—As in our Presidency there is a difference of language there should be one language.

Q.—I merely wish to know your solution, your standard.

A.—My standard is whoever the Member is, he must be able to follow the proceedings.

Q.—What standard would you prescribe ? Is it a school-leaving standard or a graduation standard ?

A.—It may mean anything.

Q.—Unless we are able to lay down some standard, we cannot adopt a process of examining each candidate and putting him through a standard. What examination would you prescribe ?

A.—He must understand and know English.

Q.—Then may I take it it is rather a pious aspiration rather than definite suggestion ?

A.—No, it is not a pious aspiration.

Q.—Then let me know what definite standard you would prescribe ?

A.—Say up to the matriculation standard.

Q.—And you think all matriculates are capable of following the proceedings ?

A.—No, as soon as they pass the examination they are not going to be councillors.

Q.—Don't you think there are many people who have never passed the matriculation standard who are able to speak very good English and are able to follow the proceedings ?

A.—Yes. But very few.

Q.—So it is not an invariable test ?

A.—No.

(*Mr. Jinnah*).—*Q.*—Would you not leave it to the thousands.

A.—If you leave it to the thousands of voters it is not satisfactory.

Q.—You say with regard to a resolution about the appointment of a Forest Committee, it hung fire because somebody was objected to. Was that in your opinion a reasonable objection, or a frivolous one ?

A.—It was an unreasonable objection.

Q.—Then with regard to sub-clause (2) of paragraph 8 :—" On several occasions the advice of Ministers for filling of posts in transferred departments was set at naught even to the extent of a minor appointment of a lecturer of a law-school." On what ground was it objected to, on account of unfitness ?

A.—No there was no unfitness ; only with regard to preference being given to either A or B.

Q.—On individual grounds ?

A.—On individual grounds.

Q.—Did the Minister object to it ?

A.—I do not know.

(*Dr. Paranjpye*).—*Q.*—If I say your statement is not absolutely correct, although there was some trouble about it, you will take my statement as true ?

A.—I will not pit my knowledge against yours ; I put it as it struck me.

Q.—In paragraph 8, clause 5, you say " Minister's advice for the transference of the control and management of administrative departments to local boards seems to be unnecessarily delayed." What departments ?

A.—At present local boards manage Education, Sanitation, Public Works and Medical. The proposal was that, as soon as this Act was passed, the regular administration of these should be transferred to the Board. They have not done so.

Q.—We are much more advanced in local self-government, does the local board have no administrative control over these things, Sanitation, Education ?

A.—No control.

Q.—Except to find the money ?

A.—Except to find the money.

(*Mr. Chairman*).—*Q.*—Not even under the new Act ?

A.—Not unless it is given by an executive order.

Q.—Do I understand you to say the difficulty referred to is a question of control over the staff ?

A.—No, it is more, everything.

Q.—They have not got any voice in the administration of these matters which are supposed to be under their charge ?

A.—Except in my district, where I have some rights over roads and public buildings, but that is an individual instance.

Q.—It was a concession to you ?

A.—A concession to me personally.

Q.—Then in paragraph 9 you say an opportunity of filling up a vacancy between Ministers and Executive Councillors was deliberately not taken advantage of. Will you kindly explain that ?

A.—Sir Ibrahim, was the Executive Councillor and his term was over on the 1st of March, but as the Council was in session, he was kept on till the 17th of March.

Q.—For 17 days longer, do you object to that ?

A.—No, but what I object to is that his post was not filled up till about the middle of July, and in the meanwhile his portfolio was carried on by other members. In the middle of July a Minister was appointed as an Executive Councillor and no new Minister was appointed, but another Minister was told to carry on.

Q.—I suppose there was some difficulty in selecting a suitable man ?

A.—I do not think there was the slightest difficulty in selecting a suitable man.

Q—Was it from a desire to save money ?

A.—No.

Q.—What was it due to ?

(*Mr. Jinnah*).—*Q.*—Do you approve of this practice that a Minister should be appointed a Member of the Executive ?

A.—No, I do not approve of it.

(*Sir Arthur Froom*).—*Q.*—Would you call it a practice ? How often has it occurred ?

A.—No, only once.

(*Dr. Paranjpye*).—*Q.*—And the Ministers are appointed for three years ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Do you approve of that practice being introduced ?

A.—No.

Q.—In paragraph 11 you speak not merely of communal considerations, but of racial differences in every day administration. Could you give me an illustration of that ?

A.—I would rather avoid it.

Q.—Will you look at paragraph 15. You say the Ministers have absolutely no control over the services. What exactly do you mean by 'control'—the right of punishment or the right of posting or transfer—what exactly is it that you have in view ?

A.—In fact they have got absolutely no power.

Q.—Do you mean to say that if a Minister has got cause to find fault with a member of the service, he is powerless to do anything ?

A.—Yes.

Q.—Are you aware that in such cases the Minister can make a representation to the Governor, and if the Governor does not take action, the Minister has a further remedy in his hands ?

A.—Even then that is rather, from my point of view, not very satisfactory. He must have the power of passing final orders. The Governor might veto it or change it.

Q.—As a matter of fact, are you aware of cases where a Minister has found that the members of the services are disobedient or disloyal and require to be punished ?

A.—I must say, as far as the Bombay Presidency is concerned, the service has served them very loyally.

Q.—Then in this particular case you speak of other presidencies ?

A.—Yes.

Q.—Which are not within your experience ?

A.—No.

(*Dr. Paranjpye*).—*Q.*—As a matter of general principle ?

A.—As a matter of general principle.

Q.—With regard to the question of the cadre of the services, you said in reply to the Maharaja that you would like the cadre to be fixed by the Legislative Council—the cadre and the pay. Is that so ?

A.—Of future entrants.

Q.—But if the Legislative Council were given the power to change the salaries or the cadre from year to year—don't you think it would introduce an element of uncertainty ?

A.—I do but I am prepared to face it.

Q.—And don't you think that the needs of the administration may vary from year to year and that the Executive Government would be a better judge of the needs of the administration ?

A.—Yes.

Q.—And do you think that the best way of bringing the views of the Legislature and the Executive Government into accord would be further responsibility ?

A.—Yes.

Q.—Supposing you had responsible government, would you still insist upon the Legislative Council interfering from year to year with the cadre of the Services and questions of pay ?

A.—In that case I would not.

Q.—Apparently your remedies are of a purely transitional and temporary nature ?

A.—Yes.

Q.—You suggested that the nominated officials were no good and gave no help to the Ministers ?

A.—Generally.

Q.—Do you think that the official members in the Council have no knowledge of their subjects ?

A.—That I never meant.

Q.—Do you say they don't care to place their knowledge at the disposal of the Ministers but leave them to flounder ?

A.—Neither do I mean that. What I mean is this after all, over and above their usual administrative routine they are called upon to do this duty. Usually they are not used to public speaking nor are they used to marshalling facts.

Q.—But they could supply information ?

A.—They could.

Q.—They could be at the elbow of the Minister ?

A.—Yes, they could give any amount of information. My point is that as official spokesmen they have often not been very useful.

Q.—Is it because they are poor speakers or because they are unwilling to supply information to the Ministers ?

A.—I will not say they are unwilling to supply information.

Q.—Nor is it a question of incompetency to supply information ?

A.—No.

Q.—Then apparently it reduces itself to the first cause—their poor gifts as speakers ?

A.—Not only that. As I have said after all in these councils you want to guide them and get their votes, which requires different qualities.

Q.—They are not good enough as whips ?

A.—Oh ! they are good enough as whips.

(*Mr. Jinnah*).—*Q.*—You mean they don't make good Parliamentarians ?

A.—Yes, they don't make good Parliamentarians.

Q.—But do you think a non-official Secretary to the Council would be more useful than a nominated official member ?

A.—Certainly.

Q.—In what respect ?

A.—In this respect that his sole duty will be to assist the Minister and in this way, he will prepare himself from his point of view

Q.—Do you mean to say that if a Minister asks the officials who serve under him in his department to prepare a subject or coach him up, they refuse to do so or they cannot do so ?

A.—I don't mean that ; what I mean is that they do not take so much interest as a Council Secretary would do. They don't take so much interest because it is outside their sphere ; they think they are simply brought here for their votes.

Q.—With regard to the question of Hindu-Moslem relations, what is the position in your Province ? You said the problem was not acute ?

A.—Not at all acute—the relations are very good.

Q.—But not so good that they can dispense with communal electorates.

A.—That is because they have got it now and they are reluctant to let go what they have got.

Q.—Would they be willing to go back to a common electorate as distinct from a communal electorate ?

A.—Oh no, they will not now.

Q.—Then so far as the depressed classes are concerned, is there a general desire to help them on the part of the Legislative Council ?

A.—The relations between the depressed classes and the other classes in the Bombay Presidency are quite good.

Q.—I am referring to the Council—are the members of the Council generally willing to help them on ?

A.—They are quite willing to do anything ; there is absolutely no opposition.

Q.—No fear of hostility or indifference ?

A.—Absolutely none. On the contrary, there is every desire to help.

Sir Arthur Froom—*Q.*—Mr. Chitale, although the question has been put to you several times, I would like to ask you again—you are against communal representation in the Bombay Presidency ?

A.—Oh, yes.

Q.—Would you apply that to all other presidencies and provinces in India ?

A.—I won't express an opinion. On principle I am against it.

Q.—You are against it on principle and therefore you will follow your principle in connection with other provinces in India as a general principle without studying the case of each ?

A.—Yes.

Q.—And you would follow that principle up to the Central Government—elections to the Central Government ?

A.—Oh, yes.

Q.—As a result of all this you might have one community at the top. You don't think you would ?

A.—No.

Q.—Now, I think you told our Chairman that the members of the first Council in Bombay—20 or 30 per cent. of them were illiterate ?

A.—They were not able to follow the proceedings.

Q.—We all understood that ; they could not follow the proceedings with intelligence. Does that apply to the second Council ?

A.—It is much the same.

Q.—So the electorate has not progressed in selecting members of this type ?

A.—They have progressed a little.

Q.—You were a member of the first Council ?

A.—Yes.

Q.—You did not hold any office ; you were just an ordinary member ?

A.—Yes.

Q.—And before you went into the Council I take it you acquainted yourself with the Government of India Act, 1919 ?

A.—Certainly.

Q.—And you entered the Council, you entered on your new duties cheerfully in the hope of making them a success ?

A.—Quite.

Q.—And you recognised that the power given in the Government of India Act, 1919, was a considerable advance over the Morley-Minto reforms ?

A.—Oh, yes.

Q.—And also you recognised that this considerable advance was only for 10 years, and after 10 years there would be another advance ?

A.—No, I did not consider that it was definitely for 10 years.

Q.—It is laid down in the Act itself.

A.—No.

Q.—At any rate, I will put the question in another way. You recognised that after 10 years of this considerable advance there would be an enquiry ?

A.—No, even before that there could be an advance. That is what was said in open Parliament.

Q.—May I put the question again ? You went into the Legislative Council at the beginning of 1921 recognising that the reforms under the Government of India Act, 1919, was a considerable advance over the Minto-Morley Reforms ?

A.—Oh, yes.

Q.—And that that Act was only to have effect for 10 years ?

A.—A maximum period of 10 years.

Q.—But it is laid down in the Act.

(*Mr. Jinnah*).—No, it is not. Section 88 lays down that there *shall* be another enquiry at the end of 10 years but that does not preclude an enquiry prior to that.

(*Mr. Chairman*).—Do not let us dispute about that.

Q.—Very well, I will leave it. Then I gather, Mr. Chitale, that after some experience, although you read the Government of India Act and entered upon your new duties quite cheerfully with every hope of achieving a good deal—after some experience you were disappointed ?

A.—Absolutely.

Q.—And I gather from the various remarks you make in this memorandum that your disappointment was keen ?

A.—Oh, yes.

Q.—And that Act did not quite work out where you thought it would ?

A.—Yes, that is also true.

Q.—It does not mean that the Act did not work out in the way it should have ?

A.—I don't follow you.

Q.—Well, you read the Act and you entered upon your duties cheerfully ?

A.—Oh, yes.

Q.—I put it to you that the Act was not so much at fault as its administration.

A.—I put it down to both.

Q.—But at any rate the administration of the Act perhaps in your Presidency (which is my Presidency also) counted for a good deal of your disappointment—the way in which the Act was administered ?

A.—Quite true.

Q.—There is another point—Finance. That also I suggest to you or I would ask : you consider that the absence of funds had also to do a great deal with the disappointment of Ministers ?

A.—I said so.

Q.—How would you remedy that ?

A.—Well, give us full power of autonomy and then the people would be quite prepared to pay what they are asked for.

Q.—You mean full power of autonomy would produce money ?

A.—It would produce representatives who could find money for Government. At present all Government measures are looked at askance by the people.

Q.—And if you had full autonomy you would have largely increased taxation ?

A.—Well, the representatives if they thought proper and if they had the full Council at their back, would find money.

Q.—Of course, you know there was a Great War extending over a number of years.

A.—Yes.

Q.—And regardless of the War, I suppose the financial position of India is better off than that of any other country in the world ?

A.—I do not accept that.

Q.—The troubles due to the Great War have been acute for some years with nearly every nation owing to shortage of money and India is no exception ?

A.—In my Presidency we had our five crores. I think Government should have conserved that energy.

Q.—You are harping back to this five crores.

A.—Why not ? It is not a small sum.

Q.—You admit that the expenditure was justified ? 2½ crores went to better the pay of the services. You had no quarrel with that, I suppose ?

A.—That is the recurring expenditure. What about the non-recurring expenditure ? We had after stringency put by about 5 crores. It disappeared by the time we assumed our duties.

(*Sir Sivaswamy Aiyer*).—*Q.*—How did it disappear ?

A.—Because, soon after the Armistice in 1918, there were plenty of roads and buildings going on right merrily.

(*Sir Sivaswamy Aiyer*).—*Q.*—Money was spent on these things. These things were not wanted ?

A.—In view of the reforms they could have waited.

Q.—I think you told one of my colleagues that so far as the Bombay Presidency was concerned—because you were only speaking of the Bombay Presidency—you would stop recruitment of Britishers to the services at once ?

A.—For some time.

Q.—And the question of any further recruitment of Britishers to the services in your Presidency should be determined by the local Government ?

A.—Yes.

Q.—Coming back to my first question, you are entirely against communal representation in the Bombay Presidency ?

A.—Yes.

Q.—And these two things combined, don't you think it might produce a Government in Bombay in which one particular community will be predominant ?

A.—I am not at all afraid of it. It will not.

The President thanked the witness who then withdrew.

Thursday, the 28th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Shaffat Ahmad Khan, M.L.C., United Provinces.

EXAMINED BY THE CHAIRMAN.

Q.—You are a member of the Legislative Council of the United Provinces ?

A.—Yes.

Q.—And you are head of the Department of Modern Indian History in Allahabad ?

A.—Yes.

Q.—Do you belong to any political association ?

A.—No. I am an independent Member of the Council.

(*Dr. Paranjpye*).—Which is your constituency ?

A.—Moradabad, Rohilkund.

Q.—I think you are wrong in saying that "the Prime Minister is unknown at law." Is it not so ?

A.—I think that till 1913 the Cabinet was not known to law.

Q.—I think it is just the other way. The Prime Minister is now known to the Law and the Cabinet is still unknown ?

A.—It is purely a technical point. I do not exactly remember the date given in Anson's "Law of the Constitution."

Q.—You say that a good deal of hostility to the Act is due to the fact that an Indian is not appointed Finance Member.

A.—I believe that it is absolutely essential, if the working of the Government is to be smooth, that an Indian should be appointed Finance Member in the provinces.

Q.—We were told the other day that an Indian is a Finance Member in one of the provinces.

A.—There is one in Bihar and Orissa, but this is quite an exception.

Q.—You don't think that the reason why an Indian is not appointed is that it is more or less a technical matter ?

Q.—I do not know. I think Indians really are not given any opportunity in the Secretariat. In my own Province—the United Provinces—the Indians in the Secretariat are so few that we raised the point at the last Budget debate. We were of course given very good many promises but I am afraid that nothing will come of these.

Q.—I will put it to you in this way, that you cannot bring in a new man and put him at the head of the Secretariat just as you do in the case of heads of trading firms. You must begin by putting him in as Under Secretary.

A.—Yes.

Q.—I think it must be a slow process. Look at the Government of India. There are a large number of Indians in the Secretariat. Is it not so ?

A.—I think it has been a snail's progress, if you will excuse my saying so.

Q.—I think there is one Department of the Government of India which is completely Indian—Member, Secretary, Deputy Secretary, Under Secretary and Registrar are all Indians.

A.—I was talking of the Finance Department.

Q.—Particularly in the Finance Department ? Well, we had a very distinguished Indian on the Council the other day, a Member from the Finance Department, if not in the Finance Department.

A.—Yes.

Q.—I merely suggest to you that considerable progress has been made in the last five years.

A.—I admit that, but not substantial progress.

Q.—You would like it much quicker ?

A.—Certainly.

Q.—Look at (*e*) on page 2 of your printed memorandum. You say : "The party system has been replaced by the personal following which a Minister may command. This is a vicious system, on the whole ; for though an able Minister may command a large following by sheer force of merit, incapable Ministers are compelled to resort to devious ways for the augmentation of their following. That this has brought in a large amount of despotism and corruption in its train cannot be doubted" .....Would you tell us what you mean by "corruption" ?

A.—By corruption I mean the influencing of the Members of the Council by.....

Q.—By actual payment of money ? By actual buying ?

A.—Not by direct payment of money.

Q.—By promises ?

A.—Certainly.

Q.—By transfers ?

A.—Not transfers. The appointment of Honourary Magistrates and so forth.

Q.—I heard it said the other day from a reliable source that members used to go to Ministers and say, "My brother-in-law is at present in station X. He has not been very well. Unless you transfer him to station Y, I won't vote for you." Have you ever heard of that ?

A.—I have not come across any instance exactly like this. There may be cases like this, I admit. I am sure that this is due solely to the lack of any party organisation.

Q.—I did not ask you what it was due to. I am asking whether it exists ?

A.—It is a fact, certainly.

Q.—Then, what do you mean by "despotism"? Corruption, I understand, as now explained.

A.—I must say that I did not use the word in its purely literal sense. By despotism I mean the ascendency of a particular Minister through the influence which he exercises and that, I believe, is unjustifiable.

Q.—You find that the Minister has the same tendency to become despotic as the official. Is that the point ? Once he gets the power, he wishes to exercise it ?

A.—Even if he is despotic he is subject to the Council. That is the main point. I should prefer the one despot to the other.

Q.—Do you mean by despotism a liking for authority ? I do not know what you mean by that word. Do you mean that he becomes impatient of control ?

A.—I do not mean that.

(*Sir Henry Moncrieff Smith*).—*Q.*—Autocratic ?

A.—No.

Q.—What do you mean by despotism ?

A.—I simply employed it in this sense that he tries to increase his influence, and to maintain his influence by unjustifiable means. Of course, that is not the ordinary meaning of the word. But I used it in a peculiar sense.

(*Mr. Jinnah*).—*Q.*—We will omit that word ?

A.—You may delete it.

Q.—You say : " This has brought a large amount of despotism and corruption in its train." You mean despotism is a phase of corruption ?

A.—Yes.

Q.—You say that an Indian Member of the Executive Council should resign when he is defeated ?

A.—I should certainly like this to be the convention.

Q.—Supposing he is an Indian Member of the service. Is he to resign his service ?

A.—I do not mean to say that he should resign his service. I was referring to an Indian Member who is *not* a Member of the service.

Q.—You would not insist on an Indian Member, who was a member of the service, resigning ?

A.—Certainly not.

Q.—Because it would really be harsh on him. Would you look at paragraph (h) on page 3 ? You say : " The electoral rules need modification, both as regards the qualifications for electors, and candidates for election." Would you amplify that ?

A.—I should like the qualifications for electors to be enlarged. I think it is in many cases very narrow.

Q.—You want to widen it ?

A.—I should certainly widen it.

Q.—What about the qualifications for candidates ?

A.—As regards the candidates for election, I am inclined to think that it will be best to abolish the residential qualification altogether.

Q.—You don't mean the educational qualification ?

A.—Not at all.

Q.—Because, that was put to us the other day ?

A.—Certainly not. My meaning is that a person from Madras can try for a seat in the United Provinces if he has an established reputation. I should abolish all distinction as regards place of residence.

Q.—Do you think he will have a sufficient chance of being elected ?

A.—It all depends upon the man, his ability, his reputation and his fame.

Q.—It has been represented that the candidate should be a man who is known to the electorate so that they may have opportunities of judging him. You don't accept that ?

A.—If a person of the calibre of Lala Lajpat Rai came to the United Provinces, everybody knows him and I see no objection at all to a person choosing him as a candidate. Why should he be debarred because he happens to be 100 miles away from that province ?

Q.—Do you see any objection to a Madrasee standing for your province ?

A.—No. I will only be too glad if he is a competent Madrasee.

Q.—That is not altogether the view that is taken in other places. Are you aware that there is a considerable amount of feeling against Bengalees, for example, in Bihar ?

A.—I admit that there is a feeling also in the United Provinces. But I think in the case of an election to the legislature, if there is a competent Bengalee, I should certainly not turn him out simply because he happens to be a Bengalee.

Q.—Unless he was a man of outstanding ability, he probably would not get elected ?

A.—Certainly not. But if he is a man of outstanding capability, why should he not be elected ?

Q.—I don't think we have had that put before us. What has generally been put to us is that everybody in every community would wish the candidate to belong to that particular community, that is, communal representation.

A.—If a Hindu gentleman from Madras wants to represent a Non-Muhammadan constituency in the United Provinces, why should he be prevented from doing so ?

Q.—Would you object to a Hindu gentleman from Bengal standing for a Muhammadan constituency in your province ?

A.—I certainly would, for the present.

Q.—How do you justify that ? Your view is that the best man should be got ?

A.—I will explain my position, in the course of my evidence.

Q.—I am asking you this question here.

A.—Communal representation is only temporary. We hope to be able to do away with the necessity for it, when suitable time comes.

Q.—The logical consequence of your view is what I have stated.

(*Mr. Jinnah*).—*Q.*—Is it practical for the present ?

Q.—Don't you think it is certainly illogical ?

A.—I don't see that. If you take everything from the point of view of logic, you really cannot have any communal representation at all.

Q.—But you have actually begun on a purely logical basis. What do you mean by saying that the electorate is " moderate " in paragraph (1) ?

A.—It has been wrongly printed. I meant " Illiterate ".

Q.—It is rather important. "Illiterate" and "moderate" do not go together.

A.—Yes.

Q.—You are for the extension of primary education ?

A.—Yes.

Q.—Although you are a University Professor, you would be glad if some money is taken away from the Universities and spent on primary education ?

A.—I am strongly in favour of a larger amount being spent on primary education.

Q.—Even if it involves a cut in secondary education ?

A.—I think we have been really extremely slack with regard to this matter. If you will allow me, I will just put in a few figures. In the United Provinces only 43.5 per cent. of the total expenditure on education is incurred on primary education. I think that is grossly unfair. This distribution of expenditure on education ought not to be allowed.

Q.—Then, you regard the large increase in the number of Universities as unsatisfactory ?

A.—I should not go so far as that. It all depends upon the needs of the province.

Q.—If it came to a question of raising a new University or spending money on primary education, you would vote for the latter ?

A.—Even then I would not subscribe to that view. It all depends upon the type of University. If you have an affiliating University you don't require much money.

Q.—You are in favour of the establishment of a Civil Service Commission ?

A.—I am strongly in favour of it.

Q.—I take it you are against the spoil system. You would not allow the Minister much patronage ?

A.—No.

Q.—You don't think it will be rather difficult for him to form a party in that case ?

A.—If a party can be maintained only on this condition, I would rather have no Ministers at all.

Q.—And you recognise that the time for the abolition of dyarchy has not yet come ?

A.—I won't go so far as that. I thought that in view of the terms of reference to this Committee I was not really competent to suggest an amendment of the Act. Otherwise.....

Q.—I merely invite your attention to your own statement. You say "I would suggest 1929 as the time by which the abolition of dyarchy in the provinces will become essential."

A.—I won't restrict it even to 1929. If it can be brought earlier, it can be done. I am not a great stickler for any particular year.

(*Dr. Paranjpye*).—*Q.*—You would modify that ?

A.—I would certainly modify that.

Q.—Now I come to the last part of your memorandum which deals with adequate safeguards for Muhammadans. In paragraph 5 of your memorandum you lay down certain fundamental propositions.

A.—Yes.

Q.—You adhere to them ?

A.—I will discuss them when we come to them section by section.

Q.—You would adhere to those propositions ?

A.—Yes, with the exception of the second part of No. 3.

Q.—That means, the Muhammadans should be adequately and effectively represented in the public services of their country.

A.—That should be laid down. But the other part of the same section I should like to leave out.

Q.—You would like to modify the last part "that a certain proportion of Muslims should be fixed for all Government servants, servants employed by the local authorities and other bodies created and maintained or adequately subsidised by the State."

A.—If you will allow me, I will just explain my reasons for it.

Q.—One minute. Then I gather that you wish to omit that second proposition ?

A.—Yes.

Q.—Will you explain why ?

A.—My reason is that it is extremely hard for a majority, say in a particular province like the Punjab, to be turned into a permanent minority.

Q.—We are talking about the proportion of Muhammadans in appointments—No. 3 on this page.

A.—As regards the appointments, I think that in the minority provinces, the representation of the Muslims in the Council does not guarantee effective representation in the administration. They will be permanently in a minority in the Local Council, and consequently they can exercise very little control over the administration of the country, so that, unless some safeguards with regard to their representation in the administration is actually inserted in any change that may be suggested in the structure of the Act, I should hesitate to approve of it.

Q.—I have got that. I have got all these propositions that you put down as fundamental. You say that the Muslims will never consent to any change in the Act that does not embody the propositions that you have laid down. I asked you whether you would adhere to those propositions and you told me that you would with the exception of this fixation of the proportion in No. 3. Why do you want to change your proposition ?

A.—Because, I think that it is not very material. Self-government will create a new atmosphere of harmony, it will habituate people to the policy of give-and-take, and will, I am convinced, lead them to work on essentially progressive lines, and not on communal lines.

Q.—You don't want any fixed proportion ?

A.—So far as the local bodies and other bodies created and maintained by the State are concerned.

Q.—You adhere then to the first part ?

A.—With regard to the first part, I should certainly stick to it.

Q.—You stick to it that a certain proportion of Muslims should be fixed for all Government servants ?

A.—I think that is what it amounts to.

Q.—I only want to get at your views. I understand that (3) as amended by you would mean that you would insist on representation of Muslims in the public services of their country.....

A.—But only for a limited period.

Q.—You insist on the fixation of a certain proportion in Government servants but you do not insist on the fixation of proportion in the case of local bodies and other authorities mentioned in the remainder of the clause. Is that so ?

A.—Yes, provisionally.

Q.—What do you mean by " provisionally " ?

A.—For a fixed period, say, for 10 years or 15 years. I should not like to make it permanent.

Q.—Give us some sort of idea of " provisional ".

A.—I mean that communal representation is not an ideal scheme, but is only provisional.

Q.—Can you put any sort of date to the period ?

A.—I certainly would not like to fix any date. It is so vague and so uncertain. It depends so much on how the system works, and whether the Muslims are satisfied. I myself believe that it will not last a long time.

Q.—Would you fix it at 10 years ?

A.—No.

Q.—20 ?

A.—I do not want to commit myself to any particular period.

Q.—Would you go to one year ? I must get some idea.

A.—No, certainly not.

Q.—Much more than one year ?

A.—It will be more than one year. That is all I can say.

Q.—It is hardly worth while putting it into the Act if it is a little more than a year.

A.—The phrase " more than one year " does not mean two years.

(*Mr. Jinnah*).—*Q.*—I want to know this. You want to have a fixed number of posts assigned to the Muhammadans according to population ?

A.—I did not say " according to population ".

(*Mr. Jinnah*).—*Q.*—Then according to what ?

A.—According to their political importance.

(*Mr. Jinnah*).—*Q.*—And when you fix the number, and if you cannot get a sufficient number, what would you do ? Would you give it to inefficient men ?

A.—It all depends on what " inefficiency " means.

(*Mr. Jinnah*).—*Q.*—Suppose, for the moment, you cannot get a sufficient number.

A.—I take it my whole proposition is based on the assumption that you can. I took it for granted before I enunciated this proposition.

(*Mr. Jinnah*).—*Q.*—Is it not dangerous to fix a number ? Could you not find any other method ?

A.—I am not suggesting any particular number. I say there must be a fixed proportion.

Q.—I understand your point quite up to the point " provisional ". How long is " provisional " to be ? Do you mean till men love one another, till the millennium ?

A.—I should say 15 years. It is very difficult to say it, off-hand.

Q.—I quite agree that it is impossible to fix it. Would you mean for a considerable period ?

A.—I won't say that. I do not like the principle of it. But I think it is necessary for some time.

Q.—Would you take the period of the Act—10 years—till 1929 ?

A.—Possibly it will not last more than 15 years.

Q.—I only want to know whether it is worth while amending the Act for only a provisional thing. You say that 15 years is the period for which you would like this provision ?

A.—Yes.

Q.—Do you think you are representing the general view of the Muhammadans in the United Provinces ?

A.—So far as the question of communal representation and so far as proposition (2) and I think (3), are concerned, I may say that I represent the view of the majority of the Mussalmans in the United Provinces.

Q.—We have heard a good deal about the tension between Hindus and Muhammadans in your province. Do you think it is bad at present ?

A.—I think it will pass away soon.

Q.—It will pass ?

A.—Certainly.

Q.—You don't think that communal representation is one of the causes of the friction ?

A.—I don't think so. I think personally that during every election time if you had no communal representation, you would have riots and disorders all over the place. That is my experience of the election compaign.

[*A.*—I don't think so. I am convinced that, if there were no communal representation, every election will be attended with considerable anxiety to the local authority. There may even be riot and disorder, in some places. That is my experience of the election campaign.—*Note* :—As subsequently corrected by the witness ".]

Q.—I want to be quite fair to you. I take it that you recognise that this representation is not ideal ?

A.—Certainly.

Q.—And you merely put it forward because you feel that the practical every day requirements of the province render it necessary ?

A.—Yes.

Q.—And that you yourself would be glad to see it given up ?

A.—I would certainly.

Q.—You think that the time has not yet come, but it can be done ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—I understand you come from Agra ?

A.—I come from Allahabad. I was staying at Agra when I wrote the memorandum.

Q.—You said that you represent Moradabad constituency in the Local Council. What constituency is it—rural or urban ?

A.—Rural.

Q.—Have you been a member of any local body there ?

A.—No, I have not been.

Q.—You have never been at a District Council or District Board or Taluk Board or whatever it is called in your province ?

A.—I have not been on any local body.

Q.—What made them return you as a member ?

A.—Because, in the first place, I am a Zemindar, and my family possesses some property in the Moradabad District ; and in the next place, they wanted a man who could do good work in the Council, and could not find any other competent man.

Q.—I see that you are very strong on this question of communal representation. *Don't you think when you say "There must be adequate* guarantees as regards religious liberty and freedom of conscience" that that applies to all castes ? A Hindu might say, 'I must have adequate guarantees as regards religious liberty'.

A.—I am not going to deny the same right to Hindus. I say it with reference to any religion in India.

Q.—But here you put forward specially the case of the Muhammadans ?

A.—Yes.

Q.—Why is it that you have put it forward specially for the Muhammadans ? I should have thought that every legislature in India does provide adequately what you may call guarantees with regard to religious liberty to all the castes in India. I can understand your asking for communal representation, because we admit that it is a necessary evil. You have got to have it for the sake of peace and amity between the two great communities of India. What I fail to understand is why you should bring in this question of safeguarding the religious liberty of Muhammadans only. I should have thought that it is hardly necessary.

A.—The mere fact that I put that down here does not do away with the necessity of the application of the same principle to all other religions in India.

Q.—But you say in the end : "I believe these are the minimum demands of the Muslims of India." If you put that down, and if that goes down, it rather tends to show that the Hindus have got religious liberty and the Muhammadans have not. But that is not the case ?

A.—This was not my intention and I think that this does not bear out the construction which you put upon it.

Q.—In that case, you ought to qualify it. You ought to say that there must be adequate guarantees as regards the religious liberty and freedom of conscience of all classes, not simply for Muhammadans.

A.—I should have thought that the mere fact of such a general principle being embodied in the Muslims demands, would not lead any one to suppose that I wished to restrict it to them.

Q.—It does. You say in the end "I believe these are the minimum demands of the Muslims of India." This is rather important, because it might be construed that whereas the Hindus or the Jains or the Bhuddists or the Christians enjoy religious liberty, the Muhammadans do not. And I don't think that is a fact.

(*Mr. Chairman*).—*Q.*—You are prepared to qualify that statement ?

A.—It is not a question of qualification of the statement. The principle applies to every religion.

(*Mr. Jinnah*).—*Q.*—While you claim this for the Muhammadans, you do not deny it to any other religion ?

A.—Certainly not. It does not do away with the necessity for its application to other religions.

(*Dr. Paranjpye*).—*Q.*—You advocate it equally for all others ?

A.—Yes, for every religion.

Q.—What was the necessity for these guarantees ? Has the question arisen that these liberties have been encroached upon ?

A.—I did not say they have been encroached upon, but there may be a possibility of their being encroached upon.

Q.—It strikes me that if it has not been encroached upon and if it is redundant to say so, what is the need of saying that these are the minimum demands of the Muslims ? Don't you see that when you try to advocate a thing as if you are speaking for all the Mussalmans of India, it is rather a big thing to swallow—to say that they want to have guarantees of religious liberty ? It applies to every other religion.

A.—I think you are returning to the same argument. I have just stated that this sentence was not confined to the Mussalmans but that it applied to all others.

Q.—What was the need of that sentence ? Is there no adequate guarantee at the present moment ? Has any occasion arisen when these liberties have been encroached upon ? Or do you mean to say that the guarantees are not sufficient ?

A.—I was looking simply to the future. If you look up any constitution, the system of any Government, you will find that every Government makes provision for the maintenance of religious liberty.

Q.—Is there not sufficient safeguard about religious liberty in British India at the present moment ?

A.—Certainly, there is.

(*Mr. Chairman*).—*Q.*—Let me put it to you. You admit that at present there is a sufficient guarantee in the British Government. Is it that you fear that in any future Government that guarantee may not exist ?

A.—I must say I do not fear anything at all. But I think that it will do no harm if a clause like this is put in.

(*Mr. Chairman*).—*Q.*—There is at the back of your mind a vague suspicion that something of the kind might happen ?

(*Sir Sivaswamy Aiyer*).—*Q.*—Let me put it to him. Is it not rather in the interests of the theoretical perfection of constitution making that you put that forward ?

A.—I should certainly express it like this.

(*Sir Sivaswamy Aiyer*).—*Q.*—It is not so much on account of the experience of any want of its application in the administration.

A.—Yes. Every constitution makes provision of this kind.

(*Mr. Chairman*).—*Q.*—There is no suspicion in your mind ?

A.—Certainly not.

Q.—That's what I want. Do you think that when you get provincial autonomy in your province, unless you had some guarantees of this kind, you are likely to suffer ?

A.—My point of view was.....

Q.—Yours is a general enunciation ?

A.—Yes.

Sir Henry Moncrief Smith.—*Q.*—On this point of the fixation of a proportion for Mussalmans, you just now made a distinction between Government servants and servants under local bodies. Can you explain why ? I am afraid I did not understand from your answer why you drew that distinction.

A.—Because, so far as the local bodies are concerned, I am inclined to think that when self-government develops, and when we get full responsible Government, that the suspicions which we are feeling now will disappear and we will develop, I hope, that consciousness of social solidarity, and common citizenship.

Q.—Don't you have the same feeling of confidence with regard to Government service ?

A.—With regard to Government service, I particularly emphasised the point that it was limited to a period. It is not ideal.

Q.—What particular contingency do you have in mind which in future will remove the necessity for this safeguard ?

A.—I think the contingency is that when we are trained in the sense of responsibility and discipline, we will know that these distinctions are absolutely evanescent and we will work as members of one body politic rather than as members of a particular sect or religion.

Q.—In the earlier portion of your memorandum you discuss the failure of attempts to form a party system. You discuss the causes of the failure. You say that it is due to the distinction between " reserved " and " transferred " subjects and to the lack of any principle that will bind the various groups together ?

A.—Yes.

Q.—Do you ascribe in any degree the failure of the formation of party systems to the existence of communal parties ?

A.—So far as communal parties are concerned and my experience of this matter is limited to the Legislative Council—there are no communal parties in the United Provinces Legislative Council. Some Muhammadans tried to form a Muhammadan party, but the majority were against it. I do not think that this is due to the existence of communal parties.

Q.—Actually parties were not formed, but was it your experience in the United Provinces Legislative Council that when a division was called, you generally found 95 per cent. of the Muhammadans in one lobby voting on one side ?

A.—I should not say generally. There were a number of questions on which half of the Muhammadans were on one side and the other half on the other side. Take, for instance, the question of the extension of the settlement from 30 to 50 years. This matter came up before the Legislative Council three times, I believe. Once a resolution was brought in the Council and that was passed. Next the whole of the item about 6 lakhs for settlement operations was turned down by the Council and some of the Mussalmans, I should say all the Mussalmans, joined the Zemindars and the Government was defeated on that. Then, again the Government brought in a supplementary estimate on the 4th or 5th—I am not certain as regards the exact date—of April 1924 and again the Government was defeated. There was no question of Mussalman siding as a Mussalman in the local Council. I am definitely opposed to it and so are the Mussalman M. L. C.'s of the United Provinces. It is a vicious system.

Q.—Then you think that the maintenance of communal representation, communal constituencies, will not hamper the formation of parties, political parties ?

A.—Yes. On the assumption that this communal representation will not be permanent, and that it will disappear.

Q.—You are prepared to have communal representation go in the end. It obviously would not hamper the party system then. But as long as it subsists, will it be an obstacle ?

A.—I think that it would not be a very serious obstacle, I admit that it will be to a limited extent ; but I do not think that it is so insuperable a difficulty. I do not think we shall always vote on every question on communal grounds. It is impossible.

Q.—You agree, do you, that the formation of a party system is really essential before responsible government can have a fair chance ?

A.—I think that is a doubtful principle. It all depends on what you mean by party system. I should certainly prefer some system—some group system—whereby there are no definite parties one marked off against the other. Under the group system one party shades imperceptibly into the other, and results in the combination of various groups whereby the Government is formed.

Q.—Don't you think, if that happened, that the Ministers would feel very insecure. You say the Minister should resign if he was defeated. If he had not any party behind him, will he have any sense of security at all ?

A.—It all depends on the combination that he achieves and the size of the group.

Q.—If he achieves a combination, will that be a party or will he have to form a party on any particular matter that he takes before the Council ? Is that what you contemplate, forming a party for each matter ?

A.—No. I certainly contemplate the formation of a party with clear principles, but I do not formulate it on the principle on which it has been worked, say in England, before the advent of the Labour Party. The party system rested on the assumption that there are only two parties—Conservatives and Liberals. That has been the principle there.

(*Mr. Chairman*).—*Q.*—You certainly prefer the French system ?

A.—Yes.

Q.—You say at the top of page 3: " Little time is given to the non-official resolutions, and matters of the greatest importance are given comparatively little attention." Was it your experience of the local Council that the converse proposition is also true, that a great deal of time was devoted to matters of very small importance ?

A.—Not now. I admit in the last Council a number of resolutions dealing with what I may call parochial topics were admitted. But this year I was informed by the President of the Council himself that as the Council members had more experience he was going to admit only those resolutions which related to the general interest of the province.

(*Mr. Chairman*).—*Q.*—It is not an improvement in the Council.

Q.—As the Chairman suggested, it is not an improvement in the Council. The Rules and Standing Orders are the same. It is only a change in the attitude of the President ?

A.—And the resolutions which are now admitted are general in scope.

Q.—I suppose you have seen the rules that apply to resolutions. If the President is able to disallow resolutions of what we may call parochial interest now, couldn't he do so before ?

A.—He did not do it before, because he thought that the members were inexperienced. That was his reply. But this year the resolutions that have been adopted have been of a general scope. Even so, it is impossible for non-official members to get important resolutions admitted for discussion in the Council. More time, I think, ought to be given for such discussion.

(*Mr. Chairman*).—*Q.*—Have you yourself had any difficulty in getting admitted a resolution which you regarded of the highest importance and which was very largely supported by your own particular party ?

A.—Yes, I have had.

(*Mr. Chairman*).—*Q.*—Have you ever put down 30 or 40 names to a resolution ?

A.—I do not know about putting names. They were all in sympathy. But very few members take the trouble of putting their names for ballot.

(*Mr. Chairman*).—*Q.*—If in the Assembly members are anxious to get resolutions admitted, a number of them all put their names down for the ballot—40 or 50 names. That insures their getting the resolution.

A.—That system is not in operation, in the United Provinces. Only once has this method been resorted to.

(*Mr. Chairman*).—*Q.*—It is rather a good system ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Have you got the ballot system ?

A.—Yes, we have.

(*Mr. Jinnah*).—*Q.*—If you have got the ballot system, what the Chairman suggests is this. If 40 or 50 members send in the same resolution you have chance of drawing it.

(*Mr. Chairman*).—*Q.*—You were saying that very few members take the trouble of putting down their names for the ballot.

A.—There is no party system. You could not even get 40 persons together upon any particular question.

(*Mr. Chairman*).—*Q.*—If you cannot get a considerable proportion of members on a particular question, how can it be a question of the highest importance ?

Q.—Even though as you say members take no interest in questions, and it is only the member who wants to move a resolution, could he not induce them to put their names down ?

A.—If you allot 2 days out of 11 for non-official resolutions, you cannot really expect all the important resolutions to be discussed. You ought to allot more time.

Q.—That is quite another point.

A.—What I wished to emphasise was that sufficient time is not allotted. Accordingly I have said "that little is given to non-official business".

Sir Sivaswamy Aiyer.—*Q.*—In page 1 you suggest the appointment of an Indian as Finance Member ?

A.—Yes.

Q.—Apart from the satisfaction of Indian claims, do you think that it will solve any friction between the Reserved and the Transferred Departments ?

A.—I think it will go far towards diminishing the suspicion of the members as regards the Finance Department. But it would not solve the difficulty, I admit.

Q.—You refer to the existence of an Indian Finance Member in one province ?

A.—Yes.

Q.—Are you aware that even in that province the Ministers complained of the control of the Finance Department ?

A.—I am not aware of that.

Q.—Very well, you may take it from me that they do. In page 2, sub-paragraph (*c*), I believe you refer to the Crewe Committee's recommendations ?

A.—Yes.

Q.—You are in favour of those recommendations being adopted ?

A.—I should certainly have preferred that, but in my opinion even they did not go far enough.

Q.—Are you in favour of the recommendations being adopted ?

A.—I am in favour certainly.

Q.—In page 3 you advocate a much larger proportion of money being spent on primary education than on University and secondary education ?

A.—Yes.

Q.—What do you think is the amount required for the development of universal primary education in your province ?

A.—I cannot reply to that question unless I have complete data before me.

Q.—But it will amount to a few crores ?

A.—It cannot amount to less than one crore a year.

Q.—What is the population of your province ?

A.—About 50 millions.

Q.—I though it was small. Would you approve of the whole of the money available for education being spent on primary education ?

A.—No, I would not approve of that. What I suggest is that there must be some principle laid down with regard to the proportion of money to be spent on University and secondary education on the one side, and primary education on the other side.

Q.—May I take it that you feel that a great deal more ought to be spent on primary education than is being done now ?

A.—Yes.

Q.—Or do I understand you to belittle the importance of University and secondary edueation ?

A.—I do not belittle the importance at all.

Q.—Do you think that the country would do well if it insisted on primary education to the neglect of University and secondary education ?

A.—I think all three must be carried on *pari passu*.

Q.—And it is after all a question of degree as to the amounts to be distributed between these various branches of education ?

A.—Yes.

Q.—You know that in Burma primary education is almost universal ?

A.—It is.

Q.—You consider them more advanced than ourselves in British India ?

A.—This argument does not apply. If you read the report of the Director of Public Instruction, you will find even there is an agitation against the system of indigenous education given in Burma. I do not think the mere fact that ecclesiastical institutions carry on that work justifies the whole country to be regarded as advanced. Primary education, to be efficient, must be maintained on a definite basis. It must be secular to begin with. By secular I mean the state must definitely undertake the responsibility for the establishment and organisation of primary education.

Q.—I suppose you do not approve of the education imparted by Maktabs and so on ?

A.—I do, but it must be supervised by the State. The supervision must be maintained.

Q.—You think that universal primary education would help the people to understand political issues much better—mere knowledge of the three R.'s ?

A.—Personally I think it will be certainly useful, and it will be helpful.

Q.—I quite appreciate the importance of primary education, but for political purposes, for enabling people to exercise their judgment upon political issues, do you think the mere development of primary education is sufficient ?

A.—I do not say the mere development of primary education. I mean all grades of education.

Q.—Do you think that the Muhammadan community is backward in education ?

A.—It is backward, I think, in some provinces.

Q.—Is it backward in the United Provinces ?

A.—In the United Provinces it is not comparatively backward. But in some grades of education it certainly is.

Q.—What do you mean by " comparatively " ?

A.—My community is not backward when it is compared to Bengal. That is what I mean by ' comparatively '.

Q.—It is more advanced than the Muhammadans of Bengal ?

A.—Yes.

Q.—Although your community is backward, you insist upon a certain fixed proportion in the services for the Muslim community ?

A.—Yes.

Q.—Don't you think that employment should have some relation to efficiency and qualification ?

A.—I do admit this. But what I suggest is that in the case, for instance, of the Mussalmans of Bengal you do not take men of average qualifications. You take the best Mussalmans and you admit them to the Government service. So the question of average does not apply at all. And so far as quality is concerned, you can get a sufficient number of men of good quality for the various Government services.

Q.—I quite see that. But would you not apply this principle of communal distribution of appointments irrespective of the principle of efficiency ?

A.—I would certainly not apply that.

Q.—When it comes to the question of the numbers to be employed, don't you think that the question whether a community is backward or advanced, whether it is better educated or less educated, will have something to do with it ?

A.—The main question that we have to consider is whether, if there are, say, 300 posts vacant, there are 300 Mussalmans. You cannot take the general level of education among the Mussalmans and decide upon that. You must take into consideration the quality also. If you do this, you will find that the number of competent Muslims is sufficient.

Q.—Supposing you want 200 posts reserved for the members of the Muslim community and you do not succeed in getting 200 members with the requisite qualifications, would you still insist upon Muhammadans being employed for all these posts or would you say that for whichever post you cannot get Muhammadans with the suitable qualifications, you might go to other communities ?

A.—I have enunciated this principle on the explicit understanding that you can get qualified Muhammadans. So I am not going to make any supposition.

Q.—What I want to know is this. Supposing your postulate is not fulfilled ?

A.—It is no use making such suppositions. My postulate is fulfilled at the present time.

Mr. Jinnah: (To Sir Sivaswamy Iyer).—The witness says that there are sufficient number of educated Mussalmans who are qualified for these posts.

Sir Sivaswamy Iyer.—I am only asking what would he advise in case his postulate is not fulfilled.

Q.—What I want to know is this. Supposing your postulate is not fulfilled ?

[*A.*—Then we will consider the matter when it comes up. I am not going to commit myself now.

A.—Then we will consider the matter when it comes up. I do not like the principle at all, and would like to do away with it altogether. But it is a fact that this question of loaves and fishes is a source of trouble; and I would like to cut the ground from under the feet of mischief-mongers by making provision to this effect. *Note* :—As subsequently corrected by the witness.]

(*Maharaja of Burdwan*).—*Q.*—There is no dearth of Muhammadans for such appointments in your province so far as you know ?

A.—None.

Q.—But in some other provinces there may be a dearth of qualified Muhammadans. Don't you think your principle will require some qualification in cases where you may not be able to secure Muhammadans with the requisite qualifications ?

(*Mr. Jinnah*).—*Q.*—May I know what is the system now that prevails in your province ? By what method these appointments are made ?

A.—What do you mean by ' method ' ?

(*Mr. Jinnah*).—*Q.*—Is there any percentage fixed for Muhammadans ?

A.—No.

(*Mr. Jinnah*).—*Q.*—Is there a Selection Board ?

A.—There is, in the first place, a competitive examination combined with nomination for Deputy Collectors. Then there is the nomination and selection combined by the Government for Tahsildars. With regard to other posts, they are filled in by the heads of the departments. So there is no principle formulated for this purpose in any province that I know of.

(*Maharaja of Burdwan*).—*Q.*—There are certain rules in certain provinces as to the percentage of appointments that should go to Muhammadans. Is there no such rule about percentage in your province ?

A.—I do not think there is any such rule in my province. In any case there is no definite percentage fixed for the Muhammadans.

(*Maharaja of Burdwan*).—*Q.*—At the present moment, for instance, in the United Provinces what is the percentage of appointments held by Muhammadans, roughly ?

A.—I could not tell you this. In 1913 a Committee was appointed under the Presidency of the Honourable Justice Karamat Hussain and it suggested, I believe, 40 per cent. posts for Muhammadans in certain specific departments. But I do not think that those recommendations were carried out.

Q.—Take, for instance, the Educational Service. Don't you think that is a department where you require the very best men you can get ?

A.—Yes.

Q.—I believe you were appointed in Madras as an University Professor. Supposing you cannot get a man in the United Provinces who is quite up to the standard of the qualifications prescribed for a particular post from the Muhammadan community, would you object to drawing a man from other communities in order to fill up the appointment ?

A.—I have already stated that I do this solely with a view to removing causes of friction, and therefore, it would be best if this method is followed for, say, 15 years.

Q.—To fill up every appointment ?

A.—Yes.

Q.—Every appointment, in every department, in every grade, and so on ?

A.—Yes; I should say that.

Q.—You say that majorities should not be turned into minorities in any province. Will you kindly explain this ? Is there any province in which a majority has been turned into a minority ?

A.—There are two provinces, namely the Punjab and Bengal.

Q.—Take the case of the Punjab. There the Muhammadans have 34 out of 70 elected Indian seats ?

A.—Yes.

Q.—There the Muhammadan representation is the largest compared with the representation of any other community. Do you mean to say that, in spite of the fact that the Muhammadan community has the largest representation among the Indian communities, they still suffer under some disabilities ?

A.—Yes. The disability is that they are not given representation according to population.

Q.—I understand the principle that a community ought to be represented in proportion to its population.

A.—I do not lay it down as a general principle applicable to every country in the world.

Q.—I can understand the proposition of representation in proportion to the population. But here is another new principle that you have suggested that a majority should not be turned into a minority. I do not quite see the rationale of this new principle.

A.—I do not see any difficulty in understanding it because it is clear enough. In Bengal and the Punjab you have got the majority of Muhammadans if you take them according to population.

Q.—Are you in favour of the principle of representation according to population ?

A.—I am in favour of the combination of the two principles, namely, the principle of representation according to population and the principle that the minorities should have adequate and effective representation. I see no inconsistency in these two principles.

[*A.*—I am in favour of the principle that the minorities should have adequate and effective representation. The question of majorities being turned into minorities cannot be deduced from this principle. The Hindus have already got " effective and substantial " representation in the Punjab and Bengal. So why should the majorities there be turned into minorities. Moreover I would give the same rights to Hindus in the North-West Frontier if a Council is created there. *Note* :—As subsequently corrected by the witness." ?]

Q.—Does it not very much sound like " Heads I win and tails you lose " ?

A.—Not at all, because every minority, before you can expect its cooperation, must be given adequate and effective representation in the province.

Q.—What do you mean by effective representation ?

A.—I should not like to define it at this stage.

Q.—Can any minority become effective unless it becomes a majority ?

A.—It all depends upon your interpretation of the phrase " effective representation ".

Q.—What is the standard of effective representation. Do I understand you to mean that a particular minority community would be able to carry its will or enforce its will against other communities ?

A.—I do not mean that at all.

Q.—Then in what sense have you employed it ?

A.—I put it deliberately in a very vague form and I did not like to crystallise it. But as you want me to explain it, I will say that my idea is that so far as the Mussalmans of the Punjab and Bengal are concerned, they should be represented according to their population. In the other provinces they must maintain the amount of representation which they enjoy at the present time.

Q.—That comes to very near the statement that I made a little while ago in a popular form.

(*Mr. Chairman*). I think the witness has made himself perfectly clear.

Q.—One more question. Don't you think that the Hindus in the Punjab or the other minority communities in other provinces may also desire effective representation ?

A.—They will certainly be given effective representation in the North-West Frontier Province, if any Council is established there.

Q.—But what about other provinces ? You say that the principle of effective representation qualifies the principle of representation according to population and this principle of effective representation applies to minorities. Is it a principle applicable to only Muhammadans or to all minorities ?

A.—It should be applicable to all the minorities. It is general in its scope.

Q.—Then other minorities ought to be able to claim effective representation in excess of their population proportion ?

A.—Yes.

Q.—Don't you think it will lead perhaps to results which we do not anticipate ?

A.—I will take the concrete case of the North West Frontier Province. If you are going to establish a Legislative Council there, I will give them, say, 30 or even 35 per cent. of representation in the Local Council there.

Q.—But will it be effective there at all against 65 per cent ?

A.—My use of the word ' effective ' and the illustration that I gave you shows that I do not apply it in the same sense as you do.

Q.—I want to ask you only one question more about groups. You spoke about the formation of groups. You are a Professor of History. Do you think that the group system in France is conducive to stability of Government ?

A.—I do not say that it is conducive to stability of Government.

Q.—Do you care for the stability of Government ?

A.—Personally, I have absolutely no particular liking either for the group system or party system. I should like to combine the best features of the two.

Q.—Just as you would like to combine the principles with regard to representation ? What will be the result ?

A.—So far as the group system is concerned, in the United Provinces Council it is only a stage in the development of the party system.

Q.—The experience of France is not fair ?

A.—I know this as well as you do.

Sir Arthur Froom.—*Q.*—Were you a member of the first Legislative Council ?

A.—I was not.

Q.—You are a member of the present Council ?

A.—Yes.

Q.—Do you belong to any political association in the United Provinces ?

A.—No.

Q.—The Liberal Association ?

A.—No.

Q.—Are many Muhammadans in the United Provinces Members of the Liberal Association ?

A.—Very few Muhammadans.

Q.—Towards the beginning of your memorandum you say, " Full advantage has not been taken of the opportunities which the Act affords, and that alterations in the rules framed under the Act would have gone some way towards meeting the objections which are constantly made at the present time." Does that view represent the view of the Muhammadans in your province generally, could you tell me ?

A.—So far as this particular question is concerned, I cannot speak on behalf of the Muslims of the United Provinces because I have got no express mandate from them on this question, but I think that the majority of Muslim Members hold these views.

Q.—It is the view of yourself and your political friends ?

A.—Of myself and of a large number of Muslim M. L. C.'s and constituents.

Q.— And your personal friends ?

A.—Yes.

Q.—If full advantage had been taken of the opportunities which the Act affords, the present intermediary constitution might have gone on for 10 years ?

A.—I won't fix any date.

Q.—It might have lasted longer ?

A.—It might have lasted longer I admit.

Q.—In your memorandum you say 1929 is the time when the abolition of dyarchy would become essential, do you adhere to that ?

A.—I said I modified it.

Q.—What has led you to modify it ? You are lecturer on Politics at the Allahabad University and you must have written this memorandum with considerable forethought. You say full advantage has not been taken under the Act, and as a sort of corollary you suggested 1929 might be the time when the abolition of dyarchy might take place, and now you modify that ; could you tell me why you modify that ?

A.—My reason is that I did not know the terms of reference of this Committee. I did not know to what extent it was competent to discuss the question of the amendment of the Act.

Q.—You did not know when you wrote this memorandum ?

A.—Not the explanations as given by the Committee. My memorandum was written on the 14th of August, after the Committee had started its work, so that it was written on the assumption that no change could be made in the structure of the Act. That was made without understanding the terms of reference of the Committee as amplified in the course of the proceedings of this Committee, and that is why I put down the date 1929.

Dr. Paranjpye.—*Q.*—You made a reference to the qualifications of members of Council, you are not in favour of residential qualifications ?

A.—There are different qualifications for electors and candidates. As regards the candidates I should certainly abolish, as I explained to the Chairman, all distinction with regard to residence in a particular Province.

A.—But if he has nothing to do with that particular province ? I can understand appointing a man from the Punjab who can represent the constituency of the United Provinces in the Legislative Assembly because the Legislative Assembly has to deal with the whole country, but what has the man from the Punjab got to do with the local affairs of the United Provinces ?

A.—I think, if you look up the proceedings of the local Council, you will find we do not deal purely with parish pump politics ; we deal with other questions too.

Q.—Are not these questions left entirely to the Government of India in the Legislative Assembly and the Council of State ?

A.—There are some points which are I think dealt with in the local Councils.

Q.—Will you give an illustration ?

A.—Take for instance the extension of the terms of settlement.

Q.—That is a question which might differ in various provinces ?

A.—That is perfectly true, but take a question about the release of political prisoners, do you mean to say it applies only to a particular province ?

Q.—The United Provinces Legislative Council cannot pass a resolution about the release of political prisoners in Madras ; it can only pass a resolution affecting its own province.

A.—My point is, if a man comes from Madras, will he be incompetent to propose a resolution ?

Q.—You had a man from Madras, but he made the United Provinces his home ?

A.—My answer is, is he incompetent to decide on a question of the release of political prisoners if he comes from Madras ?

Q.—He will be incompetent on most questions.

A.—No, because there were some prisoners who came from Madras.

Q.—I do not think the United Provinces Government will be competent to release a prisoner from Madras.

A.—If he commits a crime in the United Provinces could you disqualify a man from Madras from sitting in the United Provinces Council and discussing this question ?

Q.—You also speak about appointments according to a mixed principle of population and political importance, you agree that in the United Provinces both the communities are fairly advanced ?

A.—I have not said anything about population so far as appointments are concerned. I only said something about the proportion.

Q.—You say :—" The Muslims should be adequately and effectively represented in the public services of their country. A certain proportion of Muslims should be fixed for all Government servants." What proportion would you fix ?

A.—I am not going to suggest anything here ; I won't commit myself to that. As I explained it is a temporary arrangement.

Q.—Would you require that ratio to be greater than the ratio of population ?

A.—It will depend upon the particular province to which it is applied.

Q.—What proportion has your own province ?

A.—In my province it is bound to be higher.

Q.—In the United Provinces you consider both communities to be fairly well advanced, both the Hindus and Muslims ?

A.—If I am not charged with boastfulness, I might say United Provinces Muslims have been the leaders in all Muslim movements in India.

Q.—Compared with the Hindus ?

A.—It is very difficult to decide on a question like that.

Q.—You cannot call any community very backward compared to the others ?

A.—No, I should say not, but I was talking of the comparison of Muslims in the United Provinces with other Muslims.

Q.—You think the Muslims and Hindus are fairly evenly balanced so far as their abilities are concerned ?

A.—I admit this.

Q.—Consequently what objection is there to leaving these appointments open to competition if the two communities are fairly equally balanced in education in the province ?

A.—Excuse my saying so, Dr. Paranjpye, but I think you ought to know yourself that Muslims form only 14 per cent. of the population. You have 14 per cent. on one side and 70 per cent on the other. In a competitive examination you have 200 from one community and 30 from another, what chance has the Muslim community got ?

Q.—But 14 per cent. will come in ?

A.—How can they have a chance, if their numbers are 5 to 1, and they have no marked superiority, and are, educationally, evenly-balanced.

Q.—Say there are 15 appointments, in the first fifteen the proportion of the successful candidates is likely to be the same for both communities ?

A.—I do not know about that ; I think it is common sense if you have 250 from one community and 50 from another, they will not be the same.

Q.—Well, in making the appointments, you agree that the ideal to be aimed at is by open competition, only efficiency ?

A.—Certainly. In the Deputy Collectors' examination in the United Provinces the principle they have laid down is that they reserve four seats for the Hindus and 2 seats for the Muslims. They have the same examination for all, but so far as Muslims are concerned, they select the best men from the Muslim candidates, and the same applies to Hindu candidates.

Q.—Would you apply the same principle to teaching appointments ?

A.—In teaching appointments you cannot always have competitive examinations, can you ?

Q.—But supposing you are recruiting for Professorships for the Allahabad University, would you appoint a man because he is a Hindu or a Muslim, or because he is the most competent ?

A.—I do not mean to apply it to institutions which are not Government institutions.

Q.—Supposing it was for the Muir Central College ?

A.—There is no Muir Central College now. It has been absorbed in the University.

(*Mr. Chairman*).—*Q.*—You would not apply the rule to appointments to institutions which are not Government institutions ?

A.—Certainly not.

Q.—You would apply this rule to Government High Schools ?

A.—So far as the Government High Schools are concerned they will come under the Education Department, and as regards the Education Department, I would certainly apply it.

Q.—Would you not obtain the best teacher in making an appointment ?

A.—I would have regard to both the principles, but the number of educated Muslims is sufficient.

Q.—But in the teaching profession you would not take the best men ?

A.—Whichever profession it might be, we have a sufficient number of men to recruit for every profession.

Q.—As regards communal representation generally, you agree as a principle that communal representation is a vicious principle ?

A.—I agree.

Q.—And you welcome the arrival of a time when this communal representation can be done away with ?

A.—I wecome it heartily.

Q.—Have you considered the possibility of an intermediary stage between communal representation as it exists at present and no communal representation as it would exist in your ideal state ? There must be a time when there is a transition from one to the other. Would you make that transition by various steps or by means of a single jump ?

A.—So far as the transition is concerned I do not regard a geological epoch as necessary for its fulfilment ; I think it will disappear very shortly.

Q.—Say for instance if you assigned a period of 15 years ; would you at the end of 15 years suddenly do away with communal representation altogether ?

A.—I would do away first with reservation of posts in the Government service.

Q.—I am talking of the Councils.

A.—With regard to the Councils, what I should do would be to have in the first place as a modification, mixed electorates.

Q.—You would then, as an intermediate stage, have mixed electorates, possibly with a reservation of seats ?

A.—Yes for the Muslims.

Q.—You are a student of politics. Have you studied the question of proportional representation ?

A.—I have certainly read something on it.

Q.—You know proportional representation is now-a-days coming into vogue in several countries which have representative institution ?

A.—I admit this.

Q.—Recently in Ireland under the new Government of Ireland Act, in the southern parts when there are religious differences between the Protestants and Catholics, they have put in the Act the condition that the election will be held with reference to proportionate representation, and by that means Protestant candidates have been returned in the South where there is a large Catholic majority ?

A.—There is also the same provision in the constitution of South Africa.

Q.—Well, do you think that some progress on the lines of mixed electorates with proportional representation is possible as an intermediate stage ?

A.—I cannot say that off-hand ; I must consider it. I should think it possible.

(*Mr. Chairman*).—*Q.*—Proportional representation is rather a difficult thing for an illiterate electorate to understand ?

A.—That is the main difficulty—it is difficult to work and difficult for the voters to grasp.

Q.—All that the voters have to see is that the candidates are placed in order of merit. The returning officer might have harder work, but all that the voters have to do is, as I say, to place the candidates in order of merit. Now, with the present system of communal electorates do you think it possible that the different points of view in the same community do not get adequate representation ? Take the Muhammadan community, for instance. There may be two different sets of views in the Muhammadan community itself—say, the Shias and the Sunnis. I am taking a religious case. Well, is it possible for one of these sub-sections of the Muhammadan community to get represented under the present system if it is in a minority ?

A.—It is actually done, because there are a number of Shias returned to the Legislative Council. If you apply this principle logically it makes the whole thing absurd, but in actual practice it works splendidly—there is no difficulty. For instance, I was opposed by one Shia candidate and one Sunni.

(*Mr. Chairman*).—*Q.*—You yourself being.....

A.—A Sunni.

Q.—Suppose for instance there was a reformed Muhammadan candidate and an orthodox Muhammadan candidate.....

(*Mr. Jinnah*).—There is no question of orthodox among Muhammadans. We may be backward in some of our ideas.

(*Mr. Chairman*).—That is the same thing.

Q.—But do you think the present system of election gives adequate facilities to people of minority views to get elected to the Councils—people who hold views which are only those of a minority in that particular community ?

A.—Has not that been the case with every Government ? The minority always goes down before the majority.

Q.—I am talking of people holding views which for the present only appeal to a minority.

A.—Yes.

Q.—Would you do anything from that point of view ?

A.—I certainly wouldn't do anything. [I can not suggest a remedy, off-hand.—*Note*—subsequently corrected by the witness.]

Q.—Do you know that the system of proportional representation is calculated to bring out every possible view that is held by a considerable minority ?

A.—I don't know about that. (The witness here referred to a book by a Professor of the Illinois University tracing the history of proportional representation in that country where it had not been a success.)

Q.—I would suggest your reading Humphrey on "Proportional Representation."

(*Mr. Chairman*).—As there is some difference of opinion about proportional representation, let us get on to something else.

Q.—You mention in sub-paragraph (*e*) the want of a party system. Do you consider the non-existence of parties is due to dyarchy—that Ministers are required at least not to vote against the reserved half and therefore they are supposed to be to a certain extent committed to the general policy of Government and the Ministers cannot form a complete party of their own ?

A.—Yes, I agree.

(At this tage the further examination of witness was adjourned in order that the Committee might hear the views of Sir Frederick Gauntlett.)

Thursday, the 28th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber, Sir Alexander Muddiman in the Chair.

Witness :—Sir Frederic Gauntlett, Auditor-General.

EXAMINED BY THE CHAIRMAN.

Q.—You have no objection to being examined in public ?

A.—No.

Q.—Let me first on behalf of the Committee thank you for your very valuable memorandum. I at any rate have found it very interesting and I think other members also have. I would just like to put you a few general questions. I am not sufficiently expert to do more than that. I daresay some of my colleagues may be better qualified.

In the first place, the Committee has been told that local Governments object to the position adopted by the Government of India. The Central Government charges local Governments interest upon overdrafts but does not pay interest to the local Government on the minimum provincial balance during the year. I understand that except in regard to the balance of the Family Insurance Fund that is correct ?

A.—That is correct.

Q.—Could you give the Committee any information as to what these balances of the various local Governments have been since the introduction of the reforms roughly ?

A.—I can very roughly but it will be necessary to make a few preliminary remarks.

Q.—Will you please do so ?

A.—The difficulty is this, that we make no attempt to complete the Government accounts until the end of the financial year. We of course record month by month the actual transactions of the month, but there are very complicated adjustments between various departments and various Governments which, either from necessity or for the sake of convenience, are made at the end of the year. Consequently, it is impossible to give any idea of the approximate position of any province month by month until some decision is arrived at as to the adjustments which must necessarily be made at the end of the year and the adjustments which can be regarded as continuing adjustments throughout the year.

Q.—One minute. Should I be wrong if I say that you write up the local Governments' pass-books once a year ?

A.—That is so, and to show the position of the local Government at the end of a financial year a considerable number of adjustments have to be made. Before we can make even a rough readjustment of the accounts throughout the year, the points to which I have already referred have to be decided. An attempt has been made by me to disentangle these adjustments, to determine for myself what adjustments must be regarded as made at the end of the year or at a particular moment during the year and then to take the rest of the important adjustments and distribute those roughly over the year month by month. Having made those approximate readjustments within the account—which I have no authority what ever to do of course—I have brought out a statement giving approximately the monthly balance of each province during the year 1922-23.

Q.—Might we have that ?

A.—Yes.

Q.—You now explained what I did not understand before—that you cannot make up the pass-books at the end of the month on the present system. If I send my pass-book to the Bank they make it up up to date; but as a matter of fact you cannot make up the Government pass-book except at the end of the year.

A.—There are certain adjustments which cannot possibly be made at the end of the month.

Q.—Could you give us any idea roughly as to the extent to which local Governments overdraw in any particular month of the year ?

A.—Assuming what I have done is approximately correct—I don't claim accuracy for it, it gives you merely an approximate idea—and taking the year 1922-23, Madras in July showed a balance of 105 lakhs.

(*Dr. Paranjpye*).—*Q.*—What is the minimum balance required to be kept with the Government of India ?

A.—None. In January it showed a debit balance of 133 lakhs. Take another case, Bengal. I find that the maximum balance was a credit of 87 lakhs in March. In December there was a debit balance of 52 lakhs.

(*Sir Henry Moncrieff-Smith*).—*Q.*—March was the end of the year ?

A.—Yes, and the jump from *minus* 52 lakhs to *plus* 87 lakhs occurs in three months.

(*Dr. Paranjpye*).—*Q.*—What are Bombay figures ?

A.—The Bombay figures are affected very materially by the fact of the big Development Corporation Loan which comes within the Government account. That varies from 442 lakhs in February.....

(*Dr. Paranjpye*).—*Q.*—*Plus* ?

A.—Bombay is plus because it has a big loan and the smallest belance is 162 lakhs in October.

(*Dr. Paranjpye*).—*Q.*—Do you charge Bombay interest on the loan it has taken—for this large balance that you have to the credit of Bombay and which Government has advanced, do you charge the Bombay Government interest ?

A.—Yes.

Q.—May I take it that the provincial balances are merged with the balances of the Central Government ?

A.—That is so.

Q.—And I suppose in so far as they are not balances kept in the district treasuries they are kept in India in a bank ?

A.—They are kept in the Imperial Bank of India and in the various currency chests which are maintained in practically every treasury.

Q.—I ought not to have said district treasuries—I ought to have said in the treasuries ?

A.—Yes.

Q.—Does the Government get any interest from the Imperial Bank of India on that ?

A.—None. I am not quite certain on that point because I am not an authority on the contract but I believe that statement is correct.

Q.—On the other hand, I suppose if the balance were overdrawn the Imperial Bank would charge interest ?

V2:2 N24 t
N24.2

A.—Certainly.

Q.—Then you have to adjust your ways and means programme so that your balance is not overdrawn ?

A.—The Government of India have to adjust its ways and means programme.

Q.—If you had financial autonomy in the provinces the provinces would have to settle that ways and means question ?

A.—Undoubtedly ?

Q.—Do you think—after all you have great experience in these matters—do you think in the circumstances the provinces would altogether welcome the idea of financial autonomy ?

A.—So far as these figures show, the provinces would think twice about it before they decided to do it.

Q.—Under the present system the provinces are in a better position than they would be otherwise—speaking generally ?

A.—Speaking generally, that is to be qualified by the statement that the question as to what part of the Debt and Remittance account of Government should be regarded as provincial has not yet been decided. At the present moment, the whole of the Debt and Remittance part of the accounts is regarded as Central and this question of the consideration of balances is in practice outside practical politics unless the Government of India could agree to a recognition that some part of the Debt and Remittance account is really provincial and would be prepared to hand over to the local Governments some of the very big balances which are accruing within that account.

Q.—We have heard a good deal, generally rather vaguely, from witnesses that one of the difficulties is this financial control over expenditure. You have mentioned this difficulty about the balances. Supposing—this is not a political question—supposing the Government of India decided or wished to establish complete financial autonomy as between the Imperial Government and the local Governments. Could you think of any other difficulties besides this balance business ? For example, I have been told that there are difficulties in distributing deposit heads.

A.—That was the question that I mentioned just now. That is what I particularly had in mind when I referred, more generally to "part of the Debt and Remittance account." It is quite clear from these figures which show very large variations from one month to another within any financial year,—and that obtains in practically every province except two or three of the smaller ones—that a local Government is not likely to accept financial autonomy unless the Government of India is prepared to find a big cash balance with which it can start off, and the only way which is feasible at the present moment in the case of many of the provinces is to recognise that they are entitled to those deposits which can be regarded as provincial deposits. At present the idea which is maintained is that no deposits are provincial and that they are all Central. But I believe the Government of India is prepared to reconsider the question. Otherwise, it is perfectly clear that if you have a variation during the course of a year of several crores of rupees, if a province has to make its own arrangement with the bank, it must start with a surplus which will enable it to have a balance with the bank at any time during the course of the year. Otherwise, the bank will be very chary of taking up the account. There

14036
EGMORE, MADRAS-600 0

are two alternatives. One is for each province to gradually build up a big credit balance either by reduction of expenditure or by increase of income—for neither of which do I find any great desire on the part of local Governments,—and the other is to obtain from the Government of India a big credit cash balance with which it can start off.

(*Dr. Paranjpye*).—*Q.*—How much will be required for all the provinces taken together in your opinion ?

A.—I would suggest that if you like to have a copy of these net figures that I have worked out, quite recognising that they are probably several lakhs out but at all events not bad enough to alter the general line of argument, you would be able to determine for yourself what figures are generally applicable.

Q.—If you have no objection, we would like to have a copy. Has it not been suggested that Accounts should be separated from Audit ?

A.—That question is now under consideration by a staff working under the Finance Department of the Government of India. They have been working on it since last October or November.

Q.—Were you at home, or were you called home to help the Committee at the India Office when they considered the financial rules ?

A.—The Government of India entrusted me with the duty of taking the general financial rules home so as to help the India Office while they were under consideration there.

Q.—Perhaps, then, you will be able to help us to clear up one or two points that have arisen in the evidence that has been given before us and on which, I think, some authoritative opinion is desirable. Great point has been made about the Joint Financial Secretary. Success has been claimed in some places ; some witnesses have complained that it has been a failure, other witnesses have complained that he ought not to be appointed, and generally, I think, judging by the witnesses that I have heard, that they do not seem quite to understand what the position of the Joint Secretary as regards Finance is. Could you give us some idea as to the intention of the relations between the Financial Secretary and the Joint Financial Secretary under rule 26 (2) ?

A.—If I might be allowed to enlarge the scope of your question, perhaps I might start with a summary of the general discussions, which took place in the India Office with regard to the position of the Finance Department generally.

Q.—Please do so.

A.—The main question which was at once raised by the Committee at the India Office was, who should be entrusted with the duty of administering the Finance Department ? The draft rules sent from India contemplated that the Finance Department would be reserved and would be placed under a Member. When the first suggestion that was made that it ought to be under a Minister was discussed, it was found that there were considerable constitutional difficulties in placing the Finance Department under a Minister. To take one instance. The Finance Department has to administer the various treasuries throughout the provinces. The treasuries have to be bound by the Treasury orders which are issued under Devolution Rule 16. Those Treasury orders necessarily grant considerable powers to the Government of India and the Controller of

Currency, and it was regarded as unconstitutional to place the Minister in relation to some of his duties in direct subordination to an authority in India itself. That was one difficulty. The same point arose in respect of the Famine Insurance Fund. Famine is a reserved subject, and the maintenance of the Famine Insurance Fund is imposed upon the Local Government by the Devolution Rules and Schedule IV attached thereto. The Finance Department of course is responsible for seeing that those payments are made into the Fund, and as Famine is a reserved subject, it is difficult to place the financial administration of the Fund under a Minister. Then the next suggestion made was that it should be entrusted to the Governor. It was at once realised that the Governor could not, with all his numerous other duties, undertake that very great responsibility. I think another point which influenced the Committee at home was the idea that after all the Finance Department, more than any other Department of Government, needs a trained administrator at its head. It is recognised that many of the Governors are not trained administrators. They are not sent here as such, and it was generally agreed that the idea of putting the Governor in charge of the Finance Department was impracticable.

Q.—Then the present solution was adopted ?

A.—Then everybody did agree that if possible the Member in charge of the Finance Department should have no other portfolio at all.

Q.—There was practical difficulty about that ?

A.—Undoubtedly, as regards expense.

Q.—I think you will be the first to recognise that ?

A.—Yes.

Q.—Then let us go on.

A.—With these preliminary remarks I just wanted to clear the ground in explaining why it was deemed desirable to have two Secretaries, a Financial Secretary and a Joint Secretary. The idea of a Joint Secretary naturally develops out of the original discussion. Considerable apprehension was felt at the control which would be exercised by the Finance Department, and there was a fear expressed that if the Finance Department was under a Member, he would be more lenient towards the reserved subjects than towards the transferred subjects, and it was therefore suggested and agreed that if the Ministers so desired, they should have their own special adviser within the Finance Department in the form of a Joint Secretary. It was clearly recognised, I think, that the Joint Secretary and the Secretary naturally would have to work together. If you start from the idea of a joint purse, it is quite impracticable to think that a Joint Secretary and a Secretary could work in water-tight compartments. It is incompatible with the whole theory on which the reforms started. But it was clearly recognised that it might be desirable for the Ministers to have a special adviser of their own to whom they could turn for financial advice, and through whom they could approach the Finance Member.

Q.—There would not be any question that the Joint Secretary would be a sort of subordinate to the Financial Secretary and therefore would simply be a fifth wheel in the coach ?

A.—There was no question of that when the appointment was mooted.

Q.—It was intended that he was to have direct access to represent Minister's proposals to the Members ?

A.—Undoubtedly.

Q.—It was put to us rather the other way. I think it is not understood that the Joint Secretary should have the same powers as the Financial Secretary in regard to his own subjects ?

A.—I do not know if the subject was discussed in detail. I do not remember.

Q.—Would you regard that as the proper position ?

A.—Certainly. When we talked about the Secretary and the Joint Secretary, everybody in the Committee, who knew what the actual position of Secretaries and Joint Secretaries in India were, naturally assumed that the Secretary and the Joint Secretary, if there were to be two such officers in a provincial Finance Department, would occupy the same position towards each other as the Secretary and Joint Secretary in any branch of the Government of India.

Q.—Of course that is well known to you and to me. But that is not so well known to the Committee ?

A.—My point is rather this. Those people who did discuss it had clearly in their minds the relations between.....

Q.—The normal relations ?

A.—.....the normal relations and never contemplated that anything else than that normal relationship was possible.

(*Sir Sivaswamy Aiyer*).—*Q.*—May I know if the discussions the Committee referred to are published ?

A.—No, I don't think so. These were purely informal discussions in the India Office, and it is probably all confidential.

Q.—There does not seem to be anything dreadful in it !

A.—I do not fear that I am giving away State secrets.

Q.—Many witnesses—ex-Ministers and others—have come before us and they have represented that the Finance Department has been a cruel tyrant in the matter of Minister's proposals regarding control. Is it correct to say that the Finance Department can criticise on points of policy and over-rule a Minister ?

A.—The answer to that is most emphatically no. As the rules were drafted there was no idea that the Finance Department should over-rule a Minister. The rule makes that perfectly clear. In so far as the Transferred Departments are concerned, in so far as the reserved subjects are concerned, the Finance Department has the power to advise. The ultimate authority rests with the Member or the Minister in charge of the department. If the subject under discussion is one that affects more than one department of Government, obviously the ordinary Secretariat procedure has to be followed and every department affected has to be consulted. With regard to the Finance Department, the one special provision that is made is this. It is accepted that the Member or the Minister in charge has the ultimate right of decision. If the Finance Department does not agree with that decision and thinks that its arguments against the decision are so weighty that they ought to be further considered, the Finance Department, under the Devolution Rules, is given the right to ask that the proceedings, notes, including the Finance Department note, shall be placed before the Governor and it

is then the duty of the Governor to consider the whole question. If it is a reserved subject, he has to consider it in Council ; if it is a transferred subject, he has to consider it with his Ministers. I think you will find that is the actual wording of Rule 41.

Q.—Sir Frederic, you are familiar with the Treasury control in England ?

A.—I was at Home during the war for 3 years working with the Admiralty.

Q.—Can you tell me how it compares with the control provided by rules here ?

A.—The position of the Treasury in England is very very much stronger and much stricter than that of the Finance Department here.

Q.—I take it that reference has to be made to the Treasury for details of expenditure and for Treasury consent ?

A.—I believe that is practically true. There are practically no powers of sanctioning new expenditure outside the Treasury itself.

Q.—Whereas, according to our rules, that is not so ?

A.—Here Finance Department can merely advise ; they have no power of veto.

Q.—At Home they have the power of veto ?

A.—Absolutely.

Q.—Am I right in saying that the Treasury control in England is much stronger than it is in this country ?

A.—Very much stronger. I might add this. This is not evidence. At Home one of the positions that I held was in a department of which the head was a Barrister who was appointed from outside. Of course with the enormous development of work at Home during the war hundreds, thousands of non-officials came in to help Government and many of them were posted as heads of departments. Every single one of them had the same complaint about the Treasury. They disliked intensely this idea of having to get sanction for everything but they found that it was regarded as absolutely essential and they all gave way, had to give way. But they expressed the same irritation that is now being expressed in India.

Q.—Are there any Treasury rules that are published ?

A.—I doubt whether there are actual rules published, but there are numerous books of reference which describe the position in England. Commander Hilton Young has written a very good book. I have got several quotations from it.

Q.—You of course have considerable experience of administration in the pre-reform days. Did you observe then any irritation on the part of other departments as regards financial control ?

A.—I have never heard any other expression of opinion from any other department.

Q.—Sir Frederic, I am not going to take you through the detailed suggestions as regards the amendments of rules, etc. They are valuable no doubt. But can you give us any information as to the total expenditure in the various provinces on transferred as compared with reserved Departments during the last three years for general information ? You might give a statement.

A.—I can submit a statement to you from the accounts. I can get that prepared.

Q.—If that would not involve much trouble ?

A.—The figures are all to be found in my published appropriation reports. It is only a question of bringing the figures.

Q.—If that will not cause much inconvenience, it will be very useful ?

A.—I can send you figures for the last two years, 1921-22 and 1922-23. Those are the figures that I have published up to the present under Reforms conditions.

(*Dr. Paranjpye*).—*Q.*—Could you give similar figures for the pre-reform days ?

A.—That would take a long time. I can get the figures for you. The accounts were on a different basis altogether.

Q.—Therefore no comparison would be possible ?

A.—Yes. The heads were divided then between Central and Provincial, Imperial and Provincial, but I will do what I can.

Sir Henry Moncrieff Smith.—*Q.*—You said just now that the Finance Department was intended to be purely advisory. If a proposal went to the Finance Department for sanction because it involved expenditure, presumably the Finance Department would be able to suggest another way of achieving the Minister's object, because, say, in their opinion it would be cheaper ?

A.—Exactly.

Q.—The Finance Department would be able to say with regard to the whole proposal that it would be a waste of money ?

A.—I should say essentially it would be the duty of the Finance Department to do so. It would not be fulfilling its duty unless it did.

Q.—Would they consider it a waste of money because they did not agree with the policy underlying the proposal ?

A.—If they did not agree with the policy they might regard it as a waste of money to spend money on that policy and if they held that view they might say so.

(*Mr. Chairman*).—*Q.*—That is to say if the Finance Secretary thought that a department sought permission on what he considered an undesirable purpose, say, a Home for Lost Dogs, would he be entitled to say it was a waste of money ?

A.—Certainly, and if the Minister pressed it, it would have to go to the Governor under the rules for consideration by the local Government.

Q.—It is not that the Finance Department has a right to express an opinion on the policy ?

A.—The Finance Department is ultimately responsible for the administration of the revenues.

Q.—The Finance Member being a member of the Government, is partly responsible, jointly responsible for the policy of the Government ?

A.—As a member of Government undoubtedly he is ultimately responsible. That raises, however, the important question of the spheres of duty of the Members on the one side and the Ministers on the other, and I understand—I do not speak with authority on these constitutional questions—but I understand that the main idea of dyarchy is to entrust the formulation of policy with respect to particular subjects to a particular side of the Government.

Q.—With regard to the question of the Finance Member being relieved

of all other portfolios, apart from the financial difficulties, that is to say the question of money, do you think it is possible or feasible or desirable that that should be provided ?

A.—I think it is most desirable that it should be provided.

Q.—Would you have the controlling financial authority outside, independent of the local Government or the Government of India ?

A.—It seems to me that is quite impracticable. I mean the Finance Department is essentially an inherent part of Government.

Q.—It has been suggested to us by several witnesses that they would like the financial control to be exercised from outside the Government, entirely outside the Government ?

A.—It seems to me quite impracticable. Government must be responsible, as I said before, for the administration of its own revenues.

Q.—Your department, Sir Frederic, has something to do with local funds ?

A.—Yes, we do audit, on behalf of many local Governments, various local funds throughout India. Local Fund Audit is now a provincial responsibility, but many of them do not desire to take up the responsibility, and therefore ask me to do it for them as their agent.

Q.—The financial control over expenditure in these local funds is very much less rigid ?

A.—I should say by the results most emphatically so.

Q.—Do you mean that the result of your experience of the audit of local fund accounts suggests the desirability of relaxation of financial control ?

A.—Certainly not ; quite the reverse. The fact that there is so little financial control in numerous Municipalities throughout India (I am speaking more particularly of the smaller ones) has led, undoubtedly, to very great laxity.

Q.—Do you think that the present system of budgeting and accounting in the provinces facilitates financial control ?

A.—I think that the changes which have been introduced under the pressure of Devolution Rules, the methods of procedure adopted for the preparation of the Budget and the estimates and the criticisms which we have had to offer upon these have led to a very marked improvement in the methods. The essential point in the preparation of any budget, it seems to me, is this, that it must be prepared by the authority which eventually is going to spend the money which is asked for, especially in respect of all variable items. There is a vast mass of expenditure which is permanent expenditure and varies little and that can be dealt with automatically. But wherever variable expenditure comes in, the initial request should come from the person who eventually wants to spend the money, and matters have been improved considerably throughout the provinces in that respect. As regards accounting, all controlling officers ought to know how their expenditure is progressing and steps are now being taken to that end.

Q.—Are you in a position to tell us—I do not suggest that it is within your knowledge—can you tell us what considerations finally led to the decision to have a joint purse rather than complete separation of revenues on the reserved and transferred side ?

A.—The original idea undoubtedly was for separate purses ; and when it was considered in detail, the difficulties that were found were

so great that it was thought preferable to have a joint purse. One or two points I can still remember as arising in the course of those discussions. First of all, how are you going to divide your purse ? What method would you adopt ? You might quite easily take a fixed proportion, say, 50 and 50, that is to say, 50 per cent. shall be for the reserved side and 50 per cent. shall be for the transferred side. It was recognised that there would be much greater need for development on the transferred side than on the reserved side. So that if you start with 50 and 50, and keep that distribution with growing revenues, you will very soon find the reserved side building up huge balances which it does not want, while the transferred side very quickly spends all that it has got and wants to spend more. If you have two branches of work, one developing much more rapidly than another, a fixed division of the joint purse is not the proper method of providing funds for those two separate classes. Then, take another point. Assume that you start with a division, and, as I have indicated, the transferred side, the Ministers, find that they want more money than has been given to them under the distribution. The need for further taxation then arises, so that you have to divide your field of taxation. You want to find out which sources of taxation are recognised as the legitimate field for the reserved side, for the Members, and which are recognised as the legitimate field for the Ministers. How are you going to divide your sources of taxation ? That was found to be a very great difficulty and the difficulties were so great that it was eventually decided that the simplest thing was to start with a joint purse and only to adopt the separate purse if you were driven to it.

Q.—The rules provided for a variable apportionment, the apportionment to be by agreement ?

A.—Yes. You will find one of the Devolution Rules provides for a definite distribution of funds if the two sides of the Government failed to arrive at an amicable agreement as to the apportionment of funds between them in the Budget in any one year ; in fact, that provision in the Devolution Rules has not yet been found necessary.

Q.—From the audit and accounts point of view, Sir Frederic, do you think, if local Governments do obtain a much greater measure of financial autonomy, that that would be a ground for relaxation of financial control ?

A.—No. I would put it in this way, that the whole field of control ought to remain the same ; and in so far as you relax outside control, it is all the more necessary to impose greater internal control.

Mr. Jinnah.—*Q.*—Will you kindly refer to your memorandum ? You say in the first paragraph : " It seems impossible, therefore, for the present Committee to do more than recommend a detailed examination of the whole problem by a special officer or officers and the formulation of definite proposals for the consideration of the Central and Provincial Governments." I want to understand what you exactly mean by that ?

A.—What difficulties do you find in the statement, Mr. Jinnah ?

Q.—I do not understand why you say it is impossible for this Committee to go into this question ?

A.—I gather that it will take about a year's hard work to deal with the administrative questions that will arise in connection with it.

Q.—You start with this : " Much the most important advance that can be made within the Government of India Act towards autonomy in financial matters is the separation of provincial from Central balances."

When you say : " It seems impossible, therefore, for the present committee to do more than recommend a detailed examination of the whole problem " what is the problem that you have in your mind ?

A.—The problem that I have in my mind comprises the working out of the whole of the details which necessarily arise before you can give effect to this general recommendation.

Q.—Namely, with regard to the balances ?

A.—Perhaps, I may put it in this way, Mr. Jinnah.

Q.—The question of the separation of Provincial from Central balances. Is that what you mean ?

A.—What I am suggesting here is.....

Q.—The problem is the question of the separation of Provincial from Central balances ?

A.—I am trying to put my answer in the form most easy to understand, Mr. Jinnah.

Q.—I understand English perfectly well and I understand that the problem that you are referring to is the question of the separation of Provincial from Central balances. That is the problem. Is there anything else ?

A.—None, whatever.

Q.—That is the answer ?

A.—Excuse me, I wish to complete my answer. Mr. Chairman, may I complete my statement ? (*Mr. Chairman.*—Yes.) My statement is this. Of course I recognise that the Committee may desire to recommend strongly that this theoretically is desirable. But at the same time all that I wish to say is that it would be impossible for this Committee, unless it is prepared to sit for several months, to consider all the administrative details that will have to be solved before it can carry out the policy. That is all I wish to say.

Q.—This question of separation of Provincial from Central balances is more a matter of book-keeping. Is it not ?

A.—No, it involves very considerable questions outside book-keeping.

Q.—Will it give greater financial autonomy to the provinces ?

A.—I do not see how you can have complete financial autonomy.....

Q.—Please answer my question. Will it give greater financial autonomy to the provinces ?

A.—You cannot have complete financial autonomy unless you have control of your own balances. That is the proposition I wish to put.

Q.—Then I understand that it would give the provinces autonomy only for the purpose of controlling its balances ?

A.—Not at all.

Q.—What else ?

A.—I have been asked to prepare a memorandum for the benefit of the Reforms Committee based on my special experience.

Q.—I know that. We know that. I only want to get at this. What provincial autonomy will be conceded to the provinces by separation of these balances ? That is what I want to know ? I think you have said that it will have control over its own balances, only to the extent of controlling its balances. Anything else ?

A.—Which it has not at present. I do not want you to gather that there will be no other result than the mere control of the balances.

Q.—What will be the other results ?

A.—I am not prepared to answer that straightaway. I will think it over and give you a reply if you prefer to have it.*

Q.—I should like to see that. Then we will get on to the next point. In paragraph 2 you say " Another important step in the direction of provincial autonomy in financial matters will be taken if accounts can be separated from audit." I should like to understand that ?

A.—The answer to this is practically on the same lines as the answer to your first question based on the first paragraph. There cannot be complete financial autonomy unless each province maintains its own accounts and is responsible for the maintenance of its own accounts.

(*Dr. Paranjpye*).—*Q.*—But the audit must be Central ?

A.—Audit must be Central. Incidentally, it will cost considerably more, but that is a question which perhaps does not arise before this Committee.

Q.—In paragraph 3 you say : " Certain modifications of individual rules which aim at giving a greater measure of provincial autonomy are suggested below. The opportunity has also been taken of suggesting modifications so as to remove defects found in actual working even though the suggestions are not intended to give greater provincial autonomy." I take it that you really suggest the modifications of the rules to carry out the two suggestions which you have made ?

A.—No. Some of them.....

Q.—I have not finished yet. Two suggestions which you have made, firstly the separation of Provincial from Central balances ?

A.—Yes.

Q.—And secondly, accounts to be separated from audit ?

A.—I have not said there should be. I say that there will not be complete provincial autonomy until you get that.

Q.—But you do not suggest ?

A.—I do suggest it for the purpose. I say that it is essential for ultimate provincial autonomy to have accounts separated from audit. There are numerous other considerations. It is quite arguable whether it will lead to greater efficiency. It is quite certain that it will lead to greater expense.

(*Mr. Chairman*).—*Q.*—You made this suggestion for the benefit of this Committee without necessarily commending it. You indicate that to us as a line on which we may develop, without committing ourselves to approving of the line.

A.—Exactly, because there are so many other considerations involved.

(*Mr. Chairman*).—*Q.*—You were asked to help us and you have done so ?

A.—I have.

Q.—I am very much obliged to you and the Committee is very much obliged to you. I am not an expert in finance. I want to understand.

**Subsequent note by Witness.*—The recognition of a right to separate balances almost necessarily seems to imply the recognition of a right to a larger degree of freedom from external financial control. Moreover, until a Government has its own separate balances, it cannot adequately realise the importance of financial considerations.

I understand that you are making suggestions with regard to various Devolution Rules. The object of those suggestions that you have made is to get at this result, namely, on the footing that there should be separation of Provincial from Central balances ?

A.—The rest of the suggestions which are contained in paragraph 3 and to the end of the note have not necessarily any relation to those contained in paragraph 1 or 2. If it is desired to give effect to the two main suggestions which I have put before you for consideration, it will be necessary to modify certain rules. But the rest of the suggestions with the modifications of the rules are based on many other considerations besides the desire of giving effect to those two main suggestions.

(*Mr. Chairman*).—*Q.*—They are not in fact necessarily connected with paragraphs 1 and 2 ?

A.—No. They represent simply the result of detailed consideration of the whole mass of rules.

Q.—I want to get at the heads. Let me see. Let us get to paragraph 3. Which are the rules which you say will refer to this particular suggestion that you have made ?

A.—Rules 14 and 16. These rules will require modification if Provincial balances are separated from Central balances. Rule 16 may require modification if accounts are separated from audit. There may be one or two other points. I am not quite sure.

Q.—Now I come to Joint Secretaries. Do you agree with this statement that if a Joint Secretary was appointed he must be more or less looking after the interests of the transferred subjects which are in the charge of the Ministers ?

A.—He would be responsible for the same measure of advice in respect of the transferred subjects that the Secretary would be in respect of the reserved subjects. He would still be a functionary and an officer of the Finance Department.

Q.—Quite so. Do you think that there is a chance of friction and conflict arising between the Joint Secretary and the Secretary ?

A.—I think chances of friction are very largely a question of personality, and tact as well as the inherent difficulties of the situation.

Q.—Presume that we have the sweetest Joint Secretary and the sweetest Secretary ?

A.—I think you would also have to assume the sweetest possible Minister and the sweetest possible Member.

(*Mr. Chairman*).—*Q.*—Then everything will be very satisfactory ?

A.—It will be admirable.

Q.—Then you will require no constitution at all ?

A.—Some of us still hope that Heaven may come eventually.

Q.—Would it not come to this that probably the struggle will start either between the two Secretaries or it may start from the top, the Member and the Minister ?

A.—If there is a struggle, there must be two opposing people.

Q.—Either it will start from the bottom or from the top ?

A.—There will still be a struggle if two people wish to fight.

Q.—There is one thing more which I want to bring to your attention.

I find, at any rate so far as the Central Provinces Government is concerned, and I believe the same prevails in other provinces. This is what they say : " So far as the Budget is concerned, the system of Government laid down by the Devolution Rules is a unitary one. This has been extended to all financial business by the convention which His Excellency the Governor has established, namely, the objection by the Finance Department must prevail unless it is overruled by the whole Government " ?

A.—The rules provide for the Finance Member having the power, if he so wishes, of bringing his views to the notice of the local Government. The Devolution Rule most emphatically recognises that the decision should be with the Governor acting with the Ministers if it is a question of a transferred subject. The convention which you quote goes beyond what is contemplated in the system of Dyarchy.

(*Mr. Chairman*).—*Q.*—You mean to say, beyond what is contemplated by the Rules ?

A.—Yes.

Q.—I only want to know whether it is a consistent or an inconsistent convention, namely, an objection by the Finance Department must prevail unless it is overruled by the whole Government ?

A.—That decidedly goes beyond the Rules. The Rule reads : " And shall, if the Finance Department so require, be submitted by the department concerned to the Governor for the orders of the local Government ". The phrase " local Government " is, I believe, defined in the Act itself.

(*Sir Henry Moncrieff-Smith*).—*Q.*—If it was a subject from the transferred side, you suggest that the holder of the portfolio of Finance would not be a party to the final decision of the local Government, or should not be ?

A.—The Rules do not provide for it.

Q.—According to the rules, if there was a dispute between the Minister and the Member in charge of the Finance Department, who will settle it ?

A.—The Rules provide for the ultimate decision resting with the Minister or Member in charge of the department. If the Finance Department does not agree with that decision and thinks that the difference of opinion is so important that it ought to be pressed, the Rules provide that the Finance Department can ask the department concerned, whether it be reserved or transferred, to refer the matter through the Governor for the orders of the local Government.

Q.—Supposing the transferred half were to meet. I suppose the two Ministers and the Governor would meet. Do you know that it has ever been done ?

(*Mr. Chairman*).—(To Mr. Jinnah) You need not ask any questions about what is done in the provinces as Sir Frederic cannot possibly know what is the practice in the local Governments.

Q.—Then the two Ministers and the Governor should meet. Supposing they do not agree with the Finance Member, what will happen then under the Rules ?

A.—Then the local Government will pass the order.

Q.—What is the " local Government " ?

A.—The " local Government " is, I believe, defined in the Act.

(*Mr. Chairman*).—The " local Government " is the Governor and the Ministers if the matter relates to a transferred subject ; and the Governor and the Executive Councillors if the matter relates to a reserved subject.

Q.—Is that your meaning of the " local Government " ?

A.—I am afraid I must ask you to refer to the Act in which this phrase is defined.

(*Mr. Chairman*).—*Q.*—Is my statement correct ?

A.—Yes.

Q.—So far as the transferred departments are concerned, the Governor can always overrule the Ministers. Supposing he says " I do not agree with you " ?

A.—I am no authority on that point, Mr. Jinnah.

Dr. Paranjpye.—*Q.*—As regards the Joint Financial Secretary you said, Sir Frederic, that he will look to the files relating to the transferred departments and the other Financial Secretary would look to the files relating to the reserved departments ?

A.—That I believe is what was contemplated.

Q.—But the main idea with a large number of people is that the transferred departments should be able to see whether expenditure in the reserved departments is justified or not, whether they are spending so lavishly as to take away the money that may possibly be available for transferred departments. Was it not contemplated that the Joint Financial Secretary will scrutinise the proposals for new expenditure in the reserved departments in order to tell the Ministers that such a thing is being done, which will ultimately have the effect of reducing his resources ?

A.—I think it was contemplated that the Finance Member would act as an honourable man and would keep the balances even and apply the same traditions of control to both sides of the Government.

Q.—You have yourself said that he is a member of the Executive half and therefore his mind is likely to be balanced on the other side ?

A.—I have never said the latter.

Q.—You have already said that you do not agree with a possible independent Finance Department ?

A.—What do you mean by an independent Finance Department ?

Q.—That it should be in charge of an independent officer, say like the Accountant-General, who is independent of the local Government at present ?

A.—I cannot conceive of any Government in the world accepting financial control from an authority outside it. It seems to me that you would emasculate the whole Government if you do that.

Q.—As regards the Famine Insurance Fund. Each Government is asked, according to Schedule IV, to lay aside a certain amount in the Famine Insurance Fund and the Government of India allows a certain amount of interest on the balance in the Famine Insurance Fund of each province. On the other hand, the Central Government does not allow any interest on their large balances if they have any, with the Central such a large balance and you are not going to give us any interest on

that balance. We shall therefore ask you to put in so much part of that balance, over and above our annual contribution, into the Famine Insurance Fund." Will you allow that procedure ?

A.—Whether it should be allowed or not is really not a question for me to decide at all. What you have put is really only an alternative to the proposal that the Government of India shall agree to pay interest on a sum of money definitely placed, say in fixed deposit, by a local Government. Speaking purely unofficially and as a mere witness, I should regard that as equitable.

Q.—You spoke also about the difficulty in raising taxation if there were a separate purse, I mean the difficulty about the spheres of taxation. Suppose the transferred half wants to have some new developments and it proposes a new taxation. Is there any real essential objection to the earmarking of the proceeds of such taxation ?

A.—Of course, it leads to the obvious result that you are breaking away from the theory of the joint purse altogether.

Q.—*Pro forma* accounts can be kept and the amount of money realised by taxation can be left at the disposal of the transferred half to be spent as it pleases ?

A.—I dislike *pro forma* accounts very much. I prefer every account to come into the Government account wherever it is possible.

Q.—With this joint purse it is rather difficult for the Ministers to propose taxation, because they would not be certain that the amount of proceeds of that taxation will be made available to them. Is that the effect of the Devolution Rules ?

A.—I was just trying to turn up the rule which deals with taxation. Rule 30 of the Devolution Rules says : " All proposals for raising taxation or for the borrowing of money on the revenues of a province shall, in the case of a Governor's province, be considered by the Governor with his Executive Council and Ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and Minister or Ministers, according as the proposal originates with the Governor in Council or the Governor and Ministers." That is the provision in the Devolution Rules with regard to the taxation.

Q.—But the Devolution Rules make it rather difficult for a Minister to propose additional taxation which he intends for certain purposes but which is likely afterwards to be taken away by both halves of the Government ?

A.—As I have said, if you accept the idea that the yield from a particular taxation must go to one half of the Government, then you break the joint purse of Government.

Q.—I am not talking about a particular field of taxation ; I am talking of a particular measure of taxation, a particular taxation Bill.

A.—I quite agree if you accept that idea, you obviously break the general purse straight away.

Q.—I want to ask a question about the position of the Public Works Department which you mention in your comments on rule 7 of the Devolution Rules. What is the exact position of the Public Works Department ? Is it a mere agency department or an independent department from the point of view of the Finance Department ?

A.—You are asking a question on possibly the most complicated point in the whole field of administration. I can understand your question much better if you ask what is the relation between the Public Works Department and an executive department, and not what is the relation between the Public Works Department and the Finance Department.

Q.—What does the Financial Department regard the Public Works Department as ? Does it consider it as a mere agency department for the other departments, or as an independent department ?

A.—When the head of a department wants a particular building to be constructed, the Public Works Department has to prepare the plans and estimates. The Department then states whether those plans and estimates meet the needs for which the building is required. Then the cost is worked out, and that measure then has to receive financial approval. In most cases the provision for that building will be in the Public Works Department Budget and the expenditure of the money will be entrusted to the Public Works Department, working under the Minister ; but because of the difficulties which may arise in respect of reserved buildings, there is a provision in the Devolution Rules that the Governor may hand over the administration of the buildings of a particular department, to that department and take it away from the Public Works Department. The Public Works Department is the agent of the other department in so far as it prepares the plans and estimates to meet the needs of that department, but having got the approval of that department to the plans, the actual construction of the building then becomes a duty of the Public Works Department itself.

Q.—Supposing there were a rule in any province like this : If a Minister has got some idea about some new programme and he wants the Public Works Department to make a rough estimate of the cost of a particular building required, do you require the Finance Department to look at that plan at that stage ?

A.—I believe not, that is merely a question of Secretariat Procedure, the preparation of the initial plan for the purpose of obtaining what we call the administrative approval, and I doubt whether it does go to the Finance Department at this stage, but I cannot give you an authoritative answer.

Q.—If the Finance Department has made such a rule, do you consider it in accordance with the underlying financial control ?

A.—I should say it is a minor detail which would not affect the general principle one way or another. Personally if I were Finance Secretary, I should regard it as unnecessary at this stage.

(*Mr Chairman*).—It is a mere matter of Secretariat procedure.

Q.—I have a point to make ; the rule does exist in one province ?

A.—The point is pertinent perhaps because it is a question at what point a scheme should come before the Finance Department for consideration. It is possible, of course, that a scheme may turn out to be very much more expensive than the Finance Department would approve of, and if the Finance Department were to wait until the detailed plans and estimates had been prepared, it might necessitate considerable time and expenditure in preparing those plans and estimates which might even-

tually be scrapped owing to the opposition of the Finance Department on the grounds of undue expense. For that reason it may be desirable that important schemes, at least, should come before the Finance Department for consideration before the Public Works Department has been asked to undertake the very considerable task of preparing the detailed plans and estimates.

Q.—At any rate you do not think the Finance Department need require consultation when the Public Works Department is asked to make only a rough estimate ?

A.—I should say it would depend very largely upon the importance of the scheme itself. For a rough estimate I do not think the Finance Department need intervene before it is drawn up ; but before the Public Works Department prepares the detailed plans and estimates, which do involve considerable trouble, I do think it is desirable the Finance Department should intervene.

Maharaja of Burdwan.—*Q.*—Is it not necessary to have a rule like the one referred to by Dr. Paranjpye for this reason, that sometimes, even a preliminary survey means a certain amount of outlay, whether the scheme may be sanctioned by the Government afterwards or not ? Supposing you ask the Public Works Department to make a comprehensive scheme for building 100 colleges or something like that, it is necessary for the Finance Department to have some control or voice in the matter for the simple reason that, when the Public Works Department make big plans or estimates, they may have to engage temporary hands ? That is one of the reasons why the Finance Department may like to have a voice in the matter before the Public Works Department take up a scheme ?

A.—If the preliminary action necessitates the expenditure of a considerable sum of money I think the Finance Department could justly claim to be consulted before that is agreed to. It depends upon the amount involved.

Q.—Therefore, even for a preliminary survey the Finance Department may make a rule that, before the Public Works Department take up a scheme, they should consult the Finance Department ?

A.—If it involves considerable outlay.

Sir Sivaswamy Aiyer.—*Q.*—You think that the best arrangement for financial control would be one under which the Member in charge of the Finance portfolio has no other administrative portfolio ?

A.—Certainly.

Q.—Would you extend that system to the provinces as well ?

A.—In theory certainly.

Q.—I suppose the question of cost would be a consideration ?

A.—Undoubtedly.

Q.—You are also aware that, if the same Member holds charge of the Finance portfolio and other administrative portfolios his attitude is liable to be viewed with suspicion ?

A.—That is exactly why I expressed the view that he ought to hold no other portfolio.

Q.—And you are also aware that there has been very considerable complaint on all sides about his supposed tenderness towards his own departments ?

A.—Yes.

Q.—What I want to know is whether there is any alternative to this scheme, whether it is not possible to appoint, say a Financial Secretary, who should be common to both Departments, instead of a Finance Member, the Financial Secretary to be consulted and to be entitled to place his views before the Government as a whole, but not entitled to the status of a Member, would that be in any way open to objection ?

A.—I think it is open to very serious objection for this reason that many of the most important problems of Government must necessarily centre round Finance, and I think financial considerations could never be given sufficient weight if those considerations were put forward merely by a Secretary and not by a Member. Finance is so important that it must be a primary function—one of the most important duties—of Government.

Q.—You think the championship of financial interests would suffer if it was entrusted to any person not having the status of a Member of Government ?

A.—Certainly.

Q.—You do not think it would be safe in the hands of the collective Government, including the Governor and the Council and Ministers ? You do not think they would sufficiently appreciate the weight of the financial considerations unless they were assisted by a colleague of equal status ?

A.—Yes, I should certainly support that view.

Q.—Is there any other alternative to this system which you could propose if on the ground of cost you would object to a Member having charge of the finance portfolio only ? You think the arrangement of having a Member in charge of finance only is expensive, and you are also aware of the complaints, could you suggest any alternative or would it be an unavoidable expenditure, though costly ?

A.—My own view is that the present arrangement is theoretically so undesirable that the expense should be disregarded.

Q.—With regard to the criticism that the Financial Department does trench upon considerations of policy also, is it not difficult for it not to trench on considerations of policy when making criticism on financial grounds ?

A.—Yes. I should put it this way, that I think a Finance Member would not be fulfilling his duty if he did not point out that there are possible alternative policies, while recognising that the ultimate position as to policy must be a function either of the Minister or Member of the Government.

Q.—For instance I will refer to a passage which relates to an instance in a minor province :—" The importance of the Ministers has been much more aggravated by placing them under the control of the Finance Department, as appears from rule 7 of the Devolution Rules ; that is to say the Finance Department, in dealing with the plan of a building advises the knocking down of a portion of the building which may be absolutely necessary. It also similarly advises the appointment of sub-assistant surgeons where the services of assistant surgeons are needed. We need not dispute the right to offer reasonable advice on the part of the Finance Department with regard to schemes involving new expenditure, but the

Finance Department should not have such wide powers as it has at present." Do you sympathise with those complaints ?

A.—My only comment is that the powers of the Finance Department here in India are very much smaller than the powers exercised by Finance Departments elsewhere.

Q.—Could you let me have a copy of the Treasury rules later on ?

A.—I have no copy of the rules.

(*Mr. Chairman*).—*Q.*—But there are no rules we have been told ?

(*Sir Sivaswamy Aiyer*).—He referred to some rules.

(*Mr. Chairman*).—That is Commander Hilton Young's book, to be bought at any book-sellers.

Q.—For instance in another place there is a complaint that while a Division Forest Officer and the Chief Conservator of Forests can make appointments *up to a limit of 4 years*, the Minister can exercise no power at all without the previous assent of the Finance Department. Is that correct ?

A.—I have no information on that point. I think I might offer a comment—that it seems to me rather an undesirable situation that an officer should have less power than a subordinate three places down. But I simply have no information on that point.

Q.—Devolution Rule 45 says :—

> " Wherever previous consultation with the Finance Department is required by these rules it shall be open to that department to prescribe by general or special order cases in which its assent may be presumed to have been given. "

A.—That rule was introduced in order to provide for delegation of powers to other officers.

Q.—You are aware that under the Statute the Audit Report of the Auditor at the India Office has to be submitted to Parliament under section 26—the report of the Auditor of the Home Accounts on the account of the Secretary of State, has to be submitted to both Houses of Parliament ? Don't you think it would be desirable that that report should be placed before the Indian Legislature before it is submitted to both Houses of Parliament so that we may have an opportunity of knowing what it contains and so on ?

A.—I certainly think it ought to be presented to the Legislature out here, and in fact it does come out here, and is considered by the Public Accounts Committee.

Q.—In paragraph 2 of your memorandum you have stated :—

> " It also entails the consideration of numerous administrative problems of grave complexity. "

Would you kindly enlighten me as to that. I do not want to go over the same ground as Dr. Paranjpye.

A.—I think the complexity can be gauged by my estimate that it will take three officers who are doing nothing else three years to work out the details.

Q.—I do not mean the expense or the delay. Those are not the problem you refer to. You refer to " administrative problems of grave

complexity " which have to be considered. What are they—that is what I want to know ?

A.—Can I put it in this way ? One alternative to the Indian system is the English system. In the English system there is for each " vote " (which corresponds to our " grant ") an Accounting Officer. He is completely responsible for the compilation of all the accounts of the expenditure under that vote, and that account as compiled by him is ultimately accepted as part of the account of the whole of Great Britain. If you attempt to introduce that system in India you will require in each province a separate Accounting Officer for each separate vote, which will mean about 50 or 60 different accounts offices in each province ; and then you have got to compile all those together.

Q.—You mean " administrative problems " concerned with the Finance Department itself ?

A.—The actual difficulties which will arise in changing from one system to another.

(At this stage the chair was taken by the Maharaja of Burdwan).

Q.—You mean the " administrative problems of grave complexity " to which you refer are concerned with the administration of the Finance Department—with the system of accounts ?

A.—If there is a change from one system to the other that change itself must involve grave difficulties. Another point which I think I have mentioned there is that it really affects the whole future of the Indian Audit and Accounts Service.

Q.—True, but would it affect constitutional questions or problems—that is what I want to know ?

A.—I have a note which runs to about 20 pages in which I point out that it seems to me almost impossible under the present rules constitutionally to impose the responsibility for transferred accounts upon the transferred departments and thus ultimately upon the Ministers responsible, because if you start with the theory that the account so maintained is to be part of the ultimate account of India, then it is subject to orders issued by the Secretary of State under section 26 of the Act. Now that only provides for executive orders, and the Secretary of State in drafting section 19A of the Act deliberately refused to exercise control over Ministers except for the purpose of fulfilling his responsibility imposed on him by the rules under the Act ; and, therefore, I doubt very much whether he will make the Ministers ultimately responsible for the preparation of accounts.

Q.—Now what I wish to know is whether the difficulty that you feel and describe with regard to the separation of the accounts from the Audit branch of the financial service is any insuperable obstacle to provincial autonomy in other respects ?

A.—No. What I contemplate for instance is that it is possible to improve the existing system by imposing upon me the duty of maintaining limited accounts which do not go into minute details— that I should maintain accounts only to that degree of detail which is necessary to enable me to write my appropriation account for each local Government, and that

the minuter details of the accounts ought to be maintained informally by the departments themselves ; that is provided for in Devolution Rule 37 (*e*) which makes the Finance Department responsible for seeing that suitable accounts are maintained by other departments.

Q.—I am not opposed to the maintenance of the accounts by the Central authority. I only wish to know whether that would be an insuperable obstacle in the way of provincial autonomy in other respects, and you said no.

A.—No.

Q.—With regard to this question of the earmarking of specific sums for specific purposes, it is not unknown in England though the general practice is to pay everything into the consolidated vote and draw it out by order of the Treasury. The practice of earmarking the proceeds or portions of the proceeds of a particular tax or grant is not unknown ?

A.—No.

Q.—The reason why I think the question is of some importance here is this. So long as this division between transferred and reserved prevails, the Legislature is much more sensitive to an appeal by the transferred departments for more money than otherwise, and they are more ready to grant a tax if it is levied say for the purpose of improving primary or elementary education or something of the kind and if the proceeds of the tax could be devoted to that purpose. But if once a tax is imposed you allow it to be swallowed by other departments, they would not agree to such a process. I mean that is a practical difficulty which I have explained to you. Though on the ground of complexity in financial administration you would object to earmarking, you don't think it indefensible under all circumstances ?

A.—One can conceive that it may be desirable to follow the English precedent and permit it in very exceptional circumstances, but if there were any idea of making it general then I can imagine a meeting of the two sides of a local Government becoming a bear garden.

Q.—You would have to maintain a number of Accountant General and so on.

A.—I can imagine that the fights between the various Ministers would be very fierce !

Q.—But very often the Minister raises money and a reserved department absorbs it. It does so happen sometimes. Are you aware of such cases ?

A.—I think the answer to that is that it is quite impossible from the present system of accounts either to prove or disprove it. If there is a common purse, the money must go into the common purse.

Q.—Take the case of a tax which is raised for repairing roads. After it was passed the Finance Minister refused to give it for the purpose of repairing roads. Don't you think it is a very unseemly quarrel and very undesirable that once a tax is raised for a particular purpose it should not be devoted to that purpose ?

A.—Before expressing an opinion I should prefer to see the different statements made in the Council at the time. If there was a definite promise given, that ought to be maintained—that is a common point of honour ; there should not be any quarrel about that.

Q.—In some matters the Central Government employs the local Governments as its agents,—for instance, in the matter of the income-tax administration. There is a movement now for the separation of the agency. Which is really cheaper for the country—the employment of a separate agency or the employment of the local Governments ?

A.—I think the question of cheapness ultimately depends upon the question of efficiency. The most important questions of agency have arisen in connection with subjects now placed under the Central Board of Revenue. That administers departments which collect important taxes and for that work a separate department is undoubtedly more efficient than trusting to an agent.

Q.—Now there are just one or two principles on which I should like to have some further light. For instance, take this question of the Local Government Borrowing Rules. I find some reference to "lasting public utility". Does that refer to productive works or unproductive works ?

A.—It may be either.

A.—All that is required is that it should be lasting, it should be public and it should be useful.

Q.—A complaint was made in the evidence of some witnesses with regard to certain procedure. You know that Lucknow is practically the headquarters of the United Provinces Government. It is its *de facto* headquarters.

A.—Yes.

Q.—Allahabad is its nominal headquarters ?

A.—Yes.

Q.—Are you aware that the Secretaries to Government have been allowed to draw daily allowances for the whole period of thier stay in Lucknow on the ground that they are in camp ?

A.—No, I was not aware of that.

Q.—I will just read to you the complaint by a witness ?

A.—I will certainly investigate the matter, because it is a point with which I am very intimately concerned officially.

Q.—One witness has said, "daily allowances to three secretaries and sundry other officials for being in camp as it were, the camp being the city to which the business of the Government has been transferred and the headquarters being rarely visited by them." Do you think that this satisfies the financial canons of propriety ?

A.—It certainly raises a question which I shall have to investigate. I can express no opinion until I have done so.

The Chairman (the Maharaja of Burdwan) then thanked the witness who then withdraw.

Saturday, the 30th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness.—Mr. Shaffat Ahmed Khan—continued.

Mr. Jinnah.—*Q.*—Your memorandum is based on the footing that it was not open to this Committee to inquire into anything the remedy for which was outside the scope of the Act.

A.—Yes, precisely.

Q.—As a member of the United Provinces Council, do you think that this system of dyarchy can work ?

A.—Personally, I think it has not worked well. My opinion is that if the Governor had called all the Executive Council Members and Ministers and said, " Here we are, we must work together. I am not going to use any power under the Act and I will always go according to the wishes of the Legislature " then the Act would have worked very well indeed.

(*Dr. Paranjpye*).—*Q.*—That means there would have been no dyarchy ?

A.—I don't think so. I am referring to the speech of Mr. Montagu on June the 5th when moving the second reading of the Government of India Bill. I am simply quoting his exact words.

Q.—You mean to say that if he had acted as a constitutional Governor, then dyarchy would have had a better chance ?

A.—Personally, I think so.

(*Mr. Chairman*).—*Q.*—Was it open to him to do so under the Act ?

A.—Under the Act he might have been obliged to do many things, but he could have observed convention.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you suggest that the Governor should have not merely consulted the two halves of the Government but should also have taken the votes of both halves of the Government on every question ?

A.—I go beyond that even. I say that he ought not to have utilised the power which is given to him under the Act.

(*Sir Sivaswamy Aiyer*).—*Q.*—My question is specific. Do you mean to say that he ought to have taken the votes of both halves of the Government upon every question or that he should have only consulted them both, taking the votes of each half according to the nature of the subject ?

A.—I think he ought to have taken the votes of both parts of the Government.

(*Sir Sivaswamy Aiyer*).—*Q.*—That means abolishing dyarchy in the teeth of the Statute.

(*Mr. Chairman*).—That means transferring all subjects.

Q.—You say that notwithstanding the constitution which lays down a system of dyarchy, he ought to have acted as if he was a constitutional Governor.

A.—I think it will amount to that.

Q.—Then why a system of dyarchy at all ?

A.—I am not in favour of dyarchy as such. I thought it was only a stop gap, but if it had worked well, it would have been well.

Q.—With regard to Muslim communal representation. You know that under the Lucknow compact as well as under the present constitution in every province barring the North-West Frontier, which we will leave on one side for the moment, the Mussalmans are in a minority.

A.—Yes, at the present time.

Q.—That was under the Lucknow Pact also.

A.—Yes.

Q.—In no province—I am only putting it to you generally ; I do not want to go into details—in no province where the Muhammadans are in the minority have they got more than 30 per cent. of representation ?

A.—Yes.

Q.—That is the highest ?

A.—That is quite correct.

Q.—30 per cent. is the highest and I believe 13 per cent. is the lowest.

A.—Yes.

Q.—In all provinces except Bengal and the Punjab ?

A.—Yes.

Q.—In Bengal the Muhammadans are in a majority—55 per cent.

A.—According to population.

Q.—And they have got 40 per cent. ?

A.—Yes.

Q.—In Punjab they are 54 per cent. and they have got less than 50 per cent. representation under the present arrangement ?

A.—Yes.

Q.—Therefore, in the two provinces where they are in a majority, they are reduced to a minority ?

A.—Undoubtedly.

Q.—And in the rest of the provinces also, they are in a minority—having representation not exceeding 30 per cent.?

A.—Yes.

Q.—Your point is that in those provinces where the Muhammadans are in a majority, such as in Bengal and the Punjab, they should not be reduced to a minority.

A.—That is my contention.

Q.—You are not opposed to giving adequate and effective representation to the Hindu minorities in those two provinces.

A.—Not at all. I made that clear the day-before-yesterday, I think.

Q.—That does not look like " Heads I win, tails you lose "?

A.—Yes, I agree with you.

(*Sir Sivaswamy Aiyer*).—*Q.*—We have been reminded that 30 per cent. is the maximum of representation that the Muhammadans have got in the provinces where they are in a minority ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—And you are not quite satisfied with that ?

A.—No. I do not say the minorities are not satisfied. I think the Muslims of all provinces, except Bengal and the Punjab, are satisfied.

(*Sir Sivaswamy Aiyer*).—*Q.*—What do you mean by effective representation ? What percentage of representation do you regard as effective representation for a minority ?

A.—By effective, I mean a consciousness of not being entirely submerged or overwhelmed.

(*Sir Sivaswamy Aiyer*).—*Q.*—But we must have some external test ?

A.—The only external test I can apply is the practical ability by which the Irish Party from 1880 to 1918 were found to hold the balance between the Liberals and the Conservatives on various occasions.

(*Sir Sivaswamy Aiyer*).—*Q.*—Then you want them to hold the scales ?

A.—It all depends upon the parties opposed to us.

(*Sir Sivaswamy Aiyer*).—*Q.*—I want to know what in your opinion would constitute an effective standard of representation for a minority in any province such as would enable that minority to hold the scales or in any other manner to render itself effective ?

A.—In the first place, I cannot possibly lay down any hard and fast rule for every province ; it is impossible. There are 4 per cent. Muslims, in the Central Provinces, 14 per cent. in the United Provinces, and how could you lay down any fixed standard in the case of any province ? It is impossible. As regards effectiveness, all I can say—I can only express this in general terms—is the ability to influence, the consciousness of not being entirely overwhelmed.

(*Sir Sivaswamy Aiyer*).—*Q.*—Would you grant some right of effective representation to every minority in the community, the same kind of effective representation ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you not think that the total demands for effective representation on behalf of the minorities may convert them into a majority ?

A.—I do not think it follows at all.

Q.—When we talk of the word ' effective ' do I understand you to say effective not in the sense in which Sir Sivaswamy puts it, that in order to make it effective the minority should be turned into a majority ?

A.—Not at all. I made that clear day-before-yesterday.

Q.—What you really propose is this, that there must be a sufficient number to represent the minority who with the help of the majority may be able to carry their point in case of conflict ?

A.—That is precisely it.

Q.—And if in the United Provinces you were only confined to 14 per cwt., you will have to get a much larger number of the Hindu representatives in case of conflict to succeed ?

A.—Yes.

Q.—Whereas if you have 30 you require a less number ?

A.—Certainly.

Q.—But ultimately the minority can only succeed provided they get a certain number of the majority to support ?

A.—Precisely. May I, in this connection, refer you to the 5th despatch of the Government of India on the Franchise Committee's Report dated April 1919 in paragraph 22 where the same question is treated as regards the Muslims ? [I would also refer to paragraph 24, where the hardship to which the Bengal Muslims were exposed under the Congress-Muslim League Pact is stressed. *Note* :—Addition made later by witness.]

(*Dr. Paranjpye*).—*Q.*—Do you not think that this effective safeguard can be obtained by putting the second condition of the Lucknow Compact into the Act ?

A.—What condition ?

Q.—That if according to an impartial authority, for instance, the President of the Council, three-fourths of the majority of the Muhammadan members as such decided that a particular Bill was against their interests, then that Bill should not be passed ?

A.—No. I think the two are rather distinct.

Q.—Would not that be a more effective way of safeguarding the interests of the Muhammadans ?

[*A.*—I beg to differ. I think, very few Muslims will agree to this. The principle I have laid down is embodied in the resolution of the All-India Muslim League held in Lahore in 1924. It is the view of the Muslims of India. *Note* :—As subsequently changed by the witness.]

Saturday, the 30th August 1924.

Witness :—Messrs. N. M. Joshi and Dalvi, on behalf of the Bombay Presidency Association, Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—I have very few questions to ask you. You are continuing the evidence given by Mr. Chitale ?

Mr. Joshi.—Yes.

Q.—Would you mind referring to page 15 of your memorandum ? You say that your proposals for larger powers being vested in the Assembly should be accepted ?

A.—Yes.

Q.—I understand that it is a condition precedent for the recommendations in paragraph 15 being given effect to ?

A.—We want both responsible government and extension of the franchise simultaneously.

Q.—I have read your memorandum. You desire larger powers for the Assembly, and then in paragraph 15 you make certain recommendations. As a condition precedent you regard that as essential ?

A.—We regard it as desirable.

Q.—Have you any idea to what extent your recommendation would increase the number of the Assembly members ? You say, " its strength should be increased to at least double its present size, so that every revenue district of the provinces should be in a position to send at least one representative. " How many would that add to the Assembly roughly ?

A.—It will add to the present Assembly by about between 125 and 150 members.

Q.—And not more .

A.—The present Assembly consists of 140, and I think if we add 150 to it we will get a good number. There are about 225 districts in India I think. Including the special interests the total number of seats in the Assembly will not be more than 300.

Q.—That is what you estimate it at ?

A.—Yes.

Q.—You think that the result of widening the franchise would not result in overweighting the electorate with illiterate people ?

A.—Of course, for some years there will be some illiterate voters, but our Association thinks that these elections themselves are a political education and even though the voters may not be literate they will be able to exercise their judgment properly at the time of elections.

Q.—You say, widen the franchise. Would you have manhood franchise ?

A.—If I speak on behalf of the Association....

Q.—You are speaking on behalf of the Association ?

A.—We have not considered this question in detail ; but I would say that our Association would like the present basis of franchise for the local legislatures to be the franchise for the Central Legislature.

Q.—How many electors will that add roughly ?

A.—In India ? About 6 millions. 5 millions for the local legislatures, and one million for the Central Legislature.

(*Dr. Paranjpye*).—*Q.*—All the electors for the Central Legislature are also electors for the local legislature and therefore it will not add more ?

A.—Yes. It will be about 5 millions.

(*Dr. Paranjpye*).—*Q.*—You would not retain, I presume the same franchise for the Council of State ?

A.—I must say that this question also was not considered by our Association in detail, but if the Committee would like to have our ideas we would like to have the Council of State also as representative as the Assembly.

(*Dr. Paranjpye*).—*Q.*—Not on the same electorate ?

A.—We may vary the electorate.

(*Dr. Paranjpye*).—*Q.*—You will then have two chambers elected on the same franchise, and there is no use of a second chamber then ?

A.—We may vary the electorate, but we should have the same number of electors.

(*Dr. Paranjpye*).—*Q.*—How would you secure that ? I quite catch your point. You think that the present franchise is too narrow. If you have two chambers, you must have a different system of election, or a different electorate for the second chamber ?

A.—We do not want the Council of State to be representative of only certain interests. We want it to be as representative as the Legislative Assembly.

(*Dr. Paranjpye*).—*Q.*—How would you secure that ? If you elect on the same franchise you would get two chambers based on the same electorate. The composition of a second chamber in every constitution that I am acquainted with is something different from the first chamber, otherwise there is no use in having a second chamber.

(*Mr. Jinnah*).—*Q.*—You admit that principle ?

A.—I admit that principle, but I think that that can be secured by a change in the nature of qualifications for elections. At present we have got.....

Q.—A different class of candidates you mean by that ?

A.—No. Qualifications for voters. I may suggest this ; it is only a rough suggestion that has occurred to me just now. At present we have got property qualification mostly for the elections. I would suggest that we can secure a different basis of franchise such as education so that people who have studied so much should be given a vote.

(*Sir Sivaswamy Aiyer*).—*Q.*—As an alternative or a cumulative qualification ?

A.—Unless I study the figures it is difficult to say.

Q.—Would you accept my view that if you are to have two chambers you must have a different basis ?

A.—I admit that much, but I would like to have both the chambers equally representative.

Q.—There is only one other question. You envisage in your scheme—of course, it is, as you know, not in the power of this Committee to recommend—you envisage a Government of India with a transferred half and a reserved half ?

Mr. Dalvi.—Yes.

Q.—Ministers, and certain things reserved in the Viceroy including the army ?

Mr. Joshi.—Yes.

Q.—Then I think Law and Order would be in the hands of the Minister ?

A.—Yes.

Q.—Let me put to you this. In the event of a serious internal disturbance, such as unfortunately has happened in our own time, if a large number of troops are required, who is to decide whether the troops should be called out ? Is he the Viceroy who is not responsible for law and order, or the Minister ?

A.—The Viceroy as the head of the Government will have some responsibility, but the Minister also will be responsible.

Q.—Who is going to say, send out so many regiments of infantry, and so many squadrons of cavalry ?

A.—I think both the Minister and the Viceroy.

Q.—Supposing the Viceroy takes this line—take it for the sake of supposition—that " this disturbance has been brought about by your failing to maintain a sufficient number of police and I cannot help you ? "

A.—If there is a difference between the Viceroy and the Minister, generally what happens in other countries will happen here; the Minister will resign and the Viceroy may get another Minister.

Q.—He cannot get any other Minister under your scheme ?

A.—If the Viceroy cannot get any other Minister.....

Q.—It is not so much a constitutional point as it is a practical one. Who is going to give the order ? Is the Minister to call out the troops ?

A.—In the present circumstances I suppose the Minister will have to go to the Viceroy to give orders to the military.

Q.—The use of troops would be in the hands of the Viceroy ?

A.—Yes.

Q.—And if the Minister asks for troops and could not get them he will have to do without them ?

A.—It will involve a constitutional crisis. The Minister will resign and the Viceroy can get another set of Ministers who will carry on.

Q.—But regarding the army, under your scheme, the Viceroy is to have full control of it ?

A.—Yes.

Q.—I quite understand under your scheme the Viceroy would direct all operations external. But what about internal operations ? Take an outbreak like what we had recently, the Moplah outbreak. You have the local Government responsible to its own legislature. They have not, let us assume, sufficient police to cope with it. They come to your responsible Government of India. That responsible Government of India send all the police they have, but they are not sufficient. Such a position may easily arise and has arisen. The Minister goes to the Viceroy and says, " May I have so many troops ? " Can the Minister say, " You must send troops " ?

A.—Generally we shall expect the Viceroy to give the Minister the assistance of the troops.

Q.—Under your scheme he will not be responsible for the policy which led to the outbreak ?

A.—The Viceroy will be responsible for the policy of the Minister to the extent to which he is the head of the Government.

Q.—But under your scheme he would not be the head of the Government except that he is a constitutional Governor, bound by the advice of the Minister as regards law and order, but he will be an autocrat as regards the use of troops. It is a very difficult question ?

A.—On some occasions there will be some difficulties.

Q.—I do not think I have got anything more to ask you on this memorandum. But as you are here, with the permission of the Committee, I should like to put a few questions to you on the Labour Resolutions which you have sent.

A.—But I must make it quite clear that this Labour Resolution is quite separate from the Bombay Presidency Association's views.

Q.—But still as we have got you here and you have asked to be examined on that also, I just want to put a few questions on that. You ask for the extension of franchise for different reasons. You ask for adequate representation of the working classes ?

A.—Yes.

Q.—What do you mean by the working classes ? Are you concerned merely with industrial labour, or are you considering any other form of labour also ?

A.—Among working classes I would include all labour.

(*Dr. Paranjpye*).—*Q.*—Even agricultural ?

A.—Even agriculturists who are neither proprietors nor tenants, but who are mere labourers.

(*Dr. Paranjpye*).—*Q.*—Would you include officials in your working classes ? (A member—high officials ?)

A.—I do not mind his joining a trade union, he will be one amongst several. We won't give him more votes simply because he is a high official.

Q.—Do you consider that it will be possible for the working classes to be represented in the ordinary constituencies, as things are at present ?

A.—In the ordinary constituencies under the present Act I do not think it possible.

Q.—Supposing you had a large extension of the franchise.

A.—I will give an instance from Bombay. In Bombay any man who pays a monthly house rent of Rs. 10 has a vote, but the working classes in Bombay do not pay—I do not say all—but generally they do not pay more than Rs. 3 or 4 a month.

Q.—Then you do not think it will be possible except by special representation ?

A.—No, I do not think. I do not think it possible unless we attempt to have some separate electorates as the Bombay Government once thought of doing.

Q.—Is that feasible ?

A.—I thought it was feasible because they wanted to put a different qualification, *viz.*, wage qualification, for the workers.

Q.—I do not know Bombay, but I take it a good deal of your working classes are factory hands who have come from the districts ?

A.—They are factory hands, dock labourers, building workers, structural workmen.

Q.—My point is that it is mostly imported labour.

A.—Bombay city is a new city. Most of the population there is imported in that sense.

Q.—In Bengal nearly all the jute factories are worked by people from upcountry, such as Bihar and Orissa and the United Provinces.

A.—The Bombay labour comes from the Bombay Presidency itself, quite near from their homes.

Q.—Does it live in Bombay or does it go back ?

A.—Some of them go back home and again they come back. They go back when they fall ill or when they want a holiday.

Q.—Do they make their homes in Bombay ?

A.—It is not possible for people to make homes in Bombay.

Q.—If they go back, they go back to their own districts. Are they not represented in their own districts ?

A.—I do not know how many of them will be represented, how many of them will be tenants or proprietors of lands.

Q.—If you have a large body of migratory labour it is extremely difficult to get any form of constituency because it will vary each time. The man goes down,—I know in Bengal they do it—works for two or three years, goes back home and does tilling, etc., for the rest of the period.

A.—I do not admit the statement that Bombay labour is migratory. Bombay labour is quite steady.

Q.—Then he makes his home in Bombay ?

A.—Yes, till he retires from work.

Q.—Then he goes back to his village ?

A.—He will go back if he has something left in the village.

(*Sir Arthur Froom*).—*Q.*—He frequently makes annual visits to his village ?

A.—I do not admit it is annual. He visits his home often. But my experience is that these people once they come to Bombay gradually lose whatever little property they hold in their district.

Q.—Then they become landless labourers ?

A.—Yes.

Q.—Then it is difficult for them to be represented in a constituency unless you have special representation or they are nominated ?

A.—If we lower the present franchise of rent from Rs. 10 to a small amount then they can be represented.

Q.—In Bombay ?

A.—Yes.

Q.—Would you look at resolution No. 2. You suggest that there should be 12 seats for the working classes in the Assembly ?

A.—Yes.

Q.—They will have to be nominated ?

A.—No. They should be elected by organisations of labour. At present the Government nominates one member in Bombay, two in Bengal, one in Assam, and one in Bihar and Orissa.

Q.—You propose that in these Provinces they should be nominated ?

A.—I do not approve of nomination. I propose that they should be elected by labour organisations. Just as elections take place in the case of representation by the Indian Merchants' Chamber and Bureau, the Millowners' Association, the Planters' Association, etc. I should like to have elections by our organisations.

Q.—By labour organisations ?

A.—Yes.

Q.—Have you got any ?

A.—Yes.

Q.—Sufficiently really representative ?

A.—I can say for our purposes it is sufficient. I do not say I am satisfied with the progress, but I can say it is sufficient for our present purposes.

Q.—What is your own organisation ?

A.—The strength of our organisation is about—the actual membership will be about two hundred thousand.

(*Sir Sivaswami Aiyer*).—*Q.*—In the city ?

A.—In all places.

(*Dr. Paranjpye*).—*Q.*—In the whole of the Bombay Presidency ?

A.—We have not got two hundred thousand members in Bombay alone.

Q.—Are your members registered ?

A.—We have got some records. We print our conference reports.

Q.—Are the members actually registered ?

A.—The members are registered by the Unions not by the all-India Trades Union Congress. The Unions have got their registers.

Q.—Have you got leaders fit to represent these working classes in the Council ?

A.—Yes.

Q.—I am asking you, are there any people who can do that at present, —people sufficiently experienced ?

A.—In the case of some kind of labour it is possible for them to get a man out of their own ranks, such as the railway labour.

Q.—Supposing I ask you to nominate, or suggest the nomination of a real labourer, a man who actually works with his own hands, can you think of one ?

A.—That depends—if you go to a workshop and get a good fitter you may find—I do not say exactly a fitter, but a man somewhat higher than a fitter—it is possible he knows English and will be able to represent their interest.

Q.—We in England find that when you get a man of that class—a man a little above his own class, he is not really their representative, he is very often disliked.

A.—I would not like any restriction being put by the Government of India that the representative of the electors should come from their own class.

Q.—You would not do that ?

A.—No.

(*Sir Arthur Froom*).—*Q.*—This superior fitter very possibly would be coming within the franchise now ?

A.—Yes. There is no harm in his representing the working classes.

(*Sir Arthur Froom*).—*Q.*—You have got him on the franchise now, and why should he not remain there ?

(*Mr. Jinnah*).—*Q.*—How would you get your working man send his representative ? By a separate electorate ?

A.—There are labour organisations, just as there are organisations of employers like the Indian Merchants' Chamber and Bureau.

(*Mr. Jinnah*).—*Q.*—Supposing you have a Minister in charge of Law and Order. He would be responsible to the Legislature ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—And would you expect him to be as jealous as anybody else to maintain law and order ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Would he be any worse than a member in charge of Law and Order under the present Executive Government ?

A.—I do not think so. On the contrary he will get more help and support from the public to maintain law and order.

(*Mr. Jinnah*).—*Q.*—And provided we have got a statesman of a Viceroy do you think that there is likelihood of his refusing to help the Minister ?

A.—I do not expect any difficulty. But legally speaking.....

(*Mr. Jinnah*).—*Q.*—I am now talking practically. Supposing we had a great statesman of a Viceroy and he was of course the ultimate master of the troops, we will say, when they should be used and should not be used, do you think it is likely—of course, it is possible—but do you think it is likely that in normal circumstances he would refuse to help the Minister ?

A.—I do not think it likely.

(*Dr. Paranjpye*).—*Q.*—You answered a few questions about the Council of State. You agree that the Council of State's functions are somewhat different from those of the Assembly ?

A.—The Council of State will be a sort of revising chamber.

(*Dr. Paranjpye*).—*Q.*—So that it should be constituted on an entirely different footing, people with greater experience chosen simply because they have got experience, or because they are the representatives of experienced people—people who can form a sound judgment upon details of public policy ?

A.—I really cannot say anything on behalf of the Association because this question was not discussed. I have expressed my own view.

Mr. Dalvi.—My opinion on that point is that the second chamber should be a regular revising chamber, and therefore the element of which it is composed should be such as can revise the mistakes of the Assembly, if they commit any, in order that no legislation may be carried in a hurry. That is my meaning of a second chamber.

(*Dr. Paranjpye*).—*Q.*—So that if you make the Council of State as representative as the Legislative Assembly and in the same way, are there not likely to be many opportunities for disputes between the two houses ?

Mr. Joshi.—I do not think there will be. If there is sufficient provision made in the rules I do not think that there will be any disputes.

(*Dr. Paranjpye*).—*Q.*—The Legislative Assembly should have the final voice if they insist upon it ? The upper chamber should have a revising power and possibly a little delaying power ? That is what you want ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—What do you think of the proposal that has been occasionally made that in the case of the Council of State they should

necessarily be seats for people who have held certain high offices and have experience, a kind of elder statesman ?

Mr. Dalvi.—I do not approve of that. That is quite distinct from our opinion of what the second revising chamber should be. It may, by election, contain some men of official experience and who have had knowledge of administrative work. But we would not make such experience a *sine qua non.*

Mr. Joshi.—If you make it completely advisory, I do not mind men of experience, who are not elected by the people, sitting there.

(*Dr. Paranjpye*).—*Q.*—You would not approve of the system which prevails in Japan, for instance, in the case of the Upper House, or which prevailed in the old Roman Senate, where people who had held certain appointments necessarily became members of the Senate ?

A.—I do not approve of that.

Q.—Would you like it ?

Witnesses.—We would not like that.

(*Mr. Jinnah*).—*Q.*—You are in favour of the franchise being lowered. Does that apply to the local Councils also or not ?

A.—It applies to the local Councils also.

(*Mr. Jinnah*).—*Q.*—Supposing that was done, would you also advocate the increase of representatives in the local Council ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Supposing that was done, then would you not accept the principle that the second chamber should consist of those representatives who may be elected by the various local Councils ?

A.—We are not in favour of indirect election.

Sir Henry Moncrieff Smith.—*Q.*—I rather fail to understand paragraph 3 of your memorandum, part B. You say : "*It* owned no responsibility to the people of India and the Secretary of State in actual practice....." What do you mean by 'It' ?

A.—I think the word ought to be 'he' meaning the Secretary of State.

Q.—As it stands it is quite contradictory of the following paragraph where you talk about the Secretary of State's control proving very irksome and irritating ?

Mr. Dalvi.—What we meant was that it is true that the Secretary of State does not give the same attention to Indian affairs as he gives to English interests.

(*Sir Sivaswamy Aiyer*).—*Q.*—By 'It' you mean the bureaucratic Central Authority ?

A.—It means the Government of India.

Q.—In several places in the memorandum your Association talks about the representatives of the people being driven to do certain things against the Government. For instance, in paragraph 5 it is stated that they had no other alternative under the anomalous situation created by the

present Government of India Act than to resort to constant deadlocks. Then in paragraph 13 you say that the representatives often feel tempted to obstruct. In paragraph 14 it is sated : "The Assembly has no alternative but to cripple certain departments by defeating the budget with regard to its establishment...." I do not quite understand why there was no other alternative. You are a member of the Legislative Assembly. Did you vote for throwing out the whole of the Demand for 'Customs' ?

Mr. Joshi.—No. I did not vote for throwing out the Demand for 'Customs'.

Q.—Do you mean to say that the other members who did vote for throwing out the Demand for 'Customs' were driven to do so ?

A.—That is what the general feeling is. But I must make one thing clear. Our Association is not a Liberal Association. We have made it clear in the last paragraph that this Association is a sort of non-party Association. This sentence, therefore, does not fully represent my view. I do hold this much that a feeling comes over every member of the Legislative Assembly that, unless it resorts at one stage or another to the policy of obstruction, it cannot get anything done. As a matter of fact, if you will ask me why I did not vote against the 'Customs' Demand, I will say that I did not do so because I did not want to lose the sympathies of the Labour Government which had come into power very recently. If the same thing had happened a year later, I would certainly have voted against the Demand for "Customs."

(*Mr. Jinnah*).—*Q.*—You said just now that if such a thing had happened a year hence, you would have voted against the Demands throughout ?

A.—Yes. If I find that the Labour Government does not do anything for us in the direction of further constitutional advance, then I may vote against the grants.

(*Mr. Chairman*).—*Q.*—If it had been a Conservative Government, you would have voted against it last year ?

A.—Then we would have become hopeless.

(*Sir Arthur Froom*).—*Q.*—Are you disappointed with the Labour Government ?

A.—Not yet.

Q.—Now please refer to paragraph 7 where your Association says : 'Experience of the last 4 years has shown that even in the narrow sphere of partial provincial autonomy in the transferred subjects, the local Governments have found their powers curtailed by the exercise of their wide and elastic power of superintendence, guidance and control." Could you tell the Committee what is the wide and elastic power of superintendence, direction and control vested in the Government of India over transferred subjects ?

(The witness could not fully catch the question).

Q.—Perhaps I had better explain it further. You are aware of the section in the Act which enables the powers of superintendence, direction and control over transferred subjects to be restricted. You are aware that the power has been restricted by the rules ?

A.—Yes.

Q.—If you are familier with the rule, would you be prepared to maintain that it gives to the Government of India a power which is a very wide and elastic one ?

A.—There is still a power left to the Government of India. Even in transferred matters, power is still left to the Government of India to interfere.

Q.—Do you know on what grounds the Government of India can interfere in transferred subjects ?

A.—In the case of legislation, for instance.

(The witness then read out Rule 49 of the Devolution Rules).

Q.—That is an exhaustive list of the powers which the Government of India can exercise.

A.—But even in matters of finance and legislation relating to transferred subjects, the Government of India have got powers of interference.

Q.—But the powers are covered by Rule 49. Is there anything that you would like to take out of that rule. Do you think it is too wide ? What would you do with it ?

Mr. Dalvi.—We do not complain that the rules regarding inforference with regard to transferred subjects require any revision as such. But we say that even under these rules the Government of India have on occasions interfered with the administration of transferred subjects in the provinces.

Q.—Could you mention an instance ?

Mr. Dalvi.—I can mention one or two instances. The ex-Minister of the United Provinces gave an instance of the Allahabad University Bill. From Bombay I may be allowed to give one or two instances. One of the members of the last Bombay Council, Mr. Gupta, had brought a Bill for the prohibition of liquor in the Bombay Presidency. Under the rules the sanction of the Government of India was required and consequently the Bill was sent up. Although it was a Bill which related to a transferred subject, namely, Excise, the Government of India declined to give its sanction. That is one instance. Then as regards taxation, we have a Village Panchayats Act and the Local Boards Act. Under the Village Panchayats Act it is permissible for the Village Panchayat Committee to tax professional incomes. Accordingly one district in our Presidency actually taxed the professional incomes. The local Government, with the knowledge or sanction of the Government of India, declined to sanction the power which is given to the Village Panchayat Committee to tax professional incomes, although the Village Panchayat Act and the Local Board Act had previously obtained the assent of the Government of India by which this power was given to the Village Panchayats.

Q.—You mean to say that the Act gave the power of taxation subject to the sanction of the Governor General in Council ?

A.—I am aware that the Act does not provide for the sanction of the Governor General. It was a legitimate tax which the Panchayat was

allowed to levy without anybody's previous sanction. The result was that professional incomes could not be taxed. That was one of the important sources of income of the Village Panchayat.

Q.—But those professional men might have paid income-tax ?

A.—They might or might not have. But that was contemplated when this clause was put in. Lawyers and Doctors in that area must have been paying income-tax at the time when this Bill was passed.

Q.—I suppose you realise, Mr. Dalvi, that for a Bill on a transferred subject like liquor or local authorities, it is almost impossible that it should not impinge on some Central subjects. The subjects must overlap and therefore there is bound to be a great difficulty in giving local legislatures free and unfettered powers of legislation. Do you think a clear-cut division of subjects between Central and Provincial is possible ?

A.—There are some subjects which overlap. But in this case of Excise, which is a transferred subject, I do not think there is anything which impinges upon any Central sphere.

Q.—This subject of Excise might not impinge on the Central sphere, but what do you say to Customs ?

A.—So far as my knowledge of the subject goes, these are two separate heads.

(*Dr. Paranjpye*).—*Q.*—What about imported liquor ?

A.—But this Bill did not affect imported liquor, so far as my recollection goes. It only referred to country liquor.

(*Mr. Jinnah*).—*Q.*—If there is an infringement by a Provincial subject over a Central subject, do you think, the Government of India being a party to that dispute, they should be the judges also ?

Mr. Dalvi.—Then the rules should be changed for setting up an independent authority.

(*Mr. Chairman*).—*Q.*—But you told us you did not think the rule wanted any change ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Do you wish to modify that ?

A.—I would do so as to make the transferred sphere as independent as possible.

Q.—In the legislative sphere where Mr. Jinnah talked of an independent authority, you realise it is not the Government of India who gives previous sanction to local legislation ?

A.—In some cases it is.

Q.—It is the Governor General. You realise that the Governor General is an entirely different thing from the Governor General in Council ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—Don't you think this continual intermixture between transferred and central subjects is the very reason for the abolition of dyarchy ?

A.—Yes.

Sir Sivaswamy Aiyer.—*Q.*—You suggest an increase in the size of the Assembly ?

A.—Yes.

Q.—I suppose you would go up to a maximum of 300 ?

A.—That suggestion we have made here ; for the present that is the minimum.

Q.—It would enable you to give one representative for a million ?

A.—This is the *minimum* ; I would like to have more.

Q.—You do not think an Assembly of 300 would be too unwieldy ?

A.—No.

Q.—With regard to the franchise, are you in favour of lowering it still further, in Bombay, for instance, for the Provincial Legislative Council ?

A.—Yes.

Q.—Your qualification is payment of a land revenue of Rs. 36 ?

A.—It varies in different districts. They fix the figure in order to get a certain number of voters.

Q.—What is the limit to which you would lower the franchise ? I may tell you that in Madras the franchise for the local Council is the payment of Rs. 10 rent, revenue or tax, and the payment of Rs. 3 municipal tax.

A.—Yearly you mean ? I think it will be quite sufficient.

Q.—It is not necessary to lower it below that ?

A.—I cannot say that on behalf of the Association.

Q.—Then as regards the size of the electorates, may I know what is the strength of the largest electorate in your province ?

A.—For the local legislature, it will come to 20 to 25 thousand votes for two seats.

Q.—May I tell you that in Madras in some of the districts the electorate goes up to over a lakh, for instance in the Krishna District, where the electorate goes up to 120,000.

A.—Madras will require more members in that case.

Q.—Having regard to the existing size of the electorates which are now composed very often of two districts, you would advocate, I suppose, splitting up of the electorates into one for each district ?

A.—For the local Council I would also increase the number of members and make the electorate as compact as possible.

Q.—And never exceed a district ?

A.—Never exceed a district.

Q.—Possibly sometimes divide a district ?

A.—Yes.

Q.—Where we have for instance three candidates for the district you would sub-divide it ?

(*Mr. Chairman*).—*Q.*—You mean three seats ?

(*Sir Sivaswamy Iyer*).—Yes, I meant three seats. It was a slip of the tongue.

A.—On the whole dividing will give greater advantage. The larger the electorate is, the more difficult it is for the ordinary man, who has not got very large means, to get into touch with the electorate.

Q.—Subject, of course, to the necessity for having a plurality of seats for special considerations as we have in Madras ?

A.—Yes.

Q.—Then with regard to the powers of the Central Legislature you say the legislative powers of the Legislature are not sufficiently wide and the popular representative ought to possess the power of bringing forward social legislation, even affecting religious customs. I suppose you are referring to the section which requires the previous sanction of the Governor General in Council ?

A.—Yes, we do not want that previous sanction.

Q.—Suppose you want to bring in a Bill for the confiscation of religious endowments, do you think it should not require the previous sanction of the Governor General in Council ?

A.—We would leave it to the good sense of the Assembly and the people.

Q.—You think you should leave it to the Council and allow the Governor General to come in afterwards ?

A.—As a matter of fact Indians are better qualified to bring in legislation on social and religious matters than the Government of India. How is the Government of India, which makes it its policy not to interfere in the religious usages of the people of the country, to be made the judges of such legislation ?

Q.—Is there not a danger of social reformers running ahead of the community in the Assembly or outside ?

A.—I do not think the social reformers will get a large majority.

(*Mr. Chairman*).—*Q.*—Do you recognise that some Bill might be brought in dealing with religious rights which might cause considerable communal excitement ?

A.—But I leave that to the good sense of the people and the Assembly. There will be such a strong feeling against the man who does an act which goes against the interests of the community that no man will dare to bring forward such Bills.

(*Mr. Chairman*).—*Q.*—We have had Bills which have raised discussion in the country, not in the Assembly where the Members are supposed to be educated, but would you not be afraid that the ignorant people might be excited by misrepresentation of a Bill which was perfectly harmless, but which might be represented as directed against Hindus or Muhammadans ?

A.—There may be some trouble sometimes but still I feel the balance of advantage is greater.

Q.—With regard to the Army, I should like to know exactly what your view is. In summing up your conclusions you say that all departments now administered by the Government of India should be transferred to a sufficient number of Ministers with collective responsibility among themselves so far as these subjects are concerned, and the Viceroy should occupy the position of a constitutional Governor-General with regard to them. Does that include the Military Department also—clause (2), paragraph 17 ?

Mr. Dalvi.—We are speaking only of the civil administration.

Mr. Joshi.—We would leave the military portion to the Viceroy.

At this stage the Maharaja of Burdwan took the Chair.

Q.—I put the question to you because you use the words " all departments " and you make no reference in clause (2) so as to except clause (3).

A.—Clause (3) must be read with clause (2).

Q.—Even with regard to the Army do you think that the Legislature should have a voice in certain matters, for instance with regard to expenditure ?

A.—We have made it clear that we should first fix a minimum. If the military expenditure exceeds that minimum there must be sanction of the Assembly.

(*Mr. Jinnah*).—*Q.*—And you also go further and say, the Assembly may be over-ruled by the Viceroy by certification ?

A.—Yes, we have given him that power.

Mr. Dalvi.—Up to that minimum.

Q.—In the matter of military policy, do you think the present system works satisfactorily, the organisation of the Army ? Are you satisfied with the present system ?

A.—I am not satisfied because in the first place Indians are not allowed to join the commissioned ranks in several branches of the Army.

Q.—So you have got some grievance with regard to the present policy ?

A.—Many grievances.

Q.—How would you rectify that ?

A.—We have said in our memorandum that Indians must be made fit for the defence of the country within 20 years' time. It means that there must be some arrangement made by which gradually the number of Indian officers in the Army will be increased, and they will be also introduced into the other spheres, in which they are not at present admitted.

Q.—You want to vest the control of the Army and of the military administration as a reserve department in the hands of the Viceroy ? At the same time you are not quite content with the present organisation and policy, so far as the claims of Indians are concerned ? How would you manage to reconcile on one hand the satisfaction of Indian

aspirations with your proposal to reserve the administration of the department in the hands of the Viceroy ?

A.—We shall have to come to some agreement as to within how many years Indians will be trained.

(*Mr. Jinnah*).—*Q.*—You would require some scheme to be framed ?

A.—Yes, we want some scheme made.

Q.—Do you think that any constitution, or any changes in the constitution will give satisfaction to the people unless this question is tackled ?

A.—No, I do not think so.

(*Mr. Jinnah*).—*Q.*—Did I understand you to say that there are several branches in the Defence of India to which Indians are not admitted ? Which are those ?

A.—The Artillery and Air Force.

Q.—And what else ?

A.—Navy.

Q.—Do you know that Indians are not admitted to Woolwich ?

A.—Yes, that is also our complaint.

The Hon. Sir Alexander Muddiman here resumed the Chair.

Q.—I suppose in judging of the merits or the defects of a constitution, the extent to which the constitution is calculated to invoke the co-operation of the people is an important factor ?

A.—Yes, it must evoke the co-operation of the people.

Q.—And do you think that any constitutional scheme which fails to satisfy the aspirations of the people with regard to the Army can be regarded as satisfactory or really good ?

A.—No, not at all ; there will still be great dissatisfaction.

Q.—We have been asked with regard to the maintenance of law and order as to what we would do in certain contingencies. Now at present when there is a disturbance in a district and the civil authorities need the support of the military, I suppose you know that the civil authorities apply to the military for aid and the military authorities generally respond readily to the appeal ?

A.—Yes.

Q.—Do the military authorities enquire into the question whether the civil authorities are right or wrong and do they go into the administration of the civil authorities before they tender their help ?

A.—I do not think it is their business.

Q.—As between the Member in charge of Law and Order according to your scheme in the Government of India and the authority in charge of the military, do you expect the relation to be the same as that which now obtains between the civil and the military authorities or to be different ?

A.—It is difficult to speak definitely on this point as much will depend upon individuals

Q.—What do you expect ?

A.—On the whole I think there will be no difficulties.

Q.—You think there will be no friction ?

A.—No friction.

Q.—And that the military authorities will generally come to the aid of the civil authorities for suppressing disorder ?

A.—Of course. The military people are known to have a sense of discipline.

Q.—And you do not anticipate any friction between the two Departments ?

Both witnesses.—We have no apprehension whatever.

Sir Arthur Froom.—*Q.*—Mr. Joshi, I have only got a few questions to ask you. At the beginning of your second paragraph, you say : " The Government of India has from its inception been bureaucratic in its personnel and autocratic in its powerrs.". That is not meant as a criticism ?

A.—No, that is a statement of fact.

Q.—You do not quarrel with that ?

A.—Oh, yes, I quarrel with it.

Q.—Are not most Governments in the history of the world at the very beginning autocratic and then they gradually divest themselves of autocracy ?

A.—But we aim at democracy.

Mr. Dalvi.—We do not quarrel with the past. We say it should not be so any longer at present. Therefore we say that from the beginning the Government of India has been bureaucratic.

Q.—My idea is not to criticise the paragraph, but I want to know exactly what you meant by it ?

A.—We meant to state a fact.

Q.—Do not you consider that a natural fact—that most Governments in the history of the world have at the beginning been autocratic and only gradually divested themselves of autocracy ?

A.—When they started it may be quite intelligible.

(*Mr. Jinnah*).—*Q.*—You want to end it now ?

A.—I should have liked to end it much earlier. The rate of progress is slow and does not satisfy anybody.

Q.—Perhaps we don't agree about the meaning of the word " inception " and I will leave it there. There is another thing. I don't want to lay very great stress on it but I don't quite understand your paragraph 4 where you go on to say :

> "……three Indians were introduced into the Executive Government with a view to influence the decision of the Central Government both in the Executive and the Legislature. But this influence was circumscribed by the fact that the three Indians being in a minority could not always necessarily prevail……"

A.—I mean it does not satisfy us.

Q.—It does not satisfy you or the three Indian Executive Members ?

A.—Well ; they are in a minority and moreover they are not responsible—we are not satisfied with that sort of position.

Q.—You state that the three Indians could not always prevail ? You have no inside knowledge of the Executive Council ?

Mr. Dalvi.—No.

Mr. Joshi.—We judge it only from the constitution.

(*Mr. Chairman*).—*Q.*—What you would like is that the Indian Members should always prevail ?

A.—That is our present demand ; we want responsible government.

Q.—I only wondered whether Mr. Joshi had inside information. Now I would like just for a moment to ask you a few questions about labour. Like everybody else I have great admiration for your work, Mr. Joshi (*Mr. Joshi.*—Thank you), but as regards extending the franchise in Bombay to labour generally—which I believe I understood you to wish,—to all mill-hands and dock labourers, do you think if the franchise were so extended that the majority of the men (I grant there may be a few exceptions) are capable of wielding their vote in a satisfactory way ?

A.—I think on the whole they will be able to give their vote in a proper manner.

Q.—They might go and put a cross with a pencil, but let me put the question to you in another way. Before these men are better educated—I don't say necessarily education from only one point of view but before they have a broader mind and a keener sense of appreciation of government,—don't you think that until that comes about (which we all hope will come about) there is a danger that if all these men have the vote their votes will be swayed by a certain number of agitators who move about among labour; I won't mention their names and I am quite sure you don't associate yourself with them; but we do know that in Bombay there are a certain number of agitators among labour, as there are in most countries. Now if these men have the vote, which they don't understand, there is a danger of giving a great deal of power to the agitators who may do a great deal of harm ?

A.—My answer is, in the first place, this danger about illiterate voters and the wrong use of votes already exists under the present constitution itself. A man may possess property and pay a rental of Rs. 16 and still may be quite as illiterate as a labourer. Therefore this is not a new danger that we propose to introduce. And secondly, I am not so much against agitators as you seem to be, Sir Arthur Froom, because I feel that agitators have a very useful part to play in public life.

(*Sir Sivaswamy Aiyer*).—*Q.*—Has the Labour Party in England been always represented by members of their own class ?

A.—No.

Q.—For instance, Mr. Ramsay Macdonald—was he a labourer ?

A.—No, I cannot call him a labourer.

Q.—Then I think you told the President that the number of the members of your Unions was 200,000. All over India ?

A.—All over India.

(*Mr. Chairman*).—*Q.*—I understood that, Sir Arthur.

Q.—I did not quite understand it. There is just one more question I want to ask you. I think you gave it as your opinion that the more democratic a country is, or the more a country is governed by its own people, the more likely is it that law and order will prevail. You think that is so ?

A.—I think so.

Q.—Would you agree that it is so with the South American republics ?

A.—There may be cases where there may be anarchy for some time....

Q.—I am not quarrelling with your opinion. You can stick to your opinion just as I stick to mine. But I don't think history reveals that fact—that you get better law and order from government by the people.

A.—In the first place, I do not know much about South America, and what I do know about South America is that it is the interference of the oil interests that are responsible for creating disturbances in those States more than any other reason.

(*Mr. Chairman*).—*Q.*—Where is that ?

A.—In Mexico and the South American States. At any rate, that is the information I have collected—that the disturbances are really due to the oil interests of the United States.

Mr. Dalvi.—I wish to make one small correction in what was said by Mr. Chitale appearing on behalf of the Bombay Presidency Association. The number of Muhammadan members of the Association there is 68 out of 400.

(*Mr. Chairman*).—*Q.*—What did he say ?

A.—He said about 30 to 40. I may also state that there are several Muhammadan gentlemen who are and had been Vice-Presidents and Secretaries. Besides Mr. Jinnah, a large number of educated Muhammadans are members of the Association.

(*Mr. Jinnah*).—*Q.*—You did not consult me with regard to your memorandum ?

A.—No, you did not see it before it was sent in.

(*Mr. Chairman*).—*Q.*—You cannot then hold Mr. Jinnah responsible for your views ?

Mr. Joshi.—We would like to see Mr. Jinnah attend our meetings more frequently.

Mr. Dalvi.—There is another thing also I wish to mention, Mr. Chairman. It must not be taken that Mr. Joshi's views about labour bind the Presidency Association.

The Chairman then thanked the witnesses and the Committee journed.

Thursday, the 16th October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Sir Provash Chunder Mitter, *ex*-Minister, Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—Have you printed copies of your memoranda ?

A.—I have the printed copy of the last, but not printed copies of the memoranda of June and July. Of those I have typed copies.

Q.—In the first place let us make one point clear. The first opinion I have among my papers is the memorandum of 16th June ; then we have another memorandum of the 31st July, and then we have this one which you sent on the other day ; therefore there are three memoranda ?

A.—Yes. The first memorandum I submitted to the Local Government when they wrote to me, and the second I submitted to the Committee here, and the third I also submitted to the Committee. As I explained there, I was under the impression on the terms of reference that the enquiry was limited, but I discovered from the newspaper reports that it was permissible for witnesses to enter into the whole question.

Q.—I take it we may assume that you wish us to take these three documents together as one document ?

A.—Yes.

Q.—In the first place I think I am correct in assuming that you were one of the first Ministers in Bengal ?

A.—Yes.

Q.—There were three Ministers, yourself, Sir Surendra Nath Banerjea and Nawab Ali Chaudhri, and you held office throughout the term of the first Council ?

Q.—In the dissolution of that Council you were again elected ?

A.—Yes.

Q.—For the Bengal Land-holders ?

A.—For the Presidency Land-holders ; that was my constituency for many years.

Q.—And you are now in fact a Member of the Bengal Legislative Council ?

A.—Yes.

Q.—You did not take office again after the dissolution ?

A.—No.

Q.—Therefore you have not been a Minister during these last few months ?

A.—Not during these few months.

Q.—You were however continuously present in the Council during that period ?

A.—Yes.

Q.—And the present Ministers, or rather the ex-Ministers in Bengal in the second Council were ?

A.—Mr. Surendra Nath Mullick. He was not elected and therefore had to resign. He was there for about a month and a half or thereabouts ; not more than two months. Then there were Mr. Ghuznavi and Mr. Fazlul Huq.

Q.—There were only two Ministers ?

A.—After Mr. Surendra Nath Mullick resigned there were only two Ministers.

Q.—And they held office till the recent debacle ?

A.—Yes.

Q.—They were both Muhammadans and both from Eastern Bengal ?

A.—Yes.

Q.—Mr. Fazlul Huq I think is a Dacca man ?

A.—He is a Barisal man but he has been in Calcutta for many years. Mr. Ghuznavi is from Mymensing.

Q.—Would you mind referring to your first memorandum, the one of June. What Department were you in charge of in the first Council ?

A.—My most important department was the Education Department.

Q.—What was Nawab Ali Chaudhri in charge of ?

A.—His most important department was that of Industries and Agriculture.

Q.—And the other Ministers ?

A.—Sir Surendra Nath Banerjea's most important departments were Local self-Government and Medical.

Q.—I think during that period a complete new Municipal Act was passed for Calcutta ?

A.—Yes, the Calcutta Municipal Act was passed.

Q.—You regard that as a considerable achievement ?

A.—Yes ; but there were difficulties about the eternal communal question.

Q.—You regard it, at any rate, as an important piece of legislation ?

A.—Certainly.

Q.—What would you regard as the most important piece of work in your own Department, the Education Department, in those two years ?

A.—Nothing much ; it was a question of funds ; I had no funds.

Q.—Still you made some progress ?

A.—Yes, I tried to make some progress with the very limited funds I had. I may say that I have laid the foundations of future development. I prepared schemes of primary education for every municipality in Bengal and for about five or six hundred Union Boards. I prepared schemes of expansion for primary education according to the old panchayati system for other areas. I have given a list of some of those schemes. Some of those schemes I took up in July and August 1922 when we thought we had funds. Then in September we were told we had no funds and we had practically to cut down all those.

Q.—Then I would be right in assuming that you obtained the sanction of Government to numerous schemes ?

A.—Yes to a number of these schemes, which others did not proceed to that state for want of funds.

Q.—And what would you say was the principle achievement of the Nawab in his Department ?

A.—Very little ; there was the same difficulty, the question of funds.

Q.—He no doubt put forward a good many schemes ?

A.—Yes.

Q.—Then, speaking generally of the three years, there was a very good record of achievement on the part of the Ministers ?

A.—There was very little actual achievement because we had not got funds to do anything.

Q.—But I mean as far as the Ministers were concerned there was considerable achievement ?

A.—So far as the Ministers themselves were concerned, they were not idle ; they tried to do things, but as they had not got funds, so far as the outside public was concerned it was difficult for the Ministers to convince the outside public that they had done tangible things, although they tried their best.

Q.—Still, speaking without any vanity of any kind, you as a Member of the Ministry could say that you had done much useful work at the end of three years ?

A.—It depends on what you mean by useful work. If you mean accomplished work I say no. If you mean the basis for future accomplishment, I say, yes.

Q.—But at any rate one piece of legislation, the Calcutta Municipal Act, was passed ?

A.—Yes.

Q.—And that entirely changed the system of local self-Government in Calcutta ?

A.—Yes.

Q.—On lines you thoroughly approve of ?

A.—If you ask my personal opinion, I do not approve of all that has been done there, but generally I approve of it.

Q.—I take it in the Bengal Government you had the habit of consultation among the Ministers ?

A.—Yes, very often. About legislation, as you are aware, under the rules, there must be a joint meeting. But even other matters not appertaining to legislation were constantly discussed and we had often joint meetings.

Q.—Would you say the principle of joint responsibility was recognised in that first Council ?

A.—Yes.

Q.—Thoroughly ?

A.—During Lord Lytton's time almost always and during Lord Ronaldshay's time very often, and during the time of both the Governors their object was to have as much joint responsibility as possible.

Q.—And the two halves of the Government met frequently and discussed matters ?

A.—Yes.

Q.—We had a good deal of evidence from other Ministers that they found difficulty in working with their staff. Will you tell us what your view was about that ?

A.—I have in my last memorandum definitely stated that I had no difficulty, and not only no difficulty but I am happy to say that I and my I. C. S. Secretaries worked together smoothly and harmoniously. When you ask about staff as a whole, sometimes I had difficulty with my Indian Educational Service officers. I had never any difficulty with my Indian Civil Service officers. I should like to explain. Constantly we discussed things, and it very often happened that I and my Secretaries did not agree. We had discussions perhaps in which we took very definite views, and views of a different character, but after the decision was arrived at, I always had loyal support from my I. C. S. Secretaries. I had to deal with four of them. But I cannot say the same thing about all of my I. E. S. officers.

Q.—How did you come into contact with the I. E. S. officers ?

A.—When I took charge my Deputy Secretary was the Director of Public Instruction. After that the Director of Public Instruction ceased to be Deputy Secretary, but being the head of the Department, the Minister had to be in close touch with him. Then in regard to the execution of different schemes and policies, every high I. E. S. officer such as the Divisional Inspector has a lot to do. There was a gentleman in charge of primary education, as a special officer, and I very often found that some I. E. S. officers quarrelled with each other and sometimes I did not get loyal support. I do not like to specify names, but generally my relations with the I. C. S. men were very happy. My relations with some of the I. E. S. men were equally happy, but with others they were not equally happy.

Q.—On the whole you worked amicably with everybody—you don't complain of that ?

A.—I think it depends very much on the Minister and the Governor. If the Minister gets the support of the Governor, then it is all right.

Q.—Well then there is one other general point. You refer to the lack of money. Had you any complaints against the Finance Department ?

A.—Yes, I have said that in my memorandum. My general complaint is this, that there is more of lack of understanding than any definite cussedness if I may use such an expression. The Finance Department—at least some of them—did not realise that where we had to run a Government with a non-official majority it was necessary for the Government to carry that majority with them within the limits of the limited purse it had and the more limited the purse the more difficult it was and the more anxious the attempt should be to carry the majority. It is because

the Finance Member belongs to the reserved side of the Government, and has not got to go out of office as the Chancellor of the Exchequer has to in England, much of the difficulty arises. I have explained this in my memorandum.

Q.—Will you let me point out to you that the Chancellor of the Exchequer does not himself exercise financial control. It is exercised by the permanent staff and not by the Chancellor ?

A.—Undoubtedly, but it is the policy, the mentality, that makes all the difference. The Chancellor is the head.

Q.—I suggest to you that it is very doubtful whether the Chancellor ever interferes in what I may call treasury control.

A.—He does not but I do say that if the mentality of the person having the right to control is different there will be less difficulty.

Q.—Would it be fair then to put it in this way ? You complain of departmentalism on the part of the Finance Department. They take a narrow view ?

A.—A very narrow view.

Q.—They don't realise that you have to carry the Council with you now.

A.—Yes. Apart from that they don't realise that the Legislative Council Members have to carry the country with them.

Q.—Do you think they do ?

A.—No, the Finance Department does not recognise that.

Q.—I see you say " I am one of those who firmly believe that the time is not yet for full provincial autonomy, so that it is absolutely necessary to provide for a half-way house. That half-way house must be some constitution other than dyarchy ". I take it you found dyarchy was difficult to work ?

A.—Yes, Sir. In all my three memoranda I say that. May I, in connection with that question, point out what points I have in common between the three memoranda ?

Q.—I take it the three are one document and contain no difference of opinion ?

A.—Yes. What are the principal points in common ? I have condemned dyarchy throughout. I have urged the necessity of evolving a party system, and I have maintained that without a party system democratic government cannot be run ; and I have also pointed out the difficulties of evolving a party system under the present constitution.

Q.—My point was that while condemning dyarchy you also recognise the time is not yet for full provincial autonomy ?

A.—On the present electorate, but if you have a better electorate then that is the only possible solution—provincial autonomy.

Q.—But when you say a better electorate what do you mean ? You mean we must wait till the electorate is more educated or a broader electorate ?

A.—I have explained that in my memorandum. What I mean is this. May I read that portion ?

Q.—If you refer me to it that will be sufficient ?

A.—It is in my last memorandum where I deal with the question of franchise at page 4 in my copy under the heading " Franchise "—

" In my opinion the Indian voter at the present moment is often gullible and immature in his political opinion."

That opinion, Sir, you will find expressed in all three memoranda. These people to whom votes are given are often gullible and immature. Then I go on to say :—

" There is nothing fundamentally wrong about his intelligence or lack of judgment."

That is my opinion. If you are going to build any form of real democratic government on the present electorate, then in my opinion the time is not yet ripe for provincial autonomy ; but I explain the remedy—may I read one or two more passages ?

Q.—Now on this point, am I right in assuming that with the present electorate you are of opinion that provincial autonomy is not possible ?

A.—If you keep to the present electorate alone then it is not possible, but even then it will be a question of taking risks. As I have pointed out, if you don't have a party system the risks of an irresponsible executive with an official majority are perhaps far greater. The opinion which I have expressed in all three memoranda is that the present electorate is immature and there will be some risk if you have democratic government with an immature electorate and more risk in perpetuation of dyarchy ; but I have also pointed out the solution.

Q.—I know your solution. Then for dyarchy you make various alternative proposals. First of all, in your first memorandum you deal with a unified government of five. In your second memorandum you put forward two alternative proposals. The first is unified government by five and the other alternative is a second chamber. That is correct ?

A.—Subject to this observation, that all those proposals are based on my idea of the limited form of reference. If you are not prepared to amend the Government of India Act, then I have made those suggestions, although I have repeatedly pointed out that I do not believe you will get anything really good unless you change the Act.

Q.—Will you tell us what you would get to if you had your way ?

A.—If I had my way, I have explained what I would do in my memorandum of the 11th October last.

Q.—That represents your view if you had a free hand ?

A.—Yes. The other memorandum represents my view under a limited reference ; but I am careful to point out that it is no solution.

Q.—You seem to recognise throughout that even if you gave a much larger share of responsibility to the local legislatures you must have a number of legislative and financial safeguards. What exactly would those be ? In your final memorandum at page 2 you say—" Subject to the limitations laid down in the constitution that may be adopted, the provinces should have full financial, legislative and administrative autonomy ....." What limitations would you propose ?

A.—Well, I have not discussed the future constitution.

Q.—I only wanted to know ?

A.—I have advisedly not gone into that because that ought to form the subject-matter of a future investigation—it is a very important question ; but there must be some limitations. My idea generally is a system of federal government, but each province will be autonomous. The Central Government however must also have powers to discharge duties allotted to it. I have advisedly not gone into the details because that by itself is a very big thing. If the Government or the authorities in England ultimately decide on provincial autonomy, then in my opinion that question will require very careful consideration but generally there must be definite powers to the Central Government and definite powers to the Provinces ; and generally I would give a definite position to the Judiciary about the interpretation of these powers.

Q.—I know—we will come to that later. Again about the franchise you have put forward various views. First as to electoral colleges. You propose that a body of men should elect an elector. Where do you take that from ? Have you any experience of any place where it is done ?

A.—In my province I had experience of that system when the members of the Bengal Legislative Council used to return a member to the Central Legislative Council here and in certain other elections. I have also experience of the other thing. At the present moment I may say generally that I am all in favour of direct election when direct election in the true sense of the word is possible—that is to say, there is a compact electorate where the candidate can approach the electors ; but where the electorate is so big that it is impossible for the candidate to approach the electors, then I am in favour of an electoral college.

Q.—Would you say that is the case in Bengal—that the constituencies are so large that the candidate cannot get known to his constituents ?

A.—Not all—some. I will give you instances with regard to the Assembly electorates. There are constituencies of 15,000 to 20,000 square miles, and 10 lakhs to 12 lakhs of people. What happens at the present moment in such constituencies is that it is impossible for the candidate to approach their votes. It is the duty of the rival candidates to train the voters in the difficult subject of all-India problems. These very large constituencies are worse than useless ; but in a town such as Calcutta or Dacca it is quite possible and I would like to have direct electorates. But take the Burdwan Division. You will remember, Sir, that it reaches from the borders of Orissa to the northern limits of Birbhum and Bankura.

Q.—I can imagine that it is a difficult constituency for candidates. Then about communal electorates, what is your view ?

A.—My personal view is that I would like to do away with that but.....

Q.—Let me put it shortly—do you think it is within practical politics to abolish communal electorates ?

A.—Considering the views of many of my Muhammadan countrymen I have my doubts but my personal view is that it will be a good thing for India to get rid of it. But my view never has been that I have any right to force my views on the other community.

Q.—Now you have been a public man for many years, Sir Provash. I am not asking what you think is theoretically right. What I am asking you is, do you think it within practical politics to abolish communal electorates in Bengal ? Would not your Muhammadan friends resent it ?

A.—Well, some of the Muhammadan leaders have influenced their followers in such a way that it is not practical politics to-day

Q.—That is what I wanted to get at.

A.—I mean there will be more of bitterness and the national cause will be more harmed. That is my opinion.

Q.—Then there is a very interesting suggestion made by you almost at the end of your memorandum—that members of the Legislature should be required to take an oath to work the constitution. That is put forward in your memorandum in several places and you propose that there should also be a tribunal for this purpose, and that members should be unseated if they refused. That is a novel proposal—is it not ?

A.—Yes, it is.

Q.—Do you think it will work in practice ?

A.—I have great doubts, as I have myself pointed out in my memorandum ; but I think, Sir, the only country where obstruction has been successful is Ireland, and my opinion is that others who did not follow that course got self-government much sooner. But that is a different matter. I have pointed out that if possible such a thing should be done. I have also pointed out that it is a very difficult thing, and I have not myself gone into the details of it.

Q.—Take an example from practical politics. Do you think the leaders of the Swaraj Party would have any hesitation in taking such an oath ?

A.—No. I go further. If you give provincial autonomy.....

Q.—Do you think the leaders of the Swaraj Party would refuse to take oath ?

A.—Well, some of them would ; others would not.

Q.—Then you would be driven to your judicial enquiry as to whether they have broken the oath.

A.—And, of course, the difficulty comes in here—what is obstruction and what is legitimate opposition ? That is the difficulty ; but, Sir, if a particular gentleman in his election speeches says " I will obstruct ". If in his Council speeches he says " I will obstruct and I will throw out every item in the Budget ". That is one proposition.

Another man says " I will oppose anything which is against the interests of my country." He also may throw out the budget in the interests of his country. It may or may not be possible ; but I think myself it is a very difficult thing.

Q.—Do you suggest, then, that obstruction should be treated as a criminal offence ?

A.—Certainly not; but what I would suggest is that just as a man who is guilty of corrupt practices is not allowed to stand, so a man who says he is out and out for obstruction should not be allowed to have a seat; but I myself realise the difficulty and I may say that I am not so much concerned with the present Swaraj Party—I am sure that if that Party had their own way in politics, as my esteemed leader Sir Surendranath Banerjea had his own way years ago, the Swaraj Party will become reconciled. But other parties will come with more extreme measures and they will not be reconciled; there will always be a party of obstruction.

Q.—Surely, if they get their own way, they will cease to obstruct ?

A.—But there will be another party later on.

Q.—I want to ask you a few questions not directly concerned with the memorandum but with the present situation in Bengal. Being in public life there you might have heard continual allegations being made of corruption in connection with the voting in the Council. I should like to have your view about that ?

A.—It is a very delicate point; I can only answer generally.

Q.—I do not ask for details; but have these allegations been made widely in Bengal or not ?

A.—Yes; they have been.

Q.—And they have been repeated in all quarters ?

A.—Yes.

Q.—Would you consider it advisable to make the corruption of an elected member a penal offence ?

A.—I will not make it a penal offence, but I would have some provision for removing that member from the Legislature.

Q.—I assume you agree with me that any widespread system of corruption of the representatives must entirely destroy any form of Government ?

A.—Undoubtedly; and I hold very strong views on that point: but I am sorry to say that both parties were guilty of that practice in the Bengal Legislative Council.

Q.—Is not that a very serious state of affairs ?

A.—Yes, it is.

Q.—Are you aware that in America and in one or two other countries, Canada for instance, to bribe an elected representative to the Legislature is a criminal offence ?

A.—Yes; I am aware that in some countries there is such a provision, but I am not quite sure in what countries; and when we get full provincial autonomy and a fair amount of power in the Central Government I will not object to having that provision in our country.

Q.—I suggest that making it a criminal offence has nothing to do with the constitution—it is an offence against the State ?

A.—My reason is this; the prosecution is always initiated by the Government and so long as the Government is not autonomous it will create more bitterness. You have seen throughout my memorandum that I lay very great stress on minimising the present unfortunate bitterness between Government and the people.

Q.—Why should it not be instituted by direction of the President ?

A.—Even then the President at the present moment is appointed by the Government.

Q.—But he will soon be an elected President ?

A.—In any case the President himself will not go and prosecute. Government machinery must be employed and so long as we have not got an autonomous provincial Government I am not in favour of utilising Government machinery.

Q.—Does it not seem to you somewhat anomalous that a man may be prosecuted and convicted for bribing an elector but cannot be prosecuted and convicted for bribing an elected representative ?

A.—I have no objection on principle; but I have already explained my objection.

Q.—Does not that apply in the case of an elector ?

A.—Yes. But in the case of the elector there is this difference—there is no political aspect. Take the Swarajist members. If a government prosecution were launched against the Swarajist members on the allegation that they have been bribing and if a similar prosecution were not launched against the ministerial members on a similar allegation, then the newspapers will howl and rightly howl and you will not be able to defend yourself.

Q.—I assume that prosecutions will be launched on the evidence and not for political reasons ; do you suggest that they will be launched for political reasons ?

A.—Human nature being what it is, I do not ignore the limitations of human nature.

Q.—It has been also stated that during the elections in Bengal there was a good deal of intimidation ?

A.—Not a good deal; so far as my information goes there was not much of intimidation; there was some amount of intimidation in a very very limited sense; I mean to say that when a man went to vote perhaps there were fifty people round the gate and they shouted; if you call that intimidation, it was there; but not actual force so far as my information goes.

Q.—You are very anxious to create political parties ? You recognise, as anybody must recognise, that parties with an organised programme are almost an essential feature of any responsible government ?

A.—Yes.

Q.—Has anything been done in your province to form those parties ?

A.—Yes; we tried in our time; but at the present moment as I have said in my memorandum there are no two parties; there is only one organised party and that is the Swarajist Party. So far as my party goes, for various reasons it has ceased to be an organised party; one reason is that we tried to work dyarchy; another is that men who ought to be moderates do not take any interest in moderate politics; they never put their hands in their pockets; they never act according to the dictates of patriotism as a moderate ought to do; and so at the present moment, to be perfectly frank, there is only one party and that is the Swarajist Party.

Q.—What do you attribute it to ? What is the binding force in that party ?

A.—The binding force in that party is hatred towards your country, and hatred towards those Indians who are prepared to co-operate with them.

Q.—That seems a very poor cement for a political party ?

A.—I do not say it is a good cement for a permanent party; but it is a good enough cement and, a powerful enough cement, for present purposes. As regards those who are cooperators, they do not understand the importance of forming a party system; those who pretend to be cooperators do not pay money to party funds and do not take any trouble to form parties.

Q.—One is driven from your statement of the case to think that the only party that can carry on the Government is the Swarajist Party ?

A.—No; my statement of the case will show that if you give full responsibility then the realities will appear on the surface. I have referred to the case of the Calcutta Corporation. Take the Indian edited newspapers—the " Amrita Bazaar Patrika " and the " Basumati " ; the same paper in one column attacks the Swaraj Party for their Corporation administration and in another column praises them to the skies for fighting against the bureaucracy and against the British for the interests of the country. As soon as we get real power then the party system will grow; the present system does not give any chance to the moderates to form a party.

Q.—You will at any rate admit that in the first three years of the Council you had a strong party ?

A.—Yes; inside the Council we were a strong party and outside we had fair strength, but that party was crumbling every day because we were cooperators.

Q.—Is it not your experience that any party in power after a time crumbles away ?

A.—Yes.

Q.—Is it not the natural effect of democratic institutions that after some years the electors want a change ?

A.—Yes; and therefore I say that if you have proper responsible Government you will have another party coming into power. If you give provincial autonomy, the Swarajist may come into power now; but there will be a swing of the pendulum and another party will come into power. Under the present system you have an irremovable executive remaining in power and that adds to the bitterness of the situation.

Q.—I cannot quite follow that; if in the first three years of the Council you had an irremovable Executive, you still had your powerful party; I suggest that what has happened since then is that there has been the constitutional difficulty that you have a party which has succeeded in the elections but will not take office. Is not that the true state of affairs ? You had the swing of the pendulum; but as a normal result of that swing, unless the majority assume office, you fail in the constitutional position. This could not happen in England, is not that so ?

A.—Quite so; but what is the reason ? Why did not they accept office ? Because they say that we have no power.

Q.—That may be; I am not concerned with the reasons; I suppose you will admit that you cannot work any constitution without a certain amount of goodwill; but if you are determined not to work it it will not work ?

A.—Quite right.

(*Maharaja of Burdwan*).—*Q.*—I wish to ask you whether it is or it is not a fact, in connection with the miserable condition of the Moderate Party, that the so-called Swarajist Party in Bengal commands unlimited resources of funds at the present moment which it is impossible for any party at the present moment to make any headway in Bengal ? Is not that a fact ?

A.—That is partially true, but is not the whole fact ; the Moderate Party ought to have within its fold men who command unlimited resources : but the difference between the Swarajist members and the moderate members is that the Swarajists are patriotic enough to understand what they ought to do, while many moderates with money are not patriotic enough to understand what they ought to do ; that is the difference.

Q.—In other words, is it not a fact that, whether the moderate politicians have got any cash or not, their patriotism at the present moment is not of that stamp which appeals to the public at large ?

A.—That is so.

Sir Muhammad Shafi.—*Q.*—Confining ourselves to the first three years during which you occupied office as Minister, I want to put one or two questions; there were no Swarajists in the Legislative Council during that period ?

A.—No, not open Swarajists.

Q.—The party now known by the name of Swarajists did not come into the Council then ?

A.—Not as Swarajists; but, if I may explain, some members of the present Legislative Council who now belong to the Swaraj group were also in the old Legislative Council; but at that time they did not call themselves Swarajists; they were in opposition.

Q.—Let me put it to you in a different way: the Congress Party boycotted the first Legislative Council ?

A.—Yes.

Q.—The members who entered the Legislative Council at that time belonged to that political school in India who were willing to work the reforms ?

A.—Yes.

Q.—Also you have told us in reply to the questions put to you by the Chairman that, in so far as the first three years were concerned, there was joint deliberation between the Ministers ?

A.—Very often. I beg your pardon, no. There is one point I want to make clear. There never was any formal joint deliberation between the Ministers. But the Ministers used to talk to each other and they were in touch with each other. There were never any formal joint deliberations on the transferred side of the Government. But there were constant joint deliberations between both sides of the Government, and the Ministers kept themselves in touch with each other's work and there were often differences between the Ministers too.

Q.—Well, at any rate, during that first period, you had two sympathetic Governors. You had a spirit of mutual co-operation between the Members of the local Government and you had a Legislative Council prepared to work the Reform. In spite of that, you say that dyarchy failed ?

A.—Yes Sir.

Q.—Now, apart from the absence of the party-system and financial stringency, can you give us definite reasons, can you give us any other reason why under these conditions dyarchy failed ?

A.—Because very soon I found out that the conception is so difficult in actual work. I always looked to my majority in the Legislative Council and my colleague on the reserved side looked to his instructions or to his ideas or to what the Secretary of State or the Government of India would think, and naturally we were a divided house. Well, as both sides were very often willing to have give and take, we came to some compromise often, but it was unsatisfactory throughout, from the point of view of both sides.

Q.—Then, I suppose you are familiar with the Report of the Joint Select Committee ?

A.—Yes Sir, I have read it.

Q.—In one part of their Report regarding the relations between the Ministers and the Governor, this is what they say:—

> "It will also be for him (meaning the Governor) to help with sympathy and encourage the popular side of the Government in their new responsibilities. He should never hesitate to point out to Ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course, but, if, after hearing all the arguments, Ministers should decide not to adopt his advice, then in the opinion of the Committee the Governor should ordinarily allow Ministers to have their way, fixing responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation."

Now, what I would like to know is this. During the first three years after the introduction of the Reform Scheme, when you were Minister, did the Governors of Bengal, in relation to the Ministers, observe this recommendation of the Joint Select Committee ?

A.—No, not in that form. Because we never had any meeting of the Ministers. We never had any meeting of the Ministers jointly with the Governor presiding. The difficulty about joint responsibility in Bengal was this.

Q.—No, no. My question does not relate to this joint responsibility. It relates to the relation between the Governor and a Minister—not the joint responsibility of all Ministers. In this recommendation, what the Joint Select Committee say is this, that, even if the Governor were in relation to any particular proposal of the Minister to differ with him, he should try to convince him that he is wrong but if, in spite of that effort, the Minister stands unconvinced and insists upon carrying out the measure, then the Governor should give way, leaving the responsibility upon the shoulders of the Minister.

A.—I understand that, Sir. But, as I understand that quotation, it contemplates—it makes use of the word "Ministers" in the plural and that contemplates the Ministers and the Governor acting together. But I now understand your question was intended for matters between the Governor and a single Minister, if the Governor finds that a particular opinion is held by the Minister, he should give way ultimately. Well, I believe, Sir, one such occasion arose and the Governor gave way.

Q.—The Governor gave way. So that in their attitude towards the Ministers your Governors during first three years observed the spirit of that recommendation ?

A.—Yes, Sir.

Q.—Then, if the Governor's attitude towards the Ministers was this, what exactly were the difficulties, apart from financial stringency, which you met with in working the transferred Departments successfully ?

A.—Sir, that quotation refers only to subjects on the Ministerial side. The difficulties arise where the Government as a whole act. The man in the street, the voter, the public, the newspaper, then do not finely discriminate between this half of the Government and that half; they criticise you on the action of the Government, and they perhaps would criticise you on

the action of your District Magistrate, on the action of your Superintendent of Police, etc.

(*Mr. Chairman*).—*Q.*—Then your point would be that the man in the street does not separate the Government—the Government is one and indivisible, in spite of the fact of the transferred side ?

A.—Quite so.

Q.—Then, you tell us that one of the reasons for the failure of dyarchy was that in the existing conditions you cannot have parties in the sense in which that word is used in Europe ?

A.—Yes.

Q.—Well, one of the reasons according to you for this failure is the existence of communal electorates. In your second memorandum, after giving six reasons, you go on to say :—

> " The only real party we have in the Legislative Council is the Swaraj Party."

A.—Yes.

Q.—And then you go on to say lower down :—

> " Some of the Hindus and Muhammadans, as also the Europeans, who attempt to oppose the organised Swaraj Party, have not tried to come to any common understanding as to their respective communal questions as the Swaraj Party has done with regard to the Hindus and Muhammadans in their Party."

Now, roughly, how many Muhammadans are there in the Swaraj Party in the Bengal Legislative Council ?

A.—Well, I don't quite remember. Perhaps there may be about 12 to 15.

Q.—Roughly, about 15. Out of ?

A.—Out of 40. No, in the Nationalist Party also there are a few. There are three parties now. The Ministerial Party, the Swaraj Party, and the Nationalist Party. In the Nationalist Party also there are a few Muhammadans. In the Ministerial Party, there will be about 16 or 17 Muhammadans out of 40.

Q.—So that by coming to an understanding with a certain number of Muhammadans who are Members of the Legislative Council, the Swarajists have actually come to organise a powerful party in your Legislative Council ?

A.—Yes.

Q.—The fact that the 12 or 15 Muhammadans who had joined the Swaraj Party were elected through separate communal electorates has not prevented the formation of a Swaraj Party consisting of Hindus and Muhammadans ?

A.—No, it has not, because the Hindus of the Swaraj Party have there agreed to 80 percent. of appointments being given to Muhammadans, although my opinion is that they do not do not want to carry it out. It is camouflage, pure and simple.

Q.—That may be so. Now, may I ask what efforts had you, my Hindu brethren, who call themselves Moderates in the Bengal Legislative Council, made in order to come to an understanding with the Muhammadans in order to have a unified counter party ?

A.—So far as I am concerned, Sir, during the last three years of my Ministry no Muhammadan had any grouse against me, although some reactionary Muhammadans tried to start such an opposition. As regards the Party, I have already told you, Sir, the Party does not exist to-day. When the Party existed in my time, our idea was this—that a Hindu in power ought to be just to a Muhammadan, and a Muhammadan in power ought to be just to a Hindu, and, acting on that golden principle, we could carry every Muhammadan that counted with us.

Q.—I am afraid these pious wishes, that a Muhammadan in power should be just to Hindus and a Hindu in power should be just to Muhammadans, do not take us very far. My question was quite different. My question was this. During the three years that you were in power, what efforts did you actually make in order to come to an understanding with the Muhammadans so that the Liberal Party or the Moderate Party may have within it the majority of the Hindus and Muhammadans of Bengal ?

A.—Sir, we have no faith in pretence or camouflage. These are not pious wishes. Both Hindus and Muhammadans did it. My old friend, the late Nawab Shamshul Huda, was always just to Hindus and many Hindus in power were just to Muhammadans. So, acting on this golden principle, we succeeded in getting a good Muhammadan following. Whereas, if we pretended to give 80 per cent. of appointments and when it actually came to giving these appointments, we did not give 20 per cent. then we would be found out. That is mere pretence and camouflage.

Q.—You yourself in your memorandum, in that passage which I have just read out to you, say that the Hindus and Europeans of the other parties have made no efforts to come to an understanding with the Muhammadans ?

A.—Quite. That refers to the present Council. You are asking about the existing Council. In the old Council we did come to an understanding and we were successful. In the existing Council nobody has tried to come to an understanding. I am not a Leader of the present Council. I was a Leader in the old Council. I did come to an understanding successfully. In the present Council instead of coming to an understanding, the attempt rather has been to set up Muhammadans against Hindus and Hindus against Muhammadans of the Ministerial Party. There are, for instance, a number of Hindu landholder Members who were anxious to support the Ministers. But the Muhammadan Members of the Ministerial Party were set upon to go against the interests of the landlords deliberately —go against their interests without any reason, Sir, so that, instead of more cohesion, there was more of difference.

Q.—I see. Well, now, during the first three years, your Party was in power, what efforts did your Party during those three years make to organise the Party ? While the Swaraj Party were making every effort to organise themselves with a view to the next elections, what organised efforts did your Party make in order to strengthen the Moderate Party ?

A.—Does that Party refer to the organisation inside the Council or outside ?

Q.—I am talking of the country.

A.—Those few of us who believed in our politics, we paid liberally to our organisation. We spent a good deal of our time but unfortunately those whom I have described as pretenders in one of my speeches they stood in the way. When it came to paying money, they would pay money to the Swaraj funds. Others would not pay either to this fund or that

and the Swarajists had this advantage over us, that they had a common bond of hatred. Ours was a more difficult politics and we had not money and we had not men. That was the truth of the situation.

Q.—So that in spite of the favourable opportunities that you had you were in power.....

A.—The party of power in a diarchy is in the worst possible position. Do not call that favourable, Sir.

Q.—I want to ask you one or two questions with regard to separate electorates. I agree with you myself that proportional representation through mixed electorates is to be preferred to separate communal electorates but under the existing conditions do you think that is a practical proposition ?

A.—I have already answered that question.

Q.—Not as definitely as I would like you to.

A.—My opinion is that in all matters relating to your community I would give the prior position to your community. After all that is your affair and if we want to get on together we must come to an understanding. If your community feels strongly about that I would not press for it and the solution which I have suggested, although it is not a very satisfactory solution, is a united cabinet. Suppose my Muhammadan colleague has 40 Muhammadans and I have 60 Hindus, if it be a united Cabinet, then I will try to meet my Muhammadan colleague and my Muhammadan colleague will also try to meet me. That is a limited solution, I admit, but if your community would not agree to a general electorate, this is the only possible solution.

Q.—Your point is this, that unless there is a joint Hindu-Muhammadan Cabinet with joint-responsibility, things would not work smoothly ?

A.—Yes.

Q.—If there is a purely Hindu Cabinet or if there is a purely Muhammadan Cabinet, then it would not work under existing conditions ?

A.—Yes. My point is, there may be Hindus and Muhammadans in the Cabinet but the responsibility must be joint responsibility. What happened in our Government during our time about the Calcutta Municipal Bill was this. My esteemed colleague, the Nawab Sahib, and my friend, Sir Surendranath Banerjea openly began to canvas against each other. That is the kind of thing we should not have. If it comes to that, one or the other must resign:

Q.—You would have joint responsibility and you would have a unitary government and you would at the same time have bicameral legislature, that is an Upper House and a Lower House ?

A.—Yes. But I would give votes to people who are fit to exercise the votes. There is no other way of doing it except by limiting the number of voters in the uni-cameral house. I do not think that is practical politics.

Q.—Let me now come to your proposal with regard to the oath of allegiance, that a member will honestly work the constitution when he comes into the Legislative Council. The object of making that proposal is to keep out the wreckers. Does not that in effect mean that while during the first three years the wreckers or the Congress men boycotted the Councils, you would now have the Councils boycotting these people ?

A.—That is not my object.

Q.—It will in effect mean that ?

A.—No. Let me explain. You ought to have a constitution which is accepted by the majority of Indians. That is my opinion and that is what I have all along fought for. If you have such a constitution then the Swarajists would not boycott your Council but I have no delusions in the matters. There are others who are outside the Swarajist ranks to-day who are more extreme than the Swarajists and will again try to obstruct inside the Council. From the point of view of the future peaceful political evolution of India, if such a thing were possible, it would be a good thing but I myself realise the difficulties and I have pointed out the difficulties in both of my memoranda and so my whole object in bringing to your notice is that you, gentlemen, who are dealing with this matter may give more thought to this subject. I never put it forward as a definite thing and it is not meant against the present day Swarajists because I am at one with them in asking for provincial autonomy but it would be a good thing if in future you can have such a provision. But I realise the difficulties of having such a provision.

Q.—You know there is a strong and well organised party in the Legislative Assembly ?

A.—I would welcome them. Then I can attack them. If they are there on their own merits, if they have got to carry on the administration, let them do so. If they cannot, I can attack them on definite issues. To-day I cannot attack them. They can attack us.

Q.—I have not yet completed my question. With regard to two of the measures brought forward by Government, that is to say, the Steel Protection Bill and the Separation of Railway Finance, instead of wrecking the schemes the Swaraj Party in the Legislative Assembly, after they had obtained certain amendments, agreed to these two reforms being carried out ?

A.—I read about it in the papers. I am a mere provincial. I have no intimate knowledge of all-India politics.

Q.—Do you consider that by keeping out those whom you may possibly consider wreckers.....

A.—If I have not made myself very clear I am sorry. I have no objection to anybody suggesting anything outside the Council. I have no objection even to the wrecker being inside the Council but my objection is to using the machinery of the Legislature for purposes of obstruction. I realise the difficulties but I say it will be a good thing if you can do it. I do not want to keep out the Swarajists but I do say that the Swarajists or Moderates or Loyalists should not use the machinery of the Legislature for purposes of obstruction.

Q.—One of your proposals in your second memorandum is that provincial subjects should not ordinarily be subject to legislation by Central Legislature. You say that the restrictions as to the previous sanction of the Governor General should be done away with. Don't you think that in order to prevent provincial legislatures from in any way interfering with Central subjects by means of legislation, it is necessary that Bills proposed to be introduced in provincial legislative councils should be submitted to the Central Government to be examined lest they in any way trespass on any of the Central subjects ?

A.—I have given my solution to that. My opinion is this, that the constitution should definitely provide as to what is a Central subject and what is a Provincial subject. If you make the Central Government judges in its own cause that is not fair. In every federal constitution the

judiciary have the power and when you have provincial autonomy I would have the judiciary deal it. To empower the Government of India is making a party judge in its own cause but hwever that is not a very important point.

Q.—During your own experience of three years, when you were Minister, do you consider that the Government of India, in regard to Bills that you wanted to introduce in the Legislative Council under the provisions you mentioned, interfered with your actions ?

A.—No occasion arose in my time but I lay it down more as a matter of general principle.

Maharaja of Burdwan.—You have given us three memoranda. The first, I take it, was given through the Government of Bengal when you were still Minister ?

A.—No. Long after that. You will find that if you refer to the date. I sent the first on the 16th June 1924.

Q.—The memorandum of June came through the Government of Bengal and the July one came direct ?

A.—The June one was in answer to the letter of the Chief Secretary to the Government of Bengal. The July one was in answer to the letter of Mr. Tonkinson.

Q.—The second one was addressed to the Secretary of the Reforms Enquiry Committee and the first one was in response to the circular letter of the Chief Secretary of the Government of Bengal ?

A.—Yes.

Q.—Your last one dated October is on the assumption that the Reforms Enquiry Committee has the power to go into the larger issues ?

A.—Yes. I saw in the papers that they have been going into the larger issues. I thought it right that I should express my opinion on them.

Q.—You just now said in reply to the Chairman that your achievements as Minister were not very great in view of the financial stringency in your province ?

A.—Yes.

Q.—It is rather a delicate subject for me to tread upon as you and I were colleagues for most of the time on the two different halves of Government but apart from financial stringency, if I recollect aright, you had a general grouse against the Finance Department for not only turning down the schemes produced by the Department of Education. But, when we had to consider the *plus* and *minus* for next year's budget if you wanted funds for schemes that had not been worked out they were turned down and they were not in the budget ?

A.—I do not quite follow that.

Q.—Supposing scheme A. had been put in the Budget and has been voted upon by the Legislative Council, but it was not possible for you to go ahead with it during the year and then when you and the Finance Department met together in this year to consider the budget for next year and you wanted to proceed during the second half of the year with another scheme, say D., instead of A., you very often found it difficult to get your say because that scheme was not in the original Budget ? Am I right ?

A.—That sometimes happened.

Q.—Am I right in presuming that that did happen ?

A.—Yes, sometimes.

Q.—Do you think that in cases of that nature if the Finance Department had had a little more elasticity of thought and allowed you to utilise say Rs. 50,000 that you had for scheme A for scheme D, your achievements would have been more marked than they were in spite of the financial stringency ?

A.—Slightly more marked, but the financial stringency was so great that nothing very definite could have been done. Undoubtedly it would have been better.

Q.—In other words, that was one of the grievances of all the Ministers, and members too, with regard to the Finance Department that they were very obstructive with regard to schemes that had not appeared in the original Budget ?

A.—That is so ; and apart from that it often did happen that they would not examine those schemes, not out of any ulterior motive, but because they followed a system, which made their work very heavy and they had not time. The system which they often followed was this. They invited all Departments to put in any number of schemes irrespective of the money available. Latterly that was the system which they were following. It naturally led to heavy work. On the other hand, in the earlier period, the Finance Department gave us a rough idea that they might be able to spare 5 or 10 lakhs and asked that schemes within that limit might be sent to them. Naturally they had less work and they were able to go through it. The Finance Department said that we could not put in that scheme.

Q.—I am very glad that you have mentioned the word system. Is it not a fact that because for that system as it prevailed in the latter portion of your tenure of office as a Minister, it handicapped you in so far as not being able to produce before the Legislative Council other schemes than those in the original Budget ?

A.—To some extent it handicapped me ; but as I have explained the financial condition was such that even if there was no handicap I could not have achieved much. That is point No. 1. Point No. 2 is this. My real objection is against the fact that the Finance Member has not got to go out of office with me. That I have put down at least in a dozen files.

Q.—I am not so much concerned with the Finance Member not having to go out of office, because he is on the reserved side. What I want to get at is this. Is it not a fact, Sir Provash, that in actual practice although I would not like to use the word laziness but because the Finance Department went round a particular groove that they were not inclined to examine such schemes which, if they had had the inclination, they could have examined and could have given you and your colleagues facilities to introduce in a supplementary Budget ?

A.—It would have made some little difference.

Q.—Do you think that such a change in the Finance Department, apart from the financial stringency, is desirable ?

A.—It is more a question of administration and not a question of rules.

Q.—Certain *ex*-Ministers of other provinces have made it one of their chief complaints against the Finance Department and have brought this fact to the notice of the Committee. What I want to ask you from

your personal experience in Bengal is as to whether you think that if the Finance Department's present system was changed, if they were able to examine schemes which they had not examined when the original Budget was presented, that would help Ministers with regard to other schemes which had been crystallised ?

A.—Yes, it would be some little help.

Q.—Would you, as a Minister, have welcomed that if that system had existed ?

A.—Yes.

Q.—I hope you will excuse me for mentioning a particular reform especially when the chief actor on the stage of that reform is no longer amongst us. But can you tell me that even when your party was so strong in the last Legislative Council, why was it that your programme for University reform was a failure ?

A.—The reason was the well-meaning intereference of His Excellency the Governor of Bengal. He meant to help me and he came in as Chancellor. I told him, " Sir, you have no right to come in as Governor, because the majority of the Legislative Council is at my back." But he put it to me very nicely. He said " I am also the Chancellor and won't you like me to help you ? " I said " Yes, certainly." His well-meaning efforts to help me meant that what I could have otherwise done I could not do. There was a long delay. The result of the long delay was that we could not get the formal sanction of the Government of India in time and so the Bill could not be introduced. If he had left it to me, I could have settled with the leader of the Party, Sir Ashutosh Mukherjee. Or, if I could not settle with him, I could have carried the Bill with my majority in the Legislative Council. Since you put that question, this is the answer. You know it very well, Sir.

Q.—I know the case very well. I do not want to go into the details. My real object in asking this question was this, that in this matter of the policy of a particular Minister, did you find your Governor obstructing you constitutionally under the Government of India Act or as Chancellor of the Calcutta University ?

A.—Let me explain. He was not obstructing me as Governor. He was trying to help me as Chancellor, but his well-meaning attempts to help me really placed me in the greatest possible difficulty. He and I were of one mind. We both wanted the reform. His well-meaning attempts frustrated his object and frustrated my object.

Q.—From the constitutional point of view was your Chancellor of the Calcutta University fully justified in the action that he took with regard to you as the Rector on the one hand and as Minister in charge of Education in Bengal on the other ?

A.—I was not Rector.

Q.—Very well, then as Minister of Education in Bengal. Don't you agree with me that a great deal of this confusion arose out of the fact that your Governor could not separate himself from the dual position that he was himself in as head of the Executive in Bengal on the one hand and as Chancellor of the Calcutta University on the other ?

A.—If I may explain, there arose no constitutional position. At one time I apprehended that a constitutional position would arise and I told the Governor plainly " I am a Minister, the Legislative Council is at my back ; you ought not to interfere as Governor." He said " But I am also your Chancellor, and won't you allow me to help you in a friendly way ? " I said " Yes, certainly." I am not quoting the actual language of either of us. I am giving the gist of the conversation. It was that friendly help which frustrated his object and mine. It meant endless delay. So, no constitutional question arose.

Q.—What was the reason then that several private Bills, which went really further than your own ideas of reform, had to be withdrawn ?

A.—The private Bills had already been sanctioned by the Government of India. First of all our Bill at that time was delayed, because we lost about 5 or 6 months in negotiations with Sir Ashutosh Mukherjee. Then when we ultimately sent it up, we could not obtain the Government of India sanction till our Legislative Session was over, and as there were points of difference between those private Bills and our Bill, we induced the members in charge of those private Bills to withdraw. There would have been a great deal of confusion. . . . .

(*Mr. Chairman*).—*Q.*—What does this lead to ?

(*Maharaja of Burdwan*).—I am coming to that in a minute. It is leading to this question as to whether or not it is a fact that your position as a Minister was a good deal jeopordised, because you allowed these private Bills to be withdrawn and members were more opposed to the then constitution of the Calcutta University than the Government of Bengal. Was that not a fact ?

A.—My position as a Minister was not jeopordised, because they all belonged to my Party.

Q.—Did it not give a set back to your Party or your influence as a Minister ?

A.—Nothing happened during the remaining few months of my office.

Q.—But was it not one of the facts which led to the dismemberment of your Party ?

A.—In the election ?

Q.—Yes.

A.—I do not think so.

Q.—Now, Sir Muhammad Shafi mentioned to you in connection with the communal question and the Chairman also said that one of the achievements of the last Ministry was the Calcutta Municipal Act. What I have just been driving at has a bearing on this question too. Is it not a fact that when two of your colleagues openly fell out with each other over this communal question in the Calcutta Municipal Act, that that was a real set back to your Party ?

A.—Yes, within the Legislative Council.

Q.—I mean within the Legislative Council and not in the elections outside ?

A.—Yes.

Q.—I mean to say with regard to your Muhammadan members who had followed you blindly up to that time ?

A.—But so far as I am concerned, I could retain the allegiance of the Hindus and the Muhammadans. It was a set back to the Ministry.

Q.—What I mean to say when you consider the Ministry as a whole was it not a fact that that rift in the lute over the Calcutta Municipal Act

on the question of communal representation was a real set back to your Party ?

A.—Yes, undoubtedly.

Q.—That being so, do you think that although the Government of India Act or the Report of the Joint Committee do not openly say anything about a meeting of your side of the Government jointly, a joint meeting of the transferred side would be of any real use ?

A.—I am distinctly of opinion that there ought to be a joint meeting, and therefore I am insisting on joint responsibility. But if in our time we had a joint meeting of the Ministerial side. . . . .

Q.—I am talking of the Ministerial side ?

A.—I am also talking of the Ministerial side. If there be joint responsibility, then and then alone a joint meeting will be helpful. If there be no joint responsibility, then there will not be much sense in a joint meeting, because each Minister understands that he is out for himself.

Q.—But on the whole would you not be inclined to agree with me that during the term of office of yourself and your two colleagues, none of you made a public scene as some of the *ex*-Ministers of another Province did in this hall by showing that the Ministers were practically at each other's throats all the time ; that is to say in Bengal during the three years that you were Minister, although you did not have joint deliberations, although each Minister naturally had to consider the policy of his own department, on the whole you had between you a mutual understanding which helped you to keep your party together ?

A.—Yes, our personal relations were good and we always tried to come to an understanding with each other, but I always felt the need of joint responsibility and that it would have been very much better if there was joint responsibility.

Q.—In other words supposing in a matter relating to the Medical Department, if it had been decided by the Governor with his Ministers instead of with a Minister, the position of the Ministerial side would have been stronger ?

A.—Yes. Joint responsibility would have been better, but my idea is that there ought to be one Minister occupying the position of a Chief Minister, and the Governor should keep strictly to the position of a constitutional Governor.

Q.—Then as regards the achievements of the Ministers, if we were to visualize your achievements and compare them with those of the two Ministers who have been given the conge by the Bengal Legislative Council not so very long ago, would you find very much difference between them ?

A.—Yes, there is some. I remove many grievances, for example the grievance of the Subordinate Educational Service.

Q.—That is a departmental detail, I mean to say from the point of view of legislation, from the point of view of your achievement before the Legislative Council as a whole ?

A.—The Legislative Council has got the power of the purse, and if I can induce the Legislative Council to do something, there is some achievement. I passed a small Primary Education Bill into an Act ; that is a very small thing, giving powers to village unions, and things of that kind. That is one piece of legislation. Then I removed many grievances of officers.

Q.—I do not want to go into all these details. What I mean is, your achievements were the same as those of the Ministers who followed in your footsteps ?

A.—No, they were in a very much better position. In my last years of office I had put through schemes to the extent of 12 lakhs.

Q.—You do not admit that your achievements were of the same nature as those of the late Ministers ? In other words you did achieve something more than the late Ministers. All that they achieved was that they lost their billets ?

A.—May I explain ? I started with a deficit of 2 crores 50 lakhs, but I expanded by 15 to 20 lakhs in spite of the deficit. When I left there were schemes ready to the extent of 12 to 13 lakhs and the closing balance was 1,20 lakhs, but even with regard to the schemes which were accepted by the Government I did not find them in the next Budget as a private Member.

Q.—You seem to be at one with the Swaraj Party regarding provincial autonomy ?

A.—Not exactly with the Swaraj Party, with my Party.

Q.—I thought you said in regard to something Sir Muhammad Shafi put to you that, so far as provincial autonomy was concerned, there was no difference of opinion between you and the Swaraj Party ?

A.—Not that. Their object and mine are the same, but they want provincial autonomy on a different line and I want it on a different line. Perhaps they would tell you they would widen the franchise. I ask for a bicameral provincial system.

(*Sir Muhammad Shafi*).—*Q.*—The object is the same ; the methods are different ?

A.—Yes, the ultimate object is the same ; I want provincial autonomy, so do they.

Q.—As regards provincial autonomy I do not want to go into the large question because we would be sitting here the whole of next year if we discussed provincial autonomy for India at the present moment. What I want to ask you is this. As you know in Bengal there are practically three main Departments which are now administered by what is known as the reserved side. They are Law and Order, the Judicial and the Land Revenue ?

A.—Yes.

Q.—Whether you like the system of dyarchy or not, excepting these three main subjects (of course there is Finance which relates to both Departments), all the others are what are known as transferred subjects. Now I believe when you were a member of what was known as the Rowlatt Committee, there was produced before you evidence of a highly confidential nature regarding the political situation in Bengal, and I believe you will agree with me that at the present moment the political situation in Bengal—I do not mean the political situation on platforms, but the revolutionary situation is no better ?

A.—I have no inside knowledge now, but so far as I can see it strikes me that the revolutionaries are active.

Q.—That being so, if you had provincial autonomy to-morrow in Bengal, would you have a unified form of Government, or would you, even

in Bengal, have to have two different systems ? In other words would you make law and order transferred ?

A.—Certainly. That is an additional reason why I am so keen about transferring law and order and having complete provincial autonomy ? Let me explain ; I have said on page 9 of my memorandum :—" I see all round me signs of disruption of society and negation of peaceful evolution. I find in most of the Provinces in India a Government divided in counsel,—a Government that have almost ceased to function and a Government without a policy."

(*Mr. Chairman*).—*Q.*—What province do you find that in ?

A.—If you ask me, in every province. Take Lala Harkishen Lal's evidence ; take other Ministers in other provinces, were not those Governments Governments of divided counsels. I shall put the question to any member of any Government.

(*Mr Chairman*).—*Q.*—You have to answer questions, not to put them ?

A.—I know that. I can put the question here. My point is this, that if the Executive is irremovable and if the Executive have to carry a non-official majority with them, it will always mean a weakening of the Executive. My experience of the last three years shows that the Executive is afraid of the non-official majority. The policy which a member thinks is right for the Government to take, for the country to take, he hesitates because he knows that he will not be supported by the non-official majority. On the other hand, if you had responsible Government, then the Member of the Government won't fear his own following, and therefore he can afford to be strong ; and that is not merely our experience in India, that has been the experience in every colony. When you had an irremovable Executive and a non-official majority, the Government was weak and vacillating and as soon as that was changed, the Government became stronger.

Q.—But I am not talking of an irremovable Executive, what I am talking of is this. To take a concrete instance, when you had all this trouble at Tarakeswar, when you had a large body of volunteers sent out for the purpose of *satyagraha,* do you think, if law and order had been a transferred subject, with that intimidation, your forces of law and order would have held together as they held together when they knew that they had a powerful Executive behind them and to protect their Services ?

A.—Sir, did it hold together at Tarakeswar, where the Government had not the courage to put the Receiver of a British Court of Justice in actual possession ? A British Court of Justice appointed a Receiver and the Government had not the courage to put that man in possession. I call that the negation of law and order.

(*Dr. Paranjpye*).—*Q.*—Is that what you referred to on page 9 ?

A.—Yes.

(*Sir Sivaswami Aiyer*).—*Q.*—What do you call a British Court of Justice ?

A.—The District Judge holding office under British Government appointed a Receiver. The Receiver did not get actual possession and what is the reason ? I am not blaming anybody, the real reason is that the Government is afraid of the non-official majority in the Legislative Council, the criticism of non-official members, and the public.

(*Mr. Chairman*).—*Q.*—I think we must have this clear. Do I understand you to state before this Committee that the Government of Bengal refused to carry out a decree in a court of justice through fear of the majority in the Legislative Council ?

A.—That is my inference, but my statement of fact is this, that a British Court of Justice appointed a gentleman as a Receiver and that gentleman was not put into effective possession of the property. That is my statement of fact.

(*Mr. Chairman*).—*Q.*—Then am I to understand that you make the further deduction that the majority in the Legislative Council are opposed to law and order ?

A.—No.

(*Mr. Chairman*).—*Q.*—Then why should the Government of Bengal be afraid of them ?

A.—Because the Government of Bengal knew that if it took strong action it would be criticised. May I explain ? My only statement of fact is that a British Court of Justice appointed a Receiver and that Receiver was not put into effective possession, and I call that a negation of law and order. He was put into theoretical possession but not in practical possession.

(*Mr. Chairman*).—*Q.*—And you deduce from that that owing to the fear of criticism in the Legislature. . . .

A.—And also the newspapers.

(*Mr. Chairman*).—*Q.*—You said the Legislative Council, owing to fear and criticism in the Legislative Council, the Government were afraid of making that possession effective ?

A.—That is my deduction.

(*Mr. Chairman*).—*Q.*—Do you make the further deduction that the majority in the Legislative Council in Bengal are opposed to law and order ?

A.—No.

(*Mr. Chairman*).—*Q.*—Why not ?

A.—I will make this deduction, that so long as the Government is irremovable, anything the Government will do, the majority of the Legislative Council will oppose. That is my deduction ; that is my experience. In my time in things appertaining to the reserved departments, the same members who opposed them, did not oppose us in things appertaining to the transferred departments.

(*Mr. Chairman*).—*Q.*—You deduce from that that the Legislative Council should be abolished ? Is that your further deduction ?

A.—That may be one deduction. That may be one way of meeting it, but there are other ways of meeting it.

Q.—I thank you for the very illuminating view you have expressed about law and order, and I should now like to go on to the next department, Judicial. You understand that I am asking your opinion on these three Departments. The next Department I want your opinion about is the Judicial. In a particular case in which revolutionaries were involved recently in Calcutta, certain members of the Judicial Service, including the whole jury, were intimated ?

A.—Yes, I have heard that.

Q.—Do you think if the Judicial Department became a transferred subject—do you think it would be good for the morale of that Service to be intimidated ?

A.—With great respect I consider that absolutely irrelevant to the question. My opinion is that if you have a member in charge of the Judicial Department removable by the Legislative Council, then that man will have courage. A man however courageous he may be to-day has not got the courage to act fearlessly as he has not public backing.

(*Mr. Chairman*).—*Q.*—I would like to have that made clear. Your argument is that if the Minister is removable and if he is subject to the vote of the majority in the Council he is likely to be more firm, he is likely to take a firmer line, than an irremovable official ?

A.—That is my opinion, and that opinion is based on this. The Minister in charge can only be in charge if he has a majority in the Legislative Council and he is sure of his own position and therefore he will have that courage.

Q.—Well now, the Department that is left is Land Revenue. I believe, Sir Provash, like myself you have a stake in the Province of Bengal with regard to the land. That being so, do you think that if land revenue were made a transferred subject to-morrow the landlords would be sufficiently protected with regard to what has now come to be known as their vested right in the permanent settlement ?

A.—Well, I think so, and I say so from actual experience, during the last 10 years, the landlords have had very short shrift from Government but at any rate the result of the administrative laws of the last 10 years has been that the landlords are practically a ruined body in Bengal.

(*Mr. Chairman*).—*Q.*—You look a very healthy ruin ?

A.—You will find it there, not here. The average income of a landlord in Bengal is only Rs. 22 a year. He has to collect about 60 per cent. by law suits.

(*Mr. Chairman*).—*Q.*—Very well, we will take your view, Sir Provash, that they are a ruined body ?

Q.—What I was driving at is this. You understand that so far as Bengal is concerned, you have what is known as the permanent settlement. Take the province of my friend Sir Sivaswamy Aiyer where you have the ryotwari system. Supposing land revenue was a transferred subject and you got a body of men there in a strong party to introduce permanent settlement in that tract, which would be detrimental to the income and revenue of the province, as permanent settlement is detrimental in another sense to the income and revenue of the province of Bengal. As you know, there is a large body of official opinion which is against the permanent settlement which you and I will always fight for, whether on sentimental grounds or not. What I mean to say is this that if you once transfer land revenue it does not matter whether from the point of view of permanent settlement on the one hand, or the riotwari settlement on the other, you throw that system to be either maintained or absolutely done away with at the mercy of the Legislature, and I take it that you are prepared to take the risk with regard to the permanent settlement in Bengal being annulled after it became a transferred subject ?

A.—There is absolutely no risk, if you understand the problem properly, because getting rid of the permanent settlement means instead of the total rent roll of ryots in Bengal being 12½ crores it will be much more

and the Swarajists will never do it. It will mean that the poorer middle-classes interest in land will disappear and the Swarajists will never do it. It will mean that the income of many poor people from land will disappear and the Swarajists will never do it.

Q.—What I want to get at is that from your point of view as a landlord possessing land in the permanently settled tracts of Bengal you do not consider that there is any danger whatsoever of interference with the permanent settlement if land revenue were made a transferred subject to-morrow ?

A.—That is my opinion.

Dr. Paranjpye.—*Q.*—You said, Sir Provash, that you had joint consultations. Will you kindly explain to us the exact nature of these joint consultations ? Were you shown all the papers throughout the various cases with regard to the reserved departments ?

A.—Well, in matters where we had joint consultation nothing was kept back from us. What I mean is this that if we had joint consultation the agenda was circulated and certain papers were circulated. So far as I am aware the same papers were circulated to Ministers as to Members, and whenever I asked for any further papers no papers were ever refused me.

Q.—You said you had no joint consultation between Ministers ?

A.—Not any formal joint consultation.

Q.—You consulted each other privately ?

A.—Yes, privately. Sometimes we consulted the Governor informally ; but we never had formal joint consultations.

Q.—You had differences among yourselves, I suppose, as we were told happened in other places ?

A.—Sometimes, as I have explained—specially with regard to the Calcutta Municipal Bill.

Q.—Do you think this state of things is exactly what was contemplated by the Government of India Act and the Joint Parliamentary Report ?

A.—No, it was not contemplated, but the difficulty arose in our province when we had to consider very carefully from the very beginning when Ministers were appointed without being consulted about their colleagues and when there was no joint responsibility and specially about our Muhammadan colleague, and I and my other Hindu colleague had to agree to this system. We tried in the beginning but we thought it was better and more conducive to good relations not to attempt joint responsibility where there were differences.

Q.—May I ask whether you yourself had a standing majority of your own followers ?

A.—Yes, I had.

Q.—Those followers included some followers of the other Ministers, so that the Ministers jointly had a majority, or did each Minister have a majority to himself ?

A.—It is rather a difficult question to answer. First of all the Ministers jointly had a majority because they agreed, and I think individual Ministers also had a good following.

Q.—Do you depend upon the nominated officials in order to carry any of your proposals ?

A.—I could do without them but I have always had their vote. The permanent opposition was 20 to 22 out of a house of 139 ; and even with regard to some of them I could get them to vote for me. In the beginning the permanent opposition was 50. From January 1921 to March 1921 the permanent opposition was about 50. Then we brought that opposition down to 20 or 22.

Q.—You said your relations with the Secretaries were very cordial. I am very glad to hear that. So were mine. But may I ask whether you know that the Secretaries are allowed to take any cases independently to the Governor ?

A.—I know ; every week they did so.

Q.—Did he tell you what cases he was going to take ?

A.—Oh yes ; always beforehand and after coming back he used to tell me. As I have stated in my memorandum I do not at any rate know of any occasion where he carried anything over my head to the Governor. He always used to tell me anything of importance that was discussed with the Governor ; and very often to save time I would say " Take this case as well." He never kept back anything of importance from me.

Q.—He did not take any case behind your back ?

A.—No, not to my knowledge. And as I have said I see less objection in the case of a Member than in the case of a Minister.

Q.—And you told us your relations with the I. E. S. were not always quite happy ?

A.—Yes, but nothing much ; you must always have these things.

Q.—Was it due to the fact that they considered they were experts and you only an outsider ?

A.—May be. It was perhaps due to other reasons.

Q.—That they did not wish to work the reforms properly ?

A.—It was a mixture of so many things. In any case, I do not lay much stress on that and therefore I have not mentioned it in my note. Their relations with the Secretaries were also not always very cordial, so I do not make anything of it.

(*Sir Muhammad Shafi*).—*Q.*—The appointment and control of the All-India Services operating in the transferred field is at present in the hands of the Secretary of State ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And not in the hands of the Minister in charge of the department ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think it is human nature that under those circumstances officers appointed by an outside authority would not be amenable to discipline to the same extent as they would be if they were appointed by the Local Government ?

A.—Undoubtedly.

(*Mr. Chairman*).—*Q.*—Those circumstances are equally true in regard to the I. C. S. with whom I understand your relations were admirable. Therefore nothing can be adduced from that ?

A.—As a matter of general principle I accept Sir Muhammad Shafi's view but I had fortunately no trouble on that score, because, as I have said, I had the support of the Governors.

Q.—Had you any difficulty due to the fact that members of the services could appeal over your head to the Governor ?

A.—Not very often because we had no money to spend. If we had had money then the occasion might have arisen more frequently. As a matter of fact, there were very few occasions of that sort.

Q.—Then you speak a good deal about the Finance Department. Did you find that the Finance Department went in too great detail into various schemes you suggested ?

A.—Yes, they wasted the time both of their own officers and of the officers of my Department in this way. I very often found that the Indian head assistant of the Finance Department was the master of the situation and so long as I did not personally take it up to the Finance Member and his note stood.

(*Mr. Chairman*).—*Q.*—It is rather a reflection on the Secretaries of the Department ?

A.—No, I do not reflect on them because they are so hard-worked.

Q.—You suggest the creation of a separate Purse ?

A.—No, you will see from my memorandum that I am against that but if you confine me to dyarchy, then as Hobson's choice, I suggest a separate purse.

Q.—Supposing we confine ourselves strictly to the scope of our reference, you suggest there should be a separate purse. How would you make that separate purse ?

A.—I may tell you roughly my idea. When we started we found a certain sum allotted to the reserved side and a certain sum allotted to the transferred side. That was the Budget prepared for us beforehand. Now if we could get two-thirds of all additional resources then I think we could manage fairly well. Roughly it was about 35 per cent. and 65 per cent. I am speaking from memory. In January 1921, about 65 per cent. was the Budget on the reserved side and 35 per cent. on the transferred side. Now if you could reverse that and have 66 per cent. and 34 per cent. then we could gradually go on expanding. But as I have said, I am opposed to that.

Q.—The idea in the minds of some of us was that a separate purse meant that the income from your Department should be your income and the expenditure of your Department your expenditure ?

A.—No, that is not my idea. My idea was.....

Q.—That all the income should be pooled together and a certain percentage given to you ?

A.—In the beginning by the Act or under Parliamentary rules. That was my idea.

Q.—You were not in charge of the Excise Department ?

A.—No.

Q.—What was the attitude of the Legislative Councillors towards this Department ?

A.—Rather critical, but when the Minister explained to them that without money you could not proceed they made angry speeches but they were not serious. They realised that without money they could not get on.

Q.—Well, about your Bengal Council it has been occasionally alleged that during the last 3 years your Council took interest only in urban

matters and that they did not take much interest in rural matters. Do you think there is any ground for that ?

A.—Absolutely none. They took a good deal of interest in rural matters such as the supply of drinking water in villages, primary education, etc.

Q.—You do not think there is much ground ?

A.—Absolutely none ; in fact the majority of members came from rural areas.

Q.—The most important piece of legislation referred to Calcutta ?

A.—That was because on account of this unfortunate communal difference we could not agree over the Moffusil Municipalities Bill and the Local Self-Government Bill.

Q.—You suggest electoral colleges ; did you take that idea from Lord Morley's first memorandum upon Indian Reforms ?

A.—No ; I have not based it from any books—I base it on my own actual experience, the fundamental point being that the elector should be educated and should take an interest ; where it is possible for the elector to take an interest and for the candidate to educate the elector I always prefer direct election ; but where that is not possible I suggest electoral colleges.

Q.—Would you suggest for the Provincial Legislative Councils any increase in the number of members ?

A.—I have not gone into the matter very carefully, but my general idea is this : where you have a very large electorate, unless you increase the number of seats you cannot reduce the size of the electorate ; and my idea about the electorate for the lower house is that although at the present moment they are gullible and easily led yet there is nothing wrong about them. I have suggested a more limited electorate for the upper house side by side with the existing electorate or even a widened electorate.

Q.—The population in Bengal is 46 millions ?

A.—Yes ; about 10 millions of them are such breadwinners and we are concerned with them.

Q.—But after all the breadwinners will be proportionately distributed over the population. Taking it in the light of population, would you on an average give a member to about 2 lakhs of people ?

A.—I have not considered it from that point of view ; but I can tell you my general opinion that the population varies in Bengal ; in some districts it is very thick and even in sub-divisions of the same district and in other districts it is much thinner.

Q.—Would you make up your electorates by area or by population ?

A.—You must make it upon both ; you cannot ignore the one or the other ; where the population is thick within a limited area you get a large electorate and where the population is thin the difficulties of travelling are very great, you get a smaller electorate numerically.

Q.—But you agree that each vote must have the same value ?

A.—Theoretically yes ; but in practice should not the object be to get the best possible representatives ?

Q.—Certainly ; but each vote must have the same value ?

A.—Theoretically, undoubtedly yes ; but I have not considered the question in important matters of detail.

Q.—You insist upon the necessity of a party system, and I want to ask you a few questions about what you call your party in Bengal. Had you regular meetings of your party ?

A.—We had first of all two party associations and we often had meetings of our party.

Q.—And there you settled the line of policy about the agenda of the Legislative Council ?

A.—We started like that but soon gave it up because of communal difficulties and then we were reduced to having party meetings of members of the Legislative Council ; we had to give up our general party meetings. We used to have meetings of our party members in the Legislative Council ; in the beginning the opposition consisted of about fifty members ; we told them that if they wanted to oppose anything we would discuss it with them beforehand ; we welcomed them to our party meetings and told them " if you agree, we shall agree with you ; but if we can not agree after discussion we shall carry it in spite of your opposition."

Q.—I want to put it to you that according to the Joint Parliamentary Committee and the Montagu-Chelmsford Report Ministers are not supposed to oppose members of the Executive Council by vote in the Legislative Council ?

A.—Yes.

Q.—Supposing at your party meeting a question arose as to the attitude to be taken up by non-official members of your party upon a subject dealing with the reserved department, were you able to give them suitable advice ?

A.—Yes ; and very often ; but it is there that one of the difficulties of dyarchy comes in. I often did give advice, but perhaps there were some members of the Legislative Council who wanted to please some member on the Executive side and differences came in inside our party.

Q.—Suppose in the Executive Council you had opposed a particular measure relating to the reserved department, what advice would you be able to give to the party ?

A.—I gave such advice as I considered suitable on each occasion ; if I found the question of vital importance I told him " If you ask my advice, I would advice you to oppose Government," and I made my position perfectly clear to the Governor that in that particular matter I was going to advise my followers to oppose ; I made my position perfectly to the Governor. On vital matters I gave that advice, but where matters were not vital, I left it to them.

Q.—At any rate, you think that this separation of reserved and transferred departments militates to a very great extent against the formation of parties ?

A.—Very greatly ; because that cuts at the very root of the thing.

Q.—Because you could not give out any confidential information you might have got at private Cabinet meetings ?

A.—One of the difficulties is that you have got to be loyal to your colleagues ; you have got to be loyal to your chief and you have got to be loyal to your party and that is an impossible position.

Q.—You made an interesting suggestion about certain legal safeguards against obstruction. Who is to move in the matter ?

A.—I have said that any member may move, but I have also said that I myself realise the difficulties of it ; therefore do not take me too seriously ; I want each one of you to consider it seriously. I have suggested an electorate of all the High Court Judges, two-thirds to be Indian High Court Judges, to stop frivolous applications ; I suggested that the member moving should deposit a certain sum. But I realise the difficulties and therefore I am not pressing it, beyond bringing the idea to your notice.

Q.—In answer to the Chairman you suggested certain safeguards against corruption in the Legislative Council. I suppose you understand that corruption can take various forms—by means of direct money payment, by appointments or by administrative measures ?

A.—In our council it was openly done during the last few months ; the same Ministry was offered to two different gentlemen by a very responsible person and that done very openly.

Q.—Do you think that corruption—other than by money—can be proved ?

A.—It depends on what kind of legislation you have.

Q.—You are a distinguished lawyer ; can you enlighten us on this point ?

A.—I am not a good draftsman ; I have not attempted anything of that sort.

Q.—Will this prosecution for corruption rest entirely with the Government or will you allow a private member to initiate it ?

A.—I think as a matter of principle it should lie with the Government.

Q.—That would mean that none of the Government men will be prosecuted ?

A.—That is why I have said that I would like to have a measure like that when you have provincial autonomy.

Q.—You will remember that formerly in the House of Commons all election petitions used to be considered by the House of Commons itself and the majority always carried its way—the candidate of the majority was never guilty of corruption and the candidate of the minority was always guilty of corruption. Don't you think that this sort of thing will happen if Government only were allowed to initiate prosecutions ?

A.—That is a matter which has got to be considered ; but the other point is that if you allow any and every member to prosecute then legislative work will become extremely difficult. You have to remember that the question was put to me for the first time here. I would like some means of purging our public life of these possibilities.

(*Mr. Chairman*).—*Q.*—You would chose the lesser evil of the two ?

A.—Yes ; but how to do it is a matter which requires consideration. I am all in favour of doing something that is possible.

Q.—Regarding the Liberal Party you appeared to say that simply because the Liberal Party was co-operating with the Government therefore that fact itself militated against their being able to organise ?

A.—That fact gave a tremendous handle to our opponents ; they said in their speeches " Well, you liberals were in power and you are in power ; you are responsible for the salt tax ; you are responsible for the war with Turkey ; you are responsible for all the ills on earth."

Q.—And as the Swarajists declared that they would not take office they could make any bid for popular favour without realising their responsibilities ?

A.—Yes, and the fact that some of our principal moderates were in office also made it difficult for them to take part in some public questions—such as matters relating to law and order and matters relating to a colleague's department.

Q.—Did you go in for any touring in your constituency ?

A.—Yes.

Q.—Were you asked any questions about these reserved matters ?

A.—Sometimes ; but I used to be very reticent ; I was not at all reticent about my portfolio ; but about anybody else's portfolio, reserved or transferred, I was very reticent.

Q.—And you were in a very uncomfortable position because you could not use your information about these points ?

A.—Yes.

Q.—You suggest the creation of an Upper House ; will you kindly explain the nature of the House you propose ?

A.—My idea is, as I have referred to the Danish Constitution,—there they have co-ordinate powers over the Budget and about other matters they have revising powers and so on. My central idea is that the franchise for the lower house having been given to people who are potentially fit but on account of their illiteracy at present and also because they have never exercised that franchise, just at the present moment they are not very fit. But if you have a more limited constituency, you will get a fitter class of voters for the upper house. I do not want a House like the present Council of State, but a compromise between the very limited constituency of the Council of State and the present too wide constituency of the Legislative Council. I want to have a far more extensive constituency than the Council of State.

A.—No, I want a more extensive constituency than the Council of State. I want a fairly extensive constituency but not so extensive as the present constituency for the local Council.

Q.—I suppose you contemplate that there may be differences of opinion and deadlocks between these two Houses ?

A.—Oh yes, I do contemplate that.

Q.—How will you get over them ?

A.—Oh, they will come to a solution and the constitution should also provide for it.

Q.—Do you contemplate making one of the Houses ultimately supreme. The House of Lords, for instance, at present have revising powers ?

A.—As I have explained, I am not speaking of the House of Lords or the Council of State. I have not gone into the details. My general idea is this. I will give the final power to one or other of the House on certain questions. But I have not gone into these things here. That by itself is a very important matter which will require very serious consideration.

Q.—But you don't consider a body like a Council of Elder Statesmen desirable at all ?

A.—No, I don't consider that desirable. The Upper House also would be a democratic House, but.....

Q.—What is your opinion about a Public Services Commission for making new appointments ?

A.—My opinion is that the Legislature ought not to be able to exercise any pressure on the Ministers. I have no faith in patronage. Even from the point of view keeping the party together, I am of the opinion that it is the worst possible thing.

Q.—That this patronage should, as far as possible, be done away with ?

A.—I may tell you in my experience I never exercised any patronage for party purposes and I think I was better off for that reason. Those of my colleagues who did exercise patronage for such purpose could only give one appointment to a man and the remaining 19 or more friends of candidates would be discontented.

Q.—Now, the Maharaja Sahib asked you about the question of land revenue ?

A.—Yes.

Q.—Well, do you think that it is possible for a Government to have its powers about the land systems altogether removed from its purview ?

A.—I don't quite follow.

Q.—The Maharaja Sahib appeared to hint that the power of interferring with the permanent settlement in Bengal or the Ryotwari system in Madras should be entirely removed from the purview of our Indian legislative powers, that they should be a part of the written constitution.

A.—Well, that is a very difficult question. But, if the written constitution guarantees certain things and if this be one of the things guaranteed, I don't see why it cannot be done.

Q.—Do you think it is desirable.

A.—Well, as regards the permanent settlement, certainly it is desirable, not because of the landlords only but because it will mean the upsetting of society in Bengal.

Q.—To that extent your Councils will not be supreme in Bengal—if that power is taken away from them ?

A.—To that extent it will be part of the constitution and then the Council won't have that power, but as I said in answer to the Maharaja Bahadur because the ryots are vitally interested and the educated middle classes are vitally interested, I am not very apprehensive.

Q.—I see. Now, if you will look at your third memorandum page 2, you make some suggestions about the Government of India. You suggest that there should be 9 Members. Out of them 2|3rds should be Indians—and three may be officials. That obviously means that the three should be Europeans—that the official Members of the Viceroy's Executive Council should only be Europeans ?

A.—Not necessarily. Let me see. No, I never said they should be Europeans. I said 9 Members ; out of the 9, 3 should be officials, not necessarily Europeans.

Q.—Then you contemplate some European non-official as a Member ?

Sir Henry Moncrieff Smith.—Or some Indian official.

A.—It may be. As you have seen in the annexed paper, my simple idea is this. If we go on as we both British and Indian have been going on in the past, then Dominion status will be an impossibility. Therefore, I contemplate real unity however distant the vision may be.

Q.—You suggest an age limit for Members of the Legislative Assembly ?

A.—Yes, I think that would be a good thing. These are not vital suggestions.

Q.—I see : and that the salaries of the members of the Government of India and the Council under Secretaries should, in the transition period, be fixed by statutory rules and also in the Provincial Councils ?

A.—I am very strongly of this opinion. My reason is this. Fix the salary at any sum you like. But it is extremely humiliating for members of the Government to go about fixing the actual amount of the salary or discussing the amount. Let me explain. In England you have got your traditions that the salary for such and such an office is so much. That is quite all right. But here, as the Legislative members are new to their office, A. thinks that the salary for this post should be Rs. 10,000, B. thinks it ought to be 15,000, C. thinks it should be 20,000 and so on. I don't want to take away one iota of power from the Legislative Council with regard to dismissal.

Q.—Well you understand, of course that such a vote of censure or, in any other way you would allow the Council to express an opinion against the Ministers or the Members.

A.—That is my idea.

Q.—Well, you understand, of course that such a vote of censure would mean a vote of censure against the whole Government and not against a particular Minister.

A.—When I ask for joint responsibility I certainly understand that. But at the present moment that is not the position, so far as individuals are concerned.

Q.—I think you said that you had not initiated any legislation in your Department while you were in office ?

A.—Excepting one minor legislation about the extension of certain powers to village unions regarding primary education.

Q.—And in the subjects in your Departments were there any legislative proposals emanating from non-official members during your term of office ?

A.—Yes, both from non-official members and from me as member of the Government. University legislation and the Secondary Bill : These legislations only came up to the stage of preparation and so far as the non-official members are concerned, they got the sanction of the Government of India. We also got the sanction of our Government at a very late stage with regard to one of the Bills.

Q.—Which Bill was that, could you tell me ?

A.—There were the University Bills—one by Mr. Mullick and the other by Mr. Basu.

Q.—You say, in connection with the University Bill, that the sanction from the Central authority was delayed ?

A.—I don't blame the Central authority for that. I blame ourselves for that, because we delayed in sending it. That is, His Excellency the Governor, as Chancellor, wanted to come to settlement and it took about 5 or 6 months to come to that settlement.

Q.—You had not very much experience then of the Central control of Provincial Legislation ?—no personal experience in your Department ?

A.—Excepting that those Bills came up and I have no complaint about that.

Q.—Do you know of any of your colleagues on either side of the Government having grounds for complaint with regard to the dilatoriness of the Government of India in communicating sanction ?

A.—No, I did not hear anything definite. I remember about the Calcutta Municipal Bill—that was not in my Department—something came up and there was some suggestion of a complaint but afterwards I heard that that complaint was not well founded but I cannot give any details, not being in my Department.

Q.—I think your attention has already been invited, Sir Provash, to your third memorandum in which you say on the second page " subject to the limitations laid down in the constitution that may be adopted, the provinces shall have full legislative autonomy ". Your experience is at all events, that, so far as there is control at present, it has not been what might be called a difficulty or a defect in the present constitution ?

A.—Well, my experience would not be of much assistance—because I have not much experience of such things. Such things did not occur in my time.

Q.—You had three years' experience and if there had been any case of that difficulty you would have heard of it, even if it did not concern your Department ?

A.—That is so, but I am here referring to the future. I mean subject to the limitations that may be laid down in the future constitution. What I mean is this. I am not here attacking the administration under the present constitution or saying that the administration of the present constitution and the powers that we have have been unfairly exercised.

Q.—I realise that you are not attacking the administration, but are you attacking the present constitution in so far as it provides legislative control ?

A.—In a sense " no ", in a sense " yes ". I will explain. I am asking for a different kind of constitution. A real provincial autonomy. Here you have not got that. And things which will find a place in a real provincial autonomy do not find a place here.

Q.—I think you were asked by the Chairman what you really mean by " subject to the limitations laid down or to be laid down ". If I understood you rightly, you suggested a clear division between Central and Provincial subjects. Do you think that would be easy—a clear-cut division ?

A.—I do not think it will be easy. It is a very difficult question and therefore I am rather chary about committing myself, except in a general way. If you have a properly drawn up constitution you will know what subjects are Central subjects and you will know what subjects are Provincial subjects, and you will also know whether the Central Government ought to have a voice. But beyond that I should not like to commit myself.

Q.—But to get a clear-cut division would not be easy ; would it ? You are familiar, I presume, with the Devolution Rules, the list of subjects, Central and Provincial ?

A.—More or less.

Q.—Don't you think that, if you are to get a clear-cut division between Central and Provincial subjects, you will have to extend those lists to an enormous extent ? You would have to split every subject up because, you will agree I think, subjects are bound to overlap if the lists are at all limited ?

A.—Yes.

Q.—You are not prepared to make any definite suggestions with regard to section 80 A (3) of the Government of India Act ?

A.—No, because what I contemplate is drafting another Act and therefore I am not making any suggestions.

Q.—You realise that many, at all events, of the portions of section 80 A (3) which provide for control are not entirely new ?

A.—Quite.

Q.—The Act of 1915 was only a consolidating Act. There was section 79 which also provided for it ?

A.—Yes.

Q.—You would not abolish the previous sanction of the Governor General altogether, would you ?

A.—That depends on the nature of the subject. Under the Act of 1915 you had one kind of constitution. There all authority emanated from the Secretary of State. Under the Act of 1919 under section 19 A. you contemplate the Secretary of State shedding some of his authority and the Provincial Legislatures and the Ministers getting some of them. It will depend on your future constitution more or less. If in the future constitution you contemplate that certain things which you describe as Provincial subjects and will be the sole affair of the provinces, provided other provinces are not affected, provided the Central Government is not affected, then I would not ask for the sanction of the Governor General but where any question arises between two provinces then either the sanction of the Governor General or of some judiciary must be obtained. Where there is a conflict between the provincial interests and the Central interests then the sanction of the Governor General or of some judiciary must be provided for.

Q.—Would you require sanction in the case of a Bill affecting any Central subject ?

A.—Certainly.

Q.—Do you realise that it is very difficult, almost impossible to draft any Bill of any importance which does not affect a Central subject, unless you cut down the number of Central subjects very considerably ?

A.—It is very difficult and therefore I say that the attention of the future draftsman of the Government of India Act should be very carefully directed to the enumeration of subjects, their definitions and so on. In other constitutions, in the Colonies and in the United States of America you have that system, the federal system. On whatever lines you proceed, that will have to be settled first by the Government responsible for the new Act.

Q.—Turning to the control of the Finance Department over the Ministers, you do not regard the difficulties you mention here as inherent in the system of dyarchy ?

A.—I do.

Q.—What I mean is did not your colleagues on the reserved side complain just as bitterly as you did in regard to the control of the Finance Department ?

A.—Not to the same extent. I know that every department complains against the Finance Department.

Q.—Provincial or Central, everybody complains ?

A.—Yes. My real point is, as I have mentioned more than once, if the Finance Member has got to go out of office with me, then we shall understand each other. If I were Finance Member my control will be far more severe but perhaps in other directions.

Q.—On this subject of going out of office together which you mentioned, you suggest that a certain proportion should be Indians of the cabinet and non-officials and some some should be permanent officials and that they should go out of office on an adverse vote of the Council. Don't you think it might lead to difficulties. You take your Province. You have not got an unlimited number of members of the I. C. S. who are fit for office as Ministers or members whatever you may call them ?

A.—It is likely to lead to difficulties but the question is one of what risk you will take. My idea is this. According to my opinion it is very desirable that the permanent Civil Service who aspire to be members of Cabinets should understand Indian politics.

Q.—That is another matter. My point is that you will not have an unlimietd field of recruitment if you had a Council which is irresponsible, as some people at present call the Bengal Council. One official member after another will have to go out and you have to stop somewhere ?

A.—There will be some provisions like the transferred departments temporary administration rules. If it comes to that you must have some such provisions.

Q.—Do you think that there has been any education of the electorate since the introduction of the reforms ?

A.—A fair amount but it might have been more.

(*Sir Muhammad Shafi.*)—*Q.*—Has it been done more by the Swarajists or the Liberals or by both to the same extent ?

A.—It is not so much a party question. It depends on the energies of particular candidates. I have all along held to the opinion that the franchise was wider than it should have been. In fact when Sir John Kerr who was then Chief Secretary was dealing with this matter, I discussed the matter with him and told him that you were making the franchise too wide. His reply was " You cannot have it both ways. You cannot have democracy and at the same time a limited franchise " My reply was " Look at the history of your own country. The franchise is too wide for a beginning ".

Q.—I gather that in several places in your notes you deplore the tendency of political grouping to follow communal lines ?

A.—Yes.

Q.—Do you think that if you limit the electorate or enlarge it or introduce a bicameral system in all the provinces the grouping will follow different lines ?

A.—These suggestions have nothing to do with the question of grouping along communal lines. These suggestions about bicameral system and about limiting the constituency have reference to both the communities. They are not relevent to the question of communal interests.

Q.—You refer to the present deplorable tendency to form communal parties. You suggest to the Committee that if the electorate is limited or if you introduce the bicameral system that will have no effect whatever on political grouping ?

A.—On communal political grouping.

Q.—On the formation of parties ?

A.—It would have a good effect on the formation of parties but I thought that question was directed, perhaps I was under a misapprehension, to communal political grouping.

Q.—You say that political parties were communal parties so far as....

A.—I do not go so far. I say that there is a distinct tendency for communal questions affecting political questions. That is my opinion. Communal questions have an important bearing on the formation of clear-cut political parties. That is my opinion.

Q.—You think that is not as it should be ?

A.—I think that that question should be settled by negotiation. That is one of our principal difficulties, as you all know.

Q.—Have you no remedy for it ?

A.—I have suggested joint responsibility in answer to one of your colleagues. If I have 60 Hindus and my Muhammadan colleague has got 40, if we understand that we have to go out together, we shall bring our forces together and try to come to an understanding.

(*Sir Muhammad Shafi.*)—*Q.*—The Committee will now adjourn and we shall begin at 3 o'clock ?

The Committee re-assembled after Lunch at 3 p.m. with the Honourable Sir Alexander Muddiman in the Chair.

Sir Sivaswamy Aiyer.—*Q.*—In your memorandum you complain about the electorate and make certain sugestions as regards the size ot the electorates. You speak of electorates being too unwieldy. What is the size of an average electorate in Bengal ?

A.—I have suggested more about the Legislative Assembly. I will give you the figures if you will give me a minute.

Q.—At page 3 of your green book, you say that the area is too large and so on. What is your idea of unwieldiness ?

A.—At page 5, Sir, you will find this : " For example, in Bengal the Presidency Division consisting of 6 districts and comprising an area of 17 thousand square miles with a population of about 10 lakhs ; the Burdwan Division consisting of 6 districts, population about 8 lakhs ; the Dacca Division consisting of 4 districts, comprising an area of about 15 thousand square miles, population about 12 lakhs."

Q.—But the area and the population bear no necessary proportion to the size of the electorate, an electorate may be very much smaller. What will be the average size of the electorate itself, the number of electors ?

A.—That depends on facilities of communication, density of population. It is very difficult to give an average.

Q.—Unwieldiness depends on both factors, the area of the electorate and the number of voters.

A.- I think three points are to be taken into consideration, area, facilities of communication and the number of voters.

Q.—What, in your opinion, would be a convenient area ?

A.—It is very difficult to say that. For example, where there is railway communication or good roads, I would fix upon one area ; where communication is merely by boats and the population very sparse, there

I would have another area. Instead of trying to arrival at an average area, perhaps it will be much beter to fix the electorate after taking these three factors into consideration.

Q.—As a matter of fact, I may tell you that the electorates are far larger in Madras.

A.—That may be so.

Q.—You suggest by way of a remedy electoral colleges or indirect election.

A.—Not everywhere. In those places where it is not possible for the candidates and voters to get into real touch, there I suggest electoral colleges.

Q.—Would it be possible to work two systems side by side, one a system of indirect election and another a system of direct election ?

A.—I think, Sir, it will be possible.

Q.—Will it be possible and will it be desirable ?

A.—In my opinion it will be both possible and desirable, or else I would have said that. I will explain. Take Calcutta. There you have a compact area. You have got a large population. The electors can be addressed by the member or candidate. He can issue his literature and so on. But take the Presidency Division, where the area is 17,000 square miles, 6 districts with a population of about 10 lakhs. Take certain portions of the Presidency Division, the Sunderban area, where it is very difficult.....

(*Mr. Chairman*).—*Q.*—Are there many electors in the Sunderban area ?

A.—No. The northern and western portions of Sunderban area are well populated. Diamond Harbour, Basirhat, etc.

(*Mr. Chairman*).—*Q.*—Not the actual Sunderban division ?

A.—No.

Q.—Will it not be anomalous and will it not cause a sense of discontent, if some electors are given direct votes in the choice of their representatives while others can only do so indirectly ?

A.—No. That would be so on paper and in mere logic.

Q.—You do not think anybody will complain ?

A.—Whatever you do, people will complain. I am complaining of this. But we should try to aim at the best possible results. It will be conducive to better results.

Q.—Would it not be a better remedy to increase the number of elective seats than cutting up the whole area into smaller divisions ?

A.—Here I was speaking about the Legislative Assembly at the bottom of page 5. That would no doubt be a better remedy. Perhaps in that case you would require 1000 members to the Legislative Assembly. It is a question of choice of evils. As regards Legislative Councils, I have not suggested electoral colleges for the Lower House. In the Upper House, you must have, ordinarily you should have, a smaller number of members.

Q.—In page 9 of your memorandum you speak of signs of disruption of society. What are the signs of disruption that you have noticed ? Is it the anarchical and revolutionary movement ?

A.—Not merely that. I am not so much afraid of the revolutionary movement, but I am really afraid of the far more subtle movement, the movement of non-co-operation, and when I find the non-co-operator on one side, people whom we ordinarily call non-co-operators non-co-operating with Government and when on the other side I find men in power, members or Ministers, non-co-operating with men who have influence over a large section of the public, I call that a bad sign. As I have explained in page 9, " What British India is to-day—with all her good and bad aspects—is due to these two fundamental factors which existed in a large measure in the past. Good relation and proper understanding is the real basis of every co-operation." I find that basis of co-operation is ceasing more and more. People who have influence over a large section of the public are not listened to by Government. I am not questioning their politics. The advice of Members of the Government is not listened to by people, who have large influence over the public. That is one factor. Another factor I have mentioned. " I find in most of the provinces in India a Government divided in counsel." I suppose the evidence of some of the Ministers that most of us have read in newspaper gives us a good idea that Government under the present Act is a Government divided in counsel ; and there are other signs too. For example, Law and Order, about which we hear so much. But what do you find in actual experience ? The Police is as unpopular as ever and perhaps more unpopular.

Q.—Do you think that public opinion is not sufficiently formed ?

A.—I do not at all mean that. What I mean is that if you have responsible government, then Government would not be afraid of striking hard, if necessary.

Q.—They will have moral strength ?

A.—So long as you have no responsible government, Government will always be afraid. Every Government in every country has been afraid of elected majority without responsibility.

Q.—The Chairman put you a question whether the majority of the members of the Council were against Law and Order and you said ' No '. You said that the Government were afraid to face criticism in the Legislative Council, and therefore unwilling to take strong measures for the preservation of law and order.

A.—Perhaps that is not the right way of putting my views. I might have said something which has given you that impression. I am blaming both parties, and above all I blame the system. I do not blame individuals. Critics of the Government are trying to do their best, Government is trying to do its best. It is the system which is leading on to this result, and may I read, Sir, to you a passage from a very well-known author which sums up far more admirably than I can ever hope to do.

" For the system of representative government is essentially unstable. It inevitably involves a state of conflict between the Executive and the Legislature as is indeed seen to-day in all countries in which the full system of a Parliamentary Executive is not accepted as part of the Constitution. The Legislature, partly elected and partly nominated, found itself unable to enforce its wishes on officials who did not owe their appointment to the Colonial Legislature who in many cases were not connected in any way save by their public appointments with the colony and who could not expect to earn the approval of the Home

Government for anything save action conceived in the interests of the United Kingdom, ..."

(*Mr. Chairman*).—*Q.*—You have said that you do not think that the deduction was the correct one, namely, that the majority of the Legislative Council in Bengal—I am asking you about Bengal only—are not prepared to support Government if it becomes necessary to use strong measures ?

A.—No.

(*Mr. Chairman*).—*Q.*—You think they are ?

A.—No. So long as this system continues, the majority will be a permanent opposition. That is my point.

(*Mr. Chairman*).—*Q.*—We will take your point a bit further. You grant this that the citizens in Bengal and the juries are eager and anxious to carry out their duties to their utmost. Are there no signs of fear on the part of juries ?

A.—Not in ordinary cases ; but in cases connected with so-called political crimes my answer is an emphatic ' No '.

(*Mr. Chairman*).—*Q.*—What do you base it on ?

A.—I base that ultimately on the fact that the Government is irremovable.

(*Mr. Chairman*).—*Q.*—When you say political cases, do you mean murders ?

A.—I include everything, murder, dacoity, bomb and everything, which has a political object.

(*Mr Chairman*).—*Q.*—Then I do not think they are political cases ?

A.—I would like to explain. If a murder is committed for the furtherance of a real or supposed political object, it does not cease to be a murder. It is as reprehensible, whatever the object may be. One can understand in a loose way of classification if a murder is committed.....

(*Mr. Chairman*).—*Q.*—Am I correct in supposing that the Bengal Jury will do its duty in the case of a murder of a Baniya, but it will not do its duy in the case of a murder of a policeman ? Is that your point ?

A.—No, that is not my point. My point is that if a Bengal Juror is intimidated, as I understand and believe to be the case, he, like juries in other parts of the country, will find it difficult to do his duty.

(*Mr. Chairman*).—Then you say that the Bengal citizen, after all he is the elector, mind you, is not prepared, or rather is not willing to carry out his duties in certain classes of crimes ?

A.—I do not say that. What I do say is that under the present system, it changes the mentality of some of them in such a way.

(*Mr. Chairman*).—*Q.*—I cannot see your point that under the present system the Jury have anything whatever to do with the constitution. All I want to get from you is not what the reasons are, but whether it is or it is not a fact that Bengal Juries will not do their duty in certain cases, in your opinion.

A.—I would not go so far, they merely suffer from ordinary human limitations.

(*Mr. Chairman*).—*Q.*—Then it is a fact that they do their duty on all occasions ?

A.—They do their duty in all cases unless they are intimidated.

(*Mr. Chairman*).—*Q.*—Is intimidation coming in ?

A.—In certain classes of cases.

Q.—Under the present system the majority, you say, would not give sufficient support to the Government, because it is the desire of every opposition to go against the Government. But if you have responsible government and if one party could turn out the other and assume the responsibility of Government, don't you think that it will have a sobering influence upon the Government ?

A.—That is my opinion.

Q.—With regard to these tendencies to lawlessness what do you think really is the root cause of these disruptive tendencies ?

A.—If I am to explain, it will take a long time, but I am quite willing.

Q.—I will put the question shortly. Is the cause political or economical ?

A.—Both. The background is mainly economical, but the actual overt acts are more less perverted politics.

Q.—If for instance the people who agitated for political reforms and so on, got what they wanted, and if responsible government were introduced, do you think it would have a bearing upon the causes of this unrest ? Would it tend to stop these anarchical or revolutionary movements ?

A.—To a certain extent yes, but supposing political autonomy were given to the provinces of India, it would not immediately mean that the revolutionaries would pack up, but they will lose the public sympathy on which they bank a good deal.

Q.—Dou you think the people who join these revolutionary movements from economic motives will be able to command any sympathy if the political cause were removed ?

A.—As I have said, those who have actually become revolutionaries, I do not think they will give up their movement, but as regards future recruits, as regards atmosphere, it will be a better atmosphere and it will be more difficult for them to get recruits.

Q.—Do you think these revolutionaries will command any public sympathy ?

A.—They will command less sympathy.

(*Sir Muhammad Shafi*).—*Q.*—I understand you to say that the unwillingness of the Bengal Jury to convict in these particular cases is due to the terrorism or intimidation exercised by the anarchist party ?

A.—Yes, that is the main reason, but there are other reasons as well, one of the other reasons being that, whatever the Government does is considered to be suspect. It may be unfortunate.

(*Mr. Chairman*).—*Q.*—Is it your argument that responsible government will stop violent revolutionary crime ?

A.—That is not my argument. I have already answered Sir Sivaswamy Aiyer to some extent.

(*Mr. Chairman*).—*Q.*—Let me put it to you in this way. Has it ever been found that the success, say in Russia or France or in Ireland, the success of the overthrow of the Government has terminated violent crime ?

A.—My answer is that the Bengal revolutionary movement stands on a very different footing from revolutionary movements, so far as I know, and I do not know much about them, in those countries.

(*Sir Muhammad Shafi*).—*Q.*—May I put it in a different way. In so far as your knowledge is concerned, do the members of the revolutionary movement in Bengal belong to that class of politicians or political school who want responsible government within the Empire for India ?

A.—Within the last 6 or 7 years I have had no information or knowledge ; before that I had opportunities of examining the thing. My opinion is that the politically-minded class and the revolutionaries are absolutely classes apart.

Q.—The members of the revolutionary movement in Bengal are for out and out for independence and not for self-government within the Empire ?

A.—May I explain ? The members of the revolutionary movement in Bengal, so far as I can gather, for I have no inside knowledge.....

(*Mr. Chairman*).—*Q.*—You had considerable inside knowledge ?

A.—That was about seven years or so ago. Having had inside knowledge then and keeping my eyes open now, so far as the revolutionary party is concerned I think they do not think so much about constitutional issues. They are mostly young men ; they are dissatisfied with everything they see around them and they think anything is better than this, and many of them (I am speaking of my old knowledge) are distinctly of opinion that they would be perfectly satisfied with constitutional Government in India, that is so far as the old men are concerned. I have very little knowledge of the new men.

(*Maharaja of Burdwan*).—*Q.*—But is it not a fact that, even in the old revolutionary party, although the majority of the party were young men fired with false ideas of independence and so forth, there were some older heads among them to guide them, and is it not a fact that even now to-day the revolutionary party in Bengal does not consist entirely of young men ?

A.—I do not know much about the inside working of the revolutionary party today, but in the old days no political man was really connected with the revolutionary party, although there was a lot of sympathy between the very acute political agitator and the revolutionary ; but mere political men had nothing to do with the revolutionary party.

(*Sir Muhammad Shafi*).—*Q.*—The nature of the crimes which have commenced in Bengal is essentially the same as the crimes that used to be committed by the revolutionary party in the old days ?

A.—Yes, it looks like it.

(*Sir Muhammad Shafi*).—*Q.*—So that, so far as you can judge, there is no material difference between the character of the movement as it existed in the days of which you are speaking and as it is now ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Very well, now if the Bengal Jury is mainly influenced by terrorism in casting their verdict as they generally do, do you think it will make any difference if the jury are convinced that Parliament is in earnest in regard to its pledge of responsible government to India ?

***A.*—I never said that.**

(*Sir Muhammad Shafi*).—*Q.*—They would still continue ?

A.—Yes, if they are intimidated, but the background will be taken away. They are the same as other human beings. The public sympathy upon which the revolutionary can bank today will be gone.

(*Mr. Chairman*).—*Q.*—Then am I to understand there is a large body of public sympathy with revolutionary crime in Bengal ?

A.—No, but there is public antipathy against Government actions, and that brings all a fellow-feeling. It is partly intimidation, partly the opinion of a man's neighbours and so on.

Q.—Let us agree to divide the revolutionaries into two parties, political revolutionaries and economic revolutionaries ?

A.—There is no such class, and no such division.

Q.—Those inspired by political motives and those by economic motives ?

A.—No revolutionary is inspired by economic causes. Economic causes give the revolutionary party recruiting ground for bringing in others, that is all.

Q.—But what is the impelling motive ?

A.—The impelling motive is absolute dissatisfaction with all their surroundings. They see nothing but a dead wall before them and they think anything is better than this.

Q.—So far as these people are concerned, have they any definite political reform or advance as their objective ?

A.—No, they are not a political party in that sense, and I do not think there is any connection between any political party and the revolutionary party even to-day.

Q.—Do you you think that any political concessions will have any influence upon the anarchical movement ?

A.—It will have influence not perhaps on those who are already revolutionaries, but in cutting off their ground for recruitment.

Sir Tej Bahadur Sapru.—*Q.*—You had no prejudice against dyarchy ?

A.—In the beginning not only had I no prejudice, but I had a prejudice in its favour.

Q.—I suppose that is more or less true of Sir Surendra Nath Banerjee ?

A.—Oh, yes.

Q.—You went into the Council with a fixed determination to work dyarchy so as to get the best out of it ?

A.—Yes.

Q.—Now having worked dyarchy for three years, am I right in assuming that the general conclusion you have arrived at is that it is unworkable ?

A.—Yes, I arrived at that conclusion within six months, very early.

Q.—Now irrespective of any question as to whether dyarchy should be replaced by Provincial autonomy or not, you would not suggest to the Government that dyarchy should be tried very much longer ?

A.—No, my strong advice, if it is worth anything, is to put an end to it to-day.

Q.—Now instead of dyarchy having given satisfaction on any large scale, the result today is that all political sections of the community are dead opposed to it ?

A.—So far as I can see, that is the public opinion.

Q.—Not merely of the Swarajist Party but the party to which you belong ?

A.—Yes, and also all those who do not belong to political parties—the general public.

Q.—Will you please tell me whether the present unpopularity of dyarchy is due to the fact that it gives rise to friction between one half of the Government and another half or because it is not supposed to give as much scope to the representatives of the people as a unified system of Government would ?

A.—It is difficult to say. It is based on various causes. I have tried to enumerate some of them in my memorandum of the 31st July, but I do not think I have succeeded in enumerating all. Those two causes are these, but there are others too.

Q.—I suppose you co-operated with Mr. Lionel Curtis in evolving this ?

A.—I took a leading part in it, so did Mr. C. R. Das, although he backed out at the last moment.

(*Mr. Chairman*).—*Q.*—He is not now co-operating ?

A.—At that time he joined in many of these discussions and promised to sign, but at the last moment he did not.

A.—And like some of the others, you are not proud of your child ?

A.—Yes, that is my position.

Q.—Now so far as dyarchy is concerned, suppose the Liberals or Moderates, as they were then called, had not entered the Councils at that time, and the Swarajists or the non-co-operators as they were called had entered, what would have been the result ?

A.—The same result.

(*Mr. Chairman*).—*Q.*—That is, it would have worked for three years ?

A.—If they had worked for three years, they would have incurred the same unpopularity as we have incurred.

Q.—What would have been the actual result, if instead of dyarchy having been worked for the last three years by the Moderates, it had been worked by the Swarajists or their prototypes the non-co-operators ?

A.—If the Swarajists or the non-co-operators were in power as Ministers instead of the Moderates, well, they would have quarrelled long ago, within the first fortnight.

(*Mr. Chairman*).—*Q.*—With whom ?

A.—With the other side of the Government.

Q.—In other words your suggestion is that dyarchy would not have had three years' length of life ?

A.—No, I would give them only a month's time.

Q.—Supposing the present Councils were not full of the Swarajists, but again the Moderates had gone in, do you think they would have been

able to carry on the administration as successfully as they were able to carry on between 1920 and 1923, or less successfully ?

A.—Less successfully, but they would have been able to carry on. Somehow they would have carried on. As you know, our politics are that, however, unsatisfactory the constitution may be, try to work it ; but it means they would have encountered much difficulty. Supposing the Swarajists had not come into the Legislative Council and the old Congress mandate held and only the others had come in, then, if in the last Legislative Council our opponents were 20 or 25, in this Council they would perhaps have been 40 or 50.

Q.—Now one ordinary criticism which I have noticed is that dyarchy has not been given a fair trial, and if it is given a fair tral it is likely to yield very good results and that therefore it should be worked patiently until 1929. Do you agree with that criticism ?

A.—No, I don't.

Q.—What is the worst that you anticipate if the present system is to continue up to 1929 ?

A.—If it is to continue I have summed up in my memorandum .....

Q.—Will you tell us briefly ?

A.—There will be more of non-co-operation, more cleavage between rulers and ruled.

Q.—You will allow me to correct you here. The non-co-operators are co-operating now ?

A.—Yes, theoretically.

Q.—Therefore it is a misnomer to call them non-co-operators any longer ?

A.—Quite right, if you divide them into two parties—the no-changers and the Swarajists. The Swarajists have become a part of the constitution. They have entered the Council, but they are trying to use non-co-operation from within the Councils ; they are trying to obstruct the legislative machinery from within.

Q.—May I point out that obstruction is not the monopoly of any particular party. There have been occasions in the past when the Moderates have used obstruction. There may be occasions in the future when other people may obstruct.

A.—With this difference—you may obstruct particular measures and your obstruction may be based on a particular reason ; but if you obstruct for the sake of obstruction without rhyme or reason, that is a different position.

Q.—But you couldn't very well say that of the present body of Swarajists. As Sir Muhammad Shafi pointed out, on two important occasions they co-operated, namely, with regard to the Steel Protection Bill and the Seperation of Railway Finance. They were both very important measures and they co-operated with the Government.

A.—I may point out—I am more familiar with our petty Provincial affairs and I may point out that they co-operated with the Government in passing all the transferred Budget. Well, realities must have their effect upon all political people. These same Swarajists in their election speeches said that they would throw out the transferred Budget but when they had to exercise their power and they realised what throwing out of

the transferred Budget meant to them politically and also what it meant in other ways they desisted.

Q.—Do you anticipate that in the year 1929 or at any later stage the arguments which are used against advance today will have ceased to be in force at that time ?

A.—No, the same arguments will be used ; only the position will be more difficult.

(*Mr. Chairman*).—*Q.*—Why will the position be more difficult ?

A.—Because in the first place racial bitterness will increase.

Q.—By racial bitterness you mean between the British and the Indian ?

A.—Yes and I consider that good understanding between British and Indian to be the foundation of India's place in the commonwealth of the Empire.

(*Mr. Chairman*).—*Q.*—Excuse me for one moment. I just want to get this point clear. In 1919 when the Councils were started you had a large, a powerful, body outside the Councils resorting to all kinds of methods which we regarded as unconstitutional. In this new Council you have that same party inside the Council—you say, non-co-operating within the Council. Is it not possible that by the next Council they will be inside the Council and co-operating ? In other words is not the position better to-day than in 1919 ?

A.—No, I don't think so. If you ask me to give you my reason, I will.

(*Mr. Chairman*).—That is sufficient.

Q.—I am only testing this view. As the Chairman has just pointed out the non-co-operators who stood out of the Council in 1920 have now come in there apparently with a view—that was at any rate what they said to their electorates—to obstruct and to wreck but occasionally they have obstructed and occasionally they have co-operated.

A.—I agree.

Q.—That is what they have done. Then if the present system continues like that what is the worst you anticipate by 1929. You have not answered that question. Why do you say the position will be worse ?

A.—First of all you will get bitterness between the two races.

Q.—Bitterness due to what ?

A.—To political propaganda. Here a large section of my countrymen want further political advance.

Q.—May I put it to you differently. Do you suggest that the Government—I am not speaking of the reserved half or the transferred half—I am speaking of the Government as a whole—have in the country more friends or less friends now than they had in 1920 ?

A.—Very many less friends.

Q.—Notwithstanding the fact that the non-co-operators are in the Council and occasionally co-operate and occasionally obstruct ?

A.—Not only have they fewer friends, but anyone who is suspected to have anything to do with the Government is looked at askance.

(*Mr. Chairman*).—*Q.*—Do you suggest that the Government, in spite of the fact that there are more Indians in it now than at any time before, is less popular ?

A.—Undoubtedly.

Q.—What do you attribute it to ?

A.—The reason is partly political and partly economic, but the central fact remains that if you give power to the voter and through the voter you bring into the legislative bodies members of the Legislative Council and the Legislative Assembly and if you don't give them responsibility, you are sitting on the safety valve.

Q.—The Chairman asked you a question which I would like to put to you again myself. He pointed out that between 1920 and 1924 the Government of the provinces as well as the Government of India consisted of a much larger number of Indians than at any time before.

A.—Undoubtedly.

Q.—Do you attribute the unpopularity of the Government as a whole to the fact that there are more Indians now ?

A.—Certainly not. I attribute the unpopularity of the Government to the fact that public opinion has been more roused, more hopes about political advance are rife in the country, and by giving votes to a large number of electors the candidates have been discussing politics with them, the newspapers have been discussing politics, a larger number of people have been taking interest in politics. At the same time they do not get responsbility. That is the reason they think those Indians who are inside the Government are not looking after their interests.

(*Mr. Chairman*).—Q.—That would rather provoke hatred of the Indians in the Government. I do not see how it bears out your argument about racial bitterness ?

A.—They make no distinction between the Indian members of the government and the non-Indian. To their mind their rulers are the British and they think that those Indians who form the Government are not consulting the best interests of the country, although the Indian members of the Government might have been doing their very best.

(*Mr. Chairman*).—Then if the whole Government were Indian it would not be any use ?

A.—Not unless you have responsible government. I may put it in the words familiar to us "a brown bureaucracy is worse than the white bureaucracy."

Q.—In other words there is a feeling among the people that the Indians who are inside the Government become a part of the bureaucratic machinery and that therefore their presence in the Government does not matter much so far as the real welfare of the country is concerned ?

A.—Yes, and the solution to that is responsible government, in my opinion.

Q.—Now, you just now said that the newspapers write a great deal about politics and the people read the newspapers. What is the position with regard to newspapers and the people in the villages ?

A.—They take a great deal of interest. I do not know the circulation of our newspapers but I think it must be large.

Q.—Do your vernacular papers in Bengal sell a great deal in the villages ?

A.—Oh yes. At one time I had to go into the accounts of a leading vernacular paper in my province and its income was Rs. 50,000 a year

Q.—Do you think a very large number of people read the newspapers ?

A.—To-day it must be five times what it was when I examined the Accounts. In the villages as well as in the towns a large number of people read newspapers.

Q.—Now what about direct education of the electorate in Bengal by Members of Council. Is there much touch between the voter and the candidate returned ?

A.—With regard to some there is, with regard to others there is very little. It has nothing to do with the parties. It depends upon the individual energies of a particular member, his own inclinations, etc.

Q.—Do you think the average voter in Bengal is capable of calling to account his representative in the Council if he has done something of which he disapproves ?

A.—Well, they called most of them to account. According to their ideas our Party did not serve them properly.

Q.—And they turned you out ?

A.—Yes.

Q.—Well then, with regard to communal electorates, in answer to a question by Sir Muhammad Shafi I understood you to have said that on principle you were opposed to communal electorates but having regard to the strong feeling of the Muhammadan community in Bengal you would not oppose communal electorates ?

A.—Not only in Bengal but I find this feeling every where in India. May I explain my position ? My position is this. I want ideas of nationalism to progress, and in my opinion in the interest of progress of national ideas we must get rid of communal electorates ; but if that section of the nation which wants communal electorate does not agree with me, by trying to force it on them I do not help the cause of nationalism.

Q.—You would leave it to the Muhammadans ?

A.—I would try to persuade them.

Q.—If they do not accept your persuasion and if they insist on communal electorates you would let them have it ?

A.—Yes.

Q.—I want to be quite clear about one thing. There has been a great deal of talk in the press about a revision of the electoral system in Bengal. Will you tell me what is exactly the position which the Muhammadans take there and the position the Hindus take with regard to their representation.

A.—With regard to the number in the Legislative Council ?

Q.—Yes ?

(Sir Muhammad Shafi).—*Q.*—As regards the 40—60 per cent. representation ?

Q.—I want to know what the position is to-day ?

A.—The position to-day is that there are 39 Muhammadans—altogether 40 but one comes from Dacca University which is common to both Hindus and Muhammadans.

Q.—And according to their proportion how many should there be ?

A.—According to their proportion in the last census roughly nearly 50, but I am answering off-hand.

Q.—If they get 50 then the Hindus will get.....

A.—Our total number is 140—roughly about 41. I may be out by one or two but roughly about 41 are nominated officials and non-officials. The total strength of the non-officials you may take as about 100.

Q.—And if the Muhammadans get 50 per cent. ?

A.—Then the Hindus would get 50 per cent. not only from the general but also from the special constituencies.

Q.—So the parties will be equally balanced ?

A.—Yes ; but there is one important point. Although the Muhammadans are 56 per cent. taking the province as a whole, they are only about 15 or 16 per cent. in Western Bengal, speaking off-hand, while in Eastern Bengal they are predominant, being even 80 per cent or over in some districts. So that if they ask for special electorates and relegate the Hindus to the general electorate, then in common fairness they ought to have special electorates in Western Bengal and general electorates in Eastern Bengal and the Hindus ought to have special electorates in Eastern Bengal and general electorates in Western Bengal.

Q.—If the scheme of representation were revised in Bengal, what would be the representation of the Hindus ?

A.—50 per cent. numerically ; but in my opinion mere numerical considerations ought not to prevail ; there are other important considerations, educational economic and others. But speaking numerically it will be a little over 50 per cent. for the Muhammadans.

(Sir Muhammad Shafi).—*Q.*—Speaking from the purely numerical point of view, the proportion of Muhammadans is 53 per cent. ?

A.—According to the census of 1921 the proportion is 56 per cent. ; it used to be 52 in 1911. But there are special interests where the electors are both Hindus and Muhammadans ; take the Dacca University for example ; it returned a Muhammadan Member though the electors are both Hindus and Muhammadans ; whereas taking the Bengal Mahajana Sabha where both Hindus and Muhammadans are eligible to be members a Hindu will always be returned ; therefore we ought to take out the special seats ; there will then be left something like 47 to 50 seats for Muhammadans, speaking very roughly.

Q.—And the same with the Hindus ?

A.—The Hindus will naturally be one or two less ; but there will be special seats through which they can come. Excepting the Dacca University, the special electorates will mainly return Hindus ; so that the result will be about half and half, if you take only the numerical strength.

Q.—What I want to know is what is the attitude of the Hindus of Bengal towards the half and half representation ?

A.—We have never discussed that publicly. When we discussed this question last, perhaps you and Sir Muhammad Shafi were also there—when we formed that Lucknow Compact. Before that we had a meeting of the All-India Congress Committee at the Indian Association, Calcutta, some three months before the Lucknow Compact ; and naturally the meeting being held in Bengal a large number of Bengal representatives—Hindus and Muhammadans were there ; and apart from the All-India Congress Committee we had numerous conferences between Hindus and Moslems and from that I found that there was an atmosphere of good will and mutual give and take between the Hindus and Muhammadans.

(Mr. Chairman).—*Q.*—Do you still find that ?

A.—Yes ; in Bengal they are on very good terms.

(*Sir Muhammad Shafi*).—*Q.*—But is it not a fact with regard to this particular matter that the Muhammadans of Bengal had raised this objection against the Lucknow Compact that in a province where they are 56 per cent. and therefore in a majority they have been converted into a minority in the Legislative Council ?

A.—That has happened only recently, so far as I can see. So far as I am aware that is not the general opinion of the Muhammadans in Bengal ; Mr. Ghuznavi's opinion may be that.

Q.—I am coming to that ; what is exactly the present view which the Hindus take with regard to this question—never mind what their opinion was in 1916 when the Lucknow Compact was made ? What is your view in this matter ?

A.—I would like to settle this question between the Hindus and Muhammadans and deal liberally with them and I expect them to deal with us liberally and I do not feel that there will be any real difficulty if we are left to settle it ourselves.

Q.—I put it to you frankly there is no question of liberality there ; suppose the Muhammadans say " We want 50 per cent. of the seats. " Are you prepared to agree to that personally ?

A.—I personally think it will not be just ; but if that means any concession for advance which Hindus and Muhammadans will enjoy I will agree.

Q.—Am I right in assuming that that will be more or less the attitude of a considerable section of the Hindus ?

A.—Yes.

Q.—I want to take this step further : I have lately been reading a great deal about the circumstances in which the Ministers' salaries were rejected by your council. Is it true to say, as has been suggested on certain platforms and in certain newspapers, that the whole issue turned upon the Hindu-Muhammadan question ?

A.—In my opinion it is absolutely untrue, and untrue to their knowledge.

Q.—Am I right in assuming that among the men who supported Mr. C. R. Das's party there were a number of Muhammadans ?

A.—Yes.

Q.—Quite a number of Muhammadans ?

A.—Yes.

Q.—Now it has been said that there was a great deal of corruption in the Bengal Council ?

A.—Yes, undoubtedly there was corruption.

Q.—And I think you endorsed that remark this morning too ?

A.—Yes.

Q.—Do you suggest that these Muhammadan votes were purchased by the Swarajists against the Muhammadan Ministers ? Is that the suggestion ?

A.—I think I could quote the words of a Muhammadan ex-Minister himself, who made the suggestion in a public speech.

Q.—Is it suggested that the Muhammadans who voted with Mr. C. R. Das in turning down the proposal regarding the salaries of the Ministers were purchased by Mr. C. R. Das's party ?

(*Mr. Chairman*).—*Q.*—Has not that been said openly ?

A.—Yes ; I know it has also been said openly that on the Ministerial side one Ministry was offered to two gentlemen for the purpose of getting some votes.

Q.—Therefore I take it that the present position is that one party is blaming the other ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—In your personal opinion do you not feel that there was a good deal of corruption on both sides ?

A.—Yes, I use the word corruption in this sense that it may be money bribery or some other bribery.

Q.—Therefore, confining myself particularly to this incident which is being noticed a great deal in India and in England, do you think that the Ministers were outvoted because there was corruption on the other side ?

A.—No ; I do not think so ; it is very difficult to weigh the actual effects of corruption on both sides. If you were to eliminate corruption on both sides, nobody could say what would have happened.

(*Sir Muhammad Shafi*).—*Q.*—May I put one question ? In the absence of a Hindu-Muhammadan understanding in Bengal, is the state of corruption on both sides which you have mentioned just now likely to increase or decrease, if provincial autonomy were granted ?

A.—If provincial autonomy were granted, people who resort to corruption will be hooted out of public life.

(*Sir Muhammad Shafi*).—*Q.*—In the absence of a Hindu-Muhammadan understanding ?

A.—Even in the absence of such an understanding they will be hooted out of public life ; it is only owing to people who have a position today because of this kind of thing being in public life that you have corruption.

Q.—You will correct me if I am wrong—but it has been said that the Hindus of Bengal could not tolerate these two Muhammadan Ministers. Do you subscribe to that view ?

A.—I absolutely dissent from that ; it is an unmitigated lie.

Q.—What was the strength of the following of the Muhammadan Ministers in the last Council in which they were defeated ?

A.—If you ask me their following when they took office, I should say 'nil'; but gradually because there were people who were willing to give them a chance, and because some always support Government they gathered together people ; I was one of those who were prepared to give them a chance and I always voted with them for the first 10 or 11 weeks. They had absolutely no following in the beginning ; there was a Muhammadan gentleman in the last Ministry who had a large following.

Q.—Taking the other Muhammadan gentleman who had a large following, what was the attitude of the Hindus towards him ?

A.—Fairly satisfactory, except when he had a quarrel with Sir Surendranath Banerjea, there was some misunderstanding then.

Q.—What was the nature of that misunderstanding ?

A.—About communal representation in the Calcutta Municipal Act : except on that occasion he was fairly popular among the Hindus

Q.—But what about the two later Muhammadan Ministers ?

A.—They had no personal following either among the Hindus or the Muhammadans.

(*Mr. Chairman*).—*Q.*—What vote did they obtain on their salaries ?

A.—They lost it by two votes ; but if you exclude official and nominated members' votes, perhaps it will be 1 to 5.

(*Mr. Chairman*).—*Q.*—How many votes were recorded for them ?

A.—66 and 68.

(*Mr. Chairman*).—*Q.*—You can hardly say they had no following ?

A.—I said they had no following when they started.

(*Mr. Chairman*).—*Q.*—You said they had very little following at any time ; at any rate they got 66 votes ?

A.—Yes ; but you must exclude official European and nominated non-official votes.

(*Mr. Chairman*).—*Q.*—Why non-official nominated ?

A.—Because they were expected to vote for the Ministers ; that at any rate was the understanding, on this occasion, not on the last occasion.

(*Sir Muhammad Shafi*).—*Q.*—Why should it be so ?

A.—That was the understanding ; it is a fact.

Q.—If we were to exclude official votes what would it come to ?

A.—Speaking off-hand, the official and nominated non-official votes would come to about 42. The remainder would be about 24. The official votes would be about 22 or 23.

(*Sir Muhammad Shafi*).—*Q.*—But why should you exclude the non-official nominated votes ?

A.—Because the nominations were made on the understanding that they would support the Ministry. I may have my own opinion and you may have yours ; but that is a fact ; there was a clear understanding.

(*Sir Muhammad Shafi*).—*Q.*—And was there no counter-understanding between members in the opposite party of any kind ?

A.—They were elected ; when a man is offered a nominated seat and he is told that he is given that seat on the understanding that he should vote for the Ministers—the understanding was only about the Ministers and not about the reserved side—I call that an understanding.

(*Sir Muhammad Shafi*).—*Q.*—Did nomination take place before the new Ministry was formed or after ?

A.—After the new Ministry was formed and after the old Ministry went out of office. You may inquire ; it is a fact ; I can give you the names.

(*Maharaja of Burdwan*).—*Q.*—Supposing now, Sir Provash,—I only ask this question to bring out what Sir Tej Bahadur Sapru has in his mind—supposing you excluded these 23 officials—then you have 44. Now, if we excluded from that 44, the number of nominated members who you thought had a mandate to vote for the Ministers on that occasion, what was the actual number in favour of the Ministers who were non-official ?

A.—About 22 or 23 non-official elected Indian members.

(*Maharaja of Burdwan*).—*Q.*—Out of these 23, how many were Muhammadans ?

A.—About 16 or 17 were Muhammadans and the rest were Hindus.

(*Sir Muhammad Shafi*).—*Q.*—Out of a majority of 68, if you were to deduct the votes which had been purchased or which had been cast in favour of Mr. C. R. Das's motion as a result of the pressure which the Swaraj Party were able to bring to bear upon them, how many genuine votes were against the Ministers ?

A.—As I don't belong either to Mr. Das's party or to the Ministerial party, I cannot answer that question.

Q.—Has there been any inquiry, official or non-official, judicial or otherwise, into these charges or allegations of corruption on either side ?

A.—Not to my knowledge. There ought to be an inquiry, certainly.

Q.—And I suppose each party denies the allegations made against it ?

(*Mr. Chairman*).—*Q.*—Each party makes an allegation against the other party. Allegations have been made on both sides ?

A.—Yes.

Q.—Now, I put it to you, suppose there were not these two Ministers there in office but there were two other Ministers, Muhammadan Ministers, I say, or Hindu Ministers, what would have been the attitude of the Swarajist Party in regard to it ?

A.—Opposition, undoubtedly.

Q.—And would they have turned down the Budget ?

A.—They would have tried to, but they would not have succeeded. They have not succeeded there—in Bengal. The transferred department Budget was passed fully.

(*Dr. Paranjpye*).—*Q.*—The Swarajists voted against it ?

A.—First of all they wanted to vote against it but when they found that voting against it would prove their weak position, then they did not.

Q.—Then will you please explain to the Committee how is it they failed in regard to the reserved Budget and they succeeded in regard to the Ministers' salaries ?

A.—Because the Ministers themselves had no following, and the Ministers for various reasons became very unpopular.

Q.—It was due to their unpopularity ?

A.—If I tell you the grouping of parties, the total number of Swarajists would be 42 or 43 in a House of 140,—that would explain the reasons. The so-called Nationalists and the so-called Swarajists were united as against the Ministers. About voting for the transferred Budgets, the Nationalists were against the Swarajists. So that about voting for the transferred Budget, the Swaraj vote would have been only 43 out of 140.

Q.—But in regard to these two Ministers, the members of the other parties also joined the Swarajists.

A.—Including the Swarajists, the Nationalists and others. Including such of the Liberals as there were.

Q.—Including yourself ?

A.—Yes, including myself.

Q.—Now, do you think that the constitution in Bengal might have been saved if there were not these Ministers but some other Ministers ?

A.—Undoubtedly.

(*Mr. Chairman*).—*Q.*—Then you attribute their defeat to their personal unpopularity ?

A.—Yes.

(*Maharaja of Burdwan*).—*Q.*—Supposing now, when the Ministers' salaries came up, if a vote of censure had been allowed, do you think that yourself or others would have voted for the Ministers' salaries ?

A.—Not only that, but I made it quite clear in my speech.

(*Maharaja of Burdwan*).—*Q.*—So you did. But was it the general view or not that because they had not an opportunity of carrying a vote of censure against the Ministers, they had no other alternative but to refuse their salaries ? In other words, dyarchy would have not died a death just now in Bengal had these two things been separate ?

A.—Yes.

Q.—Now, Sir Provash, I will pass on to another question. You suggest the appointment of a Court which you would call a Supreme Court for the decision of questions that may arise between the Central Government and the Provincial Governments ?

A.—And also say between two Provincial Governments.

Q.—Yes. And there you say that you generally do not favour the idea of a Supreme Court, in India ?

A.—For ordinary litigation.

Q.—Exactly. Now, why have you so much confidence in your Judges for the decision of constitutional questions which very seldom arise in Indian Courts, when you have not that same confidence in regard to other legal matters ?

A.—My point is that, if the Privy Council decides these constitutional questions, say in a conflict between the Central Government and the Local Government, and the public will not have the same amount of confidence, and will ascribe racial considerations. But as regards ordinary litigation, in my opinion we do not lose, on the other hand, we gain by having such litigation tried by the Privy Council.

Q.—However, that is a question on which there may be difference of opinion. But what I want you to remember is that most of these constitutional questions from Canada have been settled by the Privy Council.

A.—But in Canada there is no Indian-British question.

Q.—But there will be no such thing as an Indian-British question when a question of a constitutional character arises.

A.—I hope not, but there may be. At any rate, that is my reason. The Indian mentality at the present moment is that anything appertaining to the Government is British.

Q.—But your suggestion relates to a time when the Government will have been Indianised and democratised, therefore at that time there will be no such thing as a suspicion, between the British and the Indian.

A.—Quite, but at the same time, it will take some time for these ideas to filter down, that is one reason. And my other reason is that it will mean more delay and expense. These are the two reasons. But that is not a point on which I am very keen. I throw out a suggestion. You may have it either way.

Q.—There is one question with regard to the revolutionary movement—which I want to ask you. It is this. Before the year 1906 and 1907, we never heard of any revolutionary movement in Bengal. Isn't that a fact ?

A.—Before 1905 and 1906, yes.

Q.—Very well. So that the movement in Bengal is nearly 20 years old. Sometimes it has been strong, sometimes it has been weak. Sometimes it has been in the open sometimes it has been covert.

A.—The movement practically synchronised with the partition of Bengal. There may have been sporadic movements even before 1904-05.

Q.—Will you please tell me what are the steps for the suppression of this movement which the reserved half has taken during the last few years or which the unified Government took before, which you think that a popular Minister could not take ?

A.—Well, during the three years that I was Minister, there was not much of this movement. This movement has again started latterly. And even with the little things that there were, I would rather not answer that question.

Q.—No, no. I want to know. From my point of view this is an important question. Supposing instead of being a Minister in charge of Education in the last Council where you said you had a following of your own, and where you had the support of a non-official member, you were a Minister in charge of Law and Order and Justice and you were called upon to cope with the anarchical movement in Bengal, do you think that in any strong measure that you would have taken you would have received the support of the Council ?

A.—Certainly, if my position were that of a responsible Minister. With the following I had in the last Council, I could have acted most autocratically : I might have gone out in the next election but that is different. I had to fight with one of the biggest men in Bengal, and I was not afraid to fight because I tried a larger following in the Legislative Council.

Q.—Now, supposing, instead of your being the Minister in charge of Law and Order, a Swarajist was the Minister in charge of Law and Order ?

A.—The position would be the same if he had a following.

Q.—But would not the following—I am talking of the following of a Swarajist or a Nationalist—not of a Minister like yourself—sympathise with the revolutionaries ? Or would it rather support a Minister in suppressing anarchical movements ? Is there a true national spirit ?

A.—The following of either party would support the Minister.

Q.—Then, if that is so—do you say that there is some sympathy with the anarchical movement ? Why is there that sympathy with the anarchical movement now in Bengal ?

A.—Because of the present political constitution.

Q.—What is that ? I want you to be clear ?.

A.—That is that people feel—whether rightly or wrongly, I am not going into that question—that, Government do not really look after their interests.

Q.—And the anarchists and revolutionaries are looked upon with toleration ?

A.—Alhough they do not like the anarchical movement and have no innate sympathy with the revolutionaries, they say to themselves : these fellows are trying to find a solution in their own way, let them try.

(*Sir Muhammad Shafi*).—*Q.*—In spite of political murders and dacoities ?

A.—Not all.

(*Dr. Paranjpye*).—*Q.*—They say, let Government stew in their own justice ?

A.—They think Government do not care for such things.

Q.—And you think that one result of your recommendation will be that it will create strong public feeling and therefore strengthen the hands of the Government ?

A.—Yes.

Q.—Now, will you please explain to the Committee what exactly is the position of the depressed classes in your province ?

A.—Well, roughly, I am more familiar with the tables of 1911.

Q.—What is their position now ? I don't want the figures. Who are the depressed classes in Bengal, what is their position and what are their difficulties ?

A.—The so-called lower classes—mochis, chandals, haris, doms, etc.

Q.—What are their disabilities ? Are they allowed to draw water out of a common well ?

A.—In most places—not in all places. There is no acute problem in Bengal so far as the depressed classes are concerned.

Q.—What about Namasudras ?

A.—In some place they are not allowed in school hostels. Certain cases came up to me. I ordered they must be allowed and I never heard anything after that.

Q.—But were your orders carried out.

A.—Absolutely—the higher classes don't object, most of them have no strong feeling.

Q.—Will you please tell the Committee what is exactly the extent of the problem there ?

A.—Very little—nothing serious.

(*Mr. Chairman*).—*Q.*—Is not it the case that the depressed classes generally live in their own villages—they don't live in mixed villages.?

A.—Oh no, they always live in mixed villages. There are a number of them opposite my family dwelling house in my village.

(*Mr. Chairman*).—Q.—Yes, but I think the Bengal village is a very different thing from the village up-country—the houses are much more separated—is not that so ? Everyone has his own little plot and the villages are spread over much more ground ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—And the water question is very simple ?

A.—All castes take their water from the tanks. Nobody objects to that, whatever his caste may be.

Q.—Then what is exactly the social and religious disabilities under which a member of the depressed classes finds himself in Bengal ?

A.—It is more a creation of some abitious men. There is no very serious disability.

Q.—Now, supposing there was to be provincial autonomy in your province, do you, with your knowledge of Bengal, think that the position of the depressed classes under responsible government would be worse than it has been in the past, or will it be better than it has been in the past, or will it be about the same ?

A.—It will certainly be very much better. I don't think the depressed classes have had any such attention from the Government in the past as during the last three years in Bengal.

(*Maharaja of Burdwan*).—*Q.*—May I ask what measures you took for them ?

A.—In spite of the difficulties of finance, I awarded scholarships, I granted money for one hostel and I made grants to the backward classes mission and so on. My resources were very very limited. I thought they were a body for whom I ought to do something. Before that Government never gave any special grant except a grant of Rs. 3,000 in the old Legislative Council which was due to my initiative. Lord Sinha was then the member in charge and I got that grant from him. That was the first special grant that they every got.

(*Mr. Chairman*).—*Q.*—Then that was one of your greatest achievements ?

A.—I would not call that an achievement. I think, I tried to act justly. I noticed their existence which my predecessors did not do so. I do not take any credit for that.

Q.—I take it you are an advocate of provincial autonomy. Do you want it in advance of any change in the Central Government or simultaneously with a change in the constitution of the Central Government ?

A.—I would like both simultaneously.

Q.—Suppose provincial autonomy was given first and then a change in the Central Government, do you think that it would be workable ?

A.—There will be difficulties but as a choice between the two I would not refuse it.

Sir Muhammad Shafi.—*Q.*—You told us just now that the failure of the existing constitution in your province was due to the personal unpopularity of the two gentlemen who were selected as Ministers ?

A.—Partly.

Q.—Can you name to me any two Muhammadans out of the Muhammadan members of your Provincial Council whose selection as Ministers instead of the these two would have averted this catastrophe ?

A.—If you force me to mention names then I would but I would rather not. I am willing to mention names to you privately. I certainly have some men in mind. Whoever is appointed Minister he is bound to gather some following. I can mention names to you privately if you want.

Mr. Chairman.—*Q.*—There are one or two questions that I want to ask you. What was the object of this bribery that took place during the voting on the Minister's salaries ? Assuming that the allegations were correct, I take it that the Ministers wanted to retain office, others were probably bent on throwing them out ? When the whole of the Government is transferred there will be the same position ? Why do you say that the grant of provincial autonomy would result in the abolition of bribery in Bengal ?

A.—Because better men will come in.

Q.—Come in where ?

A.—Into the Legislative Council. Many good men do not care to offer themselves for election. Take our last Bengal election. If you bar the Swarajists and also some men of ability who belong to the Nationalists you will hardly find men who can carry on any ordinary administration.

Q.—If the electorate is the same what reason have you for supposing that you will have better members than you have at present ?

A.—That is not the point. The seat of a Minister in a dyarchy is hardly worth having. If you give real power you will find better men offering themselves as candidates. They do not offer themselves at present.

Q.—You said that a seat in a dyarchy is not worth having. At any rate it has been worth sufficiently to induce bribery ?

A.—Men who are worthy of being Ministers do not consider it of sufficient importance but men who are not fit to be Ministers, if they get a chance of getting these posts, they will try to do so.

Q.—Then I will leave it at that.

Sir Arthur Froom.—*Q.*—You have said that you are against dyarchy and in reply to a question put by one of my colleagues you said you are in favour of provincial autonomy ? and your idea of provincial autonomy as explained in paragraph 1 of your memorandum—a Cabinet to consist of 5 members or 7 members who would be elected by the members of the Provincial Councils ?

A.—The Governor will send for such men as in his opinion are qualified and the test will be whether they can command a majority.

Q.—You told us that a Minister in a scheme of dyarchy is unpopular. Do you think that a Cabinet Minister will become unpopular ?

A.—They will have real power and if they are unpopular others will take their place.

Q.—You have stated your opinion under this provincial autonomy, law and order will be better maintained than it is now ?

A.—Yes.

Q.—And you repeat that opinion to the Committee ?

A.—Yes.

Q.—You do not think that the present unrest in certain parts of India is due to fear that the stable Government is going ?

A.—It is due to various causes.

Q.—You do not think it is due to a change in the Government or from fear of provincial autonomy being granted ?

A.—Certainly not from fear of grant of provincial autonomy. It is due to various causes.

Q.—With your provincial autonomy there will be political grouping for communal interests ?

A.—I think matters will improve.

Q.—In your memorandum written in June 1924 you say that you are one of those who firmly believe that the time is not yet ripe for provincial autonomy. What has caused you to change your opinion since then ?

A.—My opinion remains the same. If you will do me the favour of reading all my memoranda together what you will find is this. If you retain the present electorate and ask that electorate alone to return members then the time is not yet ripe but if it is a limited electorate the time has arrived.

Q.—Your idea is to have a change in the electorate of Bengal ?

A.—I have explained it in my memoranda. I have condemned dyarchy and I have also said that the voters who are given votes are gullible and ignorant and not yet fit and I repeat this in my last document. But there is nothing fundamentally wrong with these voters. Therefore if you also give power to such voters who are fit and also have an Upper House, you can have it. My opinion is the same throughout. I have not changed it.

(*Mr. Chairman*).—*Q.*—You would not have provincial autonomy and you withdraw your first statement ?

A.—I repeat that in my last memorandum. I do not withdraw anything.

(*Mr. Chairman*).—*Q.*—You would not have provincial auonomy unless you have a Upper House as a check ?

A.—Yes. Either that or limit the electorate.

Q.—Your Upper House would be elected practically by the same electorate as the Lower House ? You would not have a nominated Upper House ?

A.—I would lay stress on a democratic Upper House.

The witness then withdrew.

Friday, the 17th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Sir Purshotamdas Thakurdas, M.L.A.

EXAMINED BY THE CHAIRMAN.

Q.—Sir Purshotamdas, have you got a printed copy of your memorandum ?

A.—I have, Sir.

Q.—I do not intend to ask you very many questions, but there are two or three things that I should like to get on record. You were a member of the Council of State ?

A.—Yes, I was a member of the Council of State.

Q.—And you are now a Member of the Legislative Assembly ?

A.—Yes.

Q.—What constituency do you represent ?

A.—The Indian Merchants' Chamber, Bombay.

Q.—How many electors are there ?

A.—About 500 in round figures.

Q.—It is a special constituency ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—You are the President of the Indian Merchants Chamber ?

A.—I was twice : the last was in 1922.

Q.—Were you in the Bombay Council before ?

A.—I was in the first Bombay Council. I suppose your question was whether I was a member of the Bombay Council during the present reforms. I was also in the Bombay Council from 1916 to 1920.

Q.—So you had some seven years' experience ?

A.—A little experience of the previous regime also.

Q.—I see you go into the difficulties in the working of the constitution and then you make certain suggestions in the way of amendments of the constitution, but you also recognise that those suggestions are beyond the powers of this Committee ?

A.—That is what appears from the reference.

Q.—You recognise that yourself ?

A.—Yes. I say that in the first paragraph.

Q.—You have not made any other suggestions. You make certain recommendations which are beyond the powers of this Committee. Therefore, may I assume that you consider that unless those recommendations are given effect to, it is useless to examine the present constitution at the present moment ?

A.—No, Sir. I have not touched upon what can be done within the present Act for the simple reason that I feel in giving evidence before this Committee that I ought to make out a case for what is necessary at present in order to bring about better contentment and generally speaking better administration. That does not necessarily, Sir, preclude this that there will be certain things which are feasible within the present Act. That is a matter, Sir, on which I think lawyers can make suggestions better than a man like me.

Q.—I just wanted to make that clear.

A.—I do not cut out this, nor does it show that I have considered what can be done within the present Act.

Q.—It may be taken for the other purpose as saying that unless you do this I do not want anything else.

A.—I do not think that is correct.

Q.—In paragraph 2 of your memorandum you say you take it "that the sole aim of British rule in India is, and will remain, the sacred one of seeing India a self-Governing country." Now, what exactly do you mean by that ? Do you refer to the preamble of the Government of India Act ?

A.—I had nothing particular like that in mind. What I had in my mind was that I wanted to make it clear that my evidence is based on my strong confidence that it is so. But if there was going to be any change in that or if there was the slightest suspicion of that not being the genuine aim of the British Government, then of course the evidence perhaps is not quite pertinent.

Q.—I do not think it has ever been suggested that the sole aim of the British Government is to see India a self-governing country except as an integral part of the British Empire.

A.—I do not want to imply there at all that it should be outside. I forcibly say that it should be a part of the British Empire and nothing else, Sir.

Q.—In other words you indicate and merely state here the preamble to the Government of India Act ?

A.—If it applies there. I do not remember it very accurately. If it applies there I do not mind saying that it is in keeping with that.

Q.—"The progressive realisation of responsible government in British India as an integral part of the British Empire."

A.—Integral part of the Empire is understood in my memorandum. The word progressive is there about which there is a little difference of opinion between the two schools, Indian and the other.

Q.—The statement of policy of the British Government has never gone beyond that. Your suggestion here would be that the one aim of England is to make India a self-governing country, irrespective of her remaining in the Empire. We never heard that statement.

A.—I did not intend it at all. It was understood so unanimously more or less as far as the Indian public is concerned that I thought it unnecessary to put it on paper.

(*Sir Sivaswamy Aiyer*).—*Q.*—You assumed it throughout ?

A.—Absolutely so.

Q.—You have had a long experience of Bombay. You have represented various constituencies and you know the Bombay elector ?

A.—Yes, Sir.

Q.—Will I be wrong if I assume, speaking generally, that the Bombay elector is an intelligent man, capable of forming a judgment on ordinary affairs ?

A.—I believe that, Sir.

Q.—I will assume that. That being so, will you turn to paragraph 4 of your memorandum. You say at the end : " The only form of loyalty which conduces to the stability of a Government is the loyalty of those who understand and appreciate the benefits of good administration. Undoubtedly such loyalty can only come from the intelligensia, and the conciliation of the intelligensia must, therefore, form the main goal of statesmanship." Now, if the Bombay elector is a man who could form a judgment on ordinary affairs, then it is not only the intelligensia, but the man in the street who can appreciate the benefits of good administration ?

A.—Yes, Sir.

Q.—Therefore you would probably like to modify that statement ?

A.—I should like you to read the previous part of that paragraph. I am referring there to the masses, the vast masses, about whom we hear so much from British statesmen. I compare the intelligensia as against the masses, who have no voice, who have no education or who have little education ; and I am now referring to them only.

Q.—May I suggest that the basis of the present constitution is the present elector ?

A.—Yes.

Q.—And therefore if the present elector, as you say and as I also think, can form a reasonable judgment on ordinary things, can he not form a reasonable judgment on good administration ?

A.—Yes, he can.

Q.—If they cannot do so, then they would not be an electorate.

A.—I do not agree that they do not do so or that they cannot do so, but we are thinking of others besides the electors.

Q.—You do not call the electors intelligensia ?

A.—More or less the intelligensia would be the upper classes of the electors, but the electors generally speaking at present are people who can read and write and therefore do not at all come into the special comparison that I make. I am making a comparison between the masses and the educated classes.

Q.—I quite see your point. Perhaps you will take mine. Am I justified in assuming that you consider the electors of Bombay are a part of the intelligensia ?

A.—Certainly, Sir. The bulk of the electorate are educated, they can read and write and they do not come in at all in the consideration that I refer to in paragraph 4 of my memorandum.

Q.—Do I understand you to say that the whole of the Bombay electorate can read and write ?

A.—Almost.

Q.—We were told, if I recollect rightly, by one member of the Bombay Council that even some of the members of the Council can hardly read and write.

A.—Is that about Bombay city ? The Bombay Council may have returned on it some such members from the districts.

Q.—I do not mean the Bombay city electorate but the Bombay Presidency electorate.

A.—It is quite possible that there may be certain members who cannot read and write. I would not say ' no ' to that. But when I refer, I refer generally to the majority of the electorate. I do not refer to a small part of it, which perhaps is not able to read and write and is not literate.

Q.—What I suggest is that the bulk of the electorate in the Bombay Presidency can hardly be called intelligensia. That is my point.

A.—It is certainly not the masses.

Q.—I am not talking of the masses. I am talking about the electorate in the Bombay Presidency. Do you consider them to be what is generally called the intelligensia, which to my mind has always meant the few educated leading men ?

A.—Exactly. By intelligensia of course you mean a few upper men who really give a lead to them. But when you talk of the Bombay electorate, they certainly are much more educated and much more able to understand their rights and so on. Then the masses, about whom I refer in that paragraph.....

Q.—I am trying to ascertain whether the Bombay electorate can appreciate good administration ?

A.—Yes, they do. The man in the street in Bombay does.

Q.—Now, you take a very strong objection to dyarchy, because you think you want a strong Government in India ?

A.—Yes. I mention that in paragraph 6.

Q.—Isn't that correct to say that one of your reasons for objecting to dyarchy is that you believe in strong Government ?

A.—Yes.

Q.—And therefore you say that dyarchy is divided Government and therefore it is bad for India. That is one of your arguments ?

A.—You are now referring to my quotation from Sir Michael O'Dwyer. I am not endorsing the whole of it.

Q.—I am merely asking you a question as to whether you consider one of the objections to dyarchy is that it is divided Givernment and therefore not a strong Government.

A.—As far as it is divided it is not strong.

Q.—And you quote Sir Michael O'Dwyer in support of it ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—So far as he is in your favour ?

A.—So far as things apply to our experience of dyarchy till now.

Q.—I do not suggest that it is your view that Sir Michael O'Dwyer's Government is the Government you desire. I am merely asking you whether one of your objections to dyarchy is that it is not a strong Government ?

A.—Yes, because it is divided.

Q.—You think that a unified Government, whatever it is composed of, is stronger than a divided Government ?

A.—A unified Government is always stronger than a divided Government. No doubt about that.

Q.—The old system was stronger and you contend probably that if you had complete self-Government, it would be stronger still ?

A.—When you say that the old system was stronger, I am against that. There were countervailing disadvantages in the old system.

Q.—Do you consider the Government as it existed before the Reforms was a stronger Government than the Government as it exists now ?

A.—Martial law with one person governing is stronger still, but nobody will say that it is the best or most desirable.

Q.—I am not asking you if it is the best. You say that one of the objections to dyarchy is that it is a divided government. I am putting to you the case of Bombay before the Reforms when it had a Governor in Council. You now have in Bombay a Governor in Council and a Governor acting with Ministers, the two halves. Your scheme would contemplate a Governor with Ministers alone ; that is you would have passed from unified Council Government, by dyarchy, to the constitutional Government with Ministers. Now is it your contention that the Government as it existed before the Reforms is stronger than the present Government ?

A.—As far as mere strength is concerned. Being a single Government, it had not the disadvantage of being divided.

Q.—Therefore it would be stronger ?

A.—Therefore it would be stronger, with the qualification I made at the start that it had its corresponding disadvantage.

Q.—Then you say naturally that the Government you propose, a unified government, would be still stronger ?

A.—It would be stronger without those disadvantages which existed before.

Q.—Then all that we have done has been to weaken the Government and confer no benefit on the country ?

A.—That is what it looks like.

Q.—Would you accept that as a fair statement of the Reforms ? That the result of the Reforms had been to weaken the Government without attracting public support ?

A.—In view of the method in which the dyarchy has been worked.

Q.—There is one little point to which I should like to draw your attention at the end of that paragraph. You give a concrete example regarding Divisional Commissioners, and you say that " nothing has so far been done to give effect to the proposal since the posts are regarded as prizes for members of an all-India Service, of whose destinies the Secretary of State for India is the sole guardian and arbiter," and you quote that as an example of your case. Now I suggest to you quite definitely that here is a suggestion of a motive. Is it not possible that the reason why the posts have not been abolished is because they are regarded as necessary for the proper administration ? Is it necessary to make that suggestion of ill-faith ?

A.—Well, Sir, I am referring to what I read in the papers about this in the United Provinces. I understand, and I have put it in my statement, that a mixed committee of officials and non-officials supported the recommendations for retrenchment.

Q.—That may be so, and I agree that there may be differences of opinion as to whether these posts should or should not be retained, but I suggest to you it is a possible explanation that these posts have not been retained for the selfish reasons you suggest, but that they were retained because some one, possibly to your mind however wrongly, was of opinion that they were essential to the proper administration ?

A.—That could not have struck anybody after he was told that a mixed committee of officials and non-officials substantially agreed that the posts should be retrenched. If one had learnt that non-officials had carried it by a majority and the officials had urged against it, then there might possibly be a doubt; but basing it on the material at my disposal, I think I am not guilty of being unfair to anybody in making the assumption I do.

Q.—You still maintain your view that this can be the only reason ?

A.—In the absence of any information you may now convey to me.

Q.—I do not convey anything to you ?

A.—Then I am inclined to stick to what I say there.

Q.—I do not suggest to you any explanation or any statement, I merely suggest to you a possible explanation of a point where an insinuation has been made. If you impute what is a very discreditable motive ?

A.—May I make it clear ? I have not been anxious at all to make any insinuations if I can possibly help it. At the same time I have been very anxious to make as sound inferences as I would like made if I was myself placed in that position. After having heard there was a committee of officials and non-officials sitting on this, and having heard that their substantial recommendation was that the post should be retrenched, it never struck me the post should be retained for the purpose of better administration because I feel the official element on that committee would have taken cognisance of it.

Q.—I will not take it further ?

A.—Then I think it is a very fair deduction I have made.

Q.—I have given you an opportunity of withdrawing an imputation of bad faith and given you an opportunity of accepting another explanation. If you decline to take that opportunity, we must leave it at that ?

A.—I do not want to be obstinate in making any insinuations. I have shown to you the mentality that has prompted me to make this inference, and unless you tell me the other one is the reason, I must leave it at that.

Q.—In paragraph 7 you say that the so-salled separation of the respective responsibilities of the two halves of Government produces confusion, and you instance action taken, I think, in Bombay in respect to a certain movement as bringing odium on the Ministers who had no part or lot in it. Is it your point that joint consultation did not take place ?

A.—I was not in the secrets of the Government, and still am not in a position to say that consultations did not take place.

Q.—Then how can you say they had no part or lot in it ?

A.—What I say there is based principally on what I read in Mr. Chintamani's evidence.

Q.—Then I may take it this is not information of your own ?

A.—I do not think the Committee expect me to have any information of the inner working of Government either in Bombay or the United Provinces.

Q.—Is it a mere supposition on your part or is it based on some statement ?

A.—It is based on this which is I think quite official, Mr. Chintamani's evidence.

Q.—I am asking you this in regard to Bombay, not the United Provinces ?

A.—In Bombay my recollection is that I read it somewhere in the papers.

Q.—I put the point to you, were you told it by a Minister ?

A.—No, I was not told that by a Minister officially, but I recollect some announcement by Ministers somewhere that they had no share in it ; but I say it subject to correction by Dr. Paranjpye if that information of mine is incorrect. The popular belief in Bombay is that the Ministers were not consulted. If it is incorrect, I am quite prepared to have it modified. The rest of it was based on Mr. Chintamani's evidence which was submitted to the Committee.

Q.—I see you recognise that one of the objections which have been taken to the extension of the transferred half of Government is the weakness of the electorate, and you also recognise that much has been done with the labouring and depressed classes; I think that is a fair statement of your views ?

A.—I do not quite follow the first part of your question. May I ask you to refer me to the paragraph ?

Q.—It is paragraph 10, No. (1). You suggest that more has to be done to widen the electorate ?

A.—Do I suggest that ? I only mention the grounds which have been advanced and I am trying to meet those grounds as far as I can.

Q.—You say they are capable of expansion, that is my point: " I feel that though the present electorates are small, they are capable of expansion."

A.—Yes, they are capable of expansion; I do not say they should be expanded.

Q.—Do you think they should be expanded ?

A.—I do not think it is immediately necessary for any advance to expand them; they are capable of expansion is all that I say.

Q.—They should not be expanded ? I am asking you whether you consider the existing electorate in Bombay should be expanded and it will put it further, that it should be expanded in two directions, (1) by providing more representation for the labouring classes, and (2) by providing more representation for the depressed classes ?

A.—I would say that is a matter for examination into which I have not gone. All I say in my memorandum is that these are the grounds which have been advanced.

Q.—I am asking you for your advice as a man from Bombay, do you consider that advance should be made ?

A.—I do not think it is absolutely necessary for any advance in reforms.

Q.—Now I will put you another question. There are 111 Members in the Bombay Council. They can under the Act be expanded to 130. It is suggested that eight dock labourers' seats should be created. Are you in favour of that ? Eight seats to represent dock labourers in Bombay and Karachi ?

A.—I should like to see the grounds on which this is advanced. I am afraid I cannot say off-hand in the course of this cross-examination whether this is advisable or necessary.

Q.—You can express no opinion on that ?

A.—I am not in a position to express any opinion because I have not heard the *pros* and *cons*.

Q.—It is further suggested that three seats should be allotted to the depressed classes. Have you any opinion on that ?

A.—I have no opinion on that till I know the grounds on which this suggestion is made.

Q.—The suggestion is made in order to give representation to classes which are not at present represented ?

A.—I think the depressed clasess are represented.

Q.—Further representation ?

A.—If a case is made out for the necessity of this, I would have no objection to it. I am not opposed to any expansion of this privilege.

Q.—I am asking you whether you as a Bombay citizen who has been on the Bombay Council for a long time, consider the mill hands and dock labourers are sufficiently represented on your Council.

A.—Speaking from memory, I think labour is represented.

Q.—I asked if it was sufficiently represented ?

A.—I do not know that I would oppose any further representation, that is all I would put it at.

Q.—Then you think it is sufficiently represented ?

A.—I do not think I would oppose any expansion.

Q.—I want to know your opinion as to whether it is or is not sufficiently represented ?

A.—I really could not tell you; I have not thought about it to be able to tell you definitely.

Q.—My point in putting these questions, and I am dealing with Bombay as far as possible, is that the contention is that the Council is

w composed roughly of one-third lawyers, one-third commercial repre-ntatives, and one-third agriculturists, and that industrial labour is not ›eresented. We have had evidence to that effect ?

A.—I have heard that complaint and I may say I sympathise with it ıerally.

Q.—I do not propose to take you over your various suggestions, but ere is one point I must ask you. Look at paragraph 18 which deals with e Army. I only want you to explain one sentence there. You say " It equally clear that until Indians have been trained in far larger numbers the science and technique of defence, India must continue to employ itish experts." What do you mean by British experts ? I will put point quite clearly. There is the British Army in India which is com-sed of British regiments, the technical staff and the ordinary common ldier, do you include the common soldier in British experts ?

A.—By experts I mean the officers.

Q.—Then you do not desire to retain the British Army ?

A.—There I refer only to officers, but if you put it to me whether I ink we should or could do away with the British soldier I say " No, not present ". I suppose later on you will ask me the reason why I say No " in the case of the British soldier. May I explain ?

Q.—I did not intend to ask you but I shall be delighted to hear your planation. What is it ?

A.—At present there is the British Army in India and there is the dian Army. Well, the British Army in India, whatever may have been e original reasons, is looked upon at presen tby certain classes, specially European commercial community here, as being very necessary in order look after the European vested interests. Whether that is correct or t is a different question and I do not propose to discuss that here, but order to inspire absolute confidence in the minds of everybody, whatever ıool of thought he may belong to, I would suggest that the British Army it is at present should be a part of the Indian Army at least for the xt 10 years or perhaps for a longer period.

Q.—Since you have raised the question, Sir Purshotamdas, am I to derstand that the British commercial classes are the only people who preciate the presence of British troops in India ?

A.—They have been the loudest.

Q.—There have been recently in various parts of India members of ıe communities, such as Hindus and Muhammadans, who have also preciated the presence of British troops—is that so ?

A.—I have not heard of it but I would not be surprised because recent nts have been themselves surprising.

Q.—Am I to understand that the only reason for the retention of British troops is to reassure the British commercial community ?

A.—Principally, I said.

Q.—You don't think they are useful in defending the frontier ?

A.—I don't think they are any more useful than Indian troops.

Q.—You would not recommend any stiffening ?

A.—I have heard of that idea but I do not think it is absolutely neces-y.

Q.—I am not a military expert of course..... ?

A.—Nor am I.

Q.—But I should like to have that clear. You think the only reason for the retention of British troops..... ?

A.—The main reason, Sir.

Q.—What are the other reasons ?

A.—The others may be those to which you referred but they are very minor. They are not reasons we attach so much importance to. We are trying in this scheme to show that India means *bona fide* good faith even in this scheme for advance in reforms, and in order to make sure of it I say that India should be prepared, in order to have good blood and mutual confidence India should be prepared, if this is considered necessary by you, to retain British troops for a certain period.

Q.—I suggest to you, since you have raised the point, that evidence has been not wanting in the papers in the last few days that the presence of British troops has been of the greatest value for other reasons ?

A.—Yes, Sir, as long as a thing is available it will be used. The ques-tion, Sir, is whether if a thing is not available things will be much worse than they are at present; and that is a question more or less of conjecture.

Q.—I have only one more question to ask of a general kind. Have you any acquaintance with the Mahratta community ?

A.—They belong to Bombay and to a certain extent I do know them.

Q.—Would you agree that the Mahratta regiments are in important element in the life of the Presidency ?

A.—I think so.

Q.—You would agree to that ?

A.—Certainly.

Q.—Let me explain it to you. You know the Mahratta regiments are recruited from the Mahratta country, and if you have a recruiting area of that kind you do not merely have the regiments but you have the people from whom the recruits are drawn. Would you agree that in that sense the Mahratta regiments are an important element in the life of the Bombay Presidency ?

A.—I would not say they are not important. But I must say, Sir, I do not exactly understand in what direction their importance is to be particularised.

Q.—For example, no one would deny that the Sikhs are an important element in the life of the Punjab because the Indian Army draws from the Sikhs a large number of regiments. Now I ask you if in Bombay the Mahratta regiments and their recruiting area are an important element in the life of the Presidency ?

A.—As regiments only ?

Q.—As part of the life of the Presidency ?

A.—I think the Mahrattas are an important element in the life of the residency. I certainly would say ' Yes ' but I would not restrict it to the regiments because I do not quite catch the significance of the regiment part of the question.

Q.—Well that portion of the Mahrattas from whom soldiers are re-cruited—the soldier population ?

A.—I certainly think they are as important as others from Marwar and Kathiawar for instance.

Q.—Would you give them special representation in the Bombay Council ?

A.—As belonging to a fighting class ?

Q.—Yes.

A.—I suppose if special representation is decided upon for all the fighting classes perhaps the Mahrattas would get it as well as the others. I would not give them special representation unless the other fighting classes get it also.

Q.—Are there any other fighting classes in Bombay ?

A.—I think the Rajputs of Gujrat and Kathiawar are also fighting classes.

Q.—You have never held office yourself, Sir Purshotamdas ?

A.—No, Sir.

Q.—Not in the Bombay Council ?

A.—You mean office under Government ?

Q.—Yes ?

A.—No, Sir.

Sir Muhammad Shafi.—I suppose you will agree that franchise is the foundation of all democratic government ?

A.—Yes.

Q.—Would you further agree that whether a party constitute a majority or a minority in the Legislative Council depends on the will of the electorate ?

A.—Yes. You mean how the electorate votes ?

Q.—Yes.

A.—Yes.

Q.—Bearing those two proposition in mind may I ask you with reference to what you have said at page 2 (paragraph 4 towards the end)—" the only form of loyalty which conduces to the stability of a Government is the loyalty of those who understand and appreciate the benefits of good administration " ; bearing the two propositions which you have just enunciated in reply to my questions would it be more correct to say that this depends on the loyalty of the electorate ?

A.—Yes. You mean the extent to which you are able to inspire the attachment of the electorate to the Government ?

Q.—The only form of loyalty which conduces to the stability of Government is the loyalty of the electorate—wouldn't you rather put it in that way ?

A.—I have put it as the loyalty of those who understand and appreciate the benefits of good administration.

Q.—But if it is true that the franchise is the foundation of all democratic government and that it really depends on the will of the electorate whether a certain party will be in a majority in the legislature or in a minority and therefore will form the Government or not, would it not be more correct to say that the only form of loyalty which conduces to the stability of a Government is the loyalty of the electorate ?

A.—Yes. What I have said there refers to what has been said about the interest of the masses and the interest of the classes being different.

Q.—I make no difference between the classes and the masses. My point is this. The thing that counts in all Government is the electorate and not either the intelligensia or the uneducated classes. Therefore would it not be more correct to say that the only form of loyalty which conduces to the stability of the Government is the loyalty of the electorate ?

A.—Yes, you may say that.

Q.—Therefore taking your next sentence you go on to say " Undoubtedly such loyalty can only come from the intelligensia and the conciliation of the intelligensia must therefore form the main goal of statesmanship ". Would it not therefore be more correct to say that the conciliation or contentment or happiness or whatever you may call it of the electorate ought to be the main goal of statesmanship ?

A.—Yes, you may carry it forward in that way ; there is no objection to it.

Q.—Leaving this part of your statement, do I understand that the scheme sketched out by you in this memorandum represents the ultimate goal, you would aim at, or should it be brought into operation immediately ?

A.—I, Sir, put it forward as the next step which I think is feasible and which I think should be taken if contentment of the Indian Empire is aimed at.

Q.—You want it brought into immediate operation ?

A.—Yes ; it should be considered now as the next step.

Q.—Then so far as the provinces are concerned, would you introduce complete provincial autonomy at once ?

A.—Yes, that is what I think.

Q.—Now will you kindly tell the Committee what is your idea of complete provincial autonomy ?

A.—The Cabinet there is absolutely responsible to the Council without the reserved and the transferred halves. That is, broadly speaking.

Q.—That is what you mean by complete provincial autonomy. I am emphasising the word autonomy ?

A.—I would like you to indicate what you really have in mind.

Q.—Provincial autonomy means that in certain matters the Provincial Governments will have complete authority in so far as provincial administration is concerned and there will be no control of any higher authority on the Provincial Government. That is what autonomy means. Mere responsibility to the Legislature does not mean autonomy. That responsibility may be partial or it may be complete. It is release from higher control, you see, that is the essential element of autonomy, and in that respect I am asking you what do you mean by complete provincial autonomy ?

A.—That is more or less what I mean unless it is brought to my notice that in some respects the thing is not feasible and that some sort of check will be necessary. That is a question I will answer separately.

Q.—Then I take it that by complete provincial autonomy you mean that in so far as internal provincial administration is concerned the provincial government should be free from higher control ?

A.—Yes.

Q.—Coming to the central government, you would not reserve even Army and Foreign and Political for administration by the Governor General ; you would appoint Ministers to administer even more subjects ?

A.—With the reservations that I have put down ; I say the Commander-in-Chief should be an adviser.

Q.—I am speaking of the Cabinet that you wish to be organised ; you say the Commander-in-Chief should not be a member of the Cabinet ?

A.—Yes.

Q.—And that the Minister in charge of Army affairs should be a member of the Cabinet ?

A.—Yes.

Q.—Similarly with Foreign and Political ?

A.—Yes.

Q.—That is, you do not agree with the scheme which has been put forward by a certain class of politicians in this country that for the present so far as Army, Foreign and Political—including relations with Indian States—are concerned, these should remain in the hands of the Governor General ?

A.—I have heard certain suggestions in the direction that you indicate ; I think it would be best to have Foreign—at any rate as the commercial part is concerned—with the elected Ministers ; and as far as Indian States are concerned I have suggested their being brought in in another House.

Q.—That may be ; but with all due respect may I say that you are confusing two ideas ? The idea upon which at present I am talking is the Cabinet that you propose—the constitution according to which India will be governed by a Cabinet with Chief Ministers and other Ministers. You propose that military affairs should be under the charge of one of the Ministers ?

A.—Yes.

Q.—You propose that Foreign and Political should be in charge of another Minister ?

A.—Yes.

Q.—You are aware that a certain class of politicians in this country—I am referring in particular to the Liberal Federation—have stated that for the present these three should remain directly under the control of the Governor General ?

A.—Yes.

Q.—And that responsibility should be introduced with reference to the other departments of the administration ?

A.—Yes.

Q.—And in this respect you differ from them ?

A.—My views are different from theirs.

Q.—That is the point I was driving at. Now, taking the Army, under your scheme you would exclude the Commander-in-Chief from the Indian Cabinet and have a Minister in charge of military affairs ?

A.—Yes.

Q.—According to your scheme would that Minister be an official or a non-official ?

A.—He certainly would be one elected by the Assembly.

Q.—Or an elected member of the Assembly ?

A.—An elected member of the Assembly.

Q.—He would be selected by the Chief Minister ?

A.—Yes, from among the members of the Assembly.

Q.—You would absolutely exclude the Council of State ?

A.—Yes.

(*Dr. Paranjpye*).—Won't there be any Ministers from the Council of State ?

A.—Under my scheme there will be no Council of State.

(*Dr. Paranjpaye*).—And you would only have one House ?

A.—The other House becomes an upper house on the lines of the German House.

Q.—Whatever form it may take, you would not have the British constitutional system in India, an upper house and a lower house on the British lines ?

A.—There are two houses even in my scheme.

Q.—The point is different : according to the British constitution a Minister may belong to the upper house or he may belong to the lower house ; it depends upon the will of the Prime Minister with the approval of His Majesty to choose Ministers from either of the two houses. You would not have it here ?

A.—It all depends upon the constitution of the upper house. I won't say that I would cut out a particular house. It all depends on the constitution of the upper house.

Q.—I do not want things to be dependent upon changing circumstances ; we want a permanent constitution based upon definite principles. If you keep changing your constitution as circumstances change, then there would not be any stability. You are for stable government according to your own ideas. On what lines will that stable government be founded ? That is the point at which I am driving now.

A.—May I reply by referring you to paragraph 24 of my memorandum, where I disclaim either the ability or the knowledge to present a complete picture ? I admit the picture that I am submitting to the Committee is incomplete in many respects ; I am only giving the Committee the main outlines and if you now want me, Sir Muhammad, to elaborate a complete scheme with definite details, I must refuse the honour.

Q.—With all deference, I am not asking you to elaborate your scheme or to give me all the details of your scheme. I am merely trying to elicit your opinion upon the main features of your scheme ?

A.—To that extent, Sir Muhammad, I am sure I will be at your disposal and service ; but for any greater details I am afraid you will have to excuse me.

Q.—There is no question of details. You would select your Ministry from both Houses of the legislature or from one ?

A.—I have given you as complete a reply as I could—that it would depend upon what the constitution of the other House would be and I propose, Sir, with your permission to leave it at that.

Q.—If you have an elected majority in the other house also, just as in the present Legislative Assembly, possibly in varying proportions, would you select them from both Houses or from only one ?

A.—It would not depend only on the elected majority ; it would depend on the representation available in the other house.

Q.—Would you give your Chief Minister full liberty to select his Ministers either from one house or the other as he pleases ?

A.—Subject to the reply I gave you, I would not say ' No ' to it.

Q.—Do you consider that the party system is so well developed at present that it is possible for the Governor General to select the Chief Minister in the way in which the Prime Minister is selected in England ?

A.—I think the party system to-day is much better developed than it was four years back ; and with any advance that you may get the party system would come to stay and would be on sound lines ; whereas if you wait until the party system develops, the present constitution itself leads, owing to the position of the two houses or at least the lower house, to that development being hampered rather than being encouraged on the right lines. Therefore it is a bit of a circle in which we are going round and round.

Q.—I am putting this question to you simply because you stated in reply to an earlier question that your scheme is one for immediate operation. You have had experience of the second Assembly when there has been some development of the party system. Bearing that in mind, supposing this scheme were introduced to-morrow do you think the position is such that your scheme can be worked satisfactorily ?

A.—I think you would get parties of the right sort there ready to work the scheme ; I have not the least doubt about it.

Sir Tej Bahadur Sapru.—*Q.*—I understand, Sir Purshotamdas, you are in business in Bombay ?

A.—Yes.

Q.—And, if you will excuse my asking a personal question, in a large way of business ? You have got a substantial stake in Bombay ?

A.—I own factories in various parts of India.

Q.—The criticism that you have made on the present constitution and the suggestions you have made with regard to a change in the constitution have been made with the full consciousness that from the point of view of a business man it is very necessary to have a stable government ?

A.—Yes.

Q.—Bombay, I take it is pre-eminently a town of capitalists ?

A.—I do not know that Bombay is more capitalist than Calcutta ; but if it is accused of being pre-eminently capitalistic I will not say ' No ' to that allegation if that is what you want.

Q.—I am not making any uncomplimentary insinuation ?

A.—I think Bombay has its quota of capitalists in common with other parts of India.

Q.—May I take it that the views that you represent at the present moment—I am not asking you with reference to any particular view—are more or less shared by capitalists also ?

A.—I am giving evidence in my own personal capacity.

Q.—With your knowledge of business men in Bombay, will you please enlighten this committee whether the Indian section of business men in Bombay would favour any change in the constitution or whether they would like the constitution to remain stationary ?

A.—I think the opinion of the commercial community in Bombay has been expressed before now for a change in the constitution for the better ; there is no question about it.

Q.—Do they want to go back to the pre-reform days or do they want to improve upon the present constitution to make it more democratic ?

A.—They have heard of some clamour for a retrograde step to the pre-reform days ; but they think that that is almost impossible, consistent with the promises and the guarantees that have been given.

Q.—What is it exactly that they want ?

A.—An advance forward.

Q.—When you speak of advance forward, do you mean that they want to advance towards responsible government ?

A.—Yes.

Q.—Both in the provinces and in the central government ?

A.—Yes.

Q.—You just now spoke of the necessity of a strong government in India. What is it exactly that you mean by that adjective ?

A.—A united government ; a government which is not divided as dyarchy has been.

Q.—Let me point out to you, Sir Purshotamdas, one of the criticisms is that the Government which existed before the year 1909, not being partly responsible to an electorate, was strong in the sense that, if it was necessary for it to take any strong action to cope with any difficult situation, it could do so, whereas the Ministers now have got no such courage. Now, by strong Government do you want a Government of the type that existed before the Reforms or do you want something else ?

A.—If you don't mind, Sir Tej Bahadur, I gave a full answer in reply to the Honourable the Chairman when I said that Martial Law which means government by one military man would be the strongest but is most undesirable and to that extent also the other form of Government of 1909 would be undesirable as compared with what we want and what we aim at, so that it is not more strong than the unified Government which is self-governing, which is necessary. It is consistent with the other part, namely, responsibility to the Council. I thought I had made it clear enough, but I am much obliged to you for enabling me to make it clearer still.

Q.—Now, you said just now that you set out for provincial autonomy ?

A.—Yes.

Q.—Now, do I understand you to say that, so far as the internal administration of a particular province is concerned or so far as a certain

class of legislation is concerned, that should be entirely within the power and competence of the Local Legislature ?

A.—Every form of legislation ?

Q.—Yes.

A.—Personally I think that, except for subjects which are under the Central Government, the others which at present are being managed by the Local Government should be left to them completely, without any interference from the Central Government.

Q.—And perhaps you would not object also to subjects which are of an inter-provincial character, that is to say, subjects which affect more provinces than one remaining under the control of the Central Government or the Central Legislature ?

A.—Or change of legislation being undertaken without their consent.

Q.—No, that is not my point. There are certain subjects which affect more provinces than one. In regard to such subjects perhaps you would leave the legislation to the Central Legislature because your province could not possible legislate for Madras any more than the United Provinces could legislate for Bihar.

A.—Yes, in that sense.

Q.—Now, these are adjustments which you will agree will have to be made if the constitution comes to be revised and the relations of the Central Legislature and the Local Legislature and the Central Government and the Local Government would have to be defined by those who are responsible for drafting the constitution ?

A.—Exactly.

Q.—Now, you have not made up your mind as to what form of federal responsible government you will have in India, whether on the Canadian model or the Australian model. On that point you are not prepared to advise ?

A.—No.

Q.—You will leave it to constitutional experts ?

A.—That's it.

Q.—And perhaps you are not by any chance a lawyer ?

A.—No, I don't happen to be so. I am very sorry. It is my loss.

Q.—Well, you will perhaps agree with me that, so far as the Devolution Rules are concerned, they really represent an attempt—whether it has been a successful attempt or an unsuccessful attempt is a question on which opinions may differ—to define more or less the relations of the Central and the Local Governments both in regard to legislation and administration ?

A.—Sir, I would just like to say this before I give a reply to that. That I have read these rules, but I won't claim that I have studied them nor am I in a position to give this Committee any useful assistance on that point.

Q.—I am not at all sorry that you have not studied them ?

A.—I will only say " yes " in reply to any questions you have put to me—that I am told that it is so. I cannot say anything more. I don't claim to have studied these Devolution Rules. I cannot throw any more light on this question.

Q.—Now, as matters stand, you are probably aware that there is a certain amount of control exercised over Local Governments by the Government of India and a certain amount of control exercised by the Secretary of State under the Statute over the Government of India and also over the Local Governments through the Government of India ?

A.—Yes.

Q.—Now, when you talk of provincial autonomy, I suppose what is at the back of your mind is that the control of the Secretary of State must disappear—that the ultimate control of the Secretary of State must disappear ?

A.—That is most necessary, Sir.

Q.—And coming down from the Secretary of State, what is at the back of your mind is that the control of the Government of India too, excepting in regard to those matters in which it is absolutely necessary either in the interest of uniformity of legislation or uniformity of administration , over the Local Governments should also disappear. That is what you mean ?

A.—Exactly.

(*Mr. Chairman.*)—*Q.*—You are leading the witness a bit ?

A.—I should have said this myself in explanation.

Q.—I thought, Sir, you were not supposed to cross-examine. Now, is there anything more than that which you mean by provincial autonomy ?

A.—Not as far as the details are concerned, which I have gone into in reply to Sir Muhammad Shafi. That is the main outline. I mean, if any question is put to me regarding the details, I will try to answer it as far as I can.

Q.—Now, with regard to your paragraph 20, where you refer to the German Constitution,—that is, the German Constitution as it was before the war. You know that one of the real features of the German Constitution was that it was a confederation of States ? Are you absolutely wedded to that idea, having regard to the conditions of India ?

A.—No, I put it in for this reason, Sir Tej Bahadur. As Sir Muhammad Shafi pointed out, there has been a certain sort of evidence before this Committee that the Indian States should be a reserved subject with the Governor General or with the Viceroy. I personally attach so much importance to one-third of India working more or less in consonance with the other two-thirds in British India that I thought it was very advisable that something should be devised in order to bring the whole thing together so that in course of years we may all march side by side.

Q.—Do I take it that the dominant idea which was in your mind in paragraph 20 was the definement of the relations between the Central Government and the Indian States ?

A.—Without making it absolutely reserved and even outside our reference to it in our Legislature. In the Assembly last March one could not refer to anything that happened in Nabha even though British subjects lost their lives there. The thing was absolutely outside our ken. Well, that is most unnatural and my sole idea in this connection was to devise something to indicate an advance in this direction.

Q.—You will agree, probably, that the most material factor in the position would be the opinions of the Indian States themselves who would be affected by that ?

A.—Oh, absolutely. I would give the greatest consideration to their commitments and to their treaties. But still I think it is feasible to devise something which would make them move side by side with British India.

Q.—But if they don't care to ?

A.—If they don't care now, they may care five years later. But I don't look upon that part of my memorandum as an integral part of any scheme of responsible government in India.

Q.—Oh no. Just as our present Reforms have not had anything to do with them ?

A.—But I certainly attach more importance to them than has been done till now.

Q.—Now, coming to the question of responsible government in the Central Government. In answer to Sir Muhammad Shafi, you said—correct me if I am wrong—that your idea was that the Government of India should consist of elected Members drawn from the lower House mainly ?

A.—I thought I modified that later.

Q.—Now, I should like your views in regard to this matter. Suppose you had a properly constituted Second Chamber in the Central Legislature—a Second Chamber which would satisfy you. Would you in that case object to any Ministers being drawn from the Second Chamber ?

A.—I think, Sir Tej Bahadur, in reply to Sir Muhammad Shafi I myself pointed out that that would depend on the constitution of the Second Chamber. In reply to you I would say " yes, absolutely ".

Q.—Now, with regard to the provinces. I see that you don't favour the continuance of dyarchy Now would you abolish dyarchy to-day if you had the choice ?

A.—I certainly think so.

(*Mr. Chairman.*)—*Q.*—I understood him to say in reply to Sir Muhammad Shafi that he wanted to put his proposals into immediate operation.

Q.—Then how do you meet the point of view that dyarchy has not been given a fair trial and that it might be given a fair trial right up to 1929 ?

A.—I think dyarchy has had a very fair trial. If there had been no non-co-operation, if our strongest men and our best men who held extreme views politically had gone in, I don't know that dyarchy would not have proved a worse failure than it has now. I think dyarchy had most loyal men to work it. I don't know how it can be said that dyarchy has not had a fair trial. It has had a more fair trial than was expected.

(*Sir Sivaswami Aiyer*).—*Q.*—Or than it deserved ?

(*Sir Muhammad Shafi*).—*Q.*—That may be but dyarchy consists of two sides of Government— the popular side and the reserved side. We have been told by witnesses that the failure of dyarchy which is stated to have occurred, is due to this dual system of Government, and the confusion and friction which it gives rise to. It has nothing to do with whether a certain party is kept out of Government or not. It has nothing to do with that.

A.—It has, I submit.

Q.—May I ask you that question again ? Assuming that the men who went into the Council were not actuated by a desire to work dyarchy and assuming that the men who are now pursuing tactics of obstruction had gone into the Council and had offered obstruction from the very beginning, do you think dyarchy would have had a fairer trial ?.

A.—No, certainly in that case not, Sir Tej Bahadur. But I will put it a little milder. Supposing there was no question of obstruction and non-co-operation at all and in 1921 the extreme politicians had gone into the Council, not to obstruct but to work the constitution as they wanted according to their ideas, dyarchy would not have the least chance.

(*Mr. Chairman.*)—*Q.*—Why do you say that, Sir Purshotamdas ?

A.—Because of this, Sir. The evidence that I have read leaves no doubt in my mind that the Indian Liberals who went into the Government as Ministers since 1921 have made the utmost possible allowance for the weakness or the strength of the other side and still they have found it impossible to carry on. If stronger men had gone in, they would have given up right in the midst.

(*Mr. Chairman.*)—*Q.*—What do you mean by stronger men ?

A.—I mean men with more extreme views politically, less willing to compromise.

(*Mr. Chairman.*)—*Q.*—Or obstruct ?

A.—Not at all. I said in reply to Sir Tej ahadur Sapru, that even if non-co-operation had not been known in India, certain people—I could give certain names.—

(*Mr. Chairman.*)—*Q.*—I beg you not to give names, we are not concerned with personalities ?

A.—I don't want to give names, but certain names I could give of those who might have gone into the Council and who would certainly not have shown that spirit of compromise which Ministers have shown till now.

Q.—Will you please refer to paragraph 4 of your memorandum. you say there " Unfortunately discussion of constitutional questions affecting this country has invariably been vitiated by the dangerous and unwarranted assumption in certain influential quarters that there is a deep divergence of interests and feeling between the masses and the intelligensia, that while the former are loyal to the present constitution, the latter are swayed by a sense of unreasoning disaffection, that while the apparent contentment of the dumb millions must be sedulously sought and ensured, according to the lights of the ruling class, conciliation of the politically minded minority is neither desirable nor necessary ". Now, do I understand that your position, correct me if I am wrong, is that it is in the highest degree unwise to alienate the intelligensia because they understand the working of the constitution ?

A.—Yes.

Q.—Am I to understand that the last sentence in that paragraph must be read with this sentence in order to state your real views ?

A.—I have already replied on that point in reference to a question by the Honourable the Chairman.

Q.—Perhaps you have not followed me. I take it that the central idea in your paragraph 4 is that you are pleading for a better understanding between the intelligensia and the Government ?

A.—That is it.

Q.—And you hold the view that really it is the support of the intelligensia which will be far more responsible for the success of any constitution ?

A.—Or for the amelioration of the masses.

Q.—Will you please tell me what exactly is the composition of the population in the Bombay Presidency ?

A.—Do you mean from the religious or the communal point of view ?

Q.—Which is the most influential community in the Bombay Presidency ?

A.—I have not got the latest census figures. I cannot tell you even the proportion between the Hindus and the Muhammadans.

Q.—Take the position of the Muhammadans. What is their economic position in the Bombay Presidency ?

A.—I have never looked at any question of this nature from the point of view of Hindu or Muhammadan. Therefore I have not those figures at all.

Q.—What I want to know is whether they are influential in business ? Are they doing well ?

A.—I think they play a very prominent part.

Q.—They are not the men who would create trouble in the matter of appointments ?

A.—I have not heard of any trouble in the Bombay Presidency.

Q.—I ask whether they are hankering after Thasildarships, Naib Thasildarships or Deputy Collectorships and so on ?

A.—That is more than I can say. They would never come before me for that. I know that the Muhammadan section in Bombay is the most enterprising in commercial matters and some of the most leading firms in Bombay are Muhammadan firms and they are highly respected.

Q.—What about the Mahrattas ?

A.—They play their own part and it is a very important one.

Q.—Not in business ?

A.—In the development of the Bombay Presidency all round. I have not heard of Mahrattas being prominent in business but they play their share in other walks of life. They have done a good deal for the development of education.

Q.—Especially in Poona ?

A.—In the Deccan generally. That is a big tract.

Q.—What is the position of the depressed classes in your province ?

A.—I think the depressed classes in Bombay are less depressed than in other parts of India. They are coming into their own very fast and without any sort of opposition from what is known as the upper classes or the upper castes. I think the depressed classes are being elevated in Bombay much faster than in many other parts of India.

Q.—What is the attitude of the orthodox Hindu community towards the depressed classes ?

A.—Mahatma Gandhi's great propaganda for the elevation of the depressed classes has had a magical effect in Gujrat especially which is one of the most orthodox strongholds of Hinduism and to-day in Gujrat

even the high castes touch these very depressed classes like Bhangis with impunity almost. Even the ladies have got reconciled and they do not insist on having a bath or anything like that after meeting the lowest of the depressed classes. The advance there is very very fast.

Q.—The movement is progressing ?

A.—It has received great impetus owing to the endorsement of Mahatma Ghandhi in that connection. He harps upon it at every stage.

Q.—Do you think that is a temporary advance or that it has come to stay ?

A.—I think without the slightest doubt it has come to stay. There is no question of going back. I think the Bombay Council passed a Resolution moved by Dr. Paranjpye saying that the village well should be left open to the depressed classes.

Q.—Would you object to any special protection being given to minorities ?

A.—I think I have already said that if it was thought necessary I would even agree to that, if that will inspire confidence.

Q.—Will you turn to paragraph 10. You deal with three reasons there. You say that the electorates are neither sufficiently numerous to make such a system truly representative nor possessed of the requisite modicum of political judgment to enforce responsibility. I want to ask you whether you have any real objection to the enlargement of the franchise or the extension of the vote ?

A.—I have no objection at all. I do not think it is absolutely necessary to have it in order to have the next stage of reforms.

Q.—Don't you think there is some force in the argument that only 2 per cent. of the population command the vote now ? Would you not transfer political power to the hands of a larger electorate ?

A.—I am not opposed to it. If I were asked to state the reasons why and in what directions and up to what proportions it should be extended I am not prepared to answer. That is why I gave that answer to Sir Muhammad Shafi.

Q.—I do not want you to give any proportion. I simply want to know whether you are in favour of extending the franchise ?

A.—I would not say ' no ' to that.

(*Sir Sivaswamy Aiyar*).—*Q.*—If you want to expand the electorate, you may. That is your point ?

A.—Yes.

Q.—With regard to this question of political judgment to enforce responsibility do you think that the electorate in Bombay is sufficiently strong to assert its will against their representatives on the Council ?

A.—We have had one instance lately in the Surat district. The Government of Bombay introduced into the Surat district a sort of subdivision of the cotton growing parts of the Surat district. They classified the divisions on the quality of cotton that each grew. They divided it into three zones as it is called. A certain section out of those three thought that it meant that they will get lower prices for their stuff and they kicked up such a row that the elected members from Surat moved a Resolution and carried it that the whole of the cotton growing part of the District be only one zone. The Minister went to Surat in order to see and examine things and how it should be decided.

Q.—You mean to say that they called them to account ?

A.—They really put the Minister in such a tight corner, that he may find it difficult to reject the one zone Resolution passed by the Council and acept the three zones which had been approved by the Chamber of Commerce and the commercial bodies concerned. I give that as an instance to show how these people know what is in their interests and what is against their interests according to their lights.

Q.—The second reason with which you deal is that communal jealousies may easily kindle into violent conflict and render the transfer of law and order unthinkable. What do you mean exactly by the expression communal jealousies ?

A.—What else is this except communal jealousy. The Hindus think that the Muhammadans are taking a bigger advance than they deserve and the Muhammadans think that the Hindus are enjoying much more than they ought to. The whole thing is nothing but communal jealousy.

Q.—In dealing with this later on in sub-paragraph (2) you say that what is required is the constitution of advisory committees or of conciliation boards. What is there to prevent you from forming advisory committees or conciliation boards. What are you advocating there ? You want statutory recognition for these committees ?

A.—I think that alone would carry weight. Unless the executive officer of the district who at present carries a good deal of weight is allowed to bring the two sections together, I do not see how you can bring together the strongest elements in the district in that committee at all.

Q.—What you are suggesting is the creation of some machinery or agency for the prevention of communal trouble ?

A.—Yes, some agency which will watch events as they develop from day to day and nip undesirable developments in the bud and prevent them going to a stage when they may burst into flame.

Q.—In paragraph 6 of your memorandum you refer to the Resolution which was moved in the United Provinces Council regarding the abolition of the appointment of Commissioners, I understand that you took a leading part in the Assembly in connection with the debate raised on the Lee Commission report ?

A.—I did speak a little on it.

Q.—I daresay you have read the Report of the Lee Commission ?

A.—I almost studied it, Sir, at one stage.

Q.—Now, I suppose you have read the Despatch of the Secretary of State of the 26th April, which is printed in the Lee Commission's Report ?

A.—Yes.

Q.—May I draw your attention to paragraph 82 :

> " The Services claim that whatever may be the legal interpretation of the words ' existing or accruing rights ' the intention of the proviso was to secure to them their prospects of promotion to all higher posts existing at the time the Act was passed, or alternatively to secure for them compensation for the loss of such prospects through the abolition of these appointments."

Now, these views of the services were not in their entirety endorsed by the Commission ?

A.—They say they must look into it ; the Secretary of State must look into it and that the whole thing requires to be examined. That is, I think, what the Commission say about it. I myself, referred to this in my speech in the Assembly. It is some weeks now. Later on they say that the thing must be looked into by the Secretary of State.

Q.—Your grievance here in this paragraph is that when officials and non-officials who composed that Committee in the United Provinces came to the conclusion that it was unnecessary to keep these appointments intact, the Secretary of State should not have differed from them ?

A.—Yes, certainly. The officials and non-officials having substantially come to that conclusion it meant that as far as administrative efficiency was concerned, those appointments were not necessary. If they have been retained since then it must be for something else than efficiency.

Q.—Do you draw the inference that if they have been retained, it is because that was the view of the services, namely, the view which I have just read from this report ?

A.—The natural inference that I, Sir, draw from it is that if those appointments have been retained, they have been retained not for the purpose of administrative efficiency, but for something else.

Q.—My question was do you suggest that if these appointments have not been abolished in pursuance of the recommendations of the official and non-official members, it is because the Service view that they have got a right to the retention of these appointments has been accepted by the Secretary of State ?

A.—That is the inference one would make, Sir, and that is the inference that I have made.

Sir Arthur Froom.—*Q.*—First of all, Sir Purshotamdas, I do not propose to take you through this memorandum at very great length. I will refer first of all to the last paragraph of your memorandum where you say " these are the main outlines of my scheme." But you fully realise that it is beyond the power of one man to put forward definite, absolute and complete proposals for the constitution ?

A.—Yes.

Q.—Therefore, what you have expressed in your memorandum are your views. You are not entirely dogmatic about them ?

A.—The views expressed there are the main outlines. As far as the main outlines are concerned, I think I would stick to them. As far as the details are concerned.....

Q.—Still you understand that they might possibly require some modification in the light of some view of the situation which was not present in your mind at the time you wrote this memorandum ?

A.—Yes.

Q.—But at any rate you wish the Committee to remember that with all that you have written in this memorandum your complete wish is that India, whatever advancement of Government she received, should remain part of the British Empire ?

A.—Absolutely so.

Q.—I want to emphasise that again.

A.—In view of the questions that have been put to me on this, I must say that I am sorry I did not say so in the memorandum. I took it

for granted. I will make that the first condition if I may put it. I took it for granted.

Q.—You come to the conclusion, I take it, that dyarchy has been tried long enough and it is unworkable. That is your opinion ?

A.—It has had a full chance ; it has had a full trial.

Q.—Do you think that anything has been done at all under dyarchy ? Have any lessons been learnt by this ? Have the people who were appointed Ministers gained some experience ?

A.—One lesson that has been learnt and admitted by all is that divided power is no power at all.

Q.—That is one lesson. I suppose Ministers have learnt something in connection with administration ?

A.—Something which they did not know before ?

Q.—Yes ?

A.—They have learnt nothing, except that they have got knowledge of how these things are being run, but beyond that I do not think there is anything.

(*Sir Muhammad Shafi*).—*Q.*—Haven't they obtained greater knowledge of the working of the administrative machinery ?

A.—No. If I am in your office, then I learn something which I did not know before I joined your office. To that extent, Yes ?

Q.—You are in favour of provincial autonomy ?

A.—Yes.

Q.—And in paragraph 10 you discuss certain reasons for mild opposition at any rate at the present time ?

A.—Yes. These are the grounds that most of us have heard and which are most talked of.

Q.—You recognise that the second objection is by far the most important and that is the regrettable communal differences ?

A.—I do not attach any more importance to the second than to the 1st or 3rd. I know it is being made much of, but I think it is being made much of without adequate reason.

Q.—But you say in your own writing that the second objection is by far the most important ?

A.—As far as those who put forward those grounds are concerned. I do not endorse them.

Q.—I misread it then ?

A.—I am sorry if I did not put it very clearly. I wanted it to be definitely understood that the second objection is the one that is being made most of.

Q.—You admit that it is regarded by many broad thinking men and men who wish for the advance of self-Governing India as an obstacle at present ?

A.—It might prove an obstacle, you mean, if not correctly handled. My point is that it can be very well handled and it is feasible of solution and satisfactory solution. Therefore I do not look upon it as an insurmountable difficulty.

Q.—I am very glad to hear that it can be solved satisfactorily. But why has not that satisfactory solution not been arrived at ?

A.—Because there have been so many various other factors and undercurrents and other aspirations which have been raised.

Q.—I am not trying to catch you. But I want to clearly understand this point ?

A.—I am here, Sir Arthur, to put frankly before the Committee what I feel and what I am convinced of. I feel that there are so many various under-currents in this matter that too much is being made of this.

Q.—You think too much is being made of these communal differenecs ?

A.—The thing is capable of solution and is capable of a satisfactory solution if it is handled in the correct manner.

Q.—There were similar differences in other countries and they have been removed. Take my own country for instance. In the 16th century there were what you would call communal differences, religious differences, which were very acute ; and these communal differences between the Hindus and the Moslems are chiefly religious. Aren't they ?

A.—Based on separate religions.

Q.—And as those religious differences have been removed in my own country, so no doubt in course of time they will be removed here ?

A.—Yes.

Q.—You say here " The wiser alternative is not to postpone constitutional reform till the dawn of the millenium "—which I suppose is many years hence—" but to devise machinery which would reduce communal friction." Who should devise the machinery ? You do not expect the Government to do that ?

A.—Why not ? It is the Government.

Q.—The Hindus and the Muhammadans themselves should settle their religious differences. In all such matters we have been told by many that Government is looked upon with considerable suspicion. Therefore it appears to me that it should be done by the two communities. Would you endorse the view that the devising of a scheme really falls upon the two communities themselves ?

A.—If the Government had nothing to do even when disturbances took place, one could say that the people should look after this themselves. Government have to interfere for the sake of peace and order ; and therefore it is also the duty of Government to prevent it. In order to prevent any breach of peace, Government must take the lead in devising the machinery. Private agencies have been doing something in that direction. The latest is the notable Unity Conference at Delhi. But you can easily realise how much more weight such an effort of private agency would carry if the Government began correspondingly to devise the preventive machinery.

Q.—And you do not think that if the Government took some sort of action it would not be regarded as oppressive by one community or the other ?

A.—It is a question of a Board on which both sides would be represented and the local Magistrate or whoever it may be would bring them both together. Government might name the officer. He will consult people and if there is any trouble and the dispute cannot be settled and if strong views are expressed, he will inform the Government of India that feelings are getting strained.

Q.—If Government has to devise a scheme, it must interfere with religion ?

A.—No.

Q.—The differences are all religious ?

A.—They are made religious. I personally believe they are not religious. They are capable of being put at the door of religion. Where does religion come in, in the question whether music should be allowed 10 feet from a mosque or 9 feet or 11 feet ?

(*Mr. Chairman*).—*Q.*—In every district that I am acquainted with the District Magistrate has conciliation boards with the leading Hindus and the leading Muhammadans.

A.—Exactly. I wonder if you will care to enlighten me whether there were district boards at Delhi or Allahabad or Lucknow or in the other place Shajahanpur. What is the reason for things coming with a sort of electric suddenness ? I do not at all want to have the privilege of putting questions to the chair, but I would like to be enlightened.

(*Sir Muhammad Shafi*).—*Q.*—What you really have in mind is the question of a permanent machinery or conciliation board and not merely the taking of action when an occasion arises ?

A.—Then it is too late, Sir.

(*Sir Tej Bahadur Sapru*).—Sir Purshotamdas, in reply to my question, said that what he really wanted was a statutory basis.

Q.—Any machinery of this nature would be hopeless unless it was really backed by the leading members of both communities and wholeheartedly supported ?

A.—I think the leading members of both communities, as far as I am able to judge—and it has never been doubted till now—are really for preventing these. But the hooligans create it and then the two communities are said to be wide apart.

(*Mr. Chairman*).—*Q.*—You have no experience of northern India ?

A.—What I said refers to Bombay. I have no experience of feeling in northern India.

Q.—Bombay has been quiet for some time ?

A.—Bombay has also had its share of these troubles.

Q.—Still not so serious ?

A.—The Bombay Government in their latest communiqué on the 11th of this month have stated that there was some sort of inflammable writing in press going on. These things do filter down.

Q.—Turning to the Central Government, do you agree with the present constitution of the Legislative Assembly ? Do you agree that it is properly elected ? Have you any objection to the constitution of the Legislative Assembly, have you any criticism to make on it ?

A.—The only criticism I have to make of it is that you have nominated members.

Q.—Supposing you eliminated the nominated Members ?

A.—And the Government officials.

Q.—Beyond those two minor points, you have no objection to the Assembly ?

A.—I have not heard of any.

Q.—I understand you have some objection to the Council of State ?

A.—I once was a Member of that House myself, and I do not think I have said a word about it. I do not want to criticize the Council of State.

Q.—Please do not think I am taking that point up because I am a Member. In your scheme I understand you had not in mind a second chamber like the Council of State ?

A.—I can say this, that the Council of State as at present constituted and the way in which it has been carrying on does not inspire confidence in the Indian public. That is a general remark one can make. Whether it is right or wrong is a different matter, but the present constitution and the way in which things are carried there do not inspire confidence in the public.

(*Sir Muhammad Shafi*).—*Q.*—Is not the existing constitution of the Council of State more democratic than that of the Upper House in England, the House of Lords ?

A.—I am not in a position to make that comparison, I have not gone into it. It is quite possible it may be so.

(*Mr. Chairman*).—*Q.*—At any rate I will put to you that the constitution of the House of Lords is hereditary while the Council of State is elected ?

A.—It may be so.

(*Sir Muhammad Shafi*).—*Q.*—Has not the Council of State got an elected majority ?

A.—It may be. That makes the criticism of the Indian public all the more pertinent if I may put it so.

Q.—Because it has a non-official majority ?

A.—In spite of having a non-official majority, very few of the aspirations of the Indian public find an echo in the Council of State.

(*Sir Tej Bahadur Sapru*).—*Q.*—I suppose it all depends on who the non-officials are.

Q.—Perhaps they have a commercial mind ?

A.—Or a mind which is divided.

Q.—There is only one further question. You are in favour of complete autonomy for Bombay ?

A.—Why for Bombay only, for all provinces including Bombay.

Q.—You are in favour of complete provincial autonomy for Bombay ?

A.—In common with the other provinces.

Q.—Yes or no for Bombay ? I cannot see there is any difficulty in answering that question ?

A.—If you will allow me to answer it as the answer should be.

(*Mr. Chairman*).—*Q.*—The question is, are you in favour of provincial autonomy for Bombay ?

A.—I said, yes, in common with the other provinces.

Q.—Would you agree to any one province being given a greater measure of self-government than another ?

(*Mr. Chairman*).—That is what you indicate in paragraph 12.

A.—I should like to make that quite clear. My attitude is that the step should be uniform for all the provinces, but if it is felt after full

enquiry that in a certain province the more important and bigger questions cannot be adequately dealt with by the Council there, the reservations in the shape of powers of veto of the Governor may be a bit more elaborate, or certain sections may be taken over from them. But I certainly think that the measures of advance should be uniform in all the provinces.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think, with reference to that particular point, that if a greater advance were to be conceded to one province as compared with another, that very fact will give rise to political discontent in the province in which the reforms are not given ?

A.—Certainly, therefore I say the advance should be uniform in all the provinces. If after enquiry you feel that a certain province is not capable of handling certain subjects to the fullest extent, then the power of veto to the Governor may be a bit more elaborate for a time.

(*Mr. Chairman*).—*Q.*—Speaking for yourself, you have travelled over India, would you say the conditions are uniform ? You have been to the North West Frontier, Bengal ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—To Assam ?

A.—Not to Assam.

(*Mr. Chairman*).—*Q.*—To Baluchistan, Coorg, do you say there is any difference in political advance in the major provinces ?

A.—It would look so, but I certainly think they would all be right and work it very well with a little reservation or more powers of veto to the Governor for a certain period.

Q.—May I put the question in another way. Would you consider a more progressive province should be kept back for one which is not so progressive ?

A.—I think India must be treated as a whole, and the whole must go forward or not, as necessary.

(*Mr. Chairman*).—*Q.*—Bombay must wait on Assam ?

A.—I do not know whether Assam would not make up the leeway.

Sir Sivaswamy Aiyer.—*Q.*—The North West Frontier ?

A.—The North West Frontier has not got a Council. I do not think the North West Frontier or Baluchistan need be mentioned.

Q.—You were asked by the Chairman with regard to the last two sentences of paragraph 4 of your memorandum, whether the masses are able to appreciate the benefits of good administration. I suppose you mean they are able to appreciate the benefits are they, or are they not ?

A.—Certainly.

Q.—Do the masses care very much for the forms of administration ? Do they understand dyarchy or forms of government ?

A.—They do understand where they come in touch with an Indian as the controlling officer, where a Minister goes to, say, Gujerat, and sees the cultivators in a certain district.

Q.—You seem to draw a distinction in the last two sentences between the loyalty of the intelligensia who understand the benefits of good administration, and the loyalty of others who apparently cannot do so. What I want to know is this : do you suggest there that the masses, apart from the intelligensia, cannot appreciate the benefits of good administration, or may be able to appreciate the benefits but not perhaps the forms of government and abstract questions of constitutional law, is that what you mean ?

A.—A good thing is appreciated by the masses as much as by the classes. My whole reference in that paragraph is to the differences which are sought to be made between the Indian masses and the intelligensia.

Q.—But what is the inability you attribute to the masses ?

A.—The contentment of the intelligensia and the contentment and loyalty of the masses is what would count in good administration of the country.

Q.—How is the loyalty of the intelligensia more valuable to the State than the loyalty of the masses ?

A.—Because they help you in your legislation. They help in guiding you as to what would contribute to the welfare of the masses.

Q.—So it is not a question of difference in loyalty, but of difference in capacity ?

A.—It is a question of difference in loyalty in this way. The section to which I refer there and which tries to make this difference between classes and masses, says as long as you keep the masses *kushi* (happy), it does not matter what the intelligensia think or do. I say that is wrong. You must look after the interests of both and the contentment of both.

Q.—Is it your point that a rational or enlightened loyalty is better than an instinctive loyalty ?

A.—Is as much desirable as the other. Both are equally good, but the one need not be disregarded.

Q.—In paragraph 10 you say :—" I feel that though the present electorates are small, they are capable of expansion provided that, capacity to appreciate one's immediate interests rather than literacy is made the criterion of eligibility." You say literacy is one of the qualifications ?

A.—That is what has been suggested and I say that until you have a greater percentage of literacy, if this was also included, you could easily expand your electorates, that is all.

Q.—What I want to know is whether you suggest that literacy is now a qualification for the franchise ?

A.—No I understand it is not.

Q.—And you suggest that literacy should not be a qualification for the franchise hereafter too ?

A.—Not the only qualification.

Q.—You suggest in paragraph 11 that no legislation which is likely to affect the interests of a community or a backward class adversely should be passed unless it is supported by a three-fourths majority of the local Council. Do you think that there has been any legislation in the past adversely affecting the interests of minorities and backward classes ?

A.—I am not aware of any.

Q.—Do you think that if legislation adversely affects minorities or backward classes, it should be passed provided it has a three-fourths majority at its back ?

A.—Personally I do not think with that stipulation, it would ever get through. I think a three-fourths majority is an adequate safeguard.

(*Sir Muhammad Shafi*).—*Q.*—Even against the wishes of the minority affected that three-fourths majority should carry it ?

A.—My reply is that with a three-fourths majority provided for in the statute, I do not think any legislation harmful to the minority would ever get through the Council. You have got to provide something, either three-quarters or 80 per cent. or something, and I think three-quarters is adequate. If it is not, raise it, make it a little more strict.

Q.—I want to know whether you would pass that legislation against them merely because you had a three-fouths majority.

(*Sir Muhammad Shafi*).—*Q.*—Supposing it was a piece of social legislation which was acceptable to the three-fourths majority in the Council but was not acceptable to the community whose representation in the Council was only 10 per cent., would you force that social legislation on that community simply because you had a three-fourths majority ?

A.—If the thing was so very objectionable to that particular community who would be affected, and if in spite of that opposition the thing was passed by the Assembly, I personally think the Second House would take care to see it was blocked.

(*Mr. Chairman*).—*Q.*—I take it this is based on the Lucknow Pact—this three-fourths majority ?

A.—I didn't know it was in the Lucknow Pact. I simply thought that a three-fourths majority would give adequate protection.

Q.—I wish to know whether you would not express your idea better by cutting out the word " adversely ".

(*Mr. Chairman*).—*Q.*—That I think is what Sir Purshotamdas meant. Let us proceed ?

A.—You may affect, Sir, a backward class for its betterment in which case of course that legislation would not affect it adversely. I therefore particularly put in the word " adversely ".

(*Mr. Chairman*).—*Q.*—I don't think we need go further into that.

Q.—In paragraph 18 you discuss the question of the Army and you have said that even apart from the employment of British experts you do contemplate the continued employment of British troops in India.

A.—As I explained in answer to the Chairman.

Q.—What is your idea—that British units should continue to be employed for as long a period as we can foresee or for a certain period only ?

A.—Until there is a better understanding between the Indian public and British vested interests. The confidence is not there I am afraid at present.

Q.—The only limitation you would impose is this that when the British residents feel that they no longer require the support of the British Army you will dispense with it ?

A.—That will be the minimum period.

Q.—What will be the maximum period ?

A.—Well I don't know what should be the maximum period. That will take me into quite another subject. I think this is good enough for us to go on with.

Q.—When you say you contemplate the continued employment of British troops you mean their continued employment in their present strength or in possibly diminished strength ?

A.—My scheme is more or less for introduction immediately and what I am referring to there is as to what should be done during the next 5 or 10 years. Then I hope the numbers will eventually diminish and the British vested interests will have much greater confidence in the Indian troops controlled by Indian Ministers than at present.

Q.—You were a member of the Incheape Committee and you went into all these questions. I would like to know whether you have any present suggestions to offer with regard to the continuance of the present strength of the British troops.

(*Mr. Chairman*).—*Q.*—That is a little outside the scope of our enquiry, Sir Sivaswamy. I know you are very interested in that but I think we might go on to the next point.

Q.—With regard to foreign policy at page 9, paragraph 19, you say that we " should be at liberty to negotiate and conclude treaties of a commercial and quasi-political character which do not affect other parts of the Empire but in matters touching or calculated to raise broad issues of Imperial importance there should be full consultation between the component parts of the Empire in order to ensure complete unity of action and understanding ". Do you include our border questions with Afghanistan among questions of foreign policy or not ?

A.—Yes, I certainly think our border questions with Afghanistan affect India. . . .

Q.—No, is that a question of foreign policy within the meaning of this paragraph ?

A.—Yes it is.

Q.—And is it your suggestion that in dealing with the problem of our relations with Afghanistan and other States on the frontier we should consult Canada and Australia before we take action ?

A.—Not necessarily. That is what affects us immediately and most directly and I think least affects the other parts of the Empire. We are the most concerned with that for our safety.

Q.—But in paragraph 19 you deal with foreign affairs and in paragraph 20 you deal with what you call political affairs, political relations inside India. In paragraph 19 you don't draw any distinction between Afghanistan and other foreign questions and I wish to know whether in dealing with the Afghan problem or our relations with other States on the border of India you would insist on full consultation between component parts of the Empire ?

(*Mr. Chairman*).—I suggest to Sir Purshotamdas that the test would be whether it involved any Imperial question. I mean a frontier question might involve any Imperial question.

A.—It might and to that extent they may have to be consulted ; otherwise it concerns us directly and immediately.

(*Sir Muhammad Shafi*).—*Q.*—Supposing there was a War with Afghanistan. It may be that you may need troops from Australia, Canada and South Africa to help in such a War ?

A.—That would be a great day for India and the Empire, I think. However, it may be.

Q.—At any regard to this class of question India is to be competent and to deal with them herself ?

A.—That is so.

Q.—And if so would you leave this question to the Legislature, to the Viceroy or to the Governor General in Council.

A.—I would certainly leave it to the Cabinet in consultation with the Viceroy.

Q.—You would leave it in the hands of the responsible Ministers ?

A.—Yes.

Q.—You don't think it need be reserved for treatment by the Viveroy ?

A.—No.

Q.—Then in paragraph 20 you go on to discuss your ideas of our relaions with Indian States. Do you think it is a question of immediate importance now and here ?

A.—I think I said in reply to Sir Tej Bahadur Sapru that we can have our next step in reforms without touching that question but I certainly think we ought now not to overlook the great importance of Indian States as far as the rest of British India is concerned. We must try and devise some method by which both can move together.

Q.—Don't you think it too thorny a subject to handle now ?

A.—It will require very delicate handling I admit but I don't think we ought to leave it alone indefinitely.

Q.—And according to your conception of the Bundesrath you would still leave the Council of State in or cut it out ?

A.—It all depends on how the details are worked out. I am not particular about either leaving it in or cutting it out. I indicate the scheme broadly. You of course need another House.

Q.—I suppose it is more a casual suggestion than a considered view.

A.—I do not claim to have worked it out or to have considered it from all the various points of view.

Q.—And you say here in paragraph 21—

> " The Cabinet would differ from similar bodies in other democratic countries in that it would not be liable to resign unless it is overthrown by a three-quarters majority of the Legislative Assembly."

Do you think that is a workable scheme ?

A.—What is there about it that is not workable ?

Q.—Suppose you see there is a majority but not three-fourths against the Cabinet and the Cabinet refuses to resign. They can go on defeating every measure brought by the Cabinet and this will be productive of constant friction. But you say unless there is a three-fourths majority against it the Cabinet ought to remain in office. Don't you think it will produce friction ?

A.—No Cabinet with any sense of self-respect would stick on simply because of this provision. After one or two defeats they will find they simply cannot carry on. I have put this in as giving some safeguard to those who have any misapprehension regarding this being done.

Q.—Is it a mere safeguard against a snatch vote or is it meant as a safeguard.....

A.—I understand that some people think that a scheme like this is a little too much in advance of the times and I therefore thought that this would perhaps meet the case, but I have no apprehension that any Cabinet would stick there bearing defeat after defeat.

(*Sir Muhammad Shafi*).—What you really mean is that should there be a three-fourths majority against them it will be obligatory on them to resign. In the other case it will depend on their own good sense.

A.—Quite so.

It is something which will have the appearance of a safeguard to those who want it ?

A.—No ; It is a real safeguard.

Q.—In paragraph 22 you suggest that in the event of a difference of opinion arising between the two Houses regarding any particular measure of legislation there should be a joint session and failing agreement a measure should be in suspense for three years." If there is a joint session (there is provision for one even under the present constitution) the question will be decided according to the majority. Isn't that so ? How can there be a failure to reach an agreement. By agreement you mean decision. How can there be a failure to reach a decision at a joint session ?

A.—Even at a joint session you may find the members of the Assembly stick to their vote, and the members of the other House stick to theirs. The decision then is practically worthless. It would be no decision at all.

Q.—There must be a majority ?

A.—I know there must be a numerical majority. What you want at a joint session is for one side to convince the other, and unless you find that some members of either House change and go over and vote with the other House, unless you find there has been a real exchange (Q. " Compromise ") and compromise, this again is another safeguard, if you so like to call it.

Q.—There must be a decision if there is a joint session ?

A.—Numerically ; you may be quite right.

Q.—But how are you going to distinguish between a decision reached which is a compromise and one which is not ?

A.—The voting would show that. You know the voting in each House and the voting at the joint session, and you will be able to say whether there has been any improvement in the voting at the joint session. If those who voted for or against a thing one House change their views at the joint session it certainly shows that there is more than a numerical majority.

Q.—You again suggest that it may be expedient to prescribe certain heads of legislation with regard to which any Bill unless there is a three-fourths majority in its favour should not be taken as having been passed. But that wont enable you to secure affirmative legislation. If you want

to block legislation you can block it on the ground that there is no three-fourths majority ; but if you do want legislation you cannot secure it ; you do not suggest any means of securing affirmative legislation ?

A.—Supposing a thing is required in the interests of the minorities and the others do not want to give it, then in that case, the expert draftsman will be able to devise something in that direction and I agree that it may be provided for also.

Sir Henry Moncrieff Smith.—*Q.*—In paragraph 23 you say that you consider certification by the Governor to be a crude and embarrassing constitutional device and you make that commentary in reference to your proposal for passing class legislation by a three-fourths majority. Do you intend to recommend certification to be abolished altogether ?

A.—No ; I think that certification or the power of veto should be very nominal and that it is desirable so to devise things that it should be very very rarely used ; I think it should be so devised that it should not be used at all except in very exceptional cases and in some special emergency.

Q.—Such as the throwing out of the annual taxation Bill ?

A.—I do not think that with a scheme like this there should be any fear of that at all. The Cabinet would resign in that case and there will be a fresh election. I have restricted this only to class legislation. Paragraph 23 is a continuation of 22.

(*Mr. Chairman*).—*Q.*—It is equally incompatible with 22 ?

A.—Therefore I say it should not be there at all.

Q.—If the power of certification goes altogether, would you provide any substitute for affirmative legislation at all ?

A.—No ; a fresh Cabinet would be formed.

Q.—But the Cabinet cannot pass legislation ; a fresh general election may take place and you get a house constituted just on the same lines. You realise that there is a class of legislation which must be passed ; and if the House will not pass it ?

A.—It only means that that cabinet has not the confidence of the House and it has got to go and a fresh cabinet which could command the confidence of the house, will come in.

Q.—Do you think that the experience of the last four years justifies the removal of all powers of affirmative legislation ?

A.—You mean under the present constitution or under the one that I suggest ?

Q.—With the experience of the last four years under the present constitution ?

A.—It may not ; if the system going on at present is to continue perhaps the rest of the powers also will be there and may have to be used.

Q.—Then you think that if Parliament passes a new Act of constitution for India, the moment His Majesty puts his signature to it and it becomes law there will be an instantaneous reformation in India and the Swaraj Party will be prepared to pass your taxation Bills ?

A.—Yes ; because the whole scheme will be different ; the whole idea underlying the government here will be quite different from what it is at

present which does not meet with the wishes of the people. The measures that will be put forward will be by the representatives of the people ; they will not be forced on the people against their will.

Q.—You have representatives of the people on the Legislative Assembly now ?

A.—Yes ; but there is no co-operation from the other side.

Q.—You suggest that there will be a sudden mental reformation ?

A.—Not a mental reformation, but a reformation in fact.

Q.—Coming back to paragraph 10 you say that though the present electorates are small they are capable of expansion. I take it you mean to suggest to the Committee that if they think there is any force in that argument it is open to this Committee to suggest an extension of the franchise ?

A.—Yes.

Q.—But you attach one condition to it—" Provided that capacity to appreciate one's immediate interests rather than literacy is made the criterion of eligibility." I realise your disinclination to enter into details ; but don't you think you are setting the Committee rather a hard task ?

A.—If I may point out, I am not making that a condition. I only say that the electorates are capable of expansion in this direction ; I am not making a condition.

Q.—But a proviso is a condition ?

A.—No ; if you do it the expansion can be made. If you can think of anything else by which you can make the expansion, do it ; but in my opinion with this you can make the expansion at once.

Q.—Can you suggest any standard of franchise which will secure that capacity to appreciate one's immediate interests is made the criterion ?

A.—I think I gave in reply to Sir Tej Bahadur Sapru or Sir Arthur Froom the instance of the small cultivators of Surat who asserted themselves in a matter in which perhaps.....

Q.—Would you suggest therefore a franchise which included specifically the small cultivators of Surat ?

A.—I mean it all depends upon the inquiry into the ordinary standard of intelligence of the people in each district. It is a question of detailed inquiry. I do not think I can signify to you anything in more detail.

Q.—It seems to be a very very difficult task to build up a franchise with an electoral roll like that ?

A.—I admit that it may be so ; but if you find that it is so difficult it may be discarded and something more easily understandable could be adopted ; I am not dogmatic about it at all.

Q.—In paragraph 11, dealing with the objection regarding the depressed classes and so on, you suggest an alternative to this three-fourths majority legislation. You say " I would suggest the creation of separate special institutions in the sphere of local Governments, adapted to the standards and needs of such classes....."

A.—I understand that in the Madras Presidency there are some separate institutions for the depressed classes on the lines of district and local boards where they can have free scope.....

(*Sir Sivaswami Iyer*).—*Q.*—What kind of institutions ?

A.—Local boards or some such things.

(*Dr. Paranjpye*).—*Q.*—They had a separate officer, I understand ?

A.—And a sort of Committee also ?

(*Sir Sivaswami Iyer*).—*Q.*—Except co-operative societies for the depressed classes separately they had nothing else.

A.—I shall try and get a copy of this sent to the Committee. I think I had a pamphlet on the subject.

Q.—" In the sphere of local government "—is that a slip for local self-government ?

A.—No. I mean on the lines of what has been done in Madras. I shall try and find that pamphlet which I remember to have read ; and if I cannot trace it I shall write and say that I would modify this.

Q.—One question about paragraph 12. You explain what you mean by diversity of local conditions. You justify the adjustment of the pace of progress ?

A.—Yes.

Q.—You say the advance must be uniform everywhere ?

A.—Yes.

Q.—But if after inquiry any province is found incapable of dealing with the reforms, there should be a reservation of the powers of certification and so on ?

A.—Yes. There should be some sort of safeguards.

Q.—Do you mean that the inquiry is to be made before the new constitution comes into force ?

A.—If there is any feeling at all that all provinces of India are not equally qualified for the next advance, of course there will be an inquiry.

Q.—Before it is brought into force ?

A.—Before the committee that advises this comes to that conclusion ; therefore the inquiry would precede.

Q.—You do not mean that the reservation should be the result of experience of the working of the new constitution ?

A.—No ; I mean if there is any feeling that all the provinces are not equally qualified for that—I take it that that conclusion will be arrived at after inquiry ; that is the inquiry I have in mind.

Q.—In paragraph 14 you say " The argument that the failure of dyarchy in certain provinces has engendered a spirit of scepticism and alarm in England is not sound." You mean there that it is not sound to argue that because there is scepticism and alarm in England there should be no advance, or do you mean to say that it is not a fact that there is a spirit of scepticism and alarm in England ?

A.—I think there is a spirit of scepticism and alarm in England which we hear of, and that the argument that the failure of dyarchy is fair ground or correct ground for stopping further advance is not sound ; that is what I mean.

Q.—What does that lead us to ? You say that there is a spirit of scepticism and alarm in England ; but you realise that any constitutional advance has to come from the English public ?

A.—Yes, through the Parliament.

Q.—You suggest therefore that however sceptical the English public may be as to the fitness of India that they must give an advance ?

A.—No. What I say is I hope that this spirit of scepticism and alarm is not generally prevalent and I hope that when the correct information is put before the Houses of Parliament this would not prevail. There is no question about it that there is a certain section there which does go on exaggerating the difficulties in India.

Maharaja of Burdwan.—*Q.*—Sir Purshotamdas, I understood from what you mentioned to the Chairman that whatever advance we have or whatever constitution we eventually adopt for India you are one of those who favour the continuance of the British connection with that advanced constitution. Am I right ?

A.—I think I have said that, Sir. That is, if you are only repeating the question that was put by the Chairman and Mr. Froom.

Q.—What I mean is that whatever constitution India may adopt eventually, the India that you contemplate under that constitution is to be an integral part of the British Empire ?

(*Mr. Chairman*).—*Q.*—Do you contemplate an India within the Empire or without it ?

A.—I most definitely say " yes, within the Empire ".

Q.—Then if you contemplate an India within the Empire I think you will agree with me that, whatever advance or whatever future advance you and I may expect has got to be with the good-will of the British people—or the British Parliament, to be more correct ?

A.—Yes, of course.

Q.—That being so, can you give me a picture as to when you would have an India without a certain element of the British Army in India ?

A.—You mean at what stage would it come ?

Q.—Yes, because I think you rather said it, perhaps light-heartedly, that within ten years or something like that, the British Army would have to stay for another ten years or so. I thought it was rather a sweeping statement to make and you went on to say that the maintenance of the British Army in India was more clamoured for by the British commercial people in India than by anybody else, that they were the loudest in their desire to have the maintenance of the British Army ?

A.—May I reply to your question in two parts. I didn't say it light-heartedly. I said " say for ten years, after which time it may be reconsidered ". I therefore didn't indicate at all that that was the period that I attached importance to.

Q.—That is exactly what I wanted to get at.?

A.—You may say 5 years or 10 years or 15 years, at the end of which period you may review whole thing.

Q.—But when you say that, what I want to get at is, can you give me a picture of India within the Empire without any element of the British Army in India ? That is what I want to get at ?

A.—Yes, I think that picture can be drawn sooner, and, much more truly, the earlier we have absolutely responsible government. The longer you put it off the longer will be the day when you will be able to draw that picture. The same was the case with the British Colonies and I would

like to read to you, if I may, from this book " Greater European Governments " by Lowell, where he describes the British Colonies and the evolution therein. He winds up : —

> " If the grant of self-government has reduced greatly the control of England over the colonies inhabited by people of her own race, it has also removed almost altogether the friction that existed formerly and has allowed a strong imperial sentiment to grow up. The diminution of power has been followed by an increase of loyalty. Other conditions have promoted this feeling, not least among them a change of attitude toward these colonies in England itself. One has heard nothing for many years on either side of the ocean about eventual independence. In its place one finds speculation about possible means of drawing the parts of the empire closer together."

This is what I had in my mind.

Q.—But I don't think the analogy quite holds as far as India is concerned because in most of these colonies it is different sections of the British race that have gone out to these colonies and have made the colonies what they are up to date. Can you for instance at the present moment imagine say those parts of South Africa where there are no British people being said to be an integral part of the British Empire without British regiment placed there ? My object in putting you this question is that I want you to give me a picture of India within the Empire without a certain element of the British Army in India and I say can you give me a picture of that ?

(*Mr. Chairman*).—*Q.*—What do you mean Maharaja Sahib by a picture ? Do you mean description of the military arrangements or the state of the country ?

Q.—What I want to find out is whether Sir Purshotamdas Thakurdas thinks that India within the Empire is possible to be maintained against all foreign aggression at any time with only an Indian Army ?

(*Mr. Chairman*).—Well, then, that clears the ground.

A.—I certainly say " yes " as far as foreign aggression is concerned.

Q.—That is the point I wanted. And for that purpose you make your periodical revisions to arrive at that stage say every five or ten years ?

A.—Which is that periodical revision you have in your mind ?

Q.—You would have a periodical revision to consider that time when you will eliminate the British Army entirely from India and for that purpose you would fix a time for revision every five years ?

A.—That periodical revision has nothing to do with what you mention.

(*Mr. Chairman*).—*Q.*—The Maharaja's point is, you did mention a period of ten years and you said you would look at it again after ten years, that you would review from time to time the necessity for maintaining British troops. Would you or would you not ?

A.—I am afraid, Sir, either I am not clear about his question or I have not made myself clear to him. That was based on the greater confidence between Indians and the European vested interests here, or if you like to put it, greater trust between Indians and Englishmen. That is why I said as a proof of it the present strength of the white troops should be paid for by India. As to how long that should continue, let it be for the next ten years.

Q.—The only point of the question was, would you review this point periodically ?

A.—I suppose it would have to be reviewed. As to what that period should be, if the Maharaja Sahib thinks it should be a longer period than ten years, I have no objection.

Q.—No, no. I don't fix a period. But in view of the fact that you look forward to a time in India when you could have an India within the Empire with only Indian troops, would you review this question of the elimination of white troops periodically at fixed intervals ?

A.—The answer is " yes ".

Q.—I think I mentioned just now that, whatever advance we get we would have to get with the good-will of the British Parliament ?

A.—Certainly.

Q.—That being so, supposing the British Parliament were to come to the conclusion tomorrow that the original time fixed for a revision of the Indian constitution, namely 1929 should be adhered to. Supposing that is the conclusion that the British Parliament came to. Would you advise, with your experience of the Bombay Government, would you continue with the present—what to you and to most of the public men in India at the present moment seems to be—undesirable system of dyarchy or what ? That is to say, if before 1929 you are definitely told that it must be dyarchy or nothing else—that is, no further advance ?

(*Sir Muhammad Shafi*).—*Q.*—If Parliament does not choose to introduce any modification till 1929, then you will perforce have to continue the system of dyarchy.

A.—I have such faith, Sir, in the statesmanship of the British Parliament and I have such faith in their doing full justice to India that I am sure, if this Committee or any other Committee that may be appointed, reported in accordance with correct facts here Parliament could not come to any other conclusion.

Q.—I am not concerned with the faith. I am merely asking ?

(*Mr. Chairman*).—If the British Parliament do not repeal the Government of India Act so as to destroy dyarchy, the dyarchy continues.

Q.—What I say is, that being so, would Sir Purshotamdas Thakurdas rather have dyarchy until that revision took place or would he advocate going back to the old system ?

A.—Well, I certainly think there is no question of our going back but I should certainly be very sorry both for India and Great Britain.

(*Mr. Chairman*).—*Q.*—The question really does not arise because unless the English Government amended the Government of India Act dyarchy would continue. You can't go back ?

A.—They have got to amend it every way in order to make the thing feasible.

Q.—Supposing now, you had what you call provincial autonomy, do you think that in the provinces a revising Chamber or an Upper Chamber would be necessary ?

A.—I don't think so. It would be quite enough to have one at the Central Legislature. I don't think you want one in the provinces.

Q.—You think that, even when you have full control of your purse and of your departments, that you would be quite secure and that all the

vested interests in the provinces or the Presidencies would be quite secure in one Chamber without a revising Chamber ?

A.—Yes.

Q.—Now, without going into details what is broadly your ideal of an Upper Chamber. I mean to say, I don't want the qualifications.

A.—For the Central Legislature ?

Q.—Yes. What is your ideal of an Upper Chamber for the Central Legislature. As you know in England you have an Upper Chamber at present—there has been a great deal of talk about the revision of the House of Lords which has not been taken up. At the present moment you have what is known as the Upper Chamber, the Council of State, which is I think partly elected, partly nominated (an elected majority), and those who are elected have got a sort of monetary qualification. Am I right ? Now, what is your ideal or what would be in your opinion an ideal Upper Chamber for India ?

(*Mr. Chairman*).—*Q.*—Would you have it elected, partly elected, nominated, or hereditary. Is that your point ?

Q.—I simply want to get a general idea ?

A.—I must say that I have not thought over the constitution of the Upper Chamber and therefore I am afraid I cannot say.

(*Mr. Chairman*).—*Q.*—You would probably reject the hereditary basis ?

A.—I would not like to say anything about it at all, Sir, because I do not know how it will affect the various vested interests. After all the second chamber may not play such an important part. You need not think of it until you settle what their power should be. I therefore put off thinking about it.

Q.—What I am anxious to get at is whether you think that in any further advance the second chamber has got to play a very important part.

(*Mr. Chairman*).—The witness has stated that he is not prepared to formulate his proposals.

A.—It all depends on what powers the lower house will have and what powers the upper house will have.

(*Sir Arthur Froom*).—The witness has stated that he does want a second chamber.

A.—Yes.

Q.—One more question of a general nature. The Chairman has very rightly said that if there is to be no advance, the present constitution is to continue whether we like it or not. You know what has happened in certain provinces. Apart from the fact the Ministers' salaries have been refused, the Governor had to take over the transferred departments. Supposing Parliament decided that the present constitution is to continue and the public mind of India was against it and in

consequence no self respecting Minister is found or is willing to stay on, under those circumstances what would you contemplate ?

A.—That is a question relating to the present constitution where my opinion would be of no value. I was thinking about the next step of reforms. As far as the present constitution is concerned I do not want to commit myself as to what is to happen in Bengal.

(*Mr. Chairman*).—*Q.*—The Maharaja's question is really this. In the event of any advance being refused, would you contemplate with more satisfaction the continuance of dyarchy or would you prefer that the powers should be resumed by Government ?

A.—You mean going back to the pre-reform period. As I have said, I personally think that this is impossible and if the present state of things is to continue, then Heaven help India, that is all that I will say.

Dr. Paranjpye.—*Q.*—In the last two sentences of paragraph 4 you mention that the Government must conciliate the intelligensia. Is it your view that if the intelligensia are consiliated their conciliation will filter down to the masses ?

A.—I have no doubt that if a change in the government is effected in the correct manner, the mases will feel it all the more and the intelligensia will bring it home to the masses.

Q.—In paragraph 11, with reference to what you said in reply to Sir Sivaswamy, do you contemplate a kind of *imperium in imperio.*

A.—I must try and find that small pamphlet. I think it was a sort of semi-government publication on which I based this. I am sorry I did not bring it here with me. I will send it on the Committee or I will write in and explain what exactly was in my mind.

Q.—In paragraph 12 you suggest that there need not be exact uniformity in all the provinces. You remember that both of us were members of a committee appointed by the Bombay Legislative Council to give our opinion on the reforms. We suggested that even if it was not feasible in other provinces full responsibility should be given in Bombay at least.

A.—I had not the honour of being on that committee. I think Mr. Chunilal Mehta was there and not myself.

Q.—As regards the question of second chamber, you suggest that there should be no veto. Do you think it is always possible to carry on without a veto and without also a second chamber which will have at least the power of revision or suspension ? Don't you contemplate any possibility of hasty legislation or legislation inspired by the mere impulse of the moment on which the Legislative Council would have acted differently if they had time to think over the matter ?

A.—I think with responsible government there will be very little chance of this and personally I look forward to the people who will come in the Councils, if the reforms we ask for are conceded, being more conservative than many of us think. Everybody, especially those who will be put in power will be so conservative that they may instead of going at breakneck pace say " let us settle down and then see ". Under certain emergencies or unforeseen circumstances a thing like what you say may happen but I have no apprehension.

Q.—What is your safeguard for that ? You don't want the veto and you don't want a second chamber ?

A.—I do not think the second chamber is necessary for the provinces. It is a question for further consideration and it is a question more for the constitutional lawyers.

(*Mr. Chairman*).—*Q.*—You think there should be a safeguard ?

A.—If it may be devised without upsetting the underlying principle of the scheme.

(*Sir Arthur Froom*).—*Q.*—With provincial autonomy you recognise that there will be party government in the future ?

A.—Yes.

(*Sir Arthur Froom*).—*Q.*—Having seen what party government in other countries is, don't you think that a second chamber will be necessary bearing in mind that the party government will come in ? I want you to think over it calmly.

Q.—In answer to Sir Henry Monerieff Smith you spoke about certain mental reformations immediately on the grant of responsibility. Do you consider that it is on account of this irresponsibility that there is no adequate realisation of the actualities ? Do you think that they go in for hasty measures because they have got no responsibility ?

A.—I do not admit that they have gone in for hasty measures. The throwing out of the budget is the only thing that Sir Henry Monerieff Smith mentioned.

Q.—In paragraph 18 you talk about the army. You have not mentioned when you contemplate the Indianisation of the army ?

A.—If I had dealt with the matter at greater length, I should have written a whole memorandum on the army.

Q.—You want the Indianisation of the army ?

A.—There is no difference of opinion about that. I have only touched here on those details which really affect the control. Once the control is as the Indian public think it should be, the other details can be worked out.

Q.—In paragraph 20 you talk about a certain federal council, the Bundesrath. Has that reference to the Native States or to provinces ? Do you contemplate that the Bundesrath should consist of representatives from the Native States and the various provinces ?

A.—In Germany I understand that various small States have representation on it. It is a question of principle, the question whether Indian States are to be brought in the second chamber where they can be in touch with British India.

Q.—You would put the provinces and the Indian States on the same footing ?

A.—I would not be prepared to say anything in reply to that. I would have to consult some constitutional lawyer about it.

(The witness then withdrew).

The Committee then adjourned till 13th October.

Saturday, the 18th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Fazlul Haq, *ex*-Minister, Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Fazlul Huq, you have got two memoranda, one you submitted to the Local Government and the other is the one you have before you. Have you got a copy of it ?

A.—No. (Copy was handed over to the witness).

Q.—You were a member of the first reformed Council in Bengal ?

A.—Yes.

Q.—For the whole of the three years ?

A.—Yes.

Q.—Did you hold office during that period ?

A.—No.

Q.—What constituency did you represent ?

A.—I represented a special Muhammadan constituency, Khulna district in Bengal.

Q.—And do you still represent the same constituency ?

A.—No.

Q.—What do you represent now ?

A.—Backerganj.

Q.—Then you were elected to the second reformed Council ?

A.—Yes.

Q.—When were you appointed a Minister ?

A.—At this time in the second reformed Council.

Q.—From the beginning ?

A.—Yes.

Q.—You were the first Minister to be appointed ?

A.—Yes.

Q.—And your colleague was Mr. Ghuznavi ?

A.—Yes.

Q.—And the third Minister was appointed, Mr. Surendranath Mullick, who failed to get elected and therefore resigned ?

A.—As a matter of fact, Mr. Mullick and I were appointed together and we two chose our third colleague Mr. Ghuznavi. Then Mr. Mullick's

election was challenged and the election was set aside. He had to seek re-election and he failed.

Q.—He therefore resigned ?

A.—Yes.

Q.—Since the second reformed Council, there have been two Ministers in Bengal, only your two selves ?

A.—Yes.

Q.—Will you refer to your memorandum. You are in favour of the retention of dyarchy and you give your reasons ?

A.—Yes.

Q.—You consider that neither the electorate nor the candidates are of sufficient quality to justify a further advance and you give other reasons ?

A.—All these reasons combined.

(*Sir Muhammad Shafi*).—*Q.*—Further advance or provincial autonomy ?

A.—Provincial autonomy. The reasons that I have given all taken together are my reasons for the opinion I hold that at the present moment the retention of dyarchy is advisable.

Q.—That is, you consider that the present system should be worked further ?

A.—Yes.

Q.—In your first minute which you signed in July you made one or two suggestions, which I should like to put to you. You were in favour of a separate purse ?

A.—Yes.

Q.—Do you still adhere to that view ?

A.—Yes.

Q.—Why ? On the ground that it avoids friction ?

A.—My principal ground is that if the Ministers get a separate purse, they know what money they have in hand for carrying on the administration, and if they can effect any savings, the savings will be at their disposal.

Q.—That is it gives them more encouragement, they can reap the reward of their economy ?

A.—They could economise and work more efficiently.

Q.—Then you would like a Financial Secretary on the transferred side ?

A.—Yes.

Q.—Did you ever ask for that when you were a Minister ?

A.—As a matter of fact we have had such troublous times these 8 months that we had no breathing time to ask for anything.

Q.—The question of having a Financial Secretary was postponed ?

A.—We were only fighting for our very existence.

Q.—Are you satisfied with the arrangements in Bengal in regard to the franchise, particularly the representation of Muhammandans ?

A.—I was a party to the Lucknow Compact according to which the present franchise was granted to Bengal. But there is a very strong feeling amongst the Muhammadans in Bengal that the Muhammadan representation is very inadequate

Q.—Do you share that view ?

A.—Personally I do not.

Q.—That is to say, you think that the Muhammadan electorate in Bengal is given reasonable representation for the present ?

A.—Yes, for the present. If the Muhammadans are more advanced, gradually and when the time for revision comes, they will have more seats.

Q.—But as the thing stands at present, you are satisfied ?

A.—It is quite satisfactory.

Q.—But there is another school of opinion, there are Muhammadans who take a different view ?

A.—Yes.

Q.—I see you make a great point of the financial difficulty created by the provincial contributions ?

A.—Yes.

Q.—And you suggest that income-tax and jute export tax should be placed at the disposal of the Government of Bengal ?

A.—Yes.

Q.—Have you any idea as to what loss that would involve on the Central Government ?

A.—I cannot be quite accurate as to figures, but I can say this much, the export duty on jute is something like 3 crores. It may be 2½ crores ; it is somewhat between 2 and 3 crores.

Q.—That is about correct.

A.—Now, the proceeds of income-tax being entirely central now, being taken away from Bengal, it causes us a loss of nearly 3½ crores. Because we had about 7 crores—I am talking of 1920-21 figures. That causes us a loss of 3½ crores. As against that we have got Land Revenue. In Bengal the Land Revenue went only about a little over 2 crores or say 3 crores and we have gained 1½ crores. Where we gained 1½ crores, we lost 3½ crores. That ought to be made up.

Q.—If your proposal is given effect to, it would result in a loss to the Central Government of something like 7½ crores. Isn't that rather a large sum ?

A.—That is so far as the Central Government is concerned. They know how to find the money. I am talking from the Bengal point of view.

Q.—You would increase the revenues of Bengal by 70 per cent. ?

A.—I do not want both. As a matter of fact, if we get only a portion of the export duty on jute we can, I think, put our finances in order.

Q.—Therefore, you modify your recommendation to that extent ?

A.—That is what we ought to get. If we cannot get that, I am for the other proposal.

Q.—Do you consider the position of the Minister would be more satisfactory if he had an extra income of 7½ crores ?

A.—Yes, I would consider so. The entire Government as a matter of fact is in a very risky condition in Bengal. I do not think even if you have full provincial autonomy it can go on unless the finances are put in order ; and those who clamour for provincial autonomy do not fully realise the seriousness of the situation.

Q.—Now, you were a Minister and you were brought into contact with the permanent officials. We have heard a good deal about the difficulties of working with the permanent officials. Did you experience any ?

A.—Not in the least. As a matter of fact, I have said most emphatically that our relations have been of the most cordial character.

Q.—What were your relations with your brother Minister ? Did you go in for joint consultation ?

A.—As a matter of fact all the members of the Government did meet and consult jointly.

Q.—And you had the freest consultation with your colleagues, official and non-official ?

A.—Yes.

Q.—May I take it that your relations were satisfactory ?

A.—Yes, our relations were satisfactory.

Q.—The other day we were told that a good deal of bribery and corruption took place in Bengal. I should like to hear what you have to say on that point in connection with the recent voting in the Bengal Legislative Council.

A.—We have definite information that votes were really purchased.

Q.—I am not enquiring naturally into the details of such an occurrence. I want your opinion as to whether corruption was prevalent ?

A.—It was prevalent.

Q.—Do you regard that as a satisfactory circumstance ?

A.—It is entirely unsatisfactory.

Q.—Are you aware that in certain constitutions, such as the American constitution and the Canadian constitution, to bribe an elected representative for his vote in the Legislature is a criminal offence ?

A.—Yes.

Q.—Would you be in favour of making it a criminal offence in India ?

A.—Yes, I would be.

Q.—You regard it as an anomaly that it is a criminal offence to bribe an elector in an election while it is not a criminal offence to bribe a representative who is elected ? You regard that as an anomaly ?

A.—Yes, quite so.

Q.—It has also been said that during the elections and after the elections in Bengal there was intimidation. What is your view about that ?

A.—That is a fact.

Q.—It is a fact that intimidation was practised ?

A.—Yes.

Q.—We were told that the Government of Bengal were afraid to enforce the decrees of the civil court owing to fear of criticism by the majority of the Bengal Legislative Council ?

A.—I am not aware of that.

Q.—The reference I think was to some incident at Tarkeswar.

A.—I am not aware of it.

Q.—You have no reason to believe that ?

A.—I could not give any opinion one way or the other.

(*Maharaja of Burdwan*).—*Q.*—The case the Chairman has dealt with was in connection with Tarkeswar. I put a question to Sir Provash Mitter about Tarkeswar and he said there was a negation of law and order because the Receiver who was appointed was not put into power, and when the Chairman asked a supplementary question, he said the Government of Bengal were afraid to put the Receiver into power, or in other words to put this order of the civil courts into operation because they were afraid of the Legislative Council ?

A.—I could not say anything one way or the other.

(*Maharaja of Burdwan*).—*Q.*—Do you think that is an accurate statement ?

A.—I do not think it is accurate.

(*Maharaja of Burdwan*).—*Q.*—You have no information ?

A.—No.

(*Maharaja of Burdwan*).—*Q.*—So far as you were concerned that was not the case ?

A.—I never heard it as a Member of the Government.

(*Sir Sivaswamy Aiyer*).—*Q.*—Was the Receiver put in possession ?

A.—I do not know the details.

Q.—There is one other matter, Mr. Huq. It has been represented in some of the information that has been laid before us that the present system by which the salaries of Ministers are liable, not merely to reduction, but to complete refusal is in present circumstances unsatisfactory in this country. It has been suggested that it makes the position of the Minister too uncertain to allow not merely a vote by way of reduction but an entire refusal of pay. What is your view about that ?

A.—I think that total refusal should be rendered impossible.

Q.—You would propose that reduction by way of a vote of censure should result in resignation, but there should be no power entirely to refuse salaries ?

A.—Yes.

Q.—A nominal reduction ?

A.—A nominal reduction would mean a vote of censure. There are well known methods of passing a vote of censure.

Q.—We were told the other day that two Ministers had been defeated on the last occasion by.....

A.—66 to 68.

Q.—Do you recollect of the persons who voted for you how many were officials and how many non-officials ?

A.—Of the 66 there were about 18 Muhammadan elected Members, 5 elected Hindu gentlemen, that makes 23. Of the 43 there were 17 elected European Members : that leaves 26. The officials would be 13 Secretaries and other heads of departments and 4 Members of the Executive Council.

Q.—It has been suggested the division was on communal lines, that is to say all the Muhammadans voted for you and none on the other side ?

A.—No, a large number of Muhammadans voted against us.

Q.—And some of the Hindus were for you ?

A.—Four or five Hindus were for us and all the others against us.

Q.—Your own personal vote was mainly Muhammadan ?

A.—Yes.

Q.—I do not want to examine you on the position in Bengal for obvious reasons, but I should like to hear from you whether there is any party in Bengal who is in a position to form a Ministry with a permanent majority in the Council ?

A.—I do not think so. The only way would be to make every one a Minister at the same time.

Q.—That would result in a number of Ministers in excess of that contemplated in the Act ?

A.—Give them some nominal salary and make them all Ministers and it would form a very stable Ministry in Bengal. There is no limit in the Act to the number of Ministers.

Sir Muhammad Shafi.—*Q.*—As you were yourself a party to the Lucknow Pact, I can quite appreciate your hesitation to go back on that pledge, but is it not a fact that the majority of Muhammadans in Bengal feel that it is unjust to them that their population in Bengal being now 56 per cent., they should have only 40 per cent. of representation on the Bengal Council ?

A.—Yes, even at that time there was a feeling in the Council, and now it is an overwhelming majority that thinks so.

Q.—At the Lucknow meeting itself, as far as I recollect, there were only two Muhammadan representatives from Bengal, Nawab Ali Chaudhri and yourself who were a party to that Pact ?

A.—And Abul Kasem.

Q.—Even at that time Nawab Ali Chaudhri dissented from that Pact ?

A.—Yes, and it took us two days to induce him to agree.

Q.—Now, would I be right in saying that the majority of the Muhammadan representatives in Bengal in your own Council are dissatisfied with that Pact ?

A.—Yes, they are dissatisfied with the representation of Muhammadans.

Q.—You were a member of the first Chelmsford-Montagu Reform Council ?

A.—Yes.

Q.—And you took an active part in the proceedings of that Council ?

A.—Yes.

Q.—I am referring to those three years; did you notice any sign of friction between the reserved half and the transferred half of the local Government ?

A.—Of course, I was not in the inner counsels of Government, but as an outsider, as a Member of the Legislative Council, I did not observe nor hear the Ministers making any complaint.

Q.—In so far as you are aware, the working of the Reform Scheme during those three years from this point of view was successful ?

A.—Yes.

Q.—Since the election of the new Bengal Council you have already told us the working of the Reform scheme as between the Ministers and the Executive Councillors has been very smooth ?

A.—Yes.

Q.—And so far as the services are concerned, you are satisfied with the way in which the machinery of Local Government has worked ?

A.—Yes.

Q.—In spite of the fact that the appointment and control of the All-India services operating in the transferred fields is in the hands not of the Ministers or the Local Government, but of the Secretary of State ?

A.—Yes.

Q.—You are aware that the Lee Commission recommended the provincialisation of these services, and in future the control and appointment will be in the hands of the Local Governments. Therefore after this reform has been introduced, the working will be still more smooth ?

A.—Yes.

Q.—You are also aware that the Joint Select Committee of the two Houses recommended that the Governors in their relations to the Ministers should adopt this attitude, that if they differed from the Ministers in regard to any particular measure, they should try and convince the Ministers, but if, in spite of their efforts the Ministers still insist upon the measures contemplated by them, they should give way and let the responsibility rest on the shoulders of the Ministers ?

A.—Yes.

Q.—Now, if that recommendation is acted on by the Governor, and the services operating in the transferred field are under the complete control of Local Governments, is there any reason whatever why the transferred subjects should not be administered to the satisfaction of the Indian public ?

A.—I have no apprehensions like that.

Q.—When I suggested to the Chairman, with his permission, that instead of saying "further advance" the question should be with regard to "complete autonomy", my meaning was this. You have certain subjects which are reserved at present and others are transferred. Are you opposed to the transfer of further subjects to the charge of the Ministers ?

A.—There may be one or two subjects even now transferred, for instance the Judicial Department may be transferred, perhaps even Land Revenue.

(*Mr. Chairman*).—I think I must call the attention of the witness to his statement that he would strongly resist any advance in transferring subjects to Ministers ?

A.—There are one or two subjects which might be transferred without any risk of injury to public interests.

Q.—Let me put it the other way. What are the subjects which you consider in existing political conditions, should not be transferred ?

A.—Police, General Administration.

Q.—Law and Order ?

A.—Law and Order.

Q.—Revenue ?

A.—Land Revenue may be transferred.

Q.—With the exception of these subjects, with regard to the other subjects your opinion is favourable to transfer ?

A.—Yes, you might try the experiment if you want to satisfy popular opinion.

(*Mr. Chairman*).—Q.—Do you think popular opinion would be satisfied ?

A.—There are some who would never be satisfied, but there are some who may be satisfied.

Q.—One of the recommendations made by the Joint Select Committee was that where the Executive Government, be it the Central, the Provincial and the Legislature, are in agreement with regard to any particular measure, the Secretary of State's control in those circumstances should be relaxed ?

A.—Yes.

Q.—Are you content to leave it at that or would you frame a rule to that effect under section 19-A of the Government of India Act ?

A.—I would not go so far as framing a rule; I would leave it at that.

(*Mr. Chairman*).—Q.—You would rely on a convention ?

A.—Yes.

Q.—Supposing in regard to any provincial matter the whole of the provincial Government, Ministers and Executive Councillors as well as the Governor, were in agreement, would you in such circumstances relax the control of higher authority ?

(*Mr. Chairman*).—Q.—Does that mean with the Legislature ?

Q.—Supposing the matter had not come before the Legislature but with regard to it the entire Local Government, the Executive Councillors, the Ministers and the Governor were in agreement, would you relax the control of the higher authorities in those circumstances ?

A.—Yes.

Q.—Similarly with regard to the Government of India ?

A.—Yes.

Q.—Now in your province with regard to the maintenance of separate electorates for Muhammadans, what is the feeling of the Muhammadan community ?

A.—There is a very strong feeling that it must be maintained.

Q.—They would resent any interference with the existing state of things so far as that is concerned ?

A.—Of course. That is a condition precedent for anything.

Maharaja of Burdwan.—Q.—Before I put some definite questions with regard to the memorandum which you have submitted, I want to ask you one question first of all and that is this. Although I don't think you have been a member of the Bengal Legislative Council quite so long as I was, yet you were a member of the Bengal Legislative Council before the Reforms were introduced ?

A.—Yes, from the early Minto-Morley days.

Q.—I think you and I were colleagues togteher practically from 1909 ?

A.—From 1912.

Q.—Now it has been pointed out to me from several quarters that the dignity of the Provincial Council what it used to be when the Governor presided compared with the dignity of the Council when it is presided over by a nominated President, as at the present moment, is very different. Do you subscribe to that view or not ?

A.—Yes I do.

Q.—Subscribing to that view you, however, will also have to admit that in the new Council there were and are some " old boys " like yourself and myself and several others ?

A.—Yes.

Q.—Now, who are the ones that have been responsible for lowering that dignity of the Provincial Legislative Council—the newer and younger bloods or the newer element that has been introduced by the expansion of the franchise ?

A.—The newer element introduced by the expansion of the franchise.

(*Dr. Paranjpye*).—Q.—Has there been a lowering of dignity at all ?

A.—I should think so.

Q.—That being so, do you think that if you further expand your franchise that dignity is likely to suffer more or not ?

A.—Oh yes, it will.

Q.—If that be your view how would you safeguard that dignity, because after all it does not matter whether you have provincial autonomy or whether you advance, it is necessary for all Indians to try and maintain the dignity of the Legislative Council as a whole. That being so how are you going to safeguard that dignity in your legislative body ?

A.—The best safeguard would be to proceed at a cautious pace and slowly, not going too fast. You will improve as you go on.

Q.—Very well, would you consider it a cautious step then not to broaden your franchise any further ?

A.—Not at the present moment.

Q.—But you would not advocate what we may call narrowing the franchise. I mean what you have granted you cannot very well take away ?

A.—There can be no going back.

Q.—Since you cannot go back then, how are you going to restore that old dignity or to that extent if the new element is bound to go on increasing in your Councils ?

A.—More and more as the electors realise their responsibility they will return a much better lot of men to the Legislative Council.

Q.—Thank you for the answer. That is the answer I wanted. Therefore you think that until the electors realise their full responsibility in returning not only respectable but responsible legislators no further advance in Bengal, at any rate in lowering the franchise, should be made ?

A.—I have said so in my memorandum.

Q.—I know that but I am asking to see whether you are emphatic on that point ?

A.—Yes.

Q.—Now, regarding what you just now said to Sir Muhammad Shafi I take it that you are in favour of the continuance of dyarchy as it appears from your memorandum also ; therefore there is no need for me to go into

that question in any great detail; but in regard to what you told Sir Muhammad Shafi a moment ago, namely, that you would be inclined to transfer the Judicial and Land Revenue Departments from the reserved side to the transferred side, you said you would not be inclined to transfer certain other departments. Now can you, before I put you any questions regarding your views as to why Land Revenue and Judicial should be transferred, give me any definite reasons why you think that Police, Law and Order and General Administration cannot be transferred at the present moment in Bengal ?

A.—If these Departments were transferred they would at once be exploited for party purposes. I mean a good deal of patronage would be in the hands of the party in power and they would exploit it for party purposes just as at the present moment the Calcutta Corporation has been exploited for party purposes against us.

Q.—It is very difficult for me to see in what way the departments of Law and Order would be exploited for party purposes and I do not want to ask you any details about it, but do you think that, with the formation of parties as they now exist in Bengal, the Departments of Law and Order would be terrorised by this party ?

A.—They may be.

Q.—Do you think the morale of the services would also go if they were transferred and the present party came into power ?

A.—Yes, they would be exploited for party purposes and that would have a tendency to lower the morale of the services.

Q.—For instance, do you think that the detection of revolutionary crime would suffer if Law and Order were transferred in Bengal at the present moment ?

A.—I think so and my reason is that the police will be diverted from their legitimate duty in order to serve the party ends of the men in power.

Q.—Thank you. Now turning to Land Revenue I believe in some parts of Barisal where new reclamation takes place permanent settlement does not exist ?

A.—Yes. the colonization area.

Q.—But you know that elsewhere whether it is an evil or not you have got the permanent settlement in Bengal and you also know that in the permanent settlement it is not only the big zamindars who are interested. In fact in many cases the big zamindar is a sufferer where he has been over-assessed like myself; but the interest lies not only among the big zamindars but among what we may call the middle-men and therefore there would be a tough fight between those who wanted to revoke the permanent settlement and the vested interests in Bengal ?

A.—Yes.

Q.—Do you think vested interests would be sufficiently safeguarded by a mere transfer of Land Revenue from the reserved side to the transferred side or to safeguard those interests you would have to supplement the present powers of the Governor with special powers ?

A.—I don't think any special powers will be necessary. If I may be permitted to explain my answer, what I mean is this. As at present advised, I have already said that I would like to see the present system of dyarchy given a fair trial. It has not had a trial at all. The 8 months we were in office we never knew what dyarchy was. We were fighting for

our very existence and in the 3 previous years there were certain movements in the country which prevented many people from entering the Councils. Now what I say is this—that personally and as at present advised, I am not in favour of any further transfer but if any transfer is necessary we might experiment with it in the Departments I have mentioned.

Q.—Now take the Department of Land Revenue and Forests. Supposing you did transfer that. I am not prepared myself as a zamindar of Bengal to welcome that change immediately but I do see that these departments will have to be transferred some time or other in every province. Supposing they were going to be transferred tomorrow would you transfer them without any further safeguards ? I am talking of Land Revenue at the present moment ?

A.—What I think is this. The proper safeguard would be that the present Legislative Council will realise that if the permanent settlement is taken away the security which the ryots enjoy will also be taken away as a necessary consequence.

Q.—What I mean is this. There may be two kinds of safeguards. One kind of safeguard—excuse my suggesting it—would be the Governor will say " This is not a matter for legislation; it should be beyond the purview of the Legislative Council."

(*Mr. Chairman*).—*Q.*—What is your exact point, Maharaja ?

Q.—What I want to get at is this. Take the permanent settlement. Supposing the Legislative Council were to pass a Resolution tomorrow that the permanent settlement be annulled, should that be given effect to by the Local Government or should that form a Central subject because when you come to consider the perament settlement in Bengal it was the Imperial Government who granted it ?

(*Mr. Chairman*).—*Q.*—Do you see any danger to the permanent settlement resulting from the transfer of Land Revenue ? That is how I understand the question ?

A.—Personally, at the present moment, I do not see any danger; but with regard to the question that was put to me by the Maharaja, I would rather not transfer a subject than transfer it and then put limitations on it.

Q.—Now regarding Judicial, you said that experiment might be made by transferring Judicial. I believe you are aware that in a recent bomb case in Calcutta the High Court Judge—I won't mention his name—and the whole Jury were intimidated.

(*Mr. Chairman*).—The case is still under trial, Maharaja. Even if you do not mention names, the names are very easily adduced. I think we had better leave that question.

Q.—Do you think, if Judicial were transferred, these things would frequently happen ?

A.—I have said that if it were transferred there is a risk.

Q.—You said that for the exploitation of party purposes it would be dangerous to transfer Law and Order. Don't you think the same thing would apply with equal force to Judicial ?

A.—With less force comparatively. If any experiment is to be tried I would transfer that subject.

Q.—Don't you think that a certain class of your Judges or Sub-Judges, whoever the men may be, may be easily intimidated ?

A.—Not so easily as an ordinary policeman.

Q.—You therefore think Judicial is a safer subject to transfer than Law and Order—safer in comparison with Law and Order ?

A.—Yes, comparatively.

(*Sir Muhammad Shafi*).—*Q.*—With regard to this Judicial may I put one question ? Is not the appointment of the Judges of the High Court in the hands of His Majesty's Government rather than the Local Government ?

A.—Yes.

Q.—And so far as the appointment of District and Sessions Judges is concerned, is not that work in effect done by the High Court ? I mean the appointment of Sub-Judges is done by the High Court ?

(*Mr. Chairman*).—No, under the Local Government Act it is done by the Local Government.

Q.—Now you have said, Mr. Fazal Haq, that you would be more inclined if any transfers are made to experiment with Land Revenue and Judicial, and you have given your reasons and you have also said certain other departments should not be transferred for the present. That would mean the continuance of dyarchy perhaps with a little more expansion ?

A.—If you transfer some more subjects, you will have some more Ministers and make the Ministry more stable in Bengal.

Q.—Under ordinary circumstances the next Parliamentary inquiry is fixed for 1929 and this is 1924 ; for the next five years in Bengal would you be satisfied with the subjects now transferred or would you, during this period, think that an experiment might be made by the transfer of Land Revenue and Judicial ?

A.—I would rather work the present life of the Council, for the next two years and more with the subjects that have been transferred before thinking of any further transfers.

Q.—At least up to 1926 or 1927 you would not be inclined to transfer any more subjects ?

A.—Unless by transferring more subjects you appoint more Ministers.

Q.—That is rather a cynical view ; but coming to practical politics you do not think it would be advisable to transfer any further subjects till 1927 ?

A.—No.

Q.—In January 1919 when you gave evidence before the Subjects Committee on behalf of the Muslim League you said that you were against retaining any subject, that you were for transferring every subject ?

A.—Yes.

Q.—May I know why this change of view has taken place since then ?

A.—I have grown wiser with experience.

Q.—I am glad to find that you are frank.

A.—I have to admit that ; I acknowledge my mistake.

Q.—When you do transfer more subjects, would you advocate the creation of a second or revising chamber in the provinces, in order to have better control over your Legislative Council ?

A.—I do not look upon a Second Chamber in the nature of any limitation of power ; I therefore think it advisable to have one.

Q.—When you have full responsible government, and all the subjects are transferred, do you think it would be a good safeguard against the actions of the Legislative Council to have an Upper House in a province ? In other words, would an Upper House in the provinces have the effect of being able to correct the mistake of a Lower Chamber ?

A.—I have no experience really of these Upper Houses.

Q.—Do you think that as an abstract proposition you would favour an Upper House in your province ?

A.—I would not object.

Q.—You would not advocate it ?

A.—No, I would not advocate it.

Q.—It has been said that had a motion of a vote of censure against you and your colleague been permitted, probably the Ministers' salaries would have been granted in Bengal. You will permit my putting this personal question not with any desire to ask you to mention a matter which must naturally be unpleasant to you but it has been put to me that had the Government of Bengal or the President of the Legislative Council allowed a vote of censure—which those that have mentioned the matter to me say would undoubtedly have been carried—the Ministers' salaries would have been granted and there would not have been the end of dyarchy in Bengal ?

A.—I do not believe that.

Q.—You have reasons to think that would not have happened ?

A.—Yes, and my reasons are these : Even on the 26th of August when the voting took place, there were tabled certain resolutions which would have had the effect, if carried, of a vote of non-confidence in the sitting Ministers ; therefore, even if the salaries had been passed, there were other motions which could have been moved and which might have been carried if the Council wanted to take advantage of the situation to mark its want of confidence in us. My own belief is that a majority of the votes were passed against us—I regret very much I have to say it—simply because the sitting Ministers were Muhammadans. Secondly, there were many members who knew that what they were doing was not quite the right thing, but they had not the courage of their convictions and they went and cast their votes with the Swarajists. As a matter of fact, I know of one gentleman whose name I will not mention who was that very morning terrorised and who was not in the Council and who did not have the courage to come and vote for us.

Q.—I want to ask you one further question ; nobody has ever cast any slur on your loyalty as a patriot ; but it has been pointed out to me by one or two friends that you and Mr. Ghuznavi were misled by your own party in this matter for having held office longer than you ought to have done and that you two were really responsible for the destruction of the very dyarchy which you now advocate the maintenance of till 1929. Is this accusation in any way true ?

A.—It is absolutely wrong.

Q.—A late Minister in Bengal the other day, gave us various reasons as to why the Moderate Party does not exist practically in Bengal at the present moment ; and I questioned him as to whether it was not a fact that when the Bengal Municipal Act was passed in the last Council two

of your Ministers openly canvassed against each other on the question of communal representation and as to whether it was not a fact that from that moment the party of the late Ministers in Bengal—not yourself—but of the last Council really went to pieces. Do you agree with that view or not ?

A.—The Hindu-Muslim question may have been acute at that moment. I was really one of two Muhammadan members who did not agree with the majority of the Muhammadan members.

Q.—You were not so strong about communal representation ? You would have been willing to a mixed electorate ?

A.—Yes, for communal representation but not through communal electorates ; I held the view that I have held all along ; but the overwhelming majority except two or three of us were of opinion that it should be communal representation through communal electorates and feelings ran high at that moment ; but my own belief is that they subsequently subsided. I could give my own reasons for the Moderate Party not existing.

Q.—Do you think that was one of the reasons ?

A.—I do not think that was one of the reasons.

Dr. Paranjpye.—*Q.*—You make some general remarks on page 1 of your memorandum : you say " It is evident that under the conditions prevailing in a modern province, those alone would get into power under a system of representative government who are ahead of the rest in education and all other matters which determine the selection of those in whose hands authority is to be vested." Can you tell us any other way in which authority can be vested in anybody's hands at all ?

A.—No, I cannot ; therefore the transference of power by means of granting responsible government would lead to the circumstances I have mentioned.

Q.—Can you point to any other country in which power goes into the hands of people for reasons other than these ?

A.—No ; I want to make the position clear ; take facts as they are ; there are various communities in unequal stages of political development. I do not object to power going into the hands of those who are fit to exercise that power.

Q.—Are not Education and other matters which determine the selection of those in whose hands authority is to be vested sufficient ?

A.—Not education alone ; a man may write a very good essay on the life of Milton but may be a failure as an administrator.

Q.—Other matters, social work, stake in the country, etc. ?

A.—Sound judgment, capacity to form quick decision, energy and character—these are not all covered by education.

Q.—You mean education and other matters ?

A.—No ; take the case of a large community which is wanting both in education and in those other matters ; they will be absolutely unrepresented in the Councils of Government.

Q.—How are they going to develop ?

A.—By waiting and waiting and trying to bring up those communities to a certain level and not making any risk experiments.

Q.—Until then you will not have any advance ?

A.—Most unfortunate ; but in the fitness of things and in justice to other communities you cannot make any risky experiments.

Q.—Because one community is unfit, you would not give any of the other communities a chance to advance ?

A.—Unless you can raise the communities that are unfit, it will be risky to make experiments.

Q.—Would not that in itself be an incentive to the other communities to come up ?

A.—There is a Persian proverb which says " till you come up to me, I go up to Heaven." By the time these backward communities come up, the others would have monopolised everything and the backward communities will go out of existence.

Q.—Further down you say " Nowhere at any time in the world's history has the experiment of responsible government been tried amongst warring creeds and communities." You are a great student of history and politics and you have been a public man ; do you remember the instance of Transvaal ?

A.—Yes.

Q.—Responsible government was given there two or three years after the close of the war and it has proved a success there with warring communities and different races ?

A.—I am not quite aware of the conditions in Transvaal, but from what I have heard the conditions there are not quite satisfactory.

(*Sir Muhammad Shafi*).—*Q.*—May I put a question ? Is it not true that self-government in South Africa has been granted to the white races and not to the aborigines of South Africa ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And that the white races are Christians and have the same community of interest and religion, as against the local population ?

A.—Yes.

Q.—If it is not given to all communities, it has been given to two communities which were at war with each other and which were different racially ?

A.—But they are more or less homogeneous so far as religion is concerned.

Q.—In Canada also ?

A.—Yes.

Q.—There the French and the British communities were entirely distinct ?

A.—As between them there were no religious animosities.

Q.—Oh yes. there was—there were Catholics and Protestants ?

A.—Well, not so much as we have out in India.

Q.—Well, then you consider—in the very last sentence of the second paragraph—that at present " dyarchy only affords as valuable training ground to the peoples but enables the experiment to be tried with the minimum risks to the public interests." Now, I put it to you, that, when a new experiment is to be tried, it should be tried in the best possible way so that the difficulties of that new experiment will be as few as possible. Don't you think that in that view dyarchy creates a lot of difficulties ?

A.—I have tried hard to understand what those difficulties are but I have never yet been able to understand.

Q.—I will give you an instance. I suppose you have been touring in your electorates and in the province, when you were an ordinary member and also a Minister. Well, there has been public dissatisfaction against several measures of Government for instance—whether rightly or wrongly—against the measures of Government for keeping law and order. Well, now, don't you think that, although the Ministers were not responsible for these measures, they have always been held by the public to be responsible for them ?

A.—The public were misled by designing politicians into throwing on the shoulders of Ministers faults which were really due to other people.

Q.—The constitution allows this misleading to take place by designing politicians ?

A.—So long as there are ignorant people in the world, designing people will take advantage of their ignorance.

Q.—Did the Ministers try to enlighten the electorate on this point ?

A.—Yes, when the Ministers were given an opportunity. As I have said repeatedly I have hardly had any breathing time while I was in office, but I have succeeded when I have tried the experiment.

Q.—Didn't their opponents say, he is a member of the Government and he is responsible for these oppressive measures.

A.—Dr. Paranjpye, what do you say to this. When Sir Surendranath Banerjea was seeking election, the electorates were told this is the man who doubled the value of postcards among other things. That is the kind of lies that people were told.

Q.—How are you going to guard against that ?

A.—That is the kind of difficulty which will not be removed if you take away dyarchy.

Q.—At any rate, so far as Provincial Governments are concerned, the Ministers will be responsible for the whole of the actions of the provincial Governments and they will not disclaim their responsibilities.

A.—As I have said, I cannot conceive how you prevent a man who deliberately misleads his own countrymen from carrying on his work simply because you take away dyarchy and give full responsible government.

Q.—Well, I have had experience in touring also and I have been continually faced with this question—"what did you do in this case ? You are a member of the Government and you are responsible for this." Although under the constitution I was not at all responsible in this matter, it is very difficult to take out of the minds of people the idea that Government is a whole and that therefore everybody should be held responsible ?

A.—I should like to have a better idea of the sense of justice of my countrymen. If my countrymen are so unjust that they would go against me simply because somebody else is at fault, there is no help. But I think people are sensible. If you explain to them that you are not responsible but Mr. so and so is, I don't think they will go against you.

Q.—Well, now, on the next page, you say :

> "But even the limitation of the field of Government is not enough to protect the weaker communities from the arbitrary exercise of power by the stronger communities."

We have been always hearing these generalities. Could you give me some example of the arbitrary exercise of power by the stronger communities ?

A.—We have been hearing so much because it represents the truth. What particular instance do you want ? I may get into power and I may be inclined to show favour to my own community in preference to the rest.

Q.—Would you do it ?

A.—In some cases people do.

(*Sir Arthur Froom*).—I suppose the witness is using the word, speaking personally. I don't think he need be taken upon that. Later, in the next para. under (*c*), you say :—

> "Dyarchy has not had a fair trial at all. During the first period of the Reformed Councils, a large portion of the population held aloof and full opportunity for observation was not afforded."

Now, I put it to you that, although possibly, taking the whole province and the whole population, dyarchy might not have been given the fullest trial in the provinces, the trial given to dyarchy in the first three years was really the most fair and under the most favourable circumstances ?

A.—In what way ?

Q.—Because there was not a party in the first Council which was bent on obstruction for obstruction's sake and therefore all the members that were in the first Council went on working the constitution as it existed then. If, therefore, certain people who were conversant with the old state of things say that even under those very favourable conditions of the Council dyarchy was not a success, would you be prepared to agree with that point of view ?

A.—In the first place, I do not admit that dyarchy has not been a success during the first three years.

Q.—But supposing the Ministers who were actually working dyarchy at that time think that dyarchy did not succeed even under those favourable circumstances ? I want to know whether those circumstances were favourable or not ?

A.—You will pardon me, I have read some of the evidence, but I have felt that some of these gentlemen were talking to the gallery.

Q.—Do you at any rate consider that the conditions for working dyarchy in the Councils themselves were favourable ?

A.—I consider that the conditions were fairly favourable.

Q.—Were more favourable than if the Extremists and Non-co-operators had tried to go into the Council ?

A.—If you will permit me to explain myself—what I consider a favourable circumstance is this. There must be a spirit of co-operation between the Ministers and the members of the Legislative Council. All the parties, officials and non-officials, all the communities must make up their minds to give the system a fair trial.

Q.—Was that the spirit in the last Council ?

A.—Allow me to finish. The second condition necessary is that there should be a certain section who will be in power and a certain section who will be in opposition, so that they may find out when Government is going wrong and whether the Government ought to be put right. In the first

Reformed Council there were a lot of people who had no backbone ; people who only got in because they found the doors open. And secondly, Ministers had a smooth way and never tried to exert themselves and to earn the good opinion of the people because they thought at any rate that this non-co-operation movement would go on and they would encounter no resistence.

Q.—But at any rate the Ministers had a very smooth way by your own showing ?

A.—They did nothing, and therefore they did not as a matter of fact give any evidence of what good could be done under the system of dyarchy. They took things quietly and easily because there was no opposition and they were content to let things go on.

Q.—Do you think that they did not try to do their work in the cause of the people ?

A.—I should not be sitting in judgment on the Ministers.

Q.—What was your attitude ?

A.—I got disgusted.

Q.—Did you ordinarily support the Ministers in the last Council ?

A.—In almost everything they did, so long as I considered that they were on the right path.

Q.—Did you try to get them support ?

A.—No, I did not get them any support, because most of the members were anxious to get their travelling allowance bill and did not do any work.

Q.—What were the measures which you tried to urge upon the Ministers to take up ?

A.—One point was, as I said, the injustice that has been done to Bengal by the Meston settlement.

Q.—Did not the Government move in the matter ?

A.—Yes, Government did move. I was a member of the deputation and Mr. Surendranath Mullick. Six of us came from Bengal and we pleaded our cause.

Q.—So you cannot say that the Bengal Council did not move properly and in fact they succeeded in getting their contribution cancelled ?

A.—I tried to have the Resolution passed in the Bengal Legislative Council and succeeded. In pursuance of that Resolution a deputation was sent to Government.

Q.—Well, at any rate, on that point the Ministers did their best ?

A.—We were persistent.

Q.—So that on that point the Ministers were not failures ?

A.—I never said that the Ministers were not faithful to their trust. I said the Minister found an easy time and they felt inclined not to put forth their whole energies and strength.

Q.—Well, I want to know in what direction they could have put forth their energy and strength ?

A.—In many directions.

Q.—Did you try to guide them to some measures which were practical and which it was possible for them to undertake ?

A.—In minimising expenditure and many other directions. And ultimately after a year and a half I myself ceased to take much interest in the work of the Legislative Councils. There was nothing like life in that Council. It was a lifeless thing.

Q.—It is very much alive and kicking now, I suppose ?

A.—It is more than that.

Q.—In sub-section (*d*), you say :—

> " Responsible government is possible only with a sufficiently well-educated electorate. This essential condition is wanting in India."

Well, I suppose you know from history that England had responsible government for very many years and centuries, that the electorate was not very large in the early years and except within the last 100 years and it was not very well-educated. Still England enjoyed responsible government ?

A.—You see everywhere the experiment has been tried with homogeneous people and homogeneous communities.

Q.—I am pinning you down to the words mentioned. Do not always bring in different communities ?

A.—I don't bring them in ; they always come in.

Q.—I just want to know if this is an essential condition as you say here in the passage I have just read out ?

A.—I certainly think it is an essential condition.

Q.—Do you think the condition held in England ?

A.—I think so. As a matter of fact, there were not those drawbacks.

Q.—Well, you say in the next para. that your relations with the Secretaries were harmonious. Can you tell us how often you differed from your Secretaries ?.

A.—On many occasions. I can tell you, Dr. Paranjpye, what method I adopted. Whenever there was any suggestion by the Secretary from which I differed, I had a free discussion with him. On many occasions he yielded ; on one or two occasions, when he did not yield, I pointed out to him that this was the action I was going to take, and not in one case did the Secretary take up the case to the Governor.

Q.—Well then, in the last para. you say that the system has been worked very well. Well now, I put it to you that Ministers could not do anything else because there were the Devolution Rules which required that in case of differences the Governor has to follow a certain procedure and even accordnig to the Act the reserved departments must get their full share before the transferred departments can get anything ?

(*Mr. Chairman*).—*Q.*—What is that based on ? Would you mind referring to it ?

Q.—I beg your pardon—not reserved departments, I meant non-voted items—non-voted items are the first charge ?

Q.—There are definite rules and consequently the reserved departments are always better placed in the case of a dispute like that ?

A.—I do not think so for this reason. For example take the authorised expenditure which must be met, for both the reserved and the transferred departments. As regards the surplus there comes in this scramble between

the Ministers and the members. Perhaps the general complaint of the Ministers is that they do not get their full share. The practice prevailing in Bengal has been whenever a scheme is put forward, as I have said in the memorandum, that the Minister has got to make out a case for the money he wants. If he succeeds he gets it and if he fails it is his fault. As regards the authorised expenditure, the reserved departments get more because from the beginning these departments need expenditure which has been authorised.

Q.—Then the reserved departments are in full efficiency and the transferred departments are capable of great development ?

A.—That means you should have more of the surplus. What I mean is this. Taking the case of Bengal, there is 11 crores expenditure. Six crores will be for the reserved departments and 5 crores for the transferred departments. I do not admit that the transferred departments are working under dyarchy with less money than these departments had when they were working previous to the reforms.

Q.—The expectation was that since these subjects were transferred to the Ministers, they would get better chance for development ?

A.—If they had got more, the Ministers would have been able to do more but it is not correct to say that simply because they had not got more money they could not do any useful work. It is a question of funds.

Q.—Did you consider the way in which the reserved department budget was framed ? Did you try to suggest any retrenchment in the reserved department in order to get more money for your own department ?

A.—I came into office in January. The money for the reserved and the transferred departments was allotted some time in October or November. Before another October came we had to resign.

Q.—You mentioned that you yourself were a party to the Lucknow Pact. The considerations by which you agreed to this Pact, I suppose, were that the Bengal Muhammadans should surrender a portion of their legitimate claims acording to population in order to help their co-religionists in other provinces ?

A.—That was the underlying idea.

Q.—Therefore it was a kind of give and take on the part of Muhammadans as well as Hindus in various provinces ?

A.—Personally I thought we should be generous towards our brethern in other provinces.

A.—Exactly they did.

Q.—That is probably what the Hindus thought also ?

Q.—If the Pact is to be reconsidered, it should be reconsidered in all its aspects and not in the case of one province only ?

A.—That is one reason why I was a party to the Pact and I do not want to go back upon it.

(*Sir Muhammad Shafi*).—*Q.*—I want to put one question on this point. As a result of your generosity your majority in Bengal was converted into a minority ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Was there a single instance in any other province in which as a result of Hindu generosity the Hindu majority was converted into a Hindu minority ?

A.—No.

Q.—You spoke about bribery and corruption in the Bengal Council. You are aware that similar charges were made on the other side ?

A.—I am prepared to show that so far as we are concerned the charges were absolutely impossible and for this reason. Take the number who voted for us. They were 66. Of this four were members of the Executive Council. They were not bribed. The Secretaries to Government and heads of departments, they were not bribed. There were five elected Hindu members, men like Raja Manilal Singh and others. The very names are a guarantee that they were above corruption. Then there were 18 European members. They were not bribed. As regards the 18 Muhammadan members, there were men like Nawab Shujat Ali and others whose very names are a guarantee that they could not be bribed. You may go through the division list and you cannot come upon the name of a single man whose name is not a guarantee. Take the list on the other side and you will find that there are amongst them.....

Q.—Was the opposition against you due to the fact that you two are Muhammadan Ministers ?

A.—I do not say all the votes. I say some of the votes are absolutely cast against us because we were Muhammadans.

Q.—How many Muhammadan members are there ?

A.—Thirty-nine.

Q.—How many did you get ?

A.—We got 18. Two were absent and the rest voted against us.

Q.—How many were against you ?

A.—Nineteen. They were not free votes at all. Thirteen of them got into the Council because they got their election expenses paid by the Swarajists.

(*Mr. Chairman*).—This point is only relevant to the inquiry before us in so far as steps are concerned which should be taken to deal with corruption. If there has been any corruption it is a subject for investigation by an independent committee and not by this Committee ?

Q.—Do you mean to say that a party should not meet the election expenses of its candidates from its funds ?

A.—A man who accepts the expenses from that party sells his liberty to that party.

Q.—You know that this is quite common in England ?

A.—We have also learnt this. At the next election we will also pay and get members.

Q.—You see nothing wrong in it ?

A.—If it is done within proper limits. If it goes beyond certain limits it may be objectionable.

Q.—You know that the Labour Members in England get their election expenses paid from party funds ?

A.—That has nothing to do with what I said.

(*Sir Muhammad Shafi*).—*Q.*—Is it not a fact that the Labour party invariably selects the best men as candidates for their constituencies ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—I think all we are concerned with is whether it is legitimate to pay expenses. Would you advise that more care should be taken to frame rules to limit those expenses ?

A.—Yes.

Q.—Under the present rules a candidate has got to send a return of his election expenses ?

A.—It is submitted as an honest list. It is seldom correct.

Q.—His opponents can sue him ?

A.—How can his opponents know ? The man may spend Rs. 10,000 and send a return of only Rs. 100.

Q.—It is very difficult to challenge the honesty of a man ?

A.—If he swears a false affidavit, you cannot detect him.

Q.—In answer to the Maharaja you said that there is a loss of dignity in the present Legislative Council ? What exactly do you mean. Do you mean that the members come from a lower strata of society or do you mean that they are less rich ?

A.—I am sorry to have to say that a large number of the members who have come to the Bengal Council belong to a much lower strata of society than the members whom we used to know in the Minto-Morley reform days.

Q.—Do you mean they are poorer ?

A.—It is not poverty alone. There are other things.

Q.—Are they less educated ?

A.—They are less educated.

Q.—Less public spirited ?

A.—Yes.

Q.—Have not done any public work ?

A.—There are many who have never been members of even local boards in their lives.

(*Sir Arthur Froom*).—*Q.*—With reference to the word dignity that you used may the Committee take it to mean a proper sense of responsibility ?

A.—Yes.

Q.—How would you ensure proper dignity among the members returned to the Council ?

A.—By allowing time to the electorate to learn their business so that they may elect people who know their business.

Q.—Are you aware that when new classes get representation in the legislative bodies older people always complain that there has been loss of dignity ?

A.—I am not aware of that.

Q.—When for instance the Labour Party came in in large numbers, complaint was made that the House of Commons has lost its dignity ?

A.—I have had no occasion to complain myself since I have been in the Council ever since the reforms began.

Sir Arthur Froom.—*Q.*—I understand you favour the retention of dyarchy ?

A.—Yes, for the present, because it gives a good training ground both to the electors and the representatives in the Council and the Ministers and also it minimises risks.

Q.—You have in your mind, as the final goal, provincial autonomy ?

A.—Yes, in course of time.

Q.—You recognise that nearly every province in India has been suffering from lack of sufficient funds. If you had had more funds, do you think you would have had all these grievances ?

A.—If there had been more money more tangible work could have been done and that might have satisfied the reasonable section of the critics.

Q.—You told the Committee that your relations with the official members of Government were most cordial ?

A.—Yes.

Q.—And that you all worked together in Bengal ?

A.—Yes.

Q.—During your term of office the party which had a majority in the Bengal Legislative Council was the Swaraj Party ?

A.—That is not exactly the case. The Swarajists could command a majority.

Q.—Do you think that they were dissatisfied with the cordiality of the relations between the Ministers and the official members of Government ?

A.—I do not think they knew anything about the relations that obtained among us.

Q.—You do not think you could have commanded the confidence of the majority in the Bengal Legislative Council if you had shown opposition to Government as a Minister ?

A.—The feeling in the present Council is whether it is good, bad or indifferent, end with dyarchy.

Q.—Can you tell the Committee why they did not vote the salaries of the Ministers ?

A.—Because some of the members were told that if the salaries of the Ministers were withheld, Bengal would get provincial autonomy. It was always thought that it was in the pockets of some of the members ?

Sir Henry Moncrieff Smith.—*Q.*—You said that the first Council became a lifeless body ?

A.—Yes.

Q.—And it was suggested to you by Dr. Paranjpye that the present Council was very much alive ?

A.—Yes.

Q.—Is the present Council alive for the purpose for which it was constituted ?

A.—Its only duty seems to be to destroy and not to work the constitution at all.

Q.—In so far as there were parties in the Council, may I take it that there was a Ministerial party and that it was one and not two because there were two Ministers ?

A.—You mean in the Council that has ended now ?

Q.—Yes.

A.—There was one party.

Q.—Do you ascribe it to the fact that both the Ministers were Muhammadans ?

A.—The persons who were supporting the Ministry supported both the Ministers.

Q.—I will put it in another way. If your colleague had been a Hindu or if a third Minister had been appointed and he had been a Hindu, do you think there would have been a solid Ministerial party ?

A.—We could have got some more Hindu votes.

Q.—You would have got a larger party which would have been prepared to support the Ministers, whether they were Hindus or Muhammadans ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—It was a disadvantage only to have had two Ministers ?

A.—Yes, it was and both were Muhammadans.

Q.—You said you opposed the transfer of Police because you thought it would be exploited for party purposes ?

A.—Yes.

Q.—It has been suggested that Ministers really cannot carry on without patronage, while other *ex*-Ministers have said that they do not want it. What is your own view ?

A.—They must have some patronage. There is nothing wrong in having patronage in your hands, provided it is exercised in the legitimate way. But if there is any tendency to make other than legitimate use of it, I would not like to leave patronage in the hands of such people.

Q.—What do you mean by a legitimate exercise of patronage ?

A.—So long as public interests do not suffer and you exercise patronage within limits. But as I was giving an example, the Calcutta Corporation is in the hands of a particular section of the politicians in Bengal. They have exploited it for party purposes and I do not think in quite a legitimate way. They have directed it against us. That influence, that power, has been exercised to gain over members of the Legislative Council to their side, to vote with them.

Q.—I have only one more question and that does not really arise out of your Memorandum. It has been suggested that the central control provided by the Government of India Act over provincial legislation has hampered the activities of Ministers. Since you became a Minister, there has been no legislation, I presume ?

A.—No, nothing. No work was done.

Q.—Did you attempt to promote any legislation ?

A.—We had no opportunity, no time, no occasion.

Q.—As a member of the first reformed council, did you at any time hear that Minister's measures or the Local Government's measures were delayed by the Government of India ?

A.—I did not hear.

Q.—You do not know of any case ?

A.—No.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Fazlul Huq, in your memorandum you say that in your opinion it was a great mistake for the Imperial Government to have made the declaration of August 1917 ?

A.—I never said that.

Q.—I will give it to you. You say this. That is the second sentence. "My experience of the last few years of the political development in India has convinced me that the declaration of the Imperial Government in Parliament in August 1917 was a great mistake." I am quoting your own words ?

A.—Yes.

Q.—Now, that being your view, I suppose it does not matter to you in the slightest degree whether dyarchy is retained for 5 years or not, because logically Government will be stronger if dyarchy is abolished and we went back to the pre-reform form of Government ?

A.—Exactly. Because I do not believe the British Parliament is going to do any such thing, that is to say, as I believe there will be no going back. I think dyarchy should be retained.

Q.—I take it that your position is that dyarchy is a necessary evil ?

A.—It is a necessary evil. It is an indispensable first step.

Q.—And frankly speaking, if you had the choice you would abolish all democratic and representative institutions in India ?

A.—If I had a choice I would go back to the old days.

Q.—You believe in strong personal Government ?

A.—I do.

Q.—That is what you say here ?

A.—Yes, I do. I would go back to the period even before the Minto-Morley reforms. I will go back to those days.

Q.—You will go back to the state of things which prevailed before the Minto-Morley Scheme ?

A.—Yes.

Q.—In answer to a question put by another gentleman, you said that you have grown wiser ?

A.—Yes.

Q.—May I know when this enlightenment came to you ?

A.—It gradually dawned upon me since 1920, when the Non-co-operation movement and other things began.

Q.—I suppose it reached its perfect stage when you were defeated in the Council ?

A.—No, no. Not in the least. I expected as much when I accepted office in January. Not that I never knew it. I knew these things would come. But I accepted office to show that we were there to work dyarchy with the best of intentions. We wanted to give it a chance.

Q.—Just before the expiry of your Government, you made a speech in the course of which you said :

> "As regards the point at issue, I do not want to say anything except that so far as dyarchy is concerned, I wish with all my heart that it comes to an end to-day."

A.—I meant that we may go back to the old conditions.

Q.—Not that you wanted any further advance, but you wanted to go back to the state of things which existed before the Minto-Morley Reforms ?

A.—Yes.

Q.—May I know, Mr. Fazlul Huq, whether these views of yours were known to the electorate at the time when you stood up for election ?

A.—As a matter of fact I have always been returned unopposed to the Legislative Council since 1912.

Q.—Will you please tell the Committee whether the views which you have now put forward before this Committee were known to any section of the Council before the debate in March arose on your salary ?

A.—They were known all over the country, and I have been taken bitterly to task for these opinions of mine.

Q.—I suppose you know that the Swarajists had come deliberately into the Council with a view to abolish dyarchy ?

A.—Yes.

Q.—Were you therefore surprised when they went against you ?

A.—Not at all.

Q.—There was a complete divergence of opinion between you and them ?

A.—I was never surprised. I was fully prepared for that.

Q.—Now, assuming that you were not a Muhammadan—I am assuming that only—and that you were a Hindu and that you held these views and your views were known to the Swarajists, do you think that the Swarajists would have behaved otherwise than they did towards you ? Would they have tolerated a Hindu if he held your views ?

A.—I do not think they would have tolerated a Hindu.

Q.—Therefore, so far as your views were concerned, I take it that they were views which were condemned by them, irrespective of the fact that you were a Muhammadan or a Hindu ?

A.—Do you mean Swarajist Hindus ?

Q.—Yes.

A.—Possibly. But there are others who voted against us who were not Swarajists, but I believe they voted against us because we were Muhammadans.

Q.—So far as the Swarajist Hindus are concerned, you are now prepared to acquit them of any bias against you on the ground that you were a Muhammadan ?

A.—I do not know. The larger issue before them was to end dyarchy and the larger issue might have swallowed up lesser ones. They had a major object. This might have been latent.

Q.—The major object was to abolish dyarchy ?

A.—Other minor considerations did not come up. They might have been lurking in their minds. I do not know.

Q.—Then, Mr. Fazlul Huq, the Muhammadan electorate in Bengal generally holds the views that you hold about dyarchy ?

A.—I think so.

Q.—And the Muhammadan electorate in Bengal, I suppose, holds the view that it, would be very much better if we could go back to the pre-Minto-Morley reform days ? That is the view of the Muhammadan community of Bengal ?

A.—I believe so.

Q.—That is your belief ?

A.—Yes.

Q.—When did this opinion come generally to be held in Bengal by the Muhammadan community ?

A.—Very recently.

Q.—You mean to say in 1924 ?

A.—It may be previous to that.

Q.—That is to say between 1920 and 1924 ?

A.—Gradually.

Q.—During 1920 to 1924 ?

A.—It is very difficult to say the exact time.

Q.—Roughly speaking it was between 1920 and 1924 ? I do not ask you to be very accurate.

A.—It must be gradual.

Q.—Within the last two or three years this opinion has sprung up ?

A.—Yes.

Q.—Frankly speaking the Muhammadan community in Bengal is entirely opposed to all reforms and it is not a question with them whether there should be dyarchy or anything more than dyarchy ?

A.—I do not say that 25 million Muhammadans hold that view.

Q.—A considerable section of the Muhammadan community holds that view ?

A.—Yes.

Q.—And you represent that view ?

A.—Now I hold that view.

(*Sir Muhammad Shafi*).—Q.—As a result of the experience of the Muhammadans during the last three or four years ?

A.—Yes.

(*Mr. Chairman*).—Q.—Did it come about as a result of the rejection of the grants ?

A.—Beg your pardon.

Q.—What the Chairman (if he will permit me) and I want to know is this. Has this change in the attitude of the Muhammadans come about as a result of the rejection of the grant of the salaries ?

A.—It has accentuated that.

Q.—But that feeling was already there ?

A.—Yes.

Q.—What was the result of the first debate in March 1924 as regards the salaries ?

A.—62 to 63. That is to say I lost by one vote.

Q.—And what did you take that to be ? Did you take that to be as a vote of want of confidence in you ?

A.—I would have taken it as a vote of no-confidence if the votes had been honest votes.

Q.—The dishonesty began in March 1924 ?

A.—Dishonesty began from sometime before that.

Q.—When did it reach its climax ?

A.—It reached its climax from the time of the division on the Budget debate.

Q.—In August 1924 ?

A.—In March 1924 during the Budget Demands.

Q.—Between March 1924 and August 1924 when the final discussion took place with regard to your salaries, did you take any steps to strengthen and consolidate your position among the Muhammadans themselves ?

A.—The only element with which we could work would be the elected Hindu Members and the elected Muhammadan Members. As regards the elected Hindu gentlemen who have supported us, they were men of unimpeachable character, who, we knew, were above bribery and corruption. There was no necessity.....

Q.—The supporters are generally men of unimpeachable character ?

A.—Not necessarily. As I have said the division lists are before the whole world and they can go through the two division lists and see the supporters and non-supporters. They can at once find it out. As regards trying to consolidate our position in order to win over some of the Muhammadan members, for instance, who voted against us, we would have to use weapons which had been used by our opponents and we were not prepared to use them.

Q.—What you mean really is, you were not prepared to resort to those dishonest means which were adopted by your opponents ?

A.—And not only that, if we did, we would have had to offer higher figures.

Q.—And you were not prepared to do it ?

A.—No.

Q.—Then I take it your position is that your opponents were a pack of dishonest people ?

A.—I did not say that.

Q.—Am I right in inferring that ?

A.—No, I have not said that.

Q.—Am I right in assuming that what you wish the Committee to bear in mind is that the Muhammadans who voted against you were a pack of dishonest people ?

A.—I do not say all, some of them were. Of the Muhammadans some were won over by bribery and corruption, and some voted because their feelings of jealousy were worked upon.

Q.—Whether they voted against you because they were bribed or actuated by private motives.....

A.—Or from fear or intimidation.

Q.—They were neither honest nor courageous ?

A.—Some of them were not honest and some were not courageous.

Q.—That is your suggestion ?

A.—Some were misled.

Q.—I take it that the feelings between you and your opponents were, and even to-day are, very bitter ?

A.—No, not in the least.

Q.—Are they very sweet ?

A.—I bear no ill-will against them ; they were misled.

Q.—You are not bitter ; they are bitter against you ?

A.—May be, it is for them to say. Perhaps there are many who have repented. Only two days before I left, one gentleman came up to me and suggested that if I could get him employment somewhere, the next time voting came he would come over to my side. Some of them may be repentant, but I am not bitter against them.

(*Mr. Chairman*).—We do not want this enquiry to develop into an enquiry into bribery and corruption in Bengal. It is relevant, but I do not want to go into details.

Q.—I suppose there have been similar allegations made by your opponents against the Ministers ?

A.—Allegations are very easy to make.

Q.—I want to know ?

A.—Yes of course they have.

Q.—You were challenged in the Council ?

A.—No, not like that.

Q.—Here is your speech, you were challenged ?

A.—Challenged in this way that we bought votes, I do not think so.

(*Mr. Chairman*) *Q.*—The question you wish to put to the witness is this. Were allegations charging you with bribery and corruption made against you in the open Council ?

A.—I do not think so.

Q.—In answer to a question by Sir Muhammad Shafi you said that you would not object to the transfer of certain departments such as the Judicial Department and the Land Revenue. To the extent to which you admitted that you agreed that some departments might be transferred without serious injury, you modify your written memorandum ?

A.—I said that personally, as at present advised, I would leave things as they are, but if any further advance is thought necessary, there are certain subjects with which the experiment could be further tried.

Q.—Your personal opinion is that you would not do anything more at the present time ?

A.—For the life of the present Council.

Q.—At the end of the present Council you would probably reconsider the position ?

A.—If necessary, if I am called upon to give an opinion I might say so ; that will depend upon how things shape in these two years.

Q.—In your later memorandum you say in clause (*e*) :—

> " Not only should the electorate be educated enough to understand the significance and potentiality of the vote, but the members of the Legislature should also understand their proper functions. It is sadly lacking in our present Councils."

Do you expect by 1929 the electorate to be educated up to the standard which you have in view ?

A.—If they are not, you do not advance further.

Q.—I was coming to that. Even if in 1929 you find the electorate and members of Council do not satisfy your requirements, you would be prepared then to say dyarchy should continue ?

A.—Honestly speaking, yes, as at present advised.

Q.—But there is a possibility of your changing ?

A.—I might change my opinion.

Sir Sivaswamy Aiyer.—*Q.*—You consider representative institutions are utterly unsuited to this country for two reasons, (1) because Orientals prefer one-man rule, and (2) because India is a country of warring creeds and communities. How long have you held this opinion ? Ever since you took part in political life ?

A.—For two or three years. I have not actually given up public life. Ever since the Reforms began I have been watching and I very much regret to say I find no improvement in conditions.

Q.—Before the last two or three years you were not aware that this was a land of many creeds, communities and races ?

A.—I expected a better sense among the people and I never had any reason to regret the communal feuds which have become the order of the day at the present moment.

Q.—But you were aware of the fact that there is a diversity of creeds and communities in this country ?

A.—Yes.

Q.—And therefore this opinion that representative institutions are unsuited to this country is only an opinion of the last two or three years' growth ?

A.—It is not an opinion of the last two or three years' growth really. I have had an experience of working of representative institutions, even in a limited sphere, within the last two or three years. Before that we had no occasion to observe.

Q.—There was something like representative institutions under the Minto-Morley Reform ?

A.—Nothing worth mentioning.

Q.—Your experience was not then sufficiently discouraging ?

A.—No.

Q.—Now with your present opinions, based on the working of the Reforms, you would go back upon the Reforms ?

A.—I would not willingly go back upon the Reforms ; I still hope for the best. I still hope that better conditions will prevail and there will be more of harmony and co-operation between all classes of people and we will be able to work dyarchy to such an extent that we will be able fairly to claim more and gradually gain autonomy.

Q.—But you expressed yourself somewhat more strongly in your first opinion. You said that representative institutions are no more suited to this country than hot-house flowers to a polar region. Don't you think it is putting it much too strongly ?

A.—It is an opinion.

Q.—Do you still adhere to that statement ?

A.—At the present moment I do, but it may be that it is put more strongly than it should have been ; I might modify it later.

Q.—I merely wish to know your exact opinion. I wish to call attention to the statement you have made in your first memorandum that you can no more expect representative institutions in their proper form to flourish in India than you could expect hot-house flowers to blossom in the icy north. From that statement one would be disposed to infer that you think representative institutions can never have a chance in this country.

A.—My metaphor may be incorrect or it may be conditions might improve.

Q.—Do you still adhere to that statement, or would you wish to modify it ?

A.—At the present moment I do adhere to it.

Q.—But you think the experience of a few years may lead you to change this ?

A.—Oh yes, I am not pessimistic ; I am optimistic.

Q.—You said a little while ago that you were not able to understand what the difficulties of dyarchy were, and so far as your experience goes, it has been worked successfully and satisfactorily, apart from the question of deficiency of funds. Then you do not think there is any necessity for any improvement in the present system for some time to come at any rate ?

A.—Yes, I think so.

Q.—You had a colleague in Nawab Ali Chaudhri ?

A.—He was in the previous Council.

Q.—You say in your first memorandum, " As for the rest, I agree generally with the remarks of Nawab Ali Chaudhri on the suggested remedies for removing some of the defects in the constitution." ?

A.—That was in regard to a separate purse.

Q.—He does make suggestion for removing these defects and you agree with him ?

A.—Yes.

Q.—So there are some defects ?

A.—It is a human institution and there are some defects.

Q.—Does dyarchy merely share the ordinary incidents of imperfection of all human institutions or a little more ?

A.—It is very difficult to answer that question. It is a human institution and it has got human defects ; I do not think it has got special super-human defects.

Q.—Nor more than the average share of defects ?

A.—Nor extraordinary defects.

Q.—Nor anything calling for a remedy ?

A.—I do not say so ; If there are some small defects here and there they may be remedied.

Q.—You said your relations with the Secretaries were happy ?

A.—Yes.

Q.—You had no complaint ?

A.—Personally I had no complaint.

Q.—You are aware that Nawab Ali Chaudhri bitterly complained about his relations with the Secretaries and said that the rules of business which are framed by the Governor of the Province under section 49 (2) of the Government of India Act have practically made the Ministers in Bengal subordinate to their Secretaries. In fact the rules of business in Bengal have been so framed as to defeat the object of the Government of India Act, which is to make the Ministers independent of the Secretaries in the matter of the administration of transferred subjects. That was his complaint ?

A.—That is a statement of fact by Nawab Ali Chaudhry. With that I do not agree.

Q.—Nor do you agree with the suggestion ?

A.—I agree with the suggestion, although I don't agree with the statement of facts.

Q.—If the facts are not as stated why should there be any change in the rules.

A.—It does not matter. He may have his reasons. I may have other reasons. He may make out a very good case for a change. I say if this change is introduced it may make things better ; otherwise things can go on as they are.

Q.—Do you think the relations between Ministers and Secretaries stand in need of any change or improvement.

(*Mr. Chairman*).—*Q.*—May I put it to you, Sir Sivaswamy, that you are mixing up two questions. Personal relations between a Member and his Secretary may be perfectly friendly, but it may be wise to change the constitutional relations. You put it that way to the witness. I think you are rather mixing up two things.

Q.—I will assume that the relations between you and the Secretaries personally have been perfectly cordial but would you nevertheless make any change in the rules regulating your relations with the Secretaries ?

A.—If they are changed perhaps it would make the position of the Ministers stronger. But as the rules stand I do not think that the Secretary would needlessly interfere with the independence of the Minister. It all depends on the Secretary and the Minister.

Q.—Do I understand you to say that it is possible to get on under the existing rules but that it would be better if the rules were changed ?

A.—It depends on what the Ministers want them to be. Personally if I were given a chance I would not think that these rules would hamper me, but if other Ministers think these rules ought not to be there, they may be changed.

Q.—With your experience as a Minister do you wish to see them changed ?

A.—My brief experience has been that these rules have not stood in my way.

Q.—Then you do not desire a change ?

A.—If somebody else wants it I do not wish to stand in the way.

Q.—Then this is not one of the remarks with which you agree ?

A.—I do agree with it. If he wants the change so much the better.

Q.—Then you think it would be an improvement.

A.—Supposing there are 14 Ministers. Two of them think the present rules sufficient and the rest think a slight change would be better, then I should agree with that.

Q.—You would be willing to defer to their opinion ?

A.—Yes.

Q.—You say that the transferred departments should have a separate purse.

A.—I agree with that.

Q.—That is what you suggest. You agree with the suggestion that the transferred departments should have a separate purse ?

A.—Yes.

Q.—You are aware that when the suggestion was first made the country generally was against it ?

A.—Yes.

Q.—But have you had any reason to change your opinion since ?

A.—Well in the beginning the country was very much against any proposal to have a lower salary for the Ministers as compared with the Members of the Executive Council, but directly the local Government said the salaries should be equal, the country said they should be lower.

Q.—Very well, then you think a separate purse would be an advantage ?

A.—I think so.

Q.—I think you said your relations with the Finance Department were also quite cordial ?

A.—Well, my experience was very brief. I really have not had.....

Q.—A sufficiently long experience ?

A.—Yes.

Q.—Now though it is your wish to go back, if possible, from the reforms you still suggest these improvements in the hope that they may produce a better state of things in the future ?

A.—I mean going back is only a counsel of despair. I would rather, as I said, hope for better things.

Q.—You said there was an objection now to the Lucknow Pact ?

A.—Yes, in Bengal the Muhammadans thought that the representation was inadequate because although they were 54 per cent. of the population they had only 40 per cent. of the elected Indian seats.

Q.—What is your own opinion ? Do you think the Lucknow Pact should be revised or left alone ?

(*Mr. Chairman*).—He has answered that question.

A.—Personally I do not share the objection.

Q.—You would stick to it ?

A.—Yes.

Q.—Now you said you had no objection to the transfer of Judicial but some objection to the transfer of Law and Order. You said if there is to be a transfer, Judicial may be transferred and Land Revenue also but Law and Order and Police should not be transferred.

A.—Comparatively I said.

Q.—But I don't quite understand how if Judicial is transferred Law and Order may be kept reserved. What is the distinction between Judicial and Law and Order ? I don't quite follow. Can there be Law and Order apart from Judicial ?

A.—Law and Order is really bound up with Police or General Administration, with the Executive Government, and Judicial with the administration of Munsif, Sub-Judges, District Judges, etc.

(*Mr. Chairman*).—*Q.*—You don't include the Magistrates in Judicial. You mean Civil Judicial. You exclude the Criminal Judiciary. You take that as a part of the General Administration ?

A.—Yes.

Q.—Now, when you said Judicial should be transferred did you or did you not include Criminal administration ?

A.—There are two sides—the executive side and the actual judicial side. There is a combination of the judiciary and the executive so far as that is concerned.

Q.—Do I understand Judicial to include both the Civil and Criminal judiciary. Is it in that sense you used the word ?

A.—No, I exclude the criminal judiciary.

(*Mr. Chairman*).—Q.—That is included in General Administration ?

A.—Yes.

Q.—Then while you are willing to transfer Civil judicial administration, you have an objection to the transfer of criminal judicial administration ?

A.—Yes.

Q.—And you don't mind transferring Land Revenues ?

A.—No.

Q.—What is your objection to the transfer of criminal judicial administration. You think it may be perverted ?

A.—It may be perverted for party purposes.

Q.—And you think the people will not take sufficient interest in the maintenance of a proper standard of administration ?

A.—It will take some time before popular opinion asserts itself ?

Q.—Are you aware of the existence of a body called the Parliamentary Moslem Association ?

A.—Where ?

Q.—Here in connection with the Legislative Assembly ?

A.—I have read about it ; but I have been member of the Moslem League, not of the Parliamentary Moslem Party in the Legislative Assembly.

Q.—Would you recommend any advance in the Central Government, any constitutional advance in the sphere of the Central Government ?

(*Sir Tej Bahadur Sapru.*)—*Q.*—He is opposed to dyarchy. I think the Central Government is out of the question.

Q.—Are you in favour of any advance in the sphere of the Central Government ?

A.—You mean another experiment in dyarchy ?

Q.—I am only asking ?

A.—I am in favour of no more experiments at the present moment.

Q.—I may tell you that this Parliamentary Moslem Party, which includes a number of your Calcutta friends, are in favour of an advance in the sphere of the Central Government ?

A.—I don't know.

(*Dr. Paranjpye*).—*Q.*—You said just now you were member of the Moslem League. Do you agree with the recommendations made by the League ?

A.—Which recommendations ?

(*Dr. Paranjpye*).—*Q.*—I mean the recommendations made by the Punjab Moslem League ?

A.—Only recently ?

(*Dr. Paranjpye*).—Yes.

A.—Well, I agree with some of the recommendations.

(*Dr. Paranjpye*).—And the Resolution they passed at their Lahore meeting ?

A.—I was not present there but I agree with some of the recommendations, not with all.

Q.—So whatever may be the views of the Parliamentary Moslem Party about an advance in the Central Government or provincial autonomy, you still adhere to your own views ?

A.—I adhere to my own views.

Q.—Are you in favour of the Indianisation of the Army, giving more commissions to Indians ?

A.—If you get suitable men, why not ?

Q.—Are you in favour of a more liberal policy in regard to the grant of commissions ?

(*Mr. Chairman*).—The answer has been given, Sir Sivaswamy.

Q.—Are you in favour of a more liberal policy ?

A.—The condition being that there we cannot try dangerous experiments.

Q.—I agree but do you think there are suitable men or not ?

A.—I hope there are.

Q.—And therefore you hope for a more liberal policy ?

A.—Yes.

The Chairman thanked the witness and the Committee adjourned till Monday the 20th instant.

Monday, the 20th October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Honourable Sir John Maynard, Member of the Executive Council, Punjab.

EXAMINED BY THE CHAIRMAN.

Q.—Have you a copy of your memorandum, Sir John ?

A.—I have not got a printed one. There are one or two little mistakes in the typing of it that I should like to correct. In two places my negatives have been turned into affirmatives.

At the end of paragraph 14 " Members by Ministers " should be " Members and Ministers."

In paragraph 18, line 9, " *the* difference of principle " should be " *no* difference of principle ".

In paragraph 24, line 4, the word ' new ' has been omitted before ' proposals ' ; it should be inserted there.

Paragraph 28 has been omitted in the printed memorandum ; I have got it in manuscript here.

In paragraph 36, line 2, ' has ' should be ' had '.

In paragraph 59 at the end, ' by a witness ' should be ' during the examination of a witness."

In paragraph 60 " both Education and Irrigation " should be " Education, Co-operation and Irrigation ".

Q.—I take it that you are giving evidence on behalf of the Punjab ?

A.—Yes ; I think it may be understood so ; as a matter of fact it is my own memorandum, but I think it will be approved by the Punjab Government.

Q.—The object of the Punjab Government in permitting you to give evidence is to remove any misapprehensions or misstatements that may have been put before the Committee by any witness from the Punjab ?

A.—That is the main object.

Q.—As a matter of fact you are a member of the Executive Council of the Punjab and you have been a member since the commencement of the Reforms ?

A.—Yes.

Q.—For nearly four years ?

A.—Yes.

Q.—You were a member of the Punjab Government throughout the time Lala Harkishen Lal was Minister ?

A.—Yes.

Q.—I am not going to take you at any great length through the Memorandum you have put in because in most cases it is self-explanatory, but I just want to put a few points to you. The first few paragraphs of your memorandum—1 to 7—deal mainly with legislation ?

A.—Yes.

Q.—And you there mention to us the only cases in which the Government of India have had to interfere—I take it there are no others ?

A.—No others.

Q.—As regards the first paragraph it refers to a Bill regarding Land Revenue. Am I right in thinking that land revenue is a reserved subject in the Punjab ?

A.—Yes.

Q.—That paragraph has no bearing on anything to do with the Ministers ?

A.—No.

Q.—It is purely a matter between the Punjab Government and the Government of India on the reserved side ?

A.—Purely.

Q.—Then you tell us about the position of tramways in the Punjab in paragraph 4 ; you take notice of the fact that there has been some feeling that progress was delayed by the Railway Board ?

A.—That was the feeling.

Q.—But the Railway Board were not interfering directly with the tramway project, were they ? They were merely exercising their powers for the protection of railways ?

A.—That is so.

Q.—Railways is a central subject ?

A.—Yes.

Q.—And you consider that it should remain as a central subject ?

A.—Yes.

Q.—And if it is a central subject the authority who deals with that subject must naturally exercise some supervision ?

A.—Quite.

Q.—Now, you also tell us there has been no legislation in regard to Electricity, Co-operation and Communications. Paragraph 6.

A.—Yes.

Q.—When you say there has been no legislation, am I right in supposing there has been no project for legislation ?

A.—Yes, no project. Except, of course, this project of provincial legislation on tramways.

Q.—Not otherwise ?

A.—No.

Q.—Then in paragraph 7, you tell us that no instance has occurred in which the Local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. Could you tell us if the Government of India have given an advance ?

A.—Oh yes.

Q.—In no instance has it ever been refused ?

A.—They have not been given for specific objects but they have been given for general capital purposes as well as for financing the Government of the Punjab's deficits.

Q.—Quite so. No money has been refused under these heads ?

A.—No. I understand there was an idea of a development loan which would have covered certain projects of this character but it never went so far as to be put forward seriously.

Q.—There was no application ?

A.—It was an idea but it was never put forward in the form of an application nor was it ever pressed by the Minister concerned.

Q.—Now, take your paragraph 8. It does not mean more than this that, whatever the powers of the Governor may be, he has no special powers in regard to legislation.

A.—No. In regard to the institution of legislation.

Q.—The projects for legislation. His powers in regard to these projects are the same as in regard to any other matters ?

A.—Yes.

Q.—Then in paragraph 10, you explain to us that the reservation of subjects for the Governor—if I understand you correctly—does not amount to more than this that the Governor takes his share with the other Members of his Government in disposing of matters. He takes his own Department ?

A.—Yes, that is the position.

Q.—You say some of these are outside the sphere of the Governor in Council altogether. I understand, of course, that under the Act, the Governor has special statutory powers. He has certain matters which are reserved to him. I don't quite understand your statement that Indian States are excluded from the purview of the Governor in Council ?

A.—Oh, that has been the most important of our arrangements under the Reforms,—the exclusion of Native States.

Q.—I quite understand that that is a Central subject ?

A.—Yes.

Q.—It is only in that sense you mean it ? That the Indian States are a Central subject—is that what you mean ?

A.—Yes, that is what I mean.

Q.—There is no special reservation otherwise ?

A.—There is no special reservation otherwise.

Q.—Am I to understand from paragraph 11 that a Member may call for a paper on the transferred side and a Minister may call for a paper on the reserved side ?

A.—Well, the rules do not actually provide for that. What the rule says is that he may call for any paper concerning the department in his charge.

Q.—I quite see that, that is to say, if a reserved subject affects a transferred subject or if a transferred subject affects a reserved subject, it is natural in order that he may have his own views on the subject that he must see the papers ?

A.—Yes.

Q.—But I am not wrong in thinking—am I—that as a right neither a Member nor a Minister could call for a departmental paper which did not concern his department in any way ?

A.—No, not if it did not concern his department.

Q.—But if the papers did concern his department ?

A.—That has not been in practice understood as meaning merely a matter which is actually under consideration in his department, but concerning his department.

Q.—In the widest sense of the word ?

A.—Yes.

(*Dr. Paranjpye*) *Q.*—Then this statement requires to be modified, Sir John ? You say here :—

> " the right of a Member or Minister to call for papers in another department (so long as he does not seek to intervene in matters for which the Governor as such is solely responsible.....".

A.—I think I should have said " which concerns his department in the widest sense ".

(*Sir Muhammad Shafi*).—What as a matter of fact has been the practice in your Government with regard to this matter ? Has there arisen any occasion on which, if the Minister wanted to see a file connected with the other half, his desire has been absolutely negatived ?

A.—No, certainly, no case.

I should explain in this connection that a statement is circulated to all the Members and Ministers showing the work which has been done by the other Members and Ministers. If, on that, anyone should express a desire to see a particular file on the ground that it concerned his department, it would be without question conceded.

(*Dr. Paranjpye*) *Q.*—After how many months is the statement circulated ?

A.—Oh it comes to me, I think, it is a weekly statement. I get it at regular intervals of 10 days or a fortnight. Something of that kind.

(*Maharaja of Burdwan*) *Q.*—On this question I should like to ask you a question, Sir John. Some Governments have had the practice of circulating the work done on the reserved side to other Members, but I have never heard of the practice of the Ministers' work being circulated to the Members or the Members' work being circulated to the Ministers. You say that is the practice in the Punjab. May I inquire if that has been the practice since the start ?

A.—No, not from the very start. We discovered the necessity for it, I should say, about a year after beginning.

Q.—That is the practice at present ?

A.—All the weekly cases disposed of, it does not matter whether it is by the Minister or the Member, are circulated to all the Members and

Ministers. It is just a skeleton statement—the subject and the order passed.

(*Dr. Paranjpye*) *Q.*—Not the printed proceedings, of course ?

A.—No, no, simply a statement of cases disposed of during the week.

Q.—Now paragraph 12, on the question of joint consultation. Apparently, up to recently there were no regular dates for these joint consultations ?

A.—No.

Q.—I understand it was held frequently ?

A.—Yes.

Q.—Was it the practice in the Punjab for the Governor in Council to have regular meetings and the Governor with his Ministers to have regular meetings ?

A.—No, I have only known one case in which the Governor in Council as such has held a meeting apart from the Council sitting with Ministers.

Q.—Then practically you have abolished the distinction between a meeting of the Governor in Council and the Governor and his Ministers—for all practical purposes ?

A.—Yes, for all practical purposes.

Q.—Has the Governor ever had a meeting of the Ministers—distinct meeting of the transferred half ?

A.—No, I believe not.

Q.—It has practically disappeared ?

A.—Yes.

Q.—In paragraph 13 you mention two cases where joint discussions did not take place. One was about the admission of members of different communities to certain educational institutions and the other was the alteration of the constitution of certain Municipalities. Could you tell me roughly in what year those occurred ? Was it recently or early in the reforms ? That is the point ?

A.—Well, it must have been in 1922, because I remember the protest which certain Members of Council made against it and that was certainly in 1922. I am safe in saying that.

Q.—The Members protested ?

A.—Certain Members of the Legislative Council.

Q.—How did they come to know it ?

A.—I cannot tell you how they came to know. I think it was perfectly well known—it was public property the thing had been considered.

Q.—I take it the proceedings of the meetings of Government are still treated as confidential ?

A.—Oh yes.

(*Sir Muhammad Shafi*).—*Q.*—May I remind you that the matter was first discussed in the columns of the " Tribune " and that is how the public came to know of it ?

A.—Very likely that is how it came out.

Q.—In paragraph 15, Sir John, you say that part of the Government was away and something affecting the Sikh situation came up in November 1922 and the decision of the Government was arrived at by the

Minister of Agriculture and yourself. I assume that the matter had nothing to do with the transferred subject of Agriculture ?

A.—Nothing, no.

Q.—Did you regard yourselves as two Members of Government or did you regard yourself as the Member in charge of the subject desiring to avail yourself of the advice of a Minister ?

A.—I regarded myself as a Member of a unitary Government.

Q.—And you and the Ministers of Agriculture both regarded yourselves as coming to a decision on behalf of the Government ?

A.—Of course, I cannot be certain what line he took.

Q.—Well, at any rate you so regarded yourself ?

A.—Yes, I regarded myself as that.

Q.—It was your subject ?

A.—Yes, it was my subject.

Q.—And you called in your brother Minister as a Member of the same Government to help you in coming to a decision ?

A.—Yes.

Q.—And you would have considered it wrong to come to a decision unless he agreed with you.

A.—Yes.

Q.—Supposing he differed ?

A.—Well, yes, supposing we differed and I had been quite certain that I was right and it was a very urgent matter, I should have acted on my own decision.

Q.—But if it was not an urgent matter ?

A.—Then I should have waited.

Q.—In paragraph 16 you say there were only three cases where there was really a division between the two halves of the Government. I mean real division when it was pressed to a difference ?

A.—Yes, it did not come to the recording of Minutes of Dissent but there was a definite difference of opinion.

Q.—Then you say that the first case was the question of maintaining law and order ?

A.—Yes.

Q.—I take it that law and order is a reserved subject ?

A.—Yes.

Q.—And for that the Ministers had no responsibility ?

A.—No.

Q.—Therefore they were pressing their views on a matter for which they were not responsible ?

A.—They were pressing a more uncompromising view of the obligation of maintaining law and order.

Q.—The next was a financial question and would of course concern both halves of Government as also the third case ?

A.—Yes.

Q.—In paragraph 18 you mention the Sikh trouble in the Punjab. I should like to tell the Committee to what department of Government the Punjab Government considered that the control of gurdwaras belonged ?

A.—Technically, it belonged to the Minister for Education.

Q.—Therefore it was a transferred subject ?

A.—Yes.

Q.—When you any technically, why technically ?

A.—Because it is one of the subjects which are transferred.

Q.—Then it did belong to the transferred half. Why technically ?

A.—I mean technically as opposed to practically.

Q.—And what is the distinction ?

A.—Well, practically, it belonged to the Government as a whole. It is impossible to divide off law and order from questions connected with the shrines.

Q.—Of course, I quite understand that. A movement of that kind must seriously affect lay and order but the actual Bill to deal with the subject would be a matter for the transferred department ?

A.—Yes.

Q.—Law and Order was only concerned as a secondary but a very important branch ?

A.—Yes.

Q.—But the actual regulation of the shrines is a transferred subject ?

A.—From the very first the movement took a form in which law and order was inevitably drawn in from the very beginning.

Q.—It was dealt with as a subject affecting law and order and was settled by joint consultation ?

A.—Yes.

Q.—Who actually introduced the Bill ?

A.—The Minister for Education.

Q.—On both occasions ?

A.—Yes. On both occasions on which a gurdwaras Bill was introduced it was done by the Minister of Education, but on a third occasion I drafted a Bill on the subject of jurisdiction in gurdwara cases, which involved a different method of dealing with the matter, and because it did not happen to be a matter concerning shrines but concerning civil law, it was in my hands.

Q.—I take it that in a case like that the Government acted with united Councils ?

A.—Yes.

Q.—That being so, I do not understand why one member of Government and one Minister voted with the Government and one Executive Councillor and one Minister abstained from voting. You were dealing with the Bill as a Government Bill supported by both halves of the Government ?

A.—The situation modified itself at the last moment. Hindu and Sikh feeling was so strong that the Hindu and the Sikh members of the Government simply could not make up their minds to vote for the Bill ?

Q.—In those circumstances there are other means of obtaining unanimity in the Government ?

A.—Either resignation or dismissal of a Minister ? That is so. It was of course very undesirable on a question of that kind to force resignation.

Q.—I am not concerned with the policy. I am merely drawing attention to the constitutional problem. If a Bill is dealt with as a Bill approved of by both halves of Government, then surely both halves of the Government should support it ?

A.—Yes. Quite. I may say that almost up to the last moment we believed that we had all the members of Government with us.

Q.—The change came at the last moment ?

A.—The feeling among Sikhs and Hindus was so strong. It was very difficult for a Hindu or Sikh to stand against it.

Q.—You say in paragraph 19 that a vote of censure was directed against the Muhammadan Minister of Education and that the Hindu Minister voted against the censure ? Was it Mr. Harikishen Lal ?

A.—That is the Hindu Minister.

Q.—In other words he supported his colleague ?

Q.—On that occasion at any rate you had an example of joint resposibility of Ministers ?

A.—Yes.

Q.—Can you say that joint responsibility existed otherwise that is to say, did the Ministers consult together on general policy ?

A.—They consulted informally very frequently.

Q.—Did they get into general touch ?

A.—Yes. That was my impression. They got generally into touch and very friendly touch.

Q.—I think you have given a rather different impression on that point to what we have heard before. You have explained the position as regards the Finance Department. I take it that the statement that the Finance Department could over-rule a Minister is incorrect ?

A.—Absolutely. On the contrary we have many examples of the contrary process.

Q.—I would not go through the details but there was a case about the deputation of an officer to pick up experience regarding reinforced concrete. In that case the Minister had his way ?

A.—Yes. The advice of the Finance Department was overruled.

Q.—You have given us some interesting figures in paragraph 27 showing the marked rise in expenditure in the transferred departments ; there was an increase of 35 lakhs under Education, 7 lakhs under Medical 7 lakhs under Agriculture and 8 lakhs under Industires. Can you tell us whether in your opinion this increase was due to the pressure put on the Government by the Ministers or was it just a natural development ? In other words did the creation of responsibility in the transferred half result in a flow of money to the transferred side ?

A.—In the case of education and in the case of Industries I am quite certain that it was the influence of the Ministers that caused the increase of expenditure on the reserved side.

(*Dr. Paranjpye*).—*Q.*—Can you give us the figures on the reserved side ?

A.—Our total expenditure in these years remained virtually stationary.

Q.—The increase was on the transferred side ?

A.—There was a slight diminuation on the reserved side to make up the amount on the transferred side.

Q.—The money that was reduced went to Education ?

A.—I would not put it that way. The increases which might have come evenly were more in the transferred than on the reserved subjects.

Q.—In paragraph 28 you say there has been a remarkable development in primary education. We have not got the details and I would suggest that you should put in that paragraph.

A.—I have got it here.

Q.—Will have that circulated if you will hand it over to the Secretary ?

A.—(Witness handed in some papers to Secretary). It is only a couple of pages of manuscript. The principal feature of it is that the increase in the number of persons under instruction during the three years was 150 thousand and that is more than double what it is in any other province in India. The nearest figure is Madras which was 78 thousand. The Punjab during the triennium by 1,50,000.

Q.—Should I be wrong in assuming that it was due to the influence of the Minister ?

A.—That is certainly my opinion.

Q.—Who was the Minister for Education ?

A.—Mian Fazl-i-Hussain.

Q.—With regard to what you say in paragraph 31, I take it that your view, Sir John, speaking generally is that the distinction is more between rural and urban than between Hindu and Muhammadan as regards Council voting ?

A.—That is so far the proceedings in the Council go. It is undoubtedly more a division now of the rural and urban than communal.

Q.—That is rather interesting. We have been told that the feeling between Hindu and Muhammadan is so strong that that division has replaced every other division, but that is not your view ?

A.—I hope I have not been misunderstood. I am speaking now of the proceedings in the Council.

Q.—May I take it that outside the Council the communal feeling is still very strong ?

A.—Yes, and in the Council itself there were many important differences which took the communal division line and there were also many ways in which division by community did affect politics in the Council. I can give examples of that if necessary.

Q.—I think you have given examples in your memorandum ?

A.—There is a point which I have not made quite clear and that is the way in which the communal difference caused a curious approximation between the Sikhs and the Hindus. The Hindus had formerly opposed the Sikh desire for particular concessions regarding their shrines. After the riots which took place in September 1922 the Hindus were very much alarmed at the position and afraid of the Muhammadans they began to look about them for allies and they formed a rather close alliance with the Sikhs, the result being that the Hindus and the Sikhs combined together for quite different reasons to throw out the Gurdwara Bill in November 1922. That was the direct result of what the Hindus regarded as a Muhammadan menace.

Q.—That was a clear case ?

A.—Yes, of communal feeling coming out.

Q.—In paragraph 39 you have given an analysis of the results of the voting on transferred subjects. I see that out of the total number the official vote only determined the results in six cases ?

A.—Nine, I think, out of 15.

(Sir Muhammad Shafi).—It is 8 Sir John.

A.—Yes, it is 8, quite correct.

Q.—In paragraph 40 you give us the Resolutions on the transferred side and you tell us that except in one case of importance effect was given to them ?

A.—Yes.

Q.—In section VIII of your memorandum you give us the functions of the Secretaries. You point out that the Chief Secretary has no more power than in fact any other Secretary. Am I right ?

A.—He has no more power than any other Secretary. He deals with a group of subjects which are more important such as the postings of officers and personal questions connected with officers and so on.

Q.—He is the most important Secretary ?

A.—Yes.

Q.—But his constitutional function is the same as the others ?

A.—Yes.

Q.—Save in so far as he may be a very senior man and may be listened to ?

A.—Yes.

Q.—The position of Secretaries and Members and Secretaries and Ministers is the same ?

A.—The position of Secretaries to Members and of Secretaries to Ministers is the same.

Q.—There is no distinction ?

A.—No.

Q.—A point was made that the arrangements in regard to the services were such that the Ministers were in an undignified position. You say in your examination that it is not so ?

A.—No, it is not so.

Q.—You yourself will remember that the position of a Member and a Minister is the same in this respect ?

A.—Quite so.

Q.—Have you ever felt any feeling of dissatisfaction at the arrangement that it is not a right and proper arrangement ?

A.—No.

Q.—You would be just as ready to object to it as a Minister if you feel it a slur ?

A.—If my constitutional position were overlooked I should draw attention to the matters.

Q.—Another rule of business requires that in certain cases in which heads of departments and Commissioners of Divisions are over-ruled that the Secretary should submit his minute to the Governor ?

A.—A Member or Minister is expected to refer to the Governor before negativing a recommendation of a Head of Department or Commissioner of Division.

Q.—But the mere submission of a case to the Governor does not alter the constitutional position ? Supposing the Governor disagrees with the member ?

A.—Of course you will recollect that the Governor has the power of over-ruling the Minister.

Q.—Quite so, in extreme cases ?

A.—Yes.

Q.—Supposing he disagreed with a member, he will put it on record. It would be open to the member, I take it, if the Governor did over-rule him to ask that it may be taken in Council ?

A.—That is the proper course. But in comparatively small cases occurring every day, the Governor comes to a decision and it is accepted.

Q.—You do not think it is worth while to take it up further ?

A.—Yes. What the member should do if he really thought it important is to say " I wish to have it put before the Council " It can be placed before the Council and a minute of dissent can also be recorded if the member thinks it important enough.

Q.—The Governor may take a view that is not perhaps the view members originally took. It is quite possible that when the members look at the Governor's view he will re-consider his own opinion ?

A.—Yes. When the Governor records an opinion on a file, the member does not often say " I should like to put it before the Council ". On reconsideration the member has accepted the Governor's view.

Q.—That is the constitutional position ?

A.—Yes.

Q.—That covers the position as regards the member of Council ?

A.—Yes.

Q.—What is the position as regards a Minister. I submit a case with a recommendation for action. What does the Governor do if he disagrees with it ?

A.—Probably what the Governor will do will be to ask the Minister to come and see and discuss the matter with him. Then they would arrive at a common decision. Or else, naturally the Governor has the power of over-ruling.

Q.—The Governor exercises the power ?

A.—Yes.

Q.—He would not exercise it without discussing ?

A.—No.

Q.—He only exercises that power in circumstances where he thinks that not only the decision of the Minister is wrong but it is likely to have serious results. Am I right in taking it in that way ?

A.—That, I think, is almost certainly the correct view.

(*Maharaja of Burdwan*).—*Q.*—Supposing a member of the Executive Council puts up a case regarding an appointment and the Governor does not agree with that view, in the case of a Member you have the advantage that if the member, even on reconsideration does not agree with the view of the Governor, he could have the case brought before a meeting

of the Executive Council and then if he is over-ruled he can write a note of dissent. In a similar case in the case of a Minister, if the Governor disagrees with the Minister, the Governor and the Minister would have a discussion. If even then they could not come to an agreement and the Minister stuck to his original opinion, do you think that in a case of that kind it would in any way improve the situation if the Minister had a right to have the matter referred to a Joint Meeting of the Council ?

A.—Of course it is a hypothetical case so far as the Punjab is concerned. I do not know of any case in which this particular thing has happened.

(*Sir Muhammad Shafi*).—*Q.*—Supposing a case did happen ?

Q.—It never has happened ?

A.—No. It has never happened.

Q.—I think you might leave it. I will draw your attention to the Instructions to Governors which lay down what is the course of action to be followed by him : " In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein ". Of course that would arise on a big question of policy.

A.—Yes.

Q.—Obviously it could not arise in the case of an appointment ?

A.—It is conceivable that a particular appointment might involve an important question of policy.

Q.—You point out that all officers were directed to call upon Members and Ministers. That, I presume, refers to a statement made to us that officers to maintain social relationship ?

A.—Yes.

Q.—Does such an order indicate any reluctance on the part of officers to mintain social relationship ?

A.—I do not think that is the case but it was considered better to give them a general instruction.

Q.—I should like to have your own opinion as one of the senior members of Council on this point, whether you have observed any reluctance on the part of the services to accept the new Ministers in a friendly spirit ?

A.—No, it is quite the contrary. When the Ministers came in everybody was quite delighted with them. They thought they would get a great deal more money from the Council for their departments. That was the actual sentiment. They thought they would get more money, because they had a good advocate in the Council.

Q.—In paragraph 53 you explain quite clearly the obscure statement that was made to us that a Minister was threatened with legal proceedings by someone in the service. It was really a portion of fulfilment of a contract ?

A.—I take it that it was not the Minister who was threatened, but it was the Government, the Secretary of State.

Q.—In other words, owing to reasons which we need not go into here, the Government were unable to perform the contract ?

A.—They did not wish to perform it.

Q.—In paragraphs 17 there are three instances in which the Ministers stood together against one of the Executive Councillors, that makes it six ?

A.—Yes.

Q.—Then we come to the seventh, that is the Bill of March 1921, in which the Ministers stood together ?

A.—Yes, they stood together in 1921.

Q.—Then we have the ninth case in which the two Ministers stood together ?

A.—Yes.

Q.—It is only the eighth case, that is the Gurdwara Bill of 1922 in which one of the Ministers did not vote ?

A.—Yes that is the only formal case of difference.

Q.—Out of these nine cases there are eight cases in which the Ministers stood together either against the Executive Councillors or against one of the Executive Councillors, or in connection with other matters ?

A.—Yes, that is to say those are, of course, the formal differences, the differences which disclosed themselves publicly. I cannot pretend to say what differences there may have been which did not disclose themselves.

Q.—Now if you will turn to page 20 of your memorandum, paragraph 51, there is the case of the Urban Property Rent Regulation ?

A.—Yes.

Q.—Can you tell the Committee if the Member for Education voted in support of the motion ?

A.—Yes he did.

Q.—So that at any rate we have now nine concrete instances in which the two Ministers stood together ?

A.—Of course there were many more too.

Q.—Now in so far as you are aware, apart from the second Gurdwara Bill, did any difference of opinion disclose itself during the many informal discussions or formal discussions that you had with the Ministers as between Lala Harkishan Lal and Fazl-i-Husssain ?

A.—Of course I was perfectly aware that there was a difference about communal representation.

Q.—Communal representation is a matter which stands apart. Apart from that, in the administration of the Transferred Departments generally did any difference of opinion show itself ?

A.—Apart from communal representation in its various forms of the services, institutions and municipalities, and apart from the Gurdwara Bill, did any difference of opinion disclose itself during the many informal between the Ministers.

Q.—And so far as you are aware, their relations were most cordial ?

A.—Most cordial.

(*Mr. Chairman*).—Q.—There is just one point, I would like to read you some evidence given in reference to that statement of yours. A witness was asked by a member of the Committee:—" You consulted, of course, your brother Minister ? " and he answered:—" No, I did not."

" *Q.*—Don't you think it desirable ?

" *A.*—I was told that the reading of the law was that each Ministers stood on his own. Whenever I protested to the Governor that we ought

to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him; but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

" *Q.*—You were in through sympathy with your brother Minister ?

" *A.*—I had sympathy with his social life.

" *Q.*—With his political views ?

" *A.*—No. To some of his political views I objected very strongly.

" *Q.*—You would have found it rather difficult to have had joint consultation with him ?

" *A.*—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throats or fell at each other's neck."

" *Q.*—That was the picture put before us. Are we to infer, from your own observation, that it was a correct picture ?

" *A.*—No.

Q.—In paragraph 26 you refer to a particular case in which there was a difference of opinion between a Minister and the Finance Department. In that particular case the Governor upheld the views of the Minister as against the views of the Department ?

A.—Yes he accepted the views of the Minister.

Q.—In paragraph 29 you refer to three instances in which there was voting on communal lines. I invite your attention to the third of these three instances mentioned at the bottom of page 11 in the printed book:—" There was only one other communal, or mainly communal vote in the life-time of the first Council, on the proposed release of political prisoners." Would you kindly just explain what you mean by that ? Were the political prisoners all Hindus or all Muhammadans, or partly Hindus and partly Muhammadans ?

A.—No, what I meant was, for some reason or other all the Muhammadans voted one way on it and all the Hindus voted the other way.

Q.—What was the Government view on that occasion ?

A.—The Government view was opposed to the general release of political prisoners.

Q.—Did the Muhammadans support the Government or oppose them ?

A.—The Muhammadans supported the Government.

Q.—Then it was a case in which the Muhammadans adopted in relation to the resolution before the Council an attitude of support to the Government ?

A.—Yes.

Q.—Is that strictly speaking voting on communal lines ?

A.—What I meant by voting on communal lines was, that practically all of one community stood on one side and practically all of the other community stood on the other.

Q.—There was no communal issue involved ?

A.—No. On many of these cases there was no communal issue involved. It only happened that on some questions all of one community went one way and the other another.

Q.—It may be that the representatives of one community approved of the policy of the Government in relation to that particular question and the other did not ?

A.—That may be so, but as a matter of fact on many questions communal reasons cause people to vote one way or the other, and in this particular case it was so, not because it was a communal question. Neither are many of these other cases in which there was much communal voting. Why should Yunani medicine be a communal question ? It is not a communal question, but in that case the Muhammadans said " We are going to support our Minister whatever he may do," and the Hindus said, " We are going to down that Minister whatever he may do," and took the other line.

Q.—But you must remember that in the case which you have mentioned just now, the policy which the Muhammadan members supported was the policy of the Muhammadan Minister. In this third case it was the policy of the Punjab Government that the Muhammadan members supported, and not the policy of either of the two Ministers ?

A.—That is perfectly true.

(*Mr. Chairman*).—*Q.*—I suppose the larger number of the prisoners were Hindus ?

A.—I expect they were.

(*Dr. Paranjpye*).—*Q.*—Or Sikhs ?

A.—Or Sikhs.

Q.—That may be true because the Muhammadans in the Punjab are seldom guilty of what are called political offences ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Was there any feeling that the Muhammadans were less represented in the prisoners than the Hindus ?

A.—I do not know; there was no insistence on communal representation in that case !

Q.—In paragraphs 31, 32 and 33 taken together do I understand that what you intend to convey is this, that in the large majority of cases voting was not on communal lines ?

A.—That is so. I analysed them all.

Q.—Will you turn to paragraph 44 where you deal with the functions of the Secretaries. You say:—" It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister; but that is an accident only, and there is clearly an obligation upon the Governor to safeguard the position of the Minister by requiring the Secretary to take the Minister's orders on the subject." In so far as you are aware, since the introduction of the Montague-Chelmsford Reforms, the Governor in your province has taken care to see that the Ministers' position is safeguarded ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—I would ask you to consider this question and answer:—

" *Q.*—The practice seems to be that cases are taken by the Secretary in the same way as the member would do. You do not like that any way ?

" *A.*—I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the

N2:2 N24 N24:2

file and the Governor knew all about it and he had formed an opinion before I took the papers to him."

Q.—*Would* that be the practice in your Government ?

A.—I should say certainly not.

Q.—In paragraph 48 you say:—" In a recent public statement these arrangements have been described as establishing sole responsibility in the Governor for the services, and as creating a somewhat undignified position for the Members and Ministers." Now your own personal relations, I take it, with both the Ministers during the first three years were very friendly ?

A.—Very.

Q.—And they discussed matters with you informally very frequently ?

A.—Yes very frequently.

Q.—Did either of the two Ministers during that period complain to you that his position with regard to the subjects you were discussing in this paragraph was a very difficult one by reason of the Governor's action ?

A.—No. I remember a statement appearing in the *Tribune* somewhere about two years after the beginning of the Reforms in which something of that kind was hinted at. It surprised me, but I did not understand where this information could have come from.

Q.—Statements appearing in the papers are sometimes well-founded; at other times they are ill-founded. Was any complaint made to you by any of the Ministers themselves ?

A.—Not only no complaint, but no suggestion was made to me.

Q.—In paragraph 50, after referring to the officiating appointment under the Ministry of Agriculture with which you deal in that paragraph you go on to say:

> " In all other cases of appointments subordinate to the Ministers, except those which would normally be filled by a Head of Department without reference to Government it is certain that Ministers either made the appointments themselves or were consulted and approved the selections."

You are fully satisfied that this definite statement is perfectly correct ?

A.—Yes. My examination led me to one doubtful case which I have investigated and give particulars about. Of the other cases I am perfectly certain.

Maharaja of Burdwan.—*Q.*—Sir John, I should like to know whether in your province you cannot introduce any legislation regarding tramways or light railways without reference to the Railway Board—am I right ?

A.—Well, technically we do not need to refer to the Railway Board but we need to refer to the Government of India and the Government of India would be likely to consult the Railway Board and that is the reason why we had a preliminary consultation with the Railway Board before proceeding with this particular Bill.

Q.—But ordinarily with the exception of trunk lines the Provincial Government of the Punjab can at the present moment go into the question of tramways or light railways. Can you start—can you sanction on behalf of say local bodies any tramways or light railways ?

A.—The position is this that we have to act under the General Indian Tramways Act, 1886, until we have provincial legislation. That is the position.

TAMILNADU ARCHIVES LIBRARY
ACC. NO. 14036
EGMORE, MADRAS-600 008

Q.—And they were reminded that there was a remedy in the law course ?

A.—Yes.

Q.—And not more than that ?

A.—Not more than that.

Q.—There was no tendency on the part of members of the services to threaten the Minister with legal proceedings to persuade him to do something that he ought not to do ?

A.—There was only one case of an officer on a 5 years' agreement.

Q.—And then you mention another case within your own experience ?

A.—Exactly an identical case did hapen and I was concerned in that as Vice-Chancellor of the University.

Q.—Then we come to section X of your Memorandum. I think the general effect of that section is that you deny that the Government have in any way used their powers of patronage for the purpose of influencing votes.

A.—I do deny it.

Q.—I do not think I need take you any further on it. Thank you.

Sir Muhammad Shafi.—Q.—Sir John, in the first three paragraphs of your Memorandum you have referred to 3 Bills and then in paragraph 3 you go on to say : " These three Bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of Bills. In two of the cases, those which affected the transferred departments the Local Government has ultimately had its way." Am I to understand that you are perfectly satisfied with the manner in which the Government of India supervised provincial legislation in the Punjab ?

A.—You must not ask me to be quite so enthusiastic as that. I do think that the Government of India have given us very useful assistance particularly over certain matters and drafting in which, not having such an expert staff, we might have gone wrong.

Q.—You name 3 Bills in which there was some difference of opinion ?

A.—Yes.

Q.—You know of no other Bills in which there was difference of opinion during that period

A.—I know of no other cases.

Q.—In 2 out of 3 Bills, local Government had its way ?

A.—Yes.

Q.—And these two Bills referred to transferred subjects ?

A.—Yes.

Q.—So that when we come to actual concrete facts, the conclusion deducible from the facts as stated by you is this, that on whole the Government of India's supervision was exercised to your satisfaction ?

A.—Yes, but we did not quite like that matter of the Land Revenue Bill. I am not going to be more enthusiastic than I have been in my memorandum.

(*Mr. Chairman*).—Q.—That is a Reserved Bill ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—Q.—The Land Revenue Bill was not hampered in any way by the existence of Section 80A (3) of the Government of India Act. It was not a question of the Governor General's sanction. It was a question in that case of the Governor General in Council exercising his powers of superintendence, direction and control ?

A.—Quite right. I take it from you that it was so. I do not recollect the technical position.

(Sir Henry Moncrieff Smith).—Q.—It was so. As a matter of fact the Punjab Government applied for sanction of the Governor General to the Bill. But it was held that the sanction of the Governor General was not wanted. So anything that happened afterwards was in exercise of the Governor General in Council's powers of superintendence, direction and control ?

A.—Yes, I take it from you that it was so.

Q.—In section II of your Memorandum you deal with the subject of control of the Minister by the Governor ?

A.—Yes.

Q.—Was there any case during the first three years after the introduction of the Montagu-Chelmsford Reforms in which the Governor over-ruled any one of the two Ministers on any important question ?

A.—On any important question I could not have been ignorant of it if it had happened, and therefore I am able to say definitely ' No '.

Q.—Now, coming to section III of your Memorandum, in paragraph 14 towards the end you say " There has also been a good deal of informal consultation of Members by Ministers." Is it both in regard to reserved as well as transferred subjects ?

A.—Yes, much more in regard to reserved than in regard to transferred subjects. I do not remember cases in which I was consulted on transferred subjects, except when they were brought before the Governor in Council sitting with his Ministers or in cases where they came to me because I was the Finance Member. But I remember a great many cases in which there was informal consultation on reserved subjects between Ministers and Members.

Q.—That means that the Governor freely consulted the Ministers with regard to questions connected with the reserved side of the Government ?

A.—Well in that particular sentence I was not refering to those formal consultations at which the Governor himself is present, but the cases in which we met together in our rooms and consulted over a question.

Q.—Perhaps I should have put it that the reserved half consulted the Ministers instead of saying the Governor ?

A.—Yes that was the way.

Q.—In paragraphs 16, 17, 18 and 19 you give nine instances in all of which, except one, the Ministers acted together when differences arose between the transferred half and the reserved half or beween the Ministers and one of the Executive Councillors. In eight out of these nine instances the two Ministers stood together. There are three instances in paragraph 16 ?

A.—They are the only three cases in which the two Ministers stood together against the Executive Councillors.

Q.—But could you not introduce provincial legislation for such small lines ?

A.—Yes, and that is what we wished to do—what we were prepared to do. As a preliminary though we had this consultation with the Railway Board to see what line the Government of India was likely to take.

Q.—In four cases out of five you were successful ?

A.—Yes, in the four particular cases I have given. Might I explain ? Supposing we were to proceed with the tramway without getting the agreement of the Railway Board you might a year after find that the Railway Board was making a broad gauge railway which would kill the tramway and make all your expenditure useless. That is one of the practical reasons why consultation with the Railway Board is inevitable.

(The Chair was here taken by Sir Muhammad Shafi.)

Q.—I believe you are the Senior Member of the Government of the Punjab ?

A.—Yes.

(*Sir Muhammad Shafi*).—And Vice-President of the Council ?

A.—Yes.

Q.—And you are the only service member of the Punjab Government ?

A.—Yes.

Q.—Now you know that a province like the Punjab or like Bihar and Orissa has got only one service member on the Executive half of the Government ?

A.—Yes.

Q.—Do you find that having one service member in any way jeopardises the interests of the Civil Service as a whole ?

A.—You mean having not more than one Member ?

Q.—Yes.

A.—Of course they would be all the better off if they had two members.

Q.—But now that you have one Service member things do go on ?

A.—Yes.

Q.—Supposing to-morrow your Governor in the Punjab was a public man from England instead of being a member of the Indian Civil Service ; do you think there being only one service member then would make any difference to the service ? In other words now that there is only one service members you have at the top of the Government a Governor who is a member of the Indian Civil Service. Supposing now the Governor of your province to-morrow happened to be a public man from England, would the Indian Civil Service, would the members of the Punjab Cadre think that their interests were not being sufficiently safeguarded by having only one member of the Government belonging to the Indian Civil Service ?

A.—I have no reason to suppose they would think so. Of course I cannot really speak for the service as a whole. I cannot say what their point of view would be.

(*Sir Muhammad Shafi*).—*Q.*—Do you think the interests of the Service would in any way suffer because of the appointment of someone

from England, from the public life of England, as Governor of the Province ?

A.—That is to say, would the protection which the services receive by in any way diminished ?

(*Sir Muhammad Shafi*).—*Q.*—Exactly.

A.—Apart from the question that they would be losing a possible Governorship.....

(*Sir Muhammad Shafi*).—*Q.*—Apart from that.

A.—Well no, I consider that the interests of the services would be quite as safe in the hands of a public man from England as they are in the hands of a Governor who is also a member of the Indian Civil Service.

Q.—That being so, do you think there would be any justification in there being two service members in a Presidency Government ?

A.—That depends on the amount of work.

Q.—I don't mean from the point of view of work. Supposing it were possible in a Presidency to be able to deal with the reserved side of the Government with one member, would you, as a member of the Indian Civil Service, advocate because there should be more than one service member that there should be four seats on the executive side of the Government ?

A.—No.

Q.—You would not ?

A.—No.

Q.—The other point that I want to ask you is this. Of course we have got the opinion of the Punjab Government regarding the future of the Reforms, but I should like to have your own personal opinion as the Senior Member of the Punjab Government as to whether or not you think that between now and 1929 there is any possibility, or do you think it would be desirable to have any more subjects transferred to the transferred side ?

A.—Well of course that is naturally a very large question upon which one has a great deal to say.

Q.—It is a large question but you know perfectly well that the subjects are very definitely divided. In your province I take it, as in most other provinces, you have Police, Law and Order, Land Revenue, Irrigation and probably one or two other departments which are on the reserved side. Now do you think that between now and 1929 you could safely transfer any of these subjects ?

A.—I suppose one may put it in this form—whether we could do it now ? Isn't that better than what we could do in 1929—that is five years hence ? In answering that question there are certain general considerations which one has to bear in mind in this matter of transferring more subjects. I think I might mention some of those more general considerations. In the first place when we started off with the Reforms we started off with certain very adverse influences at work. We started off with a large portion of our voters refusing to vote and a large portion of our public men not willing to come forward because of the movement of Non-co-operation. We had in the election of our first Council only 32 per cent. of the qualified electors voting and that really doesn't convey a true idea of the facts, because 37 per cent. of the rural voters voted but only 5 or 6 per cent. of the urban voters voted. Therefore we did

not start off with what one might call a really full and complete representation of the province. That is one of the peculiarities of the way in which we started off with the Reforms—that is to say, people were really not taking part—neither our public-men nor our voters taking a full part.

In the next place during this 3 or 4 years period we have been suffering from terrible limitations in the matter of finance. There has not been a full opportunity of showing what people are capable of doing when the finances are not so severly strained. That is one reason for thinking that we have really hardly begun. We have hardly had an opportunity of showing whether the thing can work satisfactorily or not. When you have hardly yet made a beginning it is premature to talk of going further. That is the next consideration which I should like to put forward.

Then the next point to which I should like to draw attention is this. The Reforms have had the effect of greatly exaggerating the strength of communal feeling in the Punjab ;—possibly elsewhere but certainly in the Punjab they greatly exaggerated the strength of communal feeling. That I think is probably because when there is some indication that one person intends to abdicate or give up a particular property or a particular position, it is very natural that the possible reversionary heirs should begin to ask themselves " What can we do to strengthen our position in order to get as much as possible of the inheritance ". There is not any doubt at all that the Sikh question in the Punjab has assumed its very acute aspects mainly for communal reasons. That is to say, a certain number of people felt that there was a possibility of a place becoming vacant and having to be filled. " Let us make quite sure that our community has as good a chance as any other of filling the vacant place which is presumably going to be left." I am making this point—that there were very peculiar influences which did as a matter of fact alter what I should call the normal situation in the province, and that these conditions had the effect of intensifying communal antagonisms. I have said in the rest of my evidence that communal antagonism has not been present in the Council to anything like the extent that is sometimes supposed but everybody knows it has been present to a very great extent among the population, and that is a condition which one cannot leave out of account in considering this question of extending the number of transfered subjects.

Then, if I may be excused for giving a long answer—it is impossible to give it briefly—I think I must point out that one of the results of this very strong communal feeling has been that there has actually been some demand made upon the Governor to use his special authority for restraining a Minister in the pursuit of a communal policy. There actually has been some demand on the part of persons who might be supposed otherwise to have strong sympathies with democratic practices to ask the Governor to take what I should call rather an anti-democratic action and to restrain his Ministers in their dealings with communal subjects. That does appear to show that people as a whole are not prepared to allow any further extension of work in the hands of Ministers, who must of necessity belong to one community or another. I think it is necessary to point out that in consequence of this strong communal antagonism and the riots which accompany it it would be virtually impossible to contemplate the transfer of the subjects which are connected with law and order, justice, police, jails and so forth. It is also virtually impossible in such conditions to contemplate the transfer of such a subject as elections.

It would be almost an impossible position for a Minister belonging to one community to have to control elections, when he would probably be charged with working in a biassed manner or making his arrangements in such a manner as to benefit his own community against the other. If it is once accepted, as I think it must clearly be accepted, that you cannot transfer certain subjects, that is to say, you cannot transfer justice, police, jails, elections, it seems to me to follow, so long as you have any party in any part of India which is bent upon the policy of obstruction in the councils, that you must not enlarge the sphere within which that party may pursue wrecking tactics, by transferring any additional subjects at all, unless you are in a position to satisfy that party by transferring all. My point is that it must be all or none. When you have a party which is bent upon wrecking tactics you do not give them an opportunity of extending the sphere of their obstruction by giving them more subjects within which it would be possible to work that system. I say that you must either have all or you must have no more than you have already. So far for the situation in the provinces as a whole.

Inside the Council I think one has got to recognise that though they have done extremely well, considering they have only been at it for a very short time and considering all the very exceptionally great difficulties with which the province had to deal during that period, there have been certain marked defects in their working ; they have shown decided irresponsibility upon one or two occasions. They have shown irresponsibility over the matter of balancing the budget ; they were clearly not willing to impose any measure of rural taxation ; they were ready to impose urban taxation, though not particularly glad to do it, because the majority of them were rural and the taxation would fall upon the majority, and therefore they were ready to contemplate urban taxation, though not as ready as they should have been—I think as a responsible body should have been—to contemplate the necessity of rural taxation for the purpose of balancing the budget. There were also cases, to which I have already alluded, in which communal divisions have produced a very embarrassing and awkward position in council. That has been particularly noticeable in the alliance which has been formed between Hindus and Sikhs in opposition to the Gurudwaras Bill and in one case also it was very marked in the attitude which was taken up by the Muhammadans. The Muhammadans were annoyed because Government had not established a committee for the considerable of communal proportions in the distribution of appointments—the Government had not been willing to make the proportions of this committee precisely what the Muhammadans wished it to be. They refused to serve on the committee in consequence, and thereby made the committee abortive and they subsequently punished Government by withdrawing their support from Government on a very important issue.

There is just one more point and that is, there are certain weaknesses in the electorate. The electorate does not follow, does not understand the politics of the council, does not attempt to do so ; there is no touch between the candidate and the electorate ; there is no statement of a programme of principles ; the electorate votes for a particular candidate merely because of clan reasons or of preference for personalities. Clan influences have been extraordinarily strong in determining the vote ; that is to say, you find in rural tracts that old enmities assert themselves ; one clan votes for a man and another clan votes against him without regard to his politics but merely because of ancient historical enmities and sometimes

also in consequence of old practices in connection with such matters as cattle theft and measures for the restoration of stolen cattle.

(*Mr. Chairman*).—*Q.*—I take it that on this point we may assume that your views are substantially those stated by the Government of Punjab in their letter ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—I would like to ask you one or two questions in reference to this. What was the percentage of voters who went to the polls at the second election ?

A.—49.

(*Sir Muhammad Shafi*).—*Q.*—In the urban ?

A.—I am afraid I cannot give you the urban and rural separately.

(*Sir Muhammad Shafi*).—*Q.*—But certainly much more than in the first election even in urban areas ?

A.—It was 32 per cent. at the first election—urban and rural both—and 49 in the second.

(*Sir Muhammad Shafi*).—*Q.*—You told us just now that at the first election there were hardly more than 5 per cent. of electors who went to the polls ?

A.—That was in the urban area. If you take the two separately, at the first election, about 37 per cent. of the rural voters went to the polls and 5 or 6 per cent. in the urban.

(*Sir Muhammad Shafi*).—*Q.*—At the second election the number of voters in urban areas who went to the polls was much larger than at the first election ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And the average was 49 per cent. ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—In so far as your council is concerned, the Swaraj Party consists of a very small number ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Only about 7 or 8 I believe ?

A.—That is all.

(*Sir Muhammad Shafi*).—*Q.*—So that the wrecking element in the new council is very small ?

A.—That is not quite true, because the Swaraj Party has connected with it a certain number of urban Hindus, a certain number of Khilafat Muhammadans and almost the whole of the Sikh Party.

(*Sir Muhammad Shafi*).—*Q.*—But in spite of all this the Punjab Government had been able to carry through measures in the legislative council ?

A.—Well, we have been absolutely dependent upon what I call the Muhammadan bloc ; when the Muhammadan bloc for some reason or other does not vote for us we always lose.

(*Sir Muhammad Shafi*).—*Q.*—My point is this ; has there been any instance of any first class measure introduced by the Punjab Government in the Punjab legislative council in which the Government has not been able to carry it through ?

A.—Well, there was one which I quoted in my memorandum which we only succeeded in getting through by the casting vote of the President, and that was the whole of the vote for the Police. We were on the point of losing the whole vote because the Muhammadans were irritated with us over something.

(*Sir Muhammad Shafi*).—*Q.*—That is not an answer to my question ; my question was—was there any measure of importance in roduced by the Punjab Government in the provincial council which Government was unable to carry through—whether by the use of the casting vote of the President or otherwise ?

A.—We were defeated over a vote of censure in spite of its being of some importance then that we should not be defeated ; and that was due as I said before to the fact that on that particular occasion the Muhammadan bloc did not support us. When we were supported by the Muhammadan bloc we could carry almost anything ; when we were not supported by the Muhammadan bloc, we could carry almost nothing.

Q.—I am very thankful to you for the very long explanation you gave to the Committee regarding the general position in the Punjab. But my original question still remains unanswered. We have got the view of the Punjab Government. What I want is your personal view as to whether between 1924 and 1929 you are for transferring any more subjects to the transferred side or not.

A.—I can answer it only in this way ; I can say that as things are at present I cannot advocate the transfer of any additional subject.

Q.—You also said I think that it was a question, in view of the wreckers, of everything or nothing. I take it that you think that dyarchy to the wreckers is unpalatable because it must be everything or nothing ?

A.—That is what I understand their position to be.

Q.—You take it, as most of us have to take it, that dyarchy is a necessary evil for the ultimate goal of responsible government ? I take it that you subscribe to it ?

A.—I think it is a necessary arrangement—I would not call it a necessary evil ; as we worked it, it was not evil.

(*Mr. Chairman*).—*Q.*—You regard it as a progressive stage in the development of self-government ?

A.—That is my view of it.

Q.—Therefore further steps towards that progress inevitably must be more departments transferred to the transferred side.

A.—That will be one of the forms which it will take.

Q.—I think it will be one of the essential forms ; it is because these transferred departments have been created that dyarchy is in existence and that being so the only way in which you can abolish dyarchy would be by eventually transferring almost all, if not all the subjects. That must be the eventual form of evolution ?

A.—Yes ; either that or the substitution of some different system.

Q.—What kind of system.

A.—I have not attempted to think it out ; but some sort of federal system seems to be indicated. You would have a very peculiar position if all the provinces were absolutely autonomous and there was no control exercised over them by the central government except such as is now exercised in respect of transferred subjects. I do not think that is quite a feasible position, but probably the ultimate form which the constitution will have to take will be some sort of federal government providing for some kind of control by the central government ; otherwise you will have a lot of warring and irreconcilable units, and if all the provinces are to be autonomous there will have to be a sort of federal control over the whole. The whole position will have to be completely thought out.

Q.—Am I to understand in that case that your idea is that ultimately all the provincial subjects with which the central government need not inter-

fere will be controlled by the provinces and with regard to others there will be a general control by the central government over all provinces? Is that the line on which you would work?

A.—Of course this is the sort of thing which I can imagine the commission of 1929 or thereabouts would sit down and think about for about six months before it could devise anything at all. Therefore my views on the subject are necessarily rather crude. All I can say is that I contemplate what I imagine ultimately to be the solution of all these difficulties will be some sort of federal system.

Q.—Is that your general idea?

A.—That is my idea generally of what the final solution of the problem will probably be.

Dr. Paranjpye.—*Q.*—In your first paragraph, Sir John, you speak about the measure dealing with land revenue. You remember, of course, that the Joint Parliamentary Committee specially mentions that the provinces and the Government of India should examine this land revenue question and make resettlement amenable to the control of the provincial Legislative Councils, so a Bill on this question was necessarily contemplated by the Reforms Committee.

A.—Yes, no doubt. The Joint Parliamentary Committee certainly did contemplate it.

Q.—In paragraph 13, you tell us that most of the questions that come before Government have always been considered in a joint meeting of the Members and Ministers. Now, I should have thought that these two questions mentioned in paragraph 13, that is the admission of Members of different communities to certain educational institutions and representation in the municipalities were sufficiently important to be considered in a joint meeting. Could you tell us the reason why these questions were not considered in joint committee?

A.—Well, as regards the first of the two—that is, perhaps the most important—that is the question of the admission of members of different communities to educational institutions I can only say that the neglect to put it to the whole of the Government was a lapse.

Q.—You understand, of course, that the action taken on it has caused a great deal of resentment?

A.—That is why I say that the neglect to put it to the whole body is what I should call a lapse—that is it was a mistake.

Q.—On whose part?

A.—Oh I must not say that. You must not ask me to say that.

Q.—I can only say that I regard it as a mistake. As to the second, that is much more easily explicable. You see for years and years past we have had in the Punjab—long before the Reform Scheme—we have had a certain amount of communal representation introduced into municipalities. We have had an arrangement under which each voter would be voting only for his own people, with less possibility of disputes arising, and therefore from time to time we have introduced this system of communal representation in municipalities. The recent measure was merely an extension—carrying on a little further something which we had already been doing before. And therefore I can understand that it would not have occurred to anybody either to the Minister or to the Governor that this must necessarily go before the whole Government.

Q.—Then in paragraph 16 you make a very interesting remark.

> "In one case the Ministers were agreed together in taking a more uncompromising view of the obligation of maintaining law and order than the two Executive Councillors were prepared to take."

A very good certificate for the Ministers, because we have often been told that law and order would not be well preserved if this Department were transferred to the Ministers. At any rate, you have no fears on that point?

A.—What I think might possibly happen would be that communal difficulties would rise over it. We should have a communal riot. Somebody would say—as they already do say—your police weren't on the spot to save us or that the Minister or somebody who supported the Minister did not want to save us.

Q.—Can you tell us exactly what this case was?

A.—It is rather a delicate matter. It was in connection with the Sikh question. The Ministers thought that we ought to be much more drastic in preventing encroachments upon shrines—not merely punishing them when they had actually taken place but preventing them, that is to say, sending armed forces to prevent them. And on that point the Ministers held an opinion which was more favourable to drastic action than the Members did.

Q.—Now, as regards your Gurdwara Bill, though the question of charitable endowments is a transferred subject, the relations between the various communities is a subject specially entrusted into the hands of the Governor, is not it? The Governor is specially asked to look into questions referring to various special communities.

Q.—Yes. The instructions ask him to pay particular regard to backward communities. That is, I think, what you referred to.

Q.—Yes. Now, you say in paragraph 20 that dyarchy is according to your conception impossible. Do you mean to say that in the Punjab dyarchy has worked in so far as it has not been practised?

A.—I should say the Government was a unitary Government.

Q.—So that dyarchy as such has not existed?

A.—Theoretical dyarchy has not existed.

Q.—As contemplated by the Government of India Act?

A.—I don't think that we can say that the system contemplated by the Government of India Act has not existed. Simply that the notion that there will be two separate halves of the Government acting, not together but separately and to some extent adversely to one another,—that has not existed. I don't think that the Government of India Act ever contemplated two halves of the Government acting quite independently because that would have been an impossibility.

Q.—Well, in paragraph 23 you say:

> "If a Minister has a grievance, because preference is given to other proposals over his own it is open to him to ask the Governor to decide the dispute."

Do the Ministers know if preference is given in such a case, in order that he might be able to object?

A.—Yes, they know at once.

Q.—Even in proposals about reserved departments?

A.—Oh no. A Minister would not necessarily know what expenditure was going to take place in the reserved departments, but he would know at once if any obstacle was going to be put in his way in his own department.

Q.—When the Finance Department tells him there is no money, the Minister has to accept that answer as absolutely final. Would he know whether the Reserved Departments are not getting money also ?

A.—It is a matter of distributing possible new expenditure between the different branches of Government.

Q.—You have been Finance Member for the whole time ?

A.—Yes.

Q.—Well, what is your usual practice about examining proposals sent in ? Do you examine them only from a financial point of view or from the merits of the measure ?

A.—Oh, well, I have heard people talk about examining proposals from the purely financial point of view, but I have never been able to understand what that meant. You must ask yourself, is this a good enough thing to deserve a share of the resources you can provide.

Q.—An occasion might arise like this. Some Member proposes the creation of five new appointments and he suggests a certain scale for these appointments. Well, the Finance Department can easily say, this scale will not do because it will have an indirect bearing upon other officers of a similar status. That I consider is a reasonable objection that may be taken by the Finance Department. But the Finance Department, I think, should not consider whether these five appointments were actually necessary if the administrative department considers them necessary ?

A.—Then I can answer your question quite definitely. The Finance Department, as I understand its functions, considers whether the method in which it is proposed to use these five officers is so important as to justify the expenditure. If it considers that it is not so important, then it records its advice against that particular proposal. Its advice is overruled if the Minister or the Governor thinks that the advice is not good.

Q.—But then your advice of this nature would not be financial advice—it would be advice as a Member of the Government ?

A.—No, I understand my functions as a Finance Member—quite apart from being a Member of the Government—is to scrutinise the usefulness of a particular proposal of expenditure and to record my opinion upon it. But it is only an opinion, only advice, which is liable to be overruled and has on a good many occasions been overruled.

Q.—I would like you to look at the table on page 14. Look at the second amendment moved by Raja Narendra Nath to clause 6 of the Punjab Local Option Bill. You see there that the non-official votes for that motion were 19, and against that were 17 officials and 5 non-officials. We obviously see that in this case the vast majority of elected non-official Members were against it ?

A.—No, pardon me. If you count up the whole thing, 41 Members voted altogether. There are 93 Members altogether.

Q.—I am leaving aside the officials for the moment. The non-official votes were 19 against 5 ?

A.—There are 73 non-official Members. On this occasion the total number of non-officials who voted were 24 out of 73,—that is, one-third.

Q.—Don't you consider this a successful vote of censure on the part of the non-official Members against the Minister ?

A.—Well, for one thing it was a very thin House. You notice that, of course. The number of Members who were present was small. The officials were in full strength, but there were only 24 out of 73 non-officials. Our experience is that at the end of the day people get tired and go away.

Q.—Who had charge of the Medical Department ?

A.—The Minister of Education.

Q.—Well, look at the last two items in that same list. Leaving aside the officials, there were 35 non-officials against the Minister and 22 for him. Well, that at any rate was not a case of a thin House. Would you say that in that case the Minister had lost the confidence of the non-official Members of the Council ?

A.—No, I should say the Muhammadans were not present in such strength as they might have been, otherwise they would have supported their Minister.

Q.—These 35 and 36 were not Muhammadans ?

A.—Well, if you really want the figures, I can give them to you because I have got a statement of the voting in all these cases.

Q.—I would just like to know in this case, because it appears that the Ministers were saved by the official blocks from a very great defeat ?

A.—Here it is. Very well, now, the first of the two votes about the Assistant Surgeons—the voting for was 17 Hindus, 10 Muhammadans, 8 Sikhs, Total 35. The voting against was 16 officials, 3 Hindus, 16 Muhammadans, and 3 Christians.

And in the next one, the voting was :

For.—18 Hindus, 10 Muhammadans, 8 Sikhs. That is practically the same as in the first—that is what we call the urban block, with the disgruntled Muhammadans and the Sikhs who are apt to go against the Government on everything.

Against.—16 officials, 4 Hindus, 15 Muhammadans, and 1 Sikh. I am afraid it really came to this that it was a certain party of Khilafat. Muhammadans and a few urban Muhammadans who do not vote for the Minister were on the one side and the rest were on the other side.

(*Sir Muhammad Shafi*).—*Q.*—Sir John, you said just now in reply to Dr. Paranjpye, with reference to a particular instance that was under discussion at the time, that in that particular instance the Muhammadans did not support their Minister. What was the expression used by you ? Are not the two Ministers, Ministers for the whole province—are they Ministers for any particular communities ?

A.—Do you ask me what they ought to be or what they are ?

(*Sir Muhammad Shafi*).—*Q.*—The very fact that the Muhammadans have voted against the Muhammadan Ministers shows that it is wrong to speak of the Ministers as Ministers for Muhammadans and Ministers for Hindus ?

A.—I was not cautiously weighing my words of course.

Q.—Do you know that even the Punjab Government considers the present constitution of the Punjab Government is practically based on a communal basis. There is one Sikh, one Muhammadan and one Hindu and these appointments have been made from that consideration ?

A.—That was the case very markedly in the first Council. The first appointments were made very markedly on that ground, that is to say that one must be a Hindu, one a Muhammadan and one Sikh. But at

present it is rather different. The distribution is the same but the basis is really different. The principle has been that the two Ministers both represent the rural majority. It is true that one is Muhammadan and one is Hindu but the majority is a rural majority and except where particular communal considerations are uppermost the line of division is the rural urban division.

Q.—You say in paragraph 44 : " It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister ". Do you consider that happens fairly frequently ?

A.—I think when it does happen the Governor orders the Secretary to take the Minister's orders. This is what I meant to convey. All sorts of lapses have happened in the actual course of business but it is not the accepted practice.

Q.—How are the postings made in your province, the postings of the higher Imperial and Provincial service ?

A.—The postings in All-India Services all go to the Governor.

Q.—Are they initiated by him ?

A.—Not initiated by him except in very important cases.

Q.—Who initiates that ?

A.—The Secretary concerned.

Q.—Is the matter first mentioned to the Minister and then taken to the Governor or is the Governor approached in the first instance ?

A.—The appointment of a Director of Agriculture for instance would naturally concern the Minister.

Q.—Is he consulted first ?

A.—If you can tell me any specific case you have in mind I can give you a precise answer.

Q.—Take the question of the appointment of an Acting Director of Public Instruction ?

A.—They never dream of making any proposal of that kind without consulting the Minister for Education.

Q.—All I want to ask you is this, whether a case is taken to the Governor first because if it goes to the Governor and the Governor has made up his mind, then it would be very difficult for the Minister with whom I am particularly concerned to oppose the express wishes of the Governor ?

A.—I take it you are thinking of cases like the Director of Public Instruction, the Director of Agriculture, the Director of Industries and so on.

Q.—Or the transfer of Inspectors for instance ?

A.—I leave that out of account. One would have to examine individual cases to find out what happened in each case. I am not thinking of minor cases like the transfer of Inspectors. One would have to see the files to find out what happened in each case. I am thinking of important cases like heads of departments. In all those cases the Minister would very possibly initiate if he had very strong views on the subject and would certainly be consulted before the Governor is approached on the subject.

Q.—I put it to you that if the Governor had decidedly expressed his opinion about any such posting or any such appointment then it would

be difficult for the Minister to have his own way than if the Minister initiates it and then takes it to the Governor. Don't you think so ?

A.—I do but I must quote a sentence in my memorandum in which the Minister of Education said that in " any case in which ' I find a Member of Government or another Minister or head of a department or even the Governor himself encroaching upon my prerogatives, I should immediately speak to the Governor and he would put the matter right '."

Q.—The position would be much more difficult in that case, taking human beings as they are ?

A.—Yes, if it happened.

Q.—What was the usual practice ?

A.—I have tried to convey that as regards minor officials such as Inspectors I should like to look into the files to see what actually happened or was done in a particular case but as regards heads of departments under the Ministers it would either be initiated by the Ministers and it would be referred to him and discussed with him before an appointment is made and before even a proposal is put forward to the Governor.

Q.—In your joint meetings several questions or communications from the Government of India came up for consideration. Were the Ministers shown all the former papers about those cases before the cases were considered in the Council ?

A.—In some complicated cases where the case could not be put down in a few words, the papers were circulated but the ordinary practice was to put the case in a few words to them at the meeting.

Q.—The papers were not usually circulated ?

A.—They were circulated in complicated cases because nobody could understand complicated cases without reading the papers. Other cases which could be put in a few words present no particular difficulty and it is unnecessary to circulate the papers in such cases.

Q.—If the Ministers differ from the view taken by the Members of the Executive Government, were they allowed to put their opinion in writing ?

A.—I am just trying to remember cases in which we did it.

Q.—Take the case of the O'Donnell circular or the MacDonald Committee's report ?

A.—The O'Donnell circular was about the stopping of recruitment. I am sorry I do not remember what actually happened. I am sorry to say that at this moment I cannot recall what happened.

(*Sir Tej Bahadur Sapru*).—The opinions of Local Governments were invited on it.

Q.—The Local Government meant only the Governor in Council ?

A.—I have already told you that there was no case except one which I can remember in which the Governor in Council ever met without the Ministers.

Q.—When the opinions went to the Government, they went as the opinions of the Governor in Council ?

A.—Yes.

Q.—Did the Ministers when they differed from the opinions so expressed wish their opinions to be forwarded to the Government of India ?

A.—In case they wished their opinions to be forwarded, their opinions were appended to the letter.

Q.—They have been ?

A.—Yes, it happened in two or three cases to my recollection when the opinions of the Ministers had been appended to the letter.

Q.—What happened when opinions were asked about the working of the reforms at the end of two or three years ?

A.—Yes. I recollect then that the views of the Minister were either specifically mentioned in the letter or were conveyed in a note appended to the letter.

Q.—They were not prevented from having their opinion forwarded ?

A.—No.

Q.—Could the Ministers call a meeting of the joint government ?

A.—No case occurred to my knowledge in which they called for such a meeting.

Q.—Could they make a minute on their files that a particular question should be considered in a joint meeting ?

A.—I do remember such suggestions being recorded and when they were made they were always acted upon.

(*Sir Muhammad Shafi*).—*Q.*—That was the practice ?

A.—Yes.

Q.—They were not prevented from making minutes asking for a joint meeting ?

A.—No. When they wanted joint meeting, it was always acted upon.

Sir Henry Moncrieff Smith.—*Q.*—Did the Governor appoint any Council Secretaries ?

A.—They were appointed.

Q.—They were appointed from the first ?

A.—Almost from the very first.

Q.—And do they still exist ?

A.—I am sorry they do not. The members of the Legislative Council thought that they would be used merely as a means of detaching non-official members from the support of other non-official members. For that reason and also because some members of the Government do not attach very much importance to their services the system was given up. We found we were suspected of buying over certain members of the Council.

Q.—You think under the present constitution Council Secretaries are not likely to be a success ?

A.—Frankly speaking my own view is that I am in favour of having Council Secretaries. I found my own Council Secretary very useful and I was very sorry when the system was abolished.

Q.—Could you tell us what functions were assigned to the Council Secretaries ?

A.—My own Council Secretary drafted a Bill for me once. He was a Barrister.

(*Dr. Paranjpye*).—*Q.*—What was his pay ?

A.—Something like Rs. 2,000 or 3,000 a year. It was merely nominal.

(*Dr. Paranjpye*).—*Q.*—Was he required to attend office every day ?

A.—They were expected to attend only during meetings of the Legislative Council and for just a few days before and after and occasionally

they did work like the drafting of this Bill which I sent to my Council Secretary.

Q.—Did you assign any functions to your Council Secretary in the Council ? Did he take your place :

A.—He answered questions on my behalf. I communicated my views to him on particular occasions and he spoke.

Q.—He expressed your view ?

A.—In the case of my own Secretary, he delivered the views which I held but other Council Secretaries spoke on their own and even voted against the Ministers. As far as my own Secretary was concerned, he always served as my own mouthpiece and helped me in every way. When I wanted to find out how the feeling was in the Council on a particular matter, he would frequently find it out for me.

Q.—As regards the appointment of Ministers, we were told that in one Presidency a Chief Minister is selected by the Governor and asked to select his colleagues. Do you think that the system would work in the Punjab ?

A.—We have only two Ministers in the Punjab.

Q.—One Minister would be called and given a free hand to choose his colleague ?

A.—The thing may be shaped in that direction of course. Now that we have two definite parties, one rural and the other urban, I can imagine the possibility of things shaping themselves in that direction.

(*Maharaja of Burdwan*).—*Q.*—Don't you think that communal questions would crop up ?

A.—There are difficulties. I presume if you made it over to a member of a particular community to form a ministry he would naturally take members of other communities but he would take those who would not be likely to be very strongly communal in their feeling.

(*Sir Muhammad Shafi*).—*Q.*—The rural party consists of Muhammadans and Hindus ?

A.—Mainly Muhammadans ; a few Hindus.

Q.—And Sikhs ?

A.—I am sorry to say that Sikhs, properly speaking, do not form part of the rural party. They are against the Government over everything. That is the present position.

Q.—If the Chief Minister selected as his colleague a member of another community he would probably select one who is not strongly swayed by communal feelings ?

A.—That would be the case.

Q.—In that case do you think the Minister so selected, I will not say would be repudiated but would not receive full support from members of his own community ?

A.—We have had cases of that sort of difficulty. I think the bitterness or some of the bitterness of the urban Hindus (I am speaking only of the council) against the Government is possibly due to the fact that they feel that the particular Hindu Minister selected is too friendly to the opposite side.

Q.—Suppose it was decided that some of the subjects should be transferred, taken from the reserved side and made transferred, and suppose

that Land Revenue were not transferred. In the Punjab would it be feasible to effect the transfer of the subject of Irrigation ?

A.—It is feasible to transfer it.

Q.—Would you recommend the transfer of Irrigation ?

A.—I am unable to recommend it as long as there is any possibility of a policy of obstruction. You do not want to enlarge the sphere in which people will have the means of bringing you to a deadlock.

Q.—We have heard your general opinion as to the feasibility of the transfer. Would you in the Punjab, supposing conditions were favourable, would you transfer Irrigation without transferring Land Revenue ? Would it not prove somewhat embarrassing ?

A.—Of course one of the difficulties of transferring Irrigation is this, that our irrigation system runs through Native States. That is one of the difficulties. We have at the present moment, for instance a very great project, but it is partly in the Punjab and partly in two Native States. They prefer to deal with the Reserved Side rather than with the transferred side.

(*Sir Muhammad Shafi*).—The rules relating to the administration of transferred subjects provide for this contingency in cases in which more than one province is concerned or a province and an Indian State are concerned.

(*Sir Sivaswamy Aiyer*).—*Q.*—The subject of irrigation has two aspects, the engineering aspect and the revenue aspect. Which is it that is reserved ? Both aspects ?

A.—Both are reserved.

(*Sir Sivaswamy Aiyer*).—*Q.*—You were asked by Sir Henry whether, assuming that Land Revenue were not transferred, Irrigation could be transferred. What I wish to ask is whether the Engineering side of irrigation could or could not be separated and transferred ?

A.—No. That certainly would not be possible. You cannot divide up a subject like that. I am quite clear about it. You could not separate engineering from Revenue.

(*Sir Sivaswamy Aiyer*).—*Q.*—The construction and maintenance of irrigation works ?

A.—I do not think you can divide it.

(*Sir Sivaswamy Aiyer*).—*Q.*—Who imposes the irrigation cess ? The engineering or the revenue authorities ? Who determines the cess ?

A.—It is the Government which fixes the rate. Except in one corner of the Punjab it is the irrigation authorities who actually do the assessment. They go to the spot and say "so and so has irrigated so many acres and will pay so much."

(*Sir Siaswamy Aiyer*).—*Q.*—Have the P. W. D. works been transferred in your province ?

A.—Yes, Roads and Buildings.

(*Sir Sivaswamy Aiyer*).—*Q.*—But not irrigation ?

A.—No.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you think it would be impossible to leave both in the Transferred Department ?

A.—I suppose your suggestion is this. All the revenue functions of the Irrigation branch, the asessing of the charges, should be made over

to the Revenue branch and then all the irrigation, purely the engineering portion, should be transferred. That is your suggestion. Of course there are very great difficulties. There is very great opposition on the part of the irrigation authorities themselves to transferring what may be called the revenue side of their functions to the revenue authorities. They do not think that the revenue authorities would be capable of assessing water rates in the same efficient manner that they do themselves and they do not want to lose the touch with the actual irrigator that the assessment of the charges gives.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do the engineering authorities do any assessment themselves ?

A.—The engineering authorities, except in one corner of the province, do the actual assessment of the irrigation charges. That is to say, they send their men who say "so and so has irrigated so many acres of sugar cane or whatever it may be, the rate is so much ; and he has got to pay so much." It is not assessment in the ordinary sense. It is applying the rates.

Q.—If, Sir Sivaswamy Aiyer's suggestion were adopted, would it not involve some duplication of staff ? One man on the spot does the work now. He can to a certain extent do both branches at the same time. Instead of one man going to the spot, two men would have to go.

A.—That is so. On our canal works the revenue functions of the Executive Engineer or the Sub-Divisional Officer would be reduced very largely, and in some cases he might not even have enough to do. You could not very well diminish the number of engineers, because they are required in the case of emergencies. At the same time they would not, under ordinary circumstances, on canal works, which require only maintenance, have enough to do without their revenue functions.

Sir Tej Bahadur Sapru.—*Q.*—Sir John, you said that so far as actual practice was concerned your Government was really a unitary Government ?

A.—Yes.

Q.—And to that extent it was very successful ?

A.—It is not for me to say that it was very successful, but I think it has worked very well.

Q.—Is it a fair inference from that statement of yours that if it had not been worked on the unitary principle, if strict dyarchy had been followed, it would not have been so successful as it has been according to your statement ?

A.—If both sides had decided all these questions absolutely without consultation, then you would have had the most terrible consequences, because you see the greatest difficulty has been in regard to the Sikh shrines. You would have had a Minister who was responsible for the transferred subject of shrines dealing with the case entirely without regard to the question of Law and Order.

Q.—You think the whole machinery would have broken down ?

A.—It would have absolutely broken down. Fortunately people are not logical.

Q.—And if the machinery in the Punjab has not broken down, I take it that it is because in actual practice you adopted a system of unitary Government ?

A.—That is so, and my great illustration is the Sikh question.

Q.—Now, if you attach so much importance to the practice of unitary form of Government, what objection have you to the theory of unitary form of Government ?

A.—I have no objection to the theory of unitary form of Government.

Q.—You have no objection to the theory of unitary form of Government ?

A.—No.

Q.—Would it not make any difference if non-service executive council members had therefore been selected from the elected members ?

A.—It is more or less in the way of a personal question. We should not have got such a good representative Sikh out of our elected members as we got by not taking him from the elected members.

Q.—In theory, at any rate, there would have been no difference ?

(*Mr. Chairman*).—It would make a considerable difference.

Q.—Now, Sir John, one of your colleagues says : " the dual system of government has, in my opinion, to some extent, stood in the way of united action." Do you endorse that opinion ?

A.—No. I do not think it has ever stood in the way of united action.

Q.—Now, coming back to the unitary form of Government, I suppose you will agree that it is of the essence of unitary form of Government that the policy which is adopted by the Government must be a policy which has been thought out by all and agreed upon after compromise of different views. Isn't that so ?

A.—Yes.

Q.—That is what will distinguish it from strict dyarchy ?

A.—Yes.

Q.—Then, am I to understand that in matters relating to the reserved half of your Government, for instance maintenance of law and order, any policy which was adopted by the Punjab Government during the last three years was a policy which had been worked out not only by the members of the executive council but also by the Ministers jointly ?

A.—Yes, that is so. You must understand there is a certain reservation to be made there. You do not begin from the very beginning and say ' shall we enforce law and order or not.' A particular question will come up dealing with such and such difficulty and then we say ' What shall we do ' ?

Q.—Although the Ministers might not have been legally responsible for that policy, I suppose they were prepared to take the moral responsibility for that policy ?

A.—That is a question to be put to them.

Q.—When they join you round the table and discuss things with you ?

A.—Yes. I may say that the strict theory of the constitution is that when you do meet in this joint consultation it is the Governor in Council who is responsible for the decisions. It is not the Ministers who are responsible for a decision on the reserved side. They have given their opinion. But they are not responsible.

Q.—If I may say so, I quite agree and that is the view which has been put forward by the Joint Parliamentary Committee. But what I am asking you is this. Apart from the legal responsibility, did the Ministers give you the impression at the time of the joint consultation that they were prepared to take moral responsibility before their electors for their advice ? May I illustrate that, Sir John ? Supposing the Punjab Government adopted a certain policy in regard to law and order and a Minister went to the electorate and the electorate asked him ' Have you been responsible for this particular policy ? ', then would the Minister be prepared to undertake moral responsibility ? Was that the impression given to you at the time by the Ministers ?

A.—You would have to ask the Minister. If he did not make any public statement to the contrary, I would say he was accepting moral responsibility. Does he make a statement refusing to support particular action ? Does he submit a minute when there is an opportunity for so doing ? Does he record his dissent ? If he does none of these things, it implies that he accepts responsibility.

Q.—It is a very legitimate inference ?

A.—That is so.

Q.—You said I think in reply to a question put by the Chairman—I took down your words—that the Ministers were pressing on you a more uncompromising view of the obligation to maintain law and order ?

A.—Yes, that is so.

Q.—In other words, the Ministers were less tolerant than the reserved half of the Government of any disturbances of law and order and peace ?

A.—Do not let me put it too generally ; it was on a specific question connected with the Sikhs. My remark was intended to apply to that specific case. That is to say there was a question whether we should take certain action with the Sikhs.

Q.—That is to say they were not prepared to tolerate them to the extent to which the reserved half of Government were prepared, to do so ?

A.—On that particular point they were not.

Q.—I suppose they must have realised that their attitude might possibly cost them their very office if the matter went up before the Council ? The Council might have said : " You Ministers had no business to support the reserved half of the Government on that matter " ?

A.—I suppose they had a pretty good knowledge of what their communities were really thinking.

Q.—Am I right therefore in drawing the inference from that that if their view had been accepted by the reserved half of the Government, they would generally have been supported by the Council ? The Muhammadan Minister and the Hindu Minister would both of them have been supported by the Muhammadans and the Hindus if the Hindus and the Muhammadans knew that they had supported the reserved half or pressed the reserved half ?

A.—At that time something happened which changed the situation, and that was the Hindu-Sikh alliance, which was due to Hindu fear of the Muhammadans.

Q.—You have just now said there was a Hindu-Sikh alliance ; what led to that alliance ?

A.—What led to it was the riots at a particular place had alarmed the Hindus and made them say " We must somewhere find support."

Q.—And that had its reaction on the Ministers ?

A.—The actual form that it took was this, that the Hindu Minister and the Sikh Executive Councillor found it impossible to stand against their own communities when a particular question, the passing of the Gurdwara Bill came up.

Q.—I do not quite follow you ?

A.—The result of what I called the Hindu-Sikh alliance, which was due to the alarm at these riots.....

(*Mr. Chairman*).—*Q.*—What riots ?

A.—The Mooltan riots. This happened in September 1922. Our Gurdwara Bill came up in November 1922, and we found that this alliance had formed itself and that the Hindus were determined to support the Sikhs, and that they were going to oppose this Gurdwara Bill and the Hindu Minister and the Sikh Executive Councillor refrained from voting on the Gurdwara Bill because of this strong feeling of their communities.

Q.—Will you explain your statement. Had the Gurdwara Bill had any measure of support from any party in the Councils, apart from these Hindus and Sikhs who united at that particular time ?

A.—They were opposed to it.

Q.—Who were the men on whose support you counted ?

A.—We had to depend on the Muhammadan block and the official vote.

Q.—But from the very beginning the Punjab Government knew that the Sikhs were not prepared to support that measure ?

A.—No, I cannot say we knew that. We had constant negotiations and they constantly changed their minds. I made several drafts ; the drafts go up to draft II, and I discussed some of them with you ; some of them were prepared at the request of the Sikh members, but when they came up they had always altered their minds.

Q.—You said, I think in reply to the Chairman, that the present feature of the political situation was that, inside the Council the cleavage was between rural and urban members ?

A.—Yes, I have tried to make it plain that these are cases in which they do not vote communally. The leading division at all events at the present time is rural-urban rather than Hindu-Muhammadan.

Q.—Do you expect in the near future or in the next few years this feature to develop in the Punjab ?

A.—Yes.

Q.—Or do you think the development of the parties will be on communal lines ?

A.—Well, as far as I am able to forecast the situation, (of course it is a very difficult thing to do) I am inclined to think that there is a permanency about this rural-urban division. There is a real division of interest on those lines, a natural division of economic interests which I think makes it a natural line of division. I can imagine the possibility in the future of its taking an even more permanent place than it takes now.

Q.—I suppose the extent to which it promises to be a permanent feature in future, you as a member of the Government have every reason to be satisfied ?

A.—I feel it is a wholesome and natural line of division.

(*Sir Muhammad Shafi*).—*Q.*—As a basis for a party system it is natural ?

A.—Yes, that is really what I meant, it is natural in the sense of being grounded on real distinction of interests.

Q.—Apart from the question of the riot which arose in the Mooltan district, I suppose there has been a considerable amount of feeling in the Punjab between Hindus and Muhammadans over the question of representation in the Councils as well as in the public services ?

A.—Over the question of the Councils, I am not quite sure whether we should say there has been a good deal of feeling about that. It looked to me as if most practical men had accepted the Lucknow pact as being a decision of the question.

Q.—But we have been told that the Muhammadan community in the Punjab is not prepared to act on the Lucknow pact, and that they want their full share of representation in proportion to their numbers ?

A.—Yes, I did see that statement. It was new to me. I had not heard of this particular suggestion before I saw it in the evidence given before this Committee.

Q.—You have not seen any signs of strong feeling on that particular question ?

A.—No, I have always taken it that the Muhammadans found they had substantial representation and were contented.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember the anniversary of the all-India Muslim League held at Lahore only recently ?

A.—Yes, I do.

(*Sir Muhammad Shafi*).—*Q.*—Did you see the resolutions that were passed there ?

A.—I think one of them did ask for the reconsideration of this question, but I thought that was due to the particular piece of evidence given before this Committee. I thought it was a new suggestion, a new idea which had not occurred to them before, but they thought it a good one when it was made.

(*Sir Muhammad Shafi*).—*Q.*—You have been such a long time in the Punjab, do you remember when the Lucknow pact itself was arrived at, the then Punjab Muslim League protested strongly against it and was disaffiliated because of the controversy which arose in consequence ?

A.—I believe that was so.

Q.—Supposing that pact were to be opened, how would the Hindus, the Muhammadans and the Sikhs stand strictly in acordance with their numbers in the Punjab ?

A.—The Sikhs would get one-ninth, that is 11 per cent., the Muhammadans 55 per cent. and the Hindus the balance, 34 per cent.

Q.—I suppose most of the Muhammadans in the Punjab really come from rural areas ?

A.—Yes, there are substantial Muhammadan populations in the towns too.

(*Sir Muhammad Shafi*).—*Q.*—In Mooltan for instance it is about half Muhammadan ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—In Lahore the majority perhaps are Muhammadan, in Amritsar they are half and half, in Rawalpindi the majority are Muhammadans ?

A.—As a matter of fact they are strong in the urban populations, but not among the richer classes ; they represent the poorer urban classes.

Q.—You were for a long time Vice-Chancellor of the Punjab University ?

A.—Yes, I still am.

Q.—Dealing with the middle class in the Punjab, is it not true that education in the Punjab has during the last 30 or 40 years not been exactly on secular lines ? It has been more dominated by religion in the Punjab ? Take for instance the Arya Samaj ?

A.—The Arya Samaj has been very prominent in Education.

Q.—Take again the Muhammadans and their own Islamia College ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember when it was started ?

Q.—I have been hearing of it for the last 15 years ?

A.—It is a comparatively new thing. The Arya Samaj movement of course has been going on for 40 years.

Q.—Take the Khalsa College at Amritsar ?

A.—Yes.

Q.—So that education in the Punjab has been largely more on denominational lines than in other provinces ?

A.—Of course there are enormous numbers of non-denominational colleges and schools.

Q.—What is the number of your colleges ?

A.—We have 28 colleges of university status in the Punjab and about seven or eight of the 28 are probably sectarian in their management.

Q.—Apart from the Government College at Lahore, these seven or eight denominational colleges are probably the most flourishing in their resources in their numbers and in the influence which they exercise in the educational life of the province ?

A.—I am not quite sure I would generalise like that. The Khalsa College has been in dreadful trouble lately. The two most important colleges are, I should say, the Government College and the Forman Christian College.

Q.—And the Dayanand Anglo-Vedic ?

A.—Yes it has been large.

Q.—And so is the Islamia College ?

A.—That has varied in numbers. At one time it was very numerous, not quite so numerous as the largest.

Q.—Is it not true that most of the young men turned out from the colleges in your province are anxious to go in for Government service ?

A.—Yes they are very anxious to.

Q.—Both Hindus and Muhammadans ?

A.—Yes.

Q.—There are not very anxious to adopt independent careers or go into business, or adopt any scientific careers in the Punjab ?

A.—No it is not very marked. We have a certain movement in that direction now, but it is a very small one.

Q.—I suppose a great deal of the communal jealously which arises in the province is due to this fight about loaves and fishes ?

A.—A good deal of it is due to that, but it goes deeper than that I am afraid.

Q.—How is it deeper than that ?

A.—It is deeper than that because even the economic causes are deeper than that.

Q.—Are you referring to the Land Alienation Act ?

A.—And to the general position of creditor *versus* debtor.

(*Mr. Chairman*).—*Q.*—Who is the creditor ?

A.—The creditor is the Hindu and the debtor is the Muhammadan, very roughly speaking. It is really the relation of lender and borrower that is the trouble at bottom.

Q.—Has there not been some legislation in the Punjab for the protection of debtors ?

A.—Yes.

Q.—What is that called, the Land Alienation Act ?

A.—That is to protect the agricultural classes.

Q.—Does that afford sufficient protection to the agricultural classes ?

A.—Protection in this sense—it has actually diminished the process by which lands were passing into the hands of money-lenders.

(*Sir Muhammad Shafi*).—In other words, it stopped expropriation of the agricultural classes.

A.—It very nearly stopped it. At the present moment the figures actually show a certain gain by the agricultural classes upon the non-agricultural classes. That is, they are buying back the land which they lost before.

Q.—Now so far as the Press in the Punjab is concerned. I am talking mainly of the vernacular press—that too has been run on communal lines for some time ?

A.—Yes. There are communal papers and there are anti-Government papers without regard to community, and there are the catch-penny papers which merely deal with sensation. There are those three classes of papers.

Q.—Am I right in assuming that during the last few months a good many of these papers have been inflaming public feeling ?

A.—Oh yes, we had to prosecute two or three.

Q.—And that very recently ?

A.—Quite recently. The prosecution is still pending, I think.

Q.—But this sort of thing has been going on in the Punjab at least for the last twelve months ?

A.—Well it has been going on longer than that really, but it has been very marked and very intensive during the past few months.

Q.—I am only referring to that because it may be in your opinion a contributory cause of the present communal feeling.

A.—There is no doubt that that has thrown oil on to the flames. We know in one case, not in the Punjab but next door to us, we can directly trace the trouble to a particular pamphlet ; and the press has been voilent on both sides.

Q.—Did the average non-official member of the Punjab Legislative Council appreciate the nature of the issues that were raised ?

A.—Well I thought myself that generally speaking they were a very creditable and very intelligent lot of men.

(*Sir Muhammad Shafi*).—*Q.*—And the members of the second Council are comparatively speaking more intelligent than those of the first one ?

A.—Well yes. They are certainly more critical and that I suppose is the test. But we had some very good commonsense in the first Council too—very good indeed.

Q.—Now, what is exactly wrong with the Punjab elector ?

A.—The only thing wrong, though I wouldn't call it wrong, is that he is not accustomed to contemplate political matters.

Q.—What sort of political question is he not accustomed to contemplate ? Would he be able to understand an issue relating to say, for instance, local option of primary education or public health and village sanitation ?

A.—Village sanitation or primary education or local option—I think he is capable of understanding those issues.

Q.—Now has he any horror of law and order ?

A.—No I think he is very anxious to have it maintained.

Q.—Occasionally the villager breaks the head of his neighbour.

(*Mr. Chairman*).—*Q.*—Isn't the Punjab the most criminal Province in India. I have the misfortune to have murder cases coming to me and I have been horrified to see the number that come from the Punjab.

A.—If I may say so, it is always in those countries which are most anxious for law and order tha you have a class of men arising who take advantage of the comparative peacefulness of the others.

(*Sir Muhammad Shafi*).—*Q.*—Aren't a good many murders in the Punjab due to the fact—don't murders occur generally among the agricultural tribes and the martial races in the Punjab ?

A.—Latterly disbanded soldiers have been responsible for a great deal.

Q.—Would you consider that as a normal feature ?

A.—I should say that latterly the very excessive crime we have had in the way of dacoity and murder has been due to the disbanded soldier.

(*Mr. Chairman*).—*Q.*—I put it to you that if you examine the criminal statistics for the Punjab over a series of years you will find a much serious crime.

A.—I am only speaking of the excess since the War which has been very great indeed. We have now more dacoities and murders and that due largely to the disbanded troops who have learnt something of how to use weapons.

Q.—But ordinarily do you think he appreciates the value of law and order ?

A.—I think the majority do emphatically appreciate it except when they have got some clan quarrel.

Q.—Or some fight over water-course ?

A.—Oh yes, undoubtedly.

Q.—Now what is the exact nature of the problem of the depressed classes in your province ?

A.—We are not much troubled with it.

(*Mr. Chairman*).—*Q.*—Have you got any depressed classes ?

A.—It has not been a problem with us, not a big problem. We have got them but there is very little trouble.

Q.—Perhaps you will agree that the Punjab Hindu is very much less orthodox in his mode of life than the Hindus of Madras or the United Provinces ?

A.—Very markedly.

Q.—There is no such thing as a Brahmin and Non-Brahmin problem in the Punjab.

A.—No we are not troubled with that.

(*Mr. Chairman*).—*Q.*—There are very few Brahmins ?

A.—Yes, and some of them are agriculturists.

Q.—And the Brahmin does not occupy any position of dominating influence in the Punjab ?

A.—He generally becomes either a bhistee or a cook. That is the favourite method of employing a Brahmin.

(*Mr. Chairman*).—*Q.*—Before we go on I should like to clear up one point. I am afraid it may be taken as a little misleading—this question about the Ministers taking a stronger line on the question of law and order. Now I understand the action contemplated is against the Sikhs. The Ministers were as a matter of fact a Hindu and a Muhammadan. One of the members of the Executive Council was a Sikh. Should I be right in supposing that the weakness came in on the executive side through one of the members being a Sikh ?

A.—On that particular point it so happened that he and I were agreed.

The further examination of the witness was adjourned till 3 p. m. after lunch.

The Committee re-assembled after lunch at 3 p. m. the Hon. Sir Muhammad Shafi in the Chair.

Sir John Maynard.—Before we begin, may I just point out one correction which has to be made in the printed note ? It is about the middle of page2. The word ' likely ' occurring there should be ' unlikely ' and the word ' even ' should read ' ever '.

Sir Sivaswamy Aiyer.—*Q.*—With regard to the question put to you you by Sir Henry Moncrieff Smith about the transfer of irrigation, I should like to pursue the subject a little further—I did not quite follow your answer. In your province is an engineer in charge of works alone or of irrigation alone, or is he in charge of both works and irrigation in his district ?

A.—If you mean by ' works ' roads and buildings, no ; we do not combine roads and buildings with irrigation in our province ; roads and buildings are in charge of a separate branch and irrigation works are in charge of a different branch.

A.—I should like to slip the bits.

(*Sir Muhammad Shafi*).—*Q.*—Do you admit that generally speaking it is a case of the shoe fitting easily and it is only very rarely that it pinches ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Regarding the one case of limitation which you mentioned, you agree that it was a reserved subject and that the Governor General in Council had power of superintendence, direction and control ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Do you suggest that any amendments should be made in the Government of India Act which would remove or at all events relax that power of superintendence, direction and control ?

A.—No ; it is a matter of details and of the method in which the control is exercised on certain points. I have given an instance—about the alienation of state lands—which appears to be a survival from the older times when the Government of India was entitled to half the land revenue and therefore naturally exercised considerable control.

Q.—Some of these matters are referred to, I believe, in the memorandum of your government.

A.—Some of them are.

(*Sir Muhammad Shafi*).—*Q.*—Apart from amendment of the Government of India Act, you would bring about a relaxation of control in certain respects by means of rules ?

A.—Yes.

(*Sir Henry Moncrieff-Smith*).—*Q.*—Or conventions ?

A.—Yes.

Q.—Is the list given in that memorandum a comprehensive list or only by way of illustration ?

A.—No, I think it is an illustrative list.

Q.—If called upon you can of course supply the Government or the Committee with a fuller list of the points where you would like a relaxation of control ?

A.—Yes.

Q.—With regard to some subjects, for instance, religious and charitable endorsements, I suppose the situation really requires more than joint consultation according to your memorandum ? The Joint Select Committee has prescribed or rather recommended that as a means of getting over some of the friction which may be created. But with regard to cases of excise or religious and charitable endowments something more is necessary—I am quoting from your memorandum. You would like the two halves of the Government to be brought together not merely for the purpose of joint discussion, but if possible to participate in the responsibility—is that the idea ?

A.—Well one sees that without it on some occasions very serious difficulty might arise. One is groping after a solution of a future possible difficulty which could not be solved by mere good-humoured agreement. We have not had it so far. There were all these cases of course in which it was obvious that, if a Minister had by any chance insisted on having any particular line about excise or about religious endowments or even about such a thing as mere hygiene, we might have had very serious difficulties. You see even hygiene might lead you to plague riots. We have had

very serious riots over plague measures. Veterinary measures might lead to disturbances for cow-killing.

Q.—Don't you think a joint responsibility would improve matters and contribute to greater smoothness and efficiency ?

A.—Yes, if you can adjust your system to joint responsibility, I think it would.

Q.—I see that the other Member of your Government and an ex-Minister they think that this dual system stands in the way of united action. Do you agree with that ?

A.—No, I don't.

Q.—You don't think that the dual system stands in the way of united action ?

A.—No, I have not found it so.

Q.—But I suppose you are aware that they both take that view ?

A.—Yes.

Q.—I suppose you will agree that the system of dyarchy is full of anomalies ?

A.—Well, everything—particularly in the line of politics—that comes out of England is full of anomalies. I mean you don't get a logical system. But I don't think you can get any progressive system which is completely logical.

Q.—But don't you think it is worth making an attempt to remove the anomalies ?

A.—Well, merely as anomalies I have no prejudice against it at all. The question with me is: does it work ? If it works, then it is good, politically speaking. But no merely logical system will make a good political system.

Q.—You have no intolerance of anomalies ?

A.—None.

(*Sir Muhammad Shafi*).—From the point of view of theory, the thing may be an anomaly, and yet in practical working it may do quite well.

Q.—Then with regard to the second section—control of the Minister by the Governor—that is one of the subjects of complaint generally by nearly all the ex-Ministers who have appeared before us and they also complain that the Secretary's right of access to the Governor interferes with them far too much. I suppose you don't agree in that complaint ?

A.—No.

Q.—But the very fact that the complaint was put forward so generally by so many of the ex-Ministers would it not suggest that there is something wrong in the system ? Or do you think that it is entirely due to the ignorance and inexperience of the Ministers ?

A.—Well, I should not like to say it was the ignorance and inexperience of the Ministers but I think it is to some extent due to a misunderstanding of the position. It has occurred to me, reading the statement of some of the Ministers, that they expected to find themselves autocratic in their own spheres and I don't think that is really what is contemplated. I don't think that either the Act or the system which it works does contemplate an autocratic Minister. It seems to me the Ministers think that they ought to be able to appoint and dismiss official and that they ought

to be able to pass ukases on various subjects whereas that is not what is contemplated by the system.

Q.—Do you think it is possible to make some changes in the rules which would obviate any such complaint or suspicion in the minds of the Ministers that the Secretaries are interfering with them too much ?

A.—Well, you see it is only after all a free right of stating one's opinion. All that the Secretary does—he has got no authority—he goes and says what he thinks is the right position. A Minister ought not to mind that. He is putting forward an argument which the Minister may rebut by other arguments. It is a free system, it is not a system where everyone is completely subordinated to a Minister. It never surprises me when a Secretary of mine says: I don't agree with you. I expect him to tell the Governor so if he thinks it important enough.

Q.—Then would he go and tell the Governor first and then inform you or would he first inform you and then take it to the Governor ?

A.—He would go in the ordinary course, whenever his time may be, and if the conversation happens to turn on the subject, I suppose he would mention it. But what has actually happened is that, when the Secretary has gone to the Governor and talked about the matter first without informing the Minister, the Governor has said to him: You must not do this, you must go to the Minister.

Q.—Don't you think it would be a better system if the Secretary was allowed to go to the Governor only if he had mentioned the matter to the Minister or Member first ?

A.—Yes, I think that would be a very proper arrangement. He would say to the Minister: I differ with you about this and when I go to the Governor I shall say so.

(*Sir Muhammad Shafi*) *Q.*—Is not this in the Punjab rules ?

A.—As a matter of fact it is in the Punjab rules.

Q.—And as a matter of practice ?

A.—One or two cases have happened in which it was not done, and in which the Governor said to the Secretary: Unless you first take it to the Minister I cannot consider it. You see, when you are working any system, these things will happen. People will do occasionally what they ought not to do and then the best thing is to tell them their mistake and put them right.

(*Sir Henry Moncrieff Smith*).—*Q.*—Still the opportunity to make the first representation to the Governor does give something like an advantage ?

A.—Well, now, I think, though I cannot recall the particular rule of executive business, I think the rules of executive business do actually provide for that. They provide for what you say should be done. At all events that is the practice in the Punjab.

(*Sir Henry Moncrieff Smith*).—*Q.*—Are these disputes, Sir John, between Secretaries and the Ministers common or exceptional—these differences of opinion, I mean ?

A.—Oh, very rare, in the sense of the serious difference of opinion which leads a man to think it necessary to state his own views. It is a very rare thing. Differences which lead a Secretary to think it necessary to take the case to the Governor are very exceptional.

Q.—May I know if there is a rule governing such cases ?

A.—Let me see. No I don't find this in the rules, but that is certainly the practice.

Q.—And you agree with me that it would be an advantage to make a distinct rule to this effect ?

A.—I beg your pardon, I find there is something here in rule 43 (2) of executive business. Oh, but that refers to one particular case where there has been a departure from the rules. It does not deal with these cases of possible difference of opinion. You see, a Secretary, if I may put it this way, a Secretary who differs from his Minister or Member, unless he is on extraordinarily strong ground runs the risk of a very serious snub if he brings it up. That is plain, is it not ?

Q.—You mean he would not take it unless it is a very strong case ?

A.—If he took it up and the Governor differed from him.

Q.—At any rate, it would remove a possible ground for a grievance if it was made a rule that he would take it only after mentioning it to the Minister ?

A.—Well, I see no objection to this rule and I think that is the practice in the Punjab.

Q.—Excuse me, my attention has just been called to rule 8 on page 35 of your Rules of Business ?

> "Any case, or at any rate such as any Secretary of a Department thinks fit, be submitted by him to the Governor. The case should, wherever possible, be submitted through the Member or Minister concerned and wherever it is not possible the Member or Minister informed by the Secretary."

I am sorry I took up your time.

Then, with regard to this question of joint consultation of Members and Ministers, you observe in paragraph 12 that prior to June 1924 certain intervals elapsed without joint consultation. I suppose there were several such intervals ?

A.—Yes, but I mentioned the one that was longest. There was never any other interval as long as that.

Q.—And during these intervals were important questions or principle or policy considered without a joint sitting ?

A.—Well, I don't know of any important questions of policy which came up in any of those intervals. I can only give you the specific cases which I have mentioned, that is the particular cases which happened which should have been taken up in joint consultation and were not.

Q.—Since the present Governor came into office the practice has been quite regular of having joint consultation ?

A.—Quite regular—at least once a week.

Q.—And then at these joint sittings do you consider only mixed cases or cases arising in any department, even though they are not mixed cases ?

A.—Cases arising in any department, whether they are mixed or not.

Q.—In paragraph 14 you speak of informal consultation of Members by Ministers ?

A.—That is the passage I corrected. It should be "and" instead of "by".

Q.—So far as the system has been worked in your province, has dyarchy worked smoothly and fairly successfully ?

A.—I should say it has been worked very smoothly.

Q.—And as a matter of fact, dyarchy has been worked because it has been ignored practically ?

A.—Yes.

Q.—Could you not completely ignore it and work it as a really unitary Government in all respects ?

A.—Oh that means, whether one can transfer the reserved subjects ? No, no, I have given reasons for thinking otherwise.

Q.—I pass on now to the relations of the Finance Department with the Ministers. Have you got any other portfolio? Do you hold any other beside finance ?

A.—Yes, I am the Home Member—that is to say, Police, Jails, Justice —those are the principal ones.

Q.—With regard to the proposals emanating from your own department for expenditure, have they to run the gauntlet of any other Department in regard to financial scrutiny ?

A.—They pass through my Secretary and he is a very vigilant person and criticises my proposals just as much as he criticises others from the financial point of view.

Q.—But still, don't you think you would have a certain amount of unconscious tenderness towards proposals emanating from your own department ?

A.—Well, that may be so, it will be a very expensive arrangement.

Q.—You would be superhuman if you had not had such tenderness ?

A.—But I have also got a tenderness for some other Departments.

(*Sir Muhammad Shafi*).—*Q.*—Would it not be better to have a separate office called the Controller of Provincial Finance who will be common to both the reserved and the transferred side ?

Q.—Don't you think it will be an improvement ?

A.—It practically means that there will be another member who will be a sort of Auditor General.

(*Sir Muhammad Shafi*).—*Q.*—He will be common to the reserved and the transferred sides, holding the balance even between the two halves of the Government ?

A.—And not subordinate to either.

(*Sir Muhammad Shafi*).—*Q.*—Instead of a Finance Member who will be a member of the Service and also on the reserved side who will unconciously favour the reserved side, the Controller of Finance will be an independent person ?

A.—He would be purely advisory because he would not be a member of Council at all.

(*Sir Muhammad Shafi*).—*Q.*—He would scrutinise all proposals that involve expenditure both on the reserved and the transferred side ?

A.—The only difficulty that occurs to me is that he would not come to his work with quite the same weight and force as a Member of Council comes.

(*Sir Muhammad Shafi*).—*Q.*—He would be directly under the Governor and independent of both the reserved and the transferred side and in consequence free from bias or anything in favour or against either side ?

A.—We would not be allowed to participate in deliberations of the Council, of course.

(*Sir Muhammad Shafi*).—*Q.*—He might be called upon by the Governor to attend meetings of the Council but he would not vote ?

A.—I think you want your Finance Department to be very powerful and I think the force of the Financial Department would be diminished by the fact that he was not represented by any one who actually took part in the deliberations of the Council.

(*Sir Muhammad Shafi*).—*Q.*—That is the only objection you can see to an arrangement like this ?

A.—I have not had an opportunity of considering this proposal before but *prima facie* that is the one objection that occurs to me.

Q.—The business of the Finance Department is to advise and place the Finance Department's point of view before the Government and see that it receives due consideration ?

A.—It is just the receiving of that due consideration that is the important point. One sometimes has got to struggle very hard to get the proper weight attached to the financial point of view, sometimes very hard indeed.

Q.—Apart from the question of cost, you have no objection to a separate Finance Member holding that portfolio and nothing else ?

A.—No, apart from the question of cost I have nothing. There are various difficulties which will arise. You will be increasing the number of your Members of Council and you will require the addition of another Minister to balance the addition.

Q.—Have you any objection to the financial portfolio being held by a Minister ?

A.—That means transferring more subjects. I am not prepared to admit that.

Q.—Just as the Finance portfolio is combined with other subjects on the reserved side, why not give a chance to Ministers to hold the portfolio of finance in conjunction with some other portfolio ?

A.—That means transferring an additional subject and a very important one.

Q.—Suppose there were no technical objections in the way ?

A.—I was not really considering the technical objections.

Q.—Suppose the Government were willing to transfer it. I want to know what you think of the proposal ?

A.—My general objection to transferring additional subjects is that it cannot be done so long as communal differences and the party of obstruction remain.

Q.—The Finance Department is not an originating department. You know that has been repeatedly maintained ?

A.—It is advisory. It is not a final authoritative department.

Q.—There is no question of final voice. You can only expostulate and you can only advise ? Then why not allow it to be held by a Minister ?

A.—I have already said that while the present conditions continue

Q.—Held by two entirely distinct sets of officers ?

A.—Yes.

Q.—The engineer in charge of irrigation would have nothing to do with the construction of buildings and roads and engineers in charge of roads and buildings would have nothing to do with irrigation, is that the system ?

A.—That is so.

Q.—Have these irrigation engineers any final voice in the matter of assessment of water rates ?

A.—Yes ; they have ; the actual rates of course are fixed by government naturally ; but the calculation of the acreage on which the rates are to be charged and that application of the rates to the acreage, that is a matter for irrigation department ; except in one corner of the province where on the inundation canals it is done by the revenue authorities.

Q.—As the system in Madras is somewhat different, I want to ask you this : Is the function of the irrigation officer to advise the government as to the rates which may suitably be levied upon particular classes of lands with particular irrigation facilities or is it for him to lay down what rates shall be levied and has the government to say nothing to that ?

A.—No ; it is the government entirely which fixes the rates and they are only varied at very rare intervals.

(*Sir Muhammad Shafi*).—*Q.*—Is not the realisation of water rates the business of the Zilladar and the Deputy Collector ?

A.—Yes, that is, in the irrigation branch ; except in the Multan Division where for some reason we have got the other system.

(*Sir Muhammad Shafi*).—*Q.*—So that the irrigation engineers are really more concerned with the construction of irrigation works and their maintenance and the supply of water than the fixation of water rates or the realisation of water rates ?

A.—The irrigation engineer is supposed to check what the Zilladar does. Just as the Deputy Commissioner is responsible for land revenue in the district, so the executive irrigation engineer is responsible within his charge for the calculation of the water rate which is due.

(*Sir Henry Moncrieff Smith*).—*Q.*—The fixation of the water rate and the assessment of the amount due are separate things ?

A.—Yes. The one is done by the government ; but the calculation of the acreage which has been sown and the application of the rates to that acreage, calculations as to where allowance is to be made on account of damage, loss of crops and so on, all that rests with the irrigation department.

Q.—In my province the irrigation engineer is responsible for the construction of irrigation works and for their maintenance, for the supply of water under, I believe, the major systems ; but the supply of water under some minor irrigation works is in the hands of the revenue authorities. What I want to know is whether the actual application of the rates fixed by the government to the particular lands is in the hands of the revenue authorities or of the irrigation authorities ?

A.—Except in three districts of the Multan Division where it is in the hands of the revenue authorities, it is in the hands of the irrigation authorities.

Q.—With regard to the question of the application of rates to particular fields and the question of any remission to be made on account of floods and so on, is that carried out by the engineer or a revenue officer employed in the irrigation department ?

A.—It is carried out directly by a revenue officer employed in the irrigation department ; but the responsibility for controlling him and for hearing objections and for inspecting the rates and for seeing that everything is done all right, that is on the irrigation engineer.

Q.—The first work of assessment and realisation, by whom is that carried out ?

A.—That is by a subordinate of the irrigation engineer.

Q.—Is he a professional engineer or a revenue official ?

A.—He is a revenue official ; but if I say that it may be misleading because it might be suggested that he came originally from what we call the revenue department. As a matter of fact he is from the outset in the irrigation department, but he is discharging revenue functions in the irrigation department.

Q.—Is he an engineer ?

A.—Not an engineer.

Q.—Would there be any difficulty, therefore, in separating the engineering work from the revenue work and transferring the engineering side of the irrigation department to Ministers ?

A.—That question consists of two parts : the first is whether there is any difficulty in separating the revenue from the irrigation work. That is actually done in one corner of the province in the Multan division.

Q.—But seeing that it is done throughout Madras I ask you whether it is not possible to carry it out in your province ?

A.—As to whether it is possible, I have no doubt that it is possible ; you have naturally various difficulties and objections to doing it, but there is no doubt about its being possible.

Q.—In section 1 of your memorandum you speak of the interference of the Government of India and the limitations upon the financial and legislative powers of the local government. Are you quite comfortable in the administrative shoes supplied to you by the Government of India ?

A.—There are always little rubs on one's corns, you know.

Q.—But do you find any pinching anywhere ?

A.—It will be impossible to say that we never find pinching ; we do find pinching ; but I suppose that is inevitable under any system.

Q.—Would you like to have that removed or are you quite happy and content to leave things where they are ?

A.—The way I would like to put it is this : you cannot expect to be absolutely independent ; if every province wished to become absolutely independent there will be no control ; but there are little things which could be improved ; sometimes we ask for them to be altered ; sometimes they are altered ; sometimes there are things which are really survivals of the old system which still exist even under the new reformed administration ; these, I suppose, will be eliminated from time to time ; for instance the rules about the alienation of state lands ; they appear to be really applicable to an older state of things when the Government of India was itself entitled to half the land revenue ; there is no reason why, now that land revenue is a provincial asset, they should exercise any control.

Q.—There are certain matters in regard to which you think that the control now exercised by the Government of India is a little too tight ?

A.—Yes, it might with advantage be altered.

Q.—And, to vary the metaphor, you would like to ease the saddle ?

I object to the transference of more subjects. If those conditions cease to exist, then I should be prepared to consider it.

Q.—You refuse to consider it except as part and parcel of the whole general issue ?

A.—Yes.

Q.—Apart from that general and more comprehensive objection you have no specific objection to put forward now ?

A.—I should like to consider it very carefully before I say that I have no other objection.

(*Sir Muhammad Shafi*).—*Q.*—You said just now that so long as communal differences and party of obstruction continue you are opposed to the transfer suggested by..... ?

Q.—May I ask if the party of opposition in the Punjab Legislative Council can be strictly called a party of obstruction such as Mr. C. R. Das's party in Bengal ?

A.—I am not dealing with this as a purely provincial question.

(*Sir Muhammad Shafi*).—*Q.*—With regard to your observations about the transfer of subjects generally you gave the same reason and therefore the question is pertinent. Can you call the party in opposition in your Council as a party of obstruction strictly so called such as exists in Bengal and the Central Provinces ?

A.—So far as the desire goes it seems to be the same. So far as the power goes it is not the same.

(*Mr. Jinnah*).—*Q.*—May I ask if these are the only two difficulties in the way of the transfer of the financial portfolio to Ministers, namely communal differences and the party of obstruction. Is there any other objection ?

A.—What I said was that before I say there is no other objection I should like to have an opportunity of considering very carefully what is to me an entirely new proposal.

(*Mr. Jinnah*).—*Q.*—You have not considered it ?

A.—It was never put to me until this moment.

(*Mr. Jinnah*).—*Q.*—You have not been following the evidence before this committee ?

A.—Yes, portions of evidence which particularly concern the Punjab.

(*Mr. Jinnah*).—*Q.*—The point has not struck you ?

A.—No.

Q.—On page 9 you refer to the increases of expenditure under certain important heads of the transferred department. May I know whether there has been any increase in the expenditure of the reserved department during the same period ?

A.—I think the question was put to me before. Roughly speaking during these years our total expenditure has remained stationary because of the financial difficulties. That means to say that whatever was added to the transferred departments was taken out from the reserved.

Q.—On page 12 you say there is opposition to demands for travelling allowanee for arts colleges and secondary schools. What is the nature of the opposition. I do not quite understand ?

A.—It came out during the course of the budget proceedings. There was a particular grant for travelling allowance of students of arts colleges and the professors. It was, I think, a small item.

Q.—Who proposed it ?

A.—The Minister of Education.

Q.—Is it for attending Senate meetings ?

A.—It is quite a small item. The amount of travelling that is done on behalf of the arts colleges would be small. As it was, it was opposed.

(*Dr. Paranjpye*).—*Q.*—It would probably be for excursions ?

A.—I do not think it is for that. It is a separate head. All I can tell you is that there was a small item for this purpose. Precisely what the travelling was for I cannot tell you.

(*Sir Muhammad Shafi*).—*Q.*—It might have been for instance to attend Meetings of the Provincial Educational Conference which you occasionally hold ?

A.—That would be one of the possible reasons.

(*Dr. Paranjpye*).—*Q.*—Scientific congresses ?

A.—Yes.

Q.—In paragraph 45 of your memorandum you point out what the constitutional remedy is for a Minister who feels that his constitutional position has been infringed upon. Do you think it is a very convenient way of transacting business for a Minister to be always threatening to employ that remedy on each and every occasion ?

A.—I do not think he would have to threaten it often. My own experience in dealing with Secretaries and everybody else is that it is hardly necessary to say that certain things will happen in certain circumstances. But if there are unreasonable people one may have occasionally to do it.

(*Dr. Paranjpye*).—Are you aware that in the Punjab resignation was offered by a Minister four of five times and he was persuaded to withdraw it each time ?

A.—I am aware that it was so stated. My personal knowledge is that there was a discussion between the Minister and the Governor about resignation and that was after the defeat of the Minister on the Urban Rents Bill which was a very serious defeat. I understood at the time that the Minister asked whether the Governor thought that the case was one in which he should constitutionally resign and that he was advised that it was not and therefore he did not resign. That is what I understand is the position. As regards the other three cases I can only say it is quite obvious that if the resignation was ever tendered it certainly was not pressed and if one is not prepared to press his resignation it is quite useless to tender it.

(*Dr. Paranjpye*).—*Q.*—He may have achieved his object by resignation ?

A.—There is no object in resigning unless you think so strongly on the subject that you are prepared to carry out the resignation if your purpose is not achieved.

(*Mr. Jinnah*).—*Q.*—If the Governor yielded because of the threat of resignation he would have acheived his object ?

A.—He would have. It is quite a constitutional weapon.

(*Mr. Jinnah*).—Do you deny the statement made by one of the Punjab Ministers who appeared before this Committee that he carried his resignation in his pocket ?

A.—That means to say that he was prepared at any moment to resign. That is the meaning. I deny that. Yes.

(*Mr. Jinnah*).—*Q.*—Deny what ? That a Minister stated here.....

A.—I am not concerned now with what he stated.

(*Mr. Jinnah*).—*Q.*—My question is this. One of the Ministers of the Punjab stated that he only could carry on his work with the resignation in his pocket ?

A.—Do you mean to ask whether I deny that he said so ?

(*Mr. Jinnah*).—*Q.*—Yes ?

A.—No, no. You have got it on record.

(*Mr. Jinnah*).—*Q.*—My next question is, are you prepared to say that it is not a correct statement ?

A.—If it means that the Minister was prepared to resign at any moment and thereby achieve certain objects, I say that it is not so.

(*Mr. Jinnah*).—*Q.*—How do you know that ?

A.—My knowledge in all these matters is derived from a very close following of the business of Government.

(*Mr. Jinnah*).—*Q.*—Did the Governor tell you that ?

A.—The Governor would have told me if there was the question of resignation.

(*Mr. Jinnah*).—*Q.*—Did he tell you ?

A.—He did not tell me that he did not do it.

Sir Arthur Froom.—*Q.*—I think, Sir John, you have told the Committee that the present system of Government called dyarchy in your province has been a success ?

A.—Yes.

Q.—And in spite of certain difficulties attending its working, do you consider that the present system of Government which we call dyarchy is providing an advance towards some form of responsible self-Government ?

A.—That is the way in which I look at it. It is a sort of bridge towards a responsible form of Government.

Q.—One of the ex-Ministers of your province told the Committee—there is no reason why I should not give you his name, Mr. Harkishan Lal—that he was disappointed in his office and that he felt he was doing no good at all. Did he announce that to your knowledge, to His Excellency the Governor or to the members of the excutive Council or did he announce that at any meeting ?

A.—No.

Q.—He did not. He further added that he felt he was a square peg in a round hole. That was what Mr. Harkishan Lal told the Committee. It is on record.

A.—Yes.

Q.—Would you suggest that it is the fault of the hole or the peg ?

A.—My own impression was that Mr. Harkishan Lal was an excellent Minister ; He did a great deal more than was expected in a short

time. What I really thought about him was that he did not realise the enormous difficulties which stand in the way of any administrator doing a great deal in a very short time. He had 2 years and 8 months part of which was a time of financial stringency. I think he did not know how difficult it is to do anything. I am sure he did not know. All of us who have experience of administration know that you have to struggle for years to achieve things. It would be extremely lucky if you manage in a long period to do anything worth doing. He expected to do more in a short time.

Q.—Perhaps he would come under the category of a Minister who expected to have autocratic power ?

A.—I think that was one expectation that he would have autocratic power.

(*Sir Muhammad Shafi*).—*Q.*—In your close co-operation with him Sir John, as a member of the same Government, did you yourself come across anything to show that Mr. Harkishan Lal was a square peg in a round hole ?

A.—No. I did not. I thought he was an excellent Minister in his particular line,

Q.—Then we will put it down to his modesty ?

A.—Or to excessive expectation of the possibilities of achievement. That is what I would put it down to.

Q.—Coming to the question of finance, I take it that the absence of sufficient finance might be responsible for some of this disappointment that this Minister felt ?

A.—Yes ; I should say possibly some of it.

Q.—I do not mean especially in his department, but the finances of the Government generally ?

A.—Yes.

Q.—And I think my colleague Sir Sivaswamy Aiyer suggested that there might be a bias on the part of the Home Member of the Punjab by virtue of his holding the dual office of Finance Member and Home Member to provide perhaps more funds than were fair to the Home Department. That was suggested I think by my colleague ?

A.—Yes.

Q.—But a member in that dual position possibly from sheer sense of fairness might be inclined to give too much away ?

A.—It is possible. I think my real answer is to point to them figures in my Memorandum. Those figures show an increase. They relate to the transferred Departments. At the same time the expenditure as a whole was approximately stationary.

Q.—As regards the suggestion of having a separate officer altogether to look after finance. I think you told the Committee that the Secretary of the Finance Department, your Secretary, was extremely particular in what he did pass ?

A.—Yes.

Q.—And I take it His Excellency the Governor could send for the Secretary if he was not satisfied just in the same way as he could send for another official in the Finance Department ?

A.—Yes.

Q.—That being so, I see no reason for the argument that a separate officer should hold the portfolio of Finance in the Executive Council ?

A.—That is my view.

Q.—I am afraid I must refer to these communal difficulties just briefly. I think you told the Committee that in your opinion the present reforms had had the effect of increasing communal antagonism ?

A.—Yes.

Q.—You did say so ?

A.—Yes.

Q.—And do you consider that any additional reforms given would also further increase communal antagonism ? That there would be reason to suppose that they would.

A.—I have not, I confess, considered that. I think it is possible that they might. They would certainly give rise to certain special difficulties as regards the transfer of certain departments. I specify in particular elections, for instance, and of course important questions regarding Police in dealing with communal riots. Those are instances where difficulties would arise in consequence of transfer.

Q.—Then do you consider that these regrettable communal differences are at the present time a stumbling block in the way of further advance towards self-Government in your province ?

A.—I think they are the principal stumbling block. From my point of view they are the principal stumbling block.

Q.—Until they can be removed they will remain a stumbling block ?

A.—Yes, that is my view.

Q.—And supposing you were asked not by this Committee but by somebody outside whether the province of the Punjab is ripe for further advance towards self-Government, one of your objections to this further advance towards self-Government would be the present regrettable communal difficulties ?

A.—Yes, that is so.

Q.—And when these communal difficulties are settled, then one of the great stumbling blocks towards further progress will be removed ?

A.—Yes, to my mind the principal stumbling block.

Q.—I do not think I have any further questions. Thank you.

Mr. Jinnah.—*Q.*—I have read your memorandum, Sir John, with great hurry and if I make any mistake you will forgive me ?

A.—Yes.

Q.—I read it on my arrival here. Do I understand from your memorandum that you suggest no change at all in the present constitution ?

A.—No change of principle at present.

Q.—Do you suggest any change ?

A.—There are changes of detail. I did not attempt to go into changes of detail.

Q.—As far as your memorandum goes, you do not suggest any change ?

A.—No large change of principle at present.

Q.—Is there any change ?

A.—Perhaps I might explain. My memorandum is written not to cover the whole ground, but mainly by way of removing certain misconceptions which might have been created by previous statements. It was not intended to cover the whole ground. Therefore I did not attempt to go into all the detailed changes which might conceivably be necessary. As regards the main question of principle you are right in saying that I do not recommend any changes at present.

Q.—You do not recommend any change which would be made or could be made either under the Act or under the rule-making powers ?

A.—I have tried to say that is a question of detail and not a large question. I mean to say I do not recommend the transfer of any subject which is not now transferred.

Q.—Not only that, I gather from your memorandum that there is nothing that you recommend as a change which would strictly come as a change under the Act itself or under the rule-making powers ?

A.—I would have to write another memorandum.

Q.—I am talking of this memorandum ?

A.—I have already explained to you that my memorandum is not intended to cover the whole ground.

Q.—That is not answering my question ?

A.—Pardon me, it is answering your question. I do contemplate certain changes in detail, but my memorandum is not written for the purpose of giving expression to them.

Q.—I must ask the witness to answer my question. Is there anything in your memorandum which suggestes any change either under the Act itself or under the rule-making powers ?

A.—My memorandum is before you, Sir, and you can judge for yourself whether there is any recommendation or not.

(*Sir Muhammad Shafi*).—*Q.*—I think the question really has sufficiently been answered when the witness said that his memorandum was not written to cover the whole ground ?

Q.—I ask for a direct answer to my question.

(*Sir Muhammad Shafi*).—The answer is in the negative obviously.

A.—My memorandum is before you and you can judge for yourself. My memorandum speaks for itself. That is my answer.

Q.—I will put it to you—I do not want to wrangle—once more if you like. Is there anything in your memorandum which you can point out as a change recommended by you either under the Act or under the rule-making power ?

A.—I must again answer that my memorandum speaks for itself.

Q.—You cannot point out ?

A.—My memorandum is before you.

Q.—You cannot point out ?

A.—I will read from my memorandum and see if there is anything.

Q.—Read it.

A.—That would take too long a time.

(*Sir Muhammad Shafi*).—I am afraid, Mr. Jinnah, I must intervene. I think the question has been sufficiently answered. The witness has stated that he did not write his memorandum from that point

of view. It was written merely to remove misconceptions that may have arisen because of the statement of previous witnesses. The inference is obvious that he has made no suggestions nor expressed any opinion with reference to the point.

(*Mr. Jinnah*).—If you say that that is the inference, I am quite satisfied with it. The inference is obvious that the witness does not suggest any change.

Q.—I do not quite understand what you say in your paragraph 8. You say :

" It has recently been stated, in a public manner, that a Minister cannot introduce any measure however much it may be desired by the majority of the Legislature, unless the Governor allows him to do so. It is possible that what was really meant was that the Governor had the power of withholding his assent from a Bill passed by the council at the instance of the Minister."

Can the Minister take any initiative without consulting the Governor ?

A.—It would be very unusual for him to do so ; on an important question like Legislation he would naturally talk it over with the Governor.

Q.—Please follow me. I was not asking about that talking over. According to the constitution as it is now can the Minister initiate a measure of a legislative character without first consulting the Governor ?

A.—Yes, there is nothing in the law to prevent him from doing so. It would be very unusual as I said before, for him to do it.

Q.—Under the Act he can do so without consulting the Governor ?

A.—Yes. I cannot conceive of such a thing being done, but as you want an answer on that particular question, that is my answer.

Q.—Have you considered the sections ?

A.—I think so. I do not know of anything in the Act which prevents a Minister from doing it.

Q.—I will just show you the section. There is one section which says, I believe, with regard to transferred subjects, the Governor is to act with his Minister ?

A.—May I ask you what is the section ?

Q.—I will give you the section in a minute, 46, I think, it is ?

A.—Section 46 says the Governor acting with his Ministers under the Act.....

Q.—46 says—

> " In relation to reserved subjects by a Governor in Council and in relation to transferred subjects (save as otherwise provided in this Act) by the Governor acting with Ministers appointed under this Act."

so that with regard to transferred subjects the section says that the Governor is to act with his Ministers ?

A.—Yes.

Q.—Could the Minister act without the Governor ?

A.—Your question, I understand, refers to some specific matter.

Q.—It does not matter what it is. In relation to transferred subjects the section says " the Governor acting with Ministers appointed under this Act " ?

A.—What really governs the matter is the provision which says that in certain circumstances the Governor may over-rule.

Q.—Excuse me. Then comes section 52. When the Minister tenders his advise to the Governor then he may over-rule. But in the first instance, the statute says the Minister cannot act alone. He must act with the Governor ?

A.—Of course that is a very nice legal point. But that is not the way in which that section has ever been understood.

Q.—I do not know how it is worked. That is not my point. My point is a purely constitutional point ?

A.—That is a question for reference to the Legal Remembrancer or Legal Adviser.

(*Sir Henry Moncrieff Smith*).—*Q.*—When a Bill is introduced in the Legislative Council, is it promoted by the Governor or is it promoted by the Minister ?

A.—It is promoted by the Minister.

Q.—The Governor is not responsible for it ?

A.—No.

Q.—Sir John says it is a question of law, and I do not want to pursue the matter. Supposing I am right (we will assume that for the moment) that the Minister cannot take the initiative without first consulting the Governor, then in that case the position of the Minister is a very difficult one if there is a difference between him and the Governor ?

A.—If there is a difference between the Minister and the Governor it is for the Minister to resign. If it is a trifling matter, he will probably continue.

Q.—I do not know whether you have considered this point, Sir John. We are not talking of provinces, provincial governments. As a matter of fact there is no responsibility at all given to the Legislature or the representatives of the people ?

A.—I presume you are referring to the fact that it is possible for the Governor to certify or restore. If that is what you mean, then I say that that does not constitute the denial of responsibility. That only provides for certain specific rare cases.

Q.—Under the Act as a matter of fact no responsibility is given to the Legislature with regard to provincial governments ?

A.—No, responsibility in the executive part of the government.

Q.—Transferred part of the Government ?

A.—No responsibility in transferred subjects ? The correct constitutional position, as I understand, under the Act is that the Legislature has no executive responsibility whether in transferred or in any other subject. The responsibility rests upon the Governor in Council for reserved subjects and on the Governor with his Ministers over the transferred subjects.

Q.—And such power as the legislature has can always be over-ruled by certification and the powers of the Governor ?

A.—By restoration ?

Q.—Restoration and certification ?

A.—That is so. Of course you must understand the difference between a power which can be exercised and a power which is not in practice exercised. The Crown in England has the power of veto on the action of the Houses of Parliament but it has not exercised that veto for a matter of 230 years.

Q.—I am only testing the constitution ?

A.—If you are testing the constitution as a purely legal matter, if you are not testing it with all the conventions which attach to it, then you are not testing it correctly.

(*Sir Muhammad Shafi*).—*Q.*—Is there any power of certification in regard to legislation in the transferred sphere ?

A.—I believe not. It is all in the Act. It is safer to look at the Act than to ask me. I think not.

(*Sir Muhammad Shafi*).—*Q.*—In regard to votable items with reference to the transferred field, is there any power of restoration with the Governor ?

A.—There is a very limited power of restoration in cases where the peace or tranquillity of the province is concerned.

Q.—There is something more. We have got the section here. The Governor can arrest a Bill in the course of progress and the Governor can restore any item in the budget if he thinks it is necessary. Those are very wide powers ?

(*Sir Muhammad Shafi*).—I think really that is a matter which can be discussed among ourselves and need not be discussed with the witness.

Q.—I am asking this question for this reason. I know we can discuss it among ourselves. I am asking this question because Sir John seems to convey, on a careful consideration of paragraph 8, that there is a certain amount of responsibility given to the Legislature. That is what I want to make clear ?

A.—Paragraph 8, if I may say so, does not refer to the Legislature at all. It refers to Ministers.

Q.—Quite so. The Minister is responsible to the Legislature. I should be quite content if the answer is given that the Legislature has no responsibility ?

A.—In executive matters the legislature is not responsible. Its function is not in the executive sphere.

Q.—And with regard to Bills ?

A.—In regard to Bills I tried to explain. There is all the difference in the world between a legal power and a power which by convention is to be exercised either rarely or not at all. I gave the instance of the veto of the Crown in order to illustrate the difference between the two things. The Crown has the legal power to veto. It has not exercised that power for 230 years. The effort has been in the province in working the constitution to avoid using exceptional powers of the Governor because it is likely to weaken the sense of responsibility which it is desired to encourage.

(*Sir Muhammad Shafi*).—*Q.*—May I remind you of the provision in section 72D, proviso (*a*), which says :

> " the local government shall have power in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand related to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject."

That is in regard to a reserved subject. Then in section 72E (1) we have :

> " Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject."

All the provisions are confined to reserved subjects ?

A.—Yes. May I say that the real answer to this question is this. Examine the cases in which these powers had been actually used. Were they numerous ? Were they reasonably exercised ? If you find that on all the occasions on which these powers had been exercised they had been exercised for good and on reasonable grounds, then I think this contention falls to the ground.

Q.—Has there been any cases of certification in the Punjab during the last three years ?

A.—None.

(*Dr. Paranjpye*).—*Q.*—Not even in regard to any budget item ?

A.—That is a restoration. There have been restorations recently in two cases. They were of one class. The Council had rejected certain proposals for spending money for the re-assessment of districts. On that occasion there was restoration.

Q.—I think you said that you were not prepared to recommend the transfer of any more subjects as long as communal differences existed and the party of obstruction existed. Is that correct ?

A.—That is correct.

Q.—Sir John, do you think that the party of obstruction is the only party in India in existence ?

A.—It is obvious : fortunately it is not.

Q.—Do I take it that you understand that there is only a section that forms the party of obstruction ?

A.—Yes, I do ; unfortunately in two provinces it is a very strong section.

Q.—Don't you think that you ought to have regard to the whole of India ?

A.—I do indeed.

Q.—And don't you think that if you have regard to the whole of India that argument of yours loses its force, namely, that because there is a section which has formed itself into a party of obstruction therefore you decline to make any advance ?

A.—You see it is a practical question ; you have a certain party in certain provinces which is very actively and very effectively obstructing the Government. It is not a question of punishing anybody ; it is simply a question of common prudence ; common prudence tells me that when there is somebody who is busy upsetting the administration it is not right to

widen the sphere within which he has his opportunities. If you increase the number of transferred subjects you widen the sphere within which obstruction will be effective, because you diminish the powers of the Governor to restore items either by certification or by his other constitutional powers. Therefore it is a mere matter of prudence. I say it is not judicious to do it.

Q.—Would it not be a matter of greater prudence if you can manage to reduce the powers of that party of obstruction by making a further advance ?

A.—To be honest I do not think you will reduce it, except by giving everything. It should be all or nothing ; either you must establish complete autonomy or, so long as this obstruction continues, you must see that we do not widen the sphere within which obstruction can be effective. If it were possible to give everything, then I should agree with your contention.

Q.—Do you think, if it was possible to give complete responsible Government, then the obstruction would disappear ?

A.—The obstruction would disappear, I think ; oh, yes, unless of course obstruction goes on, on an entirely different issue. You would then have your communal difficulties. It is the two combined that make the difficulty. The communal differences make it impossible to give up everything ; the obstruction makes it injudicious to give up something and not give up all.

Q.—Don't you think this obstruction is really due to the fact that the people are not satisfied with the present constitution ?

A.—The obstruction is due to people being in a great hurry ; it is very natural, I sympathise with it.

Q.—Is it not due to the fact that they are not satisfied ?

A.—I have no doubt they are not satisfied ; I do not question that.

(*Sir Muhammad Shafi*).—*Q.*—You mean those who follow this policy of obstruction are not satisfied with the existing conditions ?

A.—Yes ; I think I must give them credit for being perfectly genuine and for meaning what they say ; I presume they are not satisfied.

Q.—Don't you think that an effort should be made to satisfy them ?

A.—Yes, I do ; I should like to satisfy them if I saw any course which did not entail greater dangers than those already existing.

Q.—By giving them a further advance what would be the danger ?

A.—The danger, that is, of transferring further subjects. As I have tried to put it, you enlarge the sphere within which obstruction is likely to be effective. In every transferred subject the difficulties of restoration, certification, etc., are increased, because the powers are not so great in the case of transferred subjects and therefore every time you add one more to the list of transferred subjects you enlarge the sphere within which this particular enemy is going to make his plan of operations effective.

Q.—Let us take it step by step. At present you have not got a party of obstruction except a section—it is a section is it not ?

A.—Yes ; a very important section in two provinces.

Q.—We will concede for the moment that it is an important section ; but it is not the entire body of representatives who are a party of obstruction ?

A.—No.

Q.—Supposing a section of the representatives of the various legislatures are a party of obstruction ; if you make a further advance, do you not think that that party will be weakened because some of them at least might be satisfied and give up obstruction rather than create obstruction since more subjects will be transferred ?

A.—My real conviction on that subject is that this particular party which has adopted obstruction will not be satisfied until all the subjects are transferred or until there is complete autonomy, whichever way you like to put it ; that is my personal conviction ; and I think that is the principle which they themselves state ; they say " Till you give us complete autonomy we are going to obstruct " ; that is what I understand them to say. You say by giving them a little some of them might give up that policy ; I do not believe that by giving them a little you can bring about that result.

Q.—I do not mean a little crumb—I mean some substantial advance ?

A.—You mean something like land revenue and irrigation and forests should be transferred.

Q.—Don't you think you will break this party of obstruction if you do so ?

A.—Candidly I do not think so.

Q.—Now, with regard to communal differences, you think it is not possible to make an advance on account of the communal differences such as exist to-day ?

A.—I think I have tried to make it plain that there are certain things which cannot be transferred so long as communal differences exist—law and order principally—but also certain other things ; elections is a very obvious subject.

Q.—That is all ?

A.—I should say, police, jails, justice and elections.

Q.—In other words, law and order and elections ?

A.—Yes. I see what you are driving at ; as I have said it is the combination of this policy of obstruction and the communal dfferences which makes the position difficult. Communal differences tell you that there are certain things which cannot be transferred ; and the party of obstruction says that it is no good transferring some things unless you will transfer all.

Q.—Don't you think that if you pursue this line you will have nothing but a party of obstruction all over India ?

A.—I hope not.

Sir Arthur Froom.—*Q.*—Sir John, I want to ask you a question on this policy of obstruction. I take it that it is admitted that whatever views any of us here or in the provinces may hold they all have good wishes for the welfare of India ?

A.—Yes, indeed.

Q.—Supposing your province yielded to this policy of obstruction and complete self-government is given to your province out of regard for the welfare of India, do you think that would be a wise policy ?

A.—I am not quite sure.

Q.—I will continue my question ; are you not laying up for India, when she gets self-government, a party who have gained their ends by

obstruction and who, when you have got self-government will want something else and proceed to obstruction tactics again ?

A.—I think you always have the chance of the weapon of obstruction being used.

Q.—Whatever government you have, if you yield to obstruction you will give the party that pursues obstruction an impetus again ?

A.—Yes ; I think there is no doubt about it ; the weapon of obstruction is now a recognised and known one and people will use it anywhere and everywhere whether you yielded on a particular action or not.

Q.—Do you agree that they would have learnt a lesson that obstruction can be made effective if they get self-government ?

A.—I suppose it will be so ; but there are other reasons.

Sir Tej Bahadur Sapru.—*Q.*—There is only one question I would like to put : I understand that your position is that there is really speaking no half-way house between the present system of things, namely, dyarchy, and full provincial autonomy ?

A.—I would not like to say that ; but I say there is no half-way house between holding on where we are, excepting changes of detail of course and suitable conventions and alterations of details, and some new system which would mean practically autonomy.

Q.—In other words the transfer of a few more subjects here or there will not really affect the situation ?

A.—It will not satisfy anybody.

Sir Muhammad Shafi.—*Q.*—I want to ask you one or two questions with regard to one or two answers you have given to some of my honourable colleagues. May I invite your attention to what the Joint Select Committee said with reference to clause 6 of the Bill which is now section 49 of the Act ? They said :—

> " The Commitee desire on this point to give a picture of the manner in which they think that under this Bill the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally ; but there will remain a large category of business of the character which would naturally be the subject of Cabinet consultation. In regard to this category this Committee conceive that this habit should be carefully fostered of joint deliberation between the members of the Executive Council and the Ministers sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects. But the Committee attach the highest importance to the principle that when once opinions have been freely exchanged and the last word has been said there ought then to be no doubt whatever as to where the responsibility for the decision lies."

Further on this is what they say. (He here means the Governor) :—

> " He should never hesitate to point out to the Ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, Ministers should decide not to adopt his advice then in the opinion of the Committee the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation."

Now, do not these passages that I have quoted from the Joint Select Committee's Report really represent almost exactly the picture that you have given to us of the working of the Punjab Government during the last four years ?

A.—Yes ; of course there is one difference, rather an important one ; that passage was written before it was decided to insert in the Act the provision which says the Governor may in certain circumstances over-rule the Minister.

Q.—Please fix your mind on my question ; you have given us a picture of how the Punjab Government has been carried on in our province during the last four years ; and on the basis of that picture you have made the statement that it was really unitary government and not dyarchical government. I have read out to you the recommendations of the Joint Committee with regard to this particular point. Would it not be more correct to say that dyarchy as embodied in the Government of India Act has been carried on in the Punjab in the spirit in which the Joint Select Committee of the two Houses recommended it should be worked ?

A.—I quite grasped your question ; but I also feel obliged to say that at the time this passage was written the decision that the Governor should in certain circumstances have the power to overrule the Minister had not been arrived at, and that it has in a measure modified the result. If after discussing with his Minister he finds that the Minister adheres to his view and if the Governor still thinks that the matter is a very important one on which he ought to overrule his Minister he can do so.

Q.—May I point out that the words in the Act are " shall ordinarily be guided by the advice of his Minister " and it is that provision which the Joint Select Committee recommends should be carried out in the particular manner pointed out by them ? May I ask you this ? Unitary government connotes joint responsibility of all the members of the Government, doesn't it ?

A.—Yes, a proper and full unitary government.

Q.—Do you consider yourself constitutionally responsible for all the acts of your colleagues who were Ministers during the first three years of government in the Punjab ?

A.—I think I should put it this way, that anything I did not protest against in any form I should say that I was morally responsible for it ; if I knew of it and did not take measures to get it altered or did not protest in any form, then I think I should have a moral responsibility for it.

Q.—I am not speaking of moral responsibility ; of course where there is a general practice of joint consultation as recommended by the Joint Select Committee and as a result of that joint consultation a measure is introduced, whether it be on the transferred side or on the reserved side, there is moral responsibility of all the members of the government. I am speaking of constitutional responsibility, legal responsibility. Do you consider yourself responsible in that sense for all actions of your colleagues who were Ministers during the first three years in the Punjab Government ?

A.—As regards legal responsibility, that is obviously not so. Constitutionally I do feel myself responsible for anything that I have known of and have not protested against.

Q.—Morally responsible, I quite agree ; but in the case of a unitary government is each member of the government only morally responsible ?

A.—I think I should go further and say that I recognise my constitutional responsibility for any act of the government of which I had known and against which I had not protested. I think I had better put it that way.

Q.—But does the Government of India Act give power to members of the reserved side of government to protest against actions of the transferred side of the government in any way ?

A.—It does not in form certainly.

(*Sir Tej Bahadur Sapru*).—*Q.*—But why can't you protest if there is a joint deliberation ?

A.—I should, of course, be able to protest in some form.

Sir Sivaswamy Aiyer.—*Q.*—May I put one question ? Is the position of the Governor as laid down in the Act and in the Instrument of Instructions the position of what I may call a constitutional governor as it is ordinarily understood ?

A.—There may be more forms than one of constitution.

Q.—I am referring to the transferred departments ?

A.—Quite so ; you want me to compare it, we will say, with some dominion constitution in which the position of the Governor is something different. Now the position of the Crown in England, if I may take that, is almost, legally speaking, identical ; that is to say, he listens to his Ministers ; he is generally guided by their advice, but he has the power of veto. That is the position theoretically and legally. He can require his Ministers to do what he pleases ; in practice he does not ; and that is to my mind exactly what is being done in these provinces ; that is to say, the Governor can legally require his Ministers to do certain things, but in practice he will exercise that power only very rarely, in exceptional conditions.

Q.—So do you think that the position of the Governor is really that of a constitutional governor in the dominions ?

A.—Yes, because there is that power of taking action though it is very rarely to be exercised for good practical reasons.

Q.—In the case of a responsible dominion governor has the Governor General or Viceroy power to dismiss Ministers or to dictate what particular course of action should be taken ?

A.—He has the power to dismiss them of course ; he also has the legal power to take action, but politically he is very injudicious if he does it ; in any but an exceptional case.

The Chairman thanked the witness who then withdrew. The Committee then adjourned till the next day.

Tuesday, the 21st October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Sir Chimanlal Setalvad, *ex*-Member, Executive Council, Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—You were a Member of the Executive Council of the Governor of Bombay from January 1921 to June 1923 ?

A.—Yes.

Q.—That is from the beginning of the Reforms for the first two years ?

A.—Two and a half years.

Q.—Have you got a copy of your printed memorandum ?

A.—Yes.

Q.—Would you refer to paragraph 7. You there lay down what you consider to be the principles underlying the recommendations of the Joint Parliamentary Committee and the Montagu-Chelmsford Report ? In regard to No. 1, I don't think it is quite true to say that, in regard to the transferred half of Government, the Governor is to be merely the constitutional head. He is more than that, isn't he ?

A.—More in what way, Sir.

Q.—Well I will put to you the Instructions to Governors. I would draw your attention to Instruction 6 :

> " In considering a Minister's advice and deciding or not whether there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people and the President as expressed by their representatives therein."

Then Instruction 5 says :

> " You shall assist Ministers by all the means in your power in the administration of transferred subjects and advise them in regard to the business of the Legislative Council."

Well, a purely constitutional sovereign does not interfere at all in these matters.

A.—That is true, but is it not after all a question of words ? Take the passages, Sir, that you have read. After all, what was the underlying

idea ? Was not the underlying, as I put it, that the Ministers were to be left free in the administration of their Departments and that the Governor—though he might have the power to interfere—was expected to interfere only in very exceptional cases ?

Q.—That I accept.

A.—Well, in Bombay the whole thing, as I point out, was subverted.

Q.—But my point is, when you say in paragraph 7 that his position is that of a constitutional head, the Governor under the Reform Scheme is more than that ?

A.—True, and I again say, Sir, it is a question of words. If you take the words " constitutional head " in a strictly legal and constitutional sense, then he was not ; but for all practical purposes that was intended and at least what we in the Functions Committee thought at the time was that the Governor was to interfere only in very exceptional cases.

Q.—That I accept.

A.—Ordinarily the administration was to be left to the Ministers. But in fact what was done was, as I pointed out, the Governor intended that he was to administer the transferred departments and the Ministers were merely to advise ; even in the day to day administration, it was for him to decide what to do.

Q.—All I am asking you is if you agree with me that the words you used are a little too wide ?

A.—I quite agree, Sir, if you take the words in the strict legal and constitutional sense.

Q.—Then you say in paragraph 8, there was never any joint discussion or consideration by the two halves of Government and the Ministers never knew anything of what was being done in the reserved department. That is to say, each half of the Government was independent—they were two water tight compartments ?

A.—Yes.

Q.—There were no meetings in your time at all between Members and Ministers ?

A.—I have said in paragraph 9 that there were joint meetings later on though not in the beginning but that the joint meetings did not discuss any matters relating to the transferred departments as a rule.

Q.—They only concerned themselves with reserved departments ?

A.—We had meetings of the Executive Council to consider matters concerned with the reserved departments. At these meetings Ministers were called in and they were present but no transferred department matters were ever discussed except in very rare instances at these meetings.

Q.—They were never brought up ?

A.—The Governor had never even with his Ministers any meetings at all. He dealt with each Minister separately, each in his own department.

Q.—There was never any joint meeting between the Ministers and the Governor ?

A.—No, except once, as I have said,—in the beginning of 1921. After that each Minister in charge of a particular department and the Governor discussed matters relating to that department and administered it.

Q.—Well, we have got it quite clear that the Governor had no meetings with his Ministers. The transferred government never met—that is the Ministers as a body and the Governor never met ?

(*Maharaja of Burdwan*).—*Q.*—I want to ask you one supplementary question on this point. Ordinarily I believe it is the practice that, when any case of legislation has to be brought before the Legislative Council, the Government as a whole meets to discuss. Now, in your Government, during the time that you were Member of the Executive Council, did any piece of legislation relating to the transferred department take place and if it did take place am I to understand that the question as to whether this legislation should be introduced or not was not referred to a joint meeting ?

A.—With regard to legislation concerning either side of Government, it was jointly considered.

Q.—Legislation was considered jointly ?

A.—Yes.

Q.—To that extent, you must qualify your statement ?

A.—I quite agree. I meant, that in questions arising in the administration of the transferred departments from day to day there was no joint consideration as a rule. With regard to legislation undertaken either in the reserved or transferred side of the Government, the legislation was brought up before a joint meeting.

Q.—Well, where both a transferred and a reserved department were affected, were there no meetings to decide these cases. Many matters affect both the transferred and reserved side. How were these disposed of ?

A.—They were disposed of according as they belonged technically to the one side or the other. Take, for instance, the question of the services,—the O'Donnell Circular and things of that kind. Now, those were matters which affected both the sides. But inasmuch as the subject of services was among the reserved subjects, they were treated in the reserved department.

Q.—But may I put it to you that it is a rule of business in Bombay as it is everywhere, if a case in the reserved department concerned a transferred department, or *vice versa*, surely it was referred to the other department, whichever it may be.

A.—Yes, true. Any particular point in the administration, if it touched the other half, then certainly the other half would be consulted. But that is not what I am speaking of here. What I am speaking of are some larger administrative questions which affect both sides and which affect generally the whole administration. Inasmuch as technically some of them belonged to the reserved group of subjects they were disposed of by the reserved half.

Q.—I mean in the matter of the services, you say that is reserved. But it affects the transferred side. The transferred side was consulted although the decision was taken in the reserved department ?

A.—Yes, the transferred side was consulted in the manner I have pointed out in paragraph 9. The Ministers were called in at the meetings of the Executive Council, but no papers were ever circulated to them so that they could not possibly give any informed advice or opinion.

Q.—I don't understand you. Was not the file sent to the transferred departments ?

A.—I will take an illustration and explain it. I will take the O'Donnell Circular about the services.' Now, the subject of services being a matter for the reserved half, it came to the reserved half. Then a meeting was called to consider that matter. Before the meeting was called, the papers and the files relating to the O'Donnell Circular were never circulated to the Ministers at all.

Q.—But hadn't they seen it departmentally ?

A.—No, they never knew anything about the O'Donnell Circular till they came to the joint meeting. Then they were told what it was. Then they were asked to say what they thought of it. Very often, as I have said, the question was put with the introductory remark that it did not concern their side but the reserved half would be glad to have their views. Then the decision was taken by the reserved side. In that particular instance, the matter being one of considerable public importance, in which the transferred departments were concerned, the Ministers wrote saying that they should be allowed to express their opinion on the matter and they were told that as the Government of India had asked for the opinion of the Governor in Council, they could not be allowed to do so.

Q.—This is a particular case you are reciting to me. But am I really to understand that in other cases too the matter was never referred to the transferred departments ? You are acquainted with the rules of business of the Bombay Government. Is it not one of the rules that it should have been referred ?

A.—But once it was decided that it was not a matter which in law and technically concerned the transferred departments inasmuch as the subject of services was a matter for the reserved side, the transferred side had no voice.

Q.—But there is such a rule, isn't there ?

A.—Oh yes, there is a rule that, if any particular matter for disposal on the reserved side affects the transferred side, and *vice versa*, then the files are to be sent to both the departments.

Q.—Then the fact was not due to any defect in the rules but to a breach of the rules ?

A.—No, there was no breach of the rules ; because the rules were capable of being read in the manner in which I have said they were read. It was said that the determination of the position of the services was a matter for the reserved department, but was not a matter that concerned the transferred department at all. And therefore the transferred side had no voice in the matter.

(*Sir Muhammad Shafi*) *Q.*—Was this decision, Sir Chimanlal, arrived at in a meeting of the Executive Council—this decision that the matter concerned only the reserved side and that the transferred side was to have no voice in the matter ; was that decision arrived at in a meeting of the Executive Council ?

A.—No, that decision and other decisions of the same character were always arrived at by the Governor, because he had the right to decide whether a matter related to a reserved or transferred subject and not the Council.

(*Sir Muhammad Shafi*).—*Q.*—It was not put before the Council ?

A.—On the contrary I may mention that on some occasions when it occurred to a member that a particular matter was one in which the Ministers should be called in or that the file should be sent on to them and be noted to that effect when the papers came round to him, the member was reminded that it was not his business to make that suggestion said that it was entirely for the Governor to decide whether the Ministers should be called in or not.

Q.—Did you come to know of this decision before the meeting of the Council in which the Ministers were called in ?

A.—No.

Q.—Even members of the Executive Council were not informed of that decision ?

A.—When some important matters of that character came up I sometimes and some-times other members anticipated the matter, by requesting on the file that the Ministers should be called in inasmuch as it was a matter of general public importance. In such cases the suggestion was objected to, we were reminded that we had no business to make any such suggestion and that it was entirely for the Governor to decide in what matters he should call in the Ministers for joint consultation. We were told that in future we should not minute to that effect on the papers but should send a private note to the Private Secretary to the Governor making the suggestion so that the Governor may take the suggestion into consideration. That was how it was worked.

Q.—Reading your paragraph generally (I do not propose to take you through the details which contain some statements of incidents perhaps out of place in a public memorandum), the general effect left in your mind of the working of the Bombay Government was that the instructions to the Governor by His Majesty were disobeyed ?

A.—The Governor did not intentionally disobey the instructions. He read the instructions in that manner. It all depends on how you read them.

Q.—Is it possible to read the instructions in that manner ?

A.—He evidently read them so.

Q.—I will put it in this way, that whatever the cause, the effect was that the purpose of the Act and the rules under the Act were not carried out by the Bombay Government ?

A.—I only demur to using the word "disobey". I do not mean to suggest that the instructions were intentionally or purposely disobeyed. I do not mean that.

Q.—The effect was the same ?

A.—Yes. The spirit and the intention of the Act and the rules were never carried out.

Q.—Therefore dyarchy as contemplated by the Act of Parliament and the rules and the framers of the Act was never given effect to during your period in the Executive Council ?

A.—That is what I have said.

(*Sir Muhammad Shafi*).—*Q.*—Did you ever make a formal protest against this procedure adopted by the Governor ?

A.—It concerned the Ministers, but I think I pointed out the incorrectness of the procedure.

Q.—In writing ?

A.—I think orally ; but surely one desires to work as much smoothly as possible to carry on the Government and avoid friction.

Q.—In spite of the fact that your own privileges and rights were driven a coach and pair through in this manner ?

A.—Are you asking about the privilege of the Ministers or the Members, Sir Muhammad ?

Q.—Did the Members of the Exeeutive Council formally protest against this procedure ?

A.—You must make a distinction as to what about. If it was the treatment of the Ministers, then it was not for the Members to protest. As regards the treatment of the Members, protests were made about the rules and the manner in which they were worked.

Q.—I want to make this point clear. Speaking with all the authority of a Member of the Executive Council which you yourself were for two years, you come to this Committee and tell us that in Bombay during the years you were a Member of the Council the system of dyarchy was not in your judgment at any rate worked in the manner contemplated by the Act, the rules and the instructions ?

A.—It was so.

Q.—As a test of dyarchy it was useless ?

A.—I think so.

(*Mr. Jinnah*).—*Q.*—Would you like to try dyarchy again with another Government ?

A.—Certainly not.

Q.—You say that the Ministers had to struggle in order to have their own way and they succeeded only by keeping the threat of resignation in the background and that in this way they succeeded in giving effect to their policy in the beginning that is to say, that in spite of the fact that the Act was not carried out, still the Ministers did succeed in pressing their points ?

A.—Mostly.

Q.—You won't regard that as a normal method of administration ?

A.—No.

Q.—You yourself, Sir Chimanlal, as a Member of the Executive Council had to deal with the services ? Did you have any embarrassment in dealing with them ?

A.—Not in the least. On the contrary as I have always said I derived the greatest assistance and loyal co-opertion from the services.

Q.—Why do you say that the Ministers were embarrassed by the control of the services being vested in the Secretary of State ?

A.—In this way, that if the control, the salaries and the discipline of officers under Ministers were vested in the Secretary of State, *ex hypothesi* that was a system that can work.

Q.—It was only a theoretical objection to the system and that there were no difficulties in practice ?

A.—Cases were bound to arise in practice which would create embarrassment.

Q.—Did they arise ?

A.—Not that I know of. The Ministers would know better.

Q.—Then it is a theoretical statement, not based on practical difficulties. You assume that there would be embarrassment because of this, not that there were actually any ?

A.—There were one or two instances in which there was embarrassment. If you want me to give them I can.

Q.—The services under you were also under the control of the Secretary of State ?

A.—I was not concerned with this difficulty as I formed a part of the reserved half. This concerns only the Ministers, you see.

Q.—Then am I to understand that although your relations with the services were satisfactory, the Ministers' were not ?

A.—I did not say that. If you will allow me I will explain what I mean. Instances did occur in which Ministers wanted to take a particular action with regard to a particular officer in their department.

Q.—You mean to punish him ?

A.—Not disciplinary action. A case occurred, I believe, in the Excise Department. The Minister wanted to abolish a post and to do away with the present incumbent. Not that he was at fault in any way. It was not a question of discipline in that sense.

Q.—Was it a question of retrenchment ?

A.—Yes. He wanted to do away with that appointment and gave notice to the man as contemplated by his agreement. That officer happened to be in England at that time on leave. He approached the Secretary of State and the Secretary of State wired saying that it should not be done. What happened was that the Governor took the view that he should be retained and the appointment should not be retrenched. The Minister stuck to his view and ultimately the Governor yielded but if I am right he wired to the Secretary of State saying that the Governor sanctioned this retrenchment but he did not agree.

Q.—He carried out his constitutional position ?

A.—So he did. I am only, pointing out the embarrassment which a Minister was subjected to. I am not blaming the Governor. All that I am pointing out is that the control of the Secretary of State creates such difficulties.

Q.—The point I want to get on is this, that although your personal relations with the services were good, the Ministers' were not ?

A.—I can not presume to speak for the Ministers but I think their relations were also good.

Q.—Possibly you intend to convey that they were not as good ?

A.—So far as I am concerned I have nothing to complain about the manner in which the services carried out their work.

Q.—Then when you say that the position of the Ministers was further embarrassed by the control of the services being vested in the Secretary of State you do not mean to suggest that the Ministers had unhappy relations ?

A.—I do not mean to say that the services tried to thwart the Minister or his policy ; I think they served the Ministers loyally. What I mean is that the control of the Secretary of State was calculated to the Ministers very much.

Q.—Then you attack the constitutional position and not the personnel ?

A.—That is so.

Q.—You recognise that the Ministers did very useful work ?

A.—Yes.

Q.—You say that the Legislative Council displayed considerable sense of responsibility ?

A.—So they did.

Q.—You refer to the first Council ?

A.—Yes.

Q.—You were not in a position to observe the second Council ?

A.—I have not had experience of the second Council.

Q.—You suggest that an advance should be made towards provincial autonomy and that a bold step should be taken. You recognise however that it will involve a lowering of the standard of efficiency and you say that possibly law and order will not be sufficiently maintained. What is your reason for saying that ?

A.—It is in this way. Suppose you have a Minister in charge of Law and Order. He would have the pressure of the Legislative Council on him.

Q.—Not to maintain law and order ?

A.—I do not say that. On particular occasions the Legislative Council may not quite realise the danger of the situation or may not quite realise their full responsibility about any particular matter and pressure may be put on the Minister not to take any particular step in the interests of law and order and such a thing may conceivably happen. But as I say you have to go through that period at one time or another but very soon the Legislative Council and the electors will recognise their sense of responsibility to strictly maintain law and order and then there will be no trouble. Some lowering of efficiency is bound to happen whenever the change is made.

Q.—Do you prefer to have it now ?

A.—It is better to go through it now when you have the conditions favourable in the manner I have indicated.

Q.—You recognise in paragraph 16 that safeguards are necessary, indicates some fear about your own proposals ?

A.—When you inaugurate any proposals it is wisdom to provide safeguards lest things may not go wrong.

Q.—You know it has been said that in the reforms which have been granted to India the safeguards have been so great as to minimise the effect of the reforms ?

A—It all depends on what the safeguards are.

Q.—You propose a rather strong safeguard when you say that the Governors should have emergency powers to preserve tranquillity. That seems to me to argue that you do rather fear that your proposal might involve a serious breakdown of law and order ?

A.—I do not fear that. You can well conceive cases in which such emergency power may be wanted and it is always safe in any constitution to provide for emergency powers.

Q.—It is not necessary to have any safeguards when once you get self government ?

A.—No, when you arrive at complete and stable Self-Government. We have not yet come to that.

Q.—You do not think the time has arrived for that ?

A.—Until we have full responsible government you have to maitain these safeguards.

Q.—You would maintain them in the provinces at any rate on your scheme ? You have some idea that a second Chamber might be useful ?

A.—Yes, I have no decided views about it, but such a suggestion has been made, and I think it it is worth considering, because it may be thought desirable to have a second chamber to correct any hasty decision of the popular legislature.

Q.—You recognise that advance in the provinces may also require a strengthening of the Central Government ?

A.—Certainly.

Q.—Can you yourself conceive a number of states in India practically free from control of a central government ? Can you conceive that position ?

A.—Not for a considerable time.

Q.—Can you conceive of it ever ? I am only talking of it as a constitutional possibility.

A.—When you have small states in that manner, you do require some federal government.

Q.—If you have a congeries of states, you must have some form of central organisation which performs central functions ?

A.—I quite agree.

Q.—It would not be possible, in other words to abolish the central government ? That would lead to a warring between the states, or at any rate to a disorganisation of government ?

A.—Yes. A central government is necessary to adjust conflicting interests. It is necessary to have harmony and uniformity in certain matters.

Q.—Has it ever struck you that one of the difficulties about any extension of responsible government to the provinces is the size of the provinces ?

A.—I do not think so. In certain provinces that may be ; there may be some readjustment of the provinces.

Q.—Take your own province of Bombay. I understand that Sind differs from the rest of Bombay in many characteristics ?

A.—Sind is so geographically situated that in whatever province you put it, there would be that difficulty.

Q.—You know that under the Act it may be constituted a sub-province with a deputy Governor ?

A.—Yes.

Q.—Have you ever considered whether that power could be usefully employed ?

A.—I do not think it was ever considered.

Q.—Have you personally considered it ?

A.—I cannot say I have, though the thought has occurred to me, and when I was in Government I did mention it once or twice informally to my colleagues.

Q.—We have been told a good deal in the course of the evidence we have had from various witnesses of the difficulties caused by racial and

communal distinctions between Hindus and Muhammadans. Has it ever occurred to you that so to arrange the provinces as to bring the majority of one community where possible, under one administration ?

A.—I do not know how that is possible. Take for instance Bombay, you have Muhammadans in Gujerat, you have Muhammadans in the Deccan.

Q.—Take your own province, would not Sind be generally a Muhammadan province ?

A.—Yes, a very large majority are Muhammadans.

Q.—You say nothing in your note about electorates ; do you consider the electorates require revision in Bombay, or any other province, and would you recommend any enlargement or restriction, or are you satisfied that they are the best we can get ?

A.—I cannot say we are very satisfied, but I do not think we can do better.

Q.—Would you say the ordinary elector in Bombay is an intelligent man, intelligent to the extent that he is able to recognise the advantages of good administration ?

A.—Oh yes I think he is intelligent in the sense in which electors in other countries are.

Q.—Why I asked the question was because one witness from Bombay told us that good administration was mainly appreciated by the intelegensia ?

A.—I do not know that. Good administration will be appreciated by the lower strata of society.

Q.—You think the Bombay elector is just as keen on good administration as you are ?

A.—You cannot make comparisons ; he may not be as keen as myself, but certainly sufficiently keen.

Q.—Just as keen in appreciating the results ?

A.—That may depend on his education and experience, but with such education and experience as he has got and such intelligence as he has been endowed with he is keen and can understand.

Q.—Do you think the ordinary member of the Bombay Legislative Council understood the constitution he is working under ?

A.—Oh I think he did.

Q.—That is rather curious, because you say once there was a party formed they excluded the Ministers from it.

A.—I have given the reasons for that in my memorandum.

Q.—That is a curious view of things. If you belonged to a political party in England you would not exclude Lloyd George ?

A.—It is singular that that should have happened, but that showed the abnormal state of things and showed how the ordinary mentality of the people was unhinged owing to the events I have mentioned.

Q.—Would it not be possible that this action was taken because they utterly failed to understand the constitution ? They really did not understand the political position ?

A.—I quite agree that they did not quite appreciate the implications of the new constitution, but the reasons were of the character I have mentioned.

(At this stage Sir Muhammad Shafi took the Chair.)

Sir Muhammad Shafi.—*Q.*—With reference to your statement towards the end of paragraph 10, page 6, in which you say that the position of the Ministers was further embarrassed by the control of the services being vested in the Secretary of State. Do I understand you to mean that the embarrassment lay in this, that while the Minister was responsible to the Legislative Council for the proper discharge of his functions, the services which constitute the machinery for the administration of that subject were not subject to his control, but to that of the Secretary of State ? Therein lay the embarrassment that you speak of in this sentence ?

A.—Exactly.

Q.—That was not the case of the Members of the Executive Council, for both they as well as the machinery for the administration of the services were responsible to the Secretary of State ?

A.—Yes.

Q.—Now with regard to your proposals in relation to the Central Government and Legislature, you observed in paragraph 17 that foreign relations, defences of the country, the military departments and law and order may continue to be reserved subjects. Supposing in regard to any matter concerning any of these departments, the Government of India and the Central Legislature were in agreement, would you or would you not advocate the relaxation of the Secretary of State's control in such circumstances ?

A.—I would.

Q.—Further, supposing in regard to a matter which was not brought before the Central Legislature at all, but on which the Government of India were unanimous, that is to say the Viceroy, the Commander-in-Chief, the three European Members and the three Indian Members of the Viceroy's Executive Council were of the same opinion, would you or would you not relax the Secretary of State's control in those circumstances ?

A.—That I do not know. It is very difficult to answer a hypothetical question of that kind.

Maharaja of Burdwan.—*Q.*—In answer to the question I put when the Chairman was examining you, you said there were joint meetings of both parts of the Government when matters relating to legislation came up. Now did you, as a Member of the Government, get any complaint, unofficially perhaps, from the Ministers that there were other matters which ought to have been brought up ?

A.—I do not think the Ministers would complain to me. In justice to them I should say they were quite loyal to the constitution they were working and they would not come and complain unofficially to me about it; but I did not require their complains to be informed about what was happening. I could see what was happening and I did point out on occasions that what was happening was not quite the right thing.

Q.—In other words you thought that there were matters relating to the transferred departments which ought to have been brought to the notice of the Government as a whole at a joint meeting ?

A.—As I have said already, on some occasions I took the liberty of pointing that out.

Q.—Did you ever consider whether or not the desire of the members of the reserved side to bring matters of ordinary administration in the transferred departments to the notice of Government at a joint meeting might have been resented by the transferred half ?

A.—I do not see how they could have resented it when it was the procedure laid down by the Joint Parliamentary Committee.

Q.—But what I feel is this, that according to the rules as they exist, it strikes me that ordinarily at a joint meeting reserved subjects are more likely to be discussed than transferred subjects ?

A.—That all depends upon how you work it. Why should the one half be more likely to be discussed than the other ?

Q.—I think in every province it was found to be the case.

A.—That only shows that every province worked the constitution not in the quite right way.

Q.—But does it not also tend to prove that Ministers, when they took up cases to the Governor, were able to dispose of their cases in such a manner that very often it was not necessary to refer the matter to a joint meeting of Government ?

A.—No. Surely you do not suggest that every Minister on every occasion found himself in such complete agreement with the Governor that he never thought it necessary that a joint meeting of the Ministers should be convened.

Q.—I did not say a meeting jointly with the Ministers because that is a matter on which the Ministers only could say whether it was necessary or not. My point was this, that in actual practice it may have happened that there were more cases for a joint meeting of Government in cases which related to the reserved side than those which related to the transferred side.

A.—That is possible.

Q.—And if you accept that possibility, then the question whether or not fewer meetings of the transferred side were held was a mistake may be questioned ?

A.—I do not think so because I can well understand if joint meetings of Ministers were held but not joint meetings of the whole Government ; then your suggestion has foundation. But if I find that even no joint meetings of Ministers were held, surely it cannot be that in every matter the Ministers agreed with the Governor in every case.

Q.—But up to now the opinions which have been produced before the Committee have conclusively proved that in no province were there any joint meetings of Ministers. All the joint meetings that were held with the Governor were between the two halves of Government. There was no joint meeting of the Ministers alone. I do not think any witness has given us any information that there was any joint meeting of the transferred side of the Government ?

A.—Does not that show that the joint responsibility of the Ministers, which the Parliamentary Committee insisted on, was never carried out ?

Q.—You as a Member of the Government, not as a Minister, agree in thinking that joint meetings of Ministers ought also to have been held ?

A.—I quite agree. If joint meetings of Ministers had been held, as they should have been, possibly the occasions for calling the whole Government for transferred subjects would have been very much minimised.

(*At this stage Sir Alexander Muddiman resumed the Chair.*)

Q.—As regards your paragraph 12, I do not want to go into detail, but I should like you to explain to me what the procedure was in your Government regarding what we call Schedule I appointments. Schedule I appointments ordinarily are in the hands of the Governor himself and in Schedule I appointments, the Governor generally, after agreeing with the department, circulates to the other Members of the Government that he proposes to put A in district so and so, or B in Division so and so, or C in Department so and so, and asks them if they agree, and the other Members of the Government either concur or express whatever view they may wish to express. Was that the practice in your Government ?

A.—I am not sure whether we had anything like Schedule A or B.

(*Dr. Paranjpye*).—*Q.*—Was there an appointments department in your Government ?

A.—No.

Q.—You had no appointments reserved for the Governor himself ?

A.—No.

Q.—Because in other provinces the practice, I believe, is in case of appointments of that nature the Governor makes the appointment, but takes the concurrence of the Members of Council. You had no such procedure in your Government ?

A.—No, I do not think we had. Every department concerned initiated the proposal. If the Member in charge agreed the proposal was then sent up to the Governor, and if the Governor agreed, as I have said, it was circulated to the other Members.

Q.—In the case of these appointments when they were accepted, you say the announcement in the Gazette stated :—" The Governor in Council is pleased to appoint." ?

A.—Yes that was so.

Q.—And then it was modified to " The Governor is pleased to ? "

A.—That continued for some time until attention was drawn to it, and then it was modified ?

A.—Yes.

Mr. Jinnah.—*Q.*—Do I understand you to say that, although under the Government of India Act the Governor was not a constitutional Governor in the strict sense of the term, he was expected to act as one ?

A.—That is my view.

Q.—That was left to him to do under the Instrument of Instructions partly, and partly under the recommendations of the Joint Committee ?

A.—Yes.

Q.—That gave him very arbitrary powers ? The Act itself gave him absolute powers, but he was expected to act more or less as a constitutional Governor under the Instrument of Instructions ?

A.—I may be wrong, but my own view has always been that it was a wrong reading of the section that he had absolute powers.

Q.—If that is the correct view, that gave him undoubtedly very arbitrary powers ?

A.—Yes.

Q.—As a matter of fact you remember the Joint Committee themselves say:—" In such cases it will be inevitable for the Governor to occupy the position of an informal arbitrator between the two parts of the administration and it will equally be his duty to see the decision arrived at on one side of his Government is followed by constitutional action, and on the other side it may be necessary to make the policy effective between them. The position of the Governor will be thus one of great responsibility and difficulty and also of great opportunity and honour." Therefore am I right in saying that, whether success would have been achieved by this system of dyarchy entirely depended upon the Governor and how he acted ?

A.—It did. It did depend upon him to a large extent ; it also depended on the way in which the Ministers behaved and the Legislative Council behaved.

Q.—But if you happen to have a very autocratic Governor and if you happen to have a very arbitrary Governor, then he can absolutely impair the thing ?

A.—Yes, it makes all the difference.

Q.—Now do you think such a thing is desirable to continue any longer a constitution of that character ?

A.—I do not think so.

Q.—Then I take it you would prefer, so far as the provinces are concerned, not merely the Governor to act as a constitutional Governor, but that he should be clearly defined as a constitutional Governor under the statute ?

A.—I would leave no room for doubt.

Q.—Perhaps you have heard that it has been suggested that some means can be made under the Act and the rule-making powers ?

(*Mr. Chairman*).—That is what this Committee was convened to consider.

Q.—I am fully alive to that, Sir, but also the Committee is met here to consider something else. Now it has been suggested by several witnesses that you can make considerable improvements in the system of dyarchy under the present existing Act and the rule-making powers. Have you considered that point at all, whether it is possible ?

A.—I have said in my memorandum, that that will not do.

Q.—That is so far as the provincial governments are concerned. You belong to the Moderate Party ?

A.—It is called the Liberal Party.

Q.—And you were always anxious really to give a fair trial to these reforms ?

A.—Oh yes, that is why I accepted office under the new reforms.

Q.—And you did give them a fair trial I take it ?

A.—I did all I could.

Q.—And you have come to the conclusion that dyarchy is a failure ?

A.—Has become a failure owing to the reasons I have mentioned.

Q.—In paragraph 16 you use the words : " The vesting in the Governor of Provinces certain emergency powers for the maintenance of tranquility in his province." What have you got in your mind exactly ?

A.—One can well conceive an emergency in which the tranquillity of the province may be in danger and the Governor should have power to take action in such a contingency.

Q.—I see what you have got in your mind, I quite appreciate that. If you have provincial autonomy, well then you will have a constitutional governor with a cabinet responsible to the Legislature, and the Legislature responsible to the electorate ? Now in that form of government what safeguards do you wish to provide which will vest powers in the governor of a province for the maintenance of tranquility in that province ?

A.—Supposing in a great emergency the person in charge of that part of the government, in the view of the Governor did not take proper and immediate steps to meet a grave situation of that character, then he should have the power to take such measures, but this will be under very exceptional circumstances and he will have to justify his action.

Q.—Then it comes to this, you mean in the case of grave danger to the maintenance of tranquillity the Governor should have some emergency powers, not otherwise ?

A.—Yes.

Q.—With regard to the question which was put to you by Sir Muhammad Shafi in relation to section 19 A of the Act, the devolution of the powers of the Secretary of State, have you considered that point in relation with section 131.

A.—That preserves the power of the Secretary of State and Parliament.

Q.—Do you think he can delegate any powers by devolution. In other words, can he divest himself of the responsibility under the Act taken together with section 131 ?

A.—I don't think he can.

Q.—Now would you consider that a satisfactory arrangement even if there was a convention introduced, namely, that whenever the Legislature and the Government of India agree the Secretary of State should not interfere—would that be a sufficient advance in the Central Government ?

A.—I would rather have the position legally defined.

Q.—You see the suggestion is this, that so far as the Central Legislature is concerned you can make this advance under the Act already ?

A.—You can only make that advance by the forbearance of the Secretary of State.

(*Sir Tej Bahadur Sapru*).—*Q.*—By convention ?

(*Dr. Paranjpye*).—*Q.*—You have had enough experience of forbearance in the Bombay Council ?

A.—That is too sweeping a generalisation.

Q.—Let us concentrate on this point. Supposing by the forbearance of the Secretary of State for India to exercise his powers—in other words, supposing a convention were established that wherever the Government of India and the Legislature agree, their decision should be final in all matters ;—supposing it can be done under 19A and 131A—it is suggested

that ought to satisfy for the present as a substantial advance in the Central Government ?

A.—I don't think that would be satisfactory. I would have the position defined in law.

Q.—Now in the Central Government you also say that all the subjects should be transferred except Law and Order, Foreign Relations and the defence of the country—the Military Department. Why do you want Law and Order to be reserved in the Central Government, when in the provinces you do not want to reserve any subject at all ?

A.—Because occasions can be conceived when some thing may happen or may be about to happen and which may affect the whole country.

Q.—Would you not rather give emergency powers to the Governor General in that case ? The administration of law and order is a normal state of things. If any grave eventuality takes place would you not give the same kind of powers..... ?

A.—But even outside any grave emergency of that character there may be questions of law and order arising which it may not be quite satisfactory for or competent to all the various local Governments to deal with,—some question of all-India importance which may react on all the provinces ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you mean legislation with regard to law and order ?

A.—Legislation and also executive action.

Q.—The difficulty I find is this. So far as legislation is concerned with regard to law and order (we will confine ourselves to that subject)—so far as legislation is concerned, of course the Governor General can always veto any measure which is likely to affect or the consequence of which might be that it may affect law and order or the public peace. We have already got the power of veto. Now we get beyond that normal constitutional position of the Governor General. Well, then with regard to the daily administration of law and order surely you don't want that to be a reserved department ?

A.—As I say, it is very difficult to give an example but one can conceive a case arising where the whole of India is affected.....

(*Sir Sivaswamy Aiyer*).—*Q.*—Supposing for example they voted for the discharge of all political prisoners ?

Q.—By Resolution ?

(*Sir Sivaswamy Aiyer*).—Yes.

Q.—A Resolution is not binding on the Government.?

A.—What Sir Sivaswamy means I think is supposing some local Government took the action or proposed to take the action that all political prisoners should be released at once in their province. You can well conceive a case in which such an action with regard to any particular political prisoners in that province may have a very serious reaction and effect on the whole of the country and you can well conceive a case in which it may be necessary for the Central Government to interfere.

(*Dr. Paranjpye*).—*Q.*—But that does not mean the subject should be reserved in the Central Government. The Central Government may consider it in its transferred side ?

A.—Yes, but the transferred side would be under the same supposed disability as the transferred side in the provinces.

Q.—We are not contemplating responsible government in the Central Government also. Besides the Army, Foreign Affairs and Defence you have added to that Law and Order. If you keep that as a reserved subject you are giving me an instance. Supposing in a province the provincial Government—the responsible Government for the province—is of opinion that certain political prisoners ought to be released in that province. Well, in the first instance are you thinking of the past political prisoners or the fututre ?

A.—I don't think that makes any difference.

Q.—It does make a difference. May I point out to you that when the responsible Government that has been carrying on the government of the province has with the support of the legislature taken certain steps the result of which was that so many political prisoners were sent to jail—do you think that when that Government, that responsible Government decides for some reason that they should be released, that decision should be interfered with by the Central Government ?

A.—Not ordinarily, I quite agree, but I can conceive an exceptional case where it may be necessary.

Q.—Is it for that one exceptional case that you would reserve the department of law and order.

A.—We are only contemplating here again a transitional case.

(*Sir Muhammad Shafi*).—*Q.*—According to your plan complete provincial autonomy is to be conceded to the provinces. Once that is conceded and Law and Order becomes a transferred subject too, how can, if that position is to hold good, the Central Government interfere in the case you put now ?

A.—That is a different question from the one Mr. Jinnah was asking.

(*Sir Muhammad Shafi*).—*Q.*—It is practically the same question put in a different form.

Q.—I was only putting it to you in a different way. The point is the same.

A.—After all, if you have a Central Government, the Government of India, which is responsible in law for the ultimate administration of the country and for law and order in the country, surely there ought to be some reserve power of that character.

(*Sir Muhammad Shafi*).—*Q.*—But with the transfer of responsibility—transfer in all matters including Law and Order—to the Provincial Governments by reason of complete provincial autonomy having been granted to them, isn't the reservation of power *qua* a transferred subject inconsistent with complete provincial autonomy ?

A.—If all subjects are going to be transferred to the provinces, are you then prepared to do away with the Government of India altogether ?

Q.—It is your view I am testing. The question that you have put to me is beside the point. My question was you advocate the grant of complete provincial autonomy to the provinces including.....

A.—That does not conflict with certain safeguard and control somewhere else.

(*Sir Muhammad Shafi*).—*Q.*—Let me finish the sentence. Including also Law and Order, and yet you say that in the particular case that you have mentioned the Government of India should still continue to possess authority to interfere with the action taken by the Provincial Government. Aren't the two things inconsistent ?

A.—I do not think they are inconsistent.

Q.—I take it that you do not attach really very great importance to that—that it must necessarily be a reserved subject, Law and Order ?

A.—I do not know if you are going to have in the Government of India a transitional stage also.

Q.—If you are talking of legislation I can understand, but not as put generally there ?

A.—I have not worked the detail of the control the Central Government should have.

Q.—Of course I am only trying to put to you some difficulties. Another difficulty may I point out.....

(*Maharaja of Burdwan*).—*Q.*—May I put him one question before you go on with yours. In other words, Sir Chimanlal, your idea is that just as in the transitional stage in the provinces you had Law and Order a reserved subject, so in the transitional stage of the Supreme Government you want to have that a reserved subject also ?

A.—To a certain extent yes, but the two cases are not quite alike.

(*Maharaja of Burdwan*).—*Q.*—But what Mr. Jinnah means is that if you give provincial autonomy but make this a reserved subject in the Central Government you show that you don't trust your Ministers, and therefore want to keep the control in the Central Government ?

A.—I don't think that follows.

Q.—Another difficulty I was going to point out is this. If you have Law and Order as a reserved subject, I think you will agree with me that a division of subject creates a dyarchy ?

A.—We propose starting with dyarchy in the Central Government.

Q.—Then you will start with dyarchy in the Central Government ?

A.—Yes.

Q.—And you know once you have dyarchy in the Central Government Law and Order is a subject which is interwoven with all the other subjects ?

A.—To a certain extent.

Q.—Directly or indirectly ?

A.—To a certain extent, yes.

Q.—And therefore you will be faced in the Central Government with the full pressure if you reserve Law and Order ?

A.—But would you not have dyarchy in the Central Government ?

Q.—Well then if you have dyarchy in the Central Government you will not have a constitutional Governor General ?

A.—I don't know. A constitutional Governor General *qua* the transferred subjects.

Q.—Then you will divide the Government into two halves ?

A.—So you do when you have dyarchy—there is no other way.

Q.—There will be no joint consultation, no Cabinet responsibility ?

A.—Why not ? In dyarchy what was contemplated was joint consultation.

Q.—But you want to do away with that, you want to define clearly.

A.—That is in the provinces. I want to do away with dyarchy in the provinces. But if you introduce dyarchy in the Central Government you work it according to the original conception.

Q.—Therefore you are going to do away with dyarchy in the provinces but still you want to establish dyarchy in the Central Government. That is what it comes to ?

A.—Yes, I do. As I say, dyarchy is not unworkable in itself. It has become unworkable in the provinces and cannot be worked now because of the reasons I have mentioned.

(*Sir Sivaswamy Aiyer*).—*Q.*—You would have a moiety of subjects with a constitutional Governor General ?

A.—Yes.

Q.—Now, I have done with that part. Again, you say foreign relations and the defence of the country should be reserved subjects. In whose charge would you give the defence of the country as a reserved subject ?

A.—I do not follow.

Q.—Would you create another member in charge of defence ?

A.—At present you have the Commander-in-Chief.

Q.—If you will look at section 33 of the Government of India Act, it says :

> "Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military Government of India is vested in the Governor General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State."

At present this is all he has and there is no particular person so far as I know who is in charge of that department except that the Commander-in-Chief is supposed to be the head of it.

A.—Is he not supposed to be the Member-in-charge of it ? He is a member of the Executive Council. He is part of the Governor General in Council.

Q.—Anyway you have not considered this question carefully, that if you keep this as a reserved subject you will or will not create a new Member or in whose charge it will come ?

A.—That will have to be worked out and probably considered. I cannot give an opinion.

Q.—The same answer I suppose would apply to foreign relations.

A.—Yes, I have not worked that out.

Q.—Well now have you considered that wherever the defence of the country may rest—which may be worked out later, have you considered whether any definite scheme should be drawn up with regard to the future composition and constitution of the Indian Army ?

A.—Undoubtedly. Unless you do that in a very serious manner and unless you take steps to make Indians capable of defending their own country in the sense of having their own Army and officers within a reasonable time, nothing is any good at all. Whether you have dyarchy or not in the Central Government, or whether you have the Central Government as it is now—that is a step which you must take by itself and urgently.

Q.—Have you considered what should be done ?

A.—No, I cannot say I have but I do want a scheme that would secure the desired result within a reasonable time—not 50 years or 200 years

hence. We want to make the Indian Army a really Indian Army as early as possible.

(*Mr. Chairman*).—*Q.*—That will not be effected by amending the Government of India Act ?

A.—As I said, whether you have dyarchy in the Central Government or not, that is a thing which ought to be worked out by itself and the sooner it is done the better. All schemes of self-government would be entirely defective unless you have the Army scheme properly worked out so as to give full opportunities to Indians to be officers in all branches of the military service within a reasonable time :—till you have, as I say, a real Indian Army created capable of defending their country, all this is nothing.

Q.—You mentioned that there is nothing to prevent the Government even under the present constitution to undertake a definite scheme which shall Indianise or nationalise the Indian Army which may be handed over to the responsible Legislature whenever that may come within a reasonable time.

A.—Exactly. It can be done. It could have been done.

Q.—It might have been done long ago ?

A.—Yes.

Q.—But it has not been done and is not likely to be done.

Q.—This is independent of the Government of India Act. It was just suggested by the President that it wont make any difference to that question whether you amend the Government of India Act or not. It will depend on how you amend the Government of India Act, in what manner you amend the Government of India Act. For instance, you have section 33 only which says that the military Government of India is vested in the Governor General in Council and it is quite possible that you may create a department for the defence of India and that department's business should be to see that the Army is Indianised as soon as possible. It therefore depends on how you amend the Government of India Act.

(*Mr. Chairman*).—*Q.*—It depends on how you work it ?

A.—Yes. Also if you have Ministers in the Government of India in the transferred subjects responsible to the Indian Legislature then the process will be accelerated.

Q.—As I say, it depends entirely on how you amend the Act. Therefore you can improve even the military position by an amendment.

A.—Yes, you can.

Sir Henry Moncrieff Smith.—*Q.*—You say that there is little if any indication of the formation of a party system in India, and you go further and say the fact is that no healthy party spirit is growing or can grow under existing conditions. Will you tell us what the existing conditions are that you have in mind ?

A.—I have there in mind the existing constitution of dyarchy in the provinces. Unfortunately, as I have pointed out, the events that have happened have rendered the proper working of the constitution infructuous, and if you continue the present system then there is no possibility in my mind of the growth of a healthy party system, because at present what happens is, whatever different sections and parties there may be it is really one party in opposition to Government. But if you have real provincial autonomy then you will have parties formed on

differences of political views and you will have certain people supporting the policy of Government.

Q.—That is, there will be only differences of political view ; communal questions will disappear altogether so far as your Legislature is concerned ?

A.—Very largely. Communal differences no doubt are there and have been recently more prominent but I do not consider that insuperable. That will disappear.

(*Sir Muhammad Shafi*).—*Q.*—You consider that a merely passing phase ?

A.—Yes, as the result of certain events that have happened.

Q.—You do not contemplate full provincial autonomy everywhere in India at the same time. You do not contemplate a uniform advance everywhere ?

A.—No, not necessarily. I quite agree it is possible to differentiate between the stages of advance in the different provinces.

(*Sir Muhammad Shafi*).—*Q.*—But wouldn't that create discontent in the provinces in which the same advance was not made ?

A.—Why should it ? They should work up to the higher standard which secured the recognition for the other provinces.

(*Sir Muhammad Shafi*).—*Q.*—Do you think the provinces would admit that they had not come up to as high a standard as the others ?

A.—They might admit it or not, the fact would be there.

Q.—Do you think Bengal has proved itself fitter for full responsible government than Assam ?

A.—By what do you wish me to judge ?

Q.—By past experience—by what has happened.

(*Mr. Chairman*).—By their fruits shall we know them.

Q.—I take it, it is a question of fitness.

A.—It should be judged under all the circumstances.

Q.—Which would you consider the fittest province to get the advance ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Not Bombay ?

A.—Certainly Bombay.

Q.—And after Bombay ?

(*Sir Muhammad Shafi*).—*Q.*—In spite of all the unsatisfactory working of the Act which you have so graphically pictured in your memorandum ?

A.—But who is responsible for that ? Not we. My opinion may be impeached as not impartial but I do think Bombay is sufficiently advanced for immediate provincial autonomy.

Q.—Would you put Bengal second ?

A.—It is very difficult to assign places like that but I do think you can have provincial autonomy in all the major provinces ?

(*Mr. Chairman*).—*Q.*—Would that include Assam ? Do you regard Assam as a major province ?

A.—No.

Q.—Or the Central Provinces ?

A.—Yes.

Q.—Bihar and Orissa and the Punjab, the United Provinces ?

A.—Yes.

Q.—In fact Assam is the only one you would leave out ?

A.—Strictly speaking the major provinces are really Bombay, Madras and Calcutta.

(*Sir Muhammad Shafi*).—*Q.*—What is your criterion as to which province is a major and which is not a major province ?

A.—If I remember rightly I think they have been so differentiated in the Act itself as Governor's Provinces.

(*Sir Muhammad Shafi*).—*Q.*—They are all Governor's Provinces now ?

A.—I mean there has been some distinction made about the Presidency Provinces.

(*Mr. Chairman*).—*Q.*—Ah yes ; Calcutta, Bombay and Madras.

Q.—That is what you had in mind—provincial autonomy in the three Presidencies to begin with, and the United Provinces and the Punjab to get something less ?

A.—I have no experience of the Punjab myself, but certainly in the United Provinces. Of Bihar I don't know the conditions at present and cannot say.

Q.—You say it is better to make this further advance while you have got your trained Civil Servants and you feel that the Civil Servants may be trusted to assist the Ministers ?

A.—Yes.

Q.—Would you have your officials nominated as members of the reformed Legislature ?

A.—No.

Q.—You would exclude them, except so far as the Ministers are concerned ?

A.—The Ministers will be there.

Q.—You think the Local Council would be quite capable of coming to any decision without the help of expert advice, from the heads of departments, for instance ?

A.—I am not wedded to any particular view about it. If it is considered desirable to have a certain number of officials—a reduced number—I won't object.

(*Dr. Paranjpye*).—*Q.*—Of course, you could call them in, as experts, if necessary.

Q.—You have not attempted to work out any details, I presume, of your Second Chamber. You suggest a Revising Chamber. Would you explain to me what was in your mind ? Can you give me some idea of how the House will be constituted ?—will it be like the Council of State ?

A.—Yes, something like that.

Q.—In that presumably there would be a substantial official bloc—not a majority—because in the Council of State there is an elected majority ?

A.—Oh yes, there will be some officials.

Sir Tej Bahadur Sapru.—*Q.*—Sir Chimanlal, I take it that your experience has convinced you that it is impossible to rehabilitate dyarchy in Bombay ?

A.—I am clear about that.

Q.—Will you please tell the Committee why it is impossible to rehabilitate dyarchy ? Supposing you had a Governor who took you into confidence and who had joint deliberations and who let the Ministers and the Members of the Executive Council generally have their way, do you think it would be impossible to rehabilitate dyarchy ?

A.—I have said so. If you say, we will make a good start now, nobody would believe you. The public have lost all confidence in your good faith.

Q.—Then is it your suggestion that dyarchy has been so much prejudiced in the public eye that nothing can restore its credit now ?

A.—Yes, its working in the past has so condemned it—although it was not inherently bad, as I have pointed out—and it has shaken public confidence so greatly in the intention of Government, that it is not possible to rehabilitate it at all.

Q.—Well, now, Sir Chimanlal, you said just now that you are an advocate of provincial autonomy. Do you think that, if you had provincial autonomy, you would allow the Government of India on the one side and the Secretary of State on the other side to have still some control over your province or Presidency ?

A.—In what matters ?

Q.—In any matters. If you had full provincial autonomy, say in the Bombay Presidency, would you then allow the Government of India or the Secretary of State to have any say in your affairs ?

A.—Not in its internal affairs.

Q.—Now, if you were to exclude certain provinces from your scheme of provincial autonomy, does it not follow that there would still have to be on the Statute some power resting in the Government of India and the Secretary of State to interfere with these provinces ?

A.—Yes, with regard to these provinces.

Q.—So that you would give the Government of India and the Secretary of State a dual capacity—a capacity of authority in regard to certain provinces and no authority in regard to others. Does it not follow logically ?

A.—I don't see any difficulty in the way of doing that.

Q.—I don't suggest there is any difficulty ; but does not it follow ?

A.—Oh yes, it follows.

Q.—Now, with regard to the Government of India itself, you seem to suggest that you would have dyarchy in the Government of India. Now, if dyarchy could not flourish in the soil of Bombay, how do you think it is going to flourish in Delhi or Simla ?

A.—As I pointed out, it did not flourish because of the reasons I have mentioned. But, if you once grant provincial autonomy and restore public confidence and inspire mutual good-will, then dyarchy will work.

Q.—Then, am I to take it that, although you have lost all faith in dyarchy as a working proposition, so far as Bombay is concerned, you have still some faith in the theory of dyarchy ?

A.—As I have said, I do not condemn dyarchy in itself and say it is an unworkable thing. I don't think so. It became unworkable because of the causes I have mentioned. If you once largely eliminate those causes by granting provincial autonomy and restore good-will and confidence in the intentions of Government, then dyarchy will work in the Government of India.

Q.—Then, is it an essential condition of the working of dyarchy that there should be mutual good-will ?

A.—I think it is an essential condition for any system of Government, and *a fortiori* for dyarchy.

(*Mr. Chairman*).—*Q.*—Which makes peculiar demands on good-will ?

A.—It does, because it can only work by mutual forbearance, mutual tolerance and mutual confidence

Q.—Supposing an attempt was made to restore good-will in the Bombay Presidency, do you think that dyarchy could still be worked there ?

A.—Much too late to do that. There are things which must be done at the proper time. The time has gone by for that.

Q.—Then no amount of good-will would lead to success in Bombay ?

A.—No amount of assurances and professions and promises would restore good-will.

Q.—And nothing short of provincial autonomy would satisfy you ?

A.—That is so.

Sir Sivaswamy Aiyer.—*Q.*—Sir Chimanlal, on page 3 of your memorandum—you say :

> " Those people who got elected to the legislatures on that occasion therefore laboured under the great disadvantage that they had not behind them solid public opinion and support which ordinarily they would have received and *Government on their side took full advantage of that fact on occasions.*"

I am not quite clear what exactly you mean by that. Will you kindly explain it ?

A.—I mean that they were perfectly conscious that the Ministers did not command public support, and therefore.....

Q.—That the Ministers were not properly treated ? Is that what you mean ?

A.—And therefore they did not pay sufficient respect and attention to their opinion. And if I remember rightly, Sir Sivaswamy, I think Sir William Vincent once in the Legislative Assembly said as much to the elected Members that after all they did not really represent the people—as at the polls or only a very small percentage noted.

Q.—You say in paragraph 5 :—

> " This entire misconception of the situation is well illustrated by the fact that, when it was proposed to constitute an association of the elected Members of the Bombay Council, with a view to discuss the policy to be adopted on various questions coming before the Council from time to time, it was promptly decided that the Ministers should not be admitted as members of that association."

The Ministers were not trusted even by the non-official Members of the Council ?

A.—No, the moment they took office, they were considered as part of the Government, and therefore to be opposed.

Q.—I suppose they were considered to occupy an anomalous position, with an obligation on the one hand to the non-official Members and an obligation on the other side to their colleagues on the reserved side, and therefore they were not trusted ?

(*Mr. Jinnah*).—*Q.*—They were supposed to be half and half ?

A.—Yes.

Q.—It is not a very enviable position for a Minister under dyarchy—a position in which he owes certain obligations to his colleagues on the reserved side and at the same time to the elected members on the other ?

A.—It is no doubt an inconvenient position but, as I pointed out, if certain adventitious circumstances had not arisen, it might have been worked, through with difficulty.

Q.—But there is a certain amount of disadvantage behind it ?

A.—In any system you can devise, there are bound to be disadvantages.

(*Sir Muhammad Shafi*).—*Q.*—What you mean, Sir Chimanlal, is that, but for the passing of the Rowlatt Act and the Martial Law in the Punjab, there would have been an atmosphere favourable possibly to the successful working of dyarchy ?

A.—I should think so. If the Reforms were started with mutual good-will and if people had confidence in the intentions of Government, which they had at one time, and if that confidence had not been shaken, then they would have had a chance.

Q.—In paragraph 8 you say that the Members did not know anything of what was taking place in the transferred half. Were the Ministers in any better position with regard to the reserved half ?

A.—They knew nothing.

Q.—They were in the same position ?

A.—Yes.

Q.—You say that, even when joint meetings were called to consider certain questions and Ministers were invited, they were often told that they were not concerned with the subject, but if they cared to express their opinion, they could do so. Do you think that that practice would have a very encouraging effect upon the Ministers to express their opinion ?

A.—Not in the least. They felt they were not wanted there.

(*Dr. Paranjpye*).—*Q.*—Did they actually express an opinion at all ?

A.—They did on occasions.

Q.—When you spoke of the position of the Governor as that of a constitutional head, I suppose you had this paragraph of the Joint Select Committee's Report in view, in which they say that, if after hearing all the arguments, Ministers should decide not to follow his advice, then, in the opinion of the Committee, the Governor should ordinarily allow the Ministers to have their way, fixing the responsibility on them, even if it should subsequently be necessary to veto their decision. I suppose that is the passage you had in mind ?

A.—Yes.

Q.—Then see your paragraph 11, page 6, in regard to the power to make rules and orders for the more convenient transaction of business in the Executive Council. Were the Members at all consulted in making the rules ?

A.—The power is vested in the Governor.

Q.—But what I want to know is whether in fact the Members were at all consulted in framing the rules ?

A.—No, we saw the rules when we had copies sent to us.

(*Mr. Chairman*).—*Q.*—I take it, Sir Chimanlal, that the rules were the rules of the existing Bombay Government ? Therefore, the rules were not framed for the reserved side. Did you have fresh rules framed ?

A.—Oh, yes.

(*Mr. Chairman*).—*Q.*—They were the same as the old rules ?

A.—Oh, no. In various places there were alterations. After the new constitution, new rules were framed.

Q.—When the new constitution came into force, were there any new rules of executive business framed with regard to the reserved half ?

A.—Oh, yes, the whole thing was recast.

Q.—And in the framing of these rules were the Members consulted before they were framed ?

A.—No.

Q.—Under the rules of your Council, a Member has no right, I suppose, to call for a meeting of the Executive Council ?

A.—That is how the rule was read—I don't think the rule meant that—but that is how it was interpreted.

Q.—In paragraph 12 you speak of the practice with regard to appointments on the reserved side. Do you know what the practice was in regard to the appointments on the transferred side ? On page 7 at the end of paragraph 12, you describe the practice on the reserved side in regard to appointments. Do you know what the practice was on the transferred side ?

A.—I may be a bit inaccurate but, so far as I remember, each Minister and the Governor dealt with the appointments in his department, because there was no joint Cabinet at all of Ministers. In the reserved subjects, the appointments went round to the Members. I do not know if in the transferred subjects the appointments never went round to all the Ministers. I do not think they did. Each Minister or rather the Governor with the concurrence of the Minister made the appointment.

Q.—The Ministers were never treated as a collective unit ?

A.—No.

Q.—You say on page 8 that no system of government would work, much less dyarchy, unless there is good-will and mutual confidence on both sides and in the previous sentence you say that it is impossible to put faith in any assurance about working the constitution in the right spirit. Do you think that speaking generally among the public there is no faith in the intentions of Government ?

A.—Unfortunately this absence of faith exists. Whether that feeling is justified or not is another question.

Q.—You think that feeling is very general ?

A.—Yes.

Q.—Except among a few Liberals do you think that there is any belief in the good faith of the Government ?

A.—It is more than I can undertake to say on behalf of everbody in the country. The general feeling is one of want of confidence.

Q.—Do you suggest an experiment being made in provincial autonomy in the larger provinces ?

A.—Yes.

Q.—You were asked whether it would not be anomalous that in the Central Government you should have one part dealing with autonomous governments and another part dealing with non-autonomous governments. Even under the existing system there are in some provinces agency tracts and scheduled districts which are backward and which are not governed by the ordinary laws and regulations ?

A.—I do not think the position would be anomalous at all if the Government of India have to deal with provincial autonomy in certain instances.

Q.—You are prepared to tolerate a certain amount of dyarchy in the Central Government as an experiment and as a sort of half way house ?

A.—You cannot have things perfect in the transition stage. You have to put up with these things.

Q.—In any scheme for advance which has been made, do you remember that Foreign and Political relations and defence have been included among the subjects in respect of which the Government should become responsible ?

A.—I think they have been always excluded so far.

Q.—To the extent to which any subjects are excluded from the sphere of responsibility in the Central Government it must partake of the character of a dyarchical government ?

A.—There is no other way.

Q.—You have no theoretical repugnance to dyarchy ?

A.—No.

Q.—You are prepared to tolerate it for some time in the Central Government as a stepping stone during the transitional stage ?

A.—Yes.

Q.—Your suggestion in paragraph 16, regarding the vesting of emergency powers for the maintenance of tranquillity, is that under a system of full provincial autonomy you would reserve certain powers to the Governor in extreme cases ?

A.—Yes.

Q.—If you give certain emergency powers to the Governor in respect of Law and Order, would it be necessary to treat law and order as reserved subjects in the central sphere ?

A.—That is what I have said.

Q.—Do you think it would be possible to inspire any confidence in the good faith of the Government unless a liberal policy were adopted with regard to the army ?

A.—Certainly not.

Sir Arthur Froom.—*Q.*—Sir Chimanlal, I propose only to put to you a few general questions. I take it that the committee is right in thinking that you have come to the conclusion that dyarchy has become a failure in Bombay and that in your opinion this is due to handling in the wrong spirit ?

A.—That is one of the causes.

Q.—One of the chief causes ?

A.—Yes.

Q.—Had dyarchy been worked in the right spirit which you have indicated to the Committee, you would have been prepared to accept it for ten years as a transition period ?

A.—That is more than I can say. It is very difficult to answer hypothetical questions of that character. It is not merely the wrong working of the dyarchy. There are other causes also.

Q.—When the reforms were started you thought that the scheme was a good one as for a transition period and then you thought it might work for ten years ?

A.—Yes.

Q.—I think you said so in your memorandum ?

A.—If certain events did not happen, which had the effect of shaking public confidence, people would not have been impatient. The thing would have been worked properly. They would have said " We quite realise that this is an earnest and *bona fide* attempt to work the reforms with a view to getting full responsible government in due course ".

Q.—You accepted office on the Executive Council when the reforms were introduced ?

A.—Yes.

Q.—And you resigned at the end of the life of the first Provincial Council ?

A.—Before that. I resigned in June 1923 and the Council came to an end in December 1923.

Q.—Would you care to tell the Committee why you resigned ? You wanted to go back to your profession ?

A.—I stated the reasons why I resigned in a letter that I wrote to the Governor at the time and it was published in the papers.

Q.—Did Ministers object to there being no joint meeting with Members at which transferred subjects were discussed ?

A.—I cannot say whether they complained or not. They would be able to say.

Q.—Did you hear of any complaint ?

A.—I think they were dissatisfied that the spirit of the constitution in that behalf was not carried out.

Q.—It is one thing to be dissatisfied and another thing to give voice to that dissatisfaction so that things may be put right ?

A.—If I remember rightly, the matter was discussed between the Ministers and the Governor and the Governor took the view that under the constitution there was no joint responsibility.

(*Dr. Paranjpye*).—*Q.*—Do you remember that the Law Officers had said that that was their opinion ?

A.—Yes. I remember now. The question was raised and it was definitely decided. The Ministers were told that that could not be done.

Q.—Did the members sympathise with the Ministers' views ?

A.—At least I did. I can speak for myself.

Q.—Could you tell the Committee if the members ever pointed out that joint meetings should be held ?

A.—Officially it was no business of the Members to do it. Unofficially I did.

(*Mr. Jinnah*).—*Q.*—With what result ?

A.—With the result that no change was made.

Q.—Would you increase the franchise ?

A.—No.

Q.—You think it is ample for the present ?

A.—Yes.

Q.—Would you decrease it ?

A.—It is much too late to change it now.

Q.—In paragraph 15 you say that the only way to restore confidence is to take a bold and courageous step and give provincial autonomy at once ? That is your view ?

A.—Yes.

Q.—Then you go on to say that you consider it much better to take the step at once while trained and experienced servants in the service are still with us. Do you suggest to this committee that a time is coming in Bombay when there will not be experienced and trained civil servants ?

A.—I do not say that. You will have a lesser number. You have Indianisation of the services now beginning. Some years hence you could not have the present old and experienced civil servants.

Q.—Do you visualise a state of affairs in Bombay when the services will not be as efficient as they are now ?

A.—I have said that you must expect for some period a certain lowering of efficiency. You have got to go through that stage.

Q.—You do not hold the view that because you consider Bombay is ripe for self-government that it should necessarily apply at all to all provinces at the same time ?

A.—I do not say that. It must depend on the conditions in the various provinces.

Q.—And if in some provinces or in any province dyarchy has worked satisfactorily you see no reason why it should not go on for ten years ?

A.—I do not think in any province it has worked satisfactorily.

Q.—We were told that dyarchy has worked in one province in an admirable fashion with a unitary method of government ?

A.—In what province ?

Q.—In the Punjab ?

A.—I cannot speak with any experience of the Punjab.

Q.—You speak for Bombay and you would not have any objection to any province going on as it is ?

A.—No. I advocate provincial autonomy for all the major provinces at once.

Q.—You do ?

A.—Yes.

Q.—Irrespective of the fact that you have no knowledge of the inside working of other provinces ?

A.—I do speak for Bombay and say that it must have provincial autonomy but I do also say that the major provinces should also have provincial autonomy unless for special reasons, the onus of proving which should be on the other side, it is decided that any particular province is not ready for it.

Q.—There is only one other question I want to ask you and that is ; have you supplied a copy of your memorandum to the Government of Bombay ?

A.—No.

Q.—Is there any reason why you did not ?

A.—I may be wrong but I did not conceive it was necessary to do so.

Q.—I am not criticising you in any way. I am only trying to find out your reasons ?

A.—I sent it to the Committee with a covering letter which explains my position and I left it to Government and the Committee to decide.

Q.—Most of the memoranda have not been given to anybody else before they came to the Committee, I mean nobody outside the Committee ?

A.—The memorandum in this instance has not been given to anybody, except, as I said, last evening, I gave it to Mr. Roy of the Associated Press at his request on the distinct understanding that if the Committee on my covering letter came to any particular decision that decision must be respected and that the memorandum should not go out till the decision was arrived at and Mr. Roy assured me personally before I gave it to him that any decision that the Committee came to would be respected and no publicity would be given till then.

Q.—With your experience as a man of the world should you not have known that when the press gets hold of any information they are likely to make the fullest use of it ?

A.—I do not know. I proceeded on the assurance given to me by a responsible person.

Dr. Paranjpye.—*Q.*—You appear to make out in your whole memorandum that in Bombay there was rather too much autocracy than in other provinces ?

A.—How can I speak of any other province ? I can only speak to what I saw.

Q.—In Bombay there was in fact an increase of autocracy than there used to be. Centralisation of power ?

A.—If the facts that I have described mean autocracy.

Q.—I am only talking of what has been published. Before the reforms according to the rules of executive business, there were two members for every department, one first member and one second member ?

A.—Yes.

Q.—And when a case went to the first member and his view was accepted by the second member, then that opinion went generally as the opinion of the Government ?

A.—Yes, and with regard to the departments that were under the charge of the Governor in the distribution, some other member of council used to be the second member.

Q.—So that generally every matter was seen by two members of Government in olden days ?

A.—Yes.

Q.—And under the new regulation ?

A.—After the new reforms, what happened was this. The Governor became in effect the second member with regard to every department, with regard to every member, and with regard to the departments in his charge, there was no second member at all.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you mean second in the order of circulation or importance ?

A.—The original idea was that the decision was to be reached by two.

(*Mr. Jinnah*).—*Q.*—The result was that he was first in everything ?

Q.—He was the second in all the departments and first and only first in his own department ?

A.—Yes. And I may mention that this matter was brought to his notice but he claimed that the distribution of work was in his hands.

Q.—And the Members of Council and Ministers could not say anything to him ?

A.—No. He had the power of distribution.

Q.—There used to be separate meetings of the Executive Council besides joint meetings ?

A.—Yes.

Q.—How often did these meetings take place ?

A.—I have not counted.

Q.—Were they fairly frequent ?

(*Mr. Chairman*).—*Q.*—Once a week ?

A.—I cannot say. Generally there used to be meetings once a week.

Q.—You are the Vice-Chancellor of the Bombay University ?

A.—Yes.

Q.—And you know perhaps the circumstances regarding your appointment ?

A.—Yes. My re-appointment ? I was Vice-Chancellor before I took office in Government.

Q.—The Minister in a case like that had to absolutely fight for his legitimate and legal and constitutional right. The appointment of Vice-Chancellor was not in the gift of the Chancellor himself, but of the Government, the Governor acting with the Minister ?

A.—The Act itself says that the appointment shall be made by the Governor in Council, which under the reformed government means the Governor and the Ministers.

Q.—Even in a case like that the Minister had to stand for his position ?

A.—I am not conversant with the details. But in the beginning the statute being in that form, the Bombay University Act, it was claimed

that though the Minister had charge of Education, inasmuch as the wording was the Governor in Council, it was still the Governor in Council. That was under a misapprehension with regard to the legal position. Then it was pointed out that if that was the legal position, those Acts should be altered and the words "Governor in Council" should be substituted by the words "the Governor acting with the Ministers." Then it was pointed out that the Government of India had already effected that by making some addition to the General Clauses Act.

Q.—When you say that Law and Order should be reserved in the Central Government, is it in your mind that possibly the use of the military would be required in preserving Law and Order and as military is to be in the hands of the reserved part of the Central Government, therefore it is that you want Law and Order should be reserved ?

A.—That is also one of the reasons.

Q.—That is not the only reason ?

A.—No, not the only reason.

Q.—As regards the position of the Ministers with regard to the services, do you remember a case in which the Secretary of State forced actually a certain number of recruits, although the Minister did not want them ?

A.—Yes, that is so. I believe that was in the Forest Department.

Q.—The Minister was told that the Bombay Government should accept a certain number of new recruits, although the Minister did not want these and the Minister was not therefore able to follow his own policy ?

A.—That is so.

Mr. Jinnah.—*Q.*—Sir Chimanlal, I forget to put you this question. It has been put before us that so long as communal differences existed such as there are and so long as there is a party of obstruction in the country, no advance is possible. Have you considered those two objections ?

A.—Yes, I have. To say that there should be no advance till the obstruction party or the obstruction tactics are there, is I think, a complete misreading of the situation. Obstruction has come into existence and the obstruction party has come into existence because the reforms were not properly worked and because of the reasons that I have mentioned which shook the confidence in the intention of the Government. If you do not take steps which would restore confidence you will be creating greater obstruction and a larger and larger party of obstructionists. But if you do what I suggest, then I think you will lessen the obstruction and the obstruction party will so far as I can see gradually disappear.

As regards communal differences, I do not think that is a ground for not making an advance. I think if an advance is made and if you have real responsible government in the provinces, communal differences, I think, will very much disappear. They have been recently brought into prominence by various special causes which, I think, in course of time will disappear. They are not reasons which should be against any political advance of the sort I have ventured to indicate.

The Chairman thanked the witness, who then withdrew.

The Committee then adjourned for the day.

Wednesday, the 22nd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Kabir-ud-Din Ahmed, M.L.A., on behalf of the Parliamentary Muslim Party of the Legislative Assembly.

EXAMINED BY THE CHAIRMAN.

Q.—You wish to give evidence on behalf of a number of Members of the Imperial Legislature ? Are they all members of the Assembly ?

A.—They are all members of the Assembly.

Q.—18 Muhammadan Members of the Indian Legislative Assembly.

A.—Eighteen. There are many more members, but all of them were not present on the closing day of the Assembly on the 23rd of September.

Q.—You yourself are a member of the Legislative Assembly ?

A.—I am a member of the Legislative Assembly.

Q.—You were a member of the last Assembly ?

A.—Yes from 1921-23 and I was in the Bengal Council also, before I came here in 1921.

Q.—I take it you are one of the leaders of the Muhammadans in the Assembly ?

A.—My modesty prevents my saying so.

Q.—You are not a leader ?

A.—I do not say so, but while I am giving evidence, I may say that I am interested with my party and my people sent me as their representative. So I am a leader.

Q.—Nawab Sahibzada Abdul Quaiyum was also coming to see us ?

A.—Yes he was coming to give evidence and he took a leading part in this matter, but was unable to come.

Q.—You are from Bengal and he is from the North-West Frontier Province ?

A.—Yes.

Q.—And the other gentlemen are from other parts of the country ?

A.—Yes, they are from Cape Comorin to Mount Everest and from Chittagong to the Port of Bombay—whole of British India.

Q.—Will you look at paragraph 1 of your memorandum. You mention the "Parliamentry Muslim Party." Why do you say the Parliamentry Muslim-Party ? Are the other Muslims in the Assembly not Parliamentary ?

A.—We have formed a party.

Q.—Under that name ?

A.—Yes.

Q.—You are in favour of gradual development of provincial autonomy ? Am I to understand that you mean you would go by steps ?

A.—That is advisable.

Q.—You are not prepared to recommend the immediate grant of provincial autonomy ?

A.—Not immediately.

Q.—You are in favour, I take it, of separate communal electorates for Muhammadans ?

A.—Oh yes Sir.

Q.—You consider it is not possible under the present constitution to dispense with them ?

A.—Yes. It has been admitted by the people of our country, first by the Swarajists, then by the Independents and the Nationalists, who are the representatives of the people of this country ; all of them have accepted that there should be separate communal representation for the Muhammadans.

Q.—What you would put forward is that there is a strong feeling amongst those who take part in politics that in the present state of development communal electorates are necessary ?

A.—I should particularly like to say when this Committee started last August, some of the witnesses in the beginning made a hopeless mistake by going against our separate electorate. The Nationalist Party and the Independents and the Swarajists all of them in one voice accepted that there should be communal representation and separate electorates.

Q.—You are not answering my question. What I am asking you is personally do you consider that in the present state of the country communal representation is necessary ?

A.—It is indispensable for the peace of the country.

Q.—Holding that view do you consider the time will come when it will be possible to dispense with it ?

A.—It may.

Q.—Do you consider it will be an advance when you can dispense with it ?

A.—Not at this stage.

Q.—You say it is not possible in present politics, but do you yourself consider it will be a step forward in political progress in this country when it is possible to dispense with communal representation ?

A.—Some years to come yet.

Q.—You are not hopeful ?

A.—No.

Q.—Then you attach considerable importance in your memorandum, although it is not really part of our enquiry, to the provision of special arrangements in regard to the public services, to provide for representation ?

A.—There should be statutory provisions fixing the ratio of our percentage.

Q.—Why do you take that view ?

A.—It is not only my view ; I shall explain the whole thing.

Q.—I do not want the whole thing. What I want to get from you is this. Your object, and your very natural object in making this proposal is to see that in the future administrative services in India your own community is represented. Is that your own point of view ?

A.—Yes. It has been the view of the Government of India and it has been the view of the members who gave evidence in 1917 when the Secretary of State with his Committee examined a number of witnesses. And in 1922 in the Assembly here, when your predecessor Sir William Vincent was speaking for the Government as Home Member, he said on the 13th September 1922, on a motion for a change of rules " I have every sympathy for my Honourable friend Mr. Kabir-ud-din Ahmed that they should at least have 50 per cent. representation," and there was a note of dissent of his appended to the report when it was submitted to the Secretary of State by the Government of India that we were entitled to more than 40 per cent. otherwise great injustice would be done to us.

Q.—Yes but you are going rather too far back. What I was asking you was whether, so far as this Reforms Committee is concerned, you think that with an advance towards popular control it becomes more necessary to have separate representation of your community in the services. Is that right ?

A.—That is so.

Q.—You are not in favour of the Governor selecting the Chief Minister ?

A.—I am not in favour of selecting the Chief Minister at all, Sir, in this country. We have said that in our written statement.

Q.—Why do you think that ?

A.—Because if the Chief Minister is to be nominated by the Governor and it is the Chief Minister's duty to select his two other colleagues, if he is a Muhammadan probably he will not like Hindus or take that kind of Hindu who will not quite agree with Muhammadan views. There will then be a clash. This is not a homogeneous country, Sir.

Q.—Your trouble is this. You think that even in the case of Ministers the communal distinctions that exist in regard to the electorate would also make themselves felt. You feel that if you had a Chief Minister the same communal difficulty would arise which would arise in connection with the electorate ?

A.—Most certainly.

Q.—You would not for example like a Muhammadan Minister to choose two or three Muhammadans. You would not like a Hindu Minister to choose three Hindus ?

A.—Quite so ?

Q.—And you think the Governor is more in a position to select the Ministers having regard to the fact that he will be uninfluenced by these considerations. Is that your point ?

A.—That is so.

Q.—Now turning to the Central Government you wish to introduce responsibility into the Central Government. Do you wish to introduce it at once ?

A.—No.

Q.—You think that should be gradual too ?

A.—Yes.

Q.—And one of the conditions precedent is a statutory provision that at least one-third of the Ministry shall be Muhammadan ?

A.—Where, here ?

Q.—Yes. You do not contemplate that at present ?

A.—No, I do want at least one-third in statutory Provision. I have said so in my written statement that at least one-third you will come to in a statutory form.

Q.—You do not contemplate any advance in the Central Government for the present ?

A.—Not for the present.

Q.—Then I take it that your provisions about the three-fourths majority and religious liberty are taken from the Lucknow Pact ?

A.—I don't know quite whether it was in the Lucknow Pact.

(*Sir Muhammad Shafi*).—Yes.

A.—If that is so, the majority of the members of our party must have drafted it.

Q.—You consider that essential. For example, if a Bill was brought in regarding Christian marriage in the Assembly, would you require a three-fourths majority of the Christians present at the meeting to pass the Bill ?

A.—Certainly.

Q.—Then you would apply that to the Sikhs also ? You would apply it to every community—Sikhs, Hindus, everybody ?

A.—Quite so.

Q.—Then you would practically have a Council for the consideration of those measures which would be a council within a council ?

A.—There will be an imminent danger we can contemplate from now. Communal dissensions are going on everywhere, Hindus fighting Muhammadans at this moment.

Q.—Well it has been put to us—you don't think that these special communal reservations are in themselves exacerbating Hindu-Muhammadan tension ?

A.—Oh ! no.

Q.—You think that so far from exacerbating them they will mitigate it ?

A.—If there is a statutory recognition of them there will be a mitigation of everything and people will come to terms and be more friendly. That has exactly happened in Bengal where everyone wanted to be Minister. I have seen, Sir, after going down from here when I finished the session of the Assembly—I enquired and came to know that each and every one of these fellows among the so-called Moderates or Liberals who posed themselves to be friendly towards the Government voted against the Ministers' salaries because all of them tried to approach the Government.....

Q.—We are not now discussing the situation in Bengal. We have had the Bengal Ministers before us and we will have some further evidence on that point later. Now you consider that one of the circumstances which must accompany further advance is Indianisation of the

Army. May I put it to you that your view is this—that you consider that this is a problem that must be solved simultaneously with the constitutional problem ?

A.—Quite so.

Q.—That is, the Indianisation of the Army must advance with constitutional progress ? The two hang together. Is that your view ?

A.—Quite so. Yes.

Q.—I do not quite understand paragraph III of your memorandum. That refers to the protection of Muhammadan elections from the interference of other communities. How do they interfere ?

A.—What they do is this. A number of tactful non-Muhammadans confer with figure-heads among the Muhammadans who are really in their clutches and these people pose as Muhammadans working along with the pro-Hindu party whose sinister motive is to do mischief to our communal representation.

Q.—But it seems rather a difficult proposition to say that you should exclude any influence—that I take it is what your paragraph refers to—any influence on an electorate of educated people. I mean, wouldn't you allow a Hindu to speak at a meeting for a Muhammadan candidate ?

A.—No, Sir. This is a special communal representation given to the Muhammadans with some object in view.....

Q.—Let me put it to you in this way. Supposing I am a Hindu and I have a great dislike to the trade in liquor, which I understand is a matter with which most Muhammadans would be sympathetic. Now you are standing for the Prohibition party.

A.—Muhammadans would welcome speakers like you, Sir.

Q.—I am a Hindu and very keen on the prevention of the liquor trade. There is a Muhammadan election going on in which there are two candidates, one a gentleman who is very pro-Prohibition, very much in favour of stopping the trade in liquor. The other gentleman is not so warm. I am a Hindu and I desire to speak at one of these meetings. Would you prevent that ?

A.—Oh ! no.

(*Sir Muhammad Shafi*).—By interference you mean interference such as is said to have taken place in Bengal through corruption and bribery ?

A.—Exactly.

Q.—You mean improper interference. Since you have raised the question of bribery—or rather my honourable colleague has—would you tell us whether in your opinion any legislation to deal with this is necessary ?

A.—It is absolutely necessary.

Q.—Would you make bribery of a member a criminal offence ?

A.—Certainly. Furthermore in every election there are you must remember candidates who are returned or not returned but who have to submit accounts for the money that has been spent either by the candidate himself or for his election by the party who supported him. The Swarajists have been paying Rs. 500 deposit at the time of nomination for any candidate who would stand for election for Legislative Assembly and sign their creed.

Q.—Would you prevent that ?

A.—Sir, the object of payment certainly goes against the communal representation of the Muhammadans, for a Muhammadan candidate is paid for and held in that way with some distinct understanding and a sinister motive.

Q.—Let us look at the thing from the broad point of view. Would you prevent a party organisation from running a candidate ?

A.—No Sir, not as a rule.

Q.—You are aware that in England candidates are put forward and their expenses paid by the Party. With certain parties, at any rate, that is the only way it can be done. Would you prevent that ?

A.—No.

Q.—Would you prevent Hindus paying the election expenses of a Muhammadan ?

A.—Yes.

Q.—Would you prevent Muhammadans paying the expenses of a Hindu ?

A.—Yes.

Q.—You are not so warm about that ?

A.—Quite as warm. It is not proper that Muhammadans supporting a Hindu candidate should pay the election expenses. I would also like at this point to say that those schedules that are given under the rules of election have got to be altered like this—that, as I have said in my written statement, if the election expenses are paid by a pro-Hindu or a mixed Hindu-Muhammadan party that should not be allowed. It will be illegal.

Q.—Talking of that, I think under the existing rules there is no maximum amount fixed. Would you think it desirable to have that prescribed ?

A.—I would.

Q.—I may say that the reason the Government of India did not prescribe a maximum was that they had not had sufficient experience.

A.—They said so in the report itself—that it is an experiment in India and that gradually the time will come when we shall have to fix a maximum.

Q.—How many elections have you fought ?

A.—I have fought since 1909 under the Morley-Minto reforms ; then in 1912, 1916, and after 1923.

Q.—What did it cost you generally ?

A.—It cost for the provinces Rs. 500 to Rs. 1,000.

Q.—Not more ?

A.—No.

Q.—And in the Imperial Council more ?

A.—A little more because the constituency is scattered.

(*Dr. Paranjpye*).—Were you opposed ? Had you to fight an election ?

A.—I was. In this present election I was going uncontested but the leader of the Swarajists had sent for me just as the Commissioner of Police in Calcutta does, when a man has committed an offence, and he wrote to me a letter through a third party asking me to go to their office and meet him there at some fixed hour.

Q.—Was your election contested ?

A.—It was going to be uncontested but at the eleventh hour a Muhammadan was brought from a different division beyond my constituency because none of them from my constituency amongst the electors disliked me or that they would stand to fight against me as they knew that there was no chance for any one ; with this result that on the last day when we went before the Commissioner who was the Returning Officer and before whom the nomination paper had to be filed, the candidate who was sent by the leader of the party called Swarajists asked me first if I would sign one of their printed creeds he would go back to Calcutta and I would be returned to the Assembly two days after, uncontested. I threw out a challenge that I would rather spend the money in election than sign their lengthy unreasonable creed which was against my religion and against my community's interest.

Q.—Did you have a contest or not ?

A.—I had finally, Sir, a contest because the Swarajist candidate thereupon went round and filed his nomination ; and Rs. 500 was deposited which was given by Mr. C. R. Das, as the candidate himself had told me.

Q.—Then your complaint is that in this case you were opposed in a Muhammadan constituency at the instigation of the Hindus ?

A.—Yes. [Obviously and that with the desire that if any new ordinary man was returned, I would not have been in a position to do better service to my community and look after it properly. They wanted to ridicule our community by returning undesirable person.—*Note* :—Subsequently added by the witness.]

Sir Muhammad Shafi.—*Q.*—Mr. Kabirud-Din Ahmed, in paragraph 2 of head I, you deal with the question of the Muslim share in the administration of the country. I presume what you had in mind is that real power as well as the welfare and happiness of the people really lie in the hands of the administration ?

A.—Quite so.

Q.—And therefore the Muhammadans legitimately desire to have their due share in the administration ?

A.—Yes, they are entitled to it.

Q.—Your case is, I presume, that in so far as the requirements of efficiency are concerned, whatever qualifications may be necessary for a particular service may be laid down, and from among the candidates who fulfil those requirements and satisfy those qualifications the best Hindus and the best Muhammadans should be selected in equitable proportions, so that the Muhammadans should have their due share in the administration ?

A.—Exactly.

Q.—That is your case ?

A.—Yes.

Q.—In paragraph 3 of this head you say " The committee would like to make it clear that they would prefer to see the power of appointing Minister remain entirely in the hands of the Govrnor ". You have already explained the reason of that in reply to the Chairman's question. I want to ask you one thing. Are you aware that in Madras Lord Wellingdon did adopt the procedure of appointing a Chief Minister who selected his colleagues from the Legislative Council ?

A.—I have said that in my written statement.

Q.—There has been the first election and there has been the second election; has a single Muhammadan been appointed as Minister by the Chief Minister in Madras ?

A.—No, not a single Muhammadan.

Q.—At page 2 of your memorandum you say that at least one-third of the Ministers should be Mussalmans ; that is, when in the central government a stage is reached justifying the appointment of Ministers, you require that one-third of the Ministers shall be Mussalmans ?

A.—That is a very modest demand, of at least one-third, Sir.

Q.—How many Indian Members of the Executive Council are there at present ?

A.—Three.

Q.—And how many out of these are Muhammadans ?

A.—Only one.

Q.—That is one-third ?

A.—Yes.

Q.—And that is what you want ?

A.—I want it in the form of a statutory provision of at least one-third so that there may be no trouble; because some newspapers and all these supposed friends of ours amongst the Hindus write anything and everything against us and the best of our Muhammadan candidates will look blackguards in their jaundiced eyes.

Q.—Just carefully consider my point and then reply. Your demand is that 1-3rd of the Ministers should be Muhammadans ?

A.—Yes, at least 1-3rd.

Q.—Even now 1-3rd of the Indian Members of the Executive Council are Muhammadans, so that you are not putting forward a demand which is practically not already in force here in the Government of India ?

A.—It comes to that, Sir, yes; but I want some statutory provision for this and for the public services in the administration; that is the idea.

Q.—In paragraph 2 on that page you say "No bills affecting exclusively any community shall be placed on the statute book unless 3-4th of the members of that community present assent to that view." I presume that the Bills you have in mind here are Bills, as you say, exclusively concerning a community ; and what you say is this, that when a Bill exclusively concerns one community and has nothing to do with other communities it is but right that 3-4th of the members of that community should agree to the Bill before it became law ?

A.—Yes, quite so.

Q.—In the last paragraph with reference to which the Chairman put to you certain questions, I want one point to be made absolutely clear. When you talk of non-interference in Muslim elections by members of other communities, you mean that you would exclude improper interference ?

A.—Quite so.

Q.—Ordinary legitimate interference you do not object to ?

A.—No.

Sir Arthur Froom.—*Q.*—Mr. Kabir-ud-Din Ahmed, in the beginning of your memorandum you state that you are in favour of gradual development towards the grant of full provincial autonomy ?

A.—Yes.

Q.—By gradual development, do you agree with the present system of government which we call dyarchy ?

A.—Well, it is not a complete perfection; while granting it it was written in the report that it was not permanent and that it would gradually disappear and real responsible government will start.

Q.—I suppose it is rather difficult to get a perfect government under any system; as a temporary measure this present system of government was instituted only as a transition stage ; do you approve of it as a transition stage ?

A.—Yes, I do.

Q.—Are you satisfied with the present constitution of the Legislative Assembly ? Are you satisfied that the Legislative Assembly in its first sessions and in its present constitution has done useful work ?

A.—It is something like a boat floating in the deep sea.

Q.—It has not sunk altogether ?

A.—It may be.

Q.—I think you told the Chairman that you consider that as the advance towards self-government went on there will be more and more necessity for strict communal representation; that it would still be very necessary ?

A.—It might be or it might not be; but at present it is absolutely necessary; that is what I said to the Chairman.

Q.—You told the Chairman that at present it is necessary and I think you also told the Chairman that as the advance towards self-government went on, still in your opinion it would be necessary to have communal representation ?

A.—It might be, Sir.

Q.—Of course you might reach a stage where it will not be necessary; but in the meantime it would be necessary ?

A.—Quite so.

Q.—And what is your reason for that ?

A.—There are dissensions and differences all over the country. We see there have been great disorders at Lucknow, on the Frontier at Kohat. and at Allahabad just in front of the temple of justice of our friend, Sir Tej Bahadur Sapru; then, Sir, on the Unity Day we were celebrating it at Kankinara where 15,000 Muhammadan mill-hands and about 12,000 Hindu mill-hands were fighting and I had the District Magistrate in my car with the Superintendent of Police and the Assistant Superintendent of Police; and with five hundred armed police, the immersion ceremony took place on the 8th of this month, instead of on the 7th.

Q.—Those are very regrettable instances, are they not ?

A.—And there are many others.

(*Mr. Jinnah*).—Q.—You think separate electorates are the remedy for that ?

A.—If there is a settlement of these disputes, I suppose there will be a little peace.

(*Sir Muhammad Shafi*).—*Q.*—In a mixed electorate where there is a rival Hindu candidate and a rival Muhammadan candidate, in the existing conditions which obtain in the country do you not think there is a possibility of Hindus and Muhammadans coming to a clash ?

A.—All the representatives of the landholders,—my friend the Maharajadhiraj, coming from Bengal will be able to say—all the five members of the land-holders of Bengal from 1909 till now are Hindus—I throw challenge, if anybody will dispute that.

(*Sir Muhammad Shafi*).—*Q.*—You have not understood my question ; therefore you have not replied to it. Mr. Jinnah asked you if separate electorates were a remedy for the picture that you have drawn just now. My question was, supposing there were mixed electorates, that is to say, your separate Muslim electorates were abolished to-day and the electorates were mixed.....

A.—There will be more deaths.

(*Sir Muhammad Shafi*).—*Q.*—Just one minute ; if in a constituency a Muhammadan candidate stood against a Hindu candidate, in the existing conditions as they now obtain in the country, in view of what you have told us about Calcutta, Allahabad, Saharanpur, Kohat and so on, is there any possibility of Hindu supporters of the Hindu candidate and Muhammadan supporters of the Muhammadan candidate coming to a clash ?

A.—Yes.

Q.—If you have a seat reserved for Muhammadans, do you object to the electorate being mixed ?

A.—No, I don't understand you quite, Sir,

Q.—Would you object to the electorate being a mixed one ?

A.—Yes, I do, because the non-Muhammadans will thwart our interest.

Q.—I will put the question in a simpler form; supposing you have a seat reserved for a Muhammadan, would you object to its being in a mixed constituency of Hindus and Muhammadans to vote for the Muhammadan seat ?

A.—There will be great injustice done to us ; look at the picture of the Calcutta Municipality.....

(*Mr. Chairman*).—I think, Sir Arthur, the witness has fully grasped your question.

A.—The picture that I want to depict is that there are amongst the landlords or Zamindars five seats from 5 Divisions in Bengal Province and none of them are Muhammadans since 1909 and here in the Assembly all the Landholders' Members from each Province are Hindus always.

(*Mr. Chairman*).—*Q.*—Your point is that in mixed constituency a Muhammadan would have no chance ?

(*Mr. Jinnah*).—Sir Arthur Froom put to you, that supposing there is a mixed electorate with a proviso for reservation of seats, then what do you say to that ?

A.—He did not say that; I shall answer that also.

(*Mr. Chairman*).—I am sorry ; Sir Arthur Froom, would you put that question again ?

Q.—I am talking of a seat that is reserved for Muhammadans. Suppose two or three Muhammadans contest this one seat—you cannot have a Hindu contesting it bacause it is a Muhammadan seat—would you agree that the electorate who have got to decide which out of these 3 Muhammadans should be elected, might be a mixed electorate of Hindus and Muhammadans ?

A.—No; it should be entirely Muhammadan; because you see in the Municipal election....

Q.—Never mind the municipal elections; you want it to be all Muhammadan ?

A.—Yes, Sir; but it will be a great injustice to me if I am not allowed to answer fully. About the question that was put to me by Mr. Jinnah that, if a number of seats are fixed.

(*Mr. Jinnah*).—I did not put any question.

(*Sir Muhammad Shafi*).—Let him go on.

A.—You see, Sir, the Chairman of the District Board, Rajshahi, in Bengal, an M. L. C. said in the Bengal Council, that a cartman a Muhammadan driver of bullock cart who was illiterate and a man having no status in society, was supported by the voters of the mixed Hindus and Muhammadans in the Municipal election when there were pleaders and retired Deputy Magistrates and zamindars among them (Muhammadans).

(*Mr. Chairman*).—You think the cartman was not as good a representative ?

A.—Well, that is the result of so-called mixed electorates.

(*Sir Muhammad Shafi*).—You mean that as a result of such mixed electorates the man who is the real representative of the Muhammadan community and who is looked upon by the majority of the Muhammadans as their representative would be ousted and would not really represent the Muhammadan community ?

A.—Exactly what they have, Sir. The Swaraj Party has brought in any man from the street to sign their creed, they have paid Rs. 250 and Rs. 500 as deposit for their nomination and all expenses found or otherwise everything given to them, and brought them in over as heads of the true representatives of the community.

Q.—Is this practice that you are referring to peculiar to Bengal ?

A.—No, it goes on everywhere.

Q.—Now, Mr. Kabir-ud-Din Ahmed, with further advance towards self-government in India in the provinces do you foresee that parties will be established ?

(*Mr. Chairman*).—As separate from communities—is that your point ?

Sir Arthur Froom.—Yes, as separate from communities. Do you foresee that those parties will be run on communal lines ?—is that your fear ?

A.—If you will explain your question to me, I may be able to answer.

Sir Arthur Froom.—I want to ask the witness, Sir, whether, when party government is established, he fears that parties will be run on communal lines.

(*Mr. Chairman*).—I think the question is this. With the development of representative government in the Local Councils, do you apprehend or

do you look forward to a time when the present communal differences about which you have told us so much will be replaced by parties on party lines—not based on religious or communal differences ?

A.—If the minds of the people are transpired and they improve themselves, I suppose it might, Sir. But with members of the party who cook their own food, despise a non-communal man of his class to mix and not shake hands or to get his shade, I suppose there is no chance for India.

Q.—And you don't think the minds of people will be transpired immediately ?

A.—It will take some time. It will take some years. My examples are all round the country here.

Q.—There is one more question I want to ask you. You said that the control of the Army for obvious reasons must remain in British hands.

A.—Without British hands there is no salvation for India. If the British retire for four days I suppose half the people will be shot and killed.

Q.—But still you wish the Indianisation of the Army to go on ?

A.—Gradually as I have said. See the language I have used.

Q.—You say " speeded up ".

A.—Yes, speeded up with the times.

Q.—You don't want it speeded up at the expense of efficiency ? You don't want a man to be a Colonel when he only ought to be subaltern ?

A.—Oh no.

(*Sir Muhammad Shafi*).—*Q.*—By speeded up you mean at a more rapid pace than is the case at present ?

A.—Yes, Sir. When I inspected the Royal Indian Military College at Dehra Dun a fortnight or 3 weeks ago I found only a few Indian students there. I want that the number should be increased. There is a lot of vacant or fallow land which can be acquired at a small cost and some improvement might be effected to the Dehra Dun Military College at once.

Q.—Well, when in the course of time, the Indianisation of the Army in India is complete and you have Indian officers, do you still hold the view that it should remain under the control of the British ?

A.—When will that stage be, Sir ? If you will tell me the period within which you want that there will be people available for the department among the Indians to do that work, then I might answer.

Q.—You don't visualise it at present ?—that there will be people in the department capable of running it ?

A.—Not at present.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Kabir-ud-Din Ahmed, you say in the last paragraph but one of your memorandum that the present position in the Government of India where an irremovable executive stands confronted with a Legislative House, the majority of which is hostile, is intolerable.

A.—Yes, because I have been telling you the percentage.

Q.—I am merely drawing your attention to that passage, where you say that the present position is intolerable. Would you allow the present position to continue as it is or would you do anything to remedy it ? I am not questioning your statement of fact. What I want to know it, having regard

to that statement of yours would you allow the present position to continue as it is or would you do anything to remedy the present position ?

A.—Sir. at present, for instance, you have not given the due share of representation of the Muhammadans in the Central Government....

Q.—You are not pointing that out in that paragraph ; that is in an earlier paragraph. You are talking in this penultimate paragraph of yours about the present position where an irremovable executive stands confronted with a Legislative House and so on.

A.—Have you read the next line, Sir ? My answer is given there. Both the question and the answer are there, Sir, if you read it.

Q.—Take the two sentences together—the sentence which I read and the next sentence. " It is unfair to the Executive itself, and unless the position is improved, is bound to lead to a series of continued deadlocks." Now, what I want to know is whether you would leave the present position as it is or would improve it.

(*Mr. Chairman*).—This is his point, I think—unless I have misapprehended it—that, as the majority is hostile, he would remedy that by enlarging the Muhammadan representation.

A.—Yes, because we have very few, Sir. Our due share is not given. As for instance, in Bengal, where there are 38 per cent. Hindus there are 8 members in the Assembly here and we are 56 per cent. of the Muhammadan population of Bengal have 6 Members only. Is there any justice in this ?

(*Sir Muhammad Shafi*).—Mr. Kabir-ud-Din Ahmed, with reference to this question that has been put to you by Sir Sivaswami, may I invite your attention to what your party has said in an earlier portion of this very paragraph, at the bottom of page 1 :—

> " With the exception of the defence of India in all matters connected with His Majesty's Naval, Military and Air Forces in India, His Majesty's Indian Marine Service, foreign or political relation including relations with the Indian States, all other subjects should be entrusted to the control of Ministers responsible to the Legislative Assembly. At least one-third of the Ministers shall be Mussalmans."

Is not that the solution which your party has suggested with regard to the existing position of the deadlock between the irremovable executive and the elected majority—is that the solution that your party has suggested ?

A.—Yes.

Q.—There have been so many interlocutors that I fail to understand where we are. I have drawn your attention to these two sentences—I have read them out. You first of all suggested that the remedy might be an increase in the number of Muhammadans. That was suggested to you. Another suggestion made to you is that the solution is the entrustment of a number of departments in the Central Government to Mussulman Ministers. That was a suggestion put to you by Sir Muhammad Shafi.

(*Sir Muhammad Shafi*).—It is already there. I did not put it to him.

A.—That is my answer to this.

Q.—Now, what I want to know is this, when you are talking of the present intolerable position and you suggest apparently that the position

requires improvement, what is it exactly that you are thinking of ? I want it from your own mouth, what is the improvement that you are thinking of to ease the present situation ?

A.—The answer is given there, Sir. Read the next line.

Q.—What is the answer ? You see, Mr. Kabir-ud-Din Ahmed, when you say it is unfair to the executive, it is merely a description of the present situation. It is not a question of remedy. You are describing the present situation,—that it is full of deadlocks. What should be done to avoid deadlocks ?

A.—I think it is quite clear, Sir, if you will kindly read it. You are begging an answer in which I cannot help you. Why don't you put in my mouth what you want and I shall deny it.

(*Mr. Chairman*).—What is your question, Sir Sivaswami ?

Q.—You see, Sir, he says the present situation is intolerable and he says unless it is improved it may lead to continued deadlocks. Now, what I want to know from him is what is the improvement that he wishes to suggest.

(*Mr. Chairman*).—I understood him to answer that question by saying that a larger representation of Muhammadans was one of the solutions.

Q.—Then it was suggested to him the solution might be that referred to at the bottom of page 1 and at the top of page 2. Which does he consider to be the solution ?

(*Mr. Chairman*).—It may be both.

Q.—Or neither.

(*Mr. Chairman*).—Do you suggest that the advance that you contemplate in future in the way you stated in paragraph 1 coupled with further Muhammadan representation would effect an improvement ? Is that your point ?

A.—Quite so, Sir.

Q.—I must confess I don't quite understand.

(*Mr. Chairman*).—Well, if I may interpret it. He said (1) larger Muhammadan representation, and (2) coupled with an advance on the lines suggested, will remedy the intolerable position. Whether that answer satisfies you, I cannot say. That is the answer he gave. I don't know if that is the answer you wish to elicit.

Q.—No, Sir, I don't wish to elicit any particular answer. I merely wish to elicit exactly the solution he wants. If you say the witness means to suggest both.

(*Mr. Chairman*).—Well, you do mean to suggest both, do you, Mr. Kabir-ud-Din Ahmed ?

A.—Yes, Sir.

Q.—Then, as regards this transfer of a number of subjects to the Legislative Assembly in the Central Legislature, when do you want that to be carried out ?

Q.—You say at the top of page 2 that all subjects except certain subjects should be transferred to the control of Ministers responsible to the Legislative Assembly ?

A.—There is a long time yet to come for that. If you will kindly read the whole paragraph, the answer to your questions are all there.

Q.—You say it will take a long time ?

A.—Everything is there if you will kindly read it from beginning to end of the paragraph.

(*Mr. Chairman*).—What is your question, Sir Sivaswami ?

Q.—With regard to the second solution about the transfer of certain departments, I want to ask when that should be carried out ?

A.—You will find it there. I say " as self-government develops." If you will kindly intelligently read it you will find everything there.

Q.—If you say it will take a long time, you will not do anything now ?

A.—I say " as self-government develops."

Q.—I am simply leading on to the next question ?

A.—It is not an intelligent question. I will refuse to answer any questions which are not intelligent. If you want to state the time in years, I can answer. There is no room to put any further questions on the point, it seems.

Q.—You say that as self-government develops in the provinces you will transfer more subjects. That is the qualification you have introduced ?

A.—You must go and put things in order in the provinces and then you can touch the Central Government. That is the answer. You have not got any Ministers among the Muhammadans in your province for the last 4 years. You have got this beautiful statement of Lord Willingdon. You go and work up there first and then ask me about the Central Government and then I shall be fair and reasonable to you.

Q.—As a result of what you have stated at the bottom of page 1 and the top of page 2, I take it that you do not think any such transfer can be made ?

A.—I have said so.

Q.—Therefore though the present situation is according to you intolerable you will not do anything to remedy it ?

A.—Can the people in one moment change their ideas, change their so-called orthodoxy, change their mind and come to a definite point with clean hands ? Is it possible in the twinkling of an eye ? It will take some time.

Q.—I simply wanted to know your view ?

A.—A child can answer that. It will take time. People try to learn by going to England where the government and the people are advanced and then say that everything can be changed in the twinkling of an eye and think it is possible to obtain Home Rule or swaraj.

Q.—I only wish to know your views. You said that in Madras there is no Muhammadan Minister ?

A.—The Madras people are wanting in social education. Their passing certain examinations merely does not make very meritorious people. Social education is essentially required.

Q.—Are you aware that we have a Muhammadan gentleman as a member of the Executive Council ?

A.—That is not the point. Everybody knows. Do you think I do not ? Please stick to the self-governing transferred department and do not labour under misapprehensions. I am afraid I cannot answer * * * * * * * *

*FOOT-NOTE.—The words were deleted by order of the Committee as they were of an insulting character.

(*Dr. Paranjpye*).—Is the witness entitled to give answers of this kind ?

(*Mr. Chairman*).—Mr. Kabirud-Din Ahmed, you must answer the questions put to you. What is your question, Sir Sivaswami ?

Q.—In Madras there are two Indian members of the Executive Council and there are three Ministers and out of the five Indian gentlemen who are members of the Government one gentleman is a Muhammadan.....

A.—This is not about your dyarchy that you have been contemplating. He is a Government servant. If the Government choose to take a Muhammadan they can do so. You yourself were there [and your friends. After some of you a Muhammadan was taken by the Government on a different score on the other branch altogether. *Note* :—Subsequently added by the witness.]

Q.—I have a better opinion of the member of the Executive Council than you have. Are you in favour of an approach between the Hindu and the Muhammadan communities ?

A.—You had better ask Pandit Madan Mohan Malaviya.

Q.—Are you in favour of promoting unity between the two communities ?

A.—That is one of the objects of my party.

Q.—Do you think that that unity will be better promoted by having representatives from gentlemen who do not hold extreme views on either side ?

A.—They have already done so, led by Mr. Jinnah. It was he who was the President of the Independent party and it is he who negotiated the matter with the Swarajists. The Muhammadans are always ready and willing to do their part but it is the prejudice from the other side. Ask Pandit Madan Mohan Malaviya and his group and then talk with Mr. Moti Lal Nehru of the Swaraj party.

Q.—I am merely asking you whether the interests of Hindu and Muslim unity will be better served by getting together representatives who do not hold extreme views on either side ?

A.—I dare say it will. But if you get hold of some people who want to go against Muhammadans I do not think there is any chance.

Q.—Take the case of mixed electorates. Your fear is that some of the Muhammadans who may be returned may be pro-Hindu ?

A.—Certainly. We do not want that sort of help. The Muhammadans can look after themselves. [These supposed benefactors have done great mischief to our community thereby. *Note* :—Subsequently added by the witness.]

Sir Henry Moncrieff Smith.—*Q.*—There is a list of members at the end of your memorandum. May I take it that it is a complete list of the members of the Legislative Assembly in your party ?

A.—We have 24 members out of 34 or 35 members in the Legislative Assembly. All of them were not up during the last session. Some of them have written to some of us that they are ready and willing to join and act with us in the party.

Q.—This represents the opinion of about 80 per cent. of the Muhammadans in the Assembly ?

A.—Nearly all.

Mr. Jinnah.—*Q.*—Supposing you were to secure for the Muhammadans what you desire in your memorandum, separate electorates and the proportion that you want and your share in the services, would you be in favour of any advance in the Provincial Government ?

A.—I have said that in the written statement. Our position must be safeguarded.

Q.—You would be in favour of establishing responsible government in the provinces ?

A.—If possible in the near future.

Q.—Then you say that " with the exception of the defence of India in all matters connected with His Majesty's Naval, Military and Air Forces in India, His Majesty's Indian Marine Service, foreign or political relation including relations with the Indian States, all other subjects should be entrusted to the control of the Ministers responsible to the Legislative Assembly." Would you agree to that if all that you ask for is guaranteed ?

A.—If everything is good, all safe in the autonomy of the provinces and when you have gone so far as that, then I would come to the Central Government and see if possible. We welcome it by all means.

Q.—Would you like the constitution to be amended first of all with a view to secure Muhammadan rights ?

A.—I would. By changing of rules or amendment of the Act ?

Q.—You want to secure your Muhammadan interests ?

A.—Yes.

Q.—Muhammadan representation ?

A.—Yes.

Q.—Muhammadans' share in the services ?

A.—Yes.

Q.—And Muhammadan portion of representation ? You want that to be secured ?

A.—Yes.

Q.—Supposing that was secured to you, then in the Central Government you would recommend the transfer of all other subjects except those which you have excepted ?

A.—Yes, after some years.

Q.—After how many years ?

A.—That depends on how the scheme is worked in the provinces.

Q.—Your scheme would be this. You want provincial autonomy first ?

A.—Yes.

Q.—And that should be worked for some time before you touch the Central Government ?

A.—Quite so.

Q.—Not simultaneously ?

A.—No. One after the other. Otherwise that would be dangerous. It would be advisable for a child to creep first.

Q.—Would you give any period ? 3 years, 2 years ?

A.—It depends upon how you work. It depends upon the circumstances.

Q.—Then you will await the experiment of responsible government in the provinces and then you would proceed to make any change in the Central Government ?

A.—Exactly so.

(*Sir Arthur Froom*).—*Q.*—If successful ?

(*Mr. Jinnah*).—Yes, of course.

(*Sir Tej Bahadur Sapru*).—I have been asked by the press to say why I have not put any questions to the witness. I wish to make the statement publicly that I have declined to take notice of the witness because he made use of very insulting and almost abusive language towards Sir Sivaswami Aiyer. Therefore I must enter my protest.

The witness.—I have not said anything [of the kind. Nor did Sir Sivaswami himself raise the point. Protest is an afterthought on lame excuses. *Note* :—Subsequently added by the witness.]

(*Mr. Chairman*).—What were the words used ?

*(*Sir Tej Bahadur Sapru*).—Dr. Paranjpye and I listened. He said

• • • • • • •

A.—I must be heard, Sir.

(*Mr. Chairman*).—As Dr. Paranjpye and Sir Tej Bahadur Sapru say that those words were used, I must ask the witness to withdraw them at once.

A.—I am very sorry, Sir, if Dr. Sapru has understood things in quite a different way. What I have said is this, that I shall answer every relevant question, but if it is a question which has already been answered both to the Chairman and to the Vice-Chairman and other member or members, it is not necessary at all to answer the question, because the answer is given already or that in the paragraph, a line before and a line after that, it is expressly stated.

(*Mr. Chairman*).—I must make the position perfectly clear. Had heard those words, I should at once have asked the witness to withdraw. I did not hear.

(*Dr. Paranjpye*).—In fact I called your attention to it.

(*Sir Tej Bahadur Sapru*).—You were in the midst of explaining your question.

(*Mr. Chairman*).—Had I heard those words, as I said, I should have at once asked the witness to withdraw. If the witness denies that he used those words, then it is not possible for me to carry the matter further. (To the witness). You deny that you used the words ?

A.—I have not said anything that I refuse to answer.....

(*Mr. Chairman*).—Did you use the words complained of ?

A.—Not in the sense.

(*Mr. Chairman*).—If you did use the words, the direct course is to express regret and withdraw.

A.—I am always ready to express regret. But I have not used the words in that sense. If you want my conditional apology, I am always ready. But I have not meant anything in that light nor Sir Sivaswami personally was offended of my saying anything to him.

*See footnote on page 395.

(*Sir Tej Bahadur Sapru*).—So far as Mr. K. Ahmed is concerned I refuse as a member of this Committee to take notice of him as a witness or the Committee of which he is the representative. We are here not to lose our self-respect.

Mr. Jinnah wanted to speak.

(*Mr. Chairman*).—I must settle this matter.

(*Mr. Jinnah*) (*to the witness*).—You did not intend.....

(*Mr. Chairman*).—It is a matter for me to dispose of. If you will excuse me, Mr. Jinnah, it is a matter for my disposal. I have said that I did not hear the words. If I did hear, I should have stopped the witness. If the witness did use those words, he will be wise to express his regret. I trust that he will do so.

A.—I do, if I have said that, but I have not exactly said that nor meant it.

(*Sir Tej Bahadur Sapru*).—I refuse to take notice of the witness.

(*Mr. Chairman*).—The incident will now close ; that concludes the incident.

(*Mr. Jinnah*).—*Q.*—I think I have got as far as this. We are very anxious to get your opinion and we would like to have your assistance as far as we can. This Committee wants to get the opinion of everybody and give proper weight to it. We are not here at cross purposes or for fighting. Look at your paragraph at page 2. You say : " But as the grant of responsible Government in the Provinces cannot co-exist with an irresponsible Executive in the Central Government, a change in the constitution of the Central Government in the direction of insuring responsibility is ultimately inevitable." You say that provincial responsible Governments cannot exist along with an irresponsible Government in the Central Government ?

A.—No, not quite.

Q.—That is what you say ?

A.—It is a matter of opinion. I did not mean it, nor do I think that my party meant it.

Q.—You did not mean it ? This paragraph conveys what you did not intend to convey ?

A.—No, I did not mean it, nor my party.

Q.—Then you modify your memorandum to that extent ?

A.—If necessary, I will modify it, but it seems to me that it is not our meaning.

Q.—One more question in connection with that paragraph. Kindly keep that before you. At the end of that paragraph it is stated that " the army must for obvious reasons remain in British hands, it is desirable that the process of Indianisation of the army be speeded up." Have you considered this question carefully ? The Indianisation of the Army.

A.—We had a resolution in the Assembly some time ago.

Q.—Last Assembly ?

A.—Yes, in the latter part. There was a resolution and people gave their opinion. I suppose it was discussed at great length.

Q.—I am quite aware of that. I have read the proceedings. Have you considered any definite scheme as to how the army should be composed, organised or constituted ?

A.—I will leave that to the expert. I have personally not considered that. Probably some other member would enlighten.

Q.—Supposing, as you say, a scheme was framed, what period would you give roughly ? Within what period you would expect it to be Indianised ? What is your desire ?

A.—My desire is that there should be some advancement.

Q.—Within what period ?

A.—As early as possible, if you take it, considering all the circumstances and the difficulties in its way.

Q.—So far as separate electorates are concerned, you think that at the present moment that is the best possible method to secure Muhammadan representation ? At the present moment ?

A.—Yes.

Q.—With regard to the services, you think it is possible to have any provision in the statute fixing a proportion ?

A.—It should be, because in 1917 just after the Lucknow compact the Central Muhammadan Association said in its Memorandum to the Secretary of State, that there should be 52 per cent. representation of Muhammadans. Then there was another. The Central National Muhammadan Association submitted a demand through the Government of Bengal on the Montagu-Chelmsford Reforms scheme that there should be statutory provision for fixing the ratio of representation for Muhammadans.

Q.—I am talking of the services.

A.—Services also, both services and the legislature.

Q.—You won't find anybody else ever having suggested that even with regard to the proportion in the services that should be fixed by statute. That is your view ?

A.—Our view and the view of the party and Muhammadans in general.

Q.—That is your view. I am not disputing that ; but that has never been suggested ?

A.—It has been suggested all over by the Muhammadans.

Q.—To have statutory provision ?

A.—Yes. As I said the Central National Muhammadan Association in November 1917 submitted another memorial to the Right Honourable the Secretary of State.

Q.—What is the paragraph about the services ?

A.—The representation to the Legislature and the services, they wanted 52 per cent.

Q.—Is there anything about the services ?

A.—They wanted the ratio to be fixed for the services.

Q.—Have you got that passage ?

A.—I was reading that from the memorial.

Q.—You have not got it ?

A.—No.

Q.—In your memorandum you suggest a course at page 1 so as to secure a fair share to the Mussalmans in the various services. Would that not be satisfactory ? You say this : " To avoid the overweightage of the services by members of any particular community, it will be necessary to modify the competitive test so as to provide for the selection from the

successful candidates for a due proportion of Muslims." Will that not satisfy ?

A.—That will satisfy, yes. That is only one branch of the service.

Q.—Now, Mr. Kabirud-Din Ahmed, the Hindus have never really denied that the Muhammadans should have a fair share in the services. It has always been a question of method, that is to say, by what method that end should be attained ?

A.—That is the class of educated Hindus. But there is a section of them who do not agree.

Q.—I mean the bulk ?

A.—The majority of them do.

Q.—The large body of Hindus and their representatives have never denied that the Muhammadans should have a fair share in the services. But the question in dispute has been one of method, as to by what method it should be secured ?

A.—Yes.

The Chairman thanked the witness, who afterwards withdrew.

Thursday, the 23rd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—The Hon'ble Sir Adbur Rahim, Member of the Executive Council, Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—You have come up to give evidence on behalf of the Government of Bengal and also to express your own opinion ?

A.—Yes.

Q.—You are a member of the Executive Council since when ?

A.—Since the beginning of 1921.

Q.—And you are in charge of ?

A.—Judicial and Legislative.

Q.—And the other members are two Civilians ?

A.—Yes.

Q.—Sir Henry Wheeler, and Sir John Kerr ?

A.—Yes, they were members of the Council when I first joined the Government, now Sir Hugh Stephenson and Mr. Arnold and also the Maharaja of Nadia.

Q.—There are four members there ?

A.—Yes.

Q.—You have had throughout one Hindu and one Muhammadan member ?

A.—Yes.

Q.—The ministers in the first period were Sir Surendranath Bannerjee, Nawab Ali Choudhury and Sir P. C. Mitter ?

A.—Yes.

Q.—In the last Government there were only two Ministers ?

A.—There were three appointed, Mr. Mullick, Mr. Fazal-ul-Haq and Mr. Ghuznavi. Mr. Mullick was not returned and so he had to go out.

Q.—Was any appointment made in his place ?

A.—No.

Q.—Can you give us any reason why it was not made ?

A.—The difficulty was as regards the Ministers' salaries and I suppose the Governor was unable to pick out a suitable Hindu gentlemen.

Q.—Am I right in thinking that the Governor offered the Ministry to Mr. Das ?

A.—Yes.

Q.—As representing the largest party in the House ?

A.—That is so.

Q.—But he does not in fact represent the largest party in the House.

A.—Among the elected members, I should think he does, barring the Europeans. If you take the Indian elected members, he does but taking the whole House he does not.

Q.—Excluding the officials still he does not ?

A.—I should doubt it.

(*Dr. Paranjpye*).—*Q.*—There is no bigger party than his in the Council ?

A.—No.

Q.—He declined to take office ?

A.—Yes.

Q.—Creating thereby a remarkable constitutional position ?

A.—Very difficult position no doubt.

Q.—You would consider, Sir Abdur Rahim, that those who drew up the constitution probably contemplated that such a position would never arise ?

A.—I should think so because I do not think there is anything in the Act or the Rules to meet a contingency like that.

Q.—It comes to this that a considerable party declined to work the constitution ?

A.—That is so. That happened in Bengal.

Q.—Do you think that it is likely to continue ? Is there any prospect of the position improving ?

A.—I do not see any very near prospect. It may. I think there is a sort of opinion growing against the Swarajists.

Q.—Against obstructive tactics ?

A.—Yes.

Q.—Is not their majority a small one ?

A.—Last time it was only 2.

Q.—And the time before ?

A.—Only one.

Q.—So if you had one more Minister, the position would have been equalised ?

A.—That is the position.

Q.—What do you consider are the causes of this extraordinary position. Apart from the Swaraj party who came in with the stated intention of obstructing the constitution, still there are a sufficient number of persons not connected with the party who could have defeated that party. The Swarajists alone would not have succeeded in refusing the salary ?

A.—No. I do not think so myself but there is a party called the Independents or Nationalists or Independent Nationalists.

Q.—What would you consider the strength of that party to be ?

A.—It is estimated at about 18 or 20.

Q.—They went over to the other side ?

A.—They went over entirely to the other side from the very beginning. The leader of the party apparently came to some sort of understanding with the Swaraj party and I think from the very beginning they acted with that party.

Q.—It has been said that one of the difficulties was that the Ministers were personally unpopular and the attack was made not altogether on the system but on the Ministers personally ?

A.—I have heard that. The difficulty in accepting that proposition is that the Ministers never had a chance. If they had done anything in the administration of their departments which went counter to the popular demand I could understand it.

Q.—What I am suggesting is that it was not a question of their administration but that they were personally unpopular ?

A.—I should hardly think so. Take Mr. Fazl-ul-Haq, one of the Ministers, for instance, I thought he had a very large number of friends in the Council and Mr. Ghuznavi especially had a very large circle of friends amongst the Hindus.

Q.—Then you would not say it was for personal reasons ?

A.—I would not say so, unless something transpired afterwards.

Q.—If you have a party which is not opposed to the constitution uniting with the party which is opposed to the constitution and the Ministers, as you say, have not been in a position to incur any unpopularity by official acts, then it is difficult to explain what happened except on the ground that there was personal feeling in the matter.

A.—As regards the Swarajists, from the very beginning they said they would obstruct the Government in order to achieve their object. The Independent Nationalists had expressed willingness to accept office. Except that difference I do not know of any declaration of their party opposed to Swarajist policy. I think they said they would not take part in obstructing the Government. But from the very beginning I found that in every measure that was put forward by the Government they acted with the Swaraj party.

Q.—Then there is really no distinction for purposes of the Ministers between the two ?

A.—I could see none, not only for the Ministers but in regard to the whole Government.

Q.—In regard to your own part of the Government too ?

A.—So far as action was concerned in the Council, I could see no difference at all, neither in speech nor in action.

Q.—Who would you consider as the leader of that party ?

A.—Mr. Chakarvarti was put forward as the leader.

Q.—It has been suggested to us in one or two of the memoranda that the constitution as it exists at present is insufficient in this respect. It enables, the Council to vote on the question whether there should be Ministers or no Ministers. It is suggested that that is certainly not the intention of Parliament. The intention of Parliament was that there should be Ministers but the choice of the Ministers should rest with the Legislative Council. Would you accept that view of the position ?

A.—I think so. That is how I understand the Government of India Act.

Q.—Would you suggest an amendment which would prevent that ? In other words would you suggest any amendment which would take away from the Council what is considered by some people to be an accident by which they are able to vote whether there should be Ministers or not and enact such a provision as would enable the Council to decide who the Ministers should be, but not whether there should be Ministers ?

A.—It is very difficult. Supposing you had some statutory provision that there shall be a minimum salary for the Ministers, when particular demands are put forward, they could throw out the demands.

Q.—Would it not be the duty of the Ministers to resign then ?

A.—Certainly under the constitution I should say it would be, Sir.

Q.—My point was this, that as long as a man is a Minister he should get a salary. It is not suggested that the Council should not have the power of dismissing the Ministers. Would you approve of that view ?

A.—Yes, certainly.

Q.—Some amendment of the Act will be necessary ?

A.—Yes. I think it would have one more effect. What I noticed in Bengal was this. The obstructionist party found it difficult to throw out the demands for the transferred departments. They found it easier to throw out the demand for Ministers' salary. If salaries are provided for the Ministers, it may be that they would not go so far as to throw out demands for transferred departments or they would not succeed in throwing out the demands for the transferred departments.

Q.—If the demands are thrown out, that re-acts on the people ?

A.—That is what happened.

Q.—That did happen in fact ?

A.—Yes.

Q.—When the effect of the vote was seen, considerable public dissatisfaction was expressed ?

A.—Yes ; that is so.

Q.—And it makes itself felt ? And indeed it changes the vote on that ?

A.—That is exactly what happened. They themselves on the second occasion restored the demand.

Q.—Simply by the pressure of public opinion ?

A.—Yes.

(Mr. Jinnah asked Mr. Chairman as to exactly what the witness stated.)

(*Mr. Chairman*).—I thought the witness understood my point. It is perfectly simple ; that the intention of the Act was to take away from the Council the decision whether there should or should not be Ministers. It was to enable the Council to say who should be Ministers, I asked the witness whether he did not consider that their intention of the framers of the Act should be given effect to.

A.—Certainly that is my opinion. It is clearly the intention. Otherwise there is no good in providing for Ministers at all.

Q.—In other words, by a fault in the Act it has become possible to attack dyarchy in a way which was not intended ?

A.—Yes.

Q.—It is common knowledge that a rule issued by the High Court had had the effect of postponing a meeting of the Bengal Council. Do you consider that the law should provide that this should not be possible or do you approve of the power of the court to interfere ?

A.—I think the Court ought not to interfere with the rulings of the President.

Q.—And you think that ought to be provided in the law ?

A.—Yes.

Q.—As a matter of fact it caused great inconvenience in Bengal ?

A.—Undoubtedly it did.

Q.—It has been said that it changed the vote. Do you think it did ?

A.—Do you mean as regards the Ministers salaries ?

Q.—Yes.

A.—No.

Q.—You have worked for a long time with the Government now ?

A.—Yes, for 4 years.

Q.—And you probably had considerable experience of the officials of the Government who had to work with you ?

A.—Certainly.

Q.—What is your view of their rule ?

A.—They were most useful and most helpful.

Q.—Have you had any friction ?

A.—There was some difference of opinion. They sometimes put up some note and I did not agree with that. But friction there was none.

Q.—Would you say on the whole that you found them loyal servants ?

A.—They were absolutely loyal.

Q.—We have had a certain amount of evidence here that the permanent staff are not as helpful as they should be.

A.—I cannot speak about other provinces. I can only speak about Bengal. I have found them absolutely loyally carrying out the orders.

Q.—You necessarily saw a good deal of the Ministers. Didn't you ?

A.—Yes.

Q.—Did you ever hear any complaint from the Ministers ?

A.—Not while they were in office.

Q.—I think then that when they were out of office they complained ?

A.—I think one Minister did complain.

Q.—Who is the Finance Member in Bengal ?

A.—At present ?

Q.—Yes.

A.—Just now Mr. Emerson is in charge.

Q.—He is a Civilian Member ?

A.—Yes.

Q.—The Finance Member has always been a Civilian Member. That is my point ?

A.—Yes.

Q.—Have you had any difficulty with the Finance Department ?

A.—No. But I have often not been able to get money for my wants.

Q.—We all have been in the same position in regard to money. In your opinion have the Finance Department interfered unduly with other departments ?

A.—No, that is not in my experience.

Q.—It has been suggested that the position would be eased if instead of having a joint purse it was a separate purse. What do you think about that ?

A.—I think public opinion would be more satisfied.

Q.—Do you think it would remove a cause of grievance ?

A.—Suspicion, yes.

Q.—I do not know whether it is in your statement, but certainly in one of the letters from Bengal it was stated that one of the difficulties of the situation has been the financial circumstances of the province ?

A.—That is strongly the view of Bengal. Do you mean the Meston award ?

Q.—Yes. You take the view that there has really been a constitutional difficulty through this ?

A.—If you want me to discuss the Meston award, I am afraid I am not in a position to do so, but that is the view of the entire Government and of the public and the Council.

Q.—There is one other point before I pass on, Sir Abdur Rahim, I wish to ask you about. We have been told the other day by a witness that in connection with the dispute at Tarakeswar the Government of Bengal had shown some lack of courage in failing to endeavour to place in possession the official receiver. Do you know anything about that case ?

A.—I personally had nothing to do with the case. I had heard that sort of allegation made and so I asked my colleague who was in charge of that Department, I mean the Police Department, if there was any foundation for it. I told him that if the receiver cannot get possession, then surely Government ought to help the receiver in obtaining possession.

He said "Nobody ever asked us to help the receiver in obtaining possession, neither the court", and I think he also said "No application was made by the parties to that effect." If that is so, then it would have been gratuitous interference on the part of the Government to do anything.

Q.—I take it, it will be your view that in a question of enforcing a civil court decree, application must come from the court or the parties ?

A.—That I think is the law, Sir, if I have not forgotten the law.

Q.—I should like your opinion as to whether the Government of Bengal have ever shown any fear of putting into force the law when an application has been made ?

A.—I think the Government is powerful enough not to be afraid of anybody. We have tried to be as conciliatory as possible and not to ruffle public opinion unduly or unnecessarily.

(*Sir Muhammad Shafi*).—*Q.*—Has there been any instance in which an application was made to the Bengal Government and yet with a view to conciliate what is called popular opinion they did not take any steps on that application ?

A.—Of course, the Police is not my department, but if you could give me any particular instance you have in view, I might be able to answer.

Q.—As a Member of the Bengal Government, speaking for the Bengal Government, if an application was made by any party to be maintained in his rights under the law, would he receive support ?

A.—Most certainly, Sir.

Q.—Then I take it that that disposes of the allegation that the Government of Bengal owing to the fear of the majority of the Council have neglected to do their duty in maintaining law and order ?

A.—I should say so, certainly.

Q.—Have you got a copy of your memorandum ?

A.—I have not got it in book form, but I have got a copy. I have not got the same paging of course. I have got the sort of copy that we sent.

Q.—Pages 146 and 147, Sir Abdur Rahim ?

A.—If you tell me what it is about, very likely I should be able to find out.

Q.—Your proposals at the end of your memorandum are not the proposals of the Bengal Government, they are your own personal views ?

A.—Yes.

Q.—And you do not speak for the Bengal Government ?

A.—No, so far as these points are concerned ; there are some points in which we both agree.

Q.—In your second proposal you say, nominated *ex-officio* members shall not vote. You do not mean the nominated non-official members, do you ?

A.—As regards nominated non-official members I am not quite right, for instance, there are some members who represent Labour and they should be allowed to vote in the transferred departments.

Q.—You mean nominated official members should not vote ?

A.—Yes.

Q.—You would allow the Members of the Executive Council to speak on transferred subjects, but they are not to vote ? Would you allow them to speak ?

A.—Yes, I think, I would.

Q.—Then if they speak and do not vote..... ?

A.—It is not very logical.

(*Maharaja of Burdwan*).—*Q.*—You could allow them to speak only at the Ministers' request ?

A.—Undoubtedly.

Q.—That is, they could speak in support of the Ministers ?

A.—Undoubtedly.

(*Dr. Paranjpye*).—*Q.*—Not against the Ministers ?

A.—No.

Q.—You would allow the Ministers to speak at the Members' request ?

A.—Yes.

Q.—And to vote ?

A.—Yes.

Q.—Would it not be reasonable not to allow him not to vote on reserved subjects since you do not allow the member to vote ?

A.—I do not think so. My suggestions may not be logical, but you cannot get things logical.

(*Sir Muhammad Shafi*).—*Q.*—The position of the Minister is different from that of the Member of the Executive Council. In the first place he is elected and he is a representative of public opinion. Therefore there is no real incongruity in his being allowed to vote while the Member of the Executive Council should not be allowed to vote ?

A.—In that sense you may reconcile it.

Q.—I see that in paragraph 3 of your memorandum you would propose to amend the Act. The reference is really to section 52 (3), not 52 (2). You imagine something as follows in relation to transferred subjects, that the Governor is to be guided by the advice of Ministers unless he sees sufficient cause to differ from their opinion, in which case he may take action not according to their advice which states that :—" In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." You would amend it that he should be guided by their advice save where, in his opinion, the interests of law and order require a different decision ?

A.—Yes.

Q.—You would retain the powers of certification and the emergency powers of the Governor ? That you think necessary in view of your experience of the administration ?

A.—Most undoubtedly.

Q.—You do not consider the position would be safe without it ?

A.—Not in the present circumstances.

Q.—You would exclude the permanent Secretaries from having direct access to the Governor ?

A.—Yes.

Q.—In all subjects ?

A.—In all subjects and especially in transferred subjects.

Q.—Is it your idea that, by allowing the Secretary to go directly to the Governor, he would get behind the back of the Minister ?

A.—No, he has to inform the Member, I think, under the rules, but what I think is it is unnecessary and it is a sort of anomaly, not that practical difficulties have really arisen. But it is an anomaly because after all the Minister is responsible.

Q.—That is not quite the actual position in the reserved half. The Secretary is not Secretary to the Member. He is not Secretary to the Minister, he is Secretary to the whole Government. Why I put that to you is because he is discharging functions not merely in relation to his official duties but also in the nature somewhat of a watch-dog for the whole Government ?

A.—But he has no cognisance of what goes on in the Government save in his own department.

Q.—That is quite true, but under the Government of India arrangements, the Secretary is responsible directly for the administration of the rules of business, that is to say if they are broken, he is responsible to the head of the Government.

A.—Yes, so far as the official routine is concerned, dealing with the offices and the Under Secretaries and other things.

Q.—But supposing—I could not believe anybody would do so—but supposing a Member were to break the rules of business deliberately, it would be the duty of the Secretary to bring that to the notice of the Government ?

A.—I think Members ought to be trusted.

Q.—There has been a good deal of evidence before us which rather leads one to suppose that people regard the Secretary as the Secretary to the Minister. He is not ; he is Secretary to the Government ?

A.—No, I was not under that impression.

Q.—You say the relations of the Governor with the Ministers should be as nearly as possible like those of the King with the British Ministers. The Governor would then withdraw himself almost entirely from even the knowledge of the administration of the transferred side ?

A.—No, I think, I have said he would be entitled to call for information from any department he likes.

Q.—You would qualify that to that extent ? The King would not call for information.

A.—Yes, I put it that way in a very short form.

Q.—One of the reasons why the Governor under the present system has to keep in very close touch with the administration is that if he does not, he will not be able to discharge his functions on the reserved side ?

A.—You mean the administration of the transferred departments. The difficulty I have in mind is this. Of course the Governor would not interfere with the Minister, but he is not in touch with the Council while the Ministers have to be always in touch with the Council. He may be perfectly right but his views may not be those of the Council.

Q.—He is out of touch with the Legislature ? But still he must be in touch with the administration, that is the Ministers must come to him and keep him *au fait* ?

A.—That could be provided for.

Q.—But you see it is necessary the Governor should know what is going on ?

A.—Oh, certainly.

Q.—It is an interesting proposal that the Members of the Executive Council should take part in politics.

A.—I think it is necessary.

Q.—Would you extend that to other officials such as Commissioners ?

A.—Commissioners, yes, I think, I would.

Q.—Because you see they are in a way even more closely in touch with local opinion than Members.

A.—Commissioners and perhaps the district officer if he does not have any judicial functions.

Q.—Of course it would be a little difficult if I was a District Magistrate to speak on behalf of a particular candidate. I think, I could say that in any district I ever had that candidate would be returned.

(*Sir Muhammad Shafi*).—*Q.*—Your object is to enable them to explain the policy of Government to the people ?

A.—Yes, so long as you have what is called dyarchy he ought not to interefere with the transferred departments.

Q.—You would have to modify it a little so that he would be allowed to do this for the purpose of explaining the position of Government ?

A.—That is really my object.

Q.—But not of advocating a particular candidate ?

A.—No.

Q.—He would explain, for example, what the general policy of Government was towards a particular situation ?

A.—My reason for putting that forward was that at present it is understood in Bengal that the Members of the Executive Council are more or less officials ; my position is that they are really members of the Government.

Q.—And they ought not to keep their mouths shut ?

A.—That is what I advocate.

Q.—You think that if they can advocate the policy of the Government in the Legislative Council it is rather absurd that they should not be allowed to advocate it outside ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Would you not limit this political activity on their part to reserved subjects and allow the policy as well as the administration of transferred subjects to remain untramelled in any way by Government officials, in the hands of Ministers and their supporters ?

A.—Except of course if he can give any support to the Ministers, I do not see why he should not do it. Certainly he should not interfere with the policy of the Ministers in any way.

Q.—You consider the present situation under which the High Court is subject to the control of the Central Government and yet the Local Government have to find the funds is unsatisfactory ?

A.—Yes.

Q.—You would terminate that ?

A.—Yes.

Q.—I take it you would terminate it by the same arrangement that prevails in Bombay and Madras ?

A.—Yes.

Q.—Of course you are aware the Calcutta High Court have always claimed a special position ?

A.—That I know.

(*Dr. Paranjpye*).—*Q.*—Would you do away with that special position ?

A.—Yes ; I have found no difficulty in Madras.

Q.—You were yourself a judge in Madras ?

A.—Yes, I was there for more than 12 years.

Q.—And you feel that, even in the provincial judicial service the Local Government should have greater powers ?

A.—Yes.

Q.—You find that the Muhammadan community has not had its fair share of appointments ?

A.—Undoubtedly.

Q.—Would you say that is the case in other departments ?

A.—It is more pronounced there than anywhere else. In the other departments they have been able to do something. They are trying to rectify the inequality as much as possible. There is a general Muhammadan opinion that enough has not been done for the Muhammadans by the Government.

(*Mr. Jinnah*).—*Q.*—Is it a fact, or is it merely their imagination ?

A.—I won't say it is imagination ; the disparity is still very great. Of course this is my personal opinion.

Q.—I quite understand that. It is not the Bengal Government's opinion but your opinion. Now you know that as a result of the Lee Commission's Report if it is finally given effect to there will be a great increase in the Indianisation of the Services ?

A.—Yes, I know that.

Q.—Now in connection with that do you think any special measures are necessary to provide that no particular class or community shall obtain a preponderating share in Government service ?

A.—I think it is essential if you are to have a Government which really commands the confidence of the people at large.

Q.—You regard that not only from the point of view of the loaves and fishes but as part of the constitutional advance ?

A.—Exactly.

Q.—You consider that without that there will be distinct defects and difficulties in any constitution ?

A.—I do not attach any importance to the interests of mere individuals. It is not that, Sir, it is the political position in Bengal where the Muhammadans form the majority of the population and were at one time the rulers of the province ; if they don't feel satisfied that they have a proper share in the administration.....

Q.—I was not thinking particularly of the Muhammadans. Of course that is the preponderating element in all our minds, but I would like to put it more broadly than that—that as far as is possible and is compatible with the efficiency of the public service the public service should contain representatives of all communities, that the services should not be the hunting ground of any one community.

A.—Undoubtedly ; I quite agree with your statement, Sir, if you will pardon my saying so, and as I understand efficiency I take it in a much broader light than people ordinarily do. I do not take it to mean simply the notes put up in office. It is not merely paper efficiency. I understand by efficiency that the Government is to be popular with the people is to inspire confidence in the people, but when you have a large section of the people who are not represented in the administration you cannot expect that the administration will inspire universal confidence so long as the people are divided.

Q.—You have a source of dissatisfaction, a standing sore ?

A.—Exactly.

Sir Muhammad Shafi.—*Q.*—By mentioning the case of the Muhammadans of Bengal you only gave an illustration of the general principle about which the Chairman asked you ?

A.—Most undoubtedly.

Q.—How long were you a Judge of the Madras High Court before you became a member of the Executive Council in Bengal ?

A.—I went to Madras in 1908 and I joined Bengal at the beginning of 1921.

Q.—Towards the last year of your tenure of office as a Judge you were Senior Puisne Judge in the Madras High Court ?

A.—Yes.

Q.—And I believe you officiated as Chief Justice for six months or so ?

A.—I officiated on two occasions.

Q.—Well now with regard to the questions put to you by the Chairman as to the appointment and salary of Ministers, I would like to invite your attention to one or two provisions of the Government of India Act and ask your opinion, in view of your judicial experience, about it. If you will turn to section 46 of the Act in the first instance, sub-section (1) says :—

> " The presidencies of Fort William in Bengal, Fort St. George and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act."

Doesn't this section make it clear that in so far as the administration of transferred subjects is concerned the Governor acting with Ministers is an absolutely essential part of the constitution of Provincial Governments.

A.—You mean both the Governor and the Ministers ?

Q.—Yes.

A.—Undoubtedly.

Q.—Well now turn to section 52, sub-section (1) :—

> " The governor of a governor's province may by notification appoint ministers not being members of his executive council or other officials to administer the transferred subjects and any ministers so appointed shall hold office during his pleasure."

The previous section referred to Ministers being an essential part of the constitution. Does not this sub-section 52 (1) indicate who is to be the appointing authority of those ministers and say it is the Governor who will appoint the ministers ?

A.—Yes.

Q.—Then when we turn to the second part of this sub-section (1) we find :—

> " There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province."

This portion of the section fixes the maximum salary payable to Ministers but leaves it to the provincial legislative council to fix a lower salary ; but it was contemplated by the Act that some salary must be fixed ?

A.—I think so.

Q.—And that is really where the omission, if there is any omission, comes in—that the Act does not specifically say so, it is only by means of inferenee that you get it. That is the position ?

A.—Exactly. Unless it is said that there may be Ministers without any salaries at all, but I do not think the framers of the Act contemplated any such thing.

Q.—I agree that that was not contemplated ?

(*Mr. Jinnah*).—*Q.*—Then a Minister can never be removed ?

(*Sir Muhammad Shafi*).—Oh yes, he can be removed at the pleasure of the Governor.

(*Mr. Jinnah*).—You see the Minister is appointed by the Governor, he holds office during his pleasure.....

(*Mr. Chairman*).—The Governor's pleasure ?

(*Mr. Jinnah*).—*Q.*—Yes, yes. His salary cannot be reduced beyond a certain point if it is fixed. Then who can dismiss him ? The Governor alone. The legislature cannot ?

A.—No.

Q.—May I point out that it will be open to the legislature to pass a vote of censure against the Minister and in that event, in the first place, would a Minister continue to insist on holding office in spite of the vote of censure passed by the legislative council ?

A.—It is unlikely and no Governor would keep him.

Q.—And in the second place is it likely that the Governor would in spite of the vote of censure let him continue ?

A.—No, I should not think so.

(*Mr. Chairman*).—*Q.*—In any case let us take it a bit further. We do know in this country constitutional conventions are not always observed. Might not it be as well to put it in the Act that the Minister should resign when a vote of censure is passed ?

A.—I think it is absolutely superfluous.

(*Mr. Chairman*).—That would meet Mr. Jinnah's point.

Q.—Is not that the convention in the British Parliament ? Would you not leave it also to convention here ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—In Bengal your two Ministers did not resign after the vote of censure was passed ?

A.—The vote of censure was not passed. It was defeated.

(*Dr. Paranjpye*).—*Q.*—It was not allowed to be moved ?

A.—It was moved and defeated.

Q.—Now with regard to your proposal that the permanent secretaries in the provincial Governments should not have direct access to the Governor. As I understand the position now, you emphasise in regard to secretaries working in a transferred department, that they should not have direct access to the Governor ?

A.—Yes.

Q.—Because at any rate in the minds of the Ministers as well as of the public the position of the Minister is affected if the secretary has direct access to the Governor ?

A.—Yes, more in the mind of the Council I should say—the legislative council with whom they have to deal.

Q.—Quite, and also it is to a certain extent somewhat repugnant to the principle of responsibility which has been conceded in regard to transferred departments that the permanent official should have direct access to the Governor over the head of the Minister.

A.—Yes, because the Minister has to deal with the House ; he is in touch ; he knows what is wanted and what is not.

Q.—And in regard to the reserved side, what you say is this—you would not prevent the permanent secretary taking a case to the Governor in certain circumstances, but in all circumstances he must inform his Member that he is doing so ?

A.—That is provided by the rules ; so far as I recollect and I think it is in the rules—that he must inform his Member.

Q.—I think there is another rule also that he can take a case to the Governor at any stage.....

A.—And then inform the Member.

Q.—I think without informing. There are two rules. One speaks of informing the Member, the other does not ?

A.—No, but after having gone to the Governor he has to inform him at once—either simultaneously or immediately afterwards. That is my recollection of the rule in Bengal. Perhaps the Maharaja remembers better.

(*Maharaja of Burdwan*).—*Q.*—Have you got the rules there ?

A.—I have not got them.

(*Mr. Chairman*).—At any rate your recollection will be sufficient. We can verify that afterwards.

(*Sir Muhammad Shafi*).—Yes there is that rule in Bengal. That is so. You are right.

A.—But I have made it clear that I really do not see that in practical working of the administration any difficulties have arisen on that ground, though that seems to me to be misunderstood by the public.

Q.—It is a question of principle apart from any difficulties ?

A.—It is that. Of course sometimes difficulties may arise—I do not deny that.

Q.—Before I put any question to you with reference to your proposal 10.....

(*Dr. Paranjpye*).—May I ask one question. Are the Ministers consulted in the appointment of secretaries to Government ?

A.—I think so, yes—I mean in their departments.

Q.—Well before you entered service, before your appointment as Judge of the Madras High Court, you played some part in the public affairs of the country ?

A.—I was not a member of any legislative council but I was associated with various Muhammadan associations.

Q.—You were a member of the All-India Muhammadan deputation that waited on Lord Minto on 1st October 1906 ?

A.—Yes.

Q.—And even when you were a Judge in Madras you held some office in some of the educational institutions there ?

A.—Yes, I was always associated with such institutions and I presided over a number of Educational Conferences.

Q.—You were President, as far as I remember of the All-India Muhammadan Education Conference in 1915 ?

A.—Yes, I do not exactly remember the date. It was held in Poona.

Q.—Yes, the year before I presided at Aligarh. That is how I remember the year. It was 1915 ?

A.—Yes.

Q.—Now tell me as a member of the Executive Council of Bengal and also as a resident of that province yourself, whether you are in close touch with Muhammadan feeling in that presidency ?

A.—I suppose so ; I should think I know it very intimately.

Q.—What is the general view of the Muhammadan community in Bengal with regard to their representation on the Bengal Legislative Council ?

A.—Do you mean communal electorates ?

Q.—My point is this : what is the proportion of the Muhammadan population in Bengal according to the last census ? 56 per cent., is it not ?

A.—Something like that, 55 or 56 per cent.

Q.—We have been told by Sir P. C. Mitter that it is 56 per cent. ?

A.—Very likely ; he has a better memory for figures than I have.

Q.—And the Muhammadan representation on the Bengal Legislative Council is 40 per cent. ?

A.—Of the Indian elected seats, yes.

Q.—With regard to this proportion what is the general Muhammadan feeling ?

A.—I think it is condemned unanimously ; I noticed that Mr. Fazlul Huq stuck to the opinion he had expressed at the time of the Lucknow Pact.

A.—No ; of course under full responsible government there can be no such thing as official or nominated votes, and the government must be entirely responsible to the legislature.

Q.—Whether you have officials as Ministers or not, it will all have to be Ministers or members, whatever nomenclature you may have, who will be responsible to the legislative council ?

A.—Yes.

Q.—That being so, do you think that in Bengal at present you would be willing as a member of government or in view of your experience, to transfer any more subjects ?

A.—No ; the present transferred subjects are quite sufficient to give us an idea of how the thing works, if it is allowed to work ; if it is not allowed to work it is no good to transfer the whole.

Q.—You think that the subjects that have been transferred in Bengal for the present are sufficient ?

A.—Oh, quite ; they are the most important.

Q.—Take in Bombay, Forests is transferred there ; of course as you know, Forests was under me when I was a member of the government. Do you think that a subject like Forests could be transferred to-day ?

A.—Of course you could transfer anything you like ; but what I think is this, we have got enough difficulties now with the subjects that have been transferred ; we do not want to add to our difficulties.

Q.—For the present you would rather not have any other subject ?

A.—Most certainly not.

Q.—In connection with your own proposals I think you were pleased to suggest that there should be a separate purse for the transferred departments. Do you think that this separate purse would not only remove any suspicion that the legislative council might have, but that it would also help in the smooth working of the government between the Members and the Ministers ? You know whenever there was a little surplus there was always a scramble for funds between the two halves of the government ; but if you had a distinct dividing line, that scrambling would be done away with and in consequence there would be less risk of any unpleasantness ?

A.—But I do not think, Maharaja,—of course you will bear me out—that there has been any unpleasantness.

Q.—Do you think that by having a separate purse any possibility of unpleasantness would be avoided ?

A.—Of course, the thing is that there is a certain amount of suspicion though very unjustifiable suspicion in the legislative council of whatever happens in the government ; they think that the reserved half of the government are very powerful and influential and grab everything ; as a matter of fact I have been a member on the reserved side and I have always been inclined to give the other side more than to take for my own department and I think that is the attitude of everybody else.

(*Sir Muhammad Shafi*).—*Q.*—You think it would remove that impression ?

A.—That is my idea.

Q.—As regards the rules that Sir Muhammad Shafi referred to, you were quite right in saying that when a Secretary is permitted to approach

the Governor direct with a case at any stage he has immediately to inform his member ; the Bengal rules say that ; would you rather in those cases also have him inform the member before he takes up the case to the Governor ?

A.—I think what is contemplated is that there may be some very urgent cases which have to be taken at once to the Governor.

Q.—You do not object to the wording of the rule as it stands ?

A.—No.

Q.—I am mentioning this for the reason that a great deal was made of this by one of the *ex*-Ministers of the Central Provinces I think, who said that it was very derogatory to them that a Secretary should take up a case direct to the Governor without getting their permission so to speak ; you do not think the rule as it stands in actual practice works any hardship ? I want your opinion because you and I have both worked this rule in actual practice ?

A.—So far as I remember, I do not think it does.

(*Sir Muhammad Shafi*).—*Q.*—For instance a case of emergency might arise while the Minister or the Member is on tour. Therefore if information to a Member is made a condition precedent it would interfere with the efficient working of the administrative machinery ?

A.—Yes, that is the object of the rule.

(*Sir Muhammad Shafi*).—*Q.*—That particular rule in your opinion was really intended to cover cases of urgency or emergency ?

A.—Yes.

Q.—There is only one other question I want to ask you—because it has already been substantiated by two *ex*-Ministers of Bengal and I am sure you will agree with me that it was my view at the time. Is it not a fact that when the communal question came up in connection with the Calcutta Municipal Bill, when it was a Bill and not passed into an Act, that the party of the late Ministers really had a very distinct set-back because two Ministers fell out with each other over the communal question ?

A.—They did. There were two Ministers on one side and one on the other.

Q.—Yes, but particularly two Ministers—Sir Surendranath Banerjee and the Nawab Sahib ?

A.—Yes.

Mr. Jinnah.—Q.—I want to ask you with regard to paragraph 10 of your note,—you said I think that the Muhammadans in Bengal are 56 per cent. Now they are in the majority ?

A.—Yes.

Q.—Would you require separate electorates in Bengal ?

A.—Yes, it is an absolutely necessity at present.

Q.—In spite of the fact that they are in the majority ?

A.—Yes, they are not organised, and not only that, communal feeling is bad ; they would like to be represented by men of their own choosing. I say that, so long as the people are divided into communities like that, this is a necessity, however regrettable.

(*Mr. Chairman*).—*Q.*—But he also said that it was his personal opinion ?

A.—I think he remains not only in a minority but in the minority of one.

Q.—Of the two Muhammadans who were parties to the Pact, Maulvi Abul Kasem was the other and you know he makes no secret of his opinion either on the platform or in private, that he is now entirely opposed to that pact ?

A.—Yes. I have heard that.

Q.—I was not at Lucknow on that occasion, but I understood that Nawab Ali Chaudhuri even at that time dissented from the Pact ?

A.—He told me that and I think he showed me his opinion.

(*Mr. Jinnah*).—*Q.*—You know that the Lucknow Pact was not a permanent settlement ?

A.—I do not think anything is permanent in politics ; is there ? For the time being I think it was a very good thing. I myself would have endorsed it at the time ; it was a good beginning.

(*Mr. Jinnah*).—*Q.*—It was never intended to be permanent or immutable ?

A.—I believe at that time it was not contemplated that responsible government would be inaugurated here ; I do not think that was in the mind of the people who were parties to the Pact ; it has made all the difference in the world. If you are going to have a democratic form of government you must have regard to the majority so long as people are divided into communities.

Q.—Do you remember that even at that time the then Punjab Muslim League protested against the Pact ?

A.—I do not know.

(*Mr. Jinnah*).—*Q.*—You thought the Pact was a good thing then ?

A.—I think I was then on the Bench ; but at that time I would say it was a good thing.

(*Mr. Jinnah*).—*Q.*—Would you have endorsed it ?

A.—Very likely I would have endorsed it ; it was a very good beginning.

Q.—As regards the method of representation, what is the feeling in Bengal amongst the Muhammadans ? Do they insist on election through their own communal electorates ?

A.—Undoubtedly.

Q.—The opinion there also is unanimous amongst the Muhammadans ?

A.—I should think so.

Q.—In paragraph 10 (*a*) you say " So long as communal representation remains a necessity the number of Muhammadan and Hindu seats—what are called general constituencies in Bengal are for all practical purposes Hindu constituencies—should be in proportion to their respective population ?

A.—Yes.

Q.—That is to say, in provinces where our Hindu brethren are in a majority you would secure to them the rights of the majority ?

A.—Yes.

Q.—Similarly in provinces where Muhammadans are in a majority you would secure to the Muhammadans the rights of the majority ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—Sir Abdur Rahim, before I come to your personal note, I should like to draw your attention to the Government of Bengal's letter. If you will kindly refer to paragraph 12 of that letter, it says " Four members of the Executive Council and three Ministers were held to be an excessive number for the administration of an area which in previous days formed only part of a province ruled by a single Lieutenant Governor. There is some force in the criticism, etc., etc." Now in the Punjab and in Bihar and Orissa (Dr. Paranjpye : " And the United Provinces ") and in the United Provinces you have got one official member and the interests of the Civil Service are secured in his hands ; and you have got in addition one non-official member. Do you think—I am asking your personal opinion—that in Bengal two members could carry on the reserved departments or not ?

A.—I think it would be rather too much.

Q.—On an occasion like the present it would be rather too much ; but supposing you have your transferred departments under Ministers ?

A.—Now of course it is out of the question ; but even taking the reserved departments alone I am afraid it will be too much.

Q.—Supposing you had three, instead of two ; in view of the fact that you have three Ministers on the transferred side who are non-official Indians, would you be willing so far as Bengal is concerned to go back to the old system when there was only the executive side, two officials and one non-official ? Would you be willing to have one Indian member as against two service men, the Indian member perhaps being by rotation a Hindu and a Muhammadan, as used to be the case before the transferred departments came in ?

A.—I do not think I should like to have that. I may say generally my view is not determined solely by the amount of work of the departments, the number of members ought to be sufficient in consideration of the whole political situation. I mean they ought to carry weight ; there ought to be a sufficient number to exercise influence in the country ; from that point of view I should be quite inclined to recommend even one or two members without any portfolios.

Q.—In other words, supposing you had three members, you would rather have one European official, one Hindu and one Muhammadan ; whereas if there had to be two official members you would prefer the present number of four ?

A.—Yes.

Q.—That is practically what it comes to ?

A.—Yes, practically.

Q.—Now, in view of your experience of four years in the Government of Bengal, you know that dyarchy was introduced as a transitional stage and that one way of giving full responsible government would be the gradual transference of all subjects ?

A.—Not only that ; also the removal of restrictions.

Q.—The gradual transference of subjects would be one of the primary ways in which you would bring in responsible government in your province ; it will be all Ministers when you have full responsible government ? You do not imagine that there will still be a reserved side ?

Q.—You think that the numbers or the percentage, you think that is the only test as to what representation should be given to one community or another ?

A.—If you have democratic government, I think that is the basic test.

Q.—We have not got that at present ?

A.—Oh yes, the beginning of it so far as the transferred departments are concerned.

Q.—Then what about the reserved ? You think the Muhammadans are not concerned with the reserved departments ?

A.—Well, the Legislative Council has no control over the reserved.

Q.—You see we are now dealing with the present system of Government—we are not dealing with the ideal state of national government or democratic government, whatever you may like to call it. At present in determining the share of the Muhammadans, as far as representation goes, would you say that population is the only test and no other consideration ?

A.—I said that if you have a democratic form of government—representative government even partially, then I think it is absolutely necessary and it is only right that you must go upon the basis of population.

(Sir Muhammad Shafi).—Q.—Even now you would regard that as the principal test ?

Q.—My question is, the only test.

A.—If you mean that minorities ought to be protected.

Q.—We will come to that later. First I want to get this clear. Do you think that this is the only test and there is no other test. I am talking of the present state of India ?

A.—I should say it is the most important test.

Q.—Then you say it is one of the tests—it may be an important one—but one of the tests ?

A.—Well, there may be some other test—if you will suggest it to me I can answer.

Q.—You can't think of any ?

A.—You mean education ? Is that what you mean ?

Q.—I am not going to suggest anything.

(Mr. Chairman).—I think you have got your answer. It is quite clear.

A.—Of course, I cannot dive into what you are thinking.

Q.—You are not supposed to dive into what I am thinking. You are supposed to answer the question.

(Mr. Chairman).—I think he has given you a very fair answer.

(Mr. Jinnah).—I don't say he has not.

(Mr. Chairman).—Yes, but you have asked him a question and he has given you an answer.

(Mr. Jinnah).—Well, I am giving him an opportunity again. If he says so I have nothing more to say.

Q.—Now, would you not consider the question of voting strength as one of the tests ?

A.—Yes, it depends on how you frame your voting strength.

Q.—But you would consider that ?

A.—Yes, certainly ; what I mean is, you should frame your franchise on that basis.

Q.—Try and follow me please. I am now thinking of nothing else but what portion of representation the Mussalmans should have. That is the point on which I am now asking questions ?

A.—I understand.

Q.—You say that the Muhammadans must have representation in Bengal—I am talking of Bengal—I am not talking of any other province ?

A.—I know nothing of any other province.

Q.—Quite right. You say the Muhammadans should have a proper share in representation and you say that their majority must be maintained. Now, I put it to you, is population the only test ?

A.—Well, and you suggested voting strength.

Q.—Would that be taken into consideration or not ?

A.—It strikes me that, if my proposition is correct that you must take the population into consideration for purposes of guidance, then you frame your franchise accordingly. That is what I mean. For instance, if you say, men only who have an income of Rs. 100 a month or Rs. 500 or Rs. 1,000 a month, shall have franchise, you may be disregarding the population test altogether.

(Dr. Paranjpye).—But you can have manhood suffrage.

A.—Yes, that is what every democratic government is aiming at.

Q.—Supposing—I will give you a specific instance—supposing 44 per cent. of representation is given to Hindus and 56 per cent. to Muhammadans ?

A.—It wouldn't be that.

Q.—Suppose, I am saying. I am taking an instance. It would be between the two. But suppose that any standard of franchise that you may lay down—qualifications for the voters—the total number of voters that will get on the roll who are returned to Hindus is far in excess of the total number of voters who will remain on the Muhammadan electorates ?

A.—Well, what about the manhood suffrage ?

(Sir Muhammad Shafi).—You see, the framing of such a system is radically wrong.

(Mr. Jinnah).—I think, Sir, it is very wrong that I should be interrupted at every turn. I really think that I should be allowed to go on.

(Mr. Chairman).—You go on, as quickly as possible.

(Mr. Jinnah).—I can't go on quicker than I am.

(Mr. Chairman).—It seems to me the witness is doing his best to answer your questions.

(Mr. Jinnah).—I think the witness is absolutely trying his best.

Q.—Now, would you take that into account or not in fixing the proportion of Muhammadan representation ?—the voting strength ?

A.—I think my answer that you should frame your franchise accordingly answers it.

Q.—Now, in Bengal would you insist upon 56 per cent. of Muhammadan representation ?

A.—As against Hindus, yes.

Q.—Would you apply the same rule to other provinces ?

A.—Subject to the other qualification—safeguarding large minorities.

Q.—But in Bengal would you not give more to the minorities ?

A.—46 per cent. is quite enough for purposes of protection. Again, there are the Europeans and there are the officials.

Q.—You say the minorities in Bengal are effective as it is ?

A.—Yes.

Q.—Well, now, we get to the next point ?

(*Sir Muhammad Shafi*).—Before, Mr. Jinnah, you get to the next point, I want a ruling from the Chair. While other members have been examining witnesses and in several instances while I was examining witnesses Mr. Jinnah has interposed and put questions in order to clear the answer or in order to impress his own view. If this practice occasionally of intervention is to be stopped, it must be stopped in respect of all members. I mean not only in the case of one member.

(*Mr. Chairman*).—I think you will recognise that in allowing questions to be put I have endeavoured always to be perfectly fair—that is, if it is reasonable, undoubtedly it saves time.

(*Sir Muhammad Shafi*).—You have been most courteous and given every freedom to members during the examination of witnesses but, when objection is taken by one member to a question, I am entitled to take similar objection.

(*Mr. Chairman*).—Most certainly. I think it is inconvenient and it is disturbing in the course of one's examination if an intervention is put in ; unless it is in the best interest of the committee.

(*Mr. Jinnah*).—My only point is that while you are in the midst of your point, if any member gets up and wants to put his point, it is most disturbing. That is my objection.

(*Sir Muhammad Shafi*).—Mr. Jinnah has done it more than once himself.

(*Mr. Chairman*).—You have done it yourself.

(*Mr. Jinnah*).—But not in the middle.

(*Mr. Chairman*).—However, I must ask the committee to bear with one another and not interfere unduly.

(*Mr. Jinnah*).—I think, Sir, it would be much better if your ruling is taken every time a member wants to intervene.

(*Mr. Chairman*).—I don't want to do that because it will delay matters.

Q.—About this Swaraj Party, was this party of obstruction—you have been in public life and you have also held high office in the Government—what are the causes of this, do you know ? I mean the main causes—I don't want to go into the details but have you ever considered what their attitude is due to ?

A.—The people that form the party begin with an invincible distrust of the British regime in India altogether. That is one reason. Then they think they are the only people who can run the Government in Bengal and they are extremely intolerant of difference of opinion. So much so that they have been able to destroy freedom of speech altogether in Bengal. No

public meetings can be held now. They have got great confidence in themselves and absolute distrust of others. That is the mentality which I have been able to gather underlying their attitude.

Q.—You said that in Bengal the swarajists had the support of the Independent or the Nationalist party ?

A.—I see no difference between the two. They are one.

Q.—What remedy would you suggest ?

A.—Tell them plainly how far we shall go and no further. Do what you like.

Q.—You must define what advance you are prepared to make ?

A.—Exactly. It is for you to define the limits within the Act or by the rules.

Q.—You think that they can be met by telling them that the Government are prepared to make an advance thus far and no farther ?

A.—Yes, but there should be no advance at present.

Q.—That will satisfy them ?

A.—Whether that will satisfy them or not I do not care. Those who come into the Council under the Act must abide by the Act.

Q.—There is no other remedy that you can suggest ?

A.—I have suggested the removal of certain difficulties. My suggestion is to make the trial of responsible government absolutely real as far as the transferred departments are concerned because the object of the Act is to institute responsible government here by gradual stages. This is a transitional stage or as it is sometimes called an experiment. We want to gather experience how this form of Government will work in India. India has never known this form of Government. India has produced very great men, great administrators, great rulers but any sort of Parliamentary government has never been known here and if the British people have to make over the Government of India to the people of the country I cannot readily conceive of any other. And I think this is the best. That is why this Act says so far as certain subjects are concerned their administration will be responsible to the Council. We have got to see how the Council runs the Government. We have not got sufficient experience yet and without it it will be dangerous and it will be unsafe for future constitutional advance to take a false step.

Q.—Your remedy is that so far as the transferred subjects are concerned the Governor should be made a constitutional Governor ?

A.—As far as possible.

Q.—And that there should be division of purse ?

A.—Yes.

Q.—And that the Minister should be responsible to the legislature for his policy and programme ?

A.—Yes, that is my individual opinion.

Q.—I am talking of your opinion. If that was done, do you think it will satisfy the representatives in your Legislative Council ?

A.—It will not satisfy the Swarajists because they have come in with the idea either the whole thing or nothing.

Q.—I am not dealing with the Swarajists. Do you think that in that event the Ministry could be formed with the support of the majority in the House of representatives ?

A.—I am rather sceptical but I would give a chance to the people to run a Government like this.

Q.—Supposing that proposal of yours was carried out by Government, would you in Bengal expect them to form a Ministry which will command a majority of the House ?

A.—If you amend the franchise as I have suggested there is a possibility.

Q.—According to your proposals it is possible ?

A.—If you amend the franchise. I have made that the condition. It is possible but I am not sure because it is a very difficult form of Government to run.

Q.—Supposing the demand that is universally made for a substantial advance was conceded don't you think that the party of wreckers will considerably weaken and probably be unable to carry out their policy ?

A.—Yes, but I do not know how the administration will be run. That is the difficulty. I want to be reasonably certain how it is going to work.

Q.—I am not defining the advance. Supposing a substantial advance was made, will that not weaken the party of wreckers ? I am not talking of the Swarajist demand ?

A.—I know of no other demand excepting the Swarajist demand for complete autonomy.

Q.—You yourself have made proposals. I am not talking of any particular party. Supposing the Government were to make a substantial advance in the constitution of the Government of India, will not that strengthen the constitutional party and weaken the party of wreckers ?

A.—No. The constitutional party will take that as a sort of betrayal. They have supported the constitution of the Government of India Act because they want, a trial to be made of real responsible government and not of autocratic irresponsible government by whatever name you call it.

Q.—Then I take it that the constitutional party in this country does not require any substantial chance in the present constitution ?

A.—I cannot speak for the whole of India. I have been engrossed in the affairs of Bengal.

Q.—I am talking of Bengal. The constitutional party in Bengal does not desire any substantial change in the present constitution of the Government of India or the Provincial Government ?

A.—That is my opinion.

(*Sir Tej Bahadur Sapru*).—What exactly do you mean by the constitutional party ? Who are they ?

A.—Those who have supported the constitution. I should take them to be those who supported the Ministers' salaries on the two occasions.

(*Sir Arthur Froom*).—*Q.*—With reference to what you have said, that the constitutional party does not require any change, I take it that you wish the committee to understand that they do not want any change immediately ?

A.—That is what I meant.

(*Sir Arthur Froom*).—*Q.*—They have got their eye on the future when some change might be made ?

A.—Yes. May I say one word about the constitutional party. I do not mean the party that existed or was supposed to exist in the last

Council. I do not mean that. I mean those who have been supporting the constitution in the present Council.

Q.—I was not talking of your Council. I was talking of the country at large. I do not like to go into details. Outside in the country there are several parties, the Liberal party, there is the Independent party, there is the Nationalist party, there is the Swarajist party and the party of Non-co-operators. You know all that ?

A.—I have heard of the names.

Q.—Just for the sake of shortness, there is a party in the country which might be characterised as a party of wreckers who repudiate the Government of India Act of 1919. They consider it a thing which must be destroyed. There is another party which desires a further advance in the constitution of the Government of India. If a substantial advance were made, would not that party which wants the advance under the constitution be made stronger and the party of wreckers would be weakened considerably.

A.—I do not think so from my experience of Bengal. I should have thought that if they went about in the proper way things would have been much easier by this time and that is what I advised some of my friends of the Swaraj party.

Sir Henry Moncrieff Smith.—*Q.*—Is it your opinion, Sir Abdur Rahim, that for the establishment of full responsible government an essential condition is the formation of a political party system on more or less sound lines ?

A.—Certainly.

Q.—Have you seen any indication so far of the evolution of a sound party system ?

A.—Just at the latter end of the last Council perhaps there was a sign that parties may form but there was not time enough for that party to grow. One could not be certain. I think there was some sign of parties being formed.

Q.—Generally speaking was the only well organised party the anti-government party ?

A.—Exactly.

Q.—The constitutional party that you referred to was really a collection of individuals rather than a party ?

A.—Yes. I would call them rather a group but they are organising themselves.

Q.—When a Minister accepts office he undergoes to a certain extent a change of attitude, does not he ?

A.—Undoubtedly.

Q.—He has to go from destructive criticism of Government's policy to a constructive policy of his own ?

A.—It is a natural process.

Q.—Is it not one of the difficulties due to the fact that so far as he belonged to a party before he accepted office as Minister, he is inclined to leave his party behind him ?

A.—I do not think why he should.

Q.—Does his party in so far as it existed before also undergo a change of attitude ? Do they abandon destructive criticism ?

A.—In the first Council parties had not formed themselves though attempts were being made and in the new Council the Swarajists destroyed everything.

Q.—Is there any large tendency at present for a Minister's party to form itself, a pro-government party ?

A.—There is a tendency, Yes.

Q.—With regard to your proposals, Sir Abdur Rahim, you say that they may appear " rash and hazardous ". Do you mean to suggest that to go much further would be more than rash and hazardous, would be dangerous and suicidal ?

A.—It would be.

Q.—With regard to your proposal to give Ministers' Secretaries for the Council chosen by them from among the elected members, do you mean to replace the Secretaries under Government by these Ministers' Secretaries ?

A.—My idea so far as the transferred departments are concerned they ought to be made over entirely to the elected members.

Q.—You cannot carry on without some permanent staff ?

(*Mr. Chairman*).—*Q.*—You will have the permanent secretary in the department ?

A.—Yes, I want some secretaries to be the spokesmen of the Minister in the Council, a sort of understudy if you like.

Q.—Do you contemplate something like the Council Secretaries that are contemplated by section 52 of the Government of India Act ?

A.—Yes.

Q.—You think that section 52 will, if worked, give you all that you want ?

A.—I consider so.

Q.—Of course section 52 provides that the Governor is to appoint them. How would you arrange that ? Would you have Council Secretaries appointed by the Governor on the recommendation of the Minister ?

A.—I do not think it matters very much whether he is appointed by the Governor on the Minister's recommendation or directly by the Minister himself.

Q.—And the salary as at present is voted by the Council ?

A.—That, I suppose, will be done either in consultation between the Ministers and their followers and the Governor or the Council will fix the salary.

Q.—Under the Act it is fixed by the vote of the House ?

A.—I had overlooked that. I would maintain that certainly.

(*Mr. Chairman*).—*Q.*—Would you maintain that provision ?

A.—Yes.

Q.—It has been suggested to us that the moment a man is appointed a Council Secretary he would go into Government's pockets and that his party would lose his vote ?

A.—This may happen for that has been the mentality of the Council I am rather sceptical, but I would try it.

Q.—You have not tried that system ?

A.—No.

Q.—Was the possibility of trying the system ever considered ?

A.—Yes. I think it was considered but was not tried partly for financial reasons and partly for other difficulties.

Q.—Your Council Secretaries would not be whole-time servants ?

A.—No. That is a detail, I really cannot pronounce an opinion upon.

Q.—One point, Sir Abdur Rahim, with regard to the access of Secretaries to the Governor. You propose to leave the Governor certain powers, considerable powers. As the head of the Government he has to keep himself in touch with what is going on in all the departments ?

A.—That is why I think that all questions of policy ought to be considered and settled by a meeting of the Ministers.

Q.—All questions of policy ? Do you mean important or unimportant ?

A.—Important.

Q.—But if there are a large number of questions that have to be laid before the Governor on which, he now receives information from his Secretaries and if you deprive the Secretary of his access, it will mean that Members and Ministers will themselves have to keep the Governor in touch with what is going on ?

A.—Yes. The Governor will also have the power to call for any information.

Q.—Don't you think that it will be making a very serious demand on the time of Members and Ministers ?

A.—I do not think in practical working it will. After all, that is not a very integral part of my proposal.

Q.—One of your proposals is that Ministers should have the right to consult the Governor and the Members of the Executive Council if they so chose. Is there anything to prevent such consultation now ?

A.—No, it has not taken place. I suppose it has to be done through the Governor. I am not sure that there is any rule, providing for any such consultation at the instance of a Minister.

Q.—There is nothing to prevent informal conference. You have many informal conferences with your colleagues on both sides ?

A.—I should have liked to have seen much more of it.

(*Mr. Chairman*).—*Q.*—You would like to encourage it ?

A.—Yes.

Q.—So far as decisions are concerned, you would draw a very distinct line between the two sides of the Government ?

A.—Yes.

Q.—It has been suggested to us that dyarchy is an impossibility, because it is not a unified Government. Do you see any force in that contention ?

A.—No, I have not been able to understand it. If you do not want to work dyarchy, you can make it impossible. That is another matter. They have not proved that it is unworkable. They have proved that they can make it unworkable.

Q.—They have proved that they do not like it ?

A.—Yes, that is it. They never tried to work it.

Q.—In your proposal on the last page, portion marked A, you say : " We have already addressed the Government of India on the desirability

of greatly relaxing the rules and practice requiring sanction of the Government of India to local legislation.'' You say ' rules and practice.' Do you intend to suggest there that the Government of India have in fact added by its practice to the restrictions that are imposed by section 80A of the Government of India Act ?

A.—I am afraid I have used that word ' practice ' rather vaguely. Unless I have the whole thing again before me, and consider the details, I cannot really say.

Q.—You know there are instructions to Local Governments with regard to provincial legislation, instructions from the Government of India ?

A.—Yes.

Q.—I think what was in your mind was that the instructions went further than was really required to enable the Governor General to exercise his statutory control under section 80A ?

A.—It was something vague. I would not be able to define it.

Q.—You are aware probably that the Bengal Government questioned the correctness of the Government of India's interpretation of that section ?

A.—Yes.

Q.—And you are aware that the Government of India's views received support from England ?

A.—Yes.

Q.—And we have communicated that ?

A.—Yes.

Q.—You are also aware that the Government of India are contemplating some steps which will relax the restrictions on provincial legislation imposed by the Act ?

A.—Yes.—At the time I wrote it, we had not received the communication. That is why I have put it like that.

Sir Tej Bahadur Sapru.—*Q.*—Sir Abdur Rahim, in your memorandum which is before the Committee, at the commencement you say :

'' There could be no doubt that the demand of Indian public opinion as voiced by many of the influential, thoughtful and responsible exponents of such opinion is for the immediate grant of an entirely autonomous and responsible Government in the provinces and a considerable introduction of responsibility in the Central Government. ''

A.—Yes.

Q.—Then I take it that you do not agree with these influential, thoughtful and responsible exponents of that opinion ?

A.—So far as the situation has arisen in Bengal, I consider the opinions of outsiders are not of much value.

Q.—You do not agree with that opinion ?

A.—No. I agree that the object in view of the Government of India Act must be steadily pursued. I am entirely in agreement with that.

Q.— I want to know whether there are any such influential, thoughtful and responsible men in Bengal also, that is to say, men who hold the opinion from which you differ ? I am not talking of the Swarajists. I should assume that all of them are irresponsible, thoughtless but perhaps it is difficult to assume that they are not influential ?

A.—That is your own language. I do not want to defame people. You may have got the privilege of doing it.

Q.—I am asking you whether, from your knowledge of Bengal, both as an official and as a resident of Bengal, there are such people there ?

A.—Yes, there are such people, of course.

Q.—Now, Sir Abdur Rahim, you make 12 suggestions for the improvement of the Government of India Act or the constitution as it is. Assuming that every one of those 12 propositions suggested by you was accepted and the constitution accordingly modified, do you think that would strengthen the constitutional party in Bengal ?

A.—It might.

Q.—Now, I suppose you mean that it would strengthen the constitutional party in Bengal in its struggle with the wreckers, the Swarajists ?

A.—Yes.

Q.—You think it would. What is at the present moment the total strength of the constitutional party in Bengal, roughly speaking in the Council ?

A.—I should say about.....

Q.—20 ?

A.—No, more than that.

Q.—30 ?

A.—More than 40, I think.

Q.—I am applying the test which you yourself suggest, namely the constitutionalists are those who supported the Ministers during the recent debates. I am including the officials ?

A.—But you are not including Europeans.

Q.—I shall include the Europeans also ?

A.—That would be 40 ; I should think it may be a little more. I am leaving out the nominated members.

Q.—I would include the nominated too ?

A.—Then it would be more than that.

Q.—How much would that come to ?

A.—45. Roughly speaking it would be about that. (The Chairman : 46).

Q.—Then what would be the backing which these constitutionalists could command at the next election ?

A.—I should expect more than that, if you amend the franchise. That is part of my scheme.

Q.—Assuming that the franchise was amended as you suggest, do you think that these constitutionalists would increase their number at the next general election or would it still be a difficult task for them to oppose successfully the Swarajists ?

A.—Their number will increase, I believe. But it is after all speculation.

Q.—You think they might be able to oppose successfully ?

A.—Yes.

Q.—You think they would be able to increase their number substantially as against the Swarajists ?

A.—I think so ; that is my estimate.

Q.—Outside the councils what has prevented these constitutionalists from fighting the Swarajists ? Why have they not been able to bring the pressure of public opinion to bear upon them ?

A.—The Swarajists are the party of Non-co-operators and Khilafatists, and they are supported by others too. The Non-co-operators and Khilafatists you know, are very very strongly organised and the Swarajists have got the benefit of that organisation. During the Non-co-operation wave and the Khilafat movement the supporters of the Government felt rather hopeless and helpless ; and it is by the help of these organisations that the Swarajists have been able to destroy all other parties there, and, as I have said, freedom of speech, public meeting, everything.

Q.—What I want to know is this. Assuming that these 12 suggestions that you make are acted upon, how are they going to strengthen the position of the constitutional party in the electorate, or in the country ? That is what I want to know ?

A.—There is possibility of re-action. That is my idea. There is re-action already against the Swarajists.

Q.—Have you had any evidence of that re-action against the Swarajists in Bengal during the last say 10 months or 8 months ?

A.—You mean in the Legislative Council.

Q.—In the country first and then in the Legislative Council ?

A.—Yes ; among Muhammadans especially.

Q.—And among the Hindus ?

A.—Among the Hindus I have heard lots of people privately speaking against them.

Q.—Supposing your Government were to decide to dissolve the Council to-day, do you think that re-action in Bengal, which you think is springing up against the Swarajists, would have any direct effect on the result of the election against Swarajists ?

A.—Government must choose its time. There must be amendment of the franchise as I have proposed.

Q.—In other words, it comes to this, that if you were to dissolve the council to-day without amendment of the franchise, the Swarajists could not possibly be defeated by the constitutionalists ?

A.—That is so ; that is my calculation.

Q.—Suppose the franchise was amended, would you please tell the Committee how that would weaken the position of the Swarajists ?

A.—Because the Muhammadans will have larger representation and it will be clearly to their interest to organise themselves, for in the spirit of the Government of India Act they will have a chance of running the Government.

Q.—Then it really comes to this, that if the Muhammadans get representation in proportion to their numbers in Bengal, they would be an effective opposition to the Swarajists ? Unless that is done, the Swarajists cannot be defeated ?

A.—That is my idea. Of course there is the process of time ; there is the Calcutta Corporation, we do not know what will happen in consequence of that. There has been the Tarkeswar affair. All that is having an effect on popular opinion.

Q.—The Muhammadans being in a majority in Bengal, under the revised franchise I suppose the Government would have to be run by the Muhammadans ?

A.—I do not know for certain but probably.

Q.—The Swarajists would not join ?

A.—If the Swarajists do not join, there may be other Hindus who will ; the constitutional parties may strengthen.

Q.—What is the position of the constitutional Hindus as against the Swarajist Hindus ?

A.—Their party has become considerably weakened, but if they are really constitutionalists, I take it, they are opposed to the Swarajists.

Q.—Assuming the Muhammadans were in power in Bengal and that they ran the Government, they would have to face opposition ? What opposition would they have to face, the opposition of Swarajists or Constitutionalists, or of the two ?

A.—I am hoping there would be a good many constitutional Hindus with the Muhammadans.

Q.—What is the position now ?

A.—There are some constitutionalists with the Muhammadans. In the last Council there were some.

Q.—Among the elected members ?

A.—Yes.

Q.—Do they carry much weight, these Constitutionalists ?

A.—I suppose so, otherwise they would not be returned.

Q.—That has yet to be tested ?

A.—But they have been returned.

Q.—What chance do you think they will have at the next election ?

A.—It will depend. If the next election is delayed, I should think their chances will increase.

Q.—In your proposal 2 you say the nominated officials and *ex-officio* members shall not vote in matters relating to transferred subjects, and Ministers may refrain from speaking or voting, but are not to be permitted to speak or vote against the Local Government in any reserved matter. Reading this with the subsequent clause in which you want the relations of the Ministers and the Governor to be placed on a constitutional basis, it seems to me that what you really want is to strengthen the transferred half of the Government ?

A.—I hope it will have that effect.

Q.—And will make it a reality ?

A.—Make it more responsible than it is at the present moment from the constitutional point of view. I do not mean that as a matter of fact the Governor has been upsetting the orders of the Ministers. I never meant that.

Q.—That is not my suggestion. Don't you think the effect of this suggestion of yours would be to create dyarchy within dyarchy ?

A.—How is that ?

Q.—The nominated members are not to have a vote in regard to transferred subjects ? The nominated officials and *ex-officio* members ?

(*Mr. Chairman*).—That really means the officials in the Councils.

Q.—They are not to vote in relation to transferred subjects and the Ministers are to refrain from voting ?

A.—That makes it wholly responsible to the Council ; that is my idea.

Q.—And would you allow the Ministers any vote in regard to reserved subjects ?

A.—They cannot vote against reserved subjects, nor can the officials vote against the Ministers in the transferred department.

Q.—Your idea is that it should not be possible for one section of the Government to vote against the other ?

A.—Exactly.

Q.—So far as the official members are concerned, you would not allow them to vote against the transferred half ?

A.—No, because I want the elected representatives alone to run the Government in the transferred departments.

Q.—I should like to ask whether, in a case where the Ministers introduce in the transferred half a Government measure, would you in those cases also not allow your officials to vote ?

A.—No, of course not.

(*Maharaja of Burdwan*).—*Q.*—You would not allow them to vote even in those cases ?

A.—No.

Q.—Speaking of the relations of the Ministers with the Governor, you say that they should be placed on a constitutional basis. May I invite your attention to section 52 (3). How would you modify it in order to give effect to your idea ?

A.—I think the President asked that question.

(*Mr. Chairman*).—*Q.*—I asked that very question, and he said save in regard to law and order ?

A.—What I had in mind in making that condition about law and order was this : take for instance the question of the slaughter of cows and things like that.

Q.—You would give the Governor overriding powers in regard to those matters ?

A.—Yes.

Q.—With regard to communal representation in the services, how would you bring that about ? Take for instance your provincial service, Deputy Collectors or Subordinate Judges, would you lay down certain proportions for the Muhammadans ?

A.—Yes certainly.

Q.—But you expect those candidates to come up to a certain standard ?

A.—Certainly. Pardon my saying so but, if your question implies that Muhammadans are not qualified, I repudiate it. In Bengal at present we have an abundance of qualified Muhammadans.

Q.—Would you recruit them by general open competitive examination ?

A.—Yes in compartments, that is what we are doing now.

Q.—Something like what has been done in the United Provinces ?

A.—We are doing this in Bengal now ; we are holding one common examination and so many men are to be taken from the top.

Q.—The first ten Muhammadans and the first ten Hindus ?

A.—Yes.

Q.—I suppose recruitment in the High Court begins with the Munsiffs ?

A.—Yes.

Q.—So far as Munsiffs are concerned, they are generally taken from men who hold the degree of B.L. ?

A.—Yes.

Q.—Is it your suggestion that there are a sufficient number of Muhammadan B. Ls.' and they are not selected ?

A.—Latterly they have not been selected, and there are a sufficient number.

(*Mr. Chairman*).—*Q.*—Is it not a fact that the High Court in Bengal generally requires a double qualification of M.A. and B.L. ?

A.—I do not think they have any such rule.

Q.—Generally in other provinces you cannot be a B.L. until you are a graduate in Arts or Science ?

A.—It is the same in Calcutta, you can not be a B.L. without being a B.A., but I do not think, so far as I know, that the High Court insist on their being M.As.'.

(*Mr. Chairman*).—*Q.*—I was Registrar there for five years and in those days preference was certainly given to M.A.s.'

Q.—Would it be possible for us to get the statistics of the B.As.' and B.Ls'. both among Hindus and Muhammadans during the last five years ?

A.—Quite easily.

Q.—And also statistics of candidates who applied for Munsiffships and were rejected ?

A.—Of course. But I should like to warn you of one thing ; if you mean the number of Hindu graduates is larger, that goes without saying, but you get a sufficient number of qualified Muhammadans.

Q.—It is obvious if the number of Hindu graduates is larger, the next question would be what was the number of Hindu candidates and Muhammadan candidates who applied for the Munsiffships ?

A.—They would be larger, you may take that from me, but latterly the Muhammadan graduates have not been encouraged to make applications.

(*Dr. Paranjpye*).—*Q.*—Are the candidates for Munsiffships required to have a certain amount of practice ?

A.—Three years, but that is being done away with.

Q.—May I know how these candidates are selected by the High Court ? Is there a committee or is it done by a single Judge ?

A.—I believe a single Judge makes the selection in the Calcutta High Court.....

Q.—It used to be a committee.

A.—Of course you would know better.

(*Mr. Chairman*).—*Q.*—At any rate in my time the Judge associated with himself one English Judge.

Q.—In Allahabad since the last 21 years there has been a board consisting of one European Judge, one Hindu Judge and one Muhammadan. Before that it was entirely in the hands of a single Judge ?

(*Mr. Chairman*).—In my time it was in the hands of Mr. Justice Rankin.

Q.—You said there was no vote of want of confidence passed against the Ministers. According to my knowledge of the affair—it may be wrong—what happened was that originally a motion was tabled but that was disallowed by the President for some technical reason. Then there was a motion for the adjournment of the House which was talked out.

A.—You mean on the last occasion ?

Q.—I mean in March or February. I think it was February. First of all there was a Resolution sent to the President. The President would not allow it on account of some technical reason. Then there was a motion for adjournment in which the conduct of Ministers was discussed, and that was talked out.

A.—There was a motion in which votes were taken and it was defeated by one vote.

Q.—I am not at all sure whether your memory is right. Anyhow you can ascertain that from the Bengal report.

(*Mr. Chairman*).—We have got the file.

A.—Of course I do not commit myself to the exact wording.

Q.—Nor do I wish you to. Now as regards the Tarakeshwar affair, isn't it a fact that the suit in which the Receiver was appointed was a suit under section 92 of the Code of Civil Procedure—a charity suit ?

A.—I do not know the details of the case but I believe it was so.

Q.—My impression is that it was under section 92 of the Code of Civil Procedure ?

A.—That is my idea also.

Q.—I wish to remind you whether it is not a fact that after the compromise between Mr. Das and three plaintiffs, or rather when the proceedings with regard to the compromise were coming on three more plaintiffs were added ?

A.—Before the filing of the compromise. This is what I gathered from the papers. I cannot tell you from any official information.

Q.—I will explain my point in a word. My point is that the Receiver applied for possession and he was given what is known as a formal or symbolical possession but not actual possession.

A.—But no application was made to the Government by either the Judge or the Receiver—it would officially have to be by the Judge at the instance of the parties,—for any further assistance.

Q.—Your point is that neither the Judge nor the Receiver applied to the Government for assistance ?

A.—Exactly.

Sir Sivaswamy Aiyer.—*Q.*—You said you would like to try the system of dyarchy in a restricted form. It is said that under the present system of dyarchy the minister is looked upon with suspicion and he is generally identified with the Government. Do you think that state of things would improve or get worse if your suggestion were adopted ?

A.—I think that so far as that point is concerned there will be an improvement—at any rate, there ought to be, because they will not be associated it will be understood that they are not associated with the policy of the reserved departments.

Q.—Would you allow the Ministers to disclaim responsibility for the measures taken by the reserved departments ?

A.—Yes, but would not make it obligatory on them to do so by speech or vote.

Q.—Well outside the Council ?

A.—Yes, that is a difficulty which my Government points out. There are those difficulties undoubtedly. There is that risk.

Q.—You say they need not vote or speak for the measure ; but they are prevented from declaring to the public that they have no part in it.

A.—That is so.

Q.—And that difficulty will continue ?

A.—It will become worse I am afraid because they will have their followers and party. What will be their instructions from their party regarding the reserved departments. I foresee great difficulties.

Q.—And they are not in a position to say what takes place in the reserved half of the Government.

A.—That is so.

Q.—Therefore the difficulty will be somewhat aggravated ?

A.—I think given good will it can be worked.

(*Dr. Paranjpye*).—*Q.*—Given goodwill the present scheme can be worked also ?

A.—Yes but it will work more smoothly.

Q.—Then it has also been said that people are generally unable to understand this dyarchy system and they are unable to separate the responsibility of the Ministers and Members. They do not understand what dyarchy is and they hold the Ministers responsible for each and every act of Government. That state of things will also continue.

A.—Not if my scheme is adopted.

Q.—Even if the franchise were extended ?

A.—Not if it is understood that they are in no way responsible for the policy of the reserved departments.

Q.—That is only so far as we are concerned and so far as the constitution makers are concerned, but the ordinary people will not be able to understand that.

A.—If you have that either in the rules or in the Act itself, there is no excuse for any misunderstanding.

Q.—Even now it is clear in the Act and the rules.

A.—No, now you have joint meetings and people say there are joint meetings held therefore the Ministers are responsible for the policy of the reserved departments. If you don't have joint meetings for deciding questions of policy than it will be understood that they are only consulted and take no part in the decision.

Q.—Would you allow the system of joint deliberations between the two halves of the Government—would you continue that ? I understand from your Government's memorandum that the system of dyarchy was worked strictly at first, that after a year's experience it was given up and that it is now being worked more or less by convening joint meetings of both halves of the Government. That is the practice now. Would you continue it or discontinue it.

A.—I would consult them certainly, because they are the representatives of the people. I would consult them very freely.

Q.—And so you would have joint meetings ?

A.—Yes in that sense.

Q.—I mean not for the purpose of decision but for the purpose of deliberation ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—What more is it at present ?

A.—They are called in at joint meetings and decision is issued under practically by the majority.

Q.—Would you have the Ministers treated as a collective entity or would you allow the Governor to grapple with each minister singly ?

A.—I would give them collective responsibility.

Q.—Don't you think that if dyarchy were worked strictly, the Ministers might refuse to vote with the Government on measures affecting the reserved half ?

A.—Yes.

Q.—And in fact you contemplate that ?

A.—It is contemplated by the committee itself. They can abstain even now.

Q.—But still they think an obligation lies on them.

A.—Yes because they have to be supported by the official vote.

Q.—If the reserved half fail to support the Ministerial half, or if the Ministers and their supporters—or at any rate a good portion of their supporters—fail to support the reserved half, would it not have the effect of isolating the reserved half and crippling the power of the reserved half ?

A.—There is that risk. The Bengal Government points that out. I quite see that difficulty.

Q.—I mean that point has been put to us and I want to hear your solution.

A.—What our Government has said, there is considerable force in that but I thought that the view which I have expressed might be considered also by the Committee. That is why I put it forward.

Q.—While on the one hand your scheme will have the effect of a clear demarcation of responsibility, on the other it might still place the reserved half in a very awkward position sometimes.

A.—The reserved half can always support itself—I mean protect itself —under the Act.

Q.—True, but still the frequent exercise of those exceptional powers is not desirable.

A.—But it is not considered to be exceptional, it was not meant to be exceptional.

Q.—That I know, but still the use of those safeguards too frequently is not likely to make the Government popular.

A.—I am not inclined to think always of extreme cases and don't know why people should always be unpacked to go to extremes.

Q.—Unfortunately we have to reckon with people who are not as reasonable as ourselves.

A.—What I meant is this. The present situation is a very difficult one. The difficulties had not arisen before to that extent or anything like it. I mean the whole thing is the creation of one particular party.

Q.—But if their demands were conceded, it might make them more reasonable—these extremists.

A.—Well what about the administration ? If I ask for a thing and you give it to me, I shall of course be satisfied for the time being at least. We are not asked to look at things from that point of view merely.

Q.—But you see at present the energies of these people are all diverted to this question, engrossed upon this question of getting more power from the Government and greater responsibility ; they are not devoted to any constructive schemes at all.

A.—My position is this, we have got very considerable powers in the Government of India Act. In my opinion, if there is such a thing as the English point of view or the official point of view different from that of the people, Indians are in a position to enforce the people's point of view in almost everything. If we have not utilised the powers fully, it is entirely our own fault. I say you have got considerable powers under the Act, why not utilise them ?

Q.—I am not questioning that statement with which I agree, but what I wish to put is this. At present the people who are dissatisfied with the present regime go on agitating and do not turn their energies to really useful things or to constructive work but divert their own attention and succeed in diverting the attention of the country to agitation for the purpose of getting more responsibility. That is a fact to be recognised.

A.—It is.

Q.—And therefore if larger powers or responsibility were granted, it might put a stop to this kind of undesirable agitation and activity.

A.—I don't think it will.

Q.—Now one of the difficulties in the way of our progress towards responsible government has been said to be the want of party organisation. At present the chief contest is between the Government on the one side and the politicians on the other side. It has been said there is no other party in the country. Now if responsible government were granted, do you not think that it would help to form parties on a proper footing. Would it not help towards the formation and consolidation of parties ?

A.—It is still extremely problematical that we shall be able to secure a stable government from what I have seen there. Besides we are aiming at something like a democratic form of government ; if we do not secure that, we may be securing merely a sort of autocratic form of government.

Q.—But the fact that there is no irremovable government in power against you and that you can turn out any government and be at any moment called upon yourself to assume responsibility, would that not be a factor promoting political party organisation ?

A.—I should submit this to the Committee : Why merely speculate ? Why not proceed upon experience ? What difference would it make if you have to wait a few more years ? Why should we be in such a hurry ? Why should I want to see everything and not leave it to my children also to do something ?

Q.—But the thing is that so many people seem to be in a hurry and they all seem to be quite mad about it ?

A.—I do not think in a serious matter like this when you are experimenting in a new form of government something quite novel to the country, you should hurry ; it is too important a thing be in a hurry about.

Q.—How long would you allow this experiment to be tried ?

A.—I suggest two more councils.

Q.—That is to say, it would take us to 1932, would it not ?

A.—Yes ; I think under the statute a commission is coming out in 1929 ; if it is provided for like that I would not stand in the way of that, of course.

Q.—You would wait for three more years after the inquiry in 1929 ?

A.—Let there be an inquiry in 1929.

Q.—It looks as if you would put it later ?

A.—I had no idea of doing that ; it is merely a rough indication of the necessity for further trial.

(*Sir Arthur Froom.*)—Perhaps when you talk of two councils you take the present council into account ?

A.—Yes.

Q.—You said two more councils ?

A.—I do not want to stand against the proposed statutory commission.

Q.—You have adopted a separate purse as against a joint purse more to remove the suspicion that the reserved departments are unduly favoured ?

A.—That is the main idea.

Q.—It is more to remove the possibility of a suspicion in the popular mind ?

A.—Yes ; I ought to say that it is possible that if you give them certain sources of revenue they may be able to develop them, if it is understood by the council that the proceeds will be devoted solely to the transferred departments.

Q.—Would you leave them with the revenues arising from the transferred departments or would you supplement it by other sources of revenue also ?

A.—I am afraid I am not enough of an expert in financial matter to discuss that properly.

Q.—You know there was a discussion in 1918 and the Government of India recommended a separate purse and there was a great controversy about it and the Joint Select Committee decided in favour of a joint purse ?

A.—Yes.

Q.—In paragraph 10 (*b*) you say you are against special constituencies ; you say it seems to be wholly indefensible that the landholders, the most influential classes in Bengal and the Indian millowners and merchants and traders should be provided with some special constituencies ; you would abolish the representation of landlords ?

A.—Yes.

Q.—Apparently the Government seems to consider them the bulwark of stability in the government ?

A.—They have failed us miserably this time, I am afraid. But my point is not that ; it is absolutely unnecessary and it creates suspicion among the general public that they are unduly favoured ; in Madras the Zemindars are very few, but in Bengal they are a very large number and they can come in through these constituencies ; there are a very large number of them in fact in the Bengal Council.

Q.—Are the majority landlords ?

A.—I believe so.

Q.—Do they include tenure holders also under that head and sub-tenure holders ?

A.—I cannot answer that offhand, but there are so many petty zemindars.

Q.—As plenty as blackberries ?

A.—Yes.

Q.—You would not give them special representation ?

A.—No, because it is wholly unnecessary and it looks like favouring a class, that is all.

(*Sir Muhammad Shafi*).—Because they have sufficient influence to come into the councils from the general electorates ?

A.—Exactly ; and there is as a matter of fact no need for it.

Q.—You speak of Indian money-lenders ?

A.—I do not say that landholders should not be adequately represented. They are, as a matter of fact.

Q.—You would not disqualify them ?

A.—No. They do not want special representation at all.

Q.—But is there any special constituency for Indian money-lenders ?

A.—Yes. The Mahajana Sabha, the Bengal National Chamber of Commerce.

Q.—Mahajana Sabha means simply an assembly or collection of people ?

A.—The Marwari Chamber of Commerce ; they are as much money-lenders as merchants and traders.

Q.—Do you not think a large number of Ministers have taken to industries ?

A.—Some of them have.

Q.—Would you abolish the representation of the Bengal Chamber of Commerce ?

A.—Europeans ?

Q.—Are there not separate constituencies for Europeans and for the Chamber of Commerce ?

A.—I take it that it is considered necessary and I myself think it is very necessary that Europeans should be adquately represented. The Bengal National Chamber of Commerce, Marwari Chamber of Commerce, Mahajana Sabha, have all apparently been given special representation on the ground that the Bengal Chamber of Commerce which consists of Europeans has been given representation. As regards the representation of Europeans, it is not because they are merchants belonging to a particular chamber that I should like them to be represented, but because they are a separate non-official community which has got very large interests in the country and I also consider that for advancement of responsible government in Bengal their presence in the council is extremely helpful.

Q.—In your conception of a proper scheme, would you allow Europeans to come in through their own general constituency or through a special commercial chamber of commerce ?

A.—I should prefer their own general constituencies.

Q.—Through a general European constituency, I suppose ?

A.—Yes ; but they have not at present got any general European constituencies.

(*Sir Muhammad Shafi*).—It is because the Bengal Chamber of Commerce provides you with a ready made constituency for the election of Europeans that you would have it ?

A.—It is only a question of the most convenient way of representing them ; I would leave it to the non-official European community to decide it.

Q.—My recollection is in Madras we have a general European constituency ?

A.—These are the constituencies they have get in Bengal. The Bengal Chamber of Commerce Indian Jute Mills Association, Indian Tea Association, Indian Mining Association, Calcutta Trades Association—I do not think they have any other.

Q.—Is there no general European constituency ?

A.—No.

Dr. Paranjpye.—I will not detain you long, Sir Abdur Rahim. I just want to ask one question about the vote that was passed about the Ministers' salary. You appeared to say that all those who voted against the Ministers were wreckers, did you ?

A.—They have wrecked the constitution.

Q.—But my point is that several of them voted on that side because they were against the Ministers personally ?

A.—Surely they had other means of shewing it.

Q.—What other means would you have suggested ?

A.—There were the demands for the transferred departments.

Q.—That was passed last time ?

A.—No, no ; this very time.

Q.—Would you say, for instance, that an ex-minister was a wrecker ?

A.—Well, I have to, judging by the action ; I do not want to make any general remark against him or any particular person.

Q.—He specially mentioned in his speech that he voted thus because this was the only way in which he could show his opinion about the unconstitutional conduct of the Ministers ?

A.—I do not agree with him.

Q.—That is how he explained his vote, at any rate ?

A.—I should myself have attached more value to the effect of the vote itself.

(*Sir Muhammad Shafi.*)—*Q.*—Do you think that genuine supporters of the constitution would combine with the wreckers of the constitution except for the purpose of getting rid of the Ministers ?

A.—You mean only to get rid of the Ministers ? No the destruction of the constitution was, however, a direct and obvious consequence of that vote ; I do not care what the intention was ; you cannot find it and I do not want to speculate about it.

Q.—The Ministers' salaries were refused in March ?

A.—Yes. On the last occasion in March. I don't exactly remember. In March or February—something like that.

Q.—Don't you think the proper constitutional procedure then would have been for the Ministers to resign when their salaries were refused ?

A.—The salaries were refused altogether and the Ministers took the view on the first occasion that the whole thing was unconstitutional.

Q.—But don't you think that was an unconstitutional view ?

A.—That vote was not given on the basis of no-confidence in the Ministers.

Q.—Refusing the salaries was the most effective way of showing want of confidence ?

A.—Excuse me. When the vote was moved, all the principal speeches that were made, made it absolutely clear that it was not meant against the Ministers personally but in order to destroy dyarchy. That was the tenour of the speeches.

Q.—But you have just told us that you consider the vote more effective than any speech. In the case of an ex-Minister you have just told us that you do not attach any importance to the speech that he made but to the vote that he gave. Well now, I think you should also consider the votes cast as a far more effective expression of opinion than any speeches made.

A.—Yes, but in the one case the speech and the vote were inconsistent. In the other case, the speech and the vote were consistent. That is the difference. That is what I meant.

Q.—You might say that it is inconsistent, but some people might say that the Governor should have appointed some other Ministers and then they would have got the majority ?

A.—But that was not the issue.

Q.—You may think that was not the issue, but they were not given an opportunity of voting on other issues ?

A.—But you have to deal with intelligent men, those who understand the Act.

Q.—Well, now, as regards the Ministers, according to your scheme, you want the Ministers to be entirely divorced from reserved subjects. Now, I put it to you that these Ministers will generally be the leaders of their parties ?.

A.—Certainly.

Q.—The party is not only for the administration of transferred subjects but also of reserved subjects ?

A.—No.

Q.—The party is for expressing public opinion not only on transferred subjects but also on reserved subjects ?

A.—Yes, not for administering those subjects but for expressing public opinion.

Q.—The party therefore would expect their leaders to guide them on all points ?

A.—That is true.

Q.—And therefore when a question relating to a reserved department comes up before the Council, the members of that party would naturally look up to these Ministers for advice ?

A.—That is the difficulty—as I admitted to Sir Sivaswamy Iyer.

Q.—How would you propose to get over it ?

A.—Well, I should consult the Ministers very freely, and I take it the reserved departments will give due weight to the advice of the Ministers.

Q.—I am not talking of what happens within the Government ?

A.—I am hoping the difficulty will not arise frequently.

Q.—Unless, therefore, the Executive Council always accepts the opinion of the Ministers, the Ministers would have to advise their followers to oppose Government ?

A.—Of course, you are putting a hypothetical case. Difficulties will arise. Perhaps from that point of view, the scheme of my government is sounder.

Q.—Well, then you say a certain proportion of appointments should be reserved to the various communities ?

A.—Do I say that in my memorandum ?

Q.—No, but you said that in reply to various questions. Now, what kind of appointments are you thinking of ? Appointments that carry responsibility like, for instance, the Imperial Services or the Provincial Services, or the Judicial Services, or anything like that ?

A.—Yes.

Q.—Do you include in it also the clerical staffs of these various officers that don't carry any responsibilities ?

A.—Certainly.

Q.—How do you propose to recruit for these ? By means of a common examination ?

A.—That is the practice in regard to the Provincial Executive Services.

Q.—Reserving percentages for different communities ?

A.—Yes.

Q.—Would you reserve the full proportion according to population for each community or have a certain number to be competed for openly by all and then reserve a certain proportion not exactly according to the population ?

A.—The practice now in Bengal is to have a common examination and then allot certain appointments according to the position in the list, i.e., a certain number of appointments to the first few, and if you find that the communities are duly represented, then no further question arises. Supposing one community is not represented in the first dozen, then you take from among the others according to their positions in the list, qualified candidates of that country.

(*Mr. Jinnah*).—Would you allow me to put one question ? Then, do you agree with this opinion that there should be a number fixed by statute—for the services ?

A.—Oh no. I won't go so far as that.

Q.—With regard to franchise—you talk about franchise but I think you are meaning the distribution of the seats ?

A.—Yes. I think your criticism of my language is right.

Q.—You don't contemplate an extension of the franchise itself ?

A.—Not at present.

Q.—Well, now, will you kindly tell us how the transferred departments are actually managed just now ?—Of course the Governor is supposed to manage them—but how are they actually managed ?

A.—They have been distributed among the Members of the Executive Council and we give our advice to the Governor.

Q.—And the orders are in the name of the Governor ?

A.—I believe so—I have not seen how the orders are issued, but it must be so.

Q.—What is your opinion about the proposal made to us by another witness about requiring every Member of the Legislative Council to take an oath of loyalty to the constitution ?

A.—It won't improve matters. I should think it is implied in the present oath.

Q.—It is not implied at present ?

A.—I should think so. Depends on what you mean by constitution. If you mean modification of the constitution, I think it would be wrong to administer such an oath.

Q.—Suppose a Court duly constituted were to declare that such and such a Member is going against the spirit of the constitution and trying to wreck the constitution, then he should be warned ?

A.—I don't think it will do much good.

Q.—Well, you have suggested that the Ministers should have joint responsibility. I suppose you understand that, if the responsibility is to be joint, the Ministers themselves must be appointed by consultation with each other ?

A.—I think the Governor will know which is the strongest party. He will call upon the leader of that party to form the Ministry.

Q.—Do you contemplate the appointment of a Chief Minister who is to select his Ministers ?

A.—Practically it will come to that.

Q.—Do you think the system adopted by Lord Willingdon in Madras is a desirable system ?

A.—I think on the whole if you are to work responsible government, strictly speaking, that is the system.

Q.—It is just possible, of course, that the Governor might indicate to the Chief Minister that he should have both the larger communities represented in the Ministry. That is a hint he might give to the Chief Minister ?

A.—Yes, but if he found one community in his party sufficiently strong so that he could work without any representative from the other community, he would go on like that.

Sir Arthur Froom.—Q.—Sir Abdur Rahim, in the beginning of your memorandum you stated to this Committee that the first Council acquitted itself creditably. That is so, isn't it ?

A.—Yes.

Q.—Then you go on to point out that troubles came upon it by reason of financial difficulties or want of sufficient money. That is no commendation of the scheme of Government called dyarchy ?

A.—Most certainly not.

Q.—Well, now, I am only going to keep you just one minute. I am going straight to your present troubles in your Council, which of course,

I understand, are chiefly due to the Swaraj Party. I think you went on to say that the Independent Nationalists, who perhaps might be regarded as not holding such extreme views as the Swaraj Party, have joined up with the Swaraj Party ?

A.—Yes, from the very commencement.

Q.—Could you give the committee any reasons why they did so or what induced them to do so ?

A.—I don't think their creed really differs at all from that of Swarajists. The Independent Nationalists in Bengal are mostly composed of men who took up a very extreme attitude in the last Council. They naturally have drifted into the Swaraj Party.

Q.—I see. And apart from the Swaraj Party, with which we may now take it the Independent Nationalist Party is combined, there is no very strong combined party in your province. The combination of any other party is not a good one ?

A.—No, not a very strong combination.

Q.—Well, now, can you tell this committee what keeps the Swaraj Party together. Is it money ?

A.—Yes it is money. That is one thing. They have inherited and are helped by the organisations which were set up by the Non-co-operators and the Khilafatists and other Extremists. Well, they are supposed, at any rate Mr. C. R. Das, himself said in Council that some of the Agents of his Party were men who had been found by the Committee appointed under Reg. III to be members of revolutionary conspiracies. He however, said that he knew them very well and was certain they were not revolutionaries and were not concerned in any conspiracy.

(*Mr. Chairman*).—*Q.*—We were told, I think, by a witness before that the binding force in the Party was dislike of the British Government. Do you agree with that view ?

A.—Yes, extreme distrust and dislike.

Q.—Would the committee be right in saying that connected with the Swaraj Party is a certain amount of terrorism ?

A.—Yes, that is the general belief.

Q.—And therefore you have got opposition to the Government in Bengal accounting from terrorism—or party accruing from it ?

A.—The situation is very much influenced by it.

Q.—And you consider that ought to be put down ?

A.—Certainly.

(*Mr. Jinnah*).—*Q.*—Then you think there is absolutely no reason or ground for the distrust of the policy of the Government ?

A.—Do you mean any particular policy—for not liking any particular policy ?

(*Mr. Jinnah*).—*Q.*—You say it is due to distrust and dislike of the British Government ?

A.—General distrust.

Q.—Is there no foundation for it ?

A.—Certainly not,—not for general distrust.

Thursday, the 23rd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at three of the clock after lunch, Sir Alexander Muddiman in the Chair.

Witness :—Mr. A. Marr, Financial Secretary to the Government of Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—I think you were Financial Secretary to the Government of Bengal and you still are ?

A.—Yes.

Q.—How long have you been so ?

A.—Five years.

Q.—That covers the whole period of the reforms ?

A.—And before ?

Q.—Who were the Finance Members during the reforms scheme period ?

A.—Sir John Kerr and Mr. Donald who is the present member.

Q.—You have always had a civilian member in charge of the Finance Department ?

A.—Yes.

Q.—There is nothing in the rules which requires that ?

A.—Not as far as I know.

Q.—The rules say, I think, that the department should be in charge of a member of council ?

A.—Yes.

Q.—Can you tell us what other departments Mr. Donald has in his charge ?

A.—You mean apart from transferred subjects. He has certain transferred subjects at the moment. On the reserved side has only commerce and marine.

Q.—Are they spending departments ?

A.—Marine is practically altogether for the Government of India. Commerce is a small spending department. They have got factory inspectors.

Q.—Practically speaking Mr. Donald has no object in robbing other people's hen roosts for spending on his own departments ?

A.—That is so.

Q.—It has been suggested in other evidence that the Finance Member would be prejudiced in favour of his own department but if his departments are not spending departments, the question does not arise and it has not arisen in Bengal ?

A.—No.

Q.—Is there a Joint Financial Secretary in Bengal ?

A.—No.

Q.—All financial cases come up to your department ?

A.—Yes.

Q.—Are they all treated alike ?

A.—All alike.

Q.—When a financial project comes up, do you look at it from the point of view of policy ?

A.—To a certain extent if it seems to the Finance Department that the scheme is not worth spending money on.

Q.—I do not quite understand what you mean. I have a project for homes for infirm cattle. That seems to me a very important object. Would you criticise it on the ground that it was not ?

A.—I would.

Q.—What is your test, that the expenditure is unremunerative ?

A.—Not necessarily. The expenditure may not be remunerative but still it might be worth spending money on the scheme.

Q.—What is your criterion ?

A.—It is rather difficult to lay down a general rule. We have to examine each case. For instance it was proposed to send a man home to learn how to make glass and we raised the question whether, even if they did get the man trained, glass could be manufactured in Bengal. We sent the case back on that ground and we have never seen it again.

Q.—They accepted your view ?

A.—Yes.

Q.—It is a very good case but if they had not accepted your view ?

A.—Then we would have forced the thing to go to the Governor.

Q.—You would have ?

A.—Yes.

Q.—It was a transferred subject ?

A.—Yes.

Q.—The department concerned might say ' we do not care a rap what the Finance Department say ; let the case go up ' and then the matter will go to His Excellency ?

A.—Yes. It will be for His Excellency to decide. If His Excellency decides in favour of the Minister the Finance Department would agree to the expenditure.

Q.—It rests entirely with the Governor ?

A.—Yes.

Q.—In your time can you recollect many instances of the transferred departments being over-ruled in that way ?

A.—Not so much on the question of policy.

Q.—Let me make my point clear. You have been Financial Secretary throughout the reforms. Can you recollect many cases where Ministers have taken views opposed to the Finance Department and the Ministers have said ' We are not going to accept that. We shall go to the Governor and over-rule the Finance Departmennt ' ?

A.—Only in one case.

Q.—Can you tell us what it was ?

A.—The Minister for Local Self-Government wanted money for a Kala Azar campaign. He laid down no scheme whatsoever and we wanted to know what machinery he was going to set up to spend this and on what lines he was going to work. He had no scheme and we turned it down. That went to the Governor and the Governor said that

it was important enough for the scheme to be admitted and that the Minister could work out his machinery later on.

Q.—Then the Finance Department was turned down ?

A.—Yes.

Q.—Although you oposed it you were defeated ?

A.—Yes.

Q.—The Minister's view prevailed ?

A.—Yes.

Q.—Can you recollect any converse case in which the Finance Department's view was upheld ?

A.—Number of cases. I could not say how many. Quite a number of cases.

Q.—It is a common thing in Bengal for the Minister to be turned down ?

A.—It is fairly common.

Q.—What do you attribute that to ?

A.—It is altogether due to the fact that the schemes were not properly worked out. Undigested schemes were sent up.

Q.—Don't you think that if you had a Joint Financial Secretary he would be able to advise the Minister to avoid these difficulties and send up schemes properly worked out ?

A.—That would mean having two men to do one man's work and therefore both the Financial Secretary and the Joint Financial Secretary would have spare time to.....

Q.—To turn down more schemes ?

A.—No, to lead the schemes through the straight and narrow path.

Q.—As to the question of money, would you say that the transferred departments have come off well in the scramble or not ?

A.—I think on the whole they would come off well if they had schemes ready.

Q.—Have you got any figures to show the expenditure on the transferred departments before the reforms and after ?

A.—I have not got the figures before me. It has increased a great deal. I have with me the present expenditure.

Q.—Could you give us a rough idea whether it has increased or decreased ?

A.—It has increased considerably.

Q.—And the reserved departments ?

A.—They have also increased.

Q.—Is the ratio of increase greater in the reserved or the transferred side ?

A.—In the transferred.

Q.—The Ministers generally have had rather more than their share of the money ?

A.—I would not say that. The increase of expenditure has been to a great deal due to revision of pay.

Q.—That would be a normal increase affecting both sides. Setting that aside can you tell us whether the expenditure on the transferred side has increased ?

A.—The transferred departments have certainly got a good deal more than in pre-reform days.

Q.—Apart from the normal increase, do you think that the existence of the Ministers and the pressure of the Legislative Council are responsible for securing to the Ministers more money than they would have got had they been Members ?

A.—Yes.

Q.—When schemes from the reserved side and the transferred side are brought before you, do you approach them with the same mind ?

A.—Absolutely.

Q.—You do not make any difference whether the person concerned is a Minister or a Member ?

A.—No.

Q.—Will your Honourable Member do the same thing ?

A.—I think so, because he has no interest to serve.

Q.—You do not feel any bias in favour of the Minister ?

A.—No.

Q.—On the ground that he is more vulnerable or on the ground of criticism ?

A.—No.

Q.—In fact you look at things from a purely judicial point of view ?

A.—That is what we try to do.

Q.—You do not approach questions with party prejudice ?

A.—No.

Q.—There has been a suggestion—I think your Member suggested it this morning—that although it might not make much difference in the actual distribution of the money, yet it would be an advantage from the point of view of meeting criticism that there should be a separate purse. What is your view ?

A.—From the Finance Department's point of view, there is no objection whatever. It would not raise any difficulties.

Q.—Would it raise any difficulties with the Government of India ?

A.—No.

Q.—Supposing for instance we recommended that those provinces which wanted a separate purse could have one, will that raise any general financial difficulty ?

A.—The first charge is revenue ; it will have to be paid first ; and then the allocation, whatever is decided upon, would then come into force.

Q.—Therefore if Bombay said that they would have a joint purse and Bengal said that they would have a separate purse, there will be no difficulty ?

A.—There will be no difficulty from the budget point of view.

Q.—There will be no difficulty in your own department ?

A.—No.

Q.—I suppose you have a Finance Committee ?

A.—No, we have no Finance Committee.

Q.—Why is that ?

A.—We have separate Committees of the Legislature for different departments. For instance, there is a Police Sub-Committee, there is a

Commerce Committee. All important schemes of a particular department go before Committee of the Legislature and we felt that to have a Finance Committee too would mean a clash between two Committees of the Legislature.

Q.—Doesn't all new expenditure go to the Finance Committee ?

A.—We have no Finance Committee.

Q.—Does all your new expenditure go before the Committee attached to the department ?

A.—All important schemes go before the Committee attached to the particular department. They come in the form of schedules. If the Committee pass them, then they are printed, and when the allocation of money for new expenditure is made, these schedules go before the members of Government.

Q.—Members and the Ministers ?

A.—The Members and Ministers sit jointly.

Q.—The united Government ?

A.—Yes.

Q.—Would you in the Finance Department entertain any application for new expenditure before it had been seen by the Committee ?

A.—We simply examine the scheme from our own point of view.

Q.—You do not examine the scheme from the point of view of the Committee ?

A.—No.

Q.—I presume the Legislative Council has a more effective control under the new scheme than the Finance Department had under the old scheme ?

A.—Yes.

Q.—You cannot transfer money from one major head to another major head without their sanction ?

A.—No, not without their sanction.

Q.—Your powers in the Finance Department are regulated by the Devolution Rules ?

A.—Yes.

Q.—Have you had any difficulty in interpreting the rules ?

A.—Finance Department have none.

Q.—Have other departments challenged your interpretation ?

A.—They have.

Q.—With reference to which rule ?

A.—Rule 36 (*g*) (*iii*).

Q.—Has that been the standing trouble ?

A.—Yes.

Q.—It says " It shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and shall decline to provide in the estimates for any scheme which has not been so examined ". What difficulty has arisen on that ?

A.—The difficulty which arises is this. Under our budget programme, all schedules containing schemes for new expenditure for the next year's budget have to be in the Finance Department by the 15th September. Generally about the 10th or 12th September schemes come pouring in from

all departments for these schedules and they think that it is quite sufficient if the scheme is entered in the schedule. It is quite sufficient for section 36 (*g*) (*iii*). We have to point out to them that a scheme has to come in long before the 15th September to give time for us to examine it, and after we have agreed to the scheme, only then can it be taken into the schedule. We issued another circular last year. I have got a copy of it, if you want to see it.

Q.—That is applicable to the transferred and reserved side ?

A.—Equally.

Q.—It is the old story that the Ministers try to rush the Finance Department at the last moment and hope it will go through, but it cannot be done ?

A.—Yes.

Q.—They have got tired of it now ?

A.—Yes, they have got tired of it now.

Q.—Is that the only rule with which you have had trouble ?

A.—I do not remember. I think rule 31 might be amplified a little so as to make it quite clear that it covers not only allocation for the original Budget. We make the allocation in January. Rule 31 lays down the allocation of revenues for the administration of the two sides of Government. I think it should be made clear that this also covers allocation of money which comes in during the year. In July or so we find that we can spare some more money, that we can afford some more schemes. This should also be covered. I think that will make it a little clear.

Q.—Can you give us a case where a scheme has been sanctioned and has not been carried out and the money was idle and then came to general revenues ?

A.—Yes.

Q.—Could you give me an example ?

A.—The Minister for Education wanted money for primary education. We objected and said that he had not any scheme worked out. And after considerable pressure the Government agreed that Rs. 5 lakhs should go into the budget, 3 lakhs for primary education in the Calcutta Corporation and 2 lakhs for the mofussil. In the course of the year, no scheme eventuated. The whole of the 3 lakhs meant for the Corporation had to be surrendered and also out of the 2 lakhs for the mofussil, they surrenderd 1½ lakhs. In the next year we increased it to 75 per cent. and in the present year we added 75 per cent. Still only Rs. 62,000 was spent. It is an example of a scheme which was not properly worked out to begin with.

Q.—That was a case where the transferred department lost money by not having a scheme ready ?

A.—Yes.

Q.—And the money went back to general revenues ?

A.—It went back to balances.

(*Dr. Paranjpye*).—*Q.*—Could it not be re-appropriated ?

A.—There was no scheme ready.

(*Dr. Paranjpye*).—*Q.*—All the scheme that were ready had already been worked out and put into operation ?

A.—Yes.

Q.—If there had been a scheme, the money would not have come back ?

A.—We would have agreed to it.

Q.—There is no financial objection to that ?

A.—No.

Q.—What are your relations financially with the Government of India ? Are the financial relations of the Local Government with the Central Government governed by the Meston award ?

A.—Yes.

Q.—That is embodied in the rules ?

A.—Yes, in the Devolution Rules.

Q.—You regard it as very unfavourable to Bengal ?

A.—The trouble is next year our last of the three years' remission expire in March.

Q.—As a matter of fact at the present moment the Government of India have given you three years' remission. Haven't they ?

A.—Yes.

Q.—What would you have to pay when that remission ceases ?

A.—Rs. 63 lakhs.

Q.—Would that cause dislocation in your finances ?

A.—Yes. As far as I can make out it will leave a deficit of 50 lakhs.

Q.—And that will considerably retard the progress of transferred departments ?

A.—Yes.

Q.—Therefore from the point of view of Bengal you feel that the scheme requires examination ?

A.—Very much so ; we have pressed for a settlement.

Q.—That has been strongly pressed ?

A.—Very strongly pressed.

Q.—That is not the opinion merely of the reserved half of the Government but of the transferred half ?

A.—Most certainly.

Q.—Of the united Government ?

A.—Yes ; Ministers have been very strong on it.

Q.—What is the position of your balances there ?

A.—We have roughly about 1,20 crores.

Q.—We were discussing this question the other day and it was put forward that the Local Governments should keep a running account of their balances with the Government of India ; that is to say they should have a pass book (as you and I have pass books) and have it made up once a month. What do you think of that scheme ? You know you run very largely on the Government of India balances ?

A.—Yes, for certain months of the year. In April, May, June and part of July we run on the Government of India. Then later on the Government of India get the benefit of our money.

Q.—May I take it that on the average it works out faily the square ?

A.—That is so.

Q.—You do not see much advantage in having a running account ?

A.—I do not see.

(*Dr. Paranjpye*).—*Q.*—It might work against you ?

A.—It might.

(*Dr. Paranjpye*).—*Q.*—Do the Government of India charge you any interest for overdrafts ?

A.—No.

Q.—Nor do they take any interest ?

A.—No.

Q.—It is purely a book transaction ?

A.—Yes.

Q.—Speaking purely as Finance Secretary, you see no more advantage to your Province if you were to have the changed system ?

A.—No ; I do not think there will be much in it one way or the other.

Q.—Supposing, Mr. Marr, you had something in this form. As you know that under the law all the revenues of India are received in the name of His Majesty the King—and the Government of India or the Local Government are merely administering the revenue. If you have advance on the lines of Provincial financial autonomy on those lines, wouldn't it be necessary to enable the revenues to be vested in the Local Government ?

A.—It might ultimately, but I think that is a thing that would have to come perhaps as the very last of all, because that involves ways and means budget and I think Local Governments will be very well advised to steer clear of the ways and means budget to the very last.

Q.—You think that no great advantage will accure financially ?

A.—No.

Q.—You are aware of the fact that if they wish to raise loan, the Local Governments have power to raise loans ?

A.—Yes, under certain conditions.

Q.—When a Local Government takes to raising a loan it is not raising a loan on its own credit ; it is raising a loan on the general credit of Government ?

A.—Yes, ultimately probably that would have to be changed if there was complete provincial autonomy, if that came into force.

Q.—The point I am trying to make is that if you wish to advance on the line of financial provincial autonomy, you must come to a point where the Local Government will be vested with their own revenues and be liable for their own expenditure. From the financial point of view, how would that affect you in Bengal ? Suppose all the property of the Bengal Government and all the Bengal debts and charges were held against that property, how would you stand ?

A.—Supposing we got a revision of the financial settlement and our ordinary revenues were not bankrupt, the Bengal Government would stand all right.

Q.—That is to say you wish to be put in a solvent position before you are put in this position ?

A.—Yes.

(*Sir Arthur Froom*).—*Q.*—Supposing Bengal is in a solvent position, would you have to pay a higher rate of interest on your loans, backed by the Bengal Government instead of the Government of India ?

A.—No, I do not think so. We would certainly get loans on as good terms as the Corporation do.

(*Mr. Jinnah*).—*Q.*—The Corporation have to pay more ?

A.—A little more, and that is because they have borrowed up to the hilt. The Improvement Trust get good terms.

Q.—It seems to me important that in considering this question of provincial financial autonomy, you have to consider the relations of the Local Government and the Central Government. Have you ever made a study of it in any other part of the world ?

A.—No.

Q.—Has it ever been considered in your Government from that point of view ?

A.—No, not as regards the financial result.

Q.—Do you see any inseparable objection to the rule which requires the person in charge of the Finance Department to be a Member of the Government ? Could you contemplate the possibility of a Minister being put in charge of finances ? Supposing you had a Minister on the transferred side who had had experience of finance, considerable experience, would you see any objection to putting him in charge of that department ?

A.—No, I do not think so.

Q.—Do you see any constitutional difficulty in the matter ? The rule requires he should be a Member of the Executive Council ?

A.—One can imagine a retired Accountant General becoming a Minister.

Q.—Or a Dewan in a Native State with large experience ?

A.—Rule 36 of course lays down that he should be a Member of the Executive Council. I cannot see any constitutional difficulty at all.

(*Dr. Paranjpye*).—*Q.*—Any administrative difficulty ?

A.—No, I do not think so.

Q.—It has been pointed out to me that rule 49 might stand in the way of it. My point was that, apart from the fact that the man in charge of the Finance Department must be a man of experience, do you think it would make any difficulty if the man were equally qualified, whether he was a Minister or a Member ?

A.—I cannot see any difficulty.

Q.—I will put it the converse way. Do you think the fact that a Member is in charge is prejudicial to the transferred half ?

A.—Not in Bengal.

At this stage Sir Muhammad Shafi took the Chair.

Sir Muhammad Shafi.—*Q.*—The Chairman asked you how long you had been Financial Secretary ?

A.—Yes, five years.

Q.—That means from the inception of the Reforms ?

A.—From November 1919.

Q.—Do I understand you to say that from the inception of the Reforms, up to date there has been only one case in which the Governor has overruled the Finance Department and decided in favour of the views held by the Minister in charge ?

A.—Yes.

Q.—While, on the contrary, there have been many cases in which the Finance Department's view has prevailed as against the Minister's views ?

A.—In most of those cases of course they never went to His Excellency at all. In most of those cases the Minister accepted what we said.

Q.—Even assuming that the majority of the cases in which ultimately the Finance Department's view prevailed were cases which did not reach the Governor, there were a large number of cases which did actually go to the Governor and in which the Governor decided in favour of the Finance Department ?

A.—I would not say a large number ; I would say a few cases.

Q.—As against one in your favour, how many, 20 ?

A.—Oh no, I cannot say personally, a Minister might have spoken to the Governor about a case, but His Excellency told me there were very few cases in which the Ministers had come to him.

Q.—Let me read to you a passage from the first reform despatch of the Government of India, paragraph 74, with regard to the functions of the Finance Department. It appears from this paragraph that the Bengal Government at that time too were somewhat nervous about this matter. Dealing with that the Government of India said :—

> " The Bengal and Bombay Governments, however, have shown some nervousness on the point, and in order that there may be no misunderstanding, we may explain briefly what we understand to be the functions of the Finance Department or Treasury. It is in no sense an overriding power ; It is not a body that either dictates or vetoes policy. It watches the financial provisions which are needed to give effect to policy ; it criticises proposals and can ask for further consideration. It points out defects in matters of assessment and collection ; it can demand justification for new expenditure from the department which proposes it ; it can challenge the necessity for spending so much money to secure a given object ; but in the last resort administrative considerations must prevail."

And now let me read to you next what the functions Committee said in paragraph 74 of their Report with regard to the position of the Finance Department :—

> " In accordance with the proposals contained in paragraphs 24 to 27 of the memorandum (the memorandum which was submitted to them), the Finance Department will be reserved department and will not be transferred to the control of a Minister. In relation to transferred departments, however, the functions of the Finance Department will be to advise and criticise ; the final decision will rest with the Minister, subject to the assent of the Governor, which would only be refused when the consequences of acquiescence would clearly be serious. We agree that this is the best arrangement."

Do you think the picture you painted to us to-day of the position of the Finance Department in Bengal in its actual working tallies with the picture drawn here ?

A.—Exactly. Our opinion is only advice and the Minister or the Member had always the right to go to the Governor.

Maharaja of Burdwan.—*Q.*—I think you said in answer to the Chairman that Mr. Donald had no spending department under him ?

A.—No.

Q.—But I think since my departure he has got a big spending department in the shape of European education ?

A.—No.

Q.—Who has got that ?

A.—Sir Abdur Rahim I think.

Q.—The Finance Member of your Government is, I think, the member in charge of European education ?

A.—I may be wrong.

Q.—You would prefer yourself the Finance Member not having a spending department ?

A.—Certainly.

Q.—What would be your view if the gentleman in charge of finance did not happen to be a member of Government ? Could you visualize that position ? It was suggested by one Minister before us that he would prefer a Financial Commissioner and was not a Member or Minister of the Government ?

A.—That proposal has been made, that the officer in charge of the Finance Department should be outside the Cabinet altogether.

Q.—Do you think if in your Province your superior officer was called a Financial Commissioner and was not a Member or Minister of the Government, it would be difficult to work ?

A.—I think his opinion would not carry the same weight at all if he was not a Member of the Government. I do not think he would have the same influence at all.

Q.—On the other hand do you think he would be less biassed as it has been put to us ?

A.—As long as the Finance Member is not in charge of any big spending department, I do not see why he should be biassed.

Q.—Supposing in the case I pointed out. I have not the papers here, but I do remember the Governor sending me a telegram saying European education had been transferred to Mr. Donald ?

A.—Then I consider that is an objection.

Q.—Not because it stands with Mr. Donald, but because Mr. Donald happens to be Finance Member ?

A.—Yes.

Q.—Now regarding this difficulty that has from time to time arisen between the Finance Department and the Ministers can you give us any instance where a scheme was turned down when the scheme was ready ?

A.—No. We had no power to turn down a scheme that had been properly examined and sent to us for examination and approval.

Q.—But you know that a good deal of complaint was made by one or two Ministers, specially the late Minister for Education in the last

Cabinet that many schemes could not be put forward because they were turned down by the Finance Department. Now do you think his complaint was based on a misconception of what the procedure was ?

A.—It was based to a great extent on a misconception of what the procedure was.

Q.—Could you kindly give us an idea of what the misconception as to procedure was, as a great deal has been made of that point by ex-Ministers from other provinces.

A.—The misconception was—for instance I remember one case sent up by another Minister asking the Finance Department " Is there any chance of their being funds for this scheme ? If not, I do not propose to examine it at all." Now we considered that was the wrong thing altogether. They should frame their policy and frame schemes in furtherance of their policy and get them properly examined by the Finance Department quite independently of the question of funds, so that if funds do become available later on the scheme is ready.

Q.—For instance you gave us a very good instance in which the Governor overrode the Finance Department over the general provision for a campaign against Kala Azar. Now don't you think that Ministers very often may like to have a lump sum of money for a particular scheme—well, not scheme but for a particular object for which they may formulate schemes after the money has been provided in the Budget. Now in cases of that kind, don't you think that the Finance Department could give more facilities to the Ministers in this sense that a certain amount of money (as was done in the Kala Azar campaign) could be put into the Budget. But of course the Finance Department could object to the expenditure until an actual scheme was put forward ?

A.—Well we did provide for that in the circular. Might I read just the very last paragraph. We explained here shortly the Budget procedure and in the last paragraph I suggested :

> " This is the normal procedure and if it is felt by all departments there should be no occasion for complaint but occasions may arise from time to time when a department which has found it difficult in a particular case to comply with the rules may desire an exception to be made in its favour. The proper course then is for the facts to be explained briefly in a note and a request made to the Finance Department for a relaxation of the rules in view of the special circumstances of the case. If the Finance Department is unable to comply with the request the Honourable Member or the Minister should speak personally to the Finance Minister on the subject and if the matter cannot then be arranged it should be referred to His Excellency the Governor."

Q.—Since this circular was issued has it been acted on with good results ?

A.—No case has come up yet.

Sir Arthur Froom.—*Q.*—Have you found yourself in a position where you say 2 or 3 schemes put up by the transferred departments and say 2 schemes put up by the reserved department; and you had these 5 schemes before you at the same time and only money enough for two of them ; if on an examination of the schemes you found them all worthy of consideration from the financial point of view, what would you do ?

A.—We do not allocate money.

Q.—You just recommend ?

A.—We do not recommend either. Each department by the 15th September has to put in a schedule for new expenditure. Then we print them all up. We have our first provisional Budget ready by the 1st of January. From that we know how much money we have available for new expenditure. A meeting is called on the 10th January, and the joint Government sitting round the table allocate money. They decide which schemes are to be taken up. The Finance Department have no say whatever in that.

Q.—You consider whether a scheme should be sanctioned if money is available ?

A.—We simply examine the scheme and when we pass it then it is ready to go into the schedule ; but it is for the Government as a whole to say whether that scheme is to go into the Budget. The Finance Department have no say in that.

Q.—Then any complaints that a Member or Minister may make against you is simply a question of your opinion on an examination of their scheme ?

A.—Yes.

Q.—So any complaint regarding the question of allocation of money should not be levelled at your Department ?

A.—No, we have nothing to do with it whatever. It is all settled at a round-table conference at which each Minister and Member is present.

Q.—There have been many complaints against the Finance Department ?

A.—In other provinces possibly. There can be no complaint as far as we are concerned. We make no recommendations whatever as regards the allocation of funds.

Dr. Paranjpye.—*Q.*—I would like you to look at paragraph 5. You say there :

> " In order to arrive at a definite programme of work, His Excellency Lord Lytton, soon after he took over the reins of office, asked each department to draw up a line of policy along which the department would be developed."

What do you mean by the word " department " there ?

A.—That particular department.

Q.—Not the Member in charge or the Minister in charge ?

A.—If say it is Agriculture, that particular department.

Q.—Not the Minister, or in the case of a reserved department the Member ?

A.—Well the Minister would be in charge of the department.

Q.—That is exactly my point. You understand that in the case of reserved and transferred departments there is a distinct difference. You might say the course of reserved departments is smooth and continuous, while in the case of transferred departments their course is so to say discontinuous because every three years there is a change, a new man comes into office ; and consequently while it would be proper for a reserved department to make up schemes because after all there is no actual definite discontinuity of policy in the reserved department there is such a change in the transferred department.

A.—You have a change in the reserved departments also. One man retires another comes in.

Q.—But the whole reserved executive is a unified Government. Here a new Minister comes forward who has his own schemes which may not have occurred or recommended themselves to his predecessors, so that here there is a certain discontinuity.

A.—Yes, there may be.

Q.—So that let us take for instance a time-table for a new Minister who comes into office in January. I take it you won't mind my going into details in this manner.

(*Mr. Chairman*).—Certainly not, Dr. Paranjpye.

Q.—A new Minister comes into office. When he comes into office first of all he is engaged with the Legislative Council and the Budget and probably up to the end of March he has not made up his schemes as he has in the meanwhile to pick up the ordinary routine business. Well, after March when the Council is over he has got time to look about and formulate his schemes. Probably he formulates his schemes roughly. He has got some ideas when he takes office. In order to put these ideas on paper he probably has to consult the heads of departments. Those heads of departments probably have to consult the higher subordinate officers. You understand that this will all take time. Probably therefore by the 15th September the latest by which you want definitely formulated schemes for the Budget of the next year he will not have any such schemes ready. Consequently in the Budget which is brought before the Council in his second year there will not be many new schemes by the Minister. You understand that ?

A.—Yes.

Q.—Well, that being so, he will be able to make up schemes practically only during his second year, to bring them into a concrete form so as to put them before you for proper examination, and probably after reference backwards and forwards the schemes will be ready for being put in the Budget on the 15th September of the second year. They will be put in the Budget which is submitted to the Legislative Council at the beginning of the third year. Supposing the Legislative Council pass it, then the time possible for this new Minister to bring his schemes into operation will be only about 8 or 9 months, out of which the last 4 or 5 months will be taken up in electioneering. You see under the present regime there is not much time according to the time-table I have roughly sketched for the Minister to make up new schemes or to bring them into operation. Now seeing that you agree with me roughly in this, I want to put to you whether it would not be a great improvement, so far as the position of the Ministers is concerned to allow them to put in the Budget of the second year some lump sum for the carrying out of schemes in his second year, although the schemes have not been brought under examination ?

A.—Well, of course the present rules forbid that.

Q.—I want you to tell me whether it would not be a reasonable way in fact, the only way for the Ministers to show what they have in them ?

A.—If the Minister frames a policy—a good sound policy, his successor may inherit it. Although he himself may not see the benefits of it his successor may. For instance I have quoted one instance here where our first Minister for Education drew up a scheme, for panchayat unions

and primary education—a definite scheme with the principles all laid down. His successor inherits that.

Q.—The particular Minister does not see his schemes realised.

(*Mr. Chairman*).—*Q.*—Is it your suggestion that the Minister would always retire at the end of 3 years ?

(*Dr. Paranjpye*).—No, if his policy is a good one he will be re-elected But he has got to fight for re-election on the policy he has been able to carry out, and until the people can see tangible results of that policy there will be a prejudice against him. What I want to find is whether it will not be possible so to alter the rules as to allow the Minister in his second Budget—which is really the first for which he is ready with schemes—a lump sum.

A.—That is fundamentally bad budgetting. I have given you an instance where we were overruled and a lump sum was put into the Budget and out of that 5 lakhs, 4½ lakhs were not spent.

(*Mr. Chairman*).—Your contention is that although it is possible to change the rules it would be financially undesirable to change them. Of course it is possible to change the rules.

Q.—Would it cause any inconvenience to you ?

A.—It would not cause any inconvenience at all. The chances are it will give us savings in hand at the end of the year. That has been our experience.

Q.—And what is the real objection to such amounts being put in the Budget for schemes which have not been properly examined, if you have got the final control to see that the money is not spent until you have finally examined those schemes ?

A.—I have said it is bad budgetting. Our experience has been that that sum is never anything like spent.

Q.—Probably they ask for too much ?

A.—We cannot say without examining the scheme—if they come forward and ask for Rs. 50,000 we cannot say whether it is too much or too little. We have not seen the scheme. Our experience, as I say, is that they never spend anything like a lump sum. Our experience has been that they never spend anything up to the amount of the grant.

Q.—If you want a scheme complete in every detail, although the first draft of the scheme will not be complete in every detail ; yet you could get a rough idea ?

A.—We do not want a complete scheme ; what we want is this : the Minister has got a certain policy and he lays down certain principles ; and these principles should be accepted by government.

Q.—I think your Finance Department wants more than that—they want to know more details, how many officers will have to be employed and so on ?

A.—Take for instance these primary schools : the principles on which such schools could be opened were laid down and accepted ; now they come up steadily month by month.

Q.—Supposing you wanted to start three new high schools ; you would require a complete scheme—how many teachers have to be employed and other expenses ; it will take some time to work out that scheme ; and supposing they simply ask you for 2 lakhs of rupees for the opening of these three new schools, you would not accept ?

A.—No ; because our experience has been that at the end of the year probably one of the three is opened and therefore only about Rs. 75,000 is spent.

Q.—But the Minister will take the responsibility for that ; after all if he fails to spend the money that has been voted it will go so much against him ?

A.—Yes ; but meanwhile his neighbour the other Minister may want money for some other scheme ; it means locking up money which could be usefully used.

Q.—Have you got any objection to sanctioning new schemes and getting grants for them in the course of the year ?

A.—No.

Q.—Departments might lay new schemes of a specially urgent character which were not contemplatd before ?

A.—That all depends on the meetings of the Legislative Council.

Q.—Supposing you have got a meeting in July ; would you like them to bring forward any new schemes then ?

A.—Yes ; we always do.

Q.—Which are not of an emergent character ?

A.—Yes ; if we have any spare money in July, departments are asked to spend in schemes and the same procedure on a smaller scale is gone through as is gone through in January for the main Budget.

Q.—Have you got any general reserve fund in your budget for unforeseen expenditure ?

A.—No.

Q.—In the Bombay Presidency we had in one year 20 lakhs and in another year 15 lakhs.

A.—We cannot afford that in Bengal.

Q.—That is for new expenditure that may turn up which could not be foreseen ?

A.—In July, we have a certain amount of money in hand, because the legislative council in March have not passed the budget as a whole ; they cut down certain heads.

Q.—Therefore you get greater balances than contemplated ?

A.—Yes.

Q.—With regard to the separate purse, I suppose you mean by separate purse that a certain percentage of the total revenue of the province should be put in one purse for the reserved departments and the remainder in a separate purse for the transferred departments ; that is all right so long as the taxation remains as at present ; supposing there is a question of fresh taxation ; would you agree to the earmarking of the proceeds of that taxation for any particular department or for a particular purse ?

A.—We would not object ; that is really not a matter for the Finance Department ; it is a matter for the Government as a whole.

Q.—In our presidency we have been told that it is exceedingly bad finance to earmark taxation ?

A.—Yes ; it is bad finance.

Q.—In what way ? Could you explain ?

A.—Because in earmarking certain taxation—say for education—the new taxation may bring in, say, Rs. 25 lakhs a year ; the Education Department may not be in a position to spend that.

Q.—But it may be carried over for the next year for the Education Department ?

A.—But meanwhile other departments are suffering.

Q.—But this taxation has been specially levied for the Education Department ? They have no right to complain ? Would there be any difficulty from the point of view of the Finance Department ?

A.—There will be no difficulty in the working of the Finance Department.

Q.—You can keep a *pro forma* account ?

A.—Yes ; there will be no difficulty in actual work ; but we consider it bad finance to earmark taxation.

(*Mr. Chairman*).—*Q.*—On general principles ?

A.—Yes.

Q.—Under the new conditions the Legislative Council will be more ready to pass a taxation Bill if this undertaking was given to it, isn't it ? If the Legislative Council were told that the proceeds from this particular taxation were to be used only for education and for nothing else, possibly the council would be more ready to pass it ?

A.—It might ; on the other hand the Agricultural Department might be crying for money.

Q.—They might propose another taxation for themselves ?

A.—Of course ; but that is landing you into a series of special taxation Acts.

Q.—At any rate, when you have got separate purses, if a particular piece of taxation is for reserved departments and another for transferred departments, would you think that feasible ?

A.—There will be less objection to that.

Q.—With regard to the Public Works Department, you know that making detailed schemes in that department costs a lot of money ?

A.—Yes.

Q.—What is your procedure about the sanctioning of schemes in the Public Works Department ?

A.—Schemes which go through the Public Works Department, when they come up for examination, are only rough plans and estimates and the department cannot call for detailed plans and estimates until they can see in the immediate future that there will be funds for it ; and we are not allowed to take them up unless there is a clear prospect of funds in the near future.

Q.—So you save money in that way ?

A.—Yes.

Q.—Talking about Bengal balances and absolute financial autonomy for Bengal, can you tell us what would be the liability of Bengal altogether if such a scheme be taken in hand, if all Bengal finances were absolutely separated from the Government of India ?

A.—I do not understand what you mean by that.

Q.—What would be the debt of Bengal at present ?

A.—We have no debt, at present.

Q.—On account of irrigation schemes for instances ; in that way ?

A.—I have forgotten what the irrigation debt is ; I am afraid I have not got it here.

Q.—What is the annual interest charges you are paying to the Government of India for such purposes as irrigation or advances to agriculturists, etc. ?

A.—We have taken over all that ; it used to be about Rs. 98 lakhs ; we have nothing to do with the Government of India.

Q.—For irrigation you have got to pay a standing sum ?

A.—Rs. 4,60,000 a year payable to the Central Government.

Sir Sivaswami Iyer.—*Q.*—Mr. Marr, I have hardly known any *ex*-Member or Minister who does not complain about the Finance Department. Do you think that this kicking against the pricks is due merely to misconception of procedure or that it may have some real basis ?

A.—I do not think it has any real basis at all ; if these departments work out their schemes as we ask them and beg of them to work out the schemes, there will be no trouble at all.

Q.—Do you tell them beforehand what conditions they have to satisfy ?

A.—No ; it is simply a question of a thorough examination of the scheme and its liabilities.

Q.—Is there any delay in sanctioning schemes in the Finance Department ?

A.—It all depends upon the time of the year ; we ask them if possible to avoid sending new schemes after the 15th of August ; we are so busy with our budget work after that, that if a new scheme comes in then, unless it is very urgent, it is simply put on one side ; that is all.

Q.—Do you think that the rule as to 15th August admits of relaxation ?

A.—I have put it in paragraph 2 ; yes, it admits of relaxation in special cases.

Q.—In urgent cases you may sanction new schemes also ?

A.—Yes.

Q.—Very often, I suppose Ministers do not know exactly what they have to comply with, in regard to the preparation of schemes for the scrutiny of the Finance Department ; I suppose Ministers do not know what the requirements of the Finance Department will be ; there may be some delay or imperfection in the preparation of the scheme ; now would it be an advantage to have a secretary attached to the transferred departments, who will work with those departments and will be able to advise them as to how to put the schemes into shape so that they may pass the scrutiny of the Finance Department ?

A.—The secretaries already existing in the departments should know that from experience ; they should be able to do so ; and I do not see that the attachment of another secretary would help at all.

Q.—The only person who can advise them is the Financial Secretary ?

A.—Their own secretaries.

Q.—And they will be able to instruct them sufficiently with regard to the demands of the Finance Department ? You do not think a Joint Secretary is necessary ?

A.—No ; I do not see how he is going to help at all.

Q.—In some departments, for instance in the Military Department, there is a Financial Adviser—(I am talking of some department like that, where you have an internal Financial Adviser) attached to the transferred department who would view the questions from their point of view and put it into shape so that it may pass easily the scrutiny of the Finance Secretary ? Is that a possible arrangement ?

A.—I cannot see how he is going to help more than the secretaries attached to the departments at present ; they should know ; the fundamental thing is, if the Minister would only declare his policy, that would simplify things a great deal.

Q.—His Secretary should be able to put it into shape, no matter whether he is specially versed in finance or not ?

A.—Yes.

Q.—With regard to this question of the finance portfolio, would it be possible to entrust it to a Minister instead of a Member ?

A.—Yes ; I said that to Sir Muhammad Shafi—that I can see no constitutional difficulty, except as regards rule 36.

Q.—If that rule were altered, it could be done ?

A.—I see no constitutional objection.

Q.—The member who happens to be in charge of finance is not particularly an expert in finance ; he has to depend upon his secretary, isn't it ?

A.—No ; generally he has been the Finance Secretary in his time in Bengal ; all the members that I have had have been all Finance Secretaries.

(*Mr. Jinnah*).—*Q.*—May I ask one question ?

(*Mr. Chairman*).—*Q.*—What is it ?

(*Mr. Jinnah*).—*Q.*—In connection with this matter, you said there is no constitutional difficulty ; would it be desirable to hand the Finance portfolio to a Minister ?

A.—I am afraid I am not in a position to answer that.

Q.—From your experience, do proposals emanating from other departments in the Finance Member's charge pass through more easily than proposals emanating from departments not in the Finance Member's charge ?

A.—We are in a different position ; we have practically no spending departments.

Q.—You said there is no finance committee in your province but there are various standing committees in connection with different departments which examine the proposals of those respective departments. But when all these proposals have to be examined as to which of them should go into the budget, there is no finance committee of the legislative council to advise you as to which of them should be given preference. Don't you think it would be an advantage to have a finance committee of the legislative council to suggest which of various competing approved schemes should find a place in the budget ?

A.—I do not see that a Finance Committee could help because that point is settled by government sitting as a whole ; the Finance Department has nothing to say to it.

Q.—No ; but a Finance Committee of the Legislative Council may be of some help to the government. The Finance Committee of the Legislative Council may be of some help to the Government. Here, for instance, there is a Finance Committee in the Government of India and the Finance Committee says which schemes it approves of and which should go into the budget and then it goes into the budget.

(*Sir Muhammad Shafi*).—*Q.*—Sir Sivaswami's idea is, supposing there are more schemes than one. The Minister in charge or the Executive Councillor in charge, before coming to a decision, should submit those schemes to this Committee and, after taking into consideration their advice, then the final decision should be arrived at, whether it is arrived at by the whole Government or the Member in charge is immaterial. Do you think such a committee would be useful ?

A.—I don't think it would be very much use. The Minister himself has got his schedule of schemes. He arranges them in the order of urgency according to his policy. Even if the Finance Committee came forward and said, we think scheme No. 5 is much better than scheme No. 1, the Minister has to stick to his policy. He says scheme No. 1 in my opinion is the most urgent scheme.

(*Mr. Chairman*).—*Q.*—Of course, it is a different position. The Government of India have not got a Minister. The Finance Committee could not play the same part there as they do here.

(*Sir Sivaswamy Aiyer*).—I quite agree. Still I thought it might be of advantage to know which scheme would be likely to be popular.

(*Mr. Chairman*).—You see the Minister is ordinarily in touch with his party. It is rather a different position.

Q.—Then, with regard to the transfer from one head to another, a suggestion has been made by one Government that, for instance, with regard to the formal sanction of re-appropriation of one grant to another, a suggestion has been made by one Government that, so far as transferred subjects are concerned, the Ministers should have, under rule 38, sub-rule (1), the same powers as the Finance Department. This particular Government has no objection to the rule being redrafted so as to give the administrative department—whether a Member or a Minister—power to sanction re-appropriations within a grant from one major, minor or subordinate head to another on the understanding that the Government is not committed without reference to the Finance Department to additional recurring expenditure. Would you approve of that provision ?

A.—Well, of course, that takes away the control from the Legislative Council a good deal. The Legislative Council votes you a certain amount of money say for Education. They deliberately cut you down say from 3 crores to 2.80 crores. They deliberately cut you and then I think it would be wrong that the Minister of Education should be allowed to re-appropriate back that 20 lakhs.

Q.—But, has the Finance Member the power to sanction such re-appropriation without the consent of the Legislative Council ?

A.—Where a grant has been cut down by the Legislative Council for a specific purpose or has been cut down say Rs. 50,000, we never allow a department to go beyond the cut down sum without going back to the Legislative Council. Supposing we have 3 lakhs of rupees for a scheme

in the budget and the Legislative Council in voting that grant cuts that down to 2½ lakhs without going to the Legislative Council again.

Q.—Then, has the Finance Member any power of re-appropriation at all, without going to the Legislative Council ?

A.—Yes, within a major head.

Q.—Can that power be transferred to the administrative Member in charge ?

A.—No. I would not.

Q.—You would not allow him to take the place of the Finance Member in those cases in which the Finance Member can act, without going to the Legislative Council ?

A.—No, because there is a great danger. The danger is of a Minister or a Member—the same thing applies to a Member in charge of a reserved department—re-appropriating and incurring.

Q.—No, no. The suggestion is that they should not commit themselves to any recurring expenditure ?

A.—Exactly, but they think at the time of the re-appropriation that they are not committing themselves. Take the case of a building. You think that is non-recurring expenditure. But it is recurring expenditure. Because you have to keep up that building, repairs and replacement expenses, etc.

Q.—Suppose it is a question say of famine relief to be incurred once for all, or something of that kind. It is not a recurring expenditure ?

A.—No, it is not a recurring expenditure. There may be re-appropriation in that case. Yes in all cases like that we never object.

Q.—The suggestion has been made by one Government and I wanted to know what you thought about it ?

(*Sir Muhammad Shafi*).—*Q.*—A lump grant to a school, for instance ?

(*Dr. Paranjpye*).—*Q.*—With reference, I just want to ask one question which I forget to ask. The Education Department, you said, had to give back a certain amount of money. Now, suppose the Education Department has sanctioned a building grant to certain institutions to be paid when the money is available. Could not the money have been paid in that way ?

A.—Of course, we would not have any objection.

(*Dr. Paranjpye*).—*Q.*—This money would have been available then ?

A.—We would be quite prepared to pay.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Mar, are you an advocate of a separate purse for your province ?

A.—Of course, I think that is rather a question of government policy which a Member or a Minister would be more competent to answer. From the Finance Department point of view, we don't care one way or the other.

Q.—But from your experience of Bengal finance and of the necessities of the Ministers there in regard to their own department, do you think that the position in Bengal *vis a vis* the transferred departments would improve if there was a separate purse ?

A.—I think that probably there would be more satisfaction.

Q.—More satisfaction amongst whom ?

A.—In the transferred departments amongst the Ministers if there were a separate purse.

Q.—Of course, it carries with it the right to raise separate taxes and those taxes would be raised definitely for expenditure on subjects within their charge ?

A.—On transferred departments.

Q.—But I thought you just now said that from the financial point of view it is a great mistake to earmark taxation.

A.—It is, but there would not be the same objection to earmarking taxation for the whole of the transferred departments. You could let the Ministers settle among themselves as regards the division of the money. But in any case there is the fundamental objection.

Q.—Would not there be any competition between the reserved half and the transferred half for the purposes of taxation for their local needs ? I mean to say you may want to raise some money to meet expenditure say on the police, or the judiciary—the Minister may want also to raise money for education and sanitation. Would not there be an unwholesome competition between the two halves of the Government in regard to taxation ? And would not the tax-payer instead of cursing the whole of the Government once have to curse the Government twice over.

A.—Yes, that is possible.

Q.—I am putting that to you because the question of a separate purse or of a joint purse, was very strongly raised by the Local Governments and the Government of India before the Functions Committee of which I was a member. At a late stage the Functions Committee were asked by the Government of India to consider the opinion expressed by Lord Meston at that time. The view which I have now put before you was pressed by many of the Local Governments. They said it would lead to most unwholesome competition and possibly to greater deadlocks and greater friction between the two halves of the Government than a joint purse would. I am not asking you to say any thing on behalf of the Bengal Government. I am treating you as a financial expert. I want your opinion on that point.

A.—Well, of course, it depends a great deal on the smooth working on the two sides of the Government. In Bengal we have had no difficulty at all about the allocation of money.

Q.—But you are more or less bankrupt ?

A.—But still with other Ministers it might be possible even then for them to refuse to agree to the allocation which is intended.

Q.—But am I right in assuming that the question is not free from considerable doubt and therefore it would not be wise to be dogmatic on the point ?

A.—Yes.

(Sir Muhammad Shafi).—In the case put to you by Sir Tej Bahadur Sapru both the Minister and the Executive Councillor, if they wanted to raise any money by taxation, would have to go to the same Legislative Council in order to get it ?

(Sir Tej Bahadur Sapru).—And there would be a question of favouritism then.

Mr. Jinnah.—*Q.*—Mr. Mar, I just want to ask a few questions. Now, with regard to the Finance Department, you say you would also examine the policy of any scheme or any proposal which involves expenditure coming upon the transferred government ?

A.—Not if the policy has already been laid down and agreed to.

Q.—Agreed to where ?

A.—If a Minister has laid down a policy which has been accepted by Government as a whole, we never question it any further. All we examine then is : is the scheme in furtherance of that policy.

Q.—Has a Minister got to place his policy before the Government as a whole ?

A.—Well, in Bengal, where we are trying to work as a joint government, he has.

Q.—Every scheme which involves national expenditure ?

A.—Not the scheme, the policy.

Q.—A Minister has got a scheme which involves financial expenditure. Has that scheme, the policy of that scheme, got to be placed by him before the whole Government ?

A.—Not necessarily. Of course, when I talk about policy I mean big lines of policy as for instance primary education, rural water supply, anything like that.

Q.—Is he bound to place that before the Government as a whole ?

A.—No, but in order to persuade the other Members of Government to allot him more money than he would otherwise get, he must explain to them his policy.

Q.—Very well. In matters of big principles, he has first of all to place it before the whole Government and if the whole Government have accepted the policy then the Finance Department merely has to consider whether they have got funds or not ?

A.—No, further, as to whether the particular scheme which has been submitted to them is in furtherance of that policy.

Q.—That is to say, whether it is intended to carry out that policy.

A.—And whether it fulfills the conditions that have been laid down by the policy agreed upon.

Q.—And that depends entirely upon the outlook of the Finance Member ?

A.—I don't see what he has to do with it.

Q.—To see whether the policy which is laid down is going to be carried out by the scheme which is placed before him ?

A.—Well, we would have had a policy. May I quote an instance.

Q.—I am only talking about general principles. A particular policy is laid down, the entire Government agrees ; in pursuance of that policy the Minister has formulated a scheme. That scheme has got to be placed before the Finance Member. Isn't that so ?

A.—Yes.

Q.—Then it is for the Finance Member to see whether the scheme placed before him is in accordance with that policy or not. That depends upon his outlook or mentality or the way in which he looks upon it—and he can turn it down ?

A.—He can't turn it down. He can object. He says that is not in furtherance of this policy and then the Minister can go to His Excellency.

Q.—Now that is one case ?

(*Sir Muhammad Shafi*).—*Q.*—May I intervene ? The case which has been put to you by Mr. Jinnah is this. One Minister has formulated a policy and that policy has been approved of by the whole Government, then in pursuance of that policy he submits his case to the Finance Department. Whether the decision in the Finance Department on that scheme will not depend upon the outlook and the mentality of the Finance Member ? But the very premise on which this proposition is based assumes that the Finance Member has already agreed to the policy of the Government when the policy was placed before the whole Government and has approved of it, so that in dealing with the scheme, his mentality will be favourable to the policy of which the scheme is the result ?

Q.—But also his mentality may play an important part as to the manner or the details of that scheme—isn't that so ?

A.—Well, I can't imagine a case. Of course, in framing a policy, the principles are laid down. And if these principles are obeyed there is no question of the mentality of the Finance Member. The scheme has to go through.

Q.—Even with regard to the details of the scheme I may agree with you in principle. Still it will depend on the individual outlook as to how that principle is to be given effect to and also the manner, the method and the details also. It is obvious it must be so. The Finance Member may like that that principle to which he agrees may be carried out in a different way from what the Minister may submit ?

A.—It is possible. I cannot quite imagine . . . . . .

Q.—Take the other cases. These are big cases such as primary education and things like that. Let us take other cases which are small cases ?

A.—Isolated cases.

Q.—Yes. They are put before the Finance Department. The Finance Department examines the policy of that particular isolated scheme ? Don't you think that it is generally the case ?

A.—If it is in furtherance of a policy which has been recognised for years.

Q.—Supposing it were something new ?

A.—I mentioned a case of something new where we did . . . .

Q.—If it is not in accordance with any particular policy which has been determined and if the scheme is an isolated scheme by the Minister, then you would also examine the policy of that ?

A.—Yes.

Q.—Does not that place the Minister in a very difficult position that his policy should be examined by a member who happens to have the financial portforlio ?

A.—It appears to me that the Finance Department is bound to do that.

Q.—Is that not a difficult position for the Minister. Suppose you were a Minister. You have carefully considered the policy. I am talking of an isolated scheme. You as a responsible Minister to the legislature

wish that it should be carried out and yet there is another person who sits over you and examines the policy of the principle ?

A.—He does not sit over it.

Q.—He examines it. If he does not approve of it ?

A.—We object and then the Minister has got a right to go to the Governor.

Q.—Is that not a difficult position for the Minister that he should be subjected to this control ?

A.—I do not know of any Government where he isn't subject to control, any Government in the world.

Q.—I am talking of the position of the Minister, the relationship of the Minister *qua* the Finance Department. A good many of the Ministers who have appeared before us feel about what I am putting to you. It is a difficult position for the Minister. You would admit that ?

A.—It may be difficult but I cannot see how it can be avoided.

Q.—One solution was put before you. Why not transfer the finance portfolio to a Minister. You said there is no constitutional objection. Is there any objection of any kind ?

A.—That Minister would be subject to the same financial control as a Member.

Q.—He will also have to exercise the same control over any scheme that comes from the reserved side ?

A.—Yes.

Q.—In the reserved side would you like that ?

A.—It is for the reserved side to say.

(*Sir Tej Bahadur Sapru*).—You do not belong to either ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Assume that the Minister was competent to exercise control ?

A.—The Ministers will be in no more difficult position than the Members.

Q.—The difficulty I feel is this. The Minister feels it a difficult position if a Member of the executive council who happens to have the financial portfolio sits over him. Would not the reserved side feel the same. Would they not say " Here we are masters of our departments. We have formulated a scheme (I am assuming it is a good scheme) and yet it is open to a Minister in charge of a portfolio to object to it on the ground of policy." Would not that be a serious position for the reserved side ?

A.—The member in charge of the reserved side may feel it but it is not a serious position.

(*Mr. Chairman*).—*Q.*—Have you ever worked in the Government of India ?

A.—No.

(*Mr. Chairman*).—*Q.*—Is it not a fact that even in the unitary government where there are no transferred and reserved departments much irritation is felt towards the members of the Finance Department ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—They were always unpopular ?

A.—Yes.

(*Sir Tej Bahadur Sapru*).- *Q.*—The Finance Department has very few friends ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—What is the cause of the increase in the reserved side ?

A.—The Police have framed a very big building scheme. That is the only reason.

(*Sir Sivaswami Aiyer*).—*Q.*—As a general rule in which half of the Government are more new schemes of expenditure introduced ?

A.—On the whole on the transferred side.

Q.—In reply to the question that was put to you by the Chairman you said in a unitary government there is always a certain amount of difficulty and there is a scramble ?

A.—Yes, every department wanting money ?

(*Mr. Chairman*).—It is to the financial control that I was referring to. I was putting to him whether cases were turned down by the Finance Department. There is no question of money ?

Q.—I have not been in any Government and therefore I may be ignorant. When you send any scheme to the Finance Department if there is a unitary government, if there is a question of policy with regard to a scheme that also can be discussed in the cabinet itself and the cabinet takes a decision jointly. Is that not so ?

A.—Yes.

Q.—It is not a case really of the Finance Department as purely a Finance Department examining a policy of a particular department in a unitary government ?

A.—In the unitary government we also turn down a scheme if we think that it is not worth spending money on. That is a question of policy. Then we might be over-ruled.

Q.—In that case in a unitary government the entire cabinet has got to decide the question ?

A.—It need not necessarily, if it is a small thing. If it is a big case, the policy is settled by Government before the scheme ever comes to the Finance Department.

Q.—The policy is settled by the cabinet as a whole and then he comes to the Finance Department ?

A.—If the scheme is in furtherance of that policy.

Q.—If the scheme comes before you and the Finance Department objects to it then it can be decided by the cabinet as a whole ?

A.—Yes.

Q.—And the cabinet as a whole takes the responsibility ?

A.—Yes.

Q.—Here the Minister who is responsible to the legislature can only appeal against the objection of the Finance Department to the Governor ?

A.—Yes.

Q.—It has been suggested that the Financial portfolio should be given to some independent authority as a Controller of Provincial Finance. What do you say to that ?

A.—I have said before that in a case like that the officer in charge of the Finance would not have the same influence with Government. His position would not be so strong.

(*Sir Muhammad Shafi*).—*Q.*—He would be directly under the Governor and be independent of both the reserved and the transferred sides ?

A.—But then he is not a member of the Government.

(*Sir Tej Bahadur Sapru*).—*Q.*—How will he discharge his responsibility towards the legislature ?

A.—I suppose the Governor will be in charge technically and it will be very difficult for him to decide certain cases. Most of the cases are disposed of by the Secretary. If the finance is in charge of the Controller, he is not responsible to any one.

Q.—The Governor is not a member of the Council ?

A.—No.

(*Sir Muhammad Shafi*).—*Q.*—The controller of Finance would be a member of the Council ?

A.—Yes. But he would not be a member of the Government.

(*Sir Muhammad Shafi*).—*Q.*—Are you aware that His Excellency the Viceroy is in charge of the Foreign and Political Department and he is not a member of the Council ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Are you aware that foreign and political affairs do not come before the Council ?

A.—I am aware of both.

(*Sir Muhammad Shafi*).—The establishment of the Foreign and Political Department does come before the Legislative Assembly.

Q.—I take it that you cannot suggest any solution out of this difficulty. You think that the best course would be to sick to the present position ?

A.—I think so.

Q.—And continue the anomaly that the Minister has got to subject himself and his policy at any rate in isolated cases to the objection of the Finance Member ?

A.—He is in the same position as a member is.

The witness then withdrew.

The Committee adjourned till 10-30 on Friday morning the 24th October 1924.

Friday, the 24th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness:—Mr. J. E. C. Jukes, Officer on Special Duty, Finance Department, Government of India.

EXAMINED BY THE CHAIRMAN.

Q.—I take it that this memorandum of yours is put in by you personally and not as representing the Finance Department ?

A.—Entirely representing my own views. I have put it in with the Finance Member's consent, but it is entirely my own view.

Q.—You have been engaged during the last two or three years in connection with this matter ?

A.—Yes, I have been making financial rules for a long time, back to 1919.

Q.—Did you go home ?

A.—Not in connection with it.

Q.—The Auditor General did ?

A.—He went home.

Q.—First of all I should like to thank you on behalf of the Committee for this very useful memorandum, which puts the position very clearly. It is a very valuable memorandum. There is one point I must put to you in connection with the legal position. You say by operation of the rules under the Act you could give the local Governments financial autonomy. In one sense that is true, but in another sense it is not true, because you know the position as regards vesting of funds. They are vested in His Majesty. The revenues of India are one, and therefore in the ultimate event of a loan not being met and proceedings having to be taken to enforce the loan, the proceedings would have to be against the Secretary of State, and the Secretary of State is, under the Act, liable to the extent of all the revenues of India. Therefore supposing the Bombay Government were to default in its loan, it might be that the general revenues of India would have to pay ?

A.—Undoubtedly.

Q.—Then you could never have any financial autonomy in the true sense. You have administrative financial autonomy in your sense ?

A.—What I meant by financial autonomy for the provinces, was financial autonomy to the extent to which the Government of India have themselves got it, apart from the Secretary of State.

Q.—The point is rather an important one because it is often missed that this is all administrative devolution practically ?

A.—Yes.

Q.—On the other hand, if it was so desired, considerable advance could be made under the Act, and you have summarised the measures that could be taken in paragraph 22 ?

A.—Yes.

Q.—You consider that audit should remain central ?

A.—Yes.

Q.—Have you any experience or knowledge of other governments with a central and local governments ?

A.—A book knowledge only.

Q.—Do you know whether audit is central, say in Canada or Australia ?

A.—I could not say ; I fancy it is in most British federations.

(*Sir Swaminadha Aiyer*).—*Q.*—And in the United States ?

A.—There they have a most extraordinary system ; they have not any separation of audit at all. The audit is done by the Finance Department ; it is a separate branch of the Finance Department.

Q.—Have you ever studied the question of treasury control at home ?

A.—Yes.

Q.—Would you say, speaking from your examination of the point, that the treasury control at home is more stringent or less stringent than ours ?

A.—In practice infinitely more stringent.

Q.—We have had it put to us, as you may have read in the papers, that the Finance Departments in the local Governments exercise an undue influence on policy.

A.—That I think is unavoidable. It is exactly the same at home.

Q.—What I will put to you is this. Say a member of the Government at home has a struggle, as he often in fact does have struggles, with the Treasury, the only tribunal to resolve the point is the Cabinet ?

A.—Yes, but in actual practice not one case in a million is ever pushed to the Cabinet.

Q.—As a matter of fact that is very rarely resorted to ?

A.—Very rarely.

Q.—They chafe at the control but submit to it ?

A.—Yes. Might I quote an example. There was a famous case in which Lord Salisbury, when he was at the same time Prime Minister and Foreign Secretary, actually in a public speech made an attack on the Treasury, stating that it was absolutely intolerable the way in which the Treasury at home was able to thwart the policy not only of the Foreign Department, but also of the Cabinet. It was afterwards pointed out to him that in his capacity as Prime Minister he was also First Lord of the Treasury.

Q.—As far as you know the political heads of the Treasury did not interfere in this matter of treasury control ?

A.—Not at all, they never did.

Sir Tej Bahadur Sapru.—*Q.*—I should like to know what it is exactly that corresponds in India, if at all, to what is known as the Consolidated Revenue Fund ?

A.—Practically the general revenues of the Government of India, as the term is used in the Devolution Rules.

Q.—I am using that in the English sense, the Consolidated Revenue Fund, what is it that corresponds to that in India ?

A.—The whole of the revenues of the Government of India. We call them the general revenues in the Devolution Rules.

Q.—Under the Government of India Act there are certain liabilities which the Secretary of State incurs in England. In any scheme of provincial autonomy, what will happen to that ?

A.—That of course depends on what you do with it. Without altering the Act the Secretary of State must still retain his power to spend money if he wants to. He has the power to spend money.

Q.—He has power to spend money and enter into contracts, and he incurs certain liabilities in England, and that is what gives the English courts jurisdiction over the Secretary of State. There have been certain cases where the Secretary of State's liability has been sought to be enforced in the English courts. Take the well known case of Grant. If the provinces get autonomy and the Government of India gets autonomy, what would happen to the powers of the Secretary of State and the liabilities of the Secretary of State ?

A.—The answer really depends on how you made your rules. Unless you alter the Government of India Act, the Secretary of State must retain his powers, and I take it that would apply to the revenues of the provinces as well as of the Government of India.

Q.—Do you think it is possible to encroach upon the powers of the Secretary of State in regard to those statutory liabilities of his by mere rules ?

A.—No, certainly not.

Q.—There are certain powers given to the Secretary of State and certain obligations imposed on him by Parliament by statute, and whatever else you may do with regard to the Government of India or the provincial governments, do you think it is possible to affect these powers of the Secretary of State without amendment of the Act ?

A.—Only in the case of those sections in which the Act itself gives the Secretary of State power to modify the Act, to modify his own powers.

Q.—Those powers are the powers which the Secretary of State exercises over the Government of India. Now with regard to his own powers and his own obligations do you think it is possible for him to contract himself out of the statute ?

A.—Section 19A gives him considerable power in that respect.

Q.—Over the Government of India ?

A.—It does not say Government of India or local Government.

Q.—But with regard to his own powers exercised in England ?

A.—The power is considerable ; I fancy the exercise is not very large.

Q.—In regard to his financial obligations it is very large ?

A.—The total expenditure on behalf of local Governments in England is very small.

Q.—He used to enter into contracts on behalf of the Government of India ?

A.—Oh yes and still does.

Q.—And those liabilities of the Secretary of State can only be enforced in England ? What will happen to them, who will represent the Government of India or the provincial governments in regard to those contracts which may be entered into on behalf of either in England if you take away all the powers of the Secretary of State ?

A.—I do not quite understand what the force of the question is. I have never suggested that we should abolish the Secretary of State or his powers.

Q.—What I am asking you to consider is what would be the position of the Secretary of State in regard to these financial obligations if you give financial autonomy to the provincial governments or absolute autonomy to the Government of India in financial matters ? There will be some sort of readjustment ?

A.—Yes.

Q.—That readjustment could not be brought about by any of the rules ?

A.—No.

Sir Sivaswami Aiyer.—*Q.*—On page 7 you say that an experiment in the separation of accounts and audit has been proceeding during the financial year. Where ?

A.—In the United Provinces.

Q.—Do you think it is absolutely necessary to separate accounts from audit ?

A.—If you are going to make an advance in financial autonomy, it is necessary, I think.

Q.—But for the purposes of audit would it not contribute to uniformity in the system of accounts if the accounts and audit were kept and carried out by the same agency ?

A.—I do not think so ; provided the audit is one and the same agency I think the auditor can keep the accounts straight.

Q.—If you mean each province keeping its own accounts in its own fashion, classifying income and expenditure under different heads, any amount of confusion will result ?

A.—Of course that would never be allowed to happen. You must give the Auditor General certain powers of prescribing the forms in which the accounts should be submitted and compiled for the purpose of the revenue and finance accounts which is very important ; he must be able to prescribe the major forms of accounts.

Q.—He must have power to prescribe certain standards as to forms ?

A.—That is always done ; in England it is the Treasury ; here it might be the Auditor General ; that is a point which would have to be settled.

Q.—You say in paragraph 13 that there are other arguments which could be adduced in support of separation—" It will afford a means, though possibly not the only available means, of securing a more effective control over expenditure from voted grants." How will it secure a more effective control ?

A.—The great difficulty now in securing control is that we have not been able to bring heads of departments who have to control grants into sufficiently close touch with their accounts. The line on which the United Provinces experiment is proceeding is really to have the accounts kept under the same roof as the head of the department himself ; he has his accounts absolutely next door to him, he knows, practically from day to day, how he stands with regard to expenditure in departments under him.

Q.—Do you think under the present system there is want of touch between the local Finance Member and the Finance Department ? You see the accounts are being kept by the Finance Department.

A.—The accounts are not kept by the Finance Department ; they have been kept by the Auditor General so far.

Q.—By the Accountant General ?

A.—That is a central department ; all the local governments' accounts are being kept for them by the Auditor General's staff, which is central ; the Finance Department has nothing to do with them.

Q.—I mean the Accountant General's office when I speak of the Finance Department.

A.—But it has nothing to do with the provincial Finance Member.

Q.—The Finance Member and this department are out of touch with each other ?

A.—Yes.

Q.—Your suggestion is meant to bring them more into touch with each other ?

A.—Into much closer touch.

Q.—You suggest in paragraph 14 that the provincial governments should be allowed to have the use of various deposit monies ?

A.—Yes.

Q.—I suppose in one sense it is a temporary use of the monies, like a bank ?

A.—Yes. It is a banking function entirely.

Q.—You do not see any danger in that system, any more than the Government of India handling these monies ?

A.—Not if the accounts are properly kept and audited.

Q.—You say in paragraph 16 that the imposition of certain kinds of new provincial taxation might jeopardise the stability of central finance ; that I understand ; you go on to say that it would be unfair to other local governments as long as these pay contributions to the central exchequer. How would it be unfair ?

A.—There was a recent case which arose, in which a particular local government desired to impose a particular tax for its own purposes, I understand the line which the other provinces adopted was this : that that tax might be put on for central purposes ; if it was going to be put on at all, it should be put on for central purposes and it would then *pro tanto* reduce their contributions. The more revenue the central government gets the less in theory should be the contribution of the provinces ; if a source of central revenue is taken up by a province for its own use, it then becomes purely provincial and the contributions cannot be reduced.

Q.—Supposing a provincial government is allowed to put on an individual tax which has not been hitherto levied. How would it work unfairly to the other provincial governments ?

A.—That was the line which was taken. Let us assume for a moment that the tax is going to yield 2 crores and that a particular local government will have these 2 crores for its own purposes ; the other local governments say this tax is of the nature of central taxation ; if it is levied at all, make it central.

Q.—If it trenched upon the sphere of central taxation ?

A.—Yes, that was the idea.

Q.—Not in other cases ?

A.—No ; I only want examination so that it may be definitely decided whether it does trench on the sphere of central taxation or not.

(*Dr. Paranjpye*).—*Q.*—Would you then not allow provincial governments to levy any tax upon central matters ?

A.—No, certainly not.

Q.—You would make the compartments absolutely water-tight ?

A.—As far as possible—I do not think there could be absolutely water-tight compartments.

Q.—In paragraph 18 you say " The remaining restriction requires the observance of rules framed by the Secretary of State to regulate expenditure upon imported stores. It is probable that here also restrictions could be reduced to a minimum if provincial autonomy were increased." What are these rules to regulate expenditure upon imported stores ? What is the object of these rules ?

A.—Of course it is not a subject with which I am quite familiar ; it is not a finance department subject ; the Stores Rules have been made by another Department which is responsible for stores. There are certain restrictions on the powers of local governments to buy foreign stores without resort to the central purchasing agency ; it is really not my concern ; it is not my line of business.

(*Mr. Chairman*).—*Q.*—They have been modified quite recently ?

A.—I think so, Sir. The only reason why in the Schedule to the Devolution Rules it was put in this form was because at the time when we drafted the Devolution Rules the Stores Rules were being modified ; we did not know what was going to happen and we therefore simply left the power to the Secretary of State to make rules.

Q.—You said you had a book-knowledge of other systems of federal finance ; can you give us any idea as to what kind of taxes are reserved for the central government and what kinds of taxes for the provincial governments ?

A.—I am sorry ; I could have done so ; I have actually got on my table a note which I made for myself after examining the question ; but I have not brought it up. It is only a half sheet of paper with my own notes on it ; I do not think it would be of any great value.

Sir Arthur Froom. *Q.*—With regard to your suggestion (*b*) on page 11 that local governments should be made responsible for the custody of their own balances, would that embarrass the central government ?

A.—I do not think it would ; I think it could be done. We have worked out a general scheme which is going to be discussed with local governments shortly ; but my own impression, and I fancy it has been more or less accepted in the Finance Department, is that it is quite practicable.

Q.—The local governments, whenever they have balances, would be required to keep them in the Imperial Bank ?

A.—Undoubtedly, as long as the agreement with the Imperial Bank remains as it is at present ; that is essential.

Q.—Would you suggest that when there are balances they should be in the nature of interest-free (short-term) deposits ?

A.—That is what happens with regard to the central government.

Q.—And when they have debit balances would they be financed from the Imperial Bank ?

A.—We hope they will be able to get ways and means advances from the Imperial Bank; we should have to make some arrangement by which they could.

Q.—Without interest ?

A.—That, I think, is doubtful; I think the Government of India pay interest on ways and means advances now; otherwise you will have local governments continually coming up for loans. There is no reason whatsoever, if they are going to pay no interest, why they should not take crores from the Imperial Bank.

Q.—The chief advantage to the provinces is that they would be able to get hold of their money at once under this scheme of transferring balances ?

A.—No; it is an advance in autonomy and some local governments want it very badly; one of the reasons which induce them to want it is the one I have mentioned already. The total provincial deposits are something like 15 crores of rupees.

Q.—Have you any particular views regarding provincial contributions under the Meston Award ?

A.—From what point of view ?

Q.—From the point of view of each province ? Do you think the complaints are reasonable ?

A.—I have my own personal opinion about that; it seemed to me that the Meston Committee made a very reasonable settlement upon an extraordinarily difficult problem; no decision could possibly have satisfied everybody and they did not succeed in satisfying everybody and I do not think they could have done so.

Q.—But in view of the complaint of each province of the injustice which they say they feel, have you any scheme in your mind which would replace this Meston Award ?

A.—No, I have not.

Mr. Jinnah.—*Q.*—You say in your last paragraph "The powers of superintendence, direction and control exercised over transferred subjects by the Secretary of State and the Governor General in Council are not susceptible of reduction." Can you explain that a little more ?

A.—If you will look at my paragraph 21 you will find in it (*a*), (*b*), (*c*) and (*d*)—the cases in which these powers are needed. To my mind it would be absolutely impossible to take out any one of those; they are summarised more or less in those clauses; I cannot conceive of your abolishing any of those.

Q.—Similarly you say "It would be an advantage to set forth categorically the circumstances in, and the extent to, which these authorities will exercise their theoretically unlimited powers of the same nature in relation to reserved subjects." It comes to this, that so far as the powers of superintendence direction and control which can be exercised by the Government of India and the Secretary of State over the transferred as well as the reserved subjects you cannot touch those ?

A.—I cannot touch the transferred.

Q.—Do you propose any change in the powers which they can exercise now under the Act ?

A.—That is rather a difficult question, Mr. Jinnah. I understand the Government of India for the last 3 or 4 years have been trying to make up

their minds as to the exact cases in which they will exercise their power of intervention in the case of reserved subjects, but nothing has been so far done. But it is very largely an administrative question; it is not a financial question, and I have not that knowledge of administration in all departments which would enable me to make any suggestions.

Q.—You would not suggest any alteration in the powers so far as they exist at present with regard to the transferred departments or the reserved departments ?

A.—As regards the reserved departments the power is unlimited and at present there are very many cases in which neither the Secretary of State nor the Governor General in Council would ever dream of exercising it. What I meant to suggest is it would be very useful if both these authorities could say categorically that "as regards such and such spheres of action we do not propose ever to interfere with you."

Q.—Now let us get back to (*a*) and (*b*). These clauses suggest a better method of keeping accounts and auditing.

A.—Not necessarily a better method. That is to say, the Auditor General, would possibly not admit that it is a better method. My own opinion is that it is a better method.

Q.—That is with regard to (*a*). And (*b*) also ?

A.—(*b*) has nothing to do with accounts or audit.

Q.—That says local Governments should be made responsible for the custody of their own balances.

A.—That gives the provincial Government greater financial autonomy.

Q.—At present the balances are kept with the Government of India, so you suggest that is a better way ?

A.—Not a better way, but a possible way of giving them more autonomy in financial matters.

Q.—That is the balances will be in their custody instead of with the Government of India. Then in (*c*) you say "The present rules relating to the imposition of provincial taxation should remain in force." You don't propose to alter the present rules as to the imposition of provincial taxation ?

A.—Only the schedule to the rules.

Q.—Then with regard to borrowing powers you do not want to make any change in that ?

A.—No.

Q.—All that you suggest is that it would be better if the balances are separated and facilities are given for obtaining ways and means advances.

A.—It is essential, I would say.

(*Sir Sivaswamy Aiyer*).—*Q.*—May I put one question about this subject. Under the Local Government Borrowing Rules, suppose a local Government wants to borrow a sum of money for repair of damage caused by floods, has it got any power to do so ?
it might possibly come under either of two clauses. It might possibly

A.—Just let me look at the rules and make quite sure. Yes, I think come under (*a*). It might be capital expenditure on the construction or acquisition of a work or asset of a material character; and it might certainly be the giving of relief in times of scarcity

Q.—Relief in times of scarcity means relief to the people who are suffering from scarcity in the way of doles.

A.—What actually do you want to give ?

Q.—Suppose floods have caused enormous damage to fields, cultivated fields, by a deposit of huge layers of silt or embankments have been breached or bridges have been destroyed or roads have been cut up in various areas—that would not come under the head Famine or Scarcity.

A.—Are you contemplating that the Government itself would be spending the money or lending money to owners of land ?

Q.—Suppose the Government wants to raise money to grant loans.

A.—You can always raise money for the provincial loan account.

Q.—Under which head ?

A.—Under (*d*). It borrows money and then lend money to the cultivators.

Q.—I take it that for the financing of the Provincial Loan Account means the repayment of provincial loans.

A.—Oh no. The Provincial Loan Account covers loans which the local Government makes to local bodies, cultivators and other people.

Q.—Can it lend to the public under that rule ?

A.—Yes, under certain conditions which are laid down.

Q.—Suppose it wants to spend money for the purpose of reclaiming lands.

A.—That will be a little bit doubtful. It might possibly be classed as capital expenditure on a work or permanent asset of a material character; but I am not quite sure.

Q.—Would it not be desirable to have a specified clause to make provision for such extraordinary damage as has been caused during the recent floods ?

A.—I quite agree, that, if that is not covered by any clause here—as to which I would not like to give any decided opinion—I certainly think it would be desirable to borrow money for that purpose.

Q.—Then I want to understand this. If you decided to give financial autonomy to the provinces, would it mean in any sense that the provinces would be able to do what they liked with their revenues ?

A.—If I gave complete provincial autonomy ?

Q.—In your proposal....

A.—My own does not.

Q.—Yours is really confined more to details of accounts and audit, defining certain spheres within which they can tax and so on.

A.—I have really tried to cover the whole ground. You say it is detail, but you cannot cover the whole ground without going over the details one by one.

Q.—It is really consistent with the present Act ?

A.—Entirely consistent with the present Act. That is what I understood I was intended to do.

Q.—Exactly, you have confined yourself to such suggestions as could be given effect to under the present statute and the rule-making power.

A.—Yes, if you look at the heading of my memorandum you will find I say so.

(*Mr. Chairman*). Q.—One question, Mr. Jukes. Although, as you said to Mr. Jinnah, you have not gone beyond the present Act still these are all steps which must be taken for any system of financial autonomy ?

A.—Yes.

Sir Tej Bahadur Sapru. Q.—Mr. Jukes you know that the revenues of India are under the present Government of India Act vested in the Crown and the Secretary of State has got certain powers of control and expenditure ?

A.—Yes.

Q.—Do you know what is the law with regard to that in South Africa or Canada or Australia ? In South Africa I should think the revenue vests in the Governor General in Council.

A.—I believe that is correct, but I would not give a definite opinion.

Q.—And in Canada and Australia there is no provision with regard to the vesting of the revenue with anyone. There is one provision with regard to a single consolidated revenue fund.

A.—I am afraid I am not acquainted with that.

(*Mr. Chairman*). Q.—But you will take it from Dr. Sapru that there is ?

A.—I will certainly.

Q.—My point is this. Any suggestion you can make under the Government of India Act as it is must be consistent with that provision of the law that the revenues vest with the Crown ?

A.—Yes.

Sir Arthur Froom. Q.—Having arrived, let us suppose, at a complete system of financial autonomy in the provinces, do you consider their borrowings would cost them more than under the system now ?

A.—That depends upon how they borrow. There is a scheme under consideration, as I mention in my memorandum. I cannot describe it because it is at present under discussion, but there is a scheme by which they can get the money they want from a provincial loan fund. It is quite possible that the arrangements that will be made to finance that Fund will be through the Government of India, the money being actually raised by the Government of India itself, which will make the borrowing of money just as cheap as it is now.

Q.—What I had in mind was when it is necessary to go outside India for borrowings.

A.—No, I don't think that would matter. I don't think the borrowings will be so large as to affect the sterling market.

(*Mr. Chairman*). Q.—That would depend upon the credit of the province ?

A.—Very largely, but however good that credit might be, if 4 or 5 provinces all went together into the open market.....

Q.—Then they would be competing against each other.

A.—It is a question of competition the whole time.

Q.—What I had in mind was that the backing of the Government of India might be considered a sounder and better security than the backing of any one particular province.

A.—It might possibly, though as a matter of fact the backing is not really the backing of the province but the ultimate backing is of the Secretary of State.

(Sir Henry Moncrieff-Smith). *Q.*—There are one or two places in which you would perhaps like the memorandum to be corrected. You refer to the previous sanction which is necessary for legislation imposing taxes which are not scheduled, as the previous sanction of the Governor General in Council. You realise that it is the previous sanction of the Governor General and not of the Governor General in Council ?

A.—I will take it that it is so.

Sir Sivaswamy Aiyer. *Q.*—You are of opinion that the exising borrowing rules should be maintained and that the provincial Governments should not be allowed to resort to the open market ?

A.—Not without the consent of the Central Government.

Q.—Now if the local Government wishes to raise a loan and applies to the Government of India to finance the local Government, would you oblige the Government of India to lend the money required or would you allow them to canvass the necessity for the loan.

A.—They must canvass the necessity for the loan.

Q.—Why ? If the local Government have got financial autonomy and considers it necessary to raise a loan but is prevented from going into the open market, why should you allow the Government of India to refuse the loan ?

A.—Let me explain the difficulties. Supposing every province went up at the same time to the Government of India and said " We want to raise a loan of 10 crores in the open market ". The Government of India would reply there isn't 90 crores in the open market and we must say " No ". You could not give every local Government the right to say to the Government of India " Pay up 90 crores ". The Government of India could not get the money. It is a practical impossibility.

Q.—But isn't it unfair that on the one hand you prevent them getting the money for themselves and on the other hand allow the Government of India to refuse it ?

A.—Is it unfair ? After all if they all went to the open market at the same time, they could not get the money. You have several applications from local Governments. They will be competing with each other. They might get the money at 25 per cent.

(Dr. Paranjpye). *Q.*—Do you think the Bombay Government borrowing at a higher rate of interest—6½ per cent.—when the Government of India rate was 6 per cent. a mistake ? The Bombay Government could have got the money at 6 per cent. instead of 6½ per cent.

A.—In what way do you mean ?

Q.—I mean at the same time the Government of India had its Loan at 6 per cent. and the Bombay Development Loan was issued at 6½ per cent.

A.—I am not quite sure if I understand your question but I think it would be infinitely better for the purposes of all the local Governments if they could avoid going into the open market, because if the Government of India could do all the borrowing in the open market they could probably get better terms for everybody.

A.—But of course there will be particular cases where local patriotism will come in and will persuade people to subscribe for loans which are going to be used for local purposes.

(The witness then withdrew.)

Friday, the 24th October, 1924.

Witness :—Mr. G. H. Spence, Deputy Secretary to the Government of India, Legislative Department.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Spence, you are Deputy Secretary in the Legislative Department ?

A.—Yes, Sir.

Q.—And you are giving this memorandum as your own view ; it is not the view of the Government of India ?

A.—In so far as it expresses views, it is intended to express the views of the Government of India as I understand them.

Q.—Yes, but we will put it to you in this way. This is put in with the consent of your Member but does not necessarily commit the Department—I want to make that clear ?

A.—Oh no, in no way whatever.

Sir Henry Moncrieff Smith.—*Q.*—Mr. Spence, how long ago is it that you came to the Government of India ?

A.—I came up originally in the Reforms Office in December 1919.

Q.—And for one year you were Under Secretary in the Reforms Office which was a branch of the Home Department, specially dealing with the reforms ?

A.—Yes.

Q.—And then about December 1920, you joined the Legislative Department as Deputy Secretary ?

A.—Yes.

Q.—As Under Secretary in the Reforms Office, you had a good deal to do—I won't say with drafting—but with rules under the Act and with certain things that were done under the provisions of the Act ?

A.—Yes, that is so.

Q.—The preliminary steps that were taken to bring the Reforms into operation ?

A.—Yes.

Q.—In the Legislative Department one of your duties has been practically all along to examine Bills from the point of view of the requirements of the previous statutory sanction ?

A.—Yes.

Q.—Now, you explained at the beginning of your memorandum that in the pre-reform days there were two kinds of control, just as there are now the administrative control over provincial legislation and the statutory control arising from the necessity of the previous sanction of the Governor General under section 79 ?

A.—Yes.

Q.—In the old days, I take it, the administrative control was the important part of it ?

A.—Undoubtedly that is so.

Q.—In fact, before statutory sanction was ever obtained or even applied for, there was as a rule, if a Bill was framed, long correspondence between the Local Government and the administrative department of the Government of India ?

A.—Yes.

Q.—And when all the details of the Bill were settled, then the Bill came to the Legislative Department for sanction ?

A.—Yes.

Q.—Not only statutory sanction but there were other sanctions required. For instance, in the old days, every penal provision in a provincial Bill required the sanction of the Government of India. That was not statutory sanction. It was the result of instructions from the Government of India ?

A.—Yes.

Q.—Now-a-days the more important matter is not statutory sanction and the less important matter is the administrative sanction of the Government of India ?

A.—Yes.

Q.—In fact, in every case now, we lay down that provincial Bills should come straight to the Legislative Department ?

A.—Yes.

Q.—The Bill is not sent to the administrative department to start with ?

A.—No. In fact, I think it would be true to say now that there is no such thing as administrative sanction. The instructions require important Bills relating to reserved subjects to be submitted in time to enable the Government of India to communicate observations should they wish to do so. But if the Government of India have nothing to say, they don't convey administrative approval. They at most intimate that they have no remarks to make.

Q.—There is, of course, nothing to prevent a local Government from addressing the Government of India on the subject of the legislation that they propose to introduce, if they think that they would like to be fortified with the opinion of the Government of India or if they wish to get the approval of the Government of India ? Of course, it does happen that the local Government refrain from proposing legislation until they have consulted the administrative department of the Government of India ?

A.—Yes, in important cases.

Q.—For instance, the Punjab witnesses, Sir John Meynard and Lala Harkishan Lal, mentioned a Tramways Bill. Now, did the Legislative Department ever see a Tramways Bill from the Punjab ?

A.—No. The Legislative Department has had no Bill ; from which it may be inferred that a Bill has not yet been drafted, and that the Punjab Government's correspondence with the Railway Department was of a purely preliminary nature, referring to the substance of the legislation which they proposed to introduce. But I think it would be right to say that in ordinary cases now the first that the Government of India know of a proposal to legislate is when a Bill is received. I think it is only in very important cases, where the provincial Government thinks it probable that the Government of India may have something to say in the matter, that they come up with a preliminary reference.

Q.—Now, we may take it as a fact that it is your opinion that the instructions to local Governments now in force regarding provincial

legislation do not go beyond what is required to secure to the Governor-General the proper exercise of his power of previous sanction under section 80A (3) ?

A.—They go beyond that only to the extent to which they require the submission to the Government of India of a Bill relating to a reserved subject which in the opinion of the local Government is of substantial importance in sufficient time in advance of the date of introduction to enable the Government of India to communicate its views.

Q.—The point there is that the local Government is the arbiter as to whether a Bill is important or not ?

A.—Quite.

Q.—That is included in the instructions under the orders of the Secretary of State ?

A.—That is so.

Q.—That is practically the only restriction that he has imposed of rather to put it the other way it is the only restriction that the Secretary to State has allowed the Government of India to impose in provincial legislation ?

A.—That is so.

Q.—Outside the Government of India Act ?

A.—Yes.

Q.—May we take it from your memorandum that there have been certain changes of practice in this question of control of provincial legislation. Since the introduction of the reforms, and that in every case where there has been a change, the tendency has been towards relaxation ?

A.—That is so undoubtedly.

Q.—Now you say in one place that the sphere of operation under the existing law contained in section 80A (3) has proved in practice to be far wider than that of the pre-reform law on the subject and indeed to be wider than was either anticipated or intended. Could you tell us briefly why that has been the effect of the enactment of section 80A (3) in place of section 79 ?

A.—I think it is mainly due to the presence in section 80A (3) of clauses (*e*) and (*f*) which really had no counterpart in the old section 79 to the effect that any law regulating a central subject or provincial subject which is subject to legislation by the Indian Legislature requires previous sanction. Experience has shown that a Bill of any importance, whatever may be the primary subject which it regulates,—take the case of a Municipal Bill—experience shows that it will inevitably contain provisions which do in fact regulate for instance civil law and by virtue of the inclusion in the Bill of these provisions the Bill must be held to be a law which regulates civil law and therefore to require sanction.

Q.—Mr. Spence, take an ordinary Municipal Bill, provincial Municipal Bill or a City Municipal Bill. When that Bill comes up you find that half a dozen departments have to be consulted ?

A.—I think a big Municipal Bill never concerns less than six departments and generally as many as eight.

Q.—Because it covers such a wide ground ?

A.—Yes.

Q.—And roughly speaking in a big municipal Bill of say 400 clauses how many clauses would you find which require the previous sanction of the Governor General under the Government of India Act ?

A.—I should say, speaking very roughly it would run to about 80 or 90 clauses.

Q.—The majority of these can be disposed of by a stroke of the pen ?

A.—Yes.

Q.—It is mere technical sanction that is required ?

A.—Yes.

Q.—You referred just now to the clauses which affect the central subject of civil law. Could you give an illustration ?

A.—They are common. For instance a provision barring the jurisdiction of the civil courts in matters for which provision was made in the municipal bill in question.

Q.—Suppose there is a clause that no suit shall be in respect of anything done in good faith under the Bill. That requires sanction ?

A.—Yes.

Q.—There are other clauses containing a definition that certain officers shall be deemed to be a public servant within the meaning of the Penal Code, which alters the Penal Code to the extent of the definition ?

A.—Yes.

Q.—There are numerous other clauses of that kind ?

A.—A very common one is a provision altering the Evidence Act by authorising presumptions to be drawn, not provided for in the Evidence Act or by saying that certain things not covered by the Indian Evidence Act shall be conclusive proof of other things. If a municipal Bill for instance made provisions in the matter of control of food supply or something of the kind, it might provide that a person in possession of food to be adulterated shall be presumed to have known it to be adulterated and so on.

Q.—That would affect the Evidence Act ?

A.—Yes.

Q.—You said just now that the clauses which cause most trouble are clauses (*e*) and (*f*) ?

A.—Yes, and I should add (*h*).

Q.—(*f*) is interpreted with reference to the Devolution Rules ?

A.—Yes.

Q.—And if any substantial change were made in the Devolution Rules reducing to any considerable extent the number of subjects which are subject to legislation by the Indian Legislature, *pro tanto* there would be a relaxation of this statutory control ?

A.—Yes.

Q.—It would have a considerable effect on the number of clauses ?

A.—It would reduce the number of clauses requiring sanction in many individual Bills but I think it would probably not have any material effect in reducing the number of Bill to which sanction is required : except of course in so far as concerned Bills regulating as a whole a subject which is not subject to legislation by the Indian Legislature. If you

knock out that subjection, then of course you eliminate all Bills regulating that subject ; that is such Bills will cease to require sanction as a whole.

Q.—Would you be prepared to say that section 80A (3) as framed at present leave only a very small percentage of provincial Bills which do not require sanction ?

A.—I do not think I would go so far as that. You can safely say a very small percentage of Bills of any kind of importance. The Government of India see a number of small Bills which do not require sanction.

Q.—Certain local Governments have complained of this control exercised through section 80A. Have they complained of the way in which the control has been exercised or of the fact that it is there ?

A.—I think the only reasoned statement in the nature of a complaint of the way in which control has been exercised is that contained in correspondence which has been supplied to the committee. The Bengal Government developed a case that the trouble arose not from the law in itself but from the interpretation placed upon the law by the Government of India and that on the interpretation which the Bengal Government advocated the trouble would go. To a lesser extent the Burma Government put forward a contention supporting one aspect of the Bengal Government's contention and the Central Provinces Government have supported another aspect. Apart from that there has never been any reasoned complaint of the way in which the Government of India have exercised control or of the way in which the Governor General has done so. But there have been complaints in individual cases. I can give one example, the Oudh Rent Bill. It came up at a very early stage of the reforms. The local Government sent up the Bill not much more than a week before they proposed to introduce it. They said in effect ' Please communicate sanction in time to enable us to introduce to-morrow week or whatever the exact date was.' The Government of India entered something in the nature of a protest aaginst the very small period of time allowed for examination of the Bill and the local Government in apologising said that they had taken it that the effect of the introduction of the reformed constitution would be that legislation relating to provincial matters would be a matter for the provinces and not for the Government of India. Similar observations have been made in the case of other individual Bills but no reasoned argument.

(*Sir Tej Bahadur Sapru*).—*Q.*—Mr. Spence, do you recollect that the United Provinces Government sent a telegram to the Legislative Department while the Bill was under discussion. The Bill had not been passed and they asked the Government of India to give sanction to that Bill before it was passed by their own Legislative Council and the Government of India had to enter a protest against that ?

A.—I am not quite sure that I remember exactly what you are referring to but I do remember.....

(*Sir Tej Bahadur Sapru*).—*Q.*—I am talking of that very Bill to which you referred. It was I believe in November 1921 ?

A.—I have the papers here. I could look them up if you like.

Q.—The effect was that the Government of India was only allowed seven days to examine a Bill which was of considerable importance ?

A.—Yes. I now understand what you (Sir Tej Bahadur Sapru) are referring to. What did happen was this. The Secretary of State had interested himself in this matter and he had sent a telegram while the Bill was in progress saying that he trusted that the provisions of the Bill might be

greatly liberalised and he indicated very roughly the lines which liberalisation might take. This telegram was repeated to the local Government by the Government of India. The local Government wired back and said it was of the utmost importance that the Bill should be enacted and should be in force, that is, assented to by a certain date.

(*Mr. Chairman*).—This was a question of assent and not of sanction.

(*Sir Tej Bahadur Sapru*).—I had trouble at both stages, both before the Bill was introduced and during the passage of the Bill.

(*Mr. Chairman*).—The assent is purely a matter for the Governor General.

Q.—In one case then there was an attempt to hustle the Government of India by a provincial Government. That was an an isolated case ?

A.—By no means. I have brought some salient cases on that subject. I do not think I need go into details.

Q.—Give us one instance which you think is the worst ?

A.—The Oudh Rent Bill was a very bad instance from that point of view. I might mention the Calcutta University Bill. The Bengal Government's letter forwarding the Bill which required sanction as a whole was dated the 31st January 1923. That is to say it cannot possibly have reached Delhi before the 2nd February 1923. In forwarding it the Bengal Government said :—" I may bring to the notice of the Government of India that two private bills on the subject will be introduced on the 8th February next and the Government of Bengal feel that in such an important matter, their Bill, which has been prepared after mature deliberation, should be introduced about the same time." That is to say the Government of India were given a week for the examination of a Bill about which examination showed there was a good deal to be said. Ultimately the Government of India, having taken the Governor General's orders, were under the necessity of suggesting a very radical revision of the Bill, and I understand that the Government of Bengal eventually agreed that revision was necessary, and that it is in fact still in progress something like two years later.

Q.—The Legislative Department have been asked at very short notice to obtain the sanction of the Governor General ? Is that done except in cases where it is a physical impossibility ?

A.—I think it may be claimed that, where the Government of India were prepared to recommend sanction and the Governor General prepared to grant it, there have been very few cases in which the Government of India have failed to meet any but the most utterly unreasonable demands for communication of sanction by a specific date.

Q.—If there has been any question of unreasonableness in this delay is it in your opinion on the part of the Government of India or is it due to the fact that local Governments are inclined to expect too much ?

A.—I think in the matter of delay the local Governments have had on the whole very little ground for reasonable complaint.

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you recollect a case in which a local Government wrote a letter and sent a telegram to the Legislative Department asking why a Bill had not been disposed of by the Legislative Department, whereas in point of fact the Bill had not come to the Legislative Department and it did not come till three weeks after ?

A.—I rather think I must have been in England at that time.

(*Sir Tej Bahadur Sapru*).—*Q.*—That letter came to me from a distinguished officer of the United Provinces and I had to ask that Government to apologise. And that was not the only instance ; I recollect three more.

(*Mr. Jinnah*).—*Q.*—In fact there is no instance in which the Government of India have been wrong ?

A.—I would not to say that.

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you recollect a case of a Bill being sent to me, 54 clauses of it, and was not the rest of the Bill sent in instalments ?

A.—Yes I remember that Bill well.

(*Mr. Chairman*).—*Q.*—Is it not rather difficult to examine a Bill when you have only 54 clauses and the rest of it is not sent ?

A.—It would be very difficult to do it in an adequate manner.

Q.—This is what happens when a provincial bill is received. It is always addressed to the Legislative Department. The Legislative Department examines it as quickly as possible and enumerates the clauses which require previous sanction, and says that these clauses require previous sanction ; clauses (*a*), (*b*), (*c*) and (*d*) concern the Home Department ; clauses (*e*) and (*f*) concern the Finance Department and something else concerns the Education, Health and Lands Department, and the Bill has to go to each of these Departments and they say whether they have any objection to previous sanction of the Governor General being given. If you are asked to deal with a Bill urgently, you circulate it simultaneously ?

A.—That is a very small point in which the local Governments sometimes cut their own throats. Having given the Government of India a quite inadequate amount of time, they will increase the difficulties of the Government of India by sending one copy of the Bill only, with the result that, instead of circulating simultaneously, the Bill has to wander round all departments until we have telegraphed to the local Government and got the requisite copies, by which time the date on which they wished to introduce the Bill may have already passed.

Q.—Will you look at the end of paragraph 2 of your memorandum ? Could you give us some instances of the exercise of control of the nature referred to there ?

A.—I can give two important instances. Last Spring the Madras Government sent up a Bill revising the law relating to land revenue settlement in the Madras Presidency. There were two or three isolated provisions in the Bill to which statutory sanction was required. There was no trouble about that. But the department administratively concerned with land revenue, which as the Committee is aware, is reserved, took exception to a provision in the Bill under which it would have been possible for the local Government to sanction a revenue assessment for an unlimited period. The Department concerned took the view that it was obligatory on the Government of India in the interests of land revenue for the whole of India not merely in any single province, to interfere, or at least to have an opportunity of interfering with any attempt to establish anything in the nature of a permanent settlement in a province where that system does not exist. They therefore required the Madras Government by a definite executive order to add to the clause in question a proviso to the effect that the fixation of any period of settlement in excess of 35 years would require the previous sanction of the Governor General in Council.

The other important case also related to land revenue and it is now pending. It was not quite the same point, but very much the same. I do not know if the Committee would like to hear it ?

(*Mr. Chairman*).—No, not if it is pending.

A.—Apart from that, I do not know of any cases in which a definite executive order has been given for the modification of the local Government's proposals in any vital manner.

(*Mr. Jinnah*).—*Q.*—Has any step been taken by the Government of India to point out to the various local Governments how they make your position difficult, and that if they followed certain definite procedure it would be far better for everybody concerned ?

A.—Yes the Department has more than once endeavoured to offer that assistance. At a comparatively early stage in the history of the Reformed constitution, the Department drew up an exhaustive letter endeavouring to give every possible assistance to local Governments, both in the examination of their Bills from the point of view of sanction, and also by giving them some practical hints as to how they were likely to get things through quickly, *e.g.*, that the Government of India should be kept informed of the exact dates of their sessions and how long their sessions were going to last.

Q.—Did instructions require a certain number of copies of Bills to be sent up ?

A.—Yes, but that is largely disregarded.

(*Mr. Jinnah*).—*Q.*—In spite of that, things have continued in the same way as before ?

A.—I think there has been some improvement. Before that letter was written, I think, if I may say so, the main trouble was that comparatively few of the officers in the provinces engaged in examining Bills from the point of view of sanction, really had a real understanding of the law of sanction. It was early days. I think there is now much greater appreciation of the nature of the law of sanction than there then was, and a corresponding improvement in the way in which Bills are examined. In those days there were several cases in which the first we heard of a Bill plainly requiring sanction was the receipt of a copy after introduction, the local Government having failed to recognise that there was any question of sanction. Now that is much rarer.

Q.—There is even now somewhat of a tendency to leave the question of examination of a Bill in regard to the statutory sanction to the Government of India ?

A.—Yes. I won't say the majority, but perhaps half the local Governments now very commonly adopt the practice of saying : " I am directed to forward the accompanying Bill for the necessary sanction," with no discussion of why the Bill requires sanction, or whether it requires sanction as a whole, or in what particular respects.

Q.—You say in paragraph 4 that the Government of India seldom or never finds it necessary to recommend refusal of sanction to a Bill as a whole. Can you give any instances ?

A.—I cannot recall any instance of flat refusal of sanction to a local Government's Bill as a whole, but there have been instances where the effect was not perhaps very dissimilar. For instance in 1921 the Bombay Government sent up a Transport of Cotton Restrictions Bill. Incidentally that was a bad case of rushing.

Q.—I take it the two objections to that Bill were first of all that it was quite obvious that the Bill as sent up by the local Government, and which would have been passed by the local Legislature with its restricted legislative power, would have been quite ineffective ?

A.—That was the view taken by the Government of India. The object of the Bill was to prevent inferior types of cotton arriving in certain places in the Bombay Presidency to the prejudice of good cotton.

Q.—The real point is this, the powers of the local Government did not extend beyond the boundaries of their own Presidency, and if legislation were required in that respect it should be legislation in the Indian Legislature ?

A.—Yes.

(*Mr. Chairman*).—Not only should be, but must be.

A.—Yes, if it was to be effective.

Q.—And legislation in that respect was enacted ?

A.—This point was put to the local Government who were told that in view of the probability that central legislation would be undertaken the Governor General was not disposed to give sanction. The Bombay Government contested this and they were informed that the Governor General adhered to his decision, so there was a refusal of sanction in effect.

(*Dr. Paranjpye*).—*Q.*—And more recently in the Trades Disputes Bill ?

A.—That was the Bill to which I have referred in my memorandum. There was no refusal of sanction in that case. The Government of India informed the local Government that in their opinion legislation in this matter should be undertaken in the Indian Legislature, and furthermore that a Bill for introduction in the Indian Legislature was pretty nearly ready. In these circumstances the Governor General was not disposed to grant sanction. That left it open to the local Government to press for sanction, but they accepted the view taken here and in effect withdrew their application for sanction to their own Bill.

(*Dr. Paranjpye*).—*Q.*—Do you know that refusal of sanction has caused difficulties to the local Government in the case of another Bill before the Legislative Council, the Statistics Bill of the Bombay Government ? The Bombay Government was allowed to introduce the Statistics Bill and the objection to that on the part of non-official members is that the two Bills should be taken simultaneously or not at all, as one would be incomplete without the other.

A.—The Statistics and the Trade Disputes Bills ? That was not a point which had occurred to anybody up here.

Q.—It has been suggested several times that the sanction required is the sanction of the Governor General in Council and not of the Governor General. It has been suggested that it is the same thing. Is there any foundation for that ?

A.—None whatever. Statutory sanction can only be granted by the Governor General and is only granted by him. His personal orders are taken on every case. I do not know whether it would be proper for me to give details of action taken by His Excellency, but it may be said in general terms that because the Government of India recommends something, it does not necessarily follow that he does it.

(*Dr. Paranjpye*).—*Q.*—He has not got a special agency for considering the question of sanction ?

A.—No.

Q.—It goes through the Legislative Department ?

A.—The Legislative Department takes His Excellency's orders.

Q.—In every case ?

A.—In every case.

Q.—At the bottom of page 3 you mention there was a time when conditional sanction was given if the local Government agreed to alter a certain clause in a certain way ?

A.—Yes.

Q.—I take it an instance would be a clause in a provincial Bill to provide for the levy of a tax which might impinge on central legislation ; sanction in that case would be granted on the understanding that the clause was so amended that the tax should not be levied without the previous sanction of the Government of India ?

A.—There was one actual case of that kind—the Central Provinces Municipal Bill. That included provision for the collection of a pilgrim tax through the agency of the railways and in the interests of railways which constitute a central subject sanction was granted only on the condition that a proviso was added that the tax would not be imposed without the sanction of the Governor General in Council.

Q.—I am glad you have mentioned that case. It has been suggested to us that there has been a very great deal of interference on the part of the Government of India with regard to the Central Provinces Municipalities Bill. Now you say that in regard to one clause of the section that condition was made—that the previous sanction of the Governor General in Council would be necessary for this particular provision. Was sanction refused to any other clause ?

A.—It was given without question, saving in that one respect.

Q.—And in the letter conveying that sanction did the Government of India make any suggestions ?

A.—Yes, purely suggestions.

Q.—How many ?

A.—There were three suggestions.

Q.—With regard to a Bill of how many clauses roughly ?

A.—249.

Q.—Did the local Government give effect to those suggestions ?

A.—They gave effect to two of those suggestions before they introduced the Bill. The third they reserved for consideration by the Select Committee, who gave effect to it.

Q.—In this case it would be quite inaccurate to say that the progress of the Bill was in any way hampered by the Government of India ?

A.—Yes. I may remark incidentally that in this case the local Government sent up its Bill, and after the Bill had reached the Government of India, a letter was issued—to which Dr. Sapru has referred—in the nature of instructions for the examination of Bills for sanction. The local officer concerned, then realised that his examination of the Bill had been inadequate. He addressed us and said he was afraid that the Bill had not been properly examined from the point of view of sanction but he

hoped the matter would not be held up as the local Government was very anxious to introduce the Bill on a specified date. The Government of India succeeded in getting orders through in time to enable this to be done.

(*Mr. Chairman*).—*Q.*—Orders were issued in time ?

A.—Yes, Sir.

Q.—You said a little while ago that Bengal protested against the Government of India's interpretation of section 80A (3) with regard to sanction ?

A.—Yes.

Q.—Everybody has accepted it now ?

A.—Bengal may retain their own opinion but they appear to have dropped it outwardly judging by the nature of recent communication from them.

Q.—Has any local Government said that so far from finding the control of the Government of India over provincial legislation a nuisance they actually welcome it ?

A.—The Assam Government have said so in terms. No other Government, I think, have officially said as much.

Q.—Do you know of any officer who did this class of business in the local Government ?

A.—I have some reason to believe that both the present and the late Legal Remembrancer to the Punjab Government have expressed personal gratitude to the Government of India for assistance received.

Q.—Is it a fact that the Legislative Department find the requirements of section 80A (3) to be rather a nuisance to them ?

A.—Undoubtedly.

Q.—It involves a very close examination of Bills ?

A.—Yes.

Q.—And it would be a great advantage to the Government of India if the restriction imposed by section 80A (3) could be relaxed ?

A.—It would be a great comfort to everybody concerned.

Q.—As you point out, it is intended to have a proviso in section 80A (3) which would enable rules to be made excluding certain classes of cases from the requirement of previous sanction.

(*Mr. Chairman*).—*Q.*—From the purely drafting point of view is there any objection to giving a formal sanction to local Governments in respect of those general clauses which form part of every Bill ?

A.—The aim was to formulate some rule which would have this effect.

Q.—I do not want to take you through the list of Bills that have been mentioned by particular witnesses. You have read the evidence given by *ex*-Ministers and non-officials with regard to certain Bills and you have told us about the Central Provinces Municipalities Bill for one. Have you looked up the United Provinces Bills referred to by Mr. Chintamani and Pandit Hridaya Nath Kunzru. Will you please tell us very briefly the position with regard to them ?

A.—There was the Allahabad University Bill. I am afraid it will be rather tedious to tell the Committee exactly what happened. In order to understand the matter, it will want a slightly tedious explanation.

Q.—If it is tedious perhaps you would prepare a brief memorandum in regard to those Bills ?

(*Mr. Chairman*).—I think that would be better.

Q.—Let me draw your attention to one statement of Pandit Kunzru. I think he made some general statements.

A.—At page 397 of the minutes.....

Q.—What was in my mind was his reference to non-official Bills from the United Provinces. Have we had any of these non-official Bills ?

A.—Yes, there has been a certain number—a total of perhaps 8 or 9 non-official Bills which have been introduced in the United Provinces Council during the reform period. The witness in question stated, I think, in general terms that non-official legislation in the United Provinces has been consistently obstructed by the Government of India. He was pressed to give definite instances. He quoted two Bills. One was a Bill to amend the United Provinces Municipalities Act. A copy of this Bill was sent to the Government of India after it had been introduced. The Government of India took no action of any kind. They neither addressed the local Government nor the Member who introduced the Bill. It was never suggested that statutory sanction should have been obtained. The second case he mentioned was the Agra Tenancy Amendment Bill. In that case a copy of the Bill was forwarded to the Government of India before introduction. There was no suggestion that it required statutory sanction. Executive control of course could not be exercised over a non-official member of the Council. The only action taken by the Government of India in the matter was to ask the local Government what attitude they proposed to adopt to the Bill. The local Government reported the action they proposed to adopt and the Government of India offered no comment thereon and took no other action of any kind in the matter.

As regards his general allegation I think it might be relevant to mention that in one case the United Provinces Government sent up a private member's Bill and applied for sanction thereto. The Government of India informed them at once that no sanction was required and they had nothing to say on the subject. Other Bills have been similarly dealt with. In some cases there has been no question of sanction, and the Government of India have done nothing at all. In case in which sanction has been required it has been given without difficulty and without undue delay. In one case only, the case of a Bill which would, I think, be admitted to have been an extraordinarily crude production, statutory sanction was refused.

(*Mr. Jinnah*).—*Q.*—What is the longest time it takes to deal with the question of sanction being given or not, and finally to give the sanction or not ?

A.—The biggest Bill you can have ?

(*Mr. Jinnah*).—*Q.*—Yes.

A.—I have one very good instance here. The Calcutta Municipal Bill.

(*Mr. Jinnah*).—*Q.*—I only want to get just a rough idea of the time it takes. I don't mean an exceptional kind of Bill like that ?

A.—An ordinary Bill of just a few clauses and no particular points of difficulty—in a case of that kind generally they get their orders in a fortnight or so. It might be a little longer if it came in the middle of the session. But roughly 3 or 4 weeks ; a short Bill never ought to take more if it is a Bill of ordinary character.

Q.—You see the comments of the administrative department on provincial Bills, Mr. Spence, because file always comes back to you ?

A.—Yes.

Q.—And would you personally deprecate communicating to local Governments any suggestion of an administrative department which went beyond its power of superintendence, direction and control ?

A.—Yes.

Q.—And in fact you would deprecate very often the communication to the local Government of a comment by the administrative department even where it was strictly within its power ?

A.—Yes.

Q.—Your view of the matter is that the Government of India should avoid as much as possible interference with a local Bill ?

A.—Yes.

Q.—Have you noticed a very great tendency on the part of administrative departments as a whole to exercise their power in a somewhat meticulous manner ?

A.—I think, if I may say so, that in the initial reform period most secretariat officers and perhaps even some members of the Government of India were to some extent under the influence of impressions left by the old constitution ; it undoubtedly was the case that in the earlier period suggestions of detail were made which, if I might say so, were out of place ; but I think now there has been a very marked decrease in anything of that sort, and I would like to suggest that nobody has any temptation to make suggestions which are not really vital, because after all every suggestion increases the labour of the person who makes it.

Q.—The correspondence is all with the Legislative Department ?

A.—Yes.

Q.—And therefore we draft the letter ?

A.—Yes.

Q.—Do you recollect any cases in which the Legislative Department has taken upon itself to suggest to His Excellency that comments of the administrative departments should not be communicated ?

A.—Yes ; but I should like to distinguish three possible classes of cases ; there are some cases in which the administrative department has made some suggestion which we think is plainly not a suggestion which could properly be communicated to the local Government ; the Legislative Department after all should possess greater knowledge than administrative department of the general nature of the suggestions which can properly be made and they sometimes take upon themselves to ignore these remarks and do nothing. In other less obvious cases it will suggest to the department making the sugestion that this was really not a matter in which a suggestion would be appropriate and the administrative department will probably accept this. Generally speaking, it is only in a case where a Member of the Government has personally expressed a desire to make a suggestion to the local Government, and the Legislative Department considers that it is not the type of suggestion which would ordinarily be proper, that it will invite His Excellency's attention to the matter and take his orders as to whether it is necessary to say anything on the point to the local Government or not.

Q.—In fact in so far as there is any obstruction in the Legislative Department of the Government of India it is not obstruction against the local Government but against the administrative departments of the Government of India ?

A.—I do not know if I should call it obstruction ; I think it might fairly be maintained that the Legislative Department to some extent stands between the local Government and unnecessary suggestions.

Q.—I do not want to weary the Committee with details of all those Bills which have been mentioned by other witnesses. If you could look at them and put up a brief memorandum of the facts in those cases in which there have been particular allegations of obstruction by the Government of India, it might help.

A.—Yes.

Mr. Jinnah.—*Q.*—I want to ask you only one question : Supposing there is a conflict as to whether a particular Bill infringes on central subjects between the Government of India and the local Government. who decides the point ?

A.—The decision is vested under rule 19 of the various provincial legislative council rules in the authority which grants the sanction, that is to say, in the Governor General personally ; in any case of conflict the Governor General's personal orders will be taken to decide whether sanction is or is not required.

Q.—What procedure does he follow in determining it ?

A.—It really very seldom arises in any practical form ; but should it arise the procedure would be that the Legislative Department would write a note for His Excellency stating the view taken by the local Government and the view taken by themselves and His Excellency would then decide the question.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Spence, at what stage in the progress of a Bill through the Legislative Department, does the administrative department come in ?

A.—The Bill comes in the first instance to the Legislative Department ; that department examines the Bill, states whether the Bill requires sanction as a whole ; and if not states the clauses in respect of which it requires sanction and it is then sent to all the departments concerned for their observations.

Q.—That is to say, before the Bill is put before His Excellency the Governor General, the administrative department is consulted ?

A.—Yes ; in any question of grant of sanction the Legislative Department states the requirements of sanction ; the administrative departments concerned recommend whether it should be given or not ; the Legislative Department takes His Excellency's orders.

Q.—Then when the Bill comes up to you for assent, do you again consult the administrative department ?

A.—Yes.

Q.—When the administrative department has given its advice or expression of opinion it comes back to you ?

A.—Yes.

Q.—And then the Legislative Department sends the Bill to His Excellency for his assent ?

A.—Yes.

Q.—So that both at the beginning and at the end of a Bill His Excellency has the advice of the Legislative Department before him ?

A.—Yes.

Q.—And that is how either the sanction or assent is given by the Governor General ?

A.—Yes. Of course in the case of assent I should perhaps mention that in the great majority of cases the note put up to His Excellency is a purely formal note saying that this Bill has been passed by the local council, has received the assent of the Governor of the province, and is submitted for His Excellency's assent.

Q.—You will perhaps also explain to the Committee what happens after that. Your Bills are also reported to the Secretary of State. What classes of Bills are reported to the Secretary of State and at what stage ?

A.—In the case of provincial Bills no Bill is now reported to the Secretary of State ; he is sent a copy ; it is purely a routine matter ; I am not sure myself at what stage a copy is sent to him, but there is no report to him—a copy only is sent to him. After assent, the Governor-General sends a personal letter transmitting the Bill to which he has assented.

(*Sir Henry Moncrieff Smith*).—*Q.*—That is required by the Government of India Act ?

A.—Yes.

Q.—You were talking about your difficulties with regard to provincial governments in relation to Bills. Has it not been your difficulty very often that in provincial legislatures there is very often an attempt made to confer jurisdiction upon the High Courts ?

A.—There are several cases of that sort.

Q.—Which, according to the view of the Legislative Department and according to the true interpretation of the law the local legislatures have got no power to confer ?

A.—Yes ; but if I may say so with reference to the last question the line which has been most generally adopted in recent cases in communicating orders on a Bill containing provisions of that nature is that the Government of India will draw the attention of the local Government to the doctrine expounded in Hari *vs.* the Secretary of State or whatever particular case is most in point, and leave it to the local Government to decide whether to enact these provisions or not ; the Government of India does not forbid the local Government to enact them ; it draws the attention of the local Government to the doubt as to whether the High Court would accept jurisdiction purporting to be conferred upon it by the local legislature and it really leaves it at that ; it suggests sometimes that in view of the doubt as to the competency of the local legislature to enact the provision there should be subsequent validating legislation undertaken in the central legislature.

Q.—There has been such legislation in the past in the provinces ?

A.—Yes.

Q.—The only other question that I wish to ask you is whether you know if thehe is anything like sanction in the dominions, for instance in Canada or South Africa or Australia. In those places the spheres of the Federal Parliament and the provincial parliaments are very clearly

defined. There is a certain kind of legislation which can only come before the Federal Parliament. Do you know of any provision corresponding to that here ? I am not suggesting any answer ; I want information.

A.—I have only a vague idea, and would rather not say anything.

Dr. Paranjpye.—*Q.*—You have made certain rules for guidance as regards sanction ?

A.—There are executive instructions of course.

Q.—Can we have a copy of those instructions ?

A.—They have been supplied.

Q.—Taking rule 7, any amendments proposed to a Bill in Select Committee or otherwise, to which the provisions of rule 2 or rule 3 would apply, must be submitted to the Government of India under these rules ?

A.—I think you are not reading the actual rule.

Q.—This is Mr. Tonkinson's summary. Does that mean that the Bill should be held up before this further sanction is received—that further proceedings in the local legislature should be held up ?

A.—The effect of rule 7 read with rule 2 is merely to tell the local Governments the procedure to be adopted in obtaining sanction to an amendment. These instructions do not purport to state when sanction is necessary to an amendment. They only purport to tell local Governments what to do in obtaining sanction when sanction is necessary by reason of the provisions of the Government of India Act read with the relevant rules.

Q.—We had some evidence about the Nagpur University Bill.

A.—I can tell you the facts about that.

Q.—Would you mind stating the facts about it ?

A.—The Nagpur University Bill, in as much as it established a new University, as a whole required sanction, as regulating a subject to legislation by the central legislature. The Bill obtained that sanction.

A.—Subsequently the Select Committee amended the Bill and the Bill as amended by the Select Committee again obtained sanction. Then a large number of members gave notice of amendments. The Central Provinces Government forwarded their amendment with a letter saying that they were forwarding them for the information of the Government of India and they discussed the attitude they proposed to adopt towards the amendments and so on. The Government of India then drew the attention of the local Government to the fact that inasmuch as this Bill as a whole required sanction any amendment of substance also required sanction, and that if the local Government desired any of these amendments to be moved, they should apply for the necessary sanction to those amendments, and that non-official members should be advised to apply for the necessary sanction to other amendments ; that if a member failed to apply for sanction and got up to move his amendment then the Government spokesman should take the point that sanction was required for the moving of the amendment and that it could not be moved without sanction.

(Mr. Jinnah).—Q.—But supposing the amendment was germane to the Bill which was sanctioned—then what ?

A.—Well, on the view taken by the Government of India that would in no way affect the necessity for sanction. The mere fact that an amendment is within the legitimate scope of the Bill does not in the opinion of

the Government of India dispense with the requirement for sanction. The whole matter has been discussed in a despatch, copies of which have been supplied to members of the Committee.

Q.—Do you remember Sir Narayan Chandavarkar's ruling in the Bombay Legislative Council that, after the Bill is introduced and has received government sanction and the Council has been possessed of the whole subject, it is competent to move any amendments it likes ? Of course, so that up to the end of the second reading of the Bill the Council can proceed as it likes. But then the thing that is in the hands of the Government is not to move the third reading of the Bill. Well, what do you think of that ruling of Sir Narayan Chandavarkar ?

A.—In my opinion it is incorrect. The matter is discussed at great length in the correspondence supplied to you.

(Mr. Jinnah).—Q.—Has the recent ruling given by the present President of the Bombay Council in regard to amendments been brought to your notice ?

A.—I have not seen that.

Q.—Now, about rule 10. I have not got the exact words, but that rule refers to Bills to be introduced by a private Member ?

A.—Yes.

Q.—That a Bill requires the sanction of the Government of India and a private Member is supposed to get that sanction from the Government of India ?

A.—The Government of India are incompetent to require any sanction by themselves to the introduction of a private Bill. If a private Bill requires statutory sanction, then the member has got to get that sanction. There is a provision in the Legislative Council rules which says that a Bill requiring sanction shall not be introduced unless the Member has annexed to that Bill the order granting sanction.

Q.—But if the private Member writes through the local Government ?

A.—A private Member can take any action he likes, but under our procedure, if a private Member writes up here, then before submitting for His Excellency's orders or taking any further action, the Legislative Department of the Government of India sends the Bill to the local Government and asks for an expression of its views as to whether sanction should be accorded or not.

Q.—Have you heard of any cases in which the local Government has made use of the Central Government to get it out of a difficult position ?

A.—I am afraid I don't understand the reference.

Q.—I mean this. The local Government is itself opposed to a Bill. But it feels that public opinion is very strongly in favour of it. It therefore wants to get the Government of India to refuse sanction to the Bill ?

A.—I have not heard of any such manœuvre as that.

Q.—Is it possible under the procedure ?

A.—Assuming a sufficiently low standard of morality in the local Government, I suppose it is possible.

Q.—Well, I want you to give me exactly the details of a private Bill proposed to be introduced by Rao Bahadur Kale about the recent Charitable Endowments Bill ?

(Mr. Chairman).—Q.—Is that the Bombay one ?

(Dr. Paranjpye).—Yes, it was sent by a private Member.

A.—What happened in this case very briefly was this. Rao Bahadur Kale sent his Bill direct up here and applied for sanction. Following the usual procedure which I have explained, the Bill was sent to the local Government with the request that it would state its views as to whether sanction should or should not be granted. There was a most inordinate delay. The Government of India sent one or two reminders but....

Q.—I can explain that delay possibly myself ?

A.—But as Rao Bahadur Kale, who, after all, was the only person interested did not remind the Government of India or take any steps to expedite the matter, the Government were not very greatly worried by the fact that the Government of Bombay had held up the Bill. After a colossally long time, the Bombay Government sent its recommendations. Then the Departments up here was consulted. There was no particular delay up here. The conclusion was that the Government of India were prepared to recommend to His Excellency the grant of sanction. In the meantime, the then Bombay Legislative Council had been dissolved and it was decided that no purpose would be served by taking the Governor General's orders unless and until Mr. Kale was elected to the ensuing Council. So there the matter rested. The only point I should like to make is that first, the whole delay was with the Bombay Government, and secondly, that Mr. Kale never wrote up here to stir us up, from which the natural inference is that Mr. Kale was not greatly concerned as to whether his Bill was sanctioned or not.

Q.—Do you know that that Bill was drafted by Rao Bahadur Kale in answer to the challenge of the Bombay Government to a Resolution that he moved himself in the Legislative Council ?

A.—Yes, the Bombay Government mentioned that in their letter.

Q.—I know. And you see that letter is a kind of compromise between the two opposite views ?

A.—Yes. However, I am not sure what you want to draw from me by this question.

Q.—I want to ask you whether there was not an attempt on the part of the Government there to get the Government of India to veto the Bill if possible although it itself did not try to veto it. I have put it quite frankly ?

(*Mr. Chairman*).—*Q.*—Were you a Member of the Government ?

(*Dr. Paranjpye*).—Yes.

(*Mr. Chairman*).—*Q.*—Did you make that attempt ?

(*Dr. Paranjpye*).—No, I didn't.

A.—All that I can possibly say is that the Government of Bombay kept this matter pending for an inordinately long time and that, when they did send their recommendation it was far from precisely expressed ; and it is difficult to say from the wording of their letter whether they wanted sanction granted or not. But apart from that I cannot say anything about their motive.

Q.—In the case of transferred departments, does the Governor write independently and not as the Government ?

A.—No.

Q.—He is not supposed to write his own views ?

A.—No. In some provinces all letters forwarding Bills come from the local Legislative Department and in other provinces they come from the Department of the Government concerned. In the case of transferred

departments, the letter would be from the Government of say Bengal, Ministry of say Education.

Q.—I shall explain this letter about the Bill privately ?

Sir Sivaswamy Aiyer.—*Q.*—In rule 2 of the instructions to local Governments, it is stated that local Government in their application for sanction have to state the provisions which require sanction. So they do not usually comply with this ?

A.—It is very widely ignored.

Q.—They have to thank themselves then for the delay ?

A.—To some extent.

Q.—With regard to amendments, the rule says that any amendments made by the Select Committee or otherwise must also be referred to the Government of India for sanction ?

A.—What the rule does is to state the procedure which shall be adopted in obtaining any sanction which the law may require.

Q.—If the Bill would have required sanction if that provision had been originally made, the amendment also would require sanction ?

A.—Well, the instructions do not purport to say that.

Q.—Does it not lead to much inconvenience in practice. It has the effect of holding up the Bill ?

A.—I think it certainly leads to considerable inconvenience. But it has been exaggerated.

Q.—Could you suggest any solution of that difficulty ?

A.—Well, I am afraid I can't. Short of a rather radical amendment of the law of sanction, I can suggest no remedy which would completely meet that case. I think of course, you could palliate it. In the case of amendments in Select Committee, I don't think the inconvenience tends to be very serious because after all there is generally some slight interval between the issue of the Select Committee's Report and its being taken into consideration, but there is undoubtedly inconvenience in the case of other amendments.

Q.—You refer to it in paragraph 6 of your memorandum, but I don't think you have suggested any solution ?

A.—No, it would not be for me to suggest any.

The witness then withdrew.

R
V2:2 N24t
N24.2
TAMIL NADU ARCHIVES LIBRARY
14036
MADRAS-600 005

L538HD—330—30-1-25—GIPS